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To: House Judiciary Committee
Subject: Primary Caregiver bill Support H 5648
Attachments: V2 Keeping Families Together Factsheet 2022.pdf; KFT Final Testimonies H5648.pdf; Research in support of H 5648.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon. I have attached testimony in support of H 5648, which was heard in the House Judiciary last week. Although one of the PDFs is from 2022, the information is still very relevant. Thank you for your time and consideration.

Sincerely,
Tyler Melwani
Brown University '24



KEEPING FAMILIES TOGETHER

LEGISLATION & POLICY
TO PROTECT THE WELL-BEING OF
CHILDREN

2024

PREPARED BY
FORMERLY INCARCERATED
UNION OF RHODE ISLAND

RECOGNIZING CHILD SEPARATION

Keeping families together requires family-centered legislation

Parent-child separation as a result of criminal-legal-system involvement is a traumatic experience for both parents and children alike.

One study found that separation from a parent through imprisonment was more detrimental to a child's well-being than divorce or even death of a parent.

Currently, more than 800,000 parents are incarcerated across the US.

Between 1980 and 2012, the number of children with a parent in prison or jail grew five times from 500,000 to 2.5 million.

Today, 1 in every 25 children younger than 18 in the US is separated from a parent due to incarceration.

In RI, roughly 1 in 50 children had an incarcerated parent in 2019. On September 30, 2019, 60% of incarcerated individuals awaiting trial or serving a sentence in RI were parents. Of these 1,600 incarcerated parents, 93% were fathers and 7% were mothers. Combined, these two groups are the parents of 3,739 children.

Child separation also falls along racial and gender lines. In the US, 24% of Black children can expect to see a parent incarcerated in their lifetime.

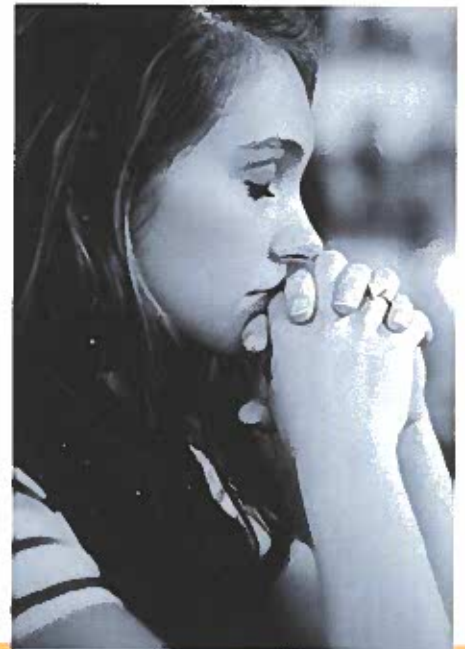
There is a notable difference in the rates of maternal versus paternal incarceration in the US. Despite fathers accounting for 90% of incarcerated parents, the number of mothers in prison has increased 87% compared to an increase of 62% for fathers across the decade of 1991-2000.

As one previously incarcerated mother put it, "When a mother's child is taken, it is incredibly damaging to the soul. And there is this little gut reaction that comes out and you're just not good enough. You're not good enough." Another previously incarcerated mother who gave birth while incarcerated, through tears, explained, "The worst thing that I've ever experienced is I had to walk out of the hospital and leave my daughter... nothing can compare to that pain"

GENDER-BASED INEQUALITY

Women are the fastest-growing population in American jails and prisons.

Incarceration is more likely to lead to the termination of parental rights for mothers than fathers, and it is estimated that the rise in female incarceration accounted for 31% of the increase in foster care caseloads from 1985 to 2006.



"When fathers are incarcerated, mothers assume caregiving responsibilities 90% of the time. But when mothers are incarcerated, fathers only assume this role 30% of the time"



SEPARATED CHILDREN EXPERIENCE CHILD ABUSE AND TRAUMA

Studies show that children who live without their mother are three times as likely to experience sexual abuse.

Moreover, parental incarceration is considered one of ten adverse childhood experiences (ACE) alongside exposure to physical abuse or neglect, sexual abuse, and having a parent with a substance use disorder.



