

# An Attorney's Guide to Representing Parents Who Are Incarcerated in Child in Need of Assistance Proceedings

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## CLIENT ENGAGEMENT:

### 1. Locate Incarcerated Parent.

Polk County Jail: <http://apps2.polkcountyiowa.gov/inmatesontheweb> \*\*\*

Iowa Dept. of Corrections: <https://doc.iowa.gov/offender/search>

Federal Bureau of Prisons: <https://www.bop.gov/inmateloc/>

U.S. Immigration & Customs Enforcement: <https://locator.ice.gov/odls/#/index>

\*\*\*Please note that if your client is in federal custody they will not appear on the website. You will need to contact the jail at 515-323-5400 and speak directly with staff.

### 2. Contact Parent to set up phone conferences and client participation in hearings, family team meetings and staffings through Iowa DOC Primary Contacts:

- Anamosa State Penitentiary. (319) 462-3504 ext. 2221 -Tami Moore.
- Clarinda Correctional Facility. (712) 542-5634 ext. 5568 -Lori Brockman.
- Fort Dodge Correctional Facility. (515) 574-4743 -Paula Addison.
- Iowa Correctional Institution for Women. (515) 725-5006 - Amerist Chambers.
- Iowa Medical & Classification Center. (319) 626-4311 - Teri Williams.
- Iowa State Penitentiary. (319) 372-5432 ext. 41803 - Jill Johnson
- Mount Pleasant Correctional Facility. (319) 385-9511 ext. 2333- Annie Meyer.
- Newton Correctional Facility. (641) 792-7552 ext. 509 -Kirsten Kleckner
- North Central Correctional Facility. (712) 297-7521 ext.282- Cindy Shelp.

### 3. Contact Parent through Corrlinks-Offender E-mail. O-Mail is governed by Iowa Admin Code 201-20.4(3)(x). More information can be found at: <https://doc.iowa.gov/offender-information/corrlinks-offender-e-mail>

### 4. Contact Parent through Regular U.S. Mail, which the DOC considers to be Legal Mail and governed by Iowa Admin Code 201-20.4(2). All offenders may receive confidential communications from their attorneys. However, attorneys should be aware of the following rules regarding confidential communications.

- Confidential mail may be read only after a finding of probable cause by a court of competent jurisdiction that a threat to the order and security of the institution or abuse of correspondence exists.
- Paperwork should not be held together by paperclips, staples, etc. Consider using a staple-less stapler or folding corners to hold multi-page documents together.
- The offender's name, number (if known), box number or street address, city, state, and zip code shall also appear on the envelope of incoming mail
- The address for each facility can be found at:  
<https://doc.iowa.gov/about-us/about-institutions>

### 5. Contact with Parent at the Facility. If visiting a client out of your home county, you will need to get *prior* court approval to travel out of county and to exceed the SPD's fee guidelines.

- Complete the Department of Corrections Visitor's Application located at: [https://doc.iowa.gov/sites/default/files/documents/2017/04/op-mtv-04\\_f-1\\_visitation\\_application\\_1\\_1.pdf](https://doc.iowa.gov/sites/default/files/documents/2017/04/op-mtv-04_f-1_visitation_application_1_1.pdf)
- Fax completed visitor's application to: 319-385-2891. To confirm you have been approved call: 319-385-9511.
- All paperwork must be free of paperclips, etc. to pass through security screening The Iowa Dept. of Corrections **does not** allow attorneys to give their client paperwork in person without PRIOR authorization from the warden. All paperwork must be sent to the parent through the mail. Attorneys may take in their notes, legal documents, etc into the facility but all of those documents must be taken out when the attorney leaves the facility.

- 6. File Motion and Proposed Order to allow client to participate in hearings via telephone or to be transported if in a jail located within the same county.** If client is in local or county jail a simple motion and order for transport should suffice. If a client is in Federal Custody an Application for a Writ of Habeas Corpus will be required. (Note, if there is an immigration hold, the Writ will be to Immigration and Customs Enforcement, not the U.S. Federal Marshalls).

#### **REASONABLE EFFORTS:**

**7. Evaluate Services available to Parent:**

- Discuss services available to parent at the facility (parenting classes, therapy, etc.)
- Contact parent's counselor at facility to discuss available services, participation therein and progress.
- Discuss what visitation would look like between the parent and children with both the parent and parent's primary counselor. (Condition of Visitation Room, Screening Process, Client's level of incarceration, etc.)
- Identify appropriate family and/or friends who could help facilitate visitation.
- Be prepared to file motions for reasonable efforts for visitation and other services to be provided to your client.

**8. Discuss Concurrent Planning and Complete Parent's Family Tree**

- Identify and confirm contact information for parent's family members. Contact family members to confirm what role they are willing and/or able to play. Provide those to DHS for consideration of placement and visitation facilitators.
- Be prepared to file motions to modify placement to have the child(ren) placed with parent's relatives versus the current placement (especially if in foster care placement).

- 9. Modify No Contact Orders.** Ensure there are is not a "No Contact Order" between your client and the child. If so, work with the criminal court to modify said order.

**10. Help Prepare for Parent-Child Interactions.**

- Provide the visitation facilitator and/or the child's caregiver information to support the child during the visit at the facility and to prepare the child for what will happen at the visit. Both a Caretaker's Guide to Visitation and a Parent's Guide to Visitation can be located at: <http://www.drake.edu/law/clinics-centers/middleton/ipp>

#### **ZEALOUS ADVOCACY:**

- 11. Discuss Client Goals.** Find out what client would like to accomplish on both a short-term and long-term basis. Find ways to best advocate for those goals.
- 12. Make a Record.** Ensure that all requests for services are reported and/or put in a written motion to ensure you have a record for the appellate courts to review. *See In the Interest of L.M.*, 904 N.W. 2d 835 (Iowa 2017)
- 13. Advocate for Best Practices** to be followed versus what is minimally adequate to satisfy Due Process and Reasonable Efforts requirements. Summary of relevant incarcerated parent child welfare cases from 2008-2017 can be located at:  
<http://www.drake.edu/law/clinics-centers/middleton/ipp>.