

# 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 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, as around half of incarcerated people have a minor child.<sup>2</sup> For incarcerated women, the rate is higher: 58% of women in U.S. prisons and 80% of women in jails are mothers.<sup>3</sup> Some estimates suggest that 7% of American children (over 5 million)<sup>4</sup> have had a parent go to prison or jail.<sup>5</sup> If we include all parents who have been arrested, the estimate of children impacted rises to 10 million.<sup>6</sup> The impact of the carceral system on children is racially disparate: a Black child is 6 times more likely to have a parent incarcerated than their White counterpart.<sup>7</sup>

Having a family member incarcerated is considered an Adverse Childhood Experience (ACE), the cumulative impact of which contributes to children's poor mental health, behavioral issues, and physical health problems in adulthood.<sup>8</sup> Parental incarceration often intersects with other barriers to success, such as poverty or housing instability: in fact, children who experience parental incarceration have 3 times as many ACEs as those who do not.<sup>9</sup> Parental incarceration can be as traumatic for children as parental death or divorce,<sup>10</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 contact with the criminal legal system.

Research demonstrates that supporting strong relationships between a child and their incarcerated parent can mitigate the negative consequences for the child and improve outcomes for the

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<sup>1</sup> Martin, E. (2017). Hidden Consequence: The Impact of Incarceration on Dependent Children. *National Institute of Justice*, 278. <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> Wang, L. (August 11, 2022). *Both sides of the bars: How mass incarceration punishes families*. Prison Policy Initiative. [https://www.prisonpolicy.org/blog/2022/08/11/parental\\_incarceration/#:~:text=Nearly%20half%20\(47%25\)%20of,is%20age%204%20or%20younger.](https://www.prisonpolicy.org/blog/2022/08/11/parental_incarceration/#:~:text=Nearly%20half%20(47%25)%20of,is%20age%204%20or%20younger.)

<sup>3</sup> Bertram, W. & Sawyer, W. (May 4, 2022). *Prisons and jails will separate millions of mothers from their children in 2022*. Prison Policy Initiative. [https://www.prisonpolicy.org/blog/2022/05/04/mothers\\_day/](https://www.prisonpolicy.org/blog/2022/05/04/mothers_day/).

<sup>4</sup> Provencher, A. & Conway, J. (October 2, 2019). *Incarcerations' Cost for Families*. Public Health Post. <https://www.publichealthpost.org/research/incarcerations-costs-for-families/>.

<sup>5</sup> Murphey, D. & Cooper, P.M. (October 2015). *Parents Behind Bars: What Happens to Their Children?* Child Trends. <https://www.childtrends.org/wp-content/uploads/2015/10/2015-42ParentsBehindBars.pdf>.

<sup>6</sup> Martin, E. (2017). Hidden Consequence: The Impact of Incarceration on Dependent Children. *National Institute of Justice*, 278. <https://www.santacruzcounty.us/Portals/0/County/Commissions/jag%20commission/Resources/Hidden%20Consequences%20Impact%20of%20Inc%20on%20Dependent%20Children%20NIJ%202017.pdf>.

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

<sup>8</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.

[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\\_3fOel4f7L6p3LJDMhksVic16EWOzlrGBCvsMH2AlmOhEcolNSQz3pzmduv2TL3DTMi5AmtHL](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_3fOel4f7L6p3LJDMhksVic16EWOzlrGBCvsMH2AlmOhEcolNSQz3pzmduv2TL3DTMi5AmtHL).

<sup>9</sup> Scommegna, P. (2020). *When a Parent Is Incarcerated, Partners and Children Also Pay a Price*. Population Reference Bureau. <https://www.prb.org/resources/when-a-parent-is-incarcerated-partners-and-children-also-pay-a-price/>.

