

# ***You Mean They Have Children?***

## ***A Multi-State Effort to Improve Policies and Practices for Children of Incarcerated Parents***

The Open Society Institute  
Bill of Rights Technical Assistance Fellowship Project  
September 2006-March 2008

*To All:*

*The national fellowship project to pursue the initiation of policies and practices that promote the principles described in the San Francisco Partnership for Children of the Incarcerated' Bill of Rights is still underway with the establishment of an ongoing National Advocacy Partnership for the Bill of Rights, with multi-state teams devoted to Policy, Practices, Research, and Resource Development This is a quick overview of the project.*

*A comprehensive publication will soon be published that covers all of the policy and practice pursuits of these groups, including the public awareness components that were offered.*

*If you have questions, please contact me at [deeannlr@aol.com](mailto:deeannlr@aol.com) or 501.366.3647. There is much work to be done and we value your input.*

*Sincerely,*

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**Table 1. Partnering organizations**

|                             | Criminal Justice Entities |                      |                       | Other State Organizations                  |                               |   | Not-for-Profit National Groups |            |                             |
|-----------------------------|---------------------------|----------------------|-----------------------|--|-------------------------------|---|--------------------------------|------------|-----------------------------|
|                             | Department of Corrections | Jail/Law Enforcement | Community Corrections | Departments of Children and Family Service | Department of Social Services | State Sponsored Commissions /Legislative Groups | Head Start                     | United Way | Faith-based Social Services |
| Arizona                     | X                         | X                    |                       | X  |                               |   |                                | X          |                             |
| Connecticut (Hartford)      | x                         |                      | X                     |  | x                             |   |                                |            |                             |
|                             | X                         |                      |                       |  |                               |   |                                |            |                             |
| Illinois                    | x                         | X                    | X                     | X  |                               |   |                                |            | X                           |
| Indiana                     |                           |                      | X                     |  |                               |   |                                |            |                             |
| Massachusetts               | x                         | X                    | X                     |  | X                             | X   | X                              |            |                             |
| Michigan (Detroit)          |                           |                      |                       |  |                               |   |                                | X          |                             |
| Michigan (Grand Rapids)     | x                         |                      |                       |  | X                             |   |                                | X          |                             |
| Michigan (Pontiac)          |                           | X                    | X                     |  | X                             |   | X                              |            | X                           |
| Minnesota                   | X                         |                      |                       |  |                               | X   |                                |            |                             |
| Montana                     | x                         |                      |                       | X  | X                             |   | X                              |            |                             |
| New Hampshire (recent)      |                           |                      |                       |  |                               |   |                                |            |                             |
| NC (dropped out midway )    |                           |                      |                       |  |                               |   |                                |            |                             |
| Oregon (recent)             |                           |                      |                       |  |                               |   |                                |            |                             |
| Pennsylvania (Philadelphia) | x                         |                      |                       | x  |                               |   |                                |            | x                           |
| Pennsylvania (Pittsburgh)   |                           | x                    |                       |  |                               |   |                                |            |                             |
| South Carolina              | x                         |                      |                       |  |                               |   |                                |            |                             |
| Tennessee                   | X                         |                      |                       |  |                               | X   |                                |            |                             |
| Texas                       | x                         |                      |                       |  |                               |   |                                |            |                             |
| Washington                  | x                         |                      |                       |  |                               | x   |                                |            |                             |

Arkansas was a partner, but is not included in this report.

**What Partnerships Hoped to Achieve**

Applicants were asked to explain what their partnerships hoped to achieve if they were selected to receive technical assistance. There were four categories of goals: (1) using technical assistance to complement a planning process; (2) affecting change in systems and services; (3) increasing public and professional awareness; and (4) sustaining, expanding, or replicating services.

**Planning efforts.** A small number of partnerships described the planning processes they intended to establish. Some planned to use the offered technical assistance to inform the substantive content of the process; others wanted technical assistance to set up the process by which partners would work together.

**System changes.** Most partnerships mentioned systems changes they hoped to achieve, however only a few related these to specific components of *The Bill of Rights*. Moreover, some partnerships had predetermined change targets, whereas others more simply named issues that were a priority for them. The following lists changes that partnerships initially expressed interest in affecting:

1. When parents are arrested:
  - protocols for law enforcement agencies to follow to assure the safety of children when their parents were taken into custody.
  
2. When parents are sentenced:
  - a. increase community-based sentencing programs where mothers can bond with their babies and toddlers.
  - b. implement family impact statements at sentencing so that decisions about where parents will be incarcerated take into account the effect on children's opportunities to visit their parents.
  
