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The Paths of Mental Health: The Effects of Co-Detention on Children's Development

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Abstract:

This article offers a descriptive analysis of the co-detention phenomenon in the Italian context. Our aim is to focus on the process of keeping children in prison with their detained parental figures and to analyse the environmental conditions in the prison context. The paper describes, in particular, contextual risk factors from the child's psycho-social development (as well as resilience variables) which are connected to a stay in prison. This analysis is aimed at a multi-dimensional perspective of the concept of risk, related to the phenomenon of co-detention, and as a means to identify different developmental paths. Moreover, it describes certain guidelines on how to structure primary prevention programs to assess and contain the risk of psychopathology and neuropsychiatric conditions in children, as well as in adults.

Keywords: co-detention, Italian context, child development, mental health

1. Introduction

1.1. The Italian Legislation Change: from Gozzini's Law to Finocchiaro's Law, and Special Home Co-Custody

The aim of this paper is to outline the co-detention (or co-custody) phenomenon observed in the Italian penal and penitentiary context. In particular, parental care in prison and the process of keeping children in prison with their detained parental figures has been studied. The article is divided into two sections: the first section describes contextual risk factors of the child's psycho-social development, as well as resilience variables, which are connected to a stay in prison. It then explores the environmental conditions confined to the prison context which could have multiple effects on the child's development, as well as on the parent-child relationship. This analysis is aimed at a multi-dimensional perspective of the concept of risk, related to the phenomenon of co-detention, and as a means to identify different developmental paths. The second section presents brief guidelines on how to structure, primary prevention programs to assess and contain the risk of psychopathology and neuropsychiatric conditions in children, as well as in adults. Cinema and literature often depict a male oriented prison, rather than a female or mixed one. The institution of the penitentiary, in fact, is mostly inhabited by men; in particular in Italy, according to statistics published on 4th December 2013, 61,266 men and 2,790 women were recorded present (www.giustizia.it). Women, however, are placed in a female wing within these institutes for men (as only five of these institutes are exclusively for women), without the opportunity to receive attention for their needs, which are different from men, and to improve any specific skills. Prison, therefore, has been shaped into a masculine reality. Although it is only since 1975 that the Penitentiary system (see Art. n.11) has started to take into particular consideration the detention of women, it has recognised the importance of motherhood and the mother-child relationship, especially during the first years of a child's life. Most imprisoned women serve sentences of less than a year. The female prison population has high rates of drug use, self-harm, mental illness and suicide. Over half have experienced domestic violence or sexual abuse. Although there is very little statistical information on prisoners in Italy and on the penitentiary context specifically, it has been shown that women are more likely to suffer from depression than male prisoners. No official figures have been released on the number of pregnant women in prison, or on the number of mothers and babies passing through prisons each year. However, research figures estimate that over 600 women receive antenatal care in prison each year, with over 100 actually giving birth during their sentences. As the female prison population grows, so will these figures. Recently,

Finocchiaro's Law (n. 40/2001) has sought to provide adequate protection to mothers, as well as to the mother-child relationship, in the penitentiary context. This new regulation introduces two important norms: home detention and special care outside the prison. The inclusion of home detention could protect mothers and children under the age of ten, avoiding the prison regime and its negative effects on the parent-child relationship and their life-cycle. Outside of prison, and with continuous assistance, parents and children could receive support and care. Through this approach, the minor would be able to be with his/her mother nearly every day, without having to wait for monthly meetings which would, in turn, allow for a more continuous, affective and educational role. Moreover, Finocchiaro's Law promotes the abolition of the "imprisonment of infants" through an expansion of the postponement or deferment of the sentence that extends up to the child's sixth birthday. The provisions of this new legislation have found, therefore, a connection with art.275 of the Criminal Procedure Code, which states the prohibition of the application of being remanded in custody (unless there are exceptional circumstances), when the detained is a pregnant woman or a mother with children under three years of age. This type of regulatory intervention has helped to outline a framework within the detention in prison of a mother with children aged under three years, and how it is considered an exceptional circumstance. As such, it could be possible to prevent some irreparable consequences in the child's development, who may suffer a prolonged stay in an institutionalised environment or the premature separation from his/her mother. Within the prison context, the parent-child relationship has also taken on a cultural meaning, making it an element of treatment. The transition from Gozzini's Law (n. 354/1975) to Finocchiaro's Law (n. 40/2001- See Draft Law n. 2568, Measures for the protection of the relationship between women in prison and their minor children, approved by the Senate on 16th February 2011 and entered into force since January 2014), made it possible to obtain adequate protection of the parental relationship. In fact, the child's age range has been increased from three to six years. Below this age, parents (mothers or also fathers if the mother is deceased or unable to take care of the children) cannot be placed in prison, except for precautionary requirements of exceptional importance. Mothers, therefore, can serve their penalty with their children until the completion of the sixth year of a child's life and they can stay together in special, attenuated, custodial institutes (ICAM), without bars and in a place more suitable for children. In Italy, as of 30th June 2013, 51 mothers and 52 children were detained in the 16 existing institutes. The delicate issue of the presence of children in prison is referred to in the analysis of the motivations and reasons behind women sharing a detention with their children.