CHILD SEPARATION LEADS TO JUVENILE DETENTION

50%

Half of incarcerated youth reported a family member having served time in jail or prison

There is a direct connection between family separation and juvenile incarceration. Children with incarcerated parents have greater risks for arrests in their lifetime

SEPARATED CHILDREN EXPERIENCE HOMELESSNESS AFTER FOSTER CARE

12%

12% of homeless children have been in foster care at some point in their lives, and foster care placement during childhood is a predictor of adult homelessness

As youth “age out” of foster care, many enter the foster care-to-homelessness pipeline

SEPARATION IMPACTS FAMILIES BY RACE

The effects of parental incarceration are not distributed equally

The criminal legal system disproportionately affects people of color compared to white families, and this is reflected in the rates at which children of differing races are impacted by parental incarceration

7.5X

BLACK CHILDREN

Black children are seven and a half times more likely to have a parent in prison than white children

11%

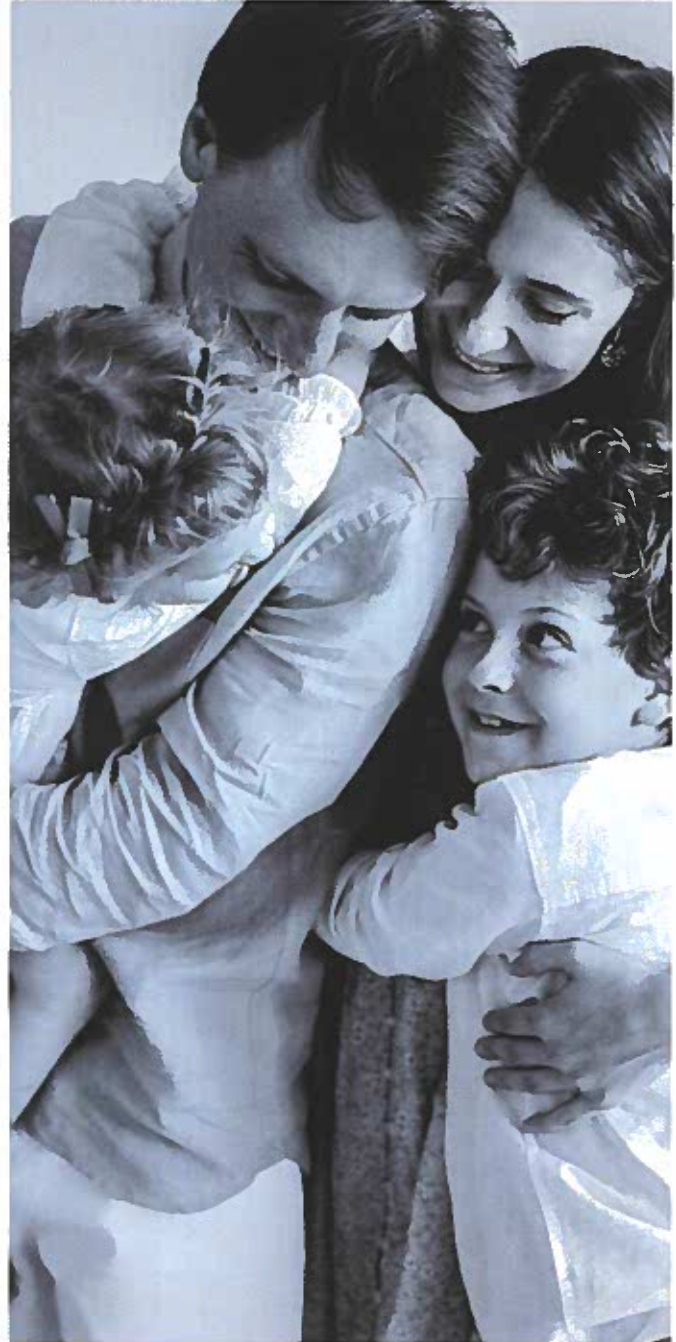
LATINO CHILDREN

11% of Latino children will experience parental incarceration compared to only 4% of white children

10%

WHITE CHILDREN

White children were 10% less likely than Black children to be placed into group homes or congregate care centers



LEGISLATION AND POLICY CHANGES FOR OUR STATE

Courts in California, Illinois, Louisiana, Maine, Massachusetts, Missouri, Tennessee and Washington provide parents with community-based alternatives



Legislative language in other states

In order to successfully introduce and pass this legislation, there are important recommendations to consider based on model legislation in California, Illinois, Louisiana, Maine, Massachusetts, Missouri, Tennessee, and Washington.