<sup>10</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. <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

incarcerated parent.<sup>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 Lived Experience of Parental Incarceration is Deeply Traumatic, But Practices that Strengthen Relationships Can Mitigate Harm**

### **A. In-person visits are critical for both the incarcerated parent and their children.**

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>12,13</sup>
  - b) Visits can improve or maintain positive parent-child relationships, and these bonds play a major role in helping the child overcome the challenges associated with having an incarcerated parent.<sup>14</sup>
2. Impact of family visits on the incarcerated parent:
  - a) Family visits contribute to lower recidivism rates.<sup>15</sup> One study by the Minnesota Department of Corrections found a strong connection between visits in prison and recidivism: **visits by friends and family were correlated with a 13% lower risk of recidivism** for felony reconviction and a 25% lower risk for technical violation revocation (breaking the rules of parole).<sup>16</sup>
    - (1) The more visits people had, the less likely they were to recidivate.<sup>17</sup>
  - b) Having consistent visits from loved ones in prison is associated with better behavior, which can increase the likelihood of early release and reduce risk of violence while in prison.<sup>18</sup>
    - (1) In fact, one study found that incarcerated people who were never visited were 8x more likely to have high rates of misconduct than those who were visited late in their sentence.

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<sup>11</sup> Martin, E. (2017). Hidden Consequence: The Impact of Incarceration on Dependent Children. *National Institute of Justice*, 278. <https://www.santacruzcounty.us/Portals/0/County/Commissions/jag%20commission/Resources/Hidden%20Consequences%20Impact%20of%20Inc%20on%20Dependent%20Children%20NIJ%202017.pdf>.

<sup>12</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. [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>13</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. [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>14</sup> Martin, E. (2017). Hidden Consequence: The Impact of Incarceration on Dependent Children. *National Institute of Justice*, 278. <https://www.santacruzcounty.us/Portals/0/County/Commissions/jag%20commission/Resources/Hidden%20Consequences%20Impact%20of%20Inc%20on%20Dependent%20Children%20NIJ%202017.pdf>.

<sup>15</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. [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>16</sup> *The Effects of Prison Visitation on Offender Recidivism*. (November 2011). Minnesota Department of Corrections. [https://mn.gov/doc/assets/11-11PrisonVisitationResearchinBrief-Final\\_tcm1089-272782.pdf](https://mn.gov/doc/assets/11-11PrisonVisitationResearchinBrief-Final_tcm1089-272782.pdf).

<sup>17</sup> *The Effects of Prison Visitation on Offender Recidivism*. (November 2011). Minnesota Department of Corrections. [https://mn.gov/doc/assets/11-11PrisonVisitationResearchinBrief-Final\\_tcm1089-272782.pdf](https://mn.gov/doc/assets/11-11PrisonVisitationResearchinBrief-Final_tcm1089-272782.pdf).

<sup>18</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. [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).

While people who were never visited had a 5.6% chance of having “high” levels of misconduct, people who were visited consistently had a 0% chance.<sup>19</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>20</sup>
- 3. Unfortunately, current practices can make visits unfeasible, stressful, unpleasant, or traumatic.<sup>21</sup>
  - a) Many prisons and jails limit or prohibit physical contact between incarcerated parents and children and have a heavy presence of law enforcement officers, which can be traumatic and intimidating for the child.<sup>22</sup>
  - b) Often, kids live far away from the prison or jail or don't have someone who can take them to visit: **two thirds of mothers in one study reported that their kids live over 2 hours away from the prison.**<sup>23</sup>
  - 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>24</sup>
  - d) Visitors, including children, can be patted down or go through invasive security measures.<sup>25</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>26</sup>

<sup>19</sup> Cochran, J.C. (September 2012). The ties that bind or the ties that break: Examining the relationship between visitation and prisoner misconduct. *Journal of Criminal Justice*, 40(5): 433-440.

[https://www.researchgate.net/publication/256919807\\_The\\_ties\\_that\\_bind\\_or\\_the\\_ties\\_that\\_break\\_Examining\\_the\\_relationship\\_between\\_visitation\\_and\\_prisoner\\_misconduct](https://www.researchgate.net/publication/256919807_The_ties_that_bind_or_the_ties_that_break_Examining_the_relationship_between_visitation_and_prisoner_misconduct).

<sup>20</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. <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

<sup>21</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. <https://psycnet.apa.org/fulltext/2012-00399-001.html>.

<sup>22</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. <https://psycnet.apa.org/fulltext/2012-00399-001.html>.

<sup>23</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. <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

<sup>24</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. <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

<sup>25</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. <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

<sup>26</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. <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

**B. Receiving and sending physical letters helps strengthen relationships** and feelings of connectedness between incarcerated parents and their children.<sup>27</sup> Unfortunately, mail correspondence in jails and prisons is under attack.

