

Children of Incarcerated Parents

Diane F. Reed and Edward L. Reed

Introduction

Most of the over one million persons incarcerated in U.S. jails and prisons on any given day and the millions more on probation or parole are parents. Although a considerable body of information has been collected about individuals who have been or are under some form of criminal justice system control, very little is known about their children, particularly those under the age of 18. There are approximately 10 million children in the U.S. who have had one or both parents incarcerated. These children and youth have little or no voice about who, in the absence of the parent who is the primary caregiver, will take care of them, or if they will be allowed to visit or communicate with the incarcerated parent. The children of parents involved in the criminal justice system have no voice because they are invisible to the larger society.

The national trend to use incarceration to punish even minor offenses guarantees that children will continue to be adversely affected by policies enacted with no consideration of the harm done to family systems. There are many complex and interrelated contributing factors: the intensification of politically motivated “get tough on crime” rhetoric and the “War on Drugs,” public discourse about crime designed to instill fear, the enactment of increasingly harsh sentencing laws such as “Three Strikes,” and the ratings-driven media preoccupation with policing and arrests, leading to public support for a prison-building frenzy. The virtual disappearance of work, along with stores, transportation, and other components of a viable infrastructure, from many inner-city communities has resulted in a concentration of poverty that has devastated neighborhoods and marginalized residents, making them easy first to criminalize and then to dehumanize.

The original intent of this article was to examine what is presently known about the children of incarcerated parents. Its scope has been expanded to include the more realistic continuum of parental crime, arrest, incarceration, release, and

DIANE F. REED (421 30th Street, Richmond, CA 94804) has 17 years of experience in health policy analysis, technical assistance, program planning and development, and research and writing. She holds an MPH degree in Health Policy and Planning from the University of California, Berkeley.

EDWARD L. REED (421 30th Street, Richmond, CA 94804) has 30 years of experience in community organizing, program planning and development, training, and technical assistance for community-based organizations. He also provides wellness education classes to criminal justice clients.

recidivism that children experience and must contend with as their lives are disrupted, and sometimes shattered. We begin by placing present events into a larger historical and political context. Available information about the children of incarcerated parents is provided, followed by a discussion of caregivers, custody, and visitation issues. The next sections describe what is known about the impact on children of parental involvement in the criminal justice system, as well as observable intergenerational trends, and then look at how law enforcement and social service agencies regard and respond to children of arrested and incarcerated parents. We conclude with interventions that address and alleviate the problems resulting from parental involvement in the criminal justice system.

Background

In 1990, the United States had the highest incarceration rate in the world, five times higher than France and Germany and over four times greater than Britain's rate (Foote, 1993). California has the dubious distinction of having the largest prison system in the country and the second largest in the world following China (*Ibid.*). One out of every eight U.S. prisoners is incarcerated in the Golden State. In less than 20 years, California's prison population has exploded by 631%, from 19,000 in 1977 to 139,000 in 1996; over 97,000 persons are presently on parole.¹ An additional 71,000 Californians were local jail inmates as of April 1996² and 400,000 former California jail inmates were on probation in 1995 (Criminal Justice Institute, 1994).

Changes in mandatory sentencing guidelines enacted during the mid-1970s have led to a significant shift in public policy favoring punishment over rehabilitation. Passage of the "Three Strikes"³ legislation in the early 1990s has taken a decisive step in making the concept of rehabilitation historically obsolete.⁴ To accommodate growing numbers of felons sentenced under the 1,000 new state laws specifying new offenses and increased sentences passed by the legislature (Foote, 1993), California has added 20 new prisons to its original 12 since the early 1980s (CDC, 1994). This represents the largest prison construction program in the U.S. To house the expected onslaught of new long-term prisoners sentenced under "Three Strikes," the proposed 1996–1997 California state budget calls for completing three new prisons, while other bills introduced in the 1996 Legislature authorize construction for up to nine new prisons.⁵

While the construction and filling up of new prisons give the impression that public safety is being enhanced, the truth is that increasing numbers of the prison population are nonviolent offenders. Driven in large part by the "War on Drugs," the percentage of violent offenders newly incarcerated in California prisons actually *decreased* from 39% in 1985 to 26% in 1990, while the percentage of drug offenders *doubled* from 17.6% to 35% in the same period (CDC, 1991). The most recent national survey of state prison inmates found that over 60% of inmates in 1991 had been previously incarcerated (USDJ, 1993).

