



Social Policy Report

The Role of Policy in Shaping and Addressing the Consequences of Parental Incarceration for Child Development in the United States

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ABSTRACT

The U.S. has seen a more than five-fold increase in the number of children who experience the incarceration of a parent, such that now 7% of all U.S. children have been impacted. Parental incarceration has been linked to an array of consequences for children's development and well-being, spanning most developmental domains and all developmental stages. The overarching goal of this report is to briefly summarize the associations between parental incarceration and adverse outcomes across various aspects of child well-being and development (Section I), and to discuss the role of policy (Section II) in both contributing to mass parental incarceration in the U.S. (Section II.A.) and addressing the many impacts of parental incarceration in the U.S. on child well-being and development (Section II.B.). Throughout this report, we acknowledge impacts and additional considerations related to families of color, who are disproportionately affected by incarceration and associated policies.

Keywords

incarceration, jail, prison, child development, parent, family adversity

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FROM THE EDITOR

As this SPR is going to press, President Biden has just announced that he will pardon all those who have been federally convicted of marijuana possession, a move which has popular support in the country, and he is urging state governors to follow his lead (New York Times, October 6, 2022). This is just one step towards reforms meant to help ameliorate the fact that incarceration rates in the U.S. have skyrocketed over the last several decades. A vast proportion of Americans have been charged with federal, state, or local crimes, and it is increasingly true that many of them are parents of young children. In this issue of *Social Policy Report*, authors Brittany Mihalec-Adkins and Rebecca Shlafer consider the policies at all three levels of government that impact parental incarceration and its effects on children.

This is not a small issue—as the authors point out, the U.S. incarcerates a greater share of its population (700 incarcerations per 100,000 in the population) than any other country in the world. It is now considered a common life occurrence to have a close family member incarcerated. The rate of incarcerated women, specifically, grew by 700% between 1980 and 2019, and the majority of these incarcerated women are mothers of children under age 18. Data from 2015 showed that 7% of all U.S. children are impacted by a parent, and often primary caregiver, being incarcerated.

This *SPR* is careful to add that incarceration rates in the U.S. are clearly tied to issues of structural racism and economic inequality. For instance, the authors note that “Black men in the U.S. are approximately seven times as likely to have spent time in prison compared with their white peers.” Likewise, Black children are disproportionately more likely to experience parental incarceration. The authors share the staggering statistic that “Black individuals born in 1990 faced parental incarceration during childhood at a rate of 25.1–28.4%, compared to 3.6–4.2% for white children.”

While the authors briefly review the negative effects of parental incarceration on children’s development, the major focus of the report is on federal, state, and local policies that have exacerbated the negative impacts of parental incarceration on children and on policy changes that could help mitigate these effects. At the federal level, policies regarding drug-related offenses have had a major impact on parental incarceration starting with the Reagan administration’s “war on drugs” during the 1980s, which both increased the average sentence for crack cocaine related offenses and first-time possession-only offenses, and with the 1994 Crime Bill, which enacted the “three strikes” rules that triggered life sentences for anyone convicted a third time for a felony. These changes were then modeled at the state and local levels. States saw a 150% increase in convictions on drug-related charges from 1979 to 2009, in addition to increases in state-level “tough on crime” laws around the country. At the local level, we saw a 227% increase in local and county jail beds from 1970–2017.

These statistics demonstrate that the problem of parental incarceration was created at multiple policy levels and thus must be addressed across these domains. The authors offer both legislative and organizational policy recommendations that can effect change. For instance, reducing or eliminating federally mandated incarcerations for lower-level non-violent crimes could help to greatly reduce the number of incarcerated parents. The authors also call for more policies that specifically target race- and class-based disparities in incarceration rates, such as the 2010 Fair Sentencing Act. For those who are incarcerated, policies that place incarcerated parents in facilities closer to their homes and/or create more child-friendly visitation spaces would decrease some of the geographical and safety barriers to visitation.

States too can have an influence on helping to reduce the burden of parental incarceration by privileging treatment-based solutions over incarceration for some drug-related offenses and reviewing parole eligibility procedures. And local-level policy changes could have some of the greatest effects given that many parents are detained in local jails. The authors note that one study in Minnesota found that 69% of adults in county jails identified as a parent of at least one minor child. These are shocking statistics especially when many of these are individuals awaiting trial who cannot make bail.

In addition to providing a number of important policy suggestions, the authors of this SPR highlight how little attention has been given to attempting to help children and families cope with the staggering number of Americans who sit in various prison facilities today. As they note “In 2022 the incarceration of a close family member is considered a common life experience in the U.S.” and children pay a price for this.

The Role of Policy in Shaping and Addressing the Consequences of Parental Incarceration for Child Development in the United States

At present, the United States (U.S.) incarcerates a greater share of its population than any other country in the world, with approximately 700 people incarcerated per every 100,000 in the population at any given time (Sawyer & Wagner, 2020). Incarceration rates in the U.S. have more than quadrupled since 1970 (Morsy & Rothstein, 2016), including those across federal and state prisons, county and municipal jails, and other community corrections facilities. Notably, the rate of women's incarceration has grown at twice the rate observed for men, ballooning 700% between 1980 and 2019 (The Sentencing Project, 2020). Consistently, the majority of incarcerated women are mothers of minor children (Maruschak et al., 2021; Murphey & Cooper, 2015)—most of whom were primary or even sole custodians and caregivers until their incarceration (Maruschak et al., 2021). As such, the U.S. has seen a more than five-fold increase in the number of children who experience the incarceration of their parent(s) and often primary caregivers (Annie E Casey Foundation, 2016), such that now 7% of all U.S. children have been impacted (Wildeman & Andersen, 2015). In 2022, the incarceration of a close family member is considered a common life experience in the U.S. (Lee & Wildeman, 2021).

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Parental incarceration has been linked to an array of consequences for children's development, and well-being, spanning most developmental domains and all developmental stages (Poehlmann-Tynan & Turney, 2021; Wakefield & Wildeman, 2018)—with great costs to society (Provencher & Conway, 2019). Across all developmental stages, children experiencing parental incarceration are known to encounter greater levels of other types of family adversity that can impact well-being and development (Poehlmann-Tynan & Turney, 2021), including parental divorce/separation, poverty, familial substance misuse, housing-related instability, and child welfare system involvement (Dallaire, 2007; Turney, 2018; Wakefield & Wildeman, 2013). The overarching goal of this report is to very briefly summarize the evidence linking parental incarceration to negative outcomes across various aspects of child well-being and development (Section I) and to discuss the role of policy (Section II) in both contributing to mass parental incarceration in the U.S. (Section II.A.) and addressing the many impacts of parental incarceration in the U.S. on child well-being and development (Section II.B.).

Throughout this report, we acknowledge impacts and additional considerations related to families of color, who are disproportionately affected by incarceration and associated policies (Wildeman & Western, 2010). Structural racism and systemic marginalization have resulted in hugely disproportionate rates of incarceration among individuals of color (Alexander, 2020). Researchers have estimated that by their early thirties, Black men in the U.S. are approximately seven times as likely to have spent

time in prison compared with their white peers (Western & Wildeman, 2009). As such, children of color—and Black children in particular—experience both parental incarceration and its many consequences at rates significantly higher than their white counterparts. For instance, Black individuals born in 1990 faced parental incarceration during childhood at a rate of 25.1%–28.4%, compared to 3.6%–4.2% for white children (Wildeman, 2009). Further, Black children are more likely to experience housing-related consequences of parental incarceration than other children (Wildeman, 2014). The ballooned rate of incarceration in the last several decades has been estimated to exacerbate the disparity in homelessness between Black and white children by roughly 65% (Wildeman, 2014). Indeed, economic disadvantage often compounds the impacts of parental incarceration—and intersects with race-based disparities—creating a cascade of consequences for children affected by both (Lee & Wildeman, 2021). In general, it is important to keep in mind that all of the trends discussed in this report are deeply influenced by long-standing and complex issues related to racial and economic disparities present in various aspects of the criminal legal system.