Successful bills guide judges and rely on nonprofits. Passing legislation which requires judges to consider community-based alternatives to sentencing reduces child separation.

Key language that worked in the Massachusetts and Tennessee bills included: “common sense and compassionate,” “keep parents and children together,” “keep parents out of cages,” “Hold parents accountable while allowing them to advance their lives,” and “Primary Caretakers legislation protects kids.”

Courtrooms enforce legislative changes

In addition to incorporating key language, courtroom policy should be considered.

The practice of revocation undermines participation and completion in community-based programming. Remanding often functions as a setback because women experience decreased odds of participating and completing court-ordered programs.

Remanding women interferes with their ability to maintain or regain child custody. Although some judges may enforce remanding as a last resort in order to incentivize participation, studies suggest that revocation, even for brief periods, limits participation in rehabilitative programming. Remanding sets women back and decreases the completion of court-ordered programs.

"PRIMARY CAREGIVER LEGISLATION PROTECTS KIDS"

Familial disruptions and separations as a result of traditional sentencing practices pull caregivers away from their roles as providers, and outdated reentry policies related to parole and probation make it even harder for individuals to get back on their feet so they can support their families.

Though Rhode Island has a lower incarceration rate than most other states, its probation rate is the third highest in the country, with one in thirty-four adult Rhode Islanders currently under supervision. Single mothers in particular may struggle to avoid probation violations as a result of conflicts between their probation requirements and parenting and employment responsibilities, resulting in potential imprisonment and child protective services involvement.

Keeping families together requires a concerted effort by judges, community based organizations, child welfare, and when necessary, parole and probation departments to divert primary caregivers away from probation or incarceration, avoid revocation, and limit trauma incurred due to past separation and imprisonment.

"Equating court involvement with bad parenting is inaccurate, outdated, exclusionary, and immensely harmful"

Due to the systemic injustice and mass incarceration of those who are already vulnerable, marginalized, and suffering from poorer overall health, this legislation presents an opportunity for families to get the help and support they need.

The legislation would allow caregivers to provide for their children instead of moving through prisons and jails, ensuring healthier and more stable lives.

There is a need for this country to address the widespread systemic damages the carceral system imparts on millions of children and their families year after year. This has become a pressing public health issue.



Keeping Families Together:

Voices from the community.

INTRODUCTION

Nothing can prepare a mother – or any parent – for the devastating and deeply traumatizing impact that her incarceration invariably has on her children – indeed on all members of her family – and on her. And no one can prepare the children for the trauma of forced separation. The sudden and unexpected removal of a mother from her children causes mental and emotional trauma that is directly linked to a statistically significant increase in the likelihood that a child will herself end up entangled with the criminal legal system as a result of the forced separation. Courts are not required to consider the impact of their actions on this vulnerable population, an oversight that perpetuates the generational trauma that too often marks involvement with our criminal legal system. Testimony from three mothers who had young children when they were incarcerated illustrates the pain and trauma and continuing resonance of parental incarceration on young dependents that often reverberates into their adult lives.

Maya

Maya is a mother who first went to prison when she was 18 years old and had an infant son. She missed her son's first birthday, which he spent in a foster home. She had no way to contact him and worried about his safety because of the horror stories that she heard about foster care. She also became increasingly worried that she would never get her son back. All of these fears made Maya suicidal and depressed.

Her son's grandmother succeeded in getting him out of foster care, and Maya reunited with him after a year in prison.

*But eleven years later,
her three children woke
up one morning and had
no idea where she was.*

She had returned to prison.