1.2. The Primary Environment and the Risk of Intergenerational Crime in the Prison Context

Starting with the change in Italian legislation concerning female conditions in prison, we would like to focus on the psychological motivations related to this. Early reflections are oriented towards: a) detention out of prison or), institutes with special, attenuated custody) and b) the increase in the age limit - from three to six years - of children who are permitted to live in conditions of co-detention with their parental figures. These legal measures were designed to avoid the risk of childhood behind bars, as well as to promote or enhance parenting skills. In regards to the choice of detention outside of prison, the reasons appear to be related to the characteristics of these special institutes (ICAM). The presence of professionals, in addition to the security staff who work without a uniform, may allow for the discovery of an environment which is more similar to that of a family one. Within these places, parents and their children can feel welcomed and above all receive educational support and training, enhancing the quality of the affective and primary care bond (Baccaro, 2003). This transition from inside to outside the prison walls finds its validity by taking into account the environmental conditions of the prison, as well as the prison reality. In Italy, the preliminary trial of the ICAM institutes has started in some cities (Milan, Rome, Turin, Venice and Florence). Each location has been stationed outside of prison and has been equipped with safety systems suitable for children. In fact, these provisions were applied in January 2014 and have been subjected to the possibility of using only available places. These new measures allow pregnant women or those mothers with children, under the age of 10 years, to stay in secure foster care homes or at their own home where possible (except in the case of the condemnation of women in prison for grave social alarm crimes). In addition, the right has been established for the mother to visit her child when he/she is sick (Article n.2), even if they are not sharing the co-detention, and to assist the child during medical visits relating to serious health conditions. Finocchiaro's Law, therefore, has been conceived after many years of observation and research. In one case, it transformed the relationship between a mother and son who were living in prison (this was a scientific as well as a social matter) who were characterised by the risk of suffering and by the inability, in some quarters, to let children go and play beyond the prison walls, due to a shortage of staff or financial resources for extra-moenia activities. In fact, in Italy, the situation is not particularly good. As Goffman (1968) and Foucault (1976) have clearly shown, a prison experience could create the basis of an annihilation of the individual identity. Within this context, each person, in fact, has been taken away from the care of family members, social interactions and other emotional relationships. But above all, prison is not an environment that was created for children. It limits opportunities for their creativity, explorative actions and play that are all related to the construction of interpersonal relations. Moreover, the mother-child relationship, reinforced by the absence of other significant adults and peers, could turn into a close and over-protective relationship. Or, on the contrary, if the mother "is not sufficiently careful" it could delegate the care of her child to others due to the struggle for daily survival and the lost of hope for the future (Salerno and D'Accardi, 2004). Starting with the analysis of those psychosocial risk situations, a multi-dimensional perspective of the concept of risk emerges to enable us to better understand the complexity of child developmental paths. The contextual conditions related to the primary attachment relationship act as a background to the environment in which the child lives with his/her own needs, the caregiver and the relational history of both. Different environments, in fact, may provide or deny, as much to a mother as a child, different stimulations as a result of different reactions and, in turn, have a positive or negative effect on the development of the mother-child bond. Several studies have focused on the consequences of co-custody of the child with his/her mother and how this can lead to the acquisition of behavioral, cognitive and social skills in a significant and decisive life-cycle period. Co-detention conditions occur, in fact, at high psychosocial risk and adversely affect the functioning and adaptability of the child. Prison facilities, due to their structural characteristics and regulations, are not adequate to meet the needs of the child and