Consequences of Parental Incarceration for Child Development

Understanding the impact of parental incarceration on child and family well-being has been of growing interest to developmental scientists and researchers across other disciplines (e.g., economics; see Norris et al., 2021 as one example). Several scholars have recently provided comprehensive reviews of empirical work, documenting in detail the many developmental consequences of parental incarceration (Poehlmann-Tynan & Turney, 2021). As such, this policy report includes only a very brief summary of that work, and instead focuses primarily on the role of policy in contributing to mass incarceration in the U.S., and the potential role of policy in mitigating the consequences of parental incarceration for child development.

Of course, most of the studies discussed here have established correlations between parental incarceration and various developmental outcomes and are not able to establish a causal link between parental incarceration and adverse child outcomes. However, it remains the case that children of incarcerated parents face challenges at significantly higher levels than children who never experience this form of childhood adversity. In general, researchers have found significant consequences of parental incarceration for children at all stages of development, beginning in infancy. One study found that Virginia families who experienced the incarceration of one parent during the birth of a child were

less likely to initiate early breastfeeding and more likely to report that the newborn infant lived in a home that contained loaded firearms (Dallaire et al., 2018). Families affected by incarceration were also more likely to report the use of nicotine during pregnancy, although were no more likely to report a low birth weight infant at delivery (Dallaire et al., 2018). Research also suggests that state incarceration rates are associated with overall infant mortality rates, and at least partially explain Black-White gaps in infant mortality at the state level (Wildeman, 2012).

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Early in childhood, behavioral challenges begin to emerge among many children experiencing parental incarceration. Young children whose fathers are incarcerated have been found to exhibit more challenges related to attention, aggression, and externalizing behaviors (Geller et al., 2012; Wakefield & Wildeman, 2013). Educational consequences may also emerge, including lower vocabulary and poorer school readiness among children whose fathers are incarcerated (Poehlmann-Tynan & Turney, 2021). As children move into middle childhood, internalizing problems and the onset of delinquency and antisocial behavior are often added to the fold (Antle et al., 2020; Haskins, 2015; Turney, 2017). Children with incarcerated parents during this developmental period are found to experience greater emotion-related challenges than peers (Murphey & Cooper, 2015; Poehlmann-Tynan & Turney, 2021). Further, researchers have found some evidence that school disciplinary actions often occur early for children of incarcerated parents—beginning in elementary school for some (Jacobsen, 2019). Overall, studies suggest that the effects of parental incarceration on behavioral development in middle childhood may be strongest for externalizing relative to internalizing problems, particularly among boys and among children experiencing the incarceration of a father (Poehlmann-Tynan & Turney, 2021). Additionally, evidence suggests that the effects of parental incarceration on most child outcomes, across all domains and stages, are stronger when children lived with the incarcerated parent prior to incarceration (Geller et al., 2012; Jacobsen, 2019; Poehlmann-Tynan & Turney, 2021).

During adolescence and early adulthood, the effects of parental incarceration often grow in intensity, compared to those observed earlier in childhood (Poehlmann-Tynan & Turney, 2021). Adolescents affected by parental incarceration continue to experience emotional and behavioral challenges more often and more severely than their peers without incarcerated parents (Davis & Shlafer, 2017; Ruhland et al., 2020). These adolescents are more likely to suffer from more severe mental health conditions than in middle childhood, including psychiatric disorders and depression (Gifford et al., 2019). Adolescents with incarcerated parents are also more likely to engage in more frequent and more serious risk-taking behavior, including those related to substance use, delinquency, early sexual behaviors, and suicidal ideation or attempts, compared to adolescents without incarcerated parents (Kjellstrand et al., 2020; Nebbitt et al., 2017; Turney & Goldberg, 2019).

In adolescence, the consequences for behavioral challenges—particularly in school settings—become more serious, including long-term or permanent expulsion from school, mandatory enrollment in alternative school settings, or even incarceration in juvenile justice facilities. These forms of early discipline are often precursors to later involvement with the adult criminal legal system—a pattern referred to by some as the “school-to-prison pipeline” (Hirschfield, 2018; Wald & Losen, 2003). Further, early experiences of arrest have been linked with early school exits (Hirschfield, 2009), which only further increases risks for criminal system involvement (Eberstadt, 2016). These risks are exacerbated for children of incarcerated parents, who already face increased odds of experiencing both in-school discipline (Shlafer et al., 2017;

Trice & Brewster, 2004) and contact with the criminal legal system themselves (Lee & Wildeman, 2021).

Such trends are further exacerbated for Black and Latinx youth in particular, who face higher levels of teacher-reported behavioral challenges and school disciplinary referrals (Aud et al., 2011; Yeager et al., 2017), more severe school disciplinary actions (Gregory, 1995; Riddle & Sinclair, 2019; Skiba et al., 2011), and more extensive involvement with the juvenile and adult criminal justice systems than their white peers (Robles-Ramamurthy & Watson, 2019). Importantly, these trends do not represent increased criminal behavior among Black or Latinx youth, only disproportionate involvement with school disciplinary procedures and the criminal legal system (Western & Wildeman, 2009).

The Role of Policy in Shaping Mass (Parental) Incarceration and the Role of Policy in Reducing its Impacts

The second major section of this report concerns the role of policy in shaping trends of mass incarceration—particularly among parents—and the child-level consequences thereof. Specifically, we aim to present a nonpartisan discussion of (A) how prior and existing policies contributed to current rates of parental incarceration and associated consequences for children, and (B) how specific policy approaches may affect these issues moving forward. Importantly, we include a discussion of several aspects of policymaking, including both legislative and agency or organizational policies at the federal, state, and local/county levels. Further, we acknowledge that this brief report is not able to address every policy that has contributed to incarceration rates and their impacts on families and communities (Travis et al., 2014). Instead, we aim to offer a starting point from which applied developmental scholars can consider the myriad ways policy impacts this population to inform policy solutions to mitigate the adverse impacts of parental incarceration on child well-being.

Implications of policy—How past and present policies have contributed to parental incarceration

Federal. Federal policy has played a major role in shaping trends of mass incarceration among adults—many of whom were parents with minor children—over the last several decades. For instance, the Anti-Drug Abuse Act of 1986, signed into law by President Ronald Reagan as part of the “War on Drugs,” expanded the list of substance-related offenses accompanied by mandatory minimum sentencing guidelines (Reamer, 2005). Researchers estimate that this law increased the average sentence for drug-related offenses from 22 to 33 months (Shewan, 2013). The Act was revised in 1988 to implement even harsher penalties, including infamously disproportionate sentences for crack cocaine-related offenses and first-time possession-only offenses. In particular, the harsh penalties for crack (i.e., vs. powder) cocaine led to increased arrests among individuals of color and those facing economic disadvantage, as those groups were more likely to use this more accessible form of cocaine (Alexander, 2020). This provision has long been criticized for further exacerbating race- and class-based disparities in drug-related arrests and

incarceration rates, with devastating consequences for children and families (Alexander, 2020).

In 1994, President Bill Clinton signed the Violent Crime Control and Law Enforcement Act of 1994 (i.e., the “1994 Crime Bill”)—a sweeping piece of legislation that significantly enhanced the reach and the power of the criminal legal system. This bill enacted “three strikes” rules, which triggered life sentences for third felony offenses for a number of federal crimes—a provision thought to have initiated a pattern of states passing similar provisions for state-level felony offenses, thus increasing the overall number of individuals serving lengthy sentences (Interrogating Justice, 2021). Indeed, of the 29 states that have “three strikes laws,” 23 states implemented them in 1994 or 1995 (Corbett, 2004). The bill also spurred an increase in the number of new correctional facilities, funded through a grant program folded into the legislation (Eisen, 2019), increasing states’ physical capacity for housing incarcerated individuals. Indeed, the number of state and federal incarceration facilities grew by 43% between 1990 and 2005 (Kirchhoff, 2010). Further, the bill successfully incentivized multiple states to adopt “truth in sentencing” laws (GAO Report, 1998), which required individuals to serve at least 85% of their sentence before eligibility for early release.

State. While federal policies or reforms are often emphasized in public discourse, state policies are critical for shaping trends of incarceration nationwide. Federal prisons house only around 10% of incarcerated individuals in the U.S., with nearly 60% of adults incarcerated in state prisons (Sawyer & Wagner, 2020). At least some of the increase in incarceration in the last four decades is attributable to convictions for drug-related offenses, which increased by 150% between 1979 and 2009 (Cox, 2015). As drug-related laws vary from one state to another, it is reasonable to identify state-level drug policies as critical for shaping state incarceration rates over the last several decades. However, drug policies do not fully account for the differential rates of incarceration across states—one must consider the broader policy context related to criminal justice procedures (Sawyer & Wagner, 2020). For instance, as mentioned above, several states passed some variation of a “tough on crime” bill around the time of similar federal changes in 1994 (Rosich & Kane, 2005), which also inflated incarceration rates in the decades to follow. This example highlights how the federal policy landscape can influence state policy and therefore state-level trends and outcomes.

