



INSTITUTE ON WOMEN
& CRIMINAL JUSTICE

Keeping Families Together: Women, Children & Incarceration
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We can't talk about mothers in prison and the children left behind without talking about the context and the scale of women's incarceration overall. We have to note that more women are going to prison now than ever before. And, in taking on this issue we must begin from the place of asking ourselves why we are sending so many women – and so many mothers – to prison in the first place.

We must work tirelessly toward the achieving the myriad of policy and practice changes that can lessen the horrible impacts of maternal incarceration on families, *and, at the same time*, we must be equally committed to changing policy and practice so that we are sending many, many fewer women and mothers to prison in the first place. Keeping families together starts in the community, not in prison.

There are over 200,000¹ women incarcerated in the U.S. today, but it is important to remember that it wasn't always like this. In 1977, there were just over 11,000 women in prison in the United States². By 2004, there were over 11,000 women in prison in Texas alone.³

The growth has been staggering – between 1977 and 2004, the number of women in state and federal prison grew by 757%.⁴ That is compared to a 388% growth in the men's prison population over the same period.⁵ We know that there are stark racial and economic disparities in who gets sent to prison and that the growth has been felt most acutely in poor communities of color.

There are over 1.5 million children affected by parental incarceration.⁶ While the majority of both men and women in prison are parents, we know that women are more likely to be parents, and more likely to be custodial parents of children when they go prison.⁷

The question of what happens to the kids when a parent goes to prison is very much different depending on if the parent is the mother or the father to the child. In New York, when a father goes to prison, 88% report that their child is living with his or her mother, while only 20% of incarcerated mothers report that their child is living with his or her father. For the majority of these women, the child is in care with a relative, and about a fifth report that the child is in foster care.⁸

Once a mother is in prison and her children out of her care, she faces the daunting task of maintaining connections with her children and preserving her parental rights. Another panelist will address the Adoption and Safe Families Act, and the timetables it imposes for family reunification.

I will briefly mention some of the very real obstacles to maintaining family connection that women in our Women's Advocacy Project have identified as areas for change:

- **Geography** is an enormous obstacle to maintaining family connections. We know that most women in prison do not get visits from their children. This is in large part because women are incarcerated so far away from their kids. The majority of women in New York State prisons are from the NYC area – yet 41% are incarcerated up at Albion Correctional facility, a 9-hour drive from the city.⁹ Even a

train ride and cab fare to the relatively close correctional facilities in Westchester would eat up a couple days of a family's food budget.

Foster care agencies in many cases feel that they cannot justify the expense and time required to bring children to visit their parents in far away prisons. In New York, the Children of Incarcerated Parents Program (CHIPPP) at the Administration for Children's Services is working to make these visits happen for some children in foster care.

When visits do occur, women stress the importance of family-friendly visiting rooms, of visiting policies that allow them to hug and kiss their children, and of correctional officers who have been specially trained to be sensitive to the family visiting process. While New York has some model programs in regard to visiting – as we saw in the video – nationally, this is not the norm.

The question of geography suggests that there is something we really could be doing differently in regard to custodial parents in prison – relying more on community-based alternatives to incarceration, taking family situation in account in sentencing and classification, and creating better classification tools – gender responsive tools – that would reduce the number of women we are placing in incarcerative rather than community settings.

- **Information** is crucial in these family matters. Women need to know where their children are and that they are safe; they need to know the status of their family court case and how they can participate in it; they need to know their rights regarding their children, and they need to know where they can go to get more information. All of these things are in short supply in prison.
- Women need **access to the legal processes** that will determine what happens to their children and to their parental rights. Women report problems with not being produced for proceedings in family court, problems accessing their lawyers, and not being included in case conferences about the child's future.
- **Communication** is vital for mothers in prison. For a variety of reasons – some human and some legal – it is crucial that women maintain meaningful contact with their children. The elimination of the surcharge on telephone calls from state prisons in New York is a huge step. There are other measures that could be put in place or have been and could be expanded – things like the ability to send tape or video recorded letters to children.

