

# JUSTICE STRATEGIES



## Children on the Outside:

*Voicing the Pain and Human Costs of Parental Incarceration*



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Justice Strategies, a project of the Tides Center, Inc., is a nonpartisan, nonprofit research organization. Our mission is to provide high quality policy research to advocates and policymakers pursuing more humane and cost-effective approaches to criminal justice and immigration law enforcement.

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Patricia Allard and Judith Greene, co-authors.

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### **CHILDREN ON THE OUTSIDE: VOICING THE PAIN AND HUMAN COSTS OF PARENTAL INCARCERATION**

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The pain of losing a parent to a prison sentence matches, in many respects, the trauma of losing a parent to death or divorce. Children “on the outside” with a parent in prison suffer a special stigma. Too often they grow up and grieve under a cloud of low expectations and amidst a swirling set of assumptions that they will fail.

Fifty-three percent of the 1.5 million people held in U.S. prisons by 2007 were the parents of one or more minor children. This percentage translates into more than **1.7 million minor children with an incarcerated parent.**

African American children are seven and Latino children two and half times more likely to have a parent in prison than white children. The estimated risk of parental imprisonment for white children by the age of 14 is one in 25, while for black children it is one in four by the same age.

Previous research has shown a close yet complex connection between parental incarceration and adverse outcomes for children, including:

- an increased likelihood of engaging in antisocial or delinquent behavior, including drug use;
- an increased likelihood of school failure;
- an increased likelihood of unemployment, and;
- an increased likelihood of developing mental health problems.

Policymakers and the public must take such findings seriously. They also need to understand the real costs of mass incarceration on children and the communities in which they grow up. Too often, society dismisses the children of incarcerated parents as future liabilities to public safety while overlooking opportunities to address the pain and trauma with which these children struggle. It is by tackling the psychological and emotional trauma head-on that we not only aid these children to grow into our future mothers, fathers, taxpayers and workers, but also ensure more stable and thriving communities.

### **KEY FINDINGS**

Our report is based on eight two-hour focus groups – with eight to twelve participants in each group – and 18 structured interviews conducted in New York and Alabama with children of incarcerated parents, parents currently behind bars, caregivers, and caseworkers and counselors who work in programs to assist parents re-entering society after prison terms. In our study we document the high costs of parental incarceration, largely in the words of those most directly affected, the children.

**1. An undermined sense of stability and safety** – The sudden removal of a parent from daily life fundamentally undermines a child’s sense of stability and safety. Interview subjects highlighted the following characteristics and effects:

- Compromised educational experience
- Threatened stability to home
- Separation from siblings

“ [Children] experience a sense of abandonment when parents go to prison – one day the parent is there and the next the parent is gone. Depending on the age, they’ll take it personally. They think they did something wrong; one day they were mad at their mother and wish she was dead and now she’s far away. ”

*Jessica, family service provider*

**2. Threats to economic security** – Parental incarceration, unsurprisingly, impacts the economic circumstances of children and the extended family. Interview subjects highlighted the following characteristics and effects:

- Loss of parental support
- Increased poverty
- Caregiver strain and accompanying child strain
- Risk of getting involved with drugs to earn money

“ My daughter was about to graduate from high school. She was heading to college but for my incarceration because I was the primary source of financial support. Now, she’s working instead. My kids have always been middle class. Now for the first time in their lives they’re living in poverty. They understand what a single parent life is like for them. ”

*Carl, incarcerated father*

**3. A compromised sense of connectedness and worthiness** – Parental incarceration presents significant obstacles to a child’s experience of the kind of unconditional bond with parents needed to lay the foundation for a stable adult life. Interview subjects highlighted the following characteristics and effects:

- Susceptibility to peer pressure and risky behavior
- Social stigma and shame
- Risk of involvement with the criminal justice system

“ ...if kids have no parents, or are left with just one parent who is totally overwhelmed, the youth may feel that no one cares enough to worry about them; that they aren’t worth making sure he or she is home by a certain hour. ‘I could vanish and nobody would know or care.’ ”

*Tanya, re-entry service provider and former child welfare caseworker*

**4. Loss of attachments and ability to trust** – Once the parental presence is removed, many young people have trouble trusting others and letting caring adults into their lives. Interview subjects highlighted the following characteristics and effects:

- Diminished ability to establish stable lives as adults
- Strained relationships with caregivers
- Loss of contact with parent
- Not knowing the truth about a parent’s incarceration

“ A lot of the young people I work with don’t build close relationships. If your parents were taken away from you, why bother with others? What’s to keep a friend being a friend, or stop a girlfriend from cheating on you? ”

*Makeba, 24 year old university student, advocate whose mother was formerly incarcerated*

**5. No sense of having a place in the world** – Children typically experience parental incarceration as a form of rejection; they see the parent’s reckless behavior as having taken precedence over their family. Interview subjects highlighted the following characteristics and effects:

- A pervasive sense of apathy
- Struggling to become adults before their time
- Anxiety about aging grandparents
- Challenges related to having to start over
- Yearning for mother and father figures

Ultimately, these painful costs to the estimated 1.7 million children with incarcerated parents translate into a high price for the entire community as well. When future generations struggle with the significant trauma of parental incarceration, so too does the surrounding community struggle to account for widespread familial instability, financial strain and young people’s sense of detachment, distrust, hopelessness and apathy.