Local. Approximately 30% of incarcerated individuals are held in county or municipal jails (Sawyer & Wagner, 2020). County and municipal jails log over ten million admissions per year (Zeng, 2018), making this type of incarceration incredibly common and relevant for families in nearly all U.S. communities (Poehlmann-Tynan & Turney, 2021). The expansion of existing jails and construction of new jails—particularly in rural and suburban areas—has increased local communities’ capacity to incarcerate. Between 1970 and 2017, the number of jail beds in the U.S. rose by 277%—from 243,000 beds in 1970 to approximately 915,100 beds in 2017 (Mai et al., 2019). Mai et al. (2019) suggest that local policy decisions to invest in the expansion of jails’ capacities have ultimately resulted in a “vicious cycle, resulting in an increasing number of people in jail” (p. 6). Among women, and mothers, in

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particular, state prisons and local jails are responsible for the overwhelming majority of rising incarceration rates (Kajstura, 2019; Sawyer, 2018). Police discretion at arrest, prosecutorial discretion at charging, and judicial discretion at sentencing likely all contribute to variation in incarceration rates across local communities (Frederick & Stemen, 2012). Finally, as local jails often serve as the “first stop” in the incarceration process for those who have been charged with or convicted of offenses that will later require state or federal

incarceration, rates of incarceration in local jails are also greatly influenced by state and federal policy changes.

Implications for policy—How policy can respond to parental incarceration and its impacts on children

Finally, we outline how specific changes to federal, state, and local policies—including both legislative and organizational policies—might lessen the developmental burdens related to parental incarceration. Specifically, we first discuss policy changes that are likely to reduce the overall number of parents who are incarcerated, and second, policies that may reduce the collateral consequences for children's development, and well-being when parental incarceration is unavoidable. We acknowledge that this report does not list all possible policy solutions related to the burden of parental incarceration for child development—rather, our goal is to provide examples of policy solutions at multiple levels.

Preventing and reducing incarceration. On the front end, there are several federal, state, and local policy changes that could reduce the number of people—many of whom are parents—entering carceral systems in the first place.

Federal. Several sweeping reforms at the federal level have the potential to greatly reduce incarceration of parenting adults across all U.S. jurisdictions—by both reducing populations of federal prisons and by restricting the discretion of state and local agencies and officials who shape state and local facility rates. For example, eliminating federally-mandated incarceration for lower-level, nonviolent crimes is estimated to significantly reduce the prison population and save around \$28 billion dollars over the next decade (Grawert et al., 2017). Further, federal solutions could focus on incentivizing states to reduce state-level incarceration rates, as was the aim of the Reverse Mass Incarceration Act of 2019 (not enacted; Eisen, 2015; Reverse Mass Incarceration Act of 2019, S. 1557, 2019), which aimed to reduce respective state-level incarceration rates by at least 7%. Similar options include simply removing federal incentives and reimbursements for state-level incarceration (Eisen & Stroud, 2021).

Other federal options include policy changes that can specifically target race- and class-based disparities in incarceration rates. One such example is the Fair

Sentencing Act (2010), which reduced the disparity in penalties between crack and powder cocaine from 100:1 to 18:1. This policy change is estimated to have reduced the overall number of individuals sentenced at the federal level for crack cocaine-related offenses as well as reduced the average sentence for related offenses (Saris et al., 2015).

State. States also have significant power—through legislation and agency policy changes—to reduce overall rates of incarceration, including among parents. Given the clear state-to-state variation in incarceration rates—and the variation in racial disproportionality among incarcerated populations—state-level policy plays a major role in these trends (The Sentencing Project, 2019). Potential policy solutions at the state level include introducing legislation to decriminalize possession-level offenses or re-classify low-level felonies (Mitchell, 2014), and prioritizing the use of treatment-based alternatives to incarceration for certain offenses (Mitchell, 2014). Other solutions may lie in changing policies (i.e., legislative and agency-level) related to parole (i.e., making parole eligibility more accessible) and probation (i.e., limiting the use of re-incarceration as a response to technical violations of probation terms; Mitchell, 2014). States may look to relatable examples of initiatives in states that have successfully reduced prison incarceration rates with policy changes, including California, New York, and New Jersey (The Sentencing Project, 2015).

Local. A sizable proportion of the people involved with the U.S. criminal justice system are incarcerated at the local level and detained in one of more than 3100 local jails across the country (Sawyer & Wagner, 2020). While most jails do not systematically collect information on an individual's parenting status, one study found that 69% of adults in county jails in Minnesota identified as a parent of one or more minor children (Shlafer et al., 2020). Further, most fathers (65%) and mothers (64%) reported living with one or more of their minor children prior to their arrest. Thus, criminal justice reforms aimed at reducing incarceration at the local level—strategies often overlooked in the conversations about reducing mass incarceration (Love, 2016)—may have some of the greatest effects on reducing the number of children who experience the incarceration of a parent.

Recognizing the disproportionate impact of local arrest and incarceration on low-income people, communities of color, and those affected by mental illness, substance use, and homelessness, many scholars, advocates, and policymakers have called for reforms to address the “criminalization of poverty” (Love, 2016; Shapiro, 2014). For example, pretrial reforms that eliminate monetary bail for some or all charges may substantially reduce the number of people in jails (Zero To Three, 2020). Over 70% of adults in U.S. jails have not been convicted and are incarcerated awaiting trial (Sawyer & Wagner, 2020). Inability to produce cash bail is a significant barrier to accessing pretrial release—particularly among defendants of color (Stevenson, 2018)—with collateral consequences for other aspects of parent, child, and family well-being. For example, pretrial detention of parents may result in the loss of employment and directly impact a family's financial situation. This could, in turn, lead to a loss in housing and other benefits, changes in a child's home and school environments, and so forth—directly and indirectly impacting child health and well-being. In these ways, eliminating monetary bail policies could greatly reduce the number of children separated from parents by pretrial

incarceration in local jails—and reduce the consequences of that separation for child and family well-being. Importantly, studies have found that eliminating cash bail does not necessarily result in increases in failure-to-appear rates, as previously feared (Ouss & Stevenson, 2019).

Likewise, increasing access to community-based programs to address social issues that are disproportionately criminalized among communities of color—including homelessness, mental illness, and substance abuse—could drastically reduce the number of people (including parents) entering local jails. For example, there are not enough residential substance misuse treatment programs to meet demand in most communities, and even fewer programs that allow parents to co-reside with their children (Substance Abuse and Mental Health Services Administration, 2007). Investing in and supporting community-based residential treatment programs for parents facing substance misuse is likely to reduce the parents' risk for incarceration and promote parent, child, and family well-being. While funding for such programs often comes from the Federal and state government, local government plays an essential role in the availability, access, and support for these programs.

In circumstances in which the incarceration of a parent is necessary, there are federal, state, and local policy options that can lessen the collateral impacts on children and families before, during, and after incarceration.

Reducing the developmental burden of parental incarceration

In circumstances in which the incarceration of a parent is necessary, there are federal, state, and local policy options that can lessen the collateral impacts on children and families before, during, and after incarceration.

Federal. Federal policymakers play an important role in addressing some of the needs of incarcerated parents and their children (Nickel

et al., 2009). The First Step Act was signed into law in December 2018. Among many other provisions, the Act requires the Bureau of Prisons to house incarcerated people in facilities as close to their primary residence as possible—within 500 driving miles whenever possible (James, 2019). This has important implications for incarcerated parents and their families; distance is a commonly cited barrier to visiting, and yet a growing body of research demonstrates the positive impacts of family contact for incarcerated people and their families (Wang, 2021). Housing incarcerated parents in prisons that are closer in geographic proximity to their homes and children is likely to increase parent–child contact, and parent–child relationship quality, and improve child outcomes.