Incarcerated Californians tend to be disproportionately young, low income, people of color, raised in single-parent families, with limited education, poor employment skills, and histories of substance abuse. In 1992, African Americans made up the largest segment of California prison inmates (33.5%), followed by Latinos (33.1%), whites (28.9%), and 5.5% from other racial and ethnic groups (CDC, 1995a).⁶ According to a new study by the Center for Juvenile and Criminal Justice, nearly two out of every five (39%) young African American men in their twenties (in contrast to five percent of young white men) are presently under some form of criminal justice control in California, representing an increase from 33% in 1990 (Schiraldi et al., 1996).⁷

Women are among the fastest growing group of prisoners, their numbers having tripled nationally since 1980 (Bloom et al., 1994). The number of women incarcerated in California prisons increased nearly eightfold from 1,100 in 1980 to 8,500 in 1995 (CDC, 1995b). Nationally, incarcerated women are more likely than men to be serving time for a drug offense and less likely to have been sentenced for a violent crime. About 60% of incarcerated women grew up in a single-parent household, and over 40% reported prior physical or sexual abuse (USDJ, 1994). Over half the women in California prisons are African American (35%) and Latina (17%) (Bloom et al., 1994). *Seven out of 10 women incarcerated in California are serving time for nonviolent drug and property crimes*; in 1993, one-third were reimprisoned due to parole violations (Bloom, 1995).

The choice to use incarceration as the first line of defense against crime over other alternatives comes at no small price to Californians. During the prison building frenzy of the 1980s, the California Department of Corrections (CDC) expanded its \$400 million 1983 budget to a multibillion dollar operation in 1995 to 1996 with 37,000 employees. This growth has come at the expense of other state programs, most notably health, education, and social services. The diversion of resources from health and human services to this most severe form of corrections will continue as “Three Strikes” is implemented.

For the children of parents under some form of correctional supervision — whether arrest, incarceration, parole, or probation — the social, psychological, and economic consequences of present policies will exact profound harm for years and generations to come.

Children of Parents Involved in the Criminal Justice System

The minor children of parents under some form of criminal justice system control are among the most at-risk, yet least visible, populations of children. Though rising incarceration rates suggest an increasing number of children who have lost one or both parents to incarceration, very little is known about this highly vulnerable population. A 1992 study by the California State Assembly Office of Research (Lawhorn, 1992) reported:

No precise count exists of the number of children in California who have incarcerated parents. Data on the number, ages, gender, location, or needs of children of incarcerated parents are not collected by the Department of Corrections, the Department of Social Services, or the Department of Education. *These children are not recognized as a group by any state agency or department in California* (emphasis added).

A study by the Virginia Commission on Youth (1992) yielded similar results. The Commission found no information about the number and conditions of children whose parents were incarcerated, or any statewide systems or service models in place to address the needs of children who are affected.

Most of the information known about children of people in the criminal justice system is obtained from surveys of incarcerated populations, the majority of whom — 78% of women and 64% of men — are parents (USDJ, 1994).

- A 1991 study of state prison inmates found that 67% of the women and 56% of the men surveyed were parents of over 826,000 children under 18 years of age (USDJ, 1993).
- A 1989 survey of 5,675 women incarcerated in 424 local jails showed that 68% had a child or children under 18 (USDJ, 1992).
- Six to nine percent of incarcerated women are pregnant when they enter prison (USDJ, 1994; Bloom and Steinhart, 1993), and about 15% have had a baby within the previous year (McCall et al., 1985).
- A 1991 National Council on Crime and Delinquency survey of mothers in jails and prisons in eight states and the District of Columbia found that 439 respondents had an average of 2.6 children each (Bloom and Steinhart, 1993).

