

# Issue Brief

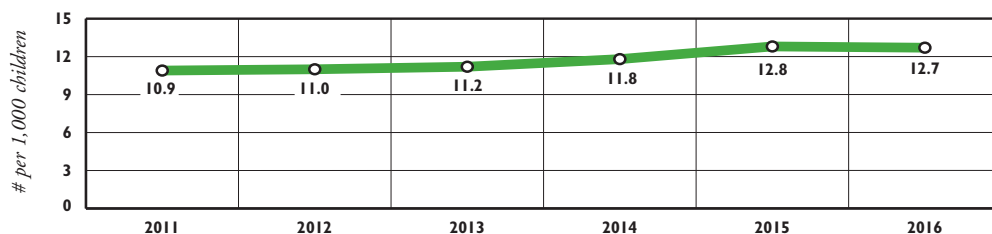
## Children of Incarcerated Parents in Rhode Island

More than 5 million U.S. children (7% of all children in America) have experienced the separation of a parent due to parental incarceration at some point during their childhood, including 10,000 Rhode Island children (5% of all children in the state).<sup>1</sup>

Many parents who become incarcerated live with their children just prior to incarceration.<sup>2</sup> Even if parents were not living with their children before incarceration, many provide primary financial support.<sup>3</sup> Most children of incarcerated parents live with their other parent, a grandparent, or other relatives.<sup>4</sup>

Children are the unintended victims of parental incarceration, whether it be short-term stays in jail or long-term sentences in prison. Immediate and long-term consequences can include trauma, family disruption, low academic performance, stigma, emotional and behavioral issues, and increased suspension and/or expulsion.<sup>5,6,7</sup> Children with incarcerated parents are more likely to experience additional adverse childhood experiences, including separation from a primary caregiver, having a parent with mental health or substance abuse issues, witnessing an incident of domestic violence, or being placed in foster care, putting children at higher risk for traumatic stress.<sup>8,9,10,11,12</sup>

**Children of Incarcerated Parents  
per 1,000 Children, Rhode Island, 2011-2016\***



Source: Rhode Island Department of Corrections, 2011-2016. U.S. Census Bureau, Census 2010. \*Data is point-in-time on September 30 of each year. Offenders who were on home confinement and the awaiting trial population are excluded.

- ◆ From 2011 to 2016, the rate of Rhode Island children with incarcerated parents has increased from 10.9 per 1,000 children to 12.7 per 1,000 children.<sup>13</sup>
- ◆ Of the 3,097 inmates awaiting trial or serving sentences at the ACI on September 30, 2016 who answered the question on number of children, 1,857 inmates (60%) reported having 4,146 children.<sup>14</sup> Of the 1,857 incarcerated parents at the Rhode Island ACI on September 30, 2016, 93% (1,730) were fathers and 7% (127) were mothers.<sup>15</sup>
- ◆ Among mothers, 43% were serving a sentence for a nonviolent offense, 36% for a violent offense, 11% for a drug-related offense, 6% for breaking and entering, and 2% for a sex related offense. Among fathers, 45% were serving sentences for a violent offense, 19% for a nonviolent offense, 16% for a drug-related offense, 13% for a sex-related offense, and 6% for breaking and entering.<sup>16</sup>

## Living Situations of Children of Incarcerated Parents

- ◆ In the U.S., 64% of mothers and 47% of fathers in state prison report living with at least one of their children either in the month before or just prior to imprisonment. Seventy-seven percent of these mothers who lived with their children just prior to incarceration provided most of the children's daily care, compared with 26% of fathers. More than half (54% of fathers and 52% of mothers) report providing primary financial support to their minor children before imprisonment.<sup>17</sup>
- ◆ Nationally, almost 9 out of 10 (88%) incarcerated fathers identify the child's other parent as their child's current caregiver. In comparison, nearly 7 out of 10 (68%) incarcerated mothers identify a grandparent or other relative as the child's current caregiver. Incarcerated mothers are five times more likely than incarcerated fathers to report that their child was in foster care (11% vs. 2%, respectively).<sup>18</sup>