Other federal policies address specific subpopulations of incarcerated parents and their children. For example, the Justice for Incarcerated Moms Act (H.R.6129—116th Congress, 2020) was introduced in Congress in February 2021. The proposed legislation has a number of provisions related to the care and treatment of pregnant and postpartum people in prisons (e.g., fiscal penalties for states without anti-shackling laws), many of which have direct implications for maternal and child health. Most notably, the proposed legislation seeks to create model programs for the care of pregnant and postpartum

people in state and federal prisons, with ten areas that these programs can address, including providing healthy food for pregnant people, improving access to prenatal care and perinatal health workers (e.g., midwives, doulas), offering counseling and treatment for mental health challenges and trauma, among others. Indeed, there is some evidence that these types of enhanced perinatal services are associated with improved maternal and infant outcomes, including reduced risk for cesarean birth and preterm delivery, although rigorous evaluation of these programs is needed (Bard et al., 2016).

Additionally, federal policy plays an essential role in prioritizing and funding state and local initiatives aimed at supporting families affected by incarceration. The U.S. Department of Justice (DOJ) Office of Juvenile Justice and Delinquency Prevention (OJJDP) Second Chance Act grants are one example (Office of Juvenile Justice and Delinquency Prevention, 2020). In Fiscal Year 2021, OJJDP awarded nearly \$5 million dollars to six programs aimed at addressing the needs of incarcerated parents and their minor children. Objectives of these awards include providing support to correctional facilities in creating child-friendly visiting spaces, developing safety protocols and procedures for children's visits with their incarcerated parents, and developing a coordinated system for the delivery of programs and services to support families affected by incarceration. Likewise, OJJDP's Family-Based Alternative Sentencing Program provided nearly \$3 million dollars of funding for up to four state and local governments implementing alternative sentencing programs for parents in the criminal justice system to improve parent, child, and family outcomes (Office of Juvenile Justice and Delinquency Prevention, 2021).

State. Several states have recognized the adverse impact of parental incarceration on children and families and have legislatively mandated the creation of committees or working groups to explore this topic and propose policy solutions. For example, in 2011, Oklahoma passed legislation creating The Children of Incarcerated Parents Task Force that focused on the safety and well-being of children whose parents are incarcerated (Children of Incarcerated Parents Task Force, 2014). The 21-member Task Force included seven subcommittees that considered issues related to safety protocols, data collection, outreach and education, economic supports, research, a resource clearinghouse, and a review of existing legislation affecting children of incarcerated parents. In their report to the legislature (OK Children of Incarcerated Parents Task Force, 2012), the Task Force made recommendations regarding supporting contact between incarcerated parents and their children, eliminating barriers to children seeking and receiving services, training professionals who interact with children and families affected by incarceration, and expanding the use of community-based alternatives to incarceration. In addition, the Task Force recommended that the Oklahoma Commission on Children and Youth be “responsible for increasing public awareness, coordinating research, creating a resource clearinghouse which identifies available services to children of incarcerated parents, and coordinating an advisory committee.” Yet, more than a decade later, few of these policy recommendations were fully realized, and Oklahoma is still wrestling with how best to address the devastating consequences of mass incarceration for children and families (Graham, 2021).

In 2019, Illinois passed similar legislation (Statute 725 ILCS 5/106F-10) creating the Task Force on Children of Incarcerated Parents, the purpose of which was to develop and

propose policies and procedures to support children impacted by incarceration. The statute outlines eight guiding principles, including the importance of protecting children with incarcerated parents from subsequent trauma at the time of a parent's arrest; engaging children in decisions about their incarcerated parent; providing support for children's physical, mental, and emotional needs; and supporting children's ongoing contact and relationship with their incarcerated parents. In their 2020 report (Task Force on Children of Incarcerated Parents, 2020), the Task Force outlines a number of recommendations that could be addressed through subsequent legislation. As a starting point, the Task Force recommended that the state conduct an audit of existing local and state policies and procedures concerning children of incarcerated parents, recognizing the numerous state agencies that serve families impacted by incarceration and the challenges families often have in navigating the services and resources these agencies provide. Additional recommendations address training on trauma-informed practices for law enforcement, corrections, and child welfare agencies; programming and services for children with incarcerated parents; and statewide changes to visiting between children and their incarcerated parents, among others.

Beyond state legislatures creating task forces such as those in Oklahoma and Illinois, many states have laws aimed at reducing the developmental impact of a parent's involvement in the criminal legal system. In the next section, we review examples of state laws and policies that address children's well-being before, during, and after incarceration.

Before incarceration. Several states have implemented laws or directives that aim to reduce the trauma associated with a parent's arrest or another traumatic event (e.g., exposure to domestic violence, or drug overdose) before a parent may become incarcerated. For example, in October 2020, the Attorney General for the State of New Jersey issued a directive (NJ Office of the Attorney General, 2020) requiring all law enforcement and prosecuting agencies to enact or adopt a “Handle with Care” program—a model originally piloted in Charleston, West Virginia (Center for Children's Justice, n.d.). These statewide programs generally require a law enforcement officer to complete a form after “responding to, or encountering, an incident involving a traumatic event where a child is present” and provide a written notice to the child's school. Importantly, information is shared with a single point of contact within the school and does not contain details of the incident, only basic information about the child (i.e., their name, age/grade, school, date/time of the incident). The goal of such programs is to provide school personnel with timely notice when a student has experienced a traumatic event so that teachers and other school professionals can “handle that child with care,” adapting their responses to the child in a way that is sensitive to their experience and, when appropriate, modifying assignments, removing disciplinary actions, and/or making referrals. Other states, including Ohio (Handle With Care: Ohio, n.d.), Tennessee (Tennessee Bureau of Investigation Dangerous Drugs Task Force, n.d.), and Michigan (Michigan Department of Health and Human Services, n.d.) among others, have similar statewide “Handle with Care” initiatives.

In line with developmental science, a few states have laws that aim to keep parents (particularly mothers) and their children together and prevent the separation that would normally result from a period of incarceration. This includes laws that provide

judges with the discretion to sentence a pregnant or parenting person to probation or some other community-based alternative to confinement in jail or prison. For

In line with developmental science, a few states have laws that aim to keep parents (particularly mothers) and their children together and prevent the separation that would normally result from a period of incarceration.

instance, the State of Wisconsin's Mother-Youth Child Care Program (WI Stat § 301.049, 2015) permits pregnant individuals or mothers of children under one year of age to participate in a specialized program as an alternative to revocation of probation, extended supervision, or parole. Administered through a local nonprofit organization, the program aims to provide a stable, safe and enriching environment for the child; provide services to promote a healthy and stable mother-child relationship; and prepare mothers to safely, stably, and lawfully live in the community.

In Oklahoma, the 2010 Legislature established a pilot diversion program for primary caregivers convicted of nonviolent offenses (OK §57-510.8b, 2020). The law directs the Department of Corrections to “develop a community-based diversion program that provides comprehensive and gender-specific services” for individuals convicted of nonviolent offenses who are primary caregivers to minor children. In 2015, Oregon established the Family Sentencing Alternative Pilot Program (OR HB3503, 2015). This program allows eligible parents who are facing prison sentences for nonviolent offenses to be diverted from prison in favor of participating in intensive supervision, treatment, and programming to meet their needs as parents.

In recent years, at least two states have considered other policy options for pregnant people, specifically. In New Mexico, for example, a 2019 law (SB 192 Pregnant and Lactating Inmate Options, 2019) expands judicial discretion related to the release of individuals who are pregnant or lactating. Under the statute, “a person who is due to give birth may be granted release from incarceration in prison or jail prior to the presumptive birth date of the child and for up to eighteen months after the birth of the child.” A similar law in Minnesota (S.F. No. 1315, 2021) permits the Commissioner of Corrections to conditionally release pregnant people and those who have given birth within the previous eight months. Under this statute, individuals may be released “to community-based programming for the purpose of participation in prenatal or postnatal care programming and to promote mother-child bonding in addition to other programming requirements as established by the commissioner, including evidence-based parenting skills programming; working at paid employment; seeking employment; or participating in vocational training, an educational program, or chemical dependency or mental health treatment services.” These are promising models that should be rigorously evaluated and expanded to consider the role of other parents (e.g., mothers with older children, and fathers).

