

## **Family, Communication & Parental Rights Guide**

Bellatora Tirado | Know Your Rights Series

Because family isn't a privilege — it's a lifeline.

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## **Right to Communicate with Family & Loved Ones**

Every incarcerated person has the right to maintain communication with family, friends, and legal representatives. This contact is a **protected right**, not a privilege, recognized by the **U.S. Constitution** and **Florida law** as essential to rehabilitation and mental health.

Florida DOC is required to provide **mail, phone, and visitation access** that is safe, affordable, and applied fairly. No staff member may interfere with, delay, or retaliate against lawful communication.

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### **You Are Entitled To:**

- Mail privileges, including the right to send and receive personal correspondence.
  - Legal and family mail processed promptly under F.A.C. 33-210.101–.105.
  - Confidential legal mail opened only in your presence.
  - Regular visitation, in-person or video, with approved family members.
  - Monitored but reasonable access to telephone calls.
  - Equal access to communication regardless of custody level or background.
  - Protection from interference or retaliation by staff.
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### **Legal Basis**

- U.S. Constitution, Amendments I and XIV.
- *Turner v. Safley*, 482 U.S. 78 (1987) – Communication and family contact are constitutionally protected; limits must serve legitimate security purposes.
- *Overton v. Bazzetta*, 539 U.S. 126 (2003) – Visitation restrictions cannot be used as punishment or applied arbitrarily.
- Florida Statute §944.09(1) – Requires DOC to establish rules for mail, visitation, and phone access.
- Florida Statute §944.8031 – Declares family visitation and communication essential for rehabilitation.
- Florida Statute §944.35(3)(a) – Prohibits staff retaliation or interference with lawful communication.
- F.A.C. 33-210.101 – Routine mail; governs inspection, delivery, and content.

- F.A.C. 33-210.102 – Legal mail; must be opened only in the inmate’s presence.
  - F.A.C. 33-210.105 – Electronic messaging; authorizes monitored family email systems.
  - F.A.C. 33-601.713 – Visiting privileges; application, approval, suspension, and reinstatement.
  - F.A.C. 33-601.714 – Visiting hours and schedules; sets consistent statewide visitation times.
  - F.A.C. 33-602.222 – Inmate telephone use; defines monitored but reasonable access to family contact.
  - F.A.C. 33-602.223 – Monitoring and recording limits; prohibits recording of legal or privileged calls.
  - F.A.C. 33-602.225 – Emergency calls; ensures contact with family in cases of illness, injury, or death.
  - F.A.C. 33-208.002 – Employee conduct; forbids interference or retaliation against inmate communication.
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## What It Means

Communication with loved ones is a **constitutional right** and a vital part of rehabilitation.

Maintaining contact with family helps preserve mental health, reduce disciplinary issues, and support successful reentry.

DOC rules and state law exist to ensure that every inmate — regardless of security level or sentence — can stay connected to family safely and fairly.

When staff interfere, delay, or retaliate, they violate both **policy and federal law**.

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## Core Protections

You are entitled to:

### 1. Mail & Correspondence

- o Send and receive personal letters, cards, and photos.
- o Mail must be processed promptly and cannot be withheld without written notice.
- o Legal mail must be opened only in your presence.

### 2. Visitation

- o In-person or video visits are allowed with approved family members.

- o Visits can only be suspended for rule violations or safety reasons, never retaliation.
- o DOC must maintain consistent visiting hours across all facilities.

### 3. **Telephone Access**

- o You have the right to make monitored but reasonable phone calls.
- o Calls to attorneys, clergy, and family are protected under DOC policy.
- o Emergency calls must be permitted in cases of illness or death.

### 4. **Electronic Messaging**

- o Family and friends can use DOC-approved email systems such as Smart Communications or JPay.
- o Electronic messages must be delivered promptly and fairly.

### 5. **Protection from Retaliation**

- o Staff may not delay, restrict, or block communication in retaliation for grievances or legal activity.
- o Interference with communication is a violation of F.A.C. 33-208.002 and §944.35(3)(a), Fla. Stat.