## KEY RECOMMENDATIONS

Given the significant costs to children and their communities presented by parental incarceration, we recommend that policymakers and the public seriously consider measures to reduce the number of parents sentenced to prison in the first place. We also recommend a number of ameliorative measures to address the immediate pain of parental incarceration to the innocent children who are currently growing up with a parent behind bars.

## 1. Reduce reliance on incarceration.

Following the examples of states, such as New York, which have embraced drug law reform in order to reduce incarceration rates and address budget crises, we recommend the following state-level measures to reduce the number of incarcerated parents:

- ◆ Allow judicial discretion to place those convicted of drug offenses into treatment and offer second chances where appropriate.
- ◆ Divert people who commit crimes other than drug offenses that stem from substance abuse.
- ◆ Divert people who commit drug offenses but are not drug users or chemically dependent to rehabilitative services.
- ◆ Make people convicted of a second felony offense eligible for diversion.
- ◆ Allow individuals the option to try community-based treatment without the threat of a longer sentence for failure.
- ◆ Allow plea deferral options, especially for non-citizen green card holders who will become deportable if they take a plea to *any* drug conviction, even if it is later withdrawn.
- ◆ Allow opportunities for re-sentencing for drug prisoners who received indeterminate sentences under previous longer sentencing ranges and who are still serving those sentences in state prison.
- ◆ Seal criminal records to protect people who finish their sentences from employment discrimination based on the past offense.
- ◆ Allow the option to dismiss a case in the interests of justice when the accused has successfully completed a treatment program.

## 2. Address the immediate pain of parental incarceration.

- ◆ *Nurture children's sense of stability and safety by:*
  - Providing educational workshops to student bodies about the impact of incarceration on children, families and communities within the school system.
  - Training child care workers, elementary and high school teachers and counselors to recognize and address the far reaching implications of parental incarceration on their pupils when it manifests within the school setting.
  - Keeping siblings together, whenever possible, or maintaining regular contacts when parents are imprisoned.
  - Convening national and state consultations to examine the ways in which a child's sense of stability and safety can be maintained when a parent is incarcerated.
- ◆ *Improve children's economic security by:*
  - Providing comparable financial support to relative caregivers as that offered to non-relative caregivers.
  - Providing additional support to elder caregivers or single parent caregivers, including respite care and specialized support groups.

- Ensuring that the ability of children and youth to maintain regular contact with their incarcerated parent – whether it be by phone or in person – is not undermined by exorbitant financial costs.
  - Providing subsidies for specialized individual and family counseling.
- ◆ ***Support children’s sense of connectedness and worthiness by:***
    - Facilitating children’s and youth’s ability to maintain regular contact with their incarcerated parent, including visits, telephone or internet video contact.
    - Launching public education campaigns in schools, churches and community centers across the country to combat stigmatization and the impact of parental incarceration on children and youth.
    - Providing specialized support groups and therapists to aid children and youth, caregivers and parents to tackle the emotional and psychological trauma arising from parental incarceration.
- ◆ ***Facilitate children’s attachment and ability to trust by:***
    - Developing consistent and stable alternative homes – with preference for relative caregivers – and avoiding multiple shifts in children’s caregivers.
    - Facilitating regular physical contact visits, especially with infants and toddlers, to ensure the healthy development of trust and attachment.
    - Establishing child-friendly visitation policies and procedures to encourage regular visitations.
    - Offering workshops and handouts to relative and non-relative caregivers, and adults who work with youth, on how to give honest, age-appropriate information to a child about where their parent is, why they are there, and what to expect when they return home.
- ◆ ***Foster children’s sense of having a place in the world by:***
    - Providing supportive counseling for children of incarcerated people to help them cope with the psychological and emotional impact of experiencing the separation from the parent, adapting to new living conditions and adjusting to the parent’s return home.
    - Prioritizing the placement of children with family or close friends, and providing sufficient economic resources to increase the odds that a placement will offer stable and adequate care.
    - Convening a national consultation of caregivers to identify the social and economic assistance needed to facilitate their caregiving responsibilities to the children of incarcerated parents.

The choices made by law and policymakers over the next decade – to heed these recommendations – will profoundly affect the lives of nearly two million children today, their lives as adults, and the communities in which they now live and will live in the future. A steady stream of harsh, overly-punitive drug laws has directly resulted in more children left behind while one or both parents serve long sentences in prison. While immediate solutions to mitigate the negative effects to children of mass incarceration are sorely needed, we must ask ourselves the ultimate question: Is the price too high? Our findings unequivocally point to the need to revisit the fundamental place that prisons occupy in our society.

## ABOUT THE AUTHORS:

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