3. Changes when parents are incarcerated:
  - a. identify and track inmates' children.
  - b. institute family wellness assessments when fathers are incarcerated.
  - c. modify fathers' child support orders.
  - d. improve the cooperation between correctional and child welfare authorities and of increasing and improving visitation.
  
4. After release from prison:
  - a. more housing for mothers and their children,
  - b. connect parolees with their children's schools,
  - c. repeal some of the restrictions on access to resources for ex-offenders

**Public and professional awareness.** One of the most common hopes of partnerships was to increase public awareness. Partnerships varied with respect to their vision and articulation of which segment of the public they planned to target, what the message was they hoped to convey, and what the end-goal of the public awareness effort was. One partnership hoped “to bring awareness to the plight of families impacted by incarceration and the obstacles they face when trying to reunite with family.” Two partnerships hoped to provide information to professionals. One talked of developing training curriculum, training trainers, holding teleconferences and providing training to State agencies and groups with training budgets. Another planned to develop “What You Need to Know...” fact sheets for distribution to relative caregivers, teachers, law enforcement and other professionals. Yet another partnership planned to develop a statewide alliance whose first project would be to produce a newsletter targeting decision-makers.

**Sustain, expand, or replicate existing services.** A few partnerships saw the offer of technical assistance as an opportunity to develop strategies for sustaining, expanding, or replicating the services they were already developing. This included offering parenting classes at additional facilities and finding state funding streams to support existing services.

#### **Differences in Partnership Contexts**

The context in which partnerships operated varied in a number of respects including the size and growth of their prison populations, population characteristics, and the general well-being of children in the state.

#### ***Difference in Prison Populations***

**Prison growth.** The average annual change in inmate populations during the past decade varied markedly among the states in which partnerships were located (Table 1). The inmate populations in Oregon (7.5%), Minnesota (6.7%), Montana (5.8%), Tennessee (5.7%), Arizona (4.5%), and Indiana (4.3%) grew faster than the national annual average rate of

growth of 3%. Most other states experienced less than a 3% increase. In fact, Massachusetts experienced a minimal average net loss of 1.4% (Prisoners in 2005).

**Number of inmates.** Among the states where partnerships are located, Texas, by far, has the largest prison population with over 150,000 inmates. Second to Texas are Michigan with approximately 50,000 inmates and Illinois with approximately 45,000. In comparison, Montana only has about 3,500 inmates and New Hampshire only has about 2,000

**Rate of incarceration.** Some of the difference in the number of inmates in confinement is due to differences in the size of state populations. One way of accounting for these differences is to put states on a common metric by converting the number of inmates into a rate per 100,000 residents. Using this approach, the rate of incarceration is highest in Texas where there are 691 inmates per 100,000 residents. South Carolina has the second highest incarceration rate at 525 inmates per 100,000 residents and is followed closely by Arizona at 521. Minnesota and New Hampshire have the lowest rates at 180 and 192 prisoners per 100,000 residents, respectively.

**Female inmates.** Much of the concern about inmates' children stems from having record numbers of women in prison. Eight of the 16 states where partnerships were located experienced increases in their female prison populations in the past decade that exceeded the average for the nation. Montana (12%), Tennessee (12%), and Minnesota (11%) experienced the largest increases. The average annual increase in the female inmate population in these states was more than twice that of the national average (4.6%). In contrast, Illinois (2.2%), Massachusetts (1.9%), Michigan (1.4%), and New Hampshire (2.0%) had average annual increases in their female inmate population that were less than half that of the national average.

