

## Generational Harm: Incarceration's Impact on Children and Families

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The impact of involvement with the criminal legal system extends far beyond the individual: arrest and incarceration have disastrous ripple effects on people's children and loved ones, who represent the system's "hidden victims".<sup>1</sup> Mass incarceration has exposed a staggering number of children to the consequences of having a parent behind bars: 50-75% of incarcerated people report having a minor child. For incarcerated women, the rate is higher: 58% of women in U.S. prisons and 80% of women in jails are mothers.<sup>2</sup> Since the War on Drugs, the rate of children with incarcerated mothers has increased by 100%, and the rate of those with incarcerated fathers has increased by more than 75%.<sup>3</sup>

Having a family member incarcerated is considered an Adverse Childhood Experience (ACE).<sup>4,5</sup> The impact of ACEs over the course of a child's life contribute to poor mental health and behavioral issues (alcoholism, depression, anxiety, suicide), and poor physical health in adulthood (heart disease, cancer, chronic lung disease, liver disease).<sup>6</sup> Parental incarceration often intersects with other barriers to success, such as poverty or housing instability: in fact, children who experience parental incarceration have 3x as many ACEs as those who do not.<sup>7</sup> Parental incarceration can be as traumatic for children as parental death or divorce,<sup>8</sup> and is directly associated with poorer health outcomes, lower educational attainment, poverty and a loss of economic mobility, residential instability, and increased risk of future criminal legal system involvement.

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<sup>1</sup> Martin, Eric. (2017). Hidden Consequence: The Impact of Incarceration on Dependent Children. *National Institute of Justice*, 278. Retrieved June 7, 2022 from

<https://www.santacruzcounty.us/Portals/0/County/Commissions/jag%20commission/Resources/Hidden%20Consequences%20Impact%20of%20Inc%20on%20Dependent%20Children%20NIJ%202017.pdf>.

<sup>2</sup> Bertram, W. & Sawyer, W. (2021). *Prisons and jails will separate millions of mothers from their children in 2021*. Prison Policy Initiative. Retrieved June 7, 2022 from <https://www.prisonpolicy.org/blog/2021/05/05/mothers-day-2021/>.

<sup>3</sup> Martin, Eric. (2017). Hidden Consequence: The Impact of Incarceration on Dependent Children. *National Institute of Justice*, 278. Retrieved June 7, 2022 from

<https://www.santacruzcounty.us/Portals/0/County/Commissions/jag%20commission/Resources/Hidden%20Consequences%20Impact%20of%20Inc%20on%20Dependent%20Children%20NIJ%202017.pdf>.

<sup>4</sup> Felitti, V.J., Anda, R.F., Nordenberg, D., Williamson, D.F., Spitz, A.M., Edwards, V., & Marks, J.S. (1998). Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults: The adverse childhood experiences (ACE) study. *American Journal of Preventive Medicine*, 14(4): 245-258. Retrieved June 7, 2022 from <https://pubmed.ncbi.nlm.nih.gov/9635069/>.

<sup>5</sup> *Adverse Childhood Experience – What Are ACEs?* (2021). American Society for the Positive Care of Children. Retrieved June 7, 2022 from

[https://americanspcc.org/what-are-aces/?qclid=CjwKCAjw7vuUBhBUEiWAEdu2pGlb34H\\_WJAxvDRrCy6CUzoy4jTrJq0K\\_ZZwMIJsPQZlQA9T1qjTCRoCG58QAvD\\_BwE](https://americanspcc.org/what-are-aces/?qclid=CjwKCAjw7vuUBhBUEiWAEdu2pGlb34H_WJAxvDRrCy6CUzoy4jTrJq0K_ZZwMIJsPQZlQA9T1qjTCRoCG58QAvD_BwE).

<sup>6</sup> Felitti V. J., Anda R. F., Nordenberg D., Williamson D. F., Spitz A. M., Edwards V., Marks J. S. (1998). Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults. The adverse childhood experiences (ACE) study. *American Journal of Preventive Medicine*, 14(4): 245-258. Retrieved June 7, 2022 from [https://journals.lww.com/forensicnursing/Fulltext/2018/06000/Health\\_Outcomes\\_of\\_Youth\\_in\\_the\\_United\\_States.3.aspx?context=FeaturedArticles&collectionId=3&casa\\_token=k9j0C9iNW6oAAAAA:MytArrNO9RCLKSJ\\_3fOel4f7L6p3LJDMhksVic16EWOzlrGBCvsMH2AlmOhEcolNSQz3pzmdv2TL3DTMj5AmtHL](https://journals.lww.com/forensicnursing/Fulltext/2018/06000/Health_Outcomes_of_Youth_in_the_United_States.3.aspx?context=FeaturedArticles&collectionId=3&casa_token=k9j0C9iNW6oAAAAA:MytArrNO9RCLKSJ_3fOel4f7L6p3LJDMhksVic16EWOzlrGBCvsMH2AlmOhEcolNSQz3pzmdv2TL3DTMj5AmtHL).

<sup>7</sup> Scommegna, Paola. (2020). *When a Parent Is Incarcerated, Partners and Children Also Pay a Price*. Population Reference Bureau. Retrieved June 7, 2022 from

<https://www.prb.org/resources/when-a-parent-is-incarcerated-partners-and-children-also-pay-a-price/>.

<sup>8</sup> Dworsky, A., Fedock, G., Schlecht, C., Malcolm, M., Murray, C., & Hazel, C. (2020). Addressing the Needs of Incarcerated Mothers and Their Children in Illinois. *Chapin Hall at the University of Chicago and the University of Chicago's School of Social Service Administration*. Retrieved June 7, 2022 from

<https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

Research demonstrates that supporting strong relationships between a child and their incarcerated parent can mitigate the negative consequences for the child<sup>9</sup> and improve outcomes for the incarcerated parent (for example, family visits appear to lower recidivism rates<sup>10,11</sup>). However, the system makes it nearly impossible for incarcerated people to sustain healthy, positive relationships with their loved ones. Instead, it tears families apart and creates permanent damage that persists for generations. Decarceration and minimizing the time parents spend behind bars is critical to protecting the lives and futures of children.

## I. The Scope of the Problem

- A. Some estimates suggest that 7% of American children (over 5 million) have had a parent go to prison or jail.<sup>12</sup>
  1. If we include all parents who have been arrested, the estimate of affected children rises to 10 million (2017).<sup>13</sup>
- B. The rate of parenthood among incarcerated people is roughly the same as the rate in the general population: 50-75% of incarcerated people report having a minor child.<sup>14</sup>
  1. For incarcerated women, the rate is higher: 58% of women in U.S. prisons are mothers; 80% of women in jails are mothers.<sup>15</sup>
- C. Since the War on Drugs, the rate of children with incarcerated mothers has increased by 100%, and the rate of those with incarcerated fathers has increased more than 75%.<sup>16</sup>
- D. Racial disparities
  1. A Black child is 6x more likely to have a parent incarcerated than their White counterpart.<sup>17</sup>

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<sup>9</sup> Martin, Eric. (2017). Hidden Consequence: The Impact of Incarceration on Dependent Children. *National Institute of Justice*, 278. Retrieved June 7, 2022 from <https://www.santacruzcounty.us/Portals/0/County/Commissions/jag%20commission/Resources/Hidden%20Consequences%20Impact%20of%20Inc%20on%20Dependent%20Children%20NIJ%202017.pdf>.

