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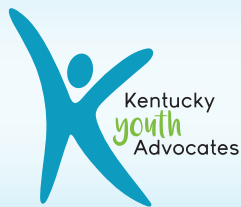


BLUEPRINT *for* KENTUCKY'S CHILDREN

ISSUE BRIEF SERIES

The Blueprint for Kentucky's Children is a coalition of non-profit, public, and private organizations that speaks with a common voice to create brighter futures for Kentucky kids. The Blueprint stands on three pillars: thriving communities launch strong families, strong families launch successful kids, and successful kids launch a prosperous future for Kentucky.

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To learn more about the Blueprint for Kentucky's Children and current legislative priorities, visit kyyouth.org/blueprintky

Minimizing the Impact of Parental Incarceration on Children

Children need their parents to care for them and earn a living to meet their basic needs. Unfortunately, Kentucky has a high rate of children who have experienced separation from a parent due to incarceration, which impedes parents' ability to stay employed and raise their kids. This brief discusses what parental incarceration looks like in Kentucky and its impact on kids and families. Through smart criminal justice policy changes, more Kentucky parents can be held accountable for their actions in ways that allow them to still care for their children.

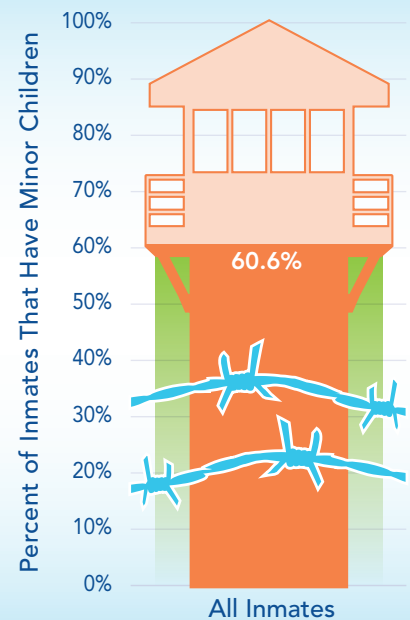
"Having a parent incarcerated is a stressful, traumatic experience of the same magnitude as abuse, domestic violence, and divorce."

— Annie E. Casey Foundation,
A Shared Sentence

The 2016 National Survey of Children's Health found 15 percent of children in Kentucky have experienced parental incarceration – the second highest rate among states and nearly double the national rate.¹ With Kentucky's increasing rate of incarceration, especially among women, changes in state policies and practices are needed to curb Kentucky's high rate of children experiencing parental incarceration.

Data from the Kentucky Department of Corrections provides a snapshot view of incarcerated parents with children. As of

Three out of every five inmates in state custody have children.



Source: December 2017 data from Kentucky Department of Corrections.

December 2017, three out of every five inmates (60.6 percent) have children, impacting approximately 32,700 children.²

The Impact on Kids

Parental incarceration has been referred to as a 'shared sentence' due to the short- and long-term effects it has on children. The trauma children experience when they are separated from a parent can increase their risk for mental health issues and hinder their educational achievement. Children with an incarcerated mother are more likely to drop out of school.



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Children of incarcerated parents also move more frequently, and those with fathers in prison are at greater risk of ending up homeless. This instability disrupts connections with family, friends, schools, and support networks when children need them most.³

Experiencing the incarceration of a household member during childhood is considered an adverse childhood experience (ACE) based on a landmark study conducted by the Centers for Disease Control and Prevention and Kaiser Permanente of over 17,000 adults. That original study, as well as replicated studies across the nation, found that ACEs, such as experiencing parental incarceration during childhood, are strongly associated with negative short-term and significant long-term effects on health and well-being. The more ACEs experienced during childhood, the greater the risk of adult disease, disability, unhealthy behaviors, and early death.⁴

The Impact on Families

Parental incarceration creates a heavy financial burden on those left behind, especially if that parent was the primary breadwinner for the family. Even among parents who were not living with their children before incarceration, the majority provided primary financial support. One survey found that 65 percent of families with a member in prison or jail could not meet their basic needs. The loss of income, coupled with the cost of legal and court-related fines and fees, lands many families in debt.⁵

When no parent remains to care for a child, family members frequently step in. Kinship care lessens the trauma children experience at parental separation and provides an alternative placement to Kentucky's rapidly growing foster care population. However, many kinship caregivers struggle to make ends meet due to limited financial help from the state.⁶