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## **Examples of Violations**

- Mail opened or read outside your presence.
- Long or unexplained delays in mail delivery.
- Visitation cancelled without notice or valid reason.
- Phone privileges restricted after filing grievances.
- Staff threatening to “cut calls” or “pull visits” as punishment.
- Emails or letters being withheld or returned without written explanation.

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## **What To Do If Communication Is Blocked**

### 1. **Document Everything**

- o Record the date, time, and type of communication denied.
- o Note staff names and keep returned mail or call logs.

### 2. **File a Grievance (F.A.C. 33-103)**

- o Clearly describe what was blocked and cite the rule or law violated.
- o Keep copies of all forms and responses.

### 3. **Appeal or Escalate**

- o If ignored or denied, file a formal grievance to the Warden, then appeal to DOC Central Office.
- o Families can contact the Warden or Regional Director directly referencing the rule violated.

### 4. **Contact Oversight Offices**

- o **Inspector General (DOC):** Report staff interference or retaliation.
- o **Civil Rights Division (U.S. DOJ):** For repeated or systemic violations.

### 5. **Keep a Record**

- o Save every envelope, response, or returned message.
- o Families should store copies outside for proof if issues escalate.

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## **Practical Tips**

- Always label legal mail clearly as “Legal/Confidential – Open in Presence of Inmate.”
- Keep a written log of all phone calls and letters.
- If mail or visits are delayed repeatedly, note the frequency in your grievance.
- Families can email DOC Central Office or Regional Directors to follow up.
- Calm, factual language builds credibility in written complaints.

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## **In Plain Words**

Letters, calls, and visits are more than communication — they’re lifelines.

Family contact keeps hope alive and humanity intact.

DOC can monitor, but it cannot silence love, faith, or connection.

When they block your voice, remember: the law is still on your side.

### **Parental & Family Rights (Custody, Visitation, Reunification)**

Every incarcerated parent still has legal parental rights unless a court has formally terminated them.

This includes the right to be notified of custody proceedings, communicate with your children, and work toward reunification after release.

Florida law recognizes that maintaining the parent-child bond supports rehabilitation and strengthens family stability.

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#### **You Are Entitled To**

- Notification of and participation in custody or parental-rights hearings.
- Communication with children and their caregivers through mail, calls, or visits.
- The right to request family-reunification plans under §§ 39.01 and 39.6011, Fla. Stat.
- Access to parenting and family-support programs offered through DOC.
- Equal consideration in court regardless of incarceration status.

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#### **Legal Basis**

- U.S. Constitution, Amendment XIV – Protects due-process rights of parents in custody and termination cases.
- \* Santosky v. Kramer\*, 455 U.S. 745 (1982) – Parents retain a fundamental liberty interest in the care and custody of their children.

- Florida Statute § 39.806 – Incarceration alone does not justify terminating parental rights.
  - Florida Statute § 39.6011 – Requires individualized family-reunification and case plans.
  - Florida Statute § 61.13 – Defines shared parental responsibility and visitation standards.
  - Florida Statute § 944.8031 – DOC must support family connection and programs that maintain the parent-child relationship.
  - Florida Statute § 63.089 – Sets procedures for notification of incarcerated parents in adoption or termination cases.
  - F.A.C. 33-601.713 – Visitation privileges; approval and suspension procedures.
  - F.A.C. 33-601.714 – Visiting hours and schedules; establishes statewide uniform visitation times.
  - F.A.C. 33-601.720 – DOC must maintain visitation records for each inmate.
  - F.A.C. 33-208.002 – Employee conduct; prohibits staff interference with lawful family communication.
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## **What It Means**

Parental rights do not disappear with incarceration—they are protected by due process.

You still have the right to participate in your child's life, to be notified of hearings, and to maintain contact through approved visits and correspondence.

Reunification programs are designed to help parents re-enter their children's lives with support and accountability.