1. In one study, incarcerated mothers expressed the difficulties of communicating with their children by mail: many were not allowed to receive mail with crayon or other markings, supplies like envelopes and stamps cost money, and it is difficult to locate a child's address if they are staying with relatives or foster families.<sup>28</sup>

"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>29</sup>

2. To add insult to injury, lawmakers have recently enacted even stricter regulations on physical mail—sometimes banning it completely—making it more and more difficult for incarcerated people to communicate with their children.<sup>30</sup>
  - a) A number of states have enacted "postcard-only" policies, limiting incarcerated people to postcards, which are smaller and therefore more expensive.<sup>31</sup>
  - b) Many jurisdictions have banned physical mail and instead use for-profit digitization services to scan mail and transform it into a digital copy that people can only view on a personal tablet or communal kiosk.<sup>32</sup> This not only removes the physical connection of a letter, but is also often a low-quality or blurry scan, violates privacy, and relies on slow and sometimes spotty technology.<sup>33</sup> If a person wants a physical copy of their mail (not the original), they have to pay a fee to have it printed.<sup>34</sup>

<sup>27</sup> Nahra, A. & Arzy, L. (September 29, 2020). *Why Mail Service Is So Important to People in Prison*. Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/why-mail-service-so-important-people-prison>.

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

<sup>30</sup> Dholakia, N. (March 1, 2022). *More and More Prisons are Banning Mail*. Vera Institute of Justice. <https://www.vera.org/news/more-and-more-prisons-are-banning-mail>.

<sup>31</sup> Wang, L. (December 21, 2021). *Research roundup: The positive impacts of family contact for incarcerated people and their families*. Prison Policy Initiative. [https://www.prisonpolicy.org/blog/2021/12/21/family\\_contact/](https://www.prisonpolicy.org/blog/2021/12/21/family_contact/).

<sup>32</sup> Dholakia, N. (March 1, 2022). *More and More Prisons are Banning Mail*. Vera Institute of Justice. <https://www.vera.org/news/more-and-more-prisons-are-banning-mail>.

<sup>33</sup> Wang, L. (December 21, 2021). *Research roundup: The positive impacts of family contact for incarcerated people and their families*. Prison Policy Initiative. [https://www.prisonpolicy.org/blog/2021/12/21/family\\_contact/](https://www.prisonpolicy.org/blog/2021/12/21/family_contact/).

<sup>34</sup> Dholakia, N. (March 1, 2022). *More and More Prisons are Banning Mail*. Vera Institute of Justice. <https://www.vera.org/news/more-and-more-prisons-are-banning-mail>.

- c) The stated purpose of these bans and limitations is to prevent contraband from entering prisons, despite repeatedly proven evidence that contraband rarely enters prison through mail.<sup>35</sup>
- C. Despite the fact that **phone calls** improve relationship quality between incarcerated parents and their children, which mitigates some of the traumatic consequences of parental incarceration on children,<sup>36</sup> communicating by phone is difficult.
  1. 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>37</sup>
  2. 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, further compounding the financial strain of incarceration on families.<sup>38</sup>
- D. **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>39</sup>
    - a) Meaningful family support has been shown to reduce recidivism,<sup>40</sup> improve mental health outcomes,<sup>41</sup> reduce substance use,<sup>42</sup> and increase access to employment post-release.<sup>43</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>44</sup>

<sup>35</sup> Dholakia, N. (March 1, 2022). *More and More Prisons are Banning Mail*. Vera Institute of Justice.

<https://www.vera.org/news/more-and-more-prisons-are-banning-mail>.

<sup>36</sup> Haverkate, D.L. & Wright, K.A. (2020). The differential effects of prison contact on parent-child relationship quality and child behavioral changes. *Corrections: Policy, Practice, & Research*, 5: 222-244.

[https://static.prisonpolicy.org/scans/Haverkate\\_Wright\\_2020.pdf](https://static.prisonpolicy.org/scans/Haverkate_Wright_2020.pdf).