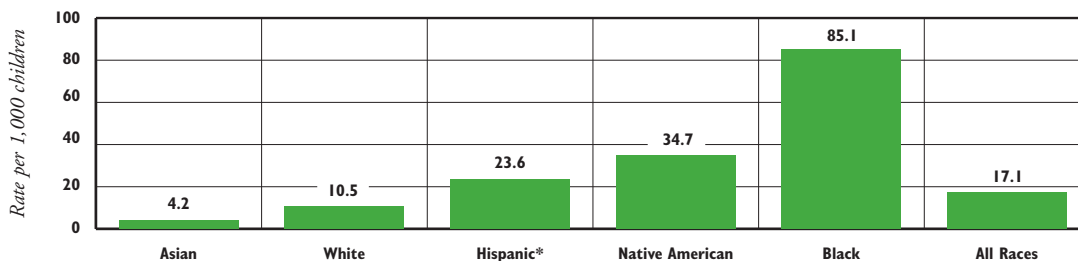
## Issues Affecting Incarcerated Mothers and Their Children

- ◆ Children of incarcerated mothers are more likely than children with incarcerated fathers to live with grandparents, family friends, or in foster care. As a result, they tend to experience more disruption and instability.<sup>19</sup>
- ◆ Incarcerated mothers experience poverty, lack of education, unstable housing, and barriers to employment upon reentry into the community, which can be barriers to reunification with their children.<sup>20</sup>
- ◆ Programs and policies targeted to the unique needs of incarcerated pregnant women and mothers can improve outcomes for them and their families.<sup>21</sup>

## Racial and Ethnic Disparities

- ◆ The criminal justice system disproportionately affects people of color, both in terms of parental conviction and incarceration.<sup>22,23,24</sup>
- ◆ Of the 1,857 parents incarcerated in Rhode Island on September 30, 2016 (including those awaiting trial), 41% were White, 30% were Black, 26% were Hispanic, and 3% were of another race.<sup>25</sup>

### Rhode Island Children of Incarcerated Parents, Race and Ethnicity, September 30, 2016



Sources: Rhode Island Department of Corrections, September 30, 2016. Race/ethnicity reflect the race/ethnicity of the incarcerated parent and includes only the sentenced population. Denominator used is the population under age 18 by race from the U.S. Census Bureau, Census 2010, SF1. \*Hispanic may be included in any race category.

- ◆ In Rhode Island, Black children are more than eight times more likely to have an incarcerated parent than White children. Incarceration has a disproportionate impact on Black, Native American, and Hispanic adults and their children, and the communities in which they live.<sup>26</sup>
- ◆ Rates of children of incarcerated parents are highest in the four core cities of Central Falls, Pawtucket, Providence, and Woonsocket, as well as Newport and West Warwick, communities with high poverty rates, and high percentages of children of color.<sup>27</sup>

## Children of Incarcerated Parents, Rhode Island, September 30, 2016

CITY/TOWN	# OF INCARCERATED PARENTS	# OF CHILDREN REPORTED*	2010 TOTAL POPULATION UNDER AGE 18	RATE PER 1,000 CHILDREN
Barrington	1	2	4,597	0.4
Bristol	10	19	3,623	5.2
Burrillville	10	24	3,576	6.7
Central Falls	69	169	5,644	29.9
Charlestown	3	3	1,506	2.0
Coventry	20	37	7,770	4.8
Cranston	69	132	16,414	8.0
Cumberland	20	60	7,535	8.0
East Greenwich	5	13	3,436	3.8
East Providence	33	81	9,177	8.8
Exeter	2	3	1,334	2.2
Foster	2	5	986	5.1
Glocester	1	2	2,098	1.0
Hopkinton	3	4	1,845	2.2
Jamestown	3	5	1,043	4.8
Johnston	24	49	5,480	8.9
Lincoln	3	5	4,751	1.1
Little Compton	1	2	654	3.1
Middletown	8	18	3,652	4.9
Narragansett	7	16	2,269	7.1
New Shoreham	0	0	163	0.0
Newport	28	74	4,083	18.1
North Kingstown	8	21	6,322	3.3
North Providence	31	65	5,514	11.8
North Smithfield	4	6	2,456	2.4
Pawtucket	129	289	16,575	17.4
Portsmouth	3	5	3,996	1.3
Providence	486	1,090	41,634	26.2
Richmond	3	8	1,849	4.3
Scituate	1	2	2,272	0.9
Smithfield	5	10	3,625	2.8
South Kingstown	15	29	5,416	5.4
Tiverton	9	22	2,998	7.3
Warren	6	12	1,940	6.2
Warwick	56	97	15,825	6.1
West Greenwich	2	5	1,477	3.4
West Warwick	56	117	5,746	20.4
Westerly	7	16	4,787	3.3
Woonsocket	135	327	9,888	33.1
<i>Unknown Residence</i>	<i>120</i>	<i>280</i>	<i>NA</i>	<i>NA</i>
<i>Out-of-State Residence**</i>	<i>69</i>	<i>161</i>	<i>NA</i>	<i>NA</i>
<i>Four Core Cities</i>	<i>819</i>	<i>1,875</i>	<i>73,741</i>	<i>25.4</i>
<i>Remainder of State</i>	<i>459</i>	<i>969</i>	<i>150,215</i>	<i>6.5</i>
<i>Rhode Island</i>	<i>1,278</i>	<i>2,844</i>	<i>223,956</i>	<i>12.7</i>