<sup>10</sup> Martin, Eric. (2017). Hidden Consequence: The Impact of Incarceration on Dependent Children. *National Institute of Justice*, 278. Retrieved June 7, 2022 from <https://www.santacruzcounty.us/Portals/0/County/Commissions/jag%20commission/Resources/Hidden%20Consequences%20Impact%20of%20Inc%20on%20Dependent%20Children%20NIJ%202017.pdf>.

<sup>11</sup> Cramer, L., Goff, M., Peterson, B., & Sandstrom, H., (2017). *Parent-Child Visiting Practices in Prisons and Jails: A Synthesis of Research and Practice*. Urban Institute. Retrieved June 8, 2022 from [https://www.urban.org/sites/default/files/publication/89601/parent-child\\_visiting\\_practices\\_in\\_prisons\\_and\\_jails\\_0.pdf](https://www.urban.org/sites/default/files/publication/89601/parent-child_visiting_practices_in_prisons_and_jails_0.pdf).

<sup>12</sup> Provencher, A. & Conway, J. (2019). *Incarcerations' Cost for Families*. Public Health Post. Retrieved June 7, 2022 from <https://www.publichealthpost.org/research/incarcerations-costs-for-families/>.

<sup>13</sup> Martin, Eric. (2017). Hidden Consequence: The Impact of Incarceration on Dependent Children. *National Institute of Justice*, 278. Retrieved June 7, 2022 from <https://www.santacruzcounty.us/Portals/0/County/Commissions/jag%20commission/Resources/Hidden%20Consequences%20Impact%20of%20Inc%20on%20Dependent%20Children%20NIJ%202017.pdf>.

<sup>14</sup> Roxburgh, S. & Fitch, C. (2014). Parental Status, Child Contact, and Well-Being Among Incarcerated Men and Women. *Journal of Family Issues*, 35(10): 1394-1412.

<sup>15</sup> Bertram, W. & Sawyer, W. (2021). *Prisons and jails will separate millions of mothers from their children in 2021*. Prison Policy Initiative. Retrieved June 7, 2022 from <https://www.prisonpolicy.org/blog/2021/05/05/mothers-day-2021/>.

<sup>16</sup> Martin, Eric. (2017). Hidden Consequence: The Impact of Incarceration on Dependent Children. *National Institute of Justice*, 278. Retrieved June 7, 2022 from <https://www.santacruzcounty.us/Portals/0/County/Commissions/jag%20commission/Resources/Hidden%20Consequences%20Impact%20of%20Inc%20on%20Dependent%20Children%20NIJ%202017.pdf>.

<sup>17</sup> Morsy, L. & Rothstein, R. (2016). *Mass Incarceration and Children's Outcomes*. Economic Policy Institute. Retrieved June 7, 2022 from <https://www.epi.org/publication/mass-incarceration-and-childrens-outcomes/>.

2. In 2010, 1 in 9 Black children (11.4%), 1 in 28 Latinx children (3.5%) and 1 in 57 White children (1.8%) had experienced parental incarceration.<sup>18</sup>

## **II. The Lived Experience of Parental Incarceration is Deeply Traumatic**

### **A. In-Person Visits are Both Critical and Difficult for Children and their Incarcerated Parents**

1. Impact of family visits on the children of incarcerated parents:
  - a) Contact with incarcerated parents in-person in a safe and child-friendly environment can help children feel more attached to their parents and benefit their well-being, emotional adjustment, self esteem, and school behavior,<sup>19,20</sup> especially if the child had a positive relationship with their parent pre-incarceration.<sup>21</sup>
  - b) Visits can improve or maintain positive parent-child relationships. Parent-child bonds play a major role in helping the child overcome the challenges associated with having an incarcerated parent.<sup>22</sup>
2. Impact of family visits on the incarcerated parent:
  - a) Family visits contribute to lower recidivism rates.<sup>23,24</sup>
  - b) Visits with children can motivate parents to comply with rules, leading to less disciplinary action and more participation in beneficial programming.<sup>25</sup>
  - c) Mothers interviewed for one study said that not having contact with their kids was a massive source of distress, and that contact with their kids gave them a reason to live.<sup>26</sup>

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<sup>18</sup> *Collateral Costs: Incarceration's Effect on Economic Mobility*. (2010). The Pew Charitable Trusts. Retrieved June 7, 2022 from [https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pew\\_assets/2010/collateralcosts1pdf.pdf](https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pew_assets/2010/collateralcosts1pdf.pdf).

<sup>19</sup> Cramer, L., Goff, M., Peterson, B., & Sandstrom, H., (2017). *Parent-Child Visiting Practices in Prisons and Jails: A Synthesis of Research and Practice*. Urban Institute. Retrieved June 8, 2022 from [https://www.urban.org/sites/default/files/publication/89601/parent-child\\_visiting\\_practices\\_in\\_prisons\\_and\\_jails\\_0.pdf](https://www.urban.org/sites/default/files/publication/89601/parent-child_visiting_practices_in_prisons_and_jails_0.pdf).

<sup>20</sup> Cramer, L., Goff, M., Peterson, B., & Sandstrom, H., (2017). *Parent-Child Visiting Practices in Prisons and Jails: A Synthesis of Research and Practice*. Urban Institute. Retrieved June 8, 2022 from [https://www.urban.org/sites/default/files/publication/89601/parent-child\\_visiting\\_practices\\_in\\_prisons\\_and\\_jails\\_0.pdf](https://www.urban.org/sites/default/files/publication/89601/parent-child_visiting_practices_in_prisons_and_jails_0.pdf).

<sup>21</sup> Tasca, Melissa. (2015). "It's Not All Cupcakes and Lollipops": An Investigation of the Predictors and Effects of Prison Visitation for Children during Maternal and Paternal Incarceration. Arizona State University. Retrieved June 7, 2022 from <https://www.ojp.gov/pdffiles1/nij/grants/248650.pdf>.

<sup>22</sup> Martin, Eric. (2017). Hidden Consequence: The Impact of Incarceration on Dependent Children. *National Institute of Justice*, 278. Retrieved June 7, 2022 from <https://www.santacruzcounty.us/Portals/0/County/Commissions/jag%20commission/Resources/Hidden%20Consequences%20Impact%20of%20Inc%20on%20Dependent%20Children%20NIJ%202017.pdf>.

<sup>23</sup> Martin, Eric. (2017). Hidden Consequence: The Impact of Incarceration on Dependent Children. *National Institute of Justice*, 278. Retrieved June 7, 2022 from <https://www.santacruzcounty.us/Portals/0/County/Commissions/jag%20commission/Resources/Hidden%20Consequences%20Impact%20of%20Inc%20on%20Dependent%20Children%20NIJ%202017.pdf>.

<sup>24</sup> Cramer, L., Goff, M., Peterson, B., & Sandstrom, H., (2017). *Parent-Child Visiting Practices in Prisons and Jails: A Synthesis of Research and Practice*. Urban Institute. Retrieved June 8, 2022 from [https://www.urban.org/sites/default/files/publication/89601/parent-child\\_visiting\\_practices\\_in\\_prisons\\_and\\_jails\\_0.pdf](https://www.urban.org/sites/default/files/publication/89601/parent-child_visiting_practices_in_prisons_and_jails_0.pdf).

<sup>25</sup> Cramer, L., Goff, M., Peterson, B., & Sandstrom, H., (2017). *Parent-Child Visiting Practices in Prisons and Jails: A Synthesis of Research and Practice*. Urban Institute. Retrieved June 8, 2022 from [https://www.urban.org/sites/default/files/publication/89601/parent-child\\_visiting\\_practices\\_in\\_prisons\\_and\\_jails\\_0.pdf](https://www.urban.org/sites/default/files/publication/89601/parent-child_visiting_practices_in_prisons_and_jails_0.pdf).