Table 2. Prison population and rate of incarceration

|                | Average Annual Percent Change in Inmate Population 1995-2005 |         | Number of Inmates |         | Incarceration Rate per 100,000 Residents |         |
|----------------|--|---------|-------------------|---------|--|---------|
|                | All Inmates  | Females | All Inmates       | Females | All Inmates                              | Females |
| Arizona        | 4.5  | 7.3     | 31,411            | 2,896   | 521                                      | 85      |
| Connecticut    | 2.3  | 4.3     | 13,121            | 1,489   | 373                                      | 43      |
| Illinois       | 1.8  | 2.2     | 44,919            | 2,725   | 351                                      | 42      |
| Indiana        | 4.3  | 7.8     | 24,416            | 1,884   | 388                                      | 59      |
| Massachusetts  | -1.4   | 1.9     | 9,081             | 788     | 239                                      | 12      |
| Michigan       | 1.9  | 1.4     | 49,546            | 2,111   | 489                                      | 41      |
| Minnesota      | 6.7  | 10.8    | 9,281             | 604     | 180                                      | 23      |
| Montana        | 5.8  | 12.2    | 3,509             | 354     | 373                                      | 75      |
| New Hampshire  | 2.3  | 2.0     | 2,025             | 133     | 192                                      | 20      |
| North Carolina | 1.2  | 4.0     | 31,522            | 2,589   | 360                                      | 42      |
| Oregon         | 7.5  | 8.1     | 13,390            | 1,015   | 365                                      | 55      |
| Pennsylvania   | 2.7  | 3.1     | 42,345            | 2,029   | 340                                      | 32      |
| South Carolina | 1.7  | 3.8     | 22,464            | 1,514   | 525                                      | 64      |
| Tennessee      | 5.7  | 12.2    | 26,369            | 2,022   | 440                                      | 66      |
| Texas          | 2.2  | 5.5     | 159,255           | 13,506  | 691                                      | 97      |
| Washington     | 4.1  | 6.3     | 17,320            | 1,455   | 273                                      | 45      |

Source: Prisoners in 2005, BJS

**Rate of Parental Incarceration.** Information from past studies can be used to estimate the number of inmates who are parents and how many children they have (Table 3). As was the case with inmates, Texas, Michigan, and Illinois have the highest total number of children of prisoners. When the number of prisoners’ children in each state is converted to the rate per 100,000 children in that state to account for between-state differences in the size of the population under age 18, the highest rates are found in Texas (30 children of inmates/100,000 children), South Carolina (26), Arizona (24), Michigan (23), and Tennessee (22).

Table 3 . Parental incarceration

| State          | Estimated No. of Children with Incarcerated Parent |         |         | Child Population Under 18<br>No. | Estimated Rate of Parental Incarceration (per 100,000 children) |         |       |
|----------------|--|---------|---------|----------------------------------|---|---------|-------|
|                | Fathers  | Mothers | Total   |                                  | Fathers   | Mothers | Total |
| Arizona        | 34,218   | 4,996   | 39,214  | 1,660,729                        | 21  | 3       | 24    |
| Connecticut    | 13,958   | 2,569   | 16,527  | 883,005                          | 16  | 3       | 19    |
| Illinois       | 50,633   | 4,701   | 55,344  | 3,415,834                        | 15  | 1       | 16    |
| Indiana        | 27,038   | 3,250   | 30,288  | 1,689,699                        | 16  | 2       | 18    |
| Massachusetts  | 9,952  | 1,359   | 11,311  | 1,541,405                        | 6   | 1       | 7     |
| Michigan       | 56,922   | 3,641   | 60,563  | 2,668,416                        | 21  | 1       | 23    |
| Minnesota      | 10,412   | 1,042   | 11,454  | 1,304,663                        | 8   | 1       | 9     |
| Montana        | 3,786  | 611     | 4,397   | 219,263                          | 17  | 3       | 20    |
| New Hampshire  | 2,270  | 229     | 2,499   | 321,938                          | 7   | 1       | 8     |
| North Carolina | 34,720   | 4,466   | 39,186  | 2,255,084                        | 15  | 2       | 17    |
| Oregon         | 14,850   | 1,751   | 16,601  | 898,551                          | 17  | 2       | 18    |
| Pennsylvania   | 48,379   | 3,500   | 51,879  | 2,988,706                        | 16  | 1       | 17    |
| South Carolina | 25,140   | 2,612   | 27,752  | 1,085,464                        | 23  | 2       | 26    |
| Tennessee      | 29,216   | 3,488   | 32,704  | 1,470,649                        | 20  | 2       | 22    |
| Texas          | 174,899  | 23,298  | 198,197 | 6,661,902                        | 26  | 3       | 30    |
| Washington     | 19,038   | 2,510   | 21,548  | 1,573,148                        | 12  | 2       | 14    |

<sup>a</sup> Source: Prisoners in 2005

<sup>b</sup> Source: Kids Count

<sup>c</sup> Calculated using “Johnson formula”

## Population Differences

Partnerships also differed with respect to the racial/ethnic composition of their states (Table 4). This is important because it represents differences in the stakeholder groups and decision makers that partnerships need to potentially involve in planning and carrying out change efforts. For instance, tribal authorities may need to be engaged in efforts to secure the rights of Native American children with incarcerated parents and immigration authorities can be important players in assuring the well-being of children when parents are arrested for violating immigration laws.