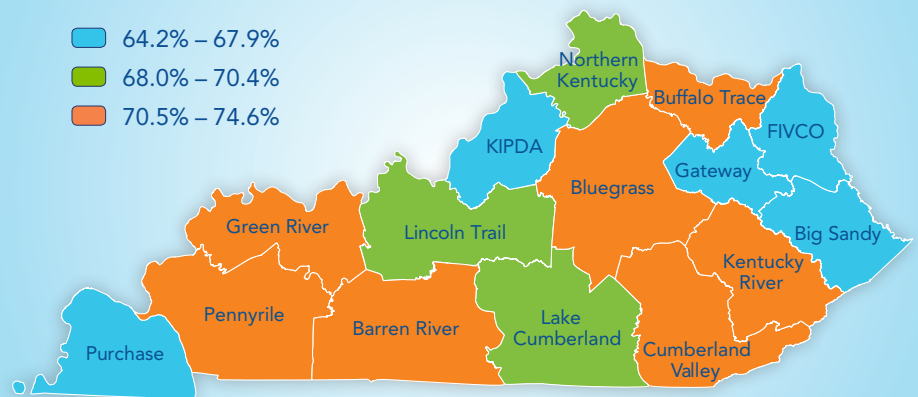
What Does the Data Show?

Beyond the high proportion of inmates with children, the data show variation in terms of geography, gender, and types of offense. The following point-in-time data from the Department of Corrections represent those in state custody in December 2017.

Geography

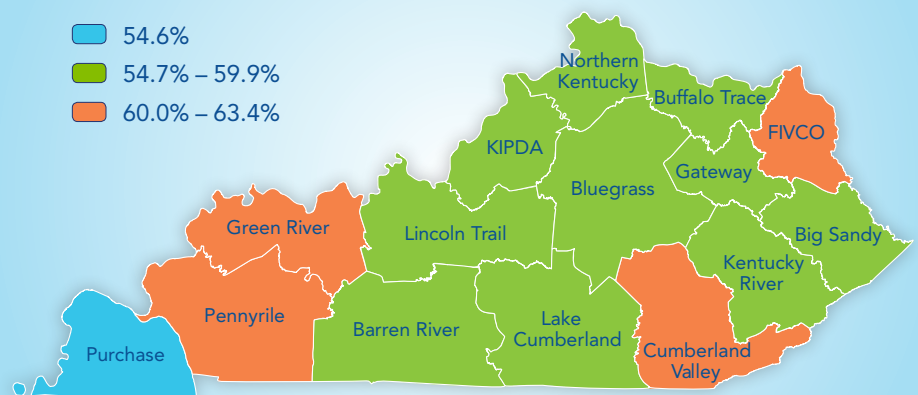
Incarcerated parents come from every county in Kentucky,⁷ though the proportion of inmates with children varies across the state. In every Area Development District, the percent of female inmates with children is higher than the percent of male inmates with children.

Percent of female inmates who have children, by county of conviction, aggregated to Area Development Districts



Source: December 2017 data from Kentucky Department of Corrections.

Percent of male inmates who have children, by county of conviction, aggregated to Area Development Districts



Source: December 2017 data from Kentucky Department of Corrections.

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Gender

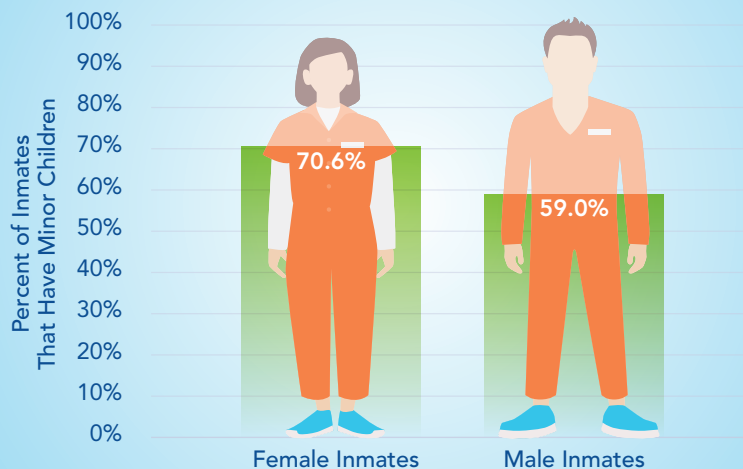
Overall, female inmates are more likely to have children than male inmates; 70.6% of women incarcerated have children, compared to 59.0% of men incarcerated. Currently, female inmates with children are fewer in number than male inmates with children (2,244 compared to 12,320). The fact that female inmates are more likely to have children,