<sup>26</sup> Dworsky, A., Fedock, G., Schlecht, C., Malcolm, M., Murray, C., & Hazel, C. (2020). Addressing the Needs of Incarcerated Mothers and Their Children in Illinois. *Chapin Hall at the University of Chicago and the University of Chicago's School of Social Service Administration*. Retrieved June 7, 2022 from <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

3. Though they provide numerous benefits, in-person visits can be difficult.
  - a) Visits can be stressful, unpleasant, and traumatic when physical contact between child and parent is limited or prohibited.<sup>27</sup>
  - b) Often, kids live far away from the prison or jail or don't have someone who can take them to visit.<sup>28</sup>
    - (1) Two thirds of mothers in one study reported that their kids live over 2 hours away from the prison.
  - c) The prison environment is often unpleasant: visiting rooms lack toys, books, and places for kids to play. Sometimes, conditions are poor or dangerous enough (lead paint, mold, broken toilets, pests, overcrowding) that incarcerated parents do not want to expose their children to it.<sup>29</sup>
  - d) Visitors, including children, can be patted down or go through invasive security measures.<sup>30</sup>

A mother interviewed for one study wished: "Just to be with your kid, feel human for that little time you have with your kids. Be able to feel like a mother."<sup>31</sup>

## **B. Numerous Barriers Complicate Contact Between the Child and their Incarcerated Parent**

1. Mail communication can be a complex, bureaucratic, and expensive process.<sup>32</sup> There are often rules forbidding certain materials on mail such as crayons, and incarcerated parents are sometimes not allowed to send pre-addressed envelopes or stamps through the mail.

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<sup>27</sup> Murray, J., Farrington, D. P., & Sekol, I. (2012). Children's Antisocial Behavior, Mental Health, Drug Use, and Educational Performance After Parental Incarceration: A Systematic Review and Meta-Analysis. *Psychological Bulletin*, 138(2): 178. Retrieved June 7, 2022 from <https://psycnet.apa.org/fulltext/2012-00399-001.html>.

<sup>28</sup> Dworsky, A., Fedock, G., Schlecht, C., Malcolme, M., Murray, C., & Hazel, C. (2020). Addressing the Needs of Incarcerated Mothers and Their Children in Illinois. *Chapin Hall at the University of Chicago and the University of Chicago's School of Social Service Administration*. Retrieved June 7, 2022 from <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

<sup>29</sup> Dworsky, A., Fedock, G., Schlecht, C., Malcolme, M., Murray, C., & Hazel, C. (2020). Addressing the Needs of Incarcerated Mothers and Their Children in Illinois. *Chapin Hall at the University of Chicago and the University of Chicago's School of Social Service Administration*. Retrieved June 7, 2022 from <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

<sup>30</sup> Dworsky, A., Fedock, G., Schlecht, C., Malcolme, M., Murray, C., & Hazel, C. (2020). Addressing the Needs of Incarcerated Mothers and Their Children in Illinois. *Chapin Hall at the University of Chicago and the University of Chicago's School of Social Service Administration*. Retrieved June 7, 2022 from <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

<sup>31</sup> Dworsky, A., Fedock, G., Schlecht, C., Malcolme, M., Murray, C., & Hazel, C. (2020). Addressing the Needs of Incarcerated Mothers and Their Children in Illinois. *Chapin Hall at the University of Chicago and the University of Chicago's School of Social Service Administration*. Retrieved June 7, 2022 from <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

<sup>32</sup> Dworsky, A., Fedock, G., Schlecht, C., Malcolme, M., Murray, C., & Hazel, C. (2020). Addressing the Needs of Incarcerated Mothers and Their Children in Illinois. *Chapin Hall at the University of Chicago and the University of Chicago's School of Social Service Administration*. Retrieved June 7, 2022 from <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

“You can’t get any mail with crayons on it...so your child couldn’t even draw you a picture. No markers, no crayon...When you’re trying to correspond with your kids and you try to send an envelope out so that they can write back. Some of their guardians are not going to currency exchange to buy a stamped envelope for them. And your kid wants to correspond with you...How about I send an envelope and it’s self-addressed back to me. And they write and just put it in the envelope. Drop it in the mailbox...Sometimes it’ll get through...I guess it depends on who is in the mail room.”<sup>33</sup>

2. Communicating by phone is difficult: the incarcerated parent may have to wait in line to use the limited phones which are often broken, phone access is limited to certain times that don’t line up with when kids are available to talk, and phone calls from prison can be expensive.<sup>34</sup>
  - a) Though progress has been made in capping the cost of phone calls in state-run prisons, phone calls in county- and city-run jails can still cost \$1 per minute or more and the private companies that manage the system often impose other hidden fees.<sup>35</sup>

### **C. Family Support is Critical for Successful Reentry**

1. Strong and consistent family ties are some of the most important factors for successful reentry after a person leaves prison.<sup>36</sup>
  - a) Meaningful family support has been shown to reduce recidivism,<sup>37</sup> improve mental health outcomes,<sup>38</sup> reduce

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<sup>33</sup> Dworsky, A., Fedock, G., Schlecht, C., Malcolme, M., Murray, C., & Hazel, C. (2020). Addressing the Needs of Incarcerated Mothers and Their Children in Illinois. *Chapin Hall at the University of Chicago and the University of Chicago’s School of Social Service Administration*. Retrieved June 7, 2022 from <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

<sup>34</sup> Dworsky, A., Fedock, G., Schlecht, C., Malcolme, M., Murray, C., & Hazel, C. (2020). Addressing the Needs of Incarcerated Mothers and Their Children in Illinois. *Chapin Hall at the University of Chicago and the University of Chicago’s School of Social Service Administration*. Retrieved June 7, 2022 from <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

<sup>35</sup> Wagner, P. & Jones, A. (2019). *State of Phone Justice: Local jails, state prisons and private phone providers*. Prison Policy Initiative. Retrieved June 7, 2022 from [https://www.prisonpolicy.org/phones/state\\_of\\_phone\\_justice.html](https://www.prisonpolicy.org/phones/state_of_phone_justice.html).

<sup>36</sup> Visher, C. A. & Courtney, S. M. E. (2007). *One Year Out: Experiences of Prisoners Returning to Cleveland*. The Urban Institute. Retrieved June 8, 2022 from [https://www.urban.org/sites/default/files/publication/43021/311445-One-Year-Out-Experiences-of-Prisoners-Returning-to-Cleveland\\_PDF](https://www.urban.org/sites/default/files/publication/43021/311445-One-Year-Out-Experiences-of-Prisoners-Returning-to-Cleveland_PDF).

<sup>37</sup> Boman, J. H. & Mowen, T. J. (2017). Building the Ties that Bind, Breaking the Ties that Don’t: Family Support, Criminal Peers, and Reentry Success. *Criminology and Public Policy*, 16(3): 753-774. Retrieved June 7, 2022 from <https://onlinelibrary.wiley.com/doi/full/10.1111/1745-9133.12307>.