the relational mother-child dyad (Costanzo, 2013). The prison institution is a static and unchanging place, devoid of adequate stimulation that forces a baby to live in a coercive and deprived environment. It is a developmental period in which it is instead, important to present several stimulations for harmonic, cognitive and emotional growth (Biondi, 1995). The decision to keep a baby during a period of detention, forcing him to a condition of imprisonment, however, pushes the mother to be continually committed to ensure that he does not experience any difficulties or obstacles due to the constraints of the prison environment. In addition, and to amplify any feelings of guilt, the prison environment can also activate patterns of behavior that places obstacles in the way of any needs, discoveries and growth of the child. It is inevitable, therefore, that the burden of anxiety and frustration that can result from this condition constitutes a significant factor of imbalanced potential for the occurrence of pathological effects, both for the mother and the child (Costanzo, 2013).

Already, early studies conducted in Italy in the nineties (Biondi, 1995) have allowed us to focus on the consequences of the development of those children who have lived under co-detention with their mothers: "When they closed the cells in the evening, Ivan began to kick the door and would always run back to the professionals because he realised that they could get out; a hundred times a day he would take my hand and say: Mum, air" (Biondi, 1995, p.54). Imprisonment would, therefore, lead to strict limitations on the possibility of establishing a healthy relationship with the child and the ability to express the maternal and parental role, which involves heavy emotional and social repercussions. As fully demonstrated by the infant attachment paradigm, the consequences of maternal deprivation in the onset of psychopathology highlight how positive development is closely linked to the quality of care received and appropriate responses to the primary need of attachment (Bowlby, 1969). The condition of co-detention seems to have a significant impact on the possibility to create a secure attachment bond, as well as on the cognitive and emotional development of the child (King, 2002). From some research, it is clear that the structural and environmental conditions of the prison favour the emergence of an atypical bond, by characterising an extreme dependency and a tendency to care excessively for the baby as an extension of the symbiotic mother-child relationship (the mother-child relationship is characterised by an excess of care that can limit the autonomy of the child).

The prison institution reinforces, however, the poor condition of autonomy of the parental role, intervening on everyday matters such as: clothing, food, the pediatrician. Time spent in the institution determines significant effects in the adaptive behaviour of children. It can be an environment that limits the desire for experimentation and learning, one in which a child's curiosity of the outside world is denied (Sagliaschi & Motta, 2013). In this environment, there is a high degree of social and relational deprivation that affects both children and mothers who, as reference figures, are unable to provide them with appropriate containment; the prison environment, in fact, interferes with the mother's ability to recognise a child's emotional and social needs and to communicate and emotionally connect with them, evoking potential feelings of insecurity and inadequacy in children (Baradon et al., 2008; Houck & Loper, 2002). The raising of the age limit - from three to six years old - of children who may live in conditions of co-possession with their parental figures may find its justification in the outcome of such studies that circumscribe early childhood (0-3 years): the period of their life cycle in which the foundations of adequate emotional security and social competence are built. In each case, the child will realise the restriction of the environment and of the strict imposed rules. The child may also establish emotional ties with secondary attachment figures, represented by other familiar figures and external members, such as the peer group (Bowlby, 1969); in the prison, instead, contact with the family is almost entirely absent. The absence of a positive father figure, whose presence is a protective factor for adequate psychosocial development, instead becomes a risk factor for the development of psychosocial issues (Biondi, 1995; Robertson, 2007). Compared to the situation of paternity in prison, a child needs his mother as well as his father (Boswell, Wedge, 2002). Starting with an analysis of the literature relating to the father figure, to his roles, tasks and functions, as well as describing the effects that a forced separation from the father can have on the child (ren), recent studies show the presence of some risk factors related to patterns of attachment of the parent, the onset of clinical syndromes and their possible significant correlation. Notably, a high percentage of disorganised attachment patterns and pathological scores, particularly in three patterns of personality (schizoid, avoidant, and in the pattern of major depression), reveal the occurrence of personality disorders (schizoid personality disorder, avoidant disorder of personality disorders and clinical syndromes of severe scale), compared to what can trigger a repetitive cycle of a model of dysfunctional parenting type from one generation to another, or the risk of an intergenerational crime (Boswell, Wedge, 2002).