coupled with Kentucky's trend of increasing female admissions into state prisons,⁸ means the Commonwealth can expect the number of children impacted by parental incarceration to climb. This increase will, in turn, add to the numbers of children in kinship and foster care in Kentucky, as children with incarcerated mothers are more likely than those with incarcerated fathers to go live with grandparents or other kin or be placed in foster care.⁹

"Kentucky's female prison population has grown at a substantially higher rate than the overall prison population, driven by low-level, nonviolent offenses."

— Kentucky Criminal Justice Policy Assessment Council's Justice Reinvestment Work Group, *Final Report*

Female inmates in Kentucky are more likely than male inmates to have children.



Source: December 2017 data from Kentucky Department of Corrections.

Class and Offense Categories

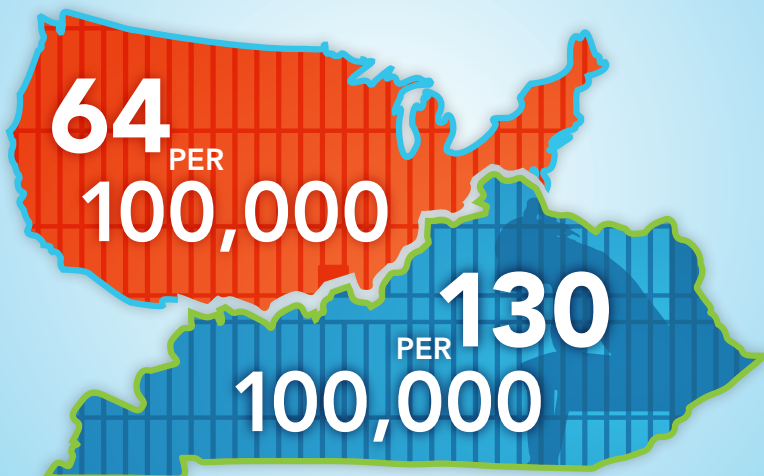
While overall 41.5 percent of Kentucky's incarcerated parents with children are serving time for a Class D felony, that category of offense accounts for more than 60 percent of those mothers who are incarcerated. Many of these low-level felony offenses stem from nonviolent crimes. For example, 29 percent of incarcerated mothers are serving time for a drug crime, and another 25 percent are incarcerated due to a property crime. Less than 6 percent of incarcerated parents (both males and females) are locked up due to a serious violent crime.

Female inmates are more likely than male inmates to have substance abuse or dependency issues,¹⁰ yet female inmates have less access to substance abuse treatment than their male counterparts. This is because the majority (70 percent) of female inmates in Kentucky are housed in county jails (due to limited prison beds), which provide less substance abuse treatment than state prisons.¹¹

Recommendations

Kentucky children need a system of justice that holds parents accountable effectively and focuses incarceration on adults who pose a risk or a threat to public safety. The impact and long-term consequences of parental incarceration on children can be minimized by enacting changes in criminal justice policies that protect public safety while holding offenders accountable in ways that allow them to care for their children.

Kentucky has the second highest female imprisonment rate in the U.S.



Source: U.S. Department of Justice (2018). *Prisoners in 2016*.



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When it is safe to do so, release low-level offenders prior to trial so parents can work and care for their children

For people who have committed less serious offenses and do not pose a risk to public safety, options such as administrative release would allow parents to continue to work and remain in the home to care for their children. Additionally, limiting the use of monetary bail would avoid lengthier incarceration simply because someone cannot afford bail.

Focus incarceration on those who pose a risk or a threat to public safety

Given Kentucky's increase in women locked up for low-level drug offenses and housed in county jails with limited access to substance abuse treatment, expanding substance abuse treatment in the community would represent a stronger intervention for mothers with drug charges and for their children.

One of the main drivers of Kentucky's growing prison population is the revocation of community supervision for inmates who have violated the terms of probation or parole.¹² In many types of cases, a more effective response includes expanded use of graduated sanctions and/or authorizing the use of alternative sanctions, such as heightened supervision or additional programming, to allow offenders, often parents, to remain in the community with their families.