<sup>38</sup> Wallace, D., Fahmy, C., Cotton, L., Jimmons, C., McKay, R., Stoffer, S., & Syed, S. (2016). Examining the Role of Familial Support During Prison and After Release on Post-Incarceration Mental Health. *International Journal of Offender Therapy and Comparative Criminology*, 60(1): 3-20. Retrieved June 10, 2022 from <https://pubmed.ncbi.nlm.nih.gov/25156422/>.

substance use,<sup>39</sup> and increase access to employment post-release.<sup>40</sup>

2. One study found that family ties were critical for successful reentry not necessarily because of emotional support, but because they provided assistance with accessing basic needs such as housing and financial support.<sup>41</sup> Female relatives carry the brunt of that burden.<sup>42</sup>

### III. Parental Incarceration Harms Children in Numerous Ways

#### A. Parental Incarceration Impacts a Child's Health

1. The disruption caused by arrest and incarceration accompanied by poorer resources means the child is less likely to have received regular or preventative medical care.<sup>43</sup> Children who experience parental incarceration face instability and problems getting adequate sleep.<sup>44</sup> The toxic stress that follows parental incarceration leads to mental and physical health problems for children.<sup>45</sup>
2. Physical health:
  - a) One study found that parental incarceration increases the odds of poor physical health for children by 47%.<sup>46</sup>
    - (1) Treatment costs for these poor health outcomes amounted to \$436 million during childhood and \$22.5 billion during adulthood annually.
  - b) Parental incarceration increases the risk of liver disease, heart disease, and obesity,<sup>47</sup> as well as migraines, asthma, and high cholesterol.<sup>48</sup>

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<sup>39</sup> Mowen, T. J., Stansfield, R., & Boman, J. H. (2018). Family Matters: Moving Beyond "If" Family Support Matters to "Why" Family Support Matters during Reentry from Prison. *Journal of Research in Crime and Delinquency*, 56(4): 483-523. Retrieved June 10, 2022 from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7205225/>.

<sup>40</sup> Berg, M. T. & Huebner, B. M. (2010). Reentry and the Ties that Bind: An Examination of Social Ties, Employment, and Recidivism. *Justice Quarterly*, 28(2): 382-410. Retrieved June 10, 2022 from <https://www.tandfonline.com/doi/abs/10.1080/07418825.2010.498383>.

<sup>41</sup> Mowen, T. J., Stansfield, R., & Boman, J. H. (2018). Family Matters: Moving Beyond "If" Family Support Matters to "Why" Family Support Matters during Reentry from Prison. *Journal of Research in Crime and Delinquency*, 56(4): 483-523. Retrieved June 10, 2022 from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7205225/>.

<sup>42</sup> Western, B., Braga, A. A., Davis, J., & Sirois, C. (2015). Stress and Hardship after Prison. *American Journal of Sociology*, 120(5): 1512-47. Retrieved June 10, 2022 from [http://users.soc.umn.edu/~uggen/Western\\_ASR\\_15.pdf](http://users.soc.umn.edu/~uggen/Western_ASR_15.pdf).

<sup>43</sup> Morsy, L. & Rothstein, R. (2016). *Mass Incarceration and Children's Outcomes*. Economic Policy Institute. Retrieved June 7, 2022 from <https://www.epi.org/publication/mass-incarceration-and-childrens-outcomes/>.

<sup>44</sup> Bertram, W. & Sawyer, W. (2021). *Prisons and jails will separate millions of mothers from their children in 2021*. Prison Policy Initiative. Retrieved June 7, 2022 from <https://www.prisonpolicy.org/blog/2021/05/05/mothers-day-2021/>.

<sup>45</sup> Shonkoff, J. P., Garner, A. S., the Committee of Psychosocial Aspects of Child and Family Health, the Committee on Early Childhood, Adoption, and Dependent Care, & Section on Developmental and Behavioral Pediatrics. (2012). The Lifelong Effects of Early Childhood Adversity and Toxic Stress. *Pediatrics*, 129(1): 232-46. doi: 10.1542/peds.2011-2663.

<sup>46</sup> Provencher, A. & Conway, J. (2019). *Incarcerations' Cost for Families*. Public Health Post. Retrieved June 7, 2022 from <https://www.publichealthpost.org/research/incarcerations-costs-for-families/>.

<sup>47</sup> Provencher, A. & Conway, J. (2019). *Incarcerations' Cost for Families*. Public Health Post. Retrieved June 7, 2022 from <https://www.publichealthpost.org/research/incarcerations-costs-for-families/>.

<sup>48</sup> Lee, R. D., Fang, X., & Luo, F. (2013). The impact of parental incarceration on the physical and mental health of young adults. *Pediatrics*, 131(4): 1188-95. doi: 10.1542/peds.2012-0627.

### 3. Mental Health:

- a) Parental incarceration is strongly associated with mental health problems, even after controlling for socio-demographic factors such as race, poverty, and family structure.<sup>49</sup>
- b) Separation from a caregiver can cause trauma, instability, and distress for children.<sup>50</sup>
- c) Witnessing a parent being arrested can cause severe trauma<sup>51</sup>, and stigma and shame follow the child throughout their parent's carceral process.<sup>52</sup>
- d) One study found that parental incarceration increased the odds of poor mental health for children by 123%.<sup>53</sup>
- e) Children with incarcerated parents were more likely to experience emotional and behavioral problems,<sup>54</sup> fear, anger, and depression,<sup>55</sup> along with poor attention, excessive anxiety, externalizing behaviors like rule breaking, and temper outbursts.<sup>56</sup>
  - (1) One study found that children of incarcerated fathers were 51% more likely to suffer from anxiety, 43% more likely to suffer from depression, and 72% more likely to suffer from PTSD.<sup>57</sup>
  - (2) Another study found that children with incarcerated parents, especially sons of incarcerated fathers, were 43% more likely to suffer from behavioral problems.<sup>58</sup>
- f) Mental health and racial disparities: one study found that children of color are more likely than White children to exhibit mental health problems as a consequence of parental incarceration; however, those same children are less likely than their White counterparts to have been formally diagnosed with a

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<sup>49</sup> Davis, L. & Shlafer, R. J. (2017). Mental health of adolescents with currently and formerly incarcerated parents. *Journal of Adolescence*, 54: 120-134. Retrieved June 7, 2022 from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5549675/>.

<sup>50</sup> Murray, J. & Murray, L. (2010). Parental incarceration, attachment and child psychopathology. *Attachment & Human Development*, 12: 289-309. Retrieved June 7, 2022 from <https://pubmed.ncbi.nlm.nih.gov/20582842/>.

<sup>51</sup> Roberts, Y. H., Snyder, F. J., Kaufman, J. S., Finley, M. K., Griffin, A., Anderson, J., Marshall, T., Radway, S., Stack, V., & Crusto, C.A. (2014). Children exposed to the arrest of a family member: Associations with mental health. *Journal of Child and Family Studies*, 23(2): 214-244. Retrieved June 8, 2022 from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4016966/>.

<sup>52</sup> Bertram, W. & Sawyer, W. (2021). *Prisons and jails will separate millions of mothers from their children in 2021*. Prison Policy Initiative. Retrieved June 7, 2022 from <https://www.prisonpolicy.org/blog/2021/05/05/mothers-day-2021/>.

<sup>53</sup> Provencher, A. & Conway, J. (2019). *Incarcerations' Cost for Families*. Public Health Post. Retrieved June 7, 2022 from <https://www.publichealthpost.org/research/incarcerations-costs-for-families/>.

<sup>54</sup> Phillips, S. D. & Dettlaff, A. J. (2009). More Than Parents in Prison: The Broader Overlap Between the Criminal Justice and Child Welfare Systems. *Journal of Public Child Welfare*, 3(1): 3-22. doi: 10.1080/15548730802690718.