During incarceration. State-level policies also have significant potential to diminish the developmental impact of parental incarceration when the separation of parent and child cannot be avoided. For instance, there is evidence that positive parent-child

relationships can, at least somewhat, buffer against the mental health-related consequences of parental incarceration (Davis & Shlafer, 2017). State policies have the potential to facilitate and strengthen parent–child relationships during periods of incarceration. For instance, state legislatures and Department of Corrections agencies can implement policies related to placing parents close to where children reside, when possible, to decrease geographical barriers to visitation, as well as avoid invasive search procedures for children visiting parents in high-security facilities. Further, state facilities can provide resources to support incarcerated parents and implement family strengths-building initiatives, including creating visiting spaces that are child- and family friendly, and offering opportunities for visit coaching and debriefing time (Beyer, 2008). Facilities can also eliminate policies that threaten to remove visiting rights for children who exhibit behavioral challenges during visits (Boudin et al., 2013), and adopt policies that take into account developmental science and other solutions to managing behavioral challenges and soothing children during these stressful periods. Facilities could also eliminate policies requiring the adult bringing the child to a visit to be the child's legal guardian (e.g., for kinship caregivers or adult siblings to be allowed to facilitate these visits), as this is a barrier for some families (Boudin et al., 2013).

While certainly more resource-intensive, state facilities could also offer opportunities for extended or overnight visits for parents incarcerated for nonviolent offenses or who do not have high-security designations or special housing/protection needs. Such programs currently exist in multiple jurisdictions, including New York's Family Reunion Program (see Howser et al., 1984 for evaluation) and Minnesota Correctional Facility-Shakopee's extended visits (Schubert et al., 2016). However, these programs are rare and often incredibly limited in scope. As state prisons are better suited for long-term programming than local jails, they have the potential to implement novel family support programs/interventions and determine best practices that can inform the development and enactment of similar efforts in local jail settings.

After incarceration. Some states have policies aimed at addressing the unique needs of parents re-entering the communities following a period of incarceration, although these initiatives tend to be far more limited than those for parents who are currently incarcerated. In some states, the agency administering child support services will partner with the state's Department of Corrections to provide education, resources, and support to parents who are re-entering their communities. These partnerships are usually aimed at helping parents understand the legal obligations of child support, how to complete required paperwork, and how parents can effectively work with child support agencies. While these programs may indirectly support child well-being by bringing financial resources to the child through enforced child support orders, they are narrowly focused, and they can be challenging in practice given the number of economic, familial, and legal barriers re-entering parents experience (Haney & Mercier, 2021), and they do not directly support the parent–child relationship. However, such models could be learned from and built upon for partnerships with other agencies and organizations.

Local/municipal. Finally, local jails and city or county law enforcement agencies have the capacity to support the child and family well-being of the millions of parents who

come into contact with the criminal legal system each year. Many local jurisdictions have implemented a model policy, *Safeguarding Children of Arrested Parents*, developed in partnership between the Bureau of Justice Assistance and the International Association of Chiefs of Police (Talucci et al., 2014). The model policy outlines protocols for law enforcement officers to help address the needs of minor children at the time of a parent's arrest, with the goal of supporting the immediate physical and psychological well-being of the child. Like statewide "Handle with Care" policies described above, many local law enforcement agencies have implemented similar policies and practices that involve intentional partnerships with schools.

Due in part to the very high turnover and the short length of stays, most jails do not offer contact visits and some do not permit children to visit at all (Shlafer et al., 2015). However, parent-child visits may be most accessible in jails (i.e., as opposed to prisons; (Glaze & Maruschak, 2008), as local jails tend to be closer to families' homes (Poehlmann-Tynan et al., 2015). As such, there is much opportunity for improvement when it comes to parent-child visitation in local jails. For instance, jails could offer visits for parents—even during relatively short stays. Further, jails could also offer visits without the use of video software or plastic/plexiglass barriers—that is, "contact visits." Contact visits help children "to see that parents are safe and healthy while in prison or jail" (Cramer et al., 2017, p. 3; Tasca et al., 2016). Allowing children to interact with parents and do normal things, such as play, talk, and eat meals can help alleviate feelings of anxiety and/or abandonment (Hairston, 2007). As such, extended contact visits can help buffer against some of the emotional and behavioral consequences of parental incarceration and disrupted attachment relationships (Arditti, 2008; Charles et al., 2021; Poehlmann-Tynan & Pritzl, 2019; Poehlmann-Tynan et al., 2015). Noncontact visits (i.e., those conducted through video platforms or plastic barriers) have been found to result in negative experiences for parents and children, and to lead parents to perceive lower parent-child closeness and more child behavioral challenges during visits (Beckmeyer & Arditti, 2014; Pritzl et al., 2022). Noncontact visit settings are generally not conducive to high-quality visits and interactions, particularly with young children who struggle to filter out the ongoing visits of other families next to them (Poehlmann-Tynan et al., 2015). Policy changes that reduce wait times for children visiting jails may also help reduce emotional and behavioral challenges during visits, as well as reduce barriers for caregivers bringing children to jails to visit parents. In cases where contact visits are impossible, offering opportunities for off-site video visits (i.e., which allow children to remain home while engaging in video visits with parents) is an option for supporting children's well-being (Skora Horgan & Poehlmann-Tynan, 2020).

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Finally, some jails and other local correctional facilities have tailored re-entry assistance programs, some of which identify parents' unique post-release needs (e.g., identifying housing that will allow for parents to reside with their children, safe and reliable childcare), and make referrals to voluntary community-based supports at

release to promote successful transitions and sustainable family reunification (Muentner et al., 2019; Poehlmann-Tynan, 2020). More information is needed about how these programs are implemented, and participants' and families' experiences and outcomes. Such evaluation data is important for effective, tailored implementation of similar initiatives across diverse community settings.

Conclusions and Recommendations

There is a growing body of evidence linking parental incarceration to negative outcomes across various aspects of child well-being and development. In this report, we considered the roles of federal, state, and local policy in contributing to mass incarceration in the United States, as well as the ways in which policies across these levels can reduce the many negative impacts of parental incarceration on child well-being. Indeed, changes in federal and state laws that led to the incarceration of more people and for longer periods of time—disproportionately impacting people of color—have created our current carceral state, with collateral consequences across generations of families. As we look to the future, we must first consider policies that move further upstream and identify ways to truly support children, families, and communities and eliminate our country's reliance on the criminal legal system to fix complex social problems. For the millions of children that are currently impacted by the incarceration of a parent, we recognize the important role that local, state, and federal governments can play in mitigating some of this harm. In doing so, though, we also acknowledge that any policy solution requires strong cross-agency collaboration, from health, human services, education, and corrections agencies. Importantly, workgroups, evaluations, and initiatives should fully engage individuals with lived experience expertise related to incarceration and parental incarceration.

For the millions of children that are currently impacted by the incarceration of a parent, we recognize the important role that local, state, and federal governments can play in mitigating some of this harm.

Individuals with lived experience are uniquely situated to contribute to the development and evaluation of efforts to improve the experiences and well-being of families affected. Further, effective policy solutions must address historical, racial, and economic disparities in all aspects of criminal legal system involvement. Put simply, reforms to the criminal legal system are necessary but not sufficient to address the widespread and negative impacts of incarceration on children and families.