Source: Rhode Island Department of Corrections, September 30, 2016. Offenders who were on Home Confinement and the awaiting trial population are excluded from this table. U.S. Census Bureau, Census 2010, SF1.

\*Data on the number of children are self-reported by the incarcerated parents and may include some children over age 18. Nationally and in Rhode Island, much of the existing research has relied upon self-reporting by incarcerated parents or caregivers.

\*\*Data on Out-of-State Residence includes inmates who are under jurisdiction in Rhode Island, but report an out-of-state address. Inmates who were from another state's jurisdiction, but serving time in Rhode Island, are not included in the Rhode Island, four core cities, or remainder of state rates, nor are those with an unknown residence.

Four core cities are Central Falls, Pawtucket, Providence, and Woonsocket.

## Child Welfare and the Criminal Justice System

- ◆ Children and youth who have a parent who has been arrested and/or sentenced may end up in the foster care system. In FY 2015, an estimated 8% of children in the U.S. foster care system entered due to parental incarceration.<sup>28</sup> The number of children with incarcerated parents within the U.S. foster care system is on the rise.<sup>29</sup>
- ◆ In State Fiscal Year 2016, 5% (51) of children in Rhode Island entered the foster care system with parental incarceration as one of the reasons for entry.<sup>30</sup>
- ◆ While incarceration cannot be the determining factor for termination of parental rights, it has been increasingly linked to the likelihood of parental rights termination due to absence from their children, particularly if the parent is a mother.<sup>31</sup>
- ◆ The federal *Adoption and Safe Families Act (ASFA) of 1997* requires states to file termination of parental rights petitions for a child who has been in foster care for 15 of the last 22 months. Depending on the length of a parent's sentence, this ASFA requirement can be a significant challenge to reunification.<sup>32,33</sup>
- ◆ Policies and programs that support frequent and consistent contact between parent and child, even when the child is in the foster care system, can help prepare for and support successful reunification when the parent is released.<sup>34,35,36,37</sup>

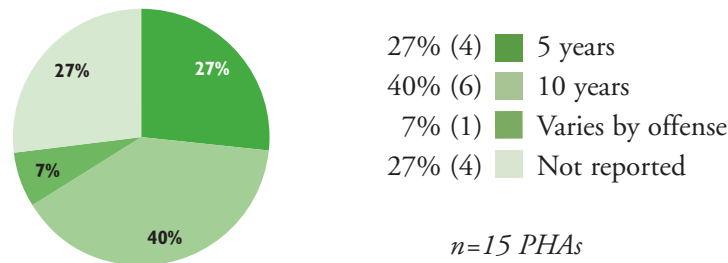
## How Schools Can Support Children Who Have an Incarcerated Parent

- ◆ Children who experience parental incarceration are more likely to have speech and language problems, developmental delays, attention deficit and hyperactivity disorder (ADHD), and behavioral problems, have lower grade point averages, have lower school engagement, and are more likely to be suspended or expelled. Even when controlling for race, poverty status, mother's education level, and IQ, children who have experienced parental incarceration are more likely to drop out of high school than their peers.<sup>38,39,40</sup>
- ◆ On any given school day, approximately 10% of Black students in the U.S. have a parent who is incarcerated, more than four times the percentage as in 1980. The growth in the percentage of Black children with an incarcerated parent may be offsetting other efforts to increase student achievement and reduce the achievement gap.<sup>41</sup>
- ◆ The social stigma associated with parental incarceration, which teachers and peers may reinforce, may be one reason that children with incarcerated parents experience negative educational outcomes.<sup>42,43,44</sup>
- ◆ Teachers can support children with incarcerated parents by establishing themselves as a trusting and caring adult, serving as a role model, challenging the stigma and shame that can come with parental incarceration, referring families to community services that can meet the specialized needs of these children, implementing behavioral and academic supports, promoting high expectations, and exploring whether absenteeism or behavioral problems may be related to parental incarceration.
- ◆ Teachers should receive information, resources, and other professional development to help them to provide social and emotional support to children with incarcerated parents, along with their academic achievement.<sup>45</sup>