Denise Johnston, M.D., with the Center for Children of Incarcerated Parents in Pasadena, California, estimates that nationally about five million children under the age of 18 have one or both parents under some form of criminal justice system supervision (arrest, incarceration, parole, or probation), out of which about 1.5 million have at least one parent who is incarcerated. An additional five million children have parents who are not now under such supervision, but have been in the past. All told, *about 10 million children in the U.S. are affected by current or past parental involvement with the criminal justice system.*⁸ Peter Breen, executive director of Centerforce, a nonprofit agency dedicated to serving families of prison inmates, estimates that 350,000 children living in California have lost one or both parents to incarceration.⁹

Caregivers of Children of Incarcerated Parents

Children's lives are seriously disrupted when a parent is arrested and/or incarcerated. Families of incarcerated fathers are more likely to remain intact than

those of incarcerated mothers. Of the approximately 1.5 million children of U.S. prisoners, about 1.2 million, or 87%, of children of male inmates are in the care of their biological mothers (USDJ, 1993), while only about 20%, or 29,000 children, of incarcerated mothers are in the care of their biological fathers (USDJ, 1993; American Correctional Association, 1990). This leaves over a quarter of a million children of incarcerated parents in the care of grandparents, other relatives, friends, or foster care.

The majority of incarcerated mothers of minor children were the primary caregivers for their children prior to confinement. Studies of prison and jail inmates have found that about 70% of female inmates with children under age 18 had lived with their children prior to incarceration, compared to about 50% of males (USDJ, 1993; 1992).

- A 1991 survey of mothers in jails and prisons in eight states and the District of Columbia found that 17% of children whose mothers were incarcerated were living with their fathers, nearly half (47%) with their grandparents, 22% with relatives or friends, and about 7% had been placed in foster care (Bloom and Steinhart, 1993).
- The 1989 national “Women in Jail” study reported that half the minor children of incarcerated women were living with their grandparents, 23.5% were in their father’s care, and 27% were living with other relatives or friends. About eight percent were in foster or other institutional care (USDJ, 1992).

Custody Issues

In 1991, 10% of women and two percent of men incarcerated in state prisons reported that their children were in a foster home, children’s agency, or institution (USDJ, 1993). Unlike most children who enter the child protective services system due to parental neglect or abuse, children of arrested or incarcerated parents become dependents of the juvenile court and are subsequently placed in foster care if no relative is available to provide care for them.¹⁰

The 1980 federal Adoption Assistance and Child Welfare Reform Act (P.L. 96–272) mandates that children who are placed in foster care must either be returned to their parents or placed with long-term guardians within 12 to 18 months. If neither has occurred, parental rights can be terminated by the state. Although this legislation was meant to avoid multiple short-term placements that worsen the disruption for children, parents with sentences that exceed the allowable time may be unable to comply with reunification requirements before or after their release (Barry, 1995). Recognizing this circumstance, many states have held that positive actions on the part of incarcerated parents, such as maintaining contact with children and following reunification plans, can avert termination of parental rights.

However, incarcerated mothers whose children are in foster care must overcome numerous obstacles to maintain their parental rights (*Ibid.*). Children often go through multiple placements, making it difficult for mothers to keep up with their current whereabouts (Kampfner, 1995), a situation that is exacerbated when the social services caseworker does not maintain timely communication with the mother. Distance, lack of transportation, and limited economic resources on the part of the caregiver can become insurmountable barriers for regular or any visitation by children, and are further exacerbated when siblings are separated from each other. Inadequate family reunification services during incarceration, and inability to meet contact requirements and statutory schedules for reunification, put many incarcerated mothers at considerable risk of losing custody of their children (Johnston and Gabel, 1995).¹¹

Incarcerated parents whose children are in foster care must rely on the caseworker appointed by social services to help them in the process of reunifying with their children. The caseworker needs to involve the parent in developing a reunification plan and help the parent meet the requirements of the plan. The caseworker also has a vital role in allowing visits by the children and notifying the incarcerated parent about child custody hearings. In practice, however, despite their mandated responsibility to provide assistance, in practice caseworkers may be opposed to the reunification of a parent and child (most often due to the mother's prior child welfare history and/or previous drug history) and thus not communicate with the parent or allow jail or prison visits for the children (Bloom, 1995).