Among the groups selected to take part in this project, North Carolina (25%) and Tennessee (21%) each have a disproportionately high number of Black residents relative to the U. S. average (15%). Washington is notable for its Asian population (6%). Montana (10%) and Arizona (6%) have substantial Native American populations. Texas (44%) and Arizona (40%) have large Latino populations, including above average populations of children of immigrants (i.e., children who are themselves foreign-born or reside with at least one foreign-born parent).

Table 4. Race/Ethnicity

|                | Race/Ethnicity |       |                 |          |       | Children of Immigrants |
|----------------|----------------|-------|-----------------|----------|-------|------------------------|
|                | White          | Black | Native American | Hispanic | Other |                        |
| Arizona        | 46             | 3     | 6               | 40       | 5     | 28                     |
| Connecticut    | 68             | 11    | 1               | 15       | 5     | 18                     |
| Illinois       | 57             | 18    | 1               | 20       | 4     | 22                     |
| Indiana        | 80             | 11    | 0.5             | 6        | 2.5   | 7                      |
| Massachusetts  | 74             | 7     | 0.5             | 12       | 6.5   | 22                     |
| Michigan       | 72             | 18    | 1               | 5        | 4     | 11                     |
| Minnesota      | 79             | 6     | 2               | 6        | 7     | 12                     |
| Montana        | 83             | 0.5   | 10              | 4        | 2.5   | 3                      |
| New Hampshire  | 92             | 1     | 0.5             | 3        | 3.5   | 9                      |
| North Carolina | 60             | 25    | 1               | 9        | 5     | 12                     |
| Oregon         | 74             | 2     | 1               | 16       | 7     | 19                     |
| Pennsylvania   | 76             | 13    | 0.5             | 6        | 4.5   | 8                      |
| South Carolina | 71             | 21    | 0.5             | 4        | 3.5   | 7                      |
| Tennessee      | 39             | 12    | 0.5             | 44       | 4.5   | 30                     |
| Texas          | 69             | 4     | 2               | 14       | 11    | 21                     |
| US             | 58             | 15    | 1               | 20       | 6     | 21                     |

## ***Geographic Differences***

There are also key geographic differences among partnerships. The Illinois partnership, for example, is based in Chicago, a major urban area that is in many ways an anomaly within the state. Chicago alone accounts for about 50% of all inmates in the Illinois state prison system. Tennessee, by comparison, has multiple segmented population centers and both a large county and state prison system. Montana is characterized by large, sparsely populated areas and has prisons that are as much as 700 miles apart and there are seven sovereign Indian nations.

## ***Indicators of Child Well-being***

The states in which partnerships are located also differ with respect to the general well-being of children. Two states, North Carolina and Tennessee, exceed the national average for the proportion of children living in single-parent households. In addition, Tennessee exceeds the national average for children living in grandparent-headed households, as does Texas. Six of the states, led by Oregon, exceed the national average for children in foster care.

*Kids Count* rankings for indicators of child well-being are shown in Table 5. These rankings take into account multiple indicators of child well-being such as low birth weight babies, teen births, high school drop out rate, child poverty and so forth. Minnesota, New Hampshire, and Connecticut are, respectively, the 3 top ranked states in the country for overall child well-being. Massachusetts is ranked number 5. At the other extreme, the states with the poorest ranking for child well-being are Arizona, (36<sup>th</sup>), Texas (37<sup>th</sup>), North Carolina, (39<sup>th</sup>), and Tennessee (43<sup>rd</sup>).

Table 5. Living arrangements and Kids Count Ranking

|                | Single Parent | Grandparent | Foster Care | Kids Count Ranking |
|----------------|---------------|-------------|-------------|--------------------|
| Arizona        | 33            | 5           | 9           | 36                 |
| Connecticut    | 29            | 3           | 10          | 3                  |
| Illinois       | 30            | 5           | 7           | 26                 |
| Indiana        | 30            | 4           | 9           | 31                 |
| Massachusetts  | 29            | 2           | 11          | 5                  |
| Michigan       | 31            | 4           | 11          | 27                 |
| Minnesota      | 25            | 2           | 11          | 1                  |
| Montana        | 28            | 5           | 14          | 29                 |
| New Hampshire  | 24            | 2           | 5           | 2                  |
| North Carolina | 34            | 5           | 7           | 39                 |
| Oregon         | 29            | 4           | 16          | 17                 |
| Pennsylvania   | 31            | 4           | 11          | 21                 |
| South Carolina | 35            | 6           | 9           | 43                 |
| Tennessee      | 32            | 6           | 5           | 37                 |
| Texas          | 28            | 3           | 10          | 13                 |
| US             | 32            | 5           | 10          | n/a                |

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