References

- 2020 Oklahoma Statutes: Title 57. (2020). Prisons and Reformatories: §57-510.8b. Pilot diversion program., no. §57-510.8b. <https://law.justia.com/codes/oklahoma/2020/title-57/section-57-510-8b/>
- Alexander, M. (2020). *The New Jim Crow: Mass incarceration in the age of colorblindness*. The New Press.
- Annie E Casey Foundation. (2016, April 19). *Children of incarcerated parents, a shared sentence*. <https://www.aecf.org/resources/a-shared-sentence>
- Antle, K., Gibson, C. L., & Krohn, M. D. (2020). The mediating role of family dynamics in the relationship between paternal incarceration and child behavior problems. *Journal of Crime and Justice*, 43(1), 16–35. <https://doi.org/10.1080/0735648X.2019.1619615>
- Arditti, J. (2008). Parental imprisonment and family visitation: A brief overview and recommendations for family friendly practice. *CW360: Children of Incarcerated Parents*.
- Aud, S., KewalRamani, A., & Frohlich, L. (2011). *Americas youth: Transitions to adulthood*. NCES 2012-026. National Center for Education Statistics.
- Bard, E., Knight, M., & Plugge, E. (2016). Perinatal health care services for imprisoned pregnant women and associated outcomes: A systematic review. *BMC Pregnancy and Childbirth*, 16(1):285. <https://doi.org/10.1186/s12884-016-1080-z>
- Beckmeyer, J. J., & Arditti, J. A. (2014). Implications of in-person visits for incarcerated parents family relationships and parenting experience. *Journal of Offender Rehabilitation*, 53(2), 129–151.
- Beyer, M. (2008). Visit coaching: Building on family strengths to meet childrens needs. *Juvenile and Family Court Journal*, 59(1), 47–60.
- Boudin, C., Stutz, T., & Littman, A. (2013). Prison visitation policies: A fifty state survey. *Yale Law & Policy Review*, 32(5):41. <https://doi.org/10.2139/ssrn.2171412>
- Center for Children's Justice. (n.d.). *West Virginia Center for Children's Justice*. Retrieved January 26, 2022, from: <http://www.handlewithcarewv.org/handle-with-care.php>
- Charles, P., Kerr, M., Wirth, J., Jensen, S., Massoglia, M., & Poehlmann-Tynan, J. (2021). Lessons from the field: Developing and implementing an intervention for jailed parents and their children. *Family Relations*, 70(1), 171–178. <https://doi.org/10.1111/fare.12524>
- Children of Incarcerated Parents Task Force. (2014). Children: §10-601.20. Oklahoma Statutes: Title 10. <https://law.justia.com/codes/oklahoma/2014/title-10/section-10-601.20/>
- Corbett, J. (2004, December 17). Three strike law in different states: 3 strikes law facts. *LegalMatch Law Library*. <https://www.legalmatch.com/law-library/article/three-strikes-laws-in-different-states.html>
- Cox, R. J. A. (2015). *Where do we go from here? Mass incarceration and the struggle for civil rights*. Economic Policy Institute. <https://www.epi.org/publication/where-do-we-go-from-here-mass-incarceration-and-the-struggle-for-civil-rights/>
- Cramer, L., Goff, M., Peterson, B., & Sandstrom, H. (2017). *Parent-child visiting practices in prisons and jails: A synthesis of research and practice*. Urban Institute. https://www.urban.org/sites/default/files/publication/89601/parent-child_visiting_practices_in_prisons_and_jails.pdf
- Dallaire, D. H. (2007). Incarcerated mothers and fathers: A comparison of risks for children and families. *Family Relations*, 56(5), 440–453. <https://doi.org/10.1111/j.1741-3729.2007.00472.x>

- Dallaire, D. H., Woodards, A., & Kelsey, C. (2018). Impact of parental incarceration on neonatal outcomes and newborn home environments: A case-control study. *Public Health, 165*, 82–87. <https://doi.org/10.1016/j.puhe.2018.08.008>
- Davis, L., & Schlafer, R. J. (2017). Mental health of adolescents with currently and formerly incarcerated parents. *Journal of Adolescence, 54*, 120–134. <https://doi.org/10.1016/j.adolescence.2016.10.006>
- Eberstadt, N. (2016). *Men without work: Americas invisible crisis*. Templeton Foundation Press.
- Eisen, L.-B. (2015). *The Reverse Mass Incarceration Act*. Brennan Center for Justice. <https://www.brennancenter.org/our-work/policy-solutions/reverse-mass-incarceration-act>
- Eisen, L.-B. (2019). *The 1994 crime bill and beyond: How federal funding shapes the criminal justice system*. Brennan Center for Justice. <https://www.brennancenter.org/our-work/analysis-opinion/1994-crime-bill-and-beyond-how-federal-funding-shapes-criminal-justice>
- Eisen, L.-B., & Stroud, H. D. (2021). *How the Federal Government can incentivize states to reverse mass incarceration*. Brennan Center for Justice. <https://www.brennancenter.org/our-work/analysis-opinion/how-federal-government-can-incentivize-states-reverse-mass-incarceration>
- Frederick, B., & Stemen, D. (2012). *The anatomy of discretion: An analysis of prosecutorial decision making—Technical Report*, 429.
- GAO Report. (1998). Truth in sentencing: Availability of federal grants influenced laws in some states. *Federal Sentencing Reporter, 11*(3), 163–167. <https://doi.org/10.2307/20640158>
- Geller, A., Cooper, C. E., Garfinkel, I., Schwartz-Soicher, O., & Mincy, R. B. (2012). Beyond absenteeism: Father incarceration and child development. *Demography, 49*(1), 49–76. <https://doi.org/10.1007/s13524-011-0081-9>
- Gifford, E. J., Kozecke, L. E., Golonka, M., Hill, S. N., Costello, E. J., Shanahan, L., & Copeland, W. E. (2019). Association of parental incarceration with psychiatric and functional outcomes of young adults. *JAMA Network Open, 2*(8):e1910005. <https://doi.org/10.1001/jamanetworkopen.2019.10005>
- Glaze, L., & Maruschak, L. (2008). *Parents in prison and their minor children (NCJ 222984; Bureau of Justice Statistics Special Report, p. 25)*. U.S. Department of Justice Office of Justice Programs. https://biblioteca.cejamerica.org/bitstream/handle/2015/2976/Parents_Prison_Minor_Children.pdf?sequence=1&isAllowed=y
- Graham, G. (2021). Oklahoma can do simple things to reduce trauma for children of incarcerated parents. *Tulsa World*. https://tulsa-world.com/opinion/columnists/ginnie-graham-oklahoma-can-do-simple-things-to-reduce-trauma-for-children-of-incarcerated-parents/article_fe11d084-0516-11ec-a472-737f1fad4b3f.html
- Grawert, A. C., Camhi, N., & Chettiar, I. (2017). *A federal agenda to reduce mass incarceration (twenty years)*. Brennan Center for Justice at New York University School of Law. https://www.brennancenter.org/sites/default/files/2019-08/Report_a%20federal%20agenda%20to%20reduce%20mass%20incarceration.pdf
- Gregory, J. F. (1995). The crime of punishment: Racial and gender disparities in the use of corporal punishment in US public schools. *Journal of Negro Education, 65*(4), 454–462.
- H.R.6129 - 116th Congress. (2019-2020). *Justice for Incarcerated Moms Act*. <https://www.congress.gov/bill/116th-congress/house-bill/6129>

Hairston, C. F. (2007). *Focus on children with incarcerated parents: An overview of the research literature*. Annie E. Casey Foundation. https://repositories.lib.utexas.edu/bitstream/handle/2152/15158/aecasey_children_incparents.pdf?sequence=2

Handle With Care: Ohio. (n.d.). *Handle with care: Ohio*. Retrieved January 26, 2022, from: <https://www.handlewithcareoh.org/>

Haney, L., & Mercier, M. D. (2021). Child support and reentry. U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. <https://www.ojp.gov/pdffiles1/nij/300780.pdf>

Haskins, A. R. (2015). Paternal incarceration and child-reported behavioral functioning at age 9. *Social Science Research*, *52*, 18–33. <https://doi.org/10.1016/j.ssresearch.2015.01.001>

HB 3503, 78th Oregon Legislative Assembly, 2015 Regular Session (OR). (2015). <https://olis.oregonlegislature.gov/liz/2015R1/Downloads/MeasureDocument/HB3503/Enrolled>

Hirschfield, P. (2009). Another way out: The impact of juvenile arrests on high school dropout. *Sociology of Education*, *82*(4), 368–393. <https://doi.org/10.1177/003804070908200404>

Hirschfield, P. J. (2018). The role of schools in sustaining juvenile justice system inequality. *The Future of Children*, *28*(1), 11–36.

Howser, J., Grossman, J., & Macdonald, D. (1984). Impact of family reunion program on institutional discipline. *Journal of Offender Counseling Services Rehabilitation*, *8*(1–2), 27–36.