<sup>55</sup> Bertram, W. & Sawyer, W. (2021). *Prisons and jails will separate millions of mothers from their children in 2021*. Prison Policy Initiative. Retrieved June 7, 2022 from <https://www.prisonpolicy.org/blog/2021/05/05/mothers-day-2021/>.

<sup>56</sup> Boch, S. J., Warren, B.J., & Ford, J. L. (2019). Attention, Externalizing, and Internalizing Problems of Youth Exposed to Parental Incarceration. *Issues in Mental Health Nursing*, 40(6): 466-475. doi: 10.1080/01612840.2019.1565872.

<sup>57</sup> Lee, R. D., Fang, X., & Luo, F. (2013). The impact of parental incarceration on the physical and mental health of young adults. *Pediatrics*, 131(4): 1188-95. doi: 10.1542/peds.2012-0627.

<sup>58</sup> Turney, Kristin. (2014). Stress proliferation across generations? Examining the relationship between parental incarceration and childhood health. *Journal of Health and Social Behavior*, 55(3): 302-319. doi: 10.1177/0022146514544173.

mental, emotional, or behavioral problem or to have received treatment.<sup>59</sup>

- g) The rise in the risk of mental health problems persists long after the parent has been incarcerated.<sup>60</sup>

## **B. Parental Incarceration Hinders Educational Attainment**

1. Parental incarceration impacts a child's educational performance,<sup>61</sup> as children who experience parental incarceration are more likely to have lower educational attainment and have behavioral issues in school,<sup>62</sup> and GPA declines when a student has a parent incarcerated.<sup>63</sup>
  - a) Children with incarcerated parents are more likely to experience speech problems, learning disabilities, developmental delays, or ADHD (after controlling for environmental factors, race, and other characteristics).<sup>64</sup>
    - (1) Children with incarcerated parents are 33% more likely to have speech or language problems like stuttering or stammering, 48% more likely to have ADHD, and 23% more likely to suffer from developmental delays.<sup>65</sup>
  - b) One study looked at school readiness in 4 domains (early learning skills, self-regulation, social-emotional development, physical health & motor development) among 3-5 year olds with incarcerated parents. It found that parental incarceration reduced the likelihood of being on track in all 4 domains: 1 in 6 children with an incarcerated parent was not on track in any of the 4 domains, as compared to 1 in 33 children without an incarcerated parent.<sup>66</sup>
2. Children with incarcerated parents are more likely to be suspended, be expelled, or drop out of school (after controlling for environmental factors, race, and other characteristics).<sup>67,68</sup>

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<sup>59</sup> Davis, L. & Shlafer, R. J. (2017). Mental health of adolescents with currently and formerly incarcerated parents. *Journal of Adolescence*, 54: 120-134. Retrieved June 7, 2022 from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5549675/>.

<sup>60</sup> Davis, L. & Shlafer, R. J. (2017). Mental health of adolescents with currently and formerly incarcerated parents. *Journal of Adolescence*, 54: 120-134. Retrieved June 7, 2022 from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5549675/>.

<sup>61</sup> Cho, Rosa Minhyo. (2009). Impact of maternal imprisonment on children's probability of grade retention. *Journal of Urban Economics*, 65(1): 11-23. doi: <https://doi.org/10.1016/j.jue.2008.09.004>.

<sup>62</sup> Bertram, W. & Sawyer, W. (2021). *Prisons and jails will separate millions of mothers from their children in 2021*. Prison Policy Initiative. Retrieved June 7, 2022 from <https://www.prisonpolicy.org/blog/2021/05/05/mothers-day-2021/>.

<sup>63</sup> Foster, H. & Hagen, J. (2009). The Mass Incarceration of Parents in America: Issues of Race/Ethnicity, Collateral Damage to Children, and Prisoner Reentry. *The Annals of the American Academy of Political and Social Science*, 623: 179-194. Retrieved June 7, 2022 from <https://www.jstor.org/stable/40375895?seq=1>.

<sup>64</sup> Petty, Jill. (2020). *Unlocking opportunities for justice-involved people, families*. Every Child Thrives. Retrieved June 7, 2022 from <https://everychildthrives.com/unlocking-opportunities-for-justice-involved-people-families/>.

<sup>65</sup> Turney, Kristin. (2014). Stress proliferation across generations? Examining the relationship between parental incarceration and childhood health. *Journal of Health and Social Behavior*, 55(3): 302-319. doi: 10.1177/0022146514544173.

<sup>66</sup> Testa, A. & Jackson, D. B. (2021). Parental Incarceration and School Readiness: Findings From the 2016 to 2018 National Survey of Children's Health. *Academic Pediatrics*, 21(3): 534-541. Retrieved June 7, 2022 from [https://www.sciencedirect.com/science/article/abs/pii/S1876285920304939?casa\\_token=bbn2YwAYxjMAAAAA:Z9UCebcUTrkKoVtUcJUq51LY2JqfQbirttW52GoHRPC2RSDshN9ExjCh\\_4M2Eeij37e5GUYXoQ](https://www.sciencedirect.com/science/article/abs/pii/S1876285920304939?casa_token=bbn2YwAYxjMAAAAA:Z9UCebcUTrkKoVtUcJUq51LY2JqfQbirttW52GoHRPC2RSDshN9ExjCh_4M2Eeij37e5GUYXoQ).

<sup>67</sup> Petty, Jill. (2020). *Unlocking opportunities for justice-involved people, families*. Every Child Thrives. Retrieved June 7, 2022 from <https://everychildthrives.com/unlocking-opportunities-for-justice-involved-people-families/>.

<sup>68</sup> Aaron, L. & Dallaire, D. H. (2010). Parental incarceration and multiple risk experiences: effects on family dynamics and children's delinquency. *Journal of Youth and Adolescence*, 39(12): 1471-84. doi: 10.1007/s10964-009-9458-0.



- a) Children with fathers who have been incarcerated are nearly 6x more likely to be expelled or suspended from school (23% compared with 4%).<sup>69</sup>
3. Parental incarceration is believed to contribute heavily to the racial school achievement gap.<sup>70</sup>
4. These factors contribute to early and continued exposure to the carceral system: lower educational attainment is associated with future risk of incarceration,<sup>71</sup> and students who are arrested by school police or suspended by school officials are more likely to be incarcerated in the future than students with similar offenses who are subject to less harsh forms of discipline.<sup>72</sup> This is a key mechanism in perpetuating the generation cycle of the criminal legal system.
5. Lower educational attainment and incarceration are cyclically related: 62% of people currently in state prisons did not finish high school.<sup>73</sup>

### **C. Parental Incarceration Generates Poverty and Reduces Economic Mobility**

1. A father's incarceration reduces average family income by 22%. Even a year after the father is released, family income remains 15% lower than it was the year before.<sup>74</sup>
2. Families incur massive debt due to incarceration: one survey found that the average debt incurred for court-related fines (not even including lost income due to incarceration) was \$13,607. This can represent one year's income for a low-income earner.<sup>75</sup>
3. Having a parent incarcerated usually correlates with poorer economic situations to begin with:
  - a) Families with a father currently or recently in prison are more likely to live in neighborhoods with higher percentages of residents who are single mothers, receive public assistance, lack a high school diploma, and live below the poverty line.<sup>76</sup>

<sup>69</sup> Johnson, Rucker C. (2009). Ever-Increasing Levels of Parental Incarceration and the Consequences for Children. In S. Raphael & M. Stoll (Eds.), *Do Prisons Make Us Safer? The Benefits and Costs of the Prison Boom* (pp. 177–206). New York: Russell Sage Foundation.