<sup>37</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. <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

<sup>38</sup> Wagner, P. & Jones, A. (2019). *State of Phone Justice: Local jails, state prisons and private phone providers*. Prison Policy Initiative. [https://www.prisonpolicy.org/phones/state\\_of\\_phone\\_justice.html](https://www.prisonpolicy.org/phones/state_of_phone_justice.html).

<sup>39</sup> Visher, C.A. & Courtney, S.M.E. (2007). *One Year Out: Experiences of Prisoners Returning to Cleveland*. The Urban Institute. <https://www.urban.org/sites/default/files/publication/43021/311445-One-Year-Out-Experiences-of-Prisoners-Returning-to-Cleveland.PDF>.

<sup>40</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. <https://onlinelibrary.wiley.com/doi/full/10.1111/1745-9133.12307>.

<sup>41</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. <https://pubmed.ncbi.nlm.nih.gov/25156422/>.

<sup>42</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. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7205225/>.

<sup>43</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. <https://www.tandfonline.com/doi/abs/10.1080/07418825.2010.498383>.

<sup>44</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. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7205225/>.



## II. 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>45</sup> Children who experience parental incarceration face instability and problems getting adequate sleep.<sup>46</sup> The toxic stress that follows parental incarceration leads to mental and physical health problems.<sup>47</sup>
2. **Physical health:**
  - a) One study found that **parental incarceration increases the odds of poor physical health for children by 47%.**<sup>48</sup>
    - (1) The cost of treating these poor health outcomes reaches \$436 million during childhood and \$22.5 billion during adulthood annually.<sup>49</sup>
  - b) Parental incarceration increases the risk of liver disease, heart disease, and obesity,<sup>50</sup> as well as migraines, asthma, and high cholesterol.<sup>51</sup>
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>52</sup>
  - b) Separation from a caregiver can cause trauma, instability, and distress for children.<sup>53</sup>
  - c) Witnessing a parent being arrested can cause severe trauma<sup>54</sup>, and stigma and shame follow the child throughout their parent's carceral process.<sup>55</sup>
  - d) One study found that **parental incarceration increased the odds of poor mental health for children by 123%.**<sup>56</sup>

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<sup>45</sup> Morsy, L. & Rothstein, R. (2016). *Mass Incarceration and Children's Outcomes*. Economic Policy Institute.

<https://www.epi.org/publication/mass-incarceration-and-childrens-outcomes/>.

<sup>46</sup> Jackson, D.B. & Vaughn, M.G. (June 2017). Parental Incarceration and Child Sleep and Eating Behaviors. *Journal of Pediatrics*, 185: 211-217. <https://www.sciencedirect.com/science/article/abs/pii/S002234761730375X>.

<sup>47</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>48</sup> Provencher, A. & Conway, J. (2019). *Incarcerations' Cost for Families*. Public Health Post.

<https://www.publichealthpost.org/research/incarcerations-costs-for-families/>.

<sup>49</sup> Provencher, A. & Conway, J. (2019). *Incarcerations' Cost for Families*. Public Health Post.

<https://www.publichealthpost.org/research/incarcerations-costs-for-families/>.

<sup>50</sup> Provencher, A. & Conway, J. (2019). *Incarcerations' Cost for Families*. Public Health Post.

<https://www.publichealthpost.org/research/incarcerations-costs-for-families/>.

<sup>51</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>52</sup> Davis, L. & Schlafer, R. J. (2017). Mental health of adolescents with currently and formerly incarcerated parents. *Journal of Adolescence*, 54: 120-134. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5549675/>.

<sup>53</sup> Murray, J. & Murray, L. (2010). Parental incarceration, attachment and child psychopathology. *Attachment & Human Development*, 12: 289-309. <https://pubmed.ncbi.nlm.nih.gov/20582842/>.

<sup>54</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. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4016966/>.

<sup>55</sup> Bertram, W. & Sawyer, W. (May 4, 2022). *Prisons and jails will separate millions of mothers from their children in 2022*. Prison Policy Initiative. [https://www.prisonpolicy.org/blog/2022/05/04/mothers\\_day/](https://www.prisonpolicy.org/blog/2022/05/04/mothers_day/).

<sup>56</sup> Provencher, A. & Conway, J. (2019). *Incarcerations' Cost for Families*. Public Health Post.