Kentucky could also slow the rapid growth of the state prison population by changing Kentucky's dollar amount on what classifies as a felony rather than a misdemeanor to be more in line with other states. Research has found that raising the threshold for theft to be classified as a Class D felony does not lead to increased rates of property crime or larceny.¹³ Also, while many states do not make flagrant nonsupport (due to nonpayment of child support) a felony at any level, it is among the most common felony offenses for those admitted to state custody in Kentucky due to the state's low threshold of \$1,000.¹⁴

To ensure children receive financial support from parents without custody, a more effective response would include mandatory enrollment in a work or training program to gain stable employment, followed by automatic paycheck deductions to secure child support payments.¹⁵

Support strong families by maintaining connections during incarceration

For children left without a home due to parental incarceration, placement with kin should be prioritized. Supporting kinship caregivers with financial and other support to meet children's needs enables them to be a steady source of comfort for kids separated from their incarcerated parents.

Family-friendly visitation policies help preserve the parent-child bond, which is critical to healthy development. Facilitating transportation for families and creating child-friendly visitation centers in prisons are a couple of ways to strengthen family connections.

Allow formerly incarcerated parents to adequately provide for their families by minimizing financial barriers upon release

Upon release from prison, parents face daunting tasks in rebuilding their lives. Leaving prison with significant debt, from fines, fees, and court costs, forces some parents to choose between necessities for their children like paying rent, or risk going back to jail due to missed payments on a court fine. Kentucky can follow the choice made by dozens of states to suspend child support orders so incarcerated parents do not accumulate crippling debt during imprisonment. Establishing solutions for other fines, fees, and court costs, such as payment plans and delayed due dates, would allow parents to use the resources they have to better provide for their children. Parents making an effort to contribute to their community should be supported in their ability to rehabilitate and take care of their children.

Endnotes

- 1 Child and Adolescent Health Measurement Initiative, Data Resource Center for Child and Adolescent Health. 2016 National Survey of Children's Health data query. Available at www.childhealthdata.org. Accessed January 2018.
- 2 Data provided by Kentucky Department of Corrections reflect adults in state custody in state prisons, local jails and halfway houses on December 14, 2017. Inmates report the number of minor children they have at intake, with information sometimes updated by caseworkers.
- 3 Annie E. Casey Foundation (2016). *A Shared Sentence: The Devastating Toll of Parental Incarceration on Kids, Families and Communities*. Available at <http://www.aecf.org/resources/a-shared-sentence/>. Accessed January 2018.
- 4 Centers for Disease Control and Prevention (2016). *About the CDC-Kaiser ACE Study*. Available at <https://www.cdc.gov/violenceprevention/acestudy/about.html>. Accessed January 2018.
- 5 Annie E. Casey Foundation (2016).
- 6 Kinship Families Coalition of Kentucky (2015). *Family Values in Kentucky Are More Than Just Talk*. Available at <http://kinshipky.org/>. Accessed January 2018.
- 7 Data reflect inmates' county of conviction, which is frequently, but not always, the same as the county in which the offense occurred.
- 8 Kentucky Criminal Justice Policy Assessment Council (CJPAC) Justice Reinvestment Work Group (2017). *Final Report*. Available at <https://justice.ky.gov/Documents/KY%20Work%20Group%20Final%20Report%2012.18.pdf>. Accessed January 2018.
- 9 Annie E. Casey Foundation (2016).
- 10 Bronson, J., Strop, J., Zimmer, S., and Berzofsky, M. (2017). *Drug Use, Dependence, and Abuse Among State Prisoners and Jail Inmates, 2007-2009*. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Available at <https://www.bjs.gov/content/pub/pdf/dudaspi0709.pdf>. Accessed January 2018.
- 11 Kentucky CJPAC Justice Reinvestment Work Group (2017).
- 12 Ibid.
- 13 Ibid.
- 14 Ibid.
- 15 Solomon-Fears, C., Smith, A.M., and Berry, C. (2012). *Child Support Enforcement: Incarceration as the Last Resort Penalty for Nonpayment of Support*. Congressional Research Service. Available at <http://www.ncsea.org/documents/CRS-Report-on-CSE-and-Incarceration-for-Non-Payment-March-6-2012.pdf>. Accessed January 2018.