

Guiding principles for supporting children with a parent in the criminal justice system



Support for children with a parent in the criminal justice system should be underpinned by guiding principles which have their best interests at heart. The following articles from the United Nations Convention on the Rights of the Child (1989) are particularly relevant to children with a parent in the criminal justice system:

All children have:

- the right not to be discriminated against or punished because of anything their parent has done (Article 2);
- the right for their best interests to be a primary consideration of any court taking an action concerning them (Article 3);
- the right for their views to be considered (Article 12); and
- the right to be provided special protection and assistance if temporarily deprived of their family environment (Article 20).

In addition, the following principles are helpful when considering support for children with a parent in the criminal justice system:

- Children deserve support in and of their own right, regardless of what their parent has been accused, or convicted, of;
- Children should be listened to without judgement or assumption of what is best for them;
- Where appropriate, children should be meaningfully involved in decisions that affect them;
- Children should be given regular opportunities to revisit decisions and come to different conclusions;
- Children may not be ready to accept support at a particular time and should be given opportunities to change their mind about accessing support;
- Children may have experienced trauma at various times throughout their parent's criminal justice journey, therefore a gentle, trauma-informed approach is essential at all times; and
- Each child within a family group is an individual and may have different support needs, or come to different decisions, than their siblings.

The most important guiding principle for any work with children with a parent in the criminal justice system is that:

- **Every child has the potential to flourish.**