

---

# Overview

Deborah Satyanathan

---

## Scope of the Problem

The U.S. Department of Justice has estimated that nationally approximately 1.5 million children under the age of 18 had an incarcerated parent in 1999 [10]. These children, their parents and their caregivers have special needs that are currently not being met by child welfare agencies or the criminal justice system. As the incarcerated population grows by an average of 6.5% every year [13], the number of children with incarcerated parents will also increase.

Little data exists regarding the number of children affected. However, nationally, we do know:

- Approximately two-thirds of incarcerated women and 55% of incarcerated men have children below 18 years old [4].
- Most (72%) of the incarcerated mothers lived with their children before entering prison [4].
- Approximately 25% of women are pregnant or have recently delivered when they enter prison [9].

Children of incarcerated parents are often uprooted from their homes and placed with relatives or in foster care. The living arrangements for children with incarcerated fathers and imprisoned mothers differ in the following ways:

- Most (90%) children with incarcerated fathers live with their mother [9].
- Only approximately 25% of children with incarcerated mothers live with their fathers [9].
- One half of children with incarcerated mothers live with their grandparents [4].
- An additional 2% of children with fathers in prison and 10% of children with mothers in prison live in a foster care home or an institution [4].

It is not known how many Michigan children are affected by parental incarceration. According to the Michigan Department of Corrections, the total prisoner population in 1999 was 46,617, with women prisoners totaling 2,018 [8]. From this data, we can estimate:

- Approximately 1,345 incarcerated women and 24,975 incarcerated men in Michigan have children under the age of 18.
- Because studies have shown that mothers average 2.4 children and fathers average 2.0 children [13], then 3,229 Michigan children below 18 years old have an incarcerated mother, and 49,951 children have an imprisoned father.

*Approximately two-thirds of incarcerated women and 55% of incarcerated men have children below 18 years old.*

*Approximately 25% of women are pregnant or have recently delivered when they enter prison.*

*Children of incarcerated parents are often uprooted from their homes and placed with relatives or in foster care.*

*Children are deeply affected when their parents are incarcerated.*

### **How are children affected when parents are incarcerated?**

Children are deeply affected when their parents are incarcerated, beginning at the time of the parent's arrest and continuing after the parent is released. Common harmful results include:

- Emotional problems, including feelings of fear, anxiety, abandonment, embarrassment, shame and guilt [1,5,13].
- Behavioral symptoms, with increased risk for poor academic performance, truancy, gang participation, substance abuse and early pregnancy [1,5,13].
- Increased risk for delinquency: It is estimated that one half of juveniles in detention have an incarcerated parent [6] and that children with an incarcerated parent are five to six times more likely than those without imprisoned parents to enter the criminal justice system [1].
- Permanent separation from parents.

*When women are released from prison, they may have difficulty finding housing and jobs; they still have many of the same emotional and physical problems (or more) with which they entered the criminal justice system.*

### **Which prison conditions contribute to the negative affects of incarcerated parents and their children?**

Conditions in women's prisons have a large effect on mothers and children post-release. When these women are released from prison, they may have difficulty finding housing and jobs; they still have many of the same emotional and physical problems (or more) with which they entered the criminal justice system. Because of these multiple problems, many mothers have difficulty regaining custody of their children upon release. Some of these difficult prison conditions include:

- Physical abuse and/or rape by other inmates or guards [11].
- A lack of educational services and job training [11].
- A lack of mental health services for mental illness and other common problems such as substance abuse, childhood physical and/or sexual abuse, and domestic violence [11].
- Inadequate health care [3,11].

Prison visitation policies hinder contact between incarcerated parents and their children. Only 10% of mothers receive regular visits from their children, and approximately half do not receive any visits from their children at all [3]. Reasons for this lack of visitation between children and their imprisoned parents include:

- Geographical distance and transportation costs [5].
- Intimidating and non-child-friendly visiting areas [5].
- Lack of information about visiting hours and procedures [13].
- Non-contact visitation (i.e. no hugs or sitting on a parent's lap) in jails [7].
- Reluctance on the part of parents or caregivers to have children visit their parents in a prison setting [13].

Phone calls are also difficult. Parents are only allowed to make collect calls out of the prison, and the charges for these calls are much higher than a collect call made from a pay phone [5]. Due to the financial burdens of the children's caregivers, they may not be able to accept many collect calls from the children's parents.