In addition, the courts may be unwilling to permit parents to use incarceration as a reason for failure to provide necessary emotional and material support to their children. Several state appellate court cases have regarded a parent's incarceration to be an aspect of abandonment, and therefore, a reason to terminate parental rights (Muhar, 1991). At least 25 states, including California, have termination-of-parental-rights or adoption laws that specifically pertain to incarcerated parents (Bloom, 1995). Although no studies have systematically examined the extent of this issue, the Center for Children of Incarcerated Parents has found that involuntary termination of parental rights occurs disproportionately among women. About 25% of women offenders whose children participate in the Center's therapeutic programs lost their parental rights (Johnston, 1992). The National Black Child Development Institute (1989) found that from 12 to 18% of terminations of parental rights in African American families occur among incarcerated parents.

Smith (1995) identified several key factors that lead to termination of parental rights:

- Parental incarceration in facilities at very long distances from where the children live, lack of transportation, and limited financial resources of caregivers;

- Overall lack of prison programs and services to assist parents in developing and following a reunification plan;
- Lack of communication and coordination between foster care workers and corrections staff;
- Lack of joint counseling for parents and children to deal with problems and reactions related to the separation;
- Lack of adequate screening, training, and support for caregivers to support the parent-child bond and eventual reunification;
- Lack of legal counseling for incarcerated parents; and
- Systematically excluding incarcerated parents in decisions concerning placement of children, planning for reunification, and case reviews.

Visitation

Maintaining close family ties during incarceration has been shown to result in decreased recidivism rates, improved mental health of inmates and other family members, increased likelihood of family reunification following release, and greater potential for parole success (Hairston, 1991; Schaefer, 1991). Nevertheless, many incarcerated parents have infrequent or no contact with their children.

The most recent survey of state prison inmates revealed that while most parents of minor children had some form of contact, 28% of mothers and 40% of fathers reported never having called or received a telephone call from their children,¹² 21% of mothers and 32% of fathers never sent or received any mail from their children, and fully 52% of mothers and 55% of fathers were never once visited by their children (USDJ, 1994).

Bloom and Steinhart (1993) found similarly disturbing trends in the frequency of visits from children during the mother's incarceration. Over half (54%) of the 439 mothers in that study reported that their children had *never* visited them in jail or prison. Seventeen percent were visited by their children once a month, 12% every four to six months, and seven percent once a year or less. Only 10% saw their children once or more a week. The distance from the child's residence to the correctional facility accounted for 43% of the reasons cited by mothers for having infrequent or no visits from their children. Fully *61.5% of the children lived over 100 miles from the mother's place of incarceration*. Thirty percent lived 21 to 100 miles away and only nine percent lived within 20 miles of the correctional facility.

Hairston (1989) reported that nearly one-third of the incarcerated fathers she surveyed had not seen their children since entering prison and more than half had not seen their children in the six months prior to the survey. The main reasons given by inmates for the lack of visits were transportation, escort problems, and opposition by the child's mother — this last factor due to the large percentage of incarcerated fathers who report not having an active or ongoing relationship with

the mothers of their children. One study of federal prisoners found that 87% of unvisited fathers chose to relinquish visits from their children out of shame, embarrassment, and feelings of overall powerlessness (Koban, 1983).

This trend is likely to continue, as has been seen in California, as new prisons are built in remote, rural areas, at long distances from the cities where children of incarcerated parents are most likely to live.

Impact on Children

The cycle of parental crime, arrest, incarceration, release, and recidivism is particularly devastating for children, but no study has as yet directly observed a large sample of these children. Instead, most of what is known is obtained from information provided by the children's incarcerated parents or caregivers. The few studies that have directly examined the children of offenders yield troubling results. Johnston (1995a) found that of the 56 children identified by their teachers as having the most severe behavioral and disciplinary problems at school, 80 to 90% had experienced parental crime, arrest, and incarceration, and 25% had a parent who was incarcerated at the time of the study.