<sup>70</sup> Morsy, L. & Rothstein, R. (2016). *Mass Incarceration and Children's Outcomes*. Economic Policy Institute. Retrieved June 7, 2022 from <https://www.epi.org/publication/mass-incarceration-and-childrens-outcomes/>.

<sup>71</sup> Couloute, Lucius. (2018). *Getting Back on Course: Educational exclusion and attainment among formerly incarcerated people*. Prison Policy Initiative. Retrieved June 7, 2022 from <https://www.prisonpolicy.org/reports/education.html>.

<sup>72</sup> Cohen, Rachel M. (2016). *Rethinking School Discipline*. The American Prospect. Retrieved June 7, 2022 from <https://prospect.org/education/rethinking-school-discipline/>.

<sup>73</sup> Wang, L., Sawyer, W., Herring, T., & Widra, E. (2022). *Beyond the count: A deep dive into state prison populations*. Prison Policy Initiative. Retrieved June 10, 2022 from <https://www.prisonpolicy.org/reports/beyondthecount.html>.

<sup>74</sup> Johnson, Rucker C. (2009). Ever-Increasing Levels of Parental Incarceration and the Consequences for Children. In S. Raphael & M. Stoll (Eds.), *Do Prisons Make Us Safer? The Benefits and Costs of the Prison Boom* (pp. 177–206). New York: Russell Sage Foundation.

<sup>75</sup> DeVuono-Powell, S., Schweidler, C., Walters, A., & Zohrabi, A. (2015). *Who Pays? The True Cost of Incarceration on Families*. Ella Baker Center, Forward Together, Research Action Design. Retrieved June 7, 2022 from <http://whopaysreport.org/wp-content/uploads/2015/09/Who-Pays-FINAL.pdf>.

<sup>76</sup> Scommegna, Paola. (2020). *When a Parent Is Incarcerated, Partners and Children Also Pay a Price*. Population Reference Bureau. Retrieved June 7, 2022 from <https://www.prb.org/resources/when-a-parent-is-incarcerated-partners-and-children-also-pay-a-price/>.

## **D. Having a Parent Incarcerated Destabilizes Relationships and Disrupts Family Dynamics**

1. Arrest and incarceration disrupt family processes, making the home feel unstable and unpredictable.<sup>77</sup>
  - a) When one parent is incarcerated, the remaining parent is left to manage the home and children on their own. This causes emotional stress, exacerbated financial burdens, social stigma, parenting strain, and concerns about children's relationship with the incarcerated parent. All of these factors contribute to instability and mental health challenges for the children and family members of incarcerated people.<sup>78</sup>
2. Arrest and incarceration can negatively impact or complicate the relationship between the individual and their partner, which has negative consequences for the child in the household.<sup>79</sup>
  - a) Partners of incarcerated people experience what Avon Hart-Johnson, founder of the nonprofit DC Project Connect, calls "vicarious imprisonment", involving trauma, stigma, and depression.<sup>80</sup> These challenges only intensify an already difficult parenting situation.
3. When one parent is incarcerated, the remaining parent is likely to experience increased stress, making home life more stressful for the child and amplifying the impacts of the ACEs listed above.<sup>81</sup>

## **E. Parental Incarceration Can Leave Families Unhoused or Living Unstably and Unpredictably**

1. Children of incarcerated parents experience greater residential instability, as the remaining parent often can no longer afford the family's previous housing and must either find a new, less costly, and usually less adequate place for the family to live; move in with relatives; or place children in foster care.<sup>82,83,84</sup>
2. Children whose fathers were incarcerated move more frequently.<sup>85</sup>

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<sup>77</sup> Arditti, J. A., Lambert-Shute, J., & Joest, K. (2003). Saturday morning at the jail: implications of incarceration for families and children. *Family Relations*, 52(3):195–204. Retrieved June 7, 2022 from <https://www.jstor.org/stable/3700270?seq=1>.

<sup>78</sup> Arditti, J. A., Lambert-Shute, J., & Joest, K. (2003). Saturday morning at the jail: implications of incarceration for families and children. *Family Relations*, 52(3):195–204. Retrieved June 7, 2022 from <https://www.jstor.org/stable/3700270?seq=1>.

<sup>79</sup> Massoglia, M. & Pridemore, W. A. (2015). Incarceration and Health. *Annual Review of Sociology*, 41: 291-310. Retrieved June 8, 2022 from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6124689/>.

<sup>80</sup> Greenwood, Elizabeth. (2021). *The Long Recovery After a Spouse Gets Out of Prison*. The Atlantic. Retrieved June 10, 2022 from <https://www.theatlantic.com/family/archive/2021/07/post-incarceration-ptsd-prison-spouses-marriage/619564/>.

<sup>81</sup> Morsy, L. & Rothstein, R. (2016). *Mass Incarceration and Children's Outcomes*. Economic Policy Institute. Retrieved June 7, 2022 from <https://www.epi.org/publication/mass-incarceration-and-childrens-outcomes/>.

<sup>82</sup> Phillips, S. D. & Dettlaff, A. J. (2009). More Than Parents in Prison: The Broader Overlap Between the Criminal Justice and Child Welfare Systems. *Journal of Public Child Welfare*, 3(1): 3-22. doi: 10.1080/15548730802690718.

<sup>83</sup> Geller, A., Garfinkle, I., Cooper, C. E., & Mincy, R. B. (2009). Parental Incarceration and Child Well-Being: Implications for Urban Families. *Social Science Quarterly*, 90(5): 1186-1202. Retrieved June 7, 2022 from [https://www.researchgate.net/publication/41944399\\_Parental\\_Incarceration\\_and\\_Child\\_Well-Being\\_Implications\\_for\\_Urban\\_Families](https://www.researchgate.net/publication/41944399_Parental_Incarceration_and_Child_Well-Being_Implications_for_Urban_Families).

<sup>84</sup> Bertram, W. & Sawyer, W. (2021). *Prisons and jails will separate millions of mothers from their children in 2021*. Prison Policy Initiative. Retrieved June 7, 2022 from <https://www.prisonpolicy.org/blog/2021/05/05/mothers-day-2021/>.

<sup>85</sup> Scommegna, Paola. (2020). *When a Parent Is Incarcerated, Partners and Children Also Pay a Price*. Population Reference Bureau. Retrieved June 7, 2022 from <https://www.prb.org/resources/when-a-parent-is-incarcerated-partners-and-children-also-pay-a-price/>.

3. Children of incarcerated parents are more likely to experience homelessness,<sup>86</sup> and childhood homelessness has a cyclical relationship with incarceration: 12% of people currently in state prisons experienced homelessness before the age of 18.<sup>87</sup>

## **F. Being Incarcerated Increases the Likelihood of Lost Custody, Foster Care, and Even Permanent Family Separation**

1. Due to the household instability that follows arrest or incarceration, the difficulties parents face navigating the complicated and bureaucratic child welfare system while simultaneously navigating the criminal legal system, stigma, and a lack of support for those parents, the carceral system increases the likelihood of lost custody and foster care placement.<sup>88</sup>
2. One study explored how difficult it is for incarcerated parents to manage the child welfare system from inside prison.<sup>89</sup>
  - a) Most mothers interviewed had negative experiences with the child welfare system due to lack of communication, incorrect paperwork, contradictory information, and lack of transparency.<sup>90</sup>
  - b) Mothers whose children were under state or county supervision often had to comply with certain requirements to prevent termination of parental rights, such as substance use treatment, counseling, parenting classes, and even employment, which are often nearly impossible to access from prison. It is very difficult to regain parental rights after release.<sup>91</sup>
3. Experts believe that mass incarceration specifically led to an increase in children in foster care: it is estimated that, between 1985-2000, the increase in rates of maternal incarceration added about 100,000

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<sup>86</sup> Wildeman, Christopher. (2013). Parental Incarceration, Child Homelessness, and the Invisible Consequences of Mass Imprisonment. *The Annals of the American Academy of Political and Social Science*, 651(1): 77.