*Only 10% of mothers receive regular visits from their children, and approximately half do not receive any visits from their children at all.*

## **Which state and federal policies negatively affect incarcerated parents and their children?**

*The Federal Adoption and Safe Families Act of 1997.* For those children who entered the child welfare system due to their parents' incarceration, permanency planning must begin within 12 months of their original placement [13]. Because a woman's average prison sentence is 24-36 months [1] and imprisonment may be considered neglect or abandonment of her children [2], her parental rights may be terminated while she is incarcerated. Many of these women are not notified of the court hearings related to their children, and legal assistance for these women is limited [1].

*Foster Care Policies.* Licensed foster care parents receive financial support for caring for children. However, many children of incarcerated parents are cared for by grandparents or other relatives. These helpful kin do not receive financial support from the state [1], and many caregivers report that they do not have the financial resources to properly care for the children [11]. Therefore, many children live in poverty while their parents are in prison.

*The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996.* One provision of PRWORA provides that any person convicted of a drug crime is no longer eligible to receive Temporary Aid for Need Families (TANF) [13]. In 1998, 72% of women in federal prisons were incarcerated for a drug offense [13]. Therefore many mothers may have financial difficulties once they are released from prison. This difficulty may hinder them from regaining custody of their children or may place their children in poverty post-release.

*Mandatory Sentencing Laws.* Throughout the nation, approximately 70% of imprisoned women committed a drug or other non-violent crime [3]. Many of these crimes now have mandatory sentences, reducing a judge's flexibility in determining the best interests for convicted parents and their children [13].

## **How does the lack of collaboration between the child welfare system and the criminal justice system contribute to the unmet needs of families?**

- Families may receive duplicate or unnecessary services from both systems, such as parenting classes or drug counseling, and not obtain other needed services [7].
- Prison inmates usually are not allowed to receive incoming phone calls [2]. Child welfare workers also struggle with the same visitation rules as do children and caregivers. They may not know visitation policies and procedures, or the prison may simply be too far to travel. Therefore it is difficult for child welfare workers to contact imprisoned parents.
- Some correctional agencies prohibit contact between prisoners and child welfare workers [13].
- Incarcerated women may have no idea where their children are placed, or they may not know the name of their children's child welfare worker [2].

*Many incarcerated women with children are not notified of the court hearings related to their children, and legal assistance for these women is limited.*

*Many caregivers report that they do not have the financial resources to properly care for the children. Therefore, many children live in poverty while their parents are in prison.*

*Incarcerated women may have no idea where their children are placed, or they may not know the name of their children's child welfare worker.*

*Studies of prisoners consistently show that those who maintain strong family and friendship ties during imprisonment and assume responsible marital and parental roles upon release have lower recidivism rates than those who function without family ties, expectation and obligations.*

### **Why should we care?**

According to Pimlott and Sarri (2002), “Studies of prisoners consistently show that those who maintain strong family and friendship ties during imprisonment and assume responsible marital and parental roles upon release have lower recidivism rates than those who function without family ties, expectation and obligations” [13, p. 27]. In addition, if women receive proper educational and job training and mental health services (especially for substance abuse), they are less likely to re-enter the criminal justice system. If recidivism rates decrease, then state and federal costs for building prisons and maintaining prisoners also decrease.

### **What policy and program decisions can be made to ensure that Michigan is meeting the needs of incarcerated parents and their children?**

As the number of parents who are incarcerated increases, and therefore the number of children affected increases, Michigan policymakers, child welfare agencies and correctional systems can make policy and program decisions to assist incarcerated parents, their children and their children’s caregivers, including:

1. Increased Research
  - Data collection on the number of children affected by their parents’ incarceration and how they are affected
  - Longitudinal studies on the long-term effects of parental incarceration.
  - Evaluation and replication of existing programs
2. Changes in Public Policy
  - Exceptions to the 12-month termination of parental rights statute for imprisoned parents
  - Increased financial support for relatives caring for children of incarcerated parents
  - Financial support for those convicted of drug crimes post-release
  - Community-based alternatives to imprisonment for non-violent offenders.
3. Changes in Prison and Jail Policies and Services
  - Supportive visitation and increased flexibility with phone calls
  - Improved mental health services, including substance abuse counseling, and physical health care
  - Educational services and employment training
  - Inmate safety from abuse or rape
4. Collaboration between the Criminal Justice and Child Welfare Systems
  - Cross-training of criminal justice and child welfare personnel
  - A central database holding information regarding children, parents and incarceration
5. Implementation of Programs and Services for Children and their Caregivers
  - Counseling and support groups for parents, children and caregivers
  - Transportation services
  - Legal assistance for parents in prison who risk having their children removed from their custody.
  - Parental involvement in the permanency planning of their children
  - Parenting education.