Maya's second incarceration was due to her alcohol addiction and an increasingly toxic relationship with her children's father that only made her drinking problem worse.

Maya had been raising her children alone, so her sudden incarceration was devastating to them. Her youngest son was

two years old when she left and had rarely spent more than one or two days away from her. Maya was not only ripped from her children's lives – the trauma and devastating impact of their separation from their mom intensified when they were placed with different family members and lost the stability and comfort of their siblings as well.

Maya constantly worried about her children while she was incarcerated. She did not know if they were being properly cared for and did the best she could to support her children from prison which was almost impossible. She also attempted to get custody of her children while incarcerated but was unable to do so. All of this took a major toll on her.

While Maya is no longer incarcerated, the consequences of these forced separations continue to plague her children. Her oldest son has anxiety whenever he is not around her and he shows signs of having anger issues. Maya's relationship with him is now very strained and uncomfortable. Maya is now the primary caregiver of only one of her sons while the others continue to live with their relatives. She infrequently sees them because her ex-husband has a restraining order against her and wins his legal battles with her since he does not have a criminal record.

Maya now has trouble providing for the one son in her care. Due to her criminal record, she has struggled to find housing and sufficiently-paying jobs. Burdensome court fines and probation costs only add to her financial strain. Maya is doing everything she can for her children but still feels like she may be setting them up for failure.

A more effective way to address the issues that Maya and her family faced would have been family counseling and treatment in the community for Maya's alcohol addiction. Instead, the children suffered as a result of the forced separations, with relationships deteriorating further due to Maya's incarceration.

Cendra

Years earlier, Cendra had committed a non-violent crime which would have placed her in prison. Fearing how she would be treated in prison, Cendra crossed state lines traveling all the way to Florida to evade arrest for seven years. During all of this time, Cendra was homeless and had no consistent form of daily support. Nonetheless, she committed no other crimes and was determined to eventually return to a normal life. But one day, she was finally arrested. The courts did not consider that what she had done seven years ago was only a misdemeanor and that she had committed no other offenses. Moreover, the courts completely disregarded the fact that she was a mother. What was a single misdemeanor turned into six felonies and a five year sentence, a punishment to both Cendra and her children.

The first time Cendra faced incarceration was 16 months. Her children were placed in the care of foster parents who did not fully inform them of the safety and well-being of their mother. They did not see each other at all during this time.

The second time Cendra faced incarceration, she found out that she was pregnant. Despite this, she was not given any support that a pregnant mother would need. She instead was subjected to harsh working conditions, having to lift heavy boxes for \$3 a day.

"The guards didn't care. I was punished for little things, like sleeping in a little late. I was punished for not being able to do the things that a pregnant mother isn't supposed to do."

Cendra was released from prison eight months pregnant. Had she given birth to her child while incarcerated, Cendra knew

that she would have had to fight for custody over another child. This was a fight that she certainly did not want to experience again.

"I was the lucky one I feel like. If I didn't get out, my child would be in state care and I would be fighting for her even now."

When she returned to the community, Cendra faced numerous obstacles connecting with her children.

"My children when they saw me again they didn't remember me... it really impacted their lives."

Cendra also has been challenged supporting her children since she has had trouble getting an apartment and job due to her record.

Cendra's story demonstrates how separation from family and community, for both parents and expecting parents, is extremely detrimental to the development of important bonds between children and their parents.

Tracy

Tracy was a mother of two children who didn't have a criminal record when she faced legal charges that her lawyer believed would most likely result in home confinement. She had no idea how to navigate the criminal justice system and depended on her attorney for guidance. So she and her young family were completely unprepared when the judge unexpectedly sentenced her to 10 to 15 years in prison. The court was particularly cruel by starting the sentence immediately instead of delaying the start date so that Tracy could make proper arrangements for her children to be cared for and otherwise prepare them – and herself – for this traumatic transition. That day marked her transition from mother to inmate.

When she pleaded with her judge to consider alternative sentencing for the sake of her two children, one of whom who is disabled, she was told:

“As a mother, you should have known better.”