## Barriers to Housing Stability for Children of Incarcerated Parents

- ◆ Parents returning to their communities and families after incarceration often struggle to find and maintain housing due to low incomes and bans on people with criminal records put in place by public housing authorities (PHAs) that operate housing assistance programs, including public housing and Housing Choice Voucher programs, as well as by private landlords. Their applications for housing may be denied, and families already in stable, affordable housing may be at risk for losing their housing if a parent tries to rejoin the family after being released.<sup>46</sup>
- ◆ Public housing authorities are only required to deny applicants that meet any of three conditions: (1) they are on a lifetime sex offender registry in any state, (2) they have been convicted of manufacturing methamphetamines on public housing property, or (3) they have been evicted from public housing in the past three years for drug-related criminal activity. Federal guidelines also give PHAs the discretion to implement more severe restrictions, which can make it difficult for families that include a parent with a history of incarceration to find and/or maintain housing.<sup>47</sup>
- ◆ The U.S. Department of Housing and Urban Development (HUD) has encouraged PHAs to adopt policies that “achieve a sensible and effective balance between allowing individuals with a criminal record to access HUD-subsidized housing and ensuring the safety of all residents of such housing.” HUD has clarified that PHAs cannot deny admission to housing or terminate or evict residents based on arrest records and has recommended that PHAs consider factors such as the length of time since conviction (“look back period”), level of violence of the offense, number of convictions, and rehabilitative efforts the individual has undertaken since conviction in making decisions about whether a family can reside in HUD-subsidized housing.<sup>48</sup>

**Public Housing Authority “Look Back Periods”  
for Convictions Resulting in Housing Denial, Rhode Island, 2016**



- ◆ In 2016, Rhode Island PHAs reported great variation in the “look back periods” and types of convictions that result in housing denials, with some noting different look back periods depending on type of offense or case-by-case decision-making.
- ◆ In March 2017, the Providence Housing Authority Board of Commissioners voted several related changes, including reducing its “look back period” from 10 to 5 years, pending HUD approval.<sup>49</sup>
- ◆ A few Rhode Island PHAs reported that they allow applicants to present their case during an informal meeting before denying an application solely based on criminal history. Others considered an applicant’s community or volunteer work or evidence of rehabilitation before denying an application solely based on criminal history.

Source: Rhode Island Coalition for the Homeless, 2016. Fifteen of 27 public housing authorities in Rhode Island responded to survey, which included open-ended questions and allowed a wide range of responses. Percentages may not sum to 100% due to rounding.

## Barriers to Parental Employment After Incarceration

- ◆ After incarceration, parents often struggle to find employment due to lack of training and work experience, low literacy and education levels, an interrupted or illegitimate employment history, and employers' policies and practices.<sup>50</sup>
- ◆ Families with fathers who have been incarcerated are more likely to live in poverty than families who have not experienced the effects of incarceration.<sup>51</sup>
- ◆ “Ban the box” or fair-chance policies are those that remove questions about prior convictions from job applications and instead, ask about prior convictions during interviews. This change can help reduce barriers to employment for parents with a criminal history.<sup>52</sup>
- ◆ In 2013, the Rhode Island General Assembly passed “ban the box” legislation. Rhode Island is one of 25 states with a statewide “ban the box” policy. Rhode Island’s law prohibits public and private employers from asking about applicants’ criminal convictions until the initial interview, with exceptions for positions for which an applicant’s conviction history would automatically disqualify him or her.<sup>53</sup>
- ◆ Policies and programs that provide education and training, job search and placement support, and follow-up services are also needed to address the barriers that incarcerated parents face when they return home and reenter the workforce.<sup>54</sup>