<https://www.publichealthpost.org/research/incarcerations-costs-for-families/>.

- e) Children with incarcerated parents were more likely to experience emotional and behavioral problems,<sup>57</sup> fear, anger, and depression,<sup>58</sup> along with poor attention, excessive anxiety, externalizing behaviors like rule breaking, and temper outbursts.<sup>59</sup>
- f) 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>60</sup>
- g) The impacts are racialized: 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 mental, emotional, or behavioral problem or to have received treatment.<sup>61</sup>

## B. Parental incarceration hinders educational attainment.

1. Parental incarceration impacts a child's educational performance.<sup>62</sup> Children who experience parental incarceration are more likely to have lower educational attainment and behavioral issues,<sup>63</sup> and GPA declines when a student has a parent incarcerated.<sup>64</sup>
2. Children with incarcerated parents are more likely to experience speech problems, learning disabilities, developmental delays, or ADHD.<sup>65</sup>
  - a) 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 struggle with developmental delays.<sup>66</sup>
3. 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>67</sup>

<sup>57</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>58</sup> Bertram, W. & Sawyer, W. (May 4, 2022). *Prisons and jails will separate millions of mothers from their children in 2022*. Prison Policy Initiative. [https://www.prisonpolicy.org/blog/2022/05/04/mothers\\_day/](https://www.prisonpolicy.org/blog/2022/05/04/mothers_day/).

<sup>59</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>60</sup> Morsy, L. & Rothstein, R. (2016). *Mass Incarceration and Children's Outcomes*. Economic Policy Institute. <https://www.epi.org/publication/mass-incarceration-and-childrens-outcomes/>.

<sup>61</sup> Davis, L. & Shlafer, R. J. (2017). Mental health of adolescents with currently and formerly incarcerated parents. *Journal of Adolescence*, 54: 120-134. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5549675/>.

<sup>62</sup> Cho, R. M. (2009). Impact of maternal imprisonment on children's probability of grade retention. *Journal of Urban Economics*, 65(1): 11-23. <https://doi.org/10.1016/j.jue.2008.09.004>.

<sup>63</sup> Bertram, W. & Sawyer, W. (May 4, 2022). *Prisons and jails will separate millions of mothers from their children in 2022*. Prison Policy Initiative. [https://www.prisonpolicy.org/blog/2022/05/04/mothers\\_day/](https://www.prisonpolicy.org/blog/2022/05/04/mothers_day/).

<sup>64</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. <https://www.jstor.org/stable/40375895?seq=1>.

<sup>65</sup> Petty, J. (2020). *Unlocking opportunities for justice-involved people, families*. Every Child Thrives. <https://everychildthrives.com/unlocking-opportunities-for-justice-involved-people-families/>.

<sup>66</sup> Morsy, L. & Rothstein, R. (December 15, 2016). *Mass Incarceration and Children's Outcomes*. Economic Policy Institute. <https://www.epi.org/publication/mass-incarceration-and-childrens-outcomes/>.

<sup>67</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.

4. Children with incarcerated parents are more likely to be suspended, be expelled, or drop out of school.<sup>68,69</sup>
  - a) **Children with fathers who have been incarcerated are nearly 6 times more likely to be expelled or suspended from school.**<sup>70</sup>
5. Because incarceration increases the likelihood of residential instability,<sup>71</sup> children of incarcerated parents are more likely to move around or enter the foster care system,<sup>72</sup> often forcing them to switch schools, which is associated with emotional and behavioral issues and negative educational outcomes.<sup>73,74</sup>
6. Parental incarceration is believed to contribute heavily to the racial school achievement gap.<sup>75</sup>
7. These factors contribute to early and continued exposure to the carceral system: lower educational attainment is associated with future risk of incarceration,<sup>76</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>77</sup> **This is a key mechanism in perpetuating the generation cycle of the criminal legal system.**

**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>78</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>79</sup>

[https://www.sciencedirect.com/science/article/abs/pii/S1876285920304939?casa\\_token=bbn2YwAYxiMAAAAA:Z9UCebcUTrkKoVtsUcJUq51LY2JqfQbirttW52GoHRPC2RSDshN9ExiCh\\_4M2Eei37e5GUYXoQ](https://www.sciencedirect.com/science/article/abs/pii/S1876285920304939?casa_token=bbn2YwAYxiMAAAAA:Z9UCebcUTrkKoVtsUcJUq51LY2JqfQbirttW52GoHRPC2RSDshN9ExiCh_4M2Eei37e5GUYXoQ).

