



RHODE ISLAND KIDS COUNT

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**Testimony Re: House Bill 5648, An Act Relating to Criminal Procedure -
Sentence and Execution**

House Judiciary Committee

April 1, 2025

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Mr. Chairman and members of the Committee, thank you for the opportunity to provide testimony. We would also like to thank Representative Cruz for sponsoring this important bill and Representatives Morales, Stewart, Potter, Ajello, J. Lombardi, Slater, Sanchez, Kislak, and Cotter for co-sponsoring.

Rhode Island KIDS COUNT would like to voice its support for House Bill 5648. **This bill would require the courts to consider the parental status of the defendant at the time of sentencing and would allow the defendant to present a family impact statement, including testimony, videos, and documents related to their parental status.** Unless the court finds that the parent poses a significant risk to the community that outweighs the harm of the parent's absence from the child's life, it shall impose a sentence that does not include imprisonment but keeps the parent at home and able to care for their child/children while being monitored.

Nearly five million children in the U.S. have had a parent incarcerated in jail or state or federal prison at some point in their lives. Parental incarceration can contribute to children's insecure attachment to their parent, which can lead to poor developmental outcomes.

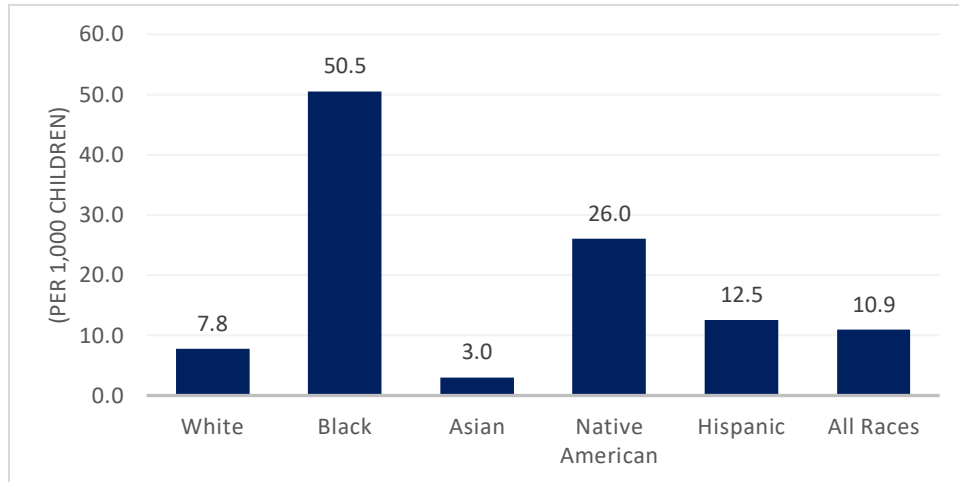
Adverse Childhood Experiences (ACEs) are defined as traumatic events that happen to an individual before the age of 18. The Centers for Disease Control and Prevention describe the instability due to parental separation, including a caregiver being in jail or prison, as an ACE that leads to the development of toxic stress for children in those circumstances. This long-lasting stress response causes damage both to the physical body and to the child's mental well-being. ACEs disrupt the development of the brain and biological systems and can result in short-term harm and long-term negative outcomes, such as depression, substance use disorders, suicide, and certain chronic diseases in adulthood. Children of incarcerated parents experience high rates of physical and mental health problems (including asthma, obesity, and depression) and educational challenges (including grade retention, placement in special education, and suspension). Parental incarceration increases children's risk for learning disabilities, ADHD, conduct problems, developmental delays, and speech problems.

Nationally and in Rhode Island, the criminal justice system disproportionately affects People of Color. In the U.S., 24% of Black children and 11% of Hispanic children will experience parental incarceration compared to 4% of white children. Disparities in the criminal justice system contribute to the

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disparities we see in employment, income, and housing that have long-term consequences for children.

Children of Incarcerated Parents, by Race and Ethnicity, Rhode Island, September 30, 2024



Source: Rhode Island Department of Corrections, September 30, 2024. Sentenced population only.

In Rhode Island, Parents of Color are overrepresented in the incarcerated population compared to their proportion in the general population. In Rhode Island on September 30, 2024, 50.5 per 1,000 Black children had an incarcerated parent compared to 7.8 per 1,000 white children. Native American children also experience higher rates of parent incarceration (26.0 per 1,000).

Lastly, children of incarcerated parents are more likely than other children to be involved with the child welfare system. In the U.S., 40% of children in foster care had experienced parental incarceration at some point in their lives. Not only is removal from home and placement into foster care often disruptive for children, but it can also negatively affect their academic achievement, mental health, ability to develop healthy connections, and future earnings.

We urge you to pass House Bill 5648 to give children of parents who do not pose a significant risk to community safety the opportunity to have their parent present during the critical developmental years of their lives.

Thank you for the opportunity to provide testimony.