1.3. The Co-Custody and Multifactorial Genesis of Neuropsychiatric Disorders

In terms of mental health, multifactorial neuropsychiatric disorders are strongly supported by several theories (biopsychosocial hypotheses, developmental approach). Some important contributions to the understanding of child development and psychopathology derive from scientific contributions and cultural theorists, represented by the psychoanalytic model, infant research, attachment theory, studies on reflective functioning and neurobiological processes. These studies have made a fundamental contribution to the understanding of the importance of a continuous dynamic interaction between the child and his experience with family and socio-cultural contexts, further affirming the validity of the biopsychosocial model. It is, therefore, important for the proper development of the child for them to create an environment suited to their needs, one that is physically, emotionally and socially able to support and reassure them (Jacks & Stefanini, 2012). Particular attention must be paid to the first few years of life, especially in relation to responses to relational events that followed, both in the sense of favouring any resistance (steeling effect), and in terms of enhanced vulnerability (sensitisation effect) (Pfanner, 2006). In this respect, the attachment system is perceived as a system of behavioural and emotional adjustment in the parent-child relationship that promotes the ability to adjust in a manner befitting the emotions (Calle, 2005). In terms of the developmental process, we should also refer to dynamic, complex and multifactorial interaction, as well as risk factors, protective factors (belonging to different levels: biological, psychological, social, environmental) and resilience. Both

resilience and vulnerability are the result of the interaction of several factors: individual (i.e. intrinsic to the individual); and contextual, which relates to the family and the community of life. The single factor cannot be considered predictive of the child's ability to cope in less unfavorable situations (Camuffo & Constantine, 2010; Luthar, 2000).

The concept of multiple goals highlights how different levels of development depend on the interaction between the individual characteristics of the child and his/her family background and environment; the concept of equi-finality indicates that the same developmental outcome can result from different situations of risk (Patrizi et al, 2010). Adequate resilience is the result of sufficiently integrated psycho-affective development, which, throughout life, can manifest itself and be developed further thanks to the internalisation of significant ties; in this respect, it is important to the development of a secure attachment relationship that, in turn, fosters a sense of security. During the resilience process, the individual, his personal characteristics and also the psychosocial environment, all play a key role (Jacks & Stefanini, 2012). The demand of parenthood as a social competence is evident, for example, in the strong fragility that occurs in achieving educational function. This may often contribute to emotional problems along the way (Patrizi et al, 2010;

Williams et al., 2010). The conditions of inadequate or traumatic parental nurturing, through the internalisation of maladaptive patterns of early relationships with the caregiver, have consequences on the emotional development and adaptive capacities of the child and, in turn, can be risk factors for psychopathological disorders in adolescence or adulthood (Ford et al., 2013; Van Der Kolk, 2005). Experiences of inadequate parental caregiving, through the construction of dysfunctional internal working models (MOI), is stored in the memory as patterns of representations of interpersonal relationships (Jacks & Stefanini, 2012; Hammen & Rudolph, 2003; Solomon & George, 1999). In a situation of co-custody, the child has early interactive experiences with his mother that could give rise to negative representations regarding the self, the attachment figure and the self in relation to the attachment figure, compromising the development of reflective function or mentalisation (Fonagy et al., 2002). These organised mental structures play a fundamental role in the development of the social and emotional skills of the child.

Within the prison environment, there is a poor quantity and quality of relationships with peers and with other attachment figures, with little space for creativity and symbolisation; many children, over time, take part in stereotyped, limited and solitary activities (Biondi, 1995; Sagliaschi & Motta, 2013). Some studies in the literature regarding the development of children living in prison observe delays in psychomotor development, feeding and sleep-wake rhythm difficulties, with heightweight alterations, emotional disturbances, all linked to the characteristics of a dysfunctional environment, incompatible with the developmental needs of a child (Arena, 2010; Biondi, 1995; Lejarraga et al., 2011).