Researchers have documented a variety of behavioral, psychological, and educational problems in children traumatized by the arrest, separation, incarceration, and absence of a parent. The process of forcibly separating children from their primary caregiver generally ignores the emotional needs of children, who feel vulnerable and frightened about losing their parent (Kampfner, 1995), and is further exacerbated for siblings who may have been separated from each other. Caregivers may not allow children to talk about their feelings or tell others about their parent's incarceration. Sometimes, children are not told the truth about where their parent really is (Bloom and Steinhart, 1993). Most children receive little or no emotional support to process their feelings of grief, loss, anger, anxiety, and fear.

Children respond in various ways, including sadness, withdrawal, low self-esteem, excessive crying, depression, diminished school performance, truancy, disciplinary problems, alcohol and other drug use, running away, and aggressive behavior (Sack et al., 1976; Fritsch and Burkhead, 1981; Johnston, 1995b). Many children, including very young ones, blame themselves for the parent's absence (Kiser, 1991). Seventy percent of the children of imprisoned mothers studied by Baunach (1985) were reported to have psychological or emotional problems. The depression, feelings of anger and fear, flashbacks, and "survivor" guilt reported in one study by children of women prisoners have been associated with post-traumatic stress disorder (Kampfner, 1995).

Johnston (1992) identified three characteristics found in most of the children of offenders with whom she has worked: (1) multiple parent-child separations (lack of family support), (2) inadequate quality of care (associated with poverty, multiple placements, etc.), and (3) the stress associated with enduring childhood

trauma (experiencing *repeated*, in contrast to single or occasional, traumatic events).

The cycle of parental crime, arrest, incarceration, release, and recidivism seems to have a cumulative effect that increases as children grow older. According to Johnston (1995a):

- Parental incarceration in the first year of a child's life may prevent the development of parent-child bonding.
- The development of autonomy and initiative in children aged two to six may be compromised by the trauma of witnessing parental arrest and the loss of a parent due to incarceration. "The long-term effects of these experiences may be worse at this stage of childhood...because young children have the ability to perceive and remember traumatic events, but they cannot process or adjust to trauma without assistance..." (p. 74).
- Children ages seven to 10 may have a hard time achieving in school and getting along with others, precipitating aggressive behavior in reaction to experienced trauma.
- While some young adolescents aged 11 to 14 may overcome their parent's absence, poverty, stigma, and multiple placements, many children act out.
- The cumulative effects of parental involvement in the criminal justice system appear in 15 to 18 year olds. "Their experiences have left many with negative attitudes toward law enforcement and the criminal justice system. The parents of many have served multiple jail and/or prison sentences and will not reunify with them. A large but unknown proportion will engage in criminal activity..." (p. 82).

Intergenerational Trends

As each successive generation of children becomes absorbed into a social process that involves the criminalization of a growing underclass, involvement in the criminal justice system is increasingly becoming part of the family system for many low-income families, particularly in communities of color.

- A U.S. Department of Justice jail study (1992) found that 44% of women and 34.5% of males reported having a close family member who served time in jail or prison.
- Bloom et al. (1994) found that nearly 75% of women incarcerated in California prisons had family members who had been arrested and 63% reported having close relatives who had been incarcerated.
- The American Correctional Association (1990) reported that up to 50% of incarcerated juveniles have a parent who has been incarcerated.

According to the model for intergenerational crime and incarceration developed by the Center for Children of Incarcerated Parents, children exposed to enduring trauma (such as parent-child separation, sexual or physical abuse, or witness to violence) produce emotional responses (sadness, grief, anger) that lead, absent intervention, to reactive behavior (withdrawal, physical aggression, hypervigilance) and become fixed in patterns that help children to cope (fighting with peers, substance abuse, gang activity, promiscuity), ultimately leading to crime and incarceration (Johnston, 1995a).

The growing prison culture observed in many low-income, inner-city neighborhoods plays a big part in assimilating children into what is becoming an intergenerational norm. Anecdotal information provided by veteran prison guards¹³ who recalled prisoners whose children and grandchildren have been — sometimes even simultaneously — incarcerated attests to the unraveling of already marginalized families. According to Schiraldi et al. (1996), “as one travels through many inner-city neighborhoods, the contemporary expressions and subculture are increasingly being borrowed from the prison yard, a tangible sign of the ‘prisonization’ of many communities of color.” In other words, children whose parents or other close relatives have experienced criminal justice system involvement are environmentally socialized to follow in their footsteps, just as surely as their more affluent counterparts are prepared for higher education and professional careers.