To the extent that we are diverting women from prison into alternative to incarceration or treatment programs, some of the same issues are present. These community based programs need to be equally aware of the ways that their practices and policies create barriers or opportunities for women trying to remain involved in their children's futures.

And, once women are back in the community after incarceration, there is a need for community-based supports to help women achieve the outcomes they want for themselves and their families.

Cross systems collaboration is crucial. What we see with women is that the toughest issues often occur at the intersection point between public systems – whether it be the criminal justice and child welfare, or child welfare and housing, or housing and criminal justice. Part of the challenge is getting different systems officials to come to a mutual recognition of the barriers their systems create for women trying to live successfully in the community – and then work collaboratively towards solutions.

I want to end with a note on the issue of prevention. The issues we're discussing tonight should raise the question for us of how we can support families in the community to prevent parental incarceration in the first place.

A 2003 study by the Vera Institute of Justice showed that among mothers with child welfare involvement who were incarcerated in the New York City jail, the child welfare involvement often preceded the criminal

justice involvement.¹⁰ So, for many of the women in the study, the scenario was not – mom is arrested, then the kids go into foster care. Rather, the scenario was – mom and kids come to the attention of Administration for Children’s Services – perhaps because of mom’s drug use or the kids missing school – then, the kids are removed from mom’s care, and then mom spirals deeper into the behavior that caused the removal, and eventually winds up in the criminal justice system.

What this should say to us is that community-based interventions aimed at keeping families stable in the community – whether through substance abuse treatment, mental health services, economic supports, or child care – could prevent both child removal from the home AND criminal justice involvement down the line. In fact, this kind of preventive work is what WPA does in East New York, Brooklyn, funded by the child welfare system – and it has been remarkable in preventing both child removals and parental criminal justice involvement among the families that participate.

Success does not look the same for every family. For some it will be reunification, for others it will be another scenario. Wherever mothers are – in the community, in prison or jail, in treatment, under community supervision – and whatever their goals for their families – they should have the opportunity to participate in decisions regarding their children’s futures.

¹ There were 107,518 women in U.S. federal or state prisons in 2005. Allen J. Beck and Paige M. Harrison, *Prisoners in 2005*, Bureau of Justice Statistics, U.S. Department of Justice (November 2006), revised 1/18/07, at 4. There were 93,963 women in local jails in the U.S. in 2005. Allen J. Beck and Paige M. Harrison, *Prison and Jail Inmates at Midyear 2005*, Bureau of Justice Statistics, U.S. Department of Justice (May 2006), at 8.

² In 1977, there were 11,212 women serving state or federal prison sentences of more than one year. Natasha A. Frost, Judith Greene, and Kevin Pranis, *HARD HIT: The Growth in the Imprisonment of Women, 1977 – 2004*, Women’s Prison Association (May 2006), at 34 (hereinafter *HARD HIT*).

³ In 2004, there were 11,408 women serving prison sentences of more than one year in the state of Texas. *HARD HIT*, at 34.

⁴ *HARD HIT*, at 9.

⁵ *HARD HIT*, at 9.

⁶ In 1999, state and federal prisoners were parents to 1,498,800 children under the age of 18. Christopher J. Mumola, *Incarcerated Parents and Their Children*, Bureau of Justice Statistics (August 2000), at 1 (hereinafter, *Incarcerated Parents*).

⁷ More than 65% of women in state prisons and 55% of men in state prisons report being parents of children under 18. *Incarcerated Parents*, at 2.

⁸ *Collateral Casualties: Children of Incarcerated Drug Offenders in New York*, Human Rights Watch (2002).

⁹ *Imprisonment and Families Fact Sheet*, Women In Prison Project, Correctional Association of New York (March 2007), at 1.

¹⁰ Miriam Ehrensaft, Ajay Khashu, Timothy Ross, and Mark Wamsley, *Patterns of Criminal Conviction and Incarceration Among Mothers of Children in Foster Care in New York City*, Vera Institute of Justice (December, 2003).