<sup>68</sup> Petty, J. (2020). *Unlocking opportunities for justice-involved people, families*. Every Child Thrives.

<https://everychildthrives.com/unlocking-opportunities-for-justice-involved-people-families/>.

<sup>69</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.

<sup>70</sup> *Collateral Costs: Incarceration's Effect on Economic Mobility*. (2010). The Pew Charitable Trusts.

[https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pes\\_assets/2010/collateralcosts1pdf.pdf](https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pes_assets/2010/collateralcosts1pdf.pdf).

<sup>71</sup> Warner, C. (July 2015). On the move: Incarceration, race, and residential mobility. *Social Science Research*, 52: 451-464.

[https://www.sciencedirect.com/science/article/abs/pii/S0049089X15000794?casa\\_token=XFG-IV3eP4MAAAAA:oVoZL\\_0gtFjDSTZXxGntrv3ij-TceZiV\\_Qvwslz1xE7TjU8MsU6Fnto1pzpGPzi0PruaOnm2Js](https://www.sciencedirect.com/science/article/abs/pii/S0049089X15000794?casa_token=XFG-IV3eP4MAAAAA:oVoZL_0gtFjDSTZXxGntrv3ij-TceZiV_Qvwslz1xE7TjU8MsU6Fnto1pzpGPzi0PruaOnm2Js).

<sup>72</sup> Bertram, W. & Sawyer, W. (May 5, 2021). *Prisons and jails will separate millions of mothers from their children in 2021*. Prison Policy Initiative. <https://www.prisonpolicy.org/blog/2021/05/05/mothers-day-2021/>.

<sup>73</sup> Coley, R.L. & Kull, M. (April 24, 2014). *Is Moving During Childhood Harmful?* Macarthur Foundation.

[https://www.macfound.org/media/files/hhm\\_brief\\_-\\_is\\_moving\\_during\\_childhood\\_harmful\\_2.pdf](https://www.macfound.org/media/files/hhm_brief_-_is_moving_during_childhood_harmful_2.pdf).

<sup>74</sup> Gasper, J., DeLuca, S., & Estacion, A. (June 2012). Switching Schools: Reconsidering the Relationship Between School Mobility and High School Dropout. *American Educational Research Journal*, 49(3): 487-519.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4279956/>.

<sup>75</sup> Morsy, L. & Rothstein, R. (2016). *Mass Incarceration and Children's Outcomes*. Economic Policy Institute.

<https://www.epi.org/publication/mass-incarceration-and-childrens-outcomes/>.

<sup>76</sup> Couloute, L. (2018). *Getting Back on Course: Educational exclusion and attainment among formerly incarcerated people*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/education.html>.

<sup>77</sup> Cohen, R.M. (2016). *Rethinking School Discipline*. The American Prospect.

<https://prospect.org/education/rethinking-school-discipline/>.

<sup>78</sup> Johnson, R.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>79</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.

<http://whopaysreport.org/wp-content/uploads/2015/09/Who-Pays-FINAL.pdf>.



3. Having a parent incarcerated usually correlates with poorer economic situations to begin with, as 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>80</sup>
4. A report in Alabama found that **83% of formerly incarcerated people gave up necessities such as rent, food, medical bills, car payments, and child support in order to pay their court debt.**<sup>81</sup> This directly impacts their children.

**D. Parental incarceration destabilizes relationships and disrupts family dynamics.**

1. Arrest and incarceration disrupt family processes, making the home feel unstable and unpredictable.<sup>82</sup>
2. 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>83</sup>
3. 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>84</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>85</sup> These challenges only intensify an already difficult parenting situation.
4. 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>86</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

<sup>80</sup> Scommegna, P. (2020). *When a Parent Is Incarcerated, Partners and Children Also Pay a Price*. Population Reference Bureau. <https://www.prb.org/resources/when-a-parent-is-incarcerated-partners-and-children-also-pay-a-price/>.