## Ensuring Appropriate Child Support Orders for Children With an Incarcerated Parent

- ◆ Child support is a major part of the safety net for children and families, providing a mechanism for non-custodial parents (usually fathers) to contribute to the financial support of their children.<sup>55</sup> However, non-custodial parents of poor children are often poor themselves and have limited ability to provide financial support to their children.<sup>56</sup> Non-custodial parents who do not meet their child support obligations may accrue large arrearages and could face severe penalties, including incarceration.<sup>57</sup>
- ◆ More than one-quarter of U.S. inmates are estimated to have a child support case. Incarcerated parents with active child support orders are often unable to pay child support while in prison and may face legal and financial burdens upon release.<sup>58,59</sup>
- ◆ The Rhode Island Office of Child Support Services (OCSS) can help incarcerated parents apply for a motion to suspend their child support orders so that large arrearages are not accrued while they are incarcerated.<sup>60</sup> OCSS also offers Project Restore, a program that refers non-custodial parents to job training and placement services, parenting skills classes, and other assistance so they can obtain the skills and resources they need to provide for their children.<sup>61</sup>

## The Importance of Supportive Adults, Including Mentors

- ◆ Mentors and other caring adults can play an important role in providing positive supports to meet the needs of children with incarcerated parents. Mentors can help children cope and maintain a relationship while their parent is incarcerated, and help children prepare for their parents' entry back into their lives and the community.<sup>62</sup>
- ◆ RISE provides mentors and educational scholarships for children with incarcerated parents. Other mentoring programs include Mentor Rhode Island and Big Brothers Big Sisters of the Ocean State.<sup>63,64,65</sup>



## Recommendations

### **Support children while parents are incarcerated and after they return.**

- ◆ Consider the impact on children and families when making sentencing and prison assignment decisions, including alternatives to incarceration for mothers convicted of nonviolent offenses.
- ◆ Ensure that children are able to spend time with their incarcerated parents regularly by helping with transportation and providing a child-centered location for visits.
- ◆ Support programs that assist with children's educational advancement, mental and emotional well-being, and provide mentoring and support groups for children and youth with a parent who is incarcerated.
- ◆ Provide professional development to teachers and other school personnel so they can support children with incarcerated parents.
- ◆ Support safe and appropriate family reunification by providing opportunities for frequent visitation and by providing parenting courses and family counseling to parents while they are incarcerated and after they return to their families and communities.
- ◆ Help parents, grandparents, foster parents, and other caregivers meet children's needs while a parent is incarcerated by connecting them to financial, legal, health care, child care, nutrition, and housing assistance.
- ◆ Ensure that child welfare workers have the information and resources they need to support children and youth with incarcerated parents, assess for parental incarceration, and involve incarcerated parents in case planning activities and support reunification when in the child's best interest.

### **Connect parents to employment, housing, and economic supports.**

- ◆ Prepare parents to return to the community by connecting them to education and training programs while incarcerated (e.g., using federal resources available through the *Workforce Innovation and Opportunity Act*.)
- ◆ Consider how subsidized employment programs can help parents returning to the community gain job experience and prepare for permanent employment.
- ◆ Ensure that Rhode Island's "ban the box" law is being enforced and that public and private employers are not including questions about criminal history on job applications.
- ◆ Implement a system for modified child support orders for parents who are incarcerated for long periods.
- ◆ Encourage public housing authorities and private landlords to reduce barriers to housing for families by adopting shorter "look back periods," limiting what criminal conduct is considered during screening, and considering factors like rehabilitative efforts that the parent has undertaken since conviction.
- ◆ Encourage public housing authorities to implement pilot programs that allow formerly incarcerated parents to live with their families with the agreement of the family and supportive services provided by community partner agencies.

### **Require interagency coordination and response.**

- ◆ Require that all of the systems that touch the lives of children with incarcerated parents, including corrections, child welfare, health and human services, education, and the courts, work together to jointly assess and improve their policies, programs, and practices to improve outcomes for these children.
- ◆ Strengthen state data systems to facilitate collection and sharing of information on children of incarcerated parents (e.g., where and with whom they live) and cross-system coordination.
- ◆ Collect data on the race and ethnicity of incarcerated parents and their children; evaluate how current policies and practices disproportionately affect children of color; and change policies and practices to reduce these disparities.

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- Rhode Island KIDS COUNT is a children's policy organization that provides information on child well-being, stimulates dialogue on children's issues, and promotes accountability and action.
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