The mental, physical, and emotional health of the children were not a consideration for the judge in choosing this harsh sentence, and for starting Tracy's incarceration in a way that would ensure maximum disruption and traumatization to the children's lives.

During her incarceration, her oldest son had a baby and became addicted to synthetic marijuana. The stress of being a

new father and struggling with addiction made her son act out in worrisome ways. From where she sat in prison, Tracy had no way to support her son or help him and her grandchild.

Her younger son with learning disabilities was violently attacked with an axe at the age of sixteen which led to a traumatic brain injury that requires medication. Without his mother's supervision, he became addicted to this medication. Again, Tracy was helpless to support her son while she was behind bars through this very difficult period of his life.

While she entered prison, Tracy herself faced serious depression but was denied access to antidepressants for the first six months of her internment.

Incarcerating a parent or other caregiver is devastating for all parties involved. When dependent children are separated from a primary caregiver, the results are often life-changing. The children have much greater chances of involvement in the criminal legal system as a result of this serious adverse childhood event. A court must be obligated to consider the well-being and mental and emotional health of all dependents, particularly young children, when weighing the sentence that it will visit on a defendant and her family. What Tracy and her children needed most while she was serving her sentence was the opportunity for her to care for her children in a community setting, including regular family counseling for them all.

Senate Bill #H5648 is an effective, balanced bill that would require courts, when making a sentencing decision, to consider the impact of a parent's incarceration on the health and long-term well-being of dependent children. This would be a powerful way to break cycles of incarceration and violence in our communities that too often result from a parent's incarceration, and would prevent families like Tracy's, Maya's, and Cendra's from passing the trauma of incarceration from generation to generation.

Keeping Families Together

Research in Support of H 5648

Compiled by students at Brown University

Submitted by Tyler Melwani, Brown University, Class of 2024

Chapter 1: Physical and mental health impacts of parental separation as a result of justice system involvement on parents and children

Parent-child separation as a result of a parent's incarceration is a traumatic experience for both the parent and the child. As of 2018, 1 in every 25 children in the United States is separated from a parent because of incarceration.¹ Nearly 80% of all women in jails are mothers, and most of these mothers are single parents.² As of June 30, 2020, 55% of sentenced males and 55% of sentenced females in Rhode Island are parents with an average of 2 children.³ As will be described next, these parent-child separations are very damaging to the child and parent.

¹ Turney, K., and R. Goodsell. "Parental Incarceration and Children's Wellbeing." PDF file. ERIC 28, no. 1 (2018): 147-164. <https://files.eric.ed.gov/fulltext/EJ1179185.pdf>.

² Vera Institute of Justice, "Overlooked: Women and Jails in an Era of Reform."

³ "Rhode Island Department of Corrections Fiscal Year 2020 Annual Population Report." PDF file. Rhode Island Department of Corrections, September 2020. <http://www.doc.ri.gov/docs/FY20%20Annual%20Population%20Report.pdf>.

Separation from a parent due to incarceration has been associated with a variety of physical health issues for the child including asthma,⁴ obesity,⁵ migraines, HIV/AIDS, and high cholesterol.⁶ The separations also lead to mental health issues such as depression, anxiety, post-traumatic stress disorder, ADD/ADHD, learning disabilities, developmental delays,^{7 8} poor sleeping patterns,⁹ and eating disorders.¹⁰ Moreover, stigma associated with having an incarcerated parent can cause children to have self-esteem issues, increasing the risk for these conditions.¹¹ Parental incarceration is considered one of the ten adverse childhood experiences (ACE) which are linked to greater chances of lifelong physical, mental, and behavioral health issues.^{12 13 14} All of these facts help explain a study finding that parent-child separation from incarceration is more detrimental to a child's wellbeing than divorce or even death of a parent.¹⁵

⁴ Turney, Kristin. "Stress Proliferation across Generations? Examining the Relationship between Parental Incarceration and Childhood Health." *Journal of Health and Social Behavior* 55, no. 3 (September 19, 2014): 302–19. <https://doi.org/10.1177/0022146514544173>.