Institutional Response to Children of Arrested/Incarcerated Parents

The complex problems resulting from increasing numbers of arrested and incarcerated parents who are the sole caregivers of young children suggest the need for coordinated, systemwide approaches. Yet, most law enforcement and child welfare agencies lack both awareness of the issues and the means to respond to children following the arrest and/or incarceration of their parents. This conclusion was reached by the American Bar Association (ABA) Center on Children and the Law (1994) from its national study examining how law enforcement and child welfare agencies address the needs of this group of children.

The ABA Children and the Law study found that overall, the agencies responsible for the emergency and long-term placement of children of arrestees lack specific policies, procedures, and interagency coordination:

- *Law enforcement.* The majority of jurisdictions interviewed have no specific policy that police officers follow for emergency child placement following parental arrest, and 43% rarely even ask an arrestee if they have minor children. Nearly half (49%) do not notify any other agency upon the arrest of a mother who is a sole caregiver and 54% are not required to coordinate efforts with notified agencies. Seventy-eight percent said the police are mandated to report the placement only if they suspect the child was abused or neglected.

- *Child protective services.* Only 20% of child protective services agencies interviewed had a specific policy on the placement of children of arrestees. Two-

thirds reported having no formal team approach with local law enforcement with respect to children of arrestees, and 34% believed that the placement needs of children whose mothers were arrested are not being adequately met. Most child welfare agencies, already overwhelmed by increasing numbers of child abuse and neglect cases, lack the resources to meet the needs of children who are not in immediate danger of being abused. Many social worker respondents tended to regard the children of arrested parents as being less at risk than are children who are physically or sexually abused or neglected.

- *Foster care.* A stunning 97% of foster care system respondents reported not having a specific policy on foster care placement of children of arrestees.

Correctional facilities also lack critical information about inmates. According to the most recent Department of Justice inmate study, “*official records are often incomplete, are not easily compared across jurisdictions, and lack crucial personal data*” (USDJ, 1993: 11). This is clear from survey data collected from Departments of Corrections throughout the country, which reveal an enormous lack of information about the needs of female inmates. Out of 43 responding states, 15 had no records on the number of women who were mothers and/or who had dependent children, and 32 had no knowledge about how many children would be living with their mothers upon release (Clement, 1993).

Interventions

The multiple or recurrent traumatic events that affect children of parents involved in the criminal justice system are rarely addressed. These children typically live in poverty before, during, and after their parents’ incarceration, reside in low-quality housing, and lack the means to visit their parents. Johnston (1995c) describes some models designed to address and alleviate the problems that result from parental involvement in the criminal justice system:

- *Crisis nurseries* for very young children, 0 to 6 years of age, are temporary residential care settings, designed to prevent children’s exposure to acute trauma such as parental arrest, sudden homelessness, or domestic violence. One such program, the Bay Area Crisis Nursery in Concord, California, provides services for 400 children annually.

- *Crisis intervention counseling* for children following the arrest of a parent can reduce the immediate and long-term negative effects of that experience, as well as provide reliable information about the process in which the parent is involved and referral to sources of ongoing support for family members. No program of this kind currently exists in the U.S.

- *Therapeutic interventions* to help traumatized children master the effects of current and previous traumas and overcome future trauma by improving individual coping skills. The Center for Children of Incarcerated Parents provides community-based therapeutic services for young children of prisoners through its Early Therapeutic Intervention Project.

- *Therapeutic visitation* designed to help reduce the incidence of post-release domestic violence among families of formerly incarcerated parents, and thus reduce exposure of children of those families to that particular source of trauma. Project ImPACT (Importance of Parents and Children Together) has offered these services for the families of men imprisoned at New Mexico's Las Lunas Correctional Facility.

- *Community-based mother-infant correctional programs* to foster maternal bonding, provide a stable placement during infancy and early childhood, and increase the rate of family preservation. The model California Mother-Infant Care (MIC) Program is conducted by private agencies. MIC has seven sites throughout the state that allow pregnant and parenting women sentenced to relatively short terms of incarceration to live with their infants and/or young children up to six years old in community settings.