<sup>81</sup> *Under Pressure: How fines and fees hurt people, undermine public safety, and drive Alabama's racial wealth divide*. (2018). Alabama Appleseed Center for Law and Justice.

<https://www.alabamaappleseed.org/wp-content/uploads/2018/10/AA1240-FinesandFees-10-10-FINAL.pdf>.

<sup>82</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. <https://www.jstor.org/stable/3700270?seq=1>.

<sup>83</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. <https://www.jstor.org/stable/3700270?seq=1>.

<sup>84</sup> Massoglia, M. & Pridemore, W. A. (2015). Incarceration and Health. *Annual Review of Sociology*, 41: 291-310. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6124689/>.

<sup>85</sup> Greenwood, E. (2021). *The Long Recovery After a Spouse Gets Out of Prison*. The Atlantic. <https://www.theatlantic.com/family/archive/2021/07/post-incarceration-ptsd-prison-spouses-marriage/619564/>.

<sup>86</sup> Morsy, L. & Rothstein, R. (2016). *Mass Incarceration and Children's Outcomes*. Economic Policy Institute. <https://www.epi.org/publication/mass-incarceration-and-childrens-outcomes/>.

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>87,88,89</sup>

2. Children whose fathers were incarcerated move more frequently.<sup>90</sup>
3. Children of incarcerated parents are more likely to experience homelessness,<sup>91</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>92</sup>

**F. Being incarcerated increases the likelihood of lost custody, foster care, and even permanent family separation.**

1. The carceral system increases the likelihood of lost custody and foster care placement due to the household instability that follows arrest or incarceration, the difficulties incarcerated parents face navigating the bureaucratic child welfare system, stigma, and a lack of support.<sup>93</sup>
2. One study explored how difficult it is for incarcerated parents to manage the child welfare system from inside prison.<sup>94</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>95</sup>
  - b) Mothers whose children were under state supervision 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>96</sup>
3. Research suggests that, between 1985-2000, the increase in rates of maternal incarceration added about 100,000 children to the foster care system, representing nearly 1/3 of the increase in the number of fostered children.<sup>97,98</sup>

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<sup>87</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>88</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.

[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>89</sup> Bertram, W. & Sawyer, W. (May 4, 2022). *Prisons and jails will separate millions of mothers from their children in 2022*. Prison Policy Initiative. [https://www.prisonpolicy.org/blog/2022/05/04/mothers\\_day/](https://www.prisonpolicy.org/blog/2022/05/04/mothers_day/).

<sup>90</sup> Scommegna, P. (2020). *When a Parent Is Incarcerated, Partners and Children Also Pay a Price*. Population Reference Bureau. <https://www.prb.org/resources/when-a-parent-is-incarcerated-partners-and-children-also-pay-a-price/>.

<sup>91</sup> Wildeman, C. (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>92</sup> Wang, L., Sawyer, W., Herring, T., & Widra, E. (2022). *Beyond the count: A deep dive into state prison populations*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/beyondthecount.html>.

<sup>93</sup> *Child Welfare Practice With Families Affected by Parental Incarceration*. (2021). Child Welfare Information Gateway & Children's Bureau. [https://www.childwelfare.gov/pubPDFs/parental\\_incarceration.pdf](https://www.childwelfare.gov/pubPDFs/parental_incarceration.pdf).

<sup>94</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. <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

<sup>95</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. <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

<sup>96</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. <https://www.chapinhall.org/wp-content/uploads/Incarcerated-Mothers-FINAL-2020.pdf>.

<sup>97</sup> Wildeman, C. (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>98</sup> Swann, C.A. & Sylvester, M.S. (May 2006). The Foster Care Crisis: What Caused Caseloads to Grow? *Demography*, 43(2): 309-335. <https://www.jstor.org/stable/4137200?seq=1>.