⁵ Wildeman, C., A. W. Goldman, and K. Turney. "Parental Incarceration and Child Health in the United States." *Epidemiologic Reviews* 40, no. 1 (April 7, 2018): 146–156. <https://doi.org/10.1093/epirev/mxx013>.

⁶ Lee, R. D., X. Fang, and F. Luo. "The Impact of Parental Incarceration on the Physical and Mental Health of Young Adults." *Pediatrics* 131, no. 4 (April 18, 2013): e1188–e1195. <https://doi.org/10.1542/peds.2012-0627>.

⁷ Ibid.

⁸ Turney, Kristin. "Stress Proliferation across Generations? Examining the Relationship between Parental Incarceration and Childhood Health."

⁹ Beresford, S., N. Loucks, and B. Raikes. "The health impact on children affected by parental imprisonment."

¹⁰ Parke, R., and K. A. Clarke-Stewart. "Effects of Parental Incarceration on Young Children."

¹¹ Mackintosh, Virginia H., Barbara J. Myers, and Suzanne S. Kennon. "Children of Incarcerated Mothers and Their Caregivers: Factors Affecting the Quality of Their Relationship." *Journal of Child and Family Studies* 15, no. 5 (June 17, 2006): 579–94. <https://doi.org/10.1007/s10826-006-9030-4>.

¹² Beresford, S., N. Loucks, and B. Raikes. "The health impact on children affected by parental imprisonment." *BMJ Paediatrics Open* 4, no. 1 (February 10, 2020). <http://dx.doi.org/10.1136/bmjpo-2018-000275>.

¹³ "Preventing Adverse Childhood Experiences." Centers for Disease Control and Prevention. Centers for Disease Control and Prevention, April 3, 2020. https://www.cdc.gov/violenceprevention/aces/fastfact.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Facestudy%2Ffastfact.html.

¹⁴ Shonkoff, J. P., A. S. Garner, B. S. Siegel, M. I. Dobbins, M. F. Earls, A. S. Garner, L. McGuinn, J. Pascoe, and D. L. Wood. "The Lifelong Effects of Early Childhood Adversity and Toxic Stress." *Pediatrics* 129, no. 1 (December 26, 2011): e232–e246. <https://doi.org/10.1542/peds.2011-2663>.

¹⁵ Beresford, S., N. Loucks, and B. Raikes. "The health impact on children affected by parental imprisonment." *BMJ Paediatrics Open* 4, no. 1 (February 10, 2020). <http://dx.doi.org/10.1136/bmjpo-2018-000275>.

Incarceration itself is physically and mentally hurtful to those incarcerated, and being a parent worsens this situation. Many incarcerated parents have limited ability to see their children due to barriers like distance and financial costs.¹⁶ This contributes to the fact that incarcerated mothers who are separated from their children report feelings of depression, guilt, and helplessness.¹⁷

¹⁶ “Keeping Kids and Parents Together: A Healthier Approach to Sentencing in Massachusetts.”

¹⁷ Jbara, Anne E. “The Price They Pay: Protecting the Mother-Child Relationship Through the Use of Prison Nurseries and Residential Parenting Programs.” *Indiana Law Journal* 87, no. 4 (October 26, 2012): 1825-1845. <https://www.repository.law.indiana.edu/ilj/vol87/iss4/10>.

Chapter 2: Educational, employment and other societal impacts of parental separation as a result of legal system involvement on parents and children

The incarceration of parents can negatively influence their children's education and life outcomes. In school, children with an incarcerated parent often face stigmatization, leading to social exclusion from peers and lowered expectations from teachers.¹⁸ They are more likely to report unhappiness in school.¹⁹ They experience more disciplinary issues and antisocial behaviors.²⁰ They on average perform worse academically and have a higher dropout rate.²¹ They are six times more likely to be suspended or expelled from school²² and 25% less likely to be college graduates.²³ 1 in 6 children of incarcerated parents does not meet "school readiness" benchmarks in socioemotional development, physical health, ability to follow instructions, and early learning skills.²⁴

Parental incarceration can also affect the child's employability. For example, an examination of Latino children who experienced parental incarceration