<sup>87</sup> Wang, L., Sawyer, W., Herring, T., & Widra, E. (2022). *Beyond the count: A deep dive into state prison populations*. Prison Policy Initiative. Retrieved June 10, 2022 from <https://www.prisonpolicy.org/reports/beyondthecount.html>.

<sup>88</sup> *Child Welfare Practice With Families Affected by Parental Incarceration*. (2021). Child Welfare Information Gateway & Children's Bureau. Retrieved June 7, 2022 from [https://www.childwelfare.gov/pubPDFs/parental\\_incarceration.pdf](https://www.childwelfare.gov/pubPDFs/parental_incarceration.pdf).

<sup>89</sup> Dworsky, A., Fedock, G., Schlecht, C., Malcolme, M., Murray, C., & Hazel, C. (2020). Addressing the Needs of Incarcerated Mothers and Their Children in Illinois. *Chapin Hall at the University of Chicago and the University of Chicago's School of Social Service Administration*. Retrieved June 7, 2022 from <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

<sup>90</sup> Dworsky, A., Fedock, G., Schlecht, C., Malcolme, M., Murray, C., & Hazel, C. (2020). Addressing the Needs of Incarcerated Mothers and Their Children in Illinois. *Chapin Hall at the University of Chicago and the University of Chicago's School of Social Service Administration*. Retrieved June 7, 2022 from <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

<sup>91</sup> Dworsky, A., Fedock, G., Schlecht, C., Malcolme, M., Murray, C., & Hazel, C. (2020). Addressing the Needs of Incarcerated Mothers and Their Children in Illinois. *Chapin Hall at the University of Chicago and the University of Chicago's School of Social Service Administration*. Retrieved June 7, 2022 from <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

children to the foster care system, representing nearly  $\frac{1}{3}$  of the increase in the number of fostered children.<sup>92</sup>

4. Between 2006-2016, at least 32,000 incarcerated parents had their children permanently taken from them without accusations of physical or sexual abuse. Of that 32,000, nearly 5,000 appear to have lost custody due to incarceration alone.<sup>93</sup>
5. Parents who have a child placed in foster care because they are incarcerated (who have NOT been accused of child abuse, neglect, endangerment, or even drug or alcohol use) are more likely to have their parental rights terminated than parents who physically or sexually assault their child.<sup>94</sup>
6. The relationship between parental incarceration and foster care is a cycle: 18% of people in state prisons were placed in foster care before age 18.<sup>95</sup>
7. Involvement in the foster care system increases the likelihood of behavioral problems<sup>96</sup>, poorer mental and physical health outcomes<sup>97</sup>, increased school moves which are associated with poorer educational outcomes<sup>98</sup>, and even childhood mortality.<sup>99</sup>

#### **IV. Parental Incarceration Increases a Child's Likelihood of Future System Contact**

- A. Children of incarcerated parents are 6x more likely to become incarcerated themselves.<sup>100</sup>
- B. 33% of people currently in state prisons experienced parental incarceration when they were a child.<sup>101</sup>

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<sup>92</sup> In 2000, 568,000 children were in foster care, up from 276,000 in 1985 (Wildeman, Christopher. (2013). Parental Incarceration, Child Homelessness, and the Invisible Consequences of Mass Imprisonment. *The Annals of the American Academy of Political and Social Science*, 651(1): 77.); Swann, Christopher A. & Sylvester, Michelle Sheran. (2006). The Foster Care Crisis: What Caused Caseloads to Grow? *Demography*, 43(2): 309-335. Retrieved June 7, 2022 from <https://www.jstor.org/stable/4137200?seq=1>.

<sup>93</sup> Hager, E. & Flagg, A. (2018). *How Incarcerated Parents are Losing their Children Forever*. The Marshall Project. Retrieved June 9, 2022 from <https://www.themarshallproject.org/2018/12/03/how-incarcerated-parents-are-losing-their-children-forever>.

<sup>94</sup> Hager, E. & Flagg, A. (2018). *How Incarcerated Parents are Losing their Children Forever*. The Marshall Project. Retrieved June 9, 2022 from <https://www.themarshallproject.org/2018/12/03/how-incarcerated-parents-are-losing-their-children-forever>.

<sup>95</sup> Wang, L., Sawyer, W., Herring, T., & Widra, E. (2022). *Beyond the count: A deep dive into state prison populations*. Prison Policy Initiative. Retrieved June 10, 2022 from <https://www.prisonpolicy.org/reports/beyondthecount.html>.

<sup>96</sup> Lawrence, C. R., Carlson, E. A., & Egeland, B. (2006). The impact of foster care on development. *Development and Psychopathology*, 18(1): 57-76. Retrieved June 7, 2022 from <https://www.cambridge.org/core/journals/development-and-psychopathology/article/abs/impact-of-foster-care-on-development/9B6A8059208B7FA5F677E2A063968C5B>.

<sup>97</sup> Turney, K. & Wildeman, C. (2016). Mental and Physical Health of Children in Foster Care. *Pediatrics*, 138(5). Retrieved June 7, 2022 from <https://www.publications.aap.org/pediatrics/article-abstract/138/5/e20161118/60623/Mental-and-Physical-Health-of-Children-in-Foster?redirectedFrom=fulltext>.

<sup>98</sup> Pears, K. C., Kim, H. K., Buchanan, R., & Fisher, P. A. (2015). Adverse Consequences of School Mobility for Children in Foster Care: A Prospective Longitudinal Study. *Child Development*, 86(4): 1210-1226. Retrieved June 7, 2022 from [https://srcd.onlinelibrary.wiley.com/doi/full/10.1111/cdev.12374?casa\\_token=7FBGi2CDvecAAAAA%3APO3qJkgyONEMqJfWiw6BBxclKhEWLpoBloHvxlPzwC7LX0FjFoazWKdgPfoQg2s1RPZe7OoWkLY01s](https://srcd.onlinelibrary.wiley.com/doi/full/10.1111/cdev.12374?casa_token=7FBGi2CDvecAAAAA%3APO3qJkgyONEMqJfWiw6BBxclKhEWLpoBloHvxlPzwC7LX0FjFoazWKdgPfoQg2s1RPZe7OoWkLY01s).

<sup>99</sup> Chaiyachati, B. H., Wood, J. N., & Mitra, N. (2020). All-Cause Mortality Among Children in the US Foster Care System, 2003-2016. *JAMA Pediatrics*, 174(9): 896-898. Retrieved June 7, 2022 from <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2764570>.

<sup>100</sup> Martin, Eric. (2017). Hidden Consequence: The Impact of Incarceration on Dependent Children. *National Institute of Justice*, 278. Retrieved June 7, 2022 from <https://www.santacruzcounty.us/Portals/0/County/Commissions/jag%20commission/Resources/Hidden%20Consequences%20Impact%20of%20Inc%20on%20Dependent%20Children%20NIJ%202017.pdf>.

<sup>101</sup> Wang, L., Sawyer, W., Herring, T., & Widra, E. (2022). *Beyond the count: A deep dive into state prison populations*. Prison Policy Initiative. Retrieved June 10, 2022 from <https://www.prisonpolicy.org/reports/beyondthecount.html>.