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>99</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>100</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>101</sup>
7. Involvement in the foster care system increases the likelihood of behavioral problems<sup>102</sup>, poorer mental and physical health outcomes<sup>103</sup>, increased school moves which are associated with poorer educational outcomes<sup>104</sup>, and even childhood mortality.<sup>105</sup>

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

- A. The negative impacts of having a parent involved in the criminal-legal system—poor economic mobility, housing insecurity, health problems, trauma—are the same factors that make children more likely to have to endure interaction with the criminal-legal system as adults.
- B. One third of people currently in state prisons had a parent incarcerated when they were a child.<sup>106</sup>
- C. This is not to say, of course, that children who experience parental incarceration are more violent or more “criminal”. Rather, it is important to highlight that the incarceration of a parent makes children more vulnerable to the conditions that lead to criminalization by the criminal legal system, such as poverty, lower educational access, exposure to law enforcement, mental health issues, and trauma.

### IV. 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

<sup>99</sup> Hager, E. & Flagg, A. (2018). *How Incarcerated Parents are Losing their Children Forever*. The Marshall Project. <https://www.themarshallproject.org/2018/12/03/how-incarcerated-parents-are-losing-their-children-forever>.

<sup>100</sup> Hager, E. & Flagg, A. (2018). *How Incarcerated Parents are Losing their Children Forever*. The Marshall Project. <https://www.themarshallproject.org/2018/12/03/how-incarcerated-parents-are-losing-their-children-forever>.

<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. <https://www.prisonpolicy.org/reports/beyondthecount.html>.

<sup>102</sup> Lawrence, C. R., Carlson, E. A., & Egeland, B. (2006). The impact of foster care on development. *Development and Psychopathology*, 18(1): 57-76. <https://www.cambridge.org/core/journals/development-and-psychopathology/article/abs/impact-of-foster-care-on-development/9B6A8059208B7FA5F677E2A063968C5B>.

<sup>103</sup> Turney, K. & Wildeman, C. (2016). Mental and Physical Health of Children in Foster Care. *Pediatrics*, 138(5). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4811118/pdf/2016060623Mental-and-Physical-Health-of-Children-in-Foster-Care.pdf>.

<sup>104</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. [https://onlinelibrary.wiley.com/doi/full/10.1111/cdev.12374?casa\\_token=7FBGi2CDvecAAAAA%3APO3qJkgyONEMqJfWIW6BBxclKhEWLpoBloHvxiPzwC7ILX0FiFoazWKdgPfoOg2s1RPZe7OoWkLY01s](https://onlinelibrary.wiley.com/doi/full/10.1111/cdev.12374?casa_token=7FBGi2CDvecAAAAA%3APO3qJkgyONEMqJfWIW6BBxclKhEWLpoBloHvxiPzwC7ILX0FiFoazWKdgPfoOg2s1RPZe7OoWkLY01s).

<sup>105</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. <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2764570>.

<sup>106</sup> Wang, L., Sawyer, W., Herring, T., & Widra, E. (2022). *Beyond the count: A deep dive into state prison populations*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/beyondthecount.html>.

neglected and devalued by the complicated carceral system they are trying to navigate.<sup>107</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>108</sup>
  - 1. One study found that over half (55%) of parents interviewed found it impossible to obtain information about how their incarcerated child was faring.<sup>109</sup>
  - 2. Families surveyed said they wished it were easier to be involved in things like court process, visitation, and communication with the system.<sup>110</sup>
- 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>111</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>112</sup>

## Conclusion

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. Interventions that keep families together and reduce parental incarceration—such as well-resourced, collaborative public defense—are integral to protecting children and their futures.

<sup>107</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.  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5726419/>.

<sup>108</sup> *Families Unlocking Futures: Solutions to the Crisis in Juvenile Justice*. (2012). Justice for Families and Datacenter.  
[http://www.justice4families.org/media/Families\\_Unlocking\\_FuturesFULLNOEMBARGO.pdf](http://www.justice4families.org/media/Families_Unlocking_FuturesFULLNOEMBARGO.pdf).

<sup>109</sup> *Families Unlocking Futures: Solutions to the Crisis in Juvenile Justice*. (2012). Justice for Families and Datacenter.  
[http://www.justice4families.org/media/Families\\_Unlocking\\_FuturesFULLNOEMBARGO.pdf](http://www.justice4families.org/media/Families_Unlocking_FuturesFULLNOEMBARGO.pdf).

<sup>110</sup> *Families Unlocking Futures: Solutions to the Crisis in Juvenile Justice*. (2012). Justice for Families and Datacenter.  
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