If DOC or outside agencies fail to notify or include you, they violate both constitutional and statutory requirements.

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## **Core Protections**

### **1. Custody & Termination Cases**

- o You must be notified of any petition to terminate your parental rights.
- o You may respond in writing or request to participate by phone or video.

## 2. **Communication with Children**

- o Letters and calls may not be restricted unless clearly documented for safety reasons.
- o Children are considered approved visitors unless a court order says otherwise.

## 3. **Reunification and Visitation Programs**

- o DOC must provide parenting and relationship classes.
- o You may request inclusion in family-reunification planning before release.

## 4. **Equal Treatment in Court**

- o Judges must consider incarceration separately from parental fitness.
- o Effort to communicate and maintain contact shows active parenting.

## 5. **Protection from Interference**

- o Staff cannot delay or deny contact between you and your children without a valid reason.
- o Agencies must document all denials of contact or communication.

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## **Examples of Violations**

- Failure to notify a parent of a child-custody or termination hearing.
- Refusing to allow visits or calls with children without written cause.
- Blocking mail or messages between parents and children.
- Ignoring a parent's request for reunification programs.
- Discrimination or bias against incarcerated parents during custody decisions.

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## **What To Do If Your Parental Rights Are Violated**

1. **Request Documentation** – Ask for written reasons if visitation or contact is denied.
2. **File a Grievance (F.A.C. 33-103)** – Cite the specific policy violated and request review by the Warden.
3. **Contact the Court or Your Attorney** – Request to be heard or submit written statements in ongoing family cases.

4. **Reach Out to Oversight Agencies** – Florida Department of Children and Families (DCF) and the Office of the Inspector General handle complaints of neglect or violated parental notification.
  5. **Have Family Assist** – Family can call or write the Warden, Regional Director, or DCF case manager to verify inclusion in plans.
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## Practical Tips

- Keep copies of every letter, hearing notice, and response.
  - Record dates and names of everyone you speak to about your child's case.
  - Ask your family to forward you court documents or DCF updates.
  - Participate in DOC parenting programs to strengthen reunification requests.
  - Never sign away rights without consulting a lawyer or legal aid.
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## In Plain Words

Being a parent doesn't stop at the gate—it just gets harder to prove you still care.

Every effort you make to write, call, or show up counts.

The law says your role as a parent doesn't disappear with incarceration, and neither should your love or your fight.

### **Right to Modify Child Support or Protect Paternity**

Every incarcerated parent has the right to **request a modification of child support** due to loss of income and to **protect their parental identity or obligations** while confined.

Florida law recognizes incarceration as a **substantial change in circumstances** that allows modification of existing child-support orders.

You also have the right to **establish or challenge paternity** through the courts, even from inside a correctional facility.

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## You Are Entitled To

- Request a modification of your support order to reflect your current income (or lack of income).
  - Receive notice and participate in any child-support or paternity hearing.
  - File for DNA testing or correction of paternity under §742.10, Fla. Stat.
  - Access family-law forms, legal mail, and notary services through DOC.
  - Protection from being penalized or ignored for exercising these rights.
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## Legal Basis

- U.S. Constitution, Amendment XIV – Guarantees due process and equal protection in family-law matters.
  - *Turner v. Rogers*, 564 U.S. 431 (2011) – Courts must ensure fairness and access for parents facing child-support enforcement.
  - Florida Statute §61.14(7) – Incarceration is a “substantial change in circumstances” allowing child-support modification.
  - Florida Statute §742.10 – Provides procedures for establishing, acknowledging, or disestablishing paternity while incarcerated.
  - Florida Statute §742.18 – Allows disestablishment of paternity and termination of child-support obligations when appropriate.
  - Florida Statute §88.3151 – Gives Florida courts jurisdiction over interstate child-support cases.
  - Florida Administrative Code (F.A.C.) 33-210.102 – Protects legal mail; must be opened only in the inmate’s presence.
  - F.A.C. 33-501.301 – Ensures access to legal research materials and forms for filings.
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## What It Means

Parents who are incarcerated should not be trapped by child-support debts they cannot pay.