Interrogating Justice. (2021, July 23). *Explainer: Three strikes laws and their effects*. <https://interrogatingjustice.org/mandatory-minimums/three-strikes-laws-and-effects/>

Jacobsen, W. C. (2019). The intergenerational stability of punishment: Paternal incarceration and suspension or expulsion in elementary school. *Journal of Research in Crime and Delinquency*, *56*(5), 651–693. <https://doi.org/10.1177/0022427819829794>

James, N. (2019). *The First Step Act of 2018: An overview* (p. 26). Congressional Research Service. <https://crsreports.congress.gov/product/pdf/R/R45558>

Kajstura, A. (2019). *Womens mass incarceration: The whole pie 2019*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/pie2019women.html>

Kirchhoff, S. M. (2010). *Economic impacts of prison growth*. Congressional Research Service.

Kjellstrand, J., Yu, G., Eddy, J. M., Clark, M., & Jackson, A. (2020). The role of parental incarceration in predicting trajectories of child internalizing problems. *Children and Youth Services Review*, *115*, 105055. <https://doi.org/10.1016/j.childyouth.2020.105055>

Lee, H., & Wildeman, C. (2021). Assessing mass incarcerations effects on families. *Science*. <https://doi.org/10.1126/science.abj7777>

Love, H. (2016). *One way to reduce mass incarceration: Start local*. Urban Institute. <https://www.urban.org/urban-wire/one-way-reduce-mass-incarceration-start-local>

Mai, C., Belaine, M., Subramanian, R., & Kang-Brown, J. (2019). *Broken ground: Why America keeps building more jails and what it can do instead (safety + justice challenge)*. Vera Institute of Justice. <https://www.vera.org/downloads/publications/broken-ground-jail-construction.pdf>

Maruschak, L. M., Statistician, B., & Bronson, J. (2021). *Parents in prison and their minor children*, 8.

Michigan Department of Health and Human Services. (n.d.). *MDHHS—Handle with care*. Retrieved January 26, 2022, from https://www.michigan.gov/mdhhs/0,5885,7-339-73971_4911_69588_96877---,00.html

- Mitchell, M. (2014). *4 Ways states can reduce incarceration rates*. Center on Budget and Policy Priorities. <https://www.cbpp.org/blog/4-ways-states-can-reduce-incarceration-rates>
- Morsy, L., & Rothstein, R. (2016). *Mass incarceration and childrens outcomes*. Economic Policy Institute. <https://files.epi.org/pdf/118615.pdf>
- Muentner, L., Holder, N., Burnson, C., Runion, H., Weymouth, L., & Poehlmann-Tynan, J. (2019). Jailed parents and their young children: Residential instability, homelessness, and behavior problems. *Journal of Child and Family Studies, 28*(2), 370–386. <https://doi.org/10.1007/s10826-018-1265-3>
- Murphey, D., & Cooper, P. M. (2015). *Parents behind bars—What happens to their children*. Child Trends. <https://www.prisonlegalnews.org/media/publications/Parents%20Behind%20Bars%20-%20What%20Happens%20to%20Their%20Children%2C%20Murohey%20%26%20Cooper%2C%202015.pdf>
- Nebbitt, V. E., Voisin, D. R., & Tirmazi, M. T. (2017). Early onset of sexual intercourse and parental incarceration among African American youth living in urban public housing. *Journal of Urban Health, 94*(1), 125–135. <https://doi.org/10.1007/s11524-016-0111-4>
- Nickel, J., Garland, C., & Kane, L. (2009). *Children of incarcerated parents: An action plan for federal policymakers*. Office of Justice Programs. <https://www.ojp.gov/ncjrs/virtual-library/abstracts/children-incarcerated-parents-action-plan-federal-policymakers>
- NJ Office of the Attorney General. (2020). *Directive establishing statewide handle with care program*. State of New Jersey, Office of the Attorney General. https://www.nj.gov/oag/dcj/aguide/directives/ag-Directive-2020-9_Handle-With-Care.pdf
- Norris, S., Pecenco, M., & Weaver, J. (2021). *The effects of parental and sibling incarceration: Evidence from Ohio (SSRN Scholarly Paper ID 3590735)*. Social Science Research Network. <https://doi.org/10.2139/ssrn.3590735>
- Office of Juvenile Justice and Delinquency Prevention. (2020). *OJJDP FY 2021 Second Chance Act addressing the needs of incarcerated parents and their minor children*. U.S. Department of Justice. <https://ojjdp.ojp.gov/funding/fy2021/O-OJJDP-2021-41001-PROD>
- Office of Juvenile Justice and Delinquency Prevention. (2021). *OJJDP FY 2021 family-based alternative sentencing program*. <https://ojjdp.ojp.gov/funding/opportunities/o-ojjdp-2021-111002>
- OK Children of Incarcerated Parents Task Force. (2012). *Oklahoma children of incarcerated parents task force*. <https://www.digitalprairie.ok.gov/digital/collection/stgovpub/id/26160/rec/2ORHB3503>, (2015). https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2015orLaw0830.pdf
- Ouss, A., & Stevenson, M. (2019). Evaluating the impacts of eliminating prosecutorial requests for cash bail. George Mason Legal Studies Research Paper No. LS, 19-08. https://www.nmcourts.gov/wp-content/uploads/2020/11/Evaluating_the_Impacts_of_Eliminating_Prosecutorial_Requests_for_Cash_Bail.pdf
- Poehlmann-Tynan, J. (2020). *Reuniting young children with their incarcerated parents*, 10.
- Poehlmann-Tynan, J., & Pritzl, K. (2019). Parent–child visits when parents are incarcerated in prison or jail. In J. M. Eddy, & J. Poehlmann-Tynan (Eds.), *Handbook on children with incarcerated parents: Research, policy, and practice* (pp. 131–147). Springer International Publishing. https://doi.org/10.1007/978-3-030-16707-3_10
- Poehlmann-Tynan, J., & Turney, K. (2021). A developmental perspective on children with incarcerated parents. *Child Development Perspectives, 15*(1), 3–11. <https://doi.org/10.1111/cdep.12392>

- Poehlmann-Tynan, J., Runion, H., Burnson, C., Maleck, S., Weymouth, L., Pettit, K., & Huser, M. (2015). Young childrens behavioral and emotional reactions to plexiglas and video visits with jailed parents. In J. Poehlmann-Tynan, (Ed.), *Childrens contact with incarcerated parents: Implications for policy and intervention* (pp. 39–58). Springer International Publishing. https://doi.org/10.1007/978-3-319-16625-4_3
- Pritzl, K., Milavetz, Z., Cuthrell, H., Muentner, L., & Poehlmann-Tynan, J. (2022). Young childrens contact with their parents in jail and child behavior problems. *Journal of Offender Rehabilitation, 61*(2), 88–105. <https://doi.org/10.1080/10509674.2021.2018381>
- Provencher, A., & Conway, J. M. (2019). Health effects of family member incarceration in the United States: A meta-analysis and cost study. *Children and Youth Services Review, 103*, 87–99. <https://doi.org/10.1016/j.chilyouth.2019.05.029>
- Reamer, F. G. (2005). *Heinous crime: Cases, causes, and consequences*. Columbia University Press. http://archive.org/details/heinous_rea_2005_00_6163
- Reverse Mass Incarceration Act of 2019, S. 1557. (2019). *116th Congress, 1*. <https://www.govtrack.us/congress/bills/116/s1557/text>
- Riddle, T., & Sinclair, S. (2019). Racial disparities in school-based disciplinary actions are associated with county-level rates of racial bias. *Proceedings of the National Academy of Sciences of the United States of America, 116*(17), 8255–8260. <https://doi.org/10.1073/pnas.1808307116>
- Robles-Ramamurthy, B., & Watson, C. (2019). Examining racial disparities in juvenile justice. *The Journal of the American Academy of Psychiatry and the Law, 47*(1), 5.
- Rosich, K. J., & Kane, K. M. (2005). *Truth in sentencing and state sentencing practices*. National Institute of Justice. <https://nij.ojp.gov/topics/articles/truth-sentencing-and-state-sentencing-practices>
- Ruhland, E. L., Davis, L., Atella, J., & Schlafer, R. J. (2020). Externalizing behavior among youth with a current or formerly incarcerated parent. *International Journal of Offender Therapy and Comparative Criminology, 64*(1), 3–21. <https://doi.org/10.1177/0306624X19855317>
- S.F. No. 1315. (2021). *Regular session*. <https://www.revisor.mn.gov/laws/2021/0/Session+Law/Chapter/17/>
- Saris, P., Breyer, C. R., Friedrich, D. L., Barkow, R. E., Pryor, W. H., Wroblewski, J. J., & Wilson Smoot, J. P. (2015). *Impact of the Fair Sentencing Act of 2010 (Report to the Congress) [Report to Congress]*. U.S. Sentencing Commission. <https://www.usc.gov/research/congressional-reports/2015-report-congress-impact-fair-sentencing-act-2010>
- Sawyer, W. (2018). *The gender divide: Tracking womens state prison growth*. Prison Policy Initiative. https://www.prisonpolicy.org/reports/women_overtime.html
- Sawyer, W., & Wagner, P. (2020). *Mass incarceration: The whole pie 2020*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/pie2020.html>
- SB 192 Pregnant and Lactating Inmate Options. (2019). *Regular session*. <https://www.nmlegis.gov/Legislation/Legislation?Chamber=S&LegType=B&LegNo=192&year=19>
- Schubert, E. C., Duininck, M., & Schlafer, R. J. (2016). Visiting mom: A pilot evaluation of a prison-based visiting program serving incarcerated mothers and their minor children. *Journal of Offender Rehabilitation, 55*(4), 213–234. <https://doi.org/10.1080/10509674.2016.1159641>
- Shapiro, J. (2014, May 19). As court fees rise, the poor are paying the price. *NPR*. <https://www.npr.org/2014/05/19/312158516/increasing-court-fees-punish-the-poor>
- Shewan. (2013). *Drug use in prisons*. Routledge.