- *Parent-child visitation programs* held in child-oriented environments in the correctional facility to make visits with incarcerated parents a more positive experience for children. The Prison MATCH Program, started at the Federal Correctional Facility at Pleasanton in 1978 and later moved to the San Francisco County Jail, provides a child-friendly, enriched recreational setting for children to visit with their incarcerated parent for four hours once a week.

- *Children's support groups* that provide social support in a structured setting that is safe for children to express their concerns and to help dispel the sense of shame connected with parental incarceration. The Parents and Children Together (PACT) Program offers age-appropriate Support for Kids of Incarcerated Parents (SKIP) groups in the residential communities that surround Fort Worth Correctional Facility.

Public Policy

Although reported crime rates have remained fairly stable over the past few decades, public misperception that crime is on the rise has contributed to the development of new mandatory minimum sentencing laws that have led to the increase in incarceration. The sentences now given to nonviolent offenders convicted of property and drug-related offenses are at times harsher than those given to individuals convicted of violent crimes.

In addition, the prevailing focus on the isolated offender systematically disregards the needs and issues of families, making the profound impact children experience even more intense (Bloom, 1995). One result of these interrelated trends is the destruction of often fragile but viable family systems. Some researchers view these trends as an urgent wake-up call:

...if compulsive behaviors and criminal activity represent relatively resilient responses to life in poor, violent, chaotic families and neighborhoods, then our society is condemned to incarcerating an ever-increasing number of the people who live in these circumstances, unless we can help

them to reduce the poverty, violence, and chaos in their lives (Johnston, 1995d: 314).

As the trend increases to address crime by building new prisons and jails at the expense of preventing crime through the funding of education, vocational training programs, drug treatment, health care, and other services, the need grows to explore ways of developing public policy that will prevent the destruction of vulnerable family systems (Smith, 1995; Bloom, 1995; ABA, 1994) by:

- Using alternative or creative sentencing instead of imprisonment for primary caregiver parents who were convicted of nonviolent offenses. Options could include restitution, community service, substance abuse treatment, counseling, vocational or educational training, and community-based residential sentencing programs in which parents and children stay together.
- Appropriating funds for parent-child visits whenever an incarcerated parent lived with a child prior to incarceration.
- Screening foster parents for their willingness and ability to be supportive of the parent-child relationship. Training and support services should be available to teach foster parents and the birth parent how to cooperatively co-parent the child. Counseling and support groups should be available for the foster parent(s), child, and birth parent(s).
- Providing high-quality services in prisons, including classes on parenting, family and juvenile law, counseling for survivors of childhood sexual abuse and domestic violence, and vocational and educational programs.
- Making available legal services and representation for incarcerated parents.
- Passing open adoption statutes that allow parents and children to have ongoing contact in the event adoption is used to obtain permanency placement for children whose parents have very long sentences.
- Developing law enforcement and child welfare policies and procedures to meet the needs of children of arrestees.
- Coordinating efforts between law enforcement and child welfare agencies to develop a collaborative, coordinated systemwide approach to meeting the needs of children of arrestees and incarcerated parents.
- Developing correctional practices that allow increased communication or contact between incarcerated parents and their children, including specialized services offered through partnerships between correctional facilities and community agencies, such as mother-infant and mother-child community corrections programs and extended contact visitation programs.

Conclusion

U.S. policymakers, legislators, and children's advocates know virtually nothing about the approximately 10 million children under the age of 18 whose parents are or have been under some type of criminal justice system control. Although this growing population of children has not yet been formally recognized, many are well known to their teachers as disciplinary problems, to social service caseworkers as foster care placements, to counselors as behavioral problems, and to law enforcement authorities. The increasingly serious behaviors of many of these children tend to be regarded out of context. They are seen as withdrawn or acting out or violent rather than as children reacting to the aggravated stress of multiple separations due to parental arrest, incarceration, and recidivism.