Florida courts allow incarcerated parents to **modify orders**, pause enforcement, or create payment plans

that reflect real income.

Paternity laws also let parents **prove or challenge biological parentage** while in custody — protecting both fathers' rights and children's legal identities.

DOC must make forms, notaries, and legal mailing options available so you can act on these rights.

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## Core Protections

### 1. Modification of Child-Support Orders

- o You can file a **Petition for Modification** citing incarceration as a change in income (§61.14).
- o Courts cannot deny modification solely because you are in prison.
- o If granted, arrears may stop accruing until release.

### 2. Paternity Establishment or Disestablishment

- o You can request DNA testing to confirm or contest paternity (§742.10–742.18).
- o False or outdated paternity judgments can be corrected.

### 3. Legal Access & Assistance

- o DOC must provide legal mail access, paper, postage, and notary services.
- o Law libraries must include Florida family-law forms (§33-501.301).

### 4. Right to Notice and Participation

- o You must be served with notice of any family-court action affecting your rights.
- o You can request telephonic or written participation if you cannot appear in person.

### 5. Protection from Retaliation or Neglect

- o Staff cannot obstruct or delay your legal mail related to family-law filings.
  - o Courts and agencies must treat incarcerated parents equally under the law.
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## Examples of Violations

- Child-support enforcement continues despite a filed modification request.
- Court fails to notify you of a paternity or custody hearing.

- DOC staff delay or lose your family-law mail or forms.
  - Legal mail opened outside your presence.
  - Denial of notary service or law-library access for paternity paperwork.
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## **How To Protect and Assert Your Rights**

1. **Request Family-Law Forms** – Use the law-library request system or Form DC6-236.
  2. **Prepare a Petition for Modification or Paternity** – Include details of incarceration and financial status.
  3. **Mail Certified Copies** – Send through legal mail to the clerk of court in your county of record.
  4. **Track All Filings** – Keep receipts, copies, and mailing dates for every submission.
  5. **Inform Family Members** – Have family verify filings or attend hearings on your behalf when allowed.
  6. **File Grievances for Interference** – If DOC blocks your access to mail or notary services, grieve under F.A.C. 33-103.
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## **Practical Tips**

- Keep a written log of every child-support payment and communication with the court.
  - Ask family to monitor online dockets for your case updates.
  - Request certified mail receipts for all filings to prove timeliness.
  - Seek free legal aid or family-law assistance through the clerk or pro-bono programs.
  - File early — modification only applies from the filing date forward, not retroactively.
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## **In Plain Words**

Being locked up doesn't erase your responsibilities — or your rights.

You have the right to fair child-support adjustments and to protect your name and your role as a parent.

Don't let silence build debt or confusion; use the law to stay present, responsible, and respected.

### **Right to Maintain Emotional and Religious Expression**

Every person incarcerated under the Florida Department of Corrections (DOC) keeps the right to **express their emotions, faith, and spiritual beliefs** freely — as long as it does not endanger safety or order.

This includes the right to pray, meditate, journal, worship, and communicate with clergy or spiritual advisors.

Florida law and the U.S. Constitution protect this freedom as a core part of human dignity and rehabilitation.

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#### **You Are Entitled To**

- Access to approved religious services, worship materials, and spiritual counseling.
- Freedom to practice your faith without harassment or retaliation.
- Participation in religious diets or holy observances.
- Emotional-expression outlets such as journaling, art, writing, or counseling.
- Communication with clergy, chaplains, or faith-based mentors.
- Protection from discrimination or punishment based on belief, faith, or lack thereof.

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#### **Legal Basis**

- U.S. Constitution, Amendment I – Guarantees freedom of religion, speech, and expression.
- U.S. Constitution, Amendment XIV – Extends equal protection and due process to religious practices in custody.

- Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. §2000cc – Prohibits governments from imposing substantial burdens on religious exercise without compelling justification.
  - *Cutter v. Wilkinson*, 544 U.S. 709 (2005) – Affirms that RLUIPA applies to correctional institutions.
  - *Cruz v. Beto*, 405 U.S. 319 (1972) – Inmates have the right to equal access to religious opportunities regardless of faith.
  - Florida Statute §944.09(1) – Authorizes DOC to implement religious programs that protect constitutional rights.
  - Florida Statute §944.8031 – Encourages family and spiritual connection as part of rehabilitation.
  - F.A.C. 33-503.001 – Ensures religious freedom and outlines approved practices within institutions.
  - F.A.C. 33-503.002 – Establishes rules for volunteer chaplains and outside religious organizations.
  - F.A.C. 33-504.201 – Provides access to mental-health services, counseling, and wellness programs.
  - F.A.C. 33-602.101 – Requires humane custody practices that respect mental, emotional, and spiritual well-being.
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## What It Means

Faith and emotional expression are protected as essential to human stability and rehabilitation.

DOC cannot discriminate against a person's religion or prevent participation in approved faith-based activities.

Emotional outlets — such as prayer, meditation, writing, or art — are proven to reduce violence, strengthen morale, and preserve mental health.

These rights also protect your freedom **not** to participate in religious practices if you choose.

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## Core Protections

### 1. Freedom of Religion and Belief

- o You may believe in any faith, or none, without fear of punishment.
- o DOC must provide space and time for religious practice under RLUIPA and F.A.C. 33-503.001.

## 2. Equal Access to Worship

- o All faith groups must be given equal opportunity to hold services and use chapel facilities.
- o Volunteer or external ministers may visit for approved worship and counseling.

## 3. Religious Diets & Observances

- o Inmates may request special meals or fasting accommodations (e.g., Kosher, Halal, Lent, Ramadan).
- o DOC must honor these requests when reasonable and sincerely held.

## 4. Emotional & Spiritual Support

- o Access to chaplains, mental-health counselors, or mentors is protected.
- o Programs that promote expression — writing, art, music, or group therapy — cannot be denied arbitrarily.

## 5. Protection from Harassment

- o Staff cannot mock, discourage, or punish emotional or religious expression.
- o Transfers or disciplinary reports used to suppress faith-based activity are unlawful.

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### Examples of Violations

- Denying access to chapel or worship services without valid cause.
- Refusing to approve religious diets or observances.
- Confiscating prayer materials or spiritual texts.
- Mocking or punishing inmates for praying, meditating, or journaling.
- Blocking or ignoring requests to meet with chaplains or faith leaders.
- Requiring inmates to participate in religious activities against their beliefs.

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### What To Do If Your Rights Are Violated

1. **Document Everything** – Write down dates, times, staff names, and denied requests.
2. **File a Grievance (F.A.C. 33-103)** – Identify the specific rule or law violated and request restoration of access or items.

3. **Appeal If Ignored or Denied** – Submit a formal grievance to the Warden, then to DOC Central Office in Tallahassee.
  4. **Contact Outside Advocates** – Reach out to civil-rights or faith-based organizations if DOC fails to respond.
  5. **Keep Proof of Requests** – Retain copies of forms, dietary requests, or chapel sign-in sheets.
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### **Practical Tips**

- Submit all religious-diet requests in writing and keep copies.
  - Be specific about your faith-based needs (books, items, prayer times).
  - Maintain respectful communication; written records build stronger cases.
  - Encourage family or clergy to verify requests with the Chaplain's Office.
  - Remember that quiet reflection or prayer does not require formal approval.
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### **In Plain Words**

Faith, hope, and emotional release are survival tools behind the walls.  
They're how people stay grounded, heal, and remember who they are.  
The DOC can control your body — but it cannot own your spirit.  
Your peace of mind, your faith, and your voice are protected by law.

Family is not weakness. It's the reason people fight to come home and stay free. Behind every DOC number is a family, a child, a voice — and Bellatorax stands to protect that bond.