- C. Children of incarcerated parents are more likely to engage in crime<sup>102</sup> and exhibit physical aggression<sup>103</sup>, antisocial behavior like persistent dishonesty<sup>104</sup>, and increased drug and alcohol use.<sup>105</sup>
- D. One study found that having a parent incarcerated increases the odds of engaging in risky health behaviors by almost 200%.<sup>106</sup> These behaviors, in turn, increase the likelihood of interacting with the carceral system.
- E. The negative impacts of having a parent involved in the criminal-legal system are the same factors that make children more likely to interact with the criminal-legal system as adults.
- F. Once a child interacts with the carceral system, the cycle begins anew:
  - 1. Juvenile incarceration is estimated to decrease the likelihood of high school graduation by 13 percentage points and increase the likelihood of incarceration as an adult by 22 percentage points.<sup>107</sup>
  - 2. 68% of people currently in state prisons were arrested before the age of 19, and 38% were arrested before the age of 16.<sup>108</sup>

## V. When a Child is Incarcerated, Families Face Massive Hardship

- A. Families of incarcerated children struggle not only with the trauma, shame, and stress of having a loved one behind bars and the challenges of staying connected to them, but also with meeting basic economic, housing, and education needs while feeling neglected and devalued by the complicated carceral system they are trying to navigate.<sup>109</sup>
- B. It is often difficult for families to communicate with incarcerated children due to distance, lack of access to transportation, or inadequate information from the prison.<sup>110</sup>
  - 1. One study found that over half of parents interviewed found it impossible to obtain information about how their child was faring.<sup>111</sup>

<sup>102</sup> Roettger, M. E. & Swisher, R. (2011). Associations of fathers' history of incarceration with sons' delinquency and arrest among black, white, and hispanic males in the United States. *Criminology*, 49(4). Retrieved June 7, 2022 from [https://www.researchgate.net/publication/262829921\\_Associations\\_of\\_fathers'\\_history\\_of\\_incarceration\\_with\\_sons'\\_delinquency\\_and\\_arrest\\_among\\_black\\_white\\_and\\_hispanic\\_males\\_in\\_the\\_United\\_States](https://www.researchgate.net/publication/262829921_Associations_of_fathers'_history_of_incarceration_with_sons'_delinquency_and_arrest_among_black_white_and_hispanic_males_in_the_United_States).

<sup>103</sup> Wildeman, Christopher. (2010). Children's Physically Aggressive Behaviors: Evidence from the Fragile Families and Child Wellbeing Study. *Social Forces*, 89(1): 285-309. Retrieved June 7, 2022 from <https://www.jstor.org/stable/40927563?seq=1>.

<sup>104</sup> Martin, Eric. (2017). Hidden Consequence: The Impact of Incarceration on Dependent Children. *National Institute of Justice*, 278. Retrieved June 7, 2022 from

<https://www.santacruzcounty.us/Portals/0/County/Commissions/iaq%20commission/Resources/Hidden%20Consequences%20Impact%20of%20Inc%20on%20Dependent%20Children%20NIJ%202017.pdf>.

<sup>105</sup> Roettger, M.E., Swisher, K.D. & Chavez, J. (2011). Paternal incarceration and trajectories of marijuana and other illegal drug use from adolescence into young adulthood: evidence from longitudinal panels of males and females in the United States. *Addiction*, 106(1):121–32. Retrieved June 7, 2022 from <https://pubmed.ncbi.nlm.nih.gov/20874861/>.

<sup>106</sup> Provencher, A. & Conway, J. (2019). *Incarcerations' Cost for Families*. Public Health Post. Retrieved June 7, 2022 from <https://www.publichealthpost.org/research/incarcerations-costs-for-families/>.

<sup>107</sup> Kearney, M.S., Harris, B.H., Jacome, E., & Parker, L. (2014). *Ten Economic Facts about Crime and Incarceration in the United States*. The Hamilton Project. Retrieved June 7, 2022 from <https://www.law.ufl.edu/wp-content/uploads/Johnston-Criminal-Law-1DAF20.pdf>.

<sup>108</sup> Wang, L., Sawyer, W., Herring, T., & Widra, E. (2022). *Beyond the count: A deep dive into state prison populations*. Prison Policy Initiative. Retrieved June 10, 2022 from <https://www.prisonpolicy.org/reports/beyondthecount.html>.

<sup>109</sup> Amani, B., Milburn, N. G., Lopez, S., Young-Brinn, A., Castro, L., Lee, A., & Bath, E. (2018). Families and the Juvenile Justice System: Considerations for Family-based Interventions. *Family and Community Health*, 41(1): 55-63. Retrieved June 7, 2022 from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5726419/>.

<sup>110</sup> *Families Unlocking Futures: Solutions to the Crisis in Juvenile Justice*. (2012). Justice for Families and Datacenter. Retrieved June 7, 2022 from [http://www.justice4families.org/media/Families\\_Unlocking\\_FuturesFULLNOEMBARGO.pdf](http://www.justice4families.org/media/Families_Unlocking_FuturesFULLNOEMBARGO.pdf).

<sup>111</sup> *Families Unlocking Futures: Solutions to the Crisis in Juvenile Justice*. (2012). Justice for Families and Datacenter. Retrieved June 7, 2022 from [http://www.justice4families.org/media/Families\\_Unlocking\\_FuturesFULLNOEMBARGO.pdf](http://www.justice4families.org/media/Families_Unlocking_FuturesFULLNOEMBARGO.pdf).

2. Over 90% of families surveyed said they wished it were easier to be involved in things like court process, visitation, and communication with the system.
- C. Siblings of incarcerated youth face emotional stress, bullying or shame surrounding the stigma of their sibling's incarceration, difficulties adjusting to new household dynamics, and difficulties visiting their sibling.<sup>112</sup>

“As the policemen dragged her brother away, my friend Julia screamed for them to stop, but they ignored her. She and her family received no information as to what happened to her brother, only to find out a couple weeks later that he was being held in a detention center several hours from her home until his trial. Eventually, he was sentenced to a prison an hour closer, but visiting weekly within the certain visiting hours was nearly impossible for her family. She watched as her brother's incarceration took its toll on her parents' marriage and her daily routine. She had trouble focusing at school as a whirlwind of emotions swirled within her. Julia later told me that the only way she could articulate it at the time was that she missed her best friend terribly.”<sup>113</sup>

## VI. Conclusion

- A. Parental incarceration is deeply traumatic for children, completely upending their lives and causing damage for years to come. It impacts their physical and mental health, education, economic stability and mobility, home life and relationships, housing stability, and future likelihood of criminal legal system involvement.
- B. Interventions that keep families together and reduce parental incarceration—such as well-resourced, collaborative public defense—are integral to protecting children and their futures.

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<sup>112</sup> Heaton, Katie. (2014). *The Sibling Experience: Grief and Coping with Sibling Incarceration*. St. Catherine University. Retrieved June 7, 2022 from [https://sophia.stkate.edu/cgi/viewcontent.cgi?article=1328&context=msw\\_papers](https://sophia.stkate.edu/cgi/viewcontent.cgi?article=1328&context=msw_papers).

<sup>113</sup> MacDougall, Laura. (2017). *The Effect Of Youth Incarceration On Siblings And The Family*. Shared Justice. Retrieved June 7, 2022 from <https://www.sharedjustice.org/most-recent/2017/5/25/the-effect-of-youth-incarceration-on-siblings-and-the-family>.