The often cyclical nature of parental involvement in the criminal justice system results in serious and sometimes permanent destabilization of family systems and subjects children to ongoing trauma. Many of these children will themselves follow in their parent's footsteps and repeat the process with their own children. Meanwhile, legislation mandating ever harsher sentencing requirements continues to be passed in a heavily polarized political environment that rhetorically labels those who support creative alternatives for nonviolent offenders as being "soft" on crime. Unchecked, present trends suggest that the increasing criminalization of today's underclass holds an extremely daunting portent for the future of American society.

Like the canaries that served as an early warning about poisoned air, the children of incarcerated parents alert us to the grave consequences resulting from a polluted political environment that sustains these larger trends. It is possible to check the course of present policy development and its intergenerational consequences, but for this we need to learn the lessons these children's lives can teach us. As a first step, the millions of children affected by incarceration need to be identified and acknowledged. Much more direct work with these children and their parents is needed to fully understand their circumstances and to develop meaningful responses. The public must be educated about the families and children who are caught in the "tough on crime" net along with the individual offender, and policymakers must be supported to seek less punitive, more pro-family, community-based alternatives for victimless and nonviolent crimes. Law enforcement, correctional facilities, child welfare service systems, schools, and other community-based agencies need to collaborate in developing coordinated responses to affected children and their families.

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NOTES

1. Per April 17, 1996, telephone conversation with Data Analysis Unit, Offender Information Services Branch, California Department of Corrections.

2. Per April 17, 1996, telephone conversation with Neil Zin, California Board of Corrections.

3. California's "Three Strikes and You're Out" legislation was enacted in 1994. This law sends a person with two violent or serious prior offenses to prison for 25 years to life when they are convicted of any third felony offense. It is estimated that in 1996 to 1997, one out of every eight offenders sent to prison by the courts will be committed under the Three Strikes law.

4. Two bills introduced in the 1996 California Legislature underscore the extremely punitive aspects of this shift. AB 2044 (Granlund) would require selected prison inmates to perform labor wearing leg irons in chain gang work groups, and SB 1616 (Leonard) would require state prison inmates to perform hard labor wearing leg irons, manually breaking rocks for no compensation.

5. For example, AB 3461 (Brulte) authorizes construction of nine prisons; AB 3116 (Brulte) authorizes construction of four medium/maximum security prisons; AB 3326 (Tucker) and AB 2437 (Poochigian) authorize the construction of one medium/maximum security prison each.

6. According to the 1990 Census, African Americans make up only 7% of California's population, Latinos 25.8%, and whites 57.2%.

7. Vast disparities are found in the arrest, conviction, and sentencing of people of color. The arrest rate for African Americans is four times higher than for whites (California Department of Justice,

1993). African Americans are charged under “Three Strikes” at 17 times the white rate in Los Angeles and 13 times the white rate in San Francisco (Schiraldi et al., 1996). One study showed that one-third of white first offenders had their charges reduced compared to one-quarter of Latinos and African Americans; white first offenders received rehabilitative placements in the community at twice the rate of Latinos and African Americans; Latinos were sentenced to prison for drug offenses at twice the rate for whites; and African Americans received prison sentences one-third more frequently than whites (Schmitt, 1991).

8. Per April 16, 1996, telephone conversation with Denise Johnston, M.D., Center for Children of Incarcerated Parents, Pacific Oaks College, Pasadena, California. Johnston (1995b) has also developed a formula to estimate the number of prisoners’ children based on data collected from past studies, wherein 67% of incarcerated women have an average of 2.4 minor children each, and 56% of incarcerated men have an average of two children each.

9. Per telephone conversation with Peter Breen, Executive Director, Centerforce, headquartered at San Quentin, California (December 1995).

10. In California, about nine percent of reports investigated by county Child Protective Services involve “caretaker absence or incapacity,” the category used for parents who are absent due to arrest, incarceration, hospitalization, or death (California Department of Social Services, 1994).

11. Pregnant women are also at risk for termination of parental rights when they give birth while incarcerated. Most correctional systems separate incarcerated mothers from their newborns within 24 to 48 hours after birth (Barry, 1995).

12. Communication with an incarcerated parent is limited by the ability of the child’s caregiver to afford to pay for collect telephone calls from the parent.

13. Informal interviews conducted by Edward L. Reed with correctional officers at San Quentin State Prison since 1992.

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