Shlafer, R. J., Loper, A. B., & Schillmoeller, L. (2015). Introduction and literature review: Is parent-child contact during Parental Incarceration Beneficial? In J. Poehlmann-Tynan (Ed.), *Childrens contact with incarcerated parents: Implications for policy and intervention* (pp. 1–21). Springer International Publishing. https://doi.org/10.1007/978-3-319-16625-4_1

Shlafer, R. J., Reedy, T., & Davis, L. (2017). School-based outcomes among youth with incarcerated parents: Differences by school setting, *Journal of School Health* 87, (9) 687–695. <https://doi.org/10.1111/josh.12539>

Shlafer, R., Hindt, L. A., & Saunders, J. B. (2020). “No one has ever asked me if im a dad.” Supporting families in the context of incarceration through community-university-corrections partnerships. *ZERO TO THREE*, 40(4), 14–21

Skiba, R. J., Horner, R. H., Chung, C.-G., Rausch, M. K., May, S. L., & Tobin, T. (2011). Race is not neutral: A national investigation of African American and Latino disproportionality in school discipline. *School Psychology Review*, 40(1), 85–107. <https://doi.org/10.1080/02796015.2011.12087730>

Skora Horgan, E., & Poehlmann-Tynan, J. (2020). In-home video chat for young children and their incarcerated parents. *Journal of Children and Media*, 14(3), 400–406. <https://doi.org/10.1080/17482798.2020.1792082>

Stevenson, M. (2018). A decomposition of racial disparities in pretrial detention.

Substance Abuse and Mental Health Services Administration. (2007). *Family-centered treatment for women with substance use disorders—History, key elements, and challenges*. https://www.samhsa.gov/sites/default/files/family_treatment_paper508v.pdf

Talucci, V., O'Donnell, D. E., Firman, J., Lynn, P., Mahoney, K., Trautman, T., Cammarata, P., Dziejma, S., Burke, K., Rhodes, S., Joy, G., & Davis, M. (2014). *Safeguarding children of incarcerated parents*. International Association of Chiefs of Police.

Tasca, M., Wright, K., Turanovic, J., White, C., & Rodriguez, N. (2016). Moving visitation research forward: The Arizona Prison Visitation Project. *Criminology, Criminal Justice, Law & Society*, 17(1), 55–67.

Task Force on Children of Incarcerated Parents. (2020). *Final report and recommendations*. State of Illinois Office of the Lieutenant Governor. https://www2.illinois.gov/sites/ltg/issueslist/R3/Documents/CIP_Taskforce_Report.pdf

Tennessee Bureau of Investigation Dangerous Drugs Task Force. (n.d.). *Handle with care*. Retrieved January 26, 2022, from <https://www.tn.gov/tddtf/community-services/tn-drug-endangered-children/handle-with-care.html>

The Sentencing Project. (2015). *Fewer prisoners less crime a tale of three states*. <https://www.sentencingproject.org/wp-content/uploads/2015/11/Fewer-Prisoners-Less-Crime-A-Tale-of-Three-States.pdf>

The Sentencing Project. (2019). *State-by-state data*. <https://www.sentencingproject.org/the-facts/>

The Sentencing Project. (2020). *Incarcerated women and girls*. <https://www.sentencingproject.org/publications/incarcerated-women-and-girls/>

Travis, J., Western, B. & National Research Council (U.S.) (Eds.). (2014). *The growth of incarceration in the United States: Exploring causes and consequences*. The National Academies Press.

Trice, A. D., & Brewster, J. (2004). The effects of maternal incarceration on adolescent children. *Journal of Police and Criminal Psychology*, 19(1), 27–35. <https://doi.org/10.1007/BF02802572>

- Turney, K. (2017). The unequal consequences of mass incarceration for children. *Demography*, 54(1), 361–389. <https://doi.org/10.1007/s13524-016-0543-1>
- Turney, K. (2018). Adverse childhood experiences among children of incarcerated parents. *Children and Youth Services Review*, 89, 218–225. <https://doi.org/10.1016/j.chilyouth.2018.04.033>
- Turney, K., & Goldberg, R. E. (2019). Paternal incarceration and early sexual onset among adolescents. *Population Research and Policy Review*, 38(1), 95–123. <https://doi.org/10.1007/s11113-018-9502-4>
- Wakefield, S., & Wildeman, C. (2013). *Children of the prison boom: Mass incarceration and the future of American inequality*. Oxford University Press.
- Wakefield, S., & Wildeman, C. (2018). How parental incarceration harms children and what to do about it. *National Council on Family Relations Policy Brief*, 3(2), 1–6.
- Wald, J., & Losen, D. J. (2003). *School-to-prison pipeline*. <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.482.7613&rep=rep1&type=pdf>
- Wang, L. (2021). *Research roundup: The positive impacts of family contact for incarcerated people and their families*. Prison Policy Initiative. https://www.prisonpolicy.org/blog/2021/12/21/family_contact/
- Western, B., & Wildeman, C. (2009). The black family and mass incarceration. *The Annals of the American Academy of Political and Social Science*, 621(1), 221–242. <https://doi.org/10.1177/0002716208324850>
- WI Stat § 301.049. (2015). <https://law.justia.com/codes/wisconsin/2015/chapter-301/section-301.049/>
- Wildeman, C. (2009). Parental imprisonment, the prison boom, and the concentration of childhood disadvantage. *Demography*, 46(2), 265–280. <https://doi.org/10.1353/dem.0.0052>
- Wildeman, C. (2012). Imprisonment and infant mortality. *Social Problems*, 59(2), 228–257. <https://doi.org/10.1525/sp.2012.59.2.228>
- Wildeman, C. (2014). Parental incarceration, child homelessness, and the invisible consequences of mass imprisonment—Christopher Wildeman, 2014. *The Annals of the American Academy of Political and Social Science*, 651(1), 74–96. <https://doi.org/10.1177/0002716213502921>
- Wildeman, C., & Andersen, L. H. (2015). Cumulative risks of paternal and maternal incarceration in Denmark and the United States. *Demographic Research*, 32, 1567–1580.
- Wildeman, C., & Western, B. (2010). Incarceration in fragile families. *The Future of Children*, 20(2), 157–177.
- Yeager, D. S., Purdie-Vaughns, V., Hooper, S. Y., & Cohen, G. L. (2017). Loss of institutional trust among racial and ethnic minority adolescents: A consequence of procedural injustice and a cause of life-span outcomes. *Child Development*, 88(2), 658–676. <https://doi.org/10.1111/cdev.12697>
- Zeng, Z. (2018). *Jail inmates in 2018*. Bureau of Justice Statistics, U.S. Department of Justice, Office of Justice Programs. <https://bjs.ojp.gov/content/pub/pdf/ji18.pdf>
- Zero To Three. (2020). *Effects and experiences of parental incarceration*. <https://www.zerotothree.org/resources/3253-march-journal-effects-and-experiences-of-parental-incarceration>

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