1.4. Parental Support Programs in Institutions in Attenuated Custody

Research has revealed that some facilities in the Italian penitentiary system are poor. Common complaints (from reports by the Inspectorate of Prisons) include inappropriate or unsafe furniture for breastfeeding mothers, unhygienic, unmodernised kitchen facilities, and a lack of educational materials for both mothers and babies. However, in general, it should be noted that facilities appear to have improved since 1999. Several studies have been able to highlight the sequence of adverse events that occur primarily in the context of basic relationships, nurturing early emotional development and an adaptive capacity in the child. As already stated, the prison is an environment in which a person can easily develop a style of dysfunctional parenting that is a risk factor for later emotional and behavioural problems (Cassidy et al, 2010; Perricone et al., 2010; Sroufe, 2005; Eloff & Moen 2003 Bayer et al., 2006).

It is recognised that prisoners can be a difficult group to deliver services to, partly because of the nature of prison, but also due to the characteristics of the prison population which can be challenging for health professionals. However, it is vital that the health and welfare of pregnant women, mothers and babies are not compromised by their imprisonment and that they are treated fairly by the system. In line with these empirical findings, parental support programs aimed at those parents in detention are oriented precisely towards the identification of the type of dysfunctional parenting styles and the difficulties related to the theme of separation. This theme evokes painful experiences related to the feeling of not being part of a family, and to the affect of being abruptly turned away by family and friends. The emotional needs that arise are supported through the work of educational support and psychological care centres, aimed at enhancing parental capacity and an adequate developmental path.

The areas which are oriented towards such programs are generally: the mother-child relationship at the current time; the experience of pregnancy; experiences during childhood, with special attention to positive factors (and not just to those dysfunctional and damaged factors); self-observation and the comparison group in order to encourage mothers to self-observe their relationship with their children, including the meaning of their actions and confronting others in discussion groups with other parents. This type of programme facilitates the work of awareness on their relational style and their own parenting skills (Murray, Farrington, 2006).

In this way, by creating a safe environment in which mothers (and fathers) can feel accepted, such as that provided in these attenuated custody institutes, the first protective factor for healthy growth of involved children and the basis for building a sense of trust in affective and interpersonal relationships is represented. The prison syndrome (Clemmer, 1941) affects those who are forced to experience imprisonment. It threatens them with becoming accustomed to the lifestyle, behaviour and culture of the institution; a path of gradual adaptation to the prison community that can culminate in identification with the environment, with its customs and traditions, and with its singular habits (Baccaro, 2003). Adherence to the subculture of this particular kind of community can have negative effects in influencing imprisoned parents, and as a consequence, the development of the child with whom he shares a cell is likely to become increasingly alien to outside company. For a child to stay in prison, it impacts his development, limits his empowerment mentioned in the above rights and threatens his mental health. The environmental limitations and the reduced presence of appropriate activities to encourage exploratory behaviours can interfere with the acquisition of appropriate postural, motor, cognitive and relational skills and abilities causing often a regression of previously acquired stages of psycho-motor development

(Catan, 1992). The condition of co-possession of mothers with their children is therefore a risk factor for the development of the child; it is, in fact, fully demonstrated in the relationship between parenting styles, parental characteristics, the development of psycho-social difficulties and emotional and behavioural disorders in children (Patrizi et al., 2010). In summary, and from a perspective of future change, it is therefore necessary to focus on prevention programs. A recent study (Goshin et al., 2014) on children in co-detention in the first 18 months of life has shown that the implementation of programs to support the mother-child relationship leads to an improvement in the quality of the relationship of the dyad that affects children with a more resilient skill set.

In conclusion, we feel that it is necessary to structure primary prevention programs in order to recognise, evaluate and oppose some psycho-social risk factors. It, therefore, requires a different way of thinking when examining the theme of women in prison with their children, through the expansion of the use of alternative measures that have structural and organisational characteristics, tailored to the needs of these children. In other words, more custody attenuated centres can support and enhance the parental role, the mother-child relationship and the safeguarding of a child's development in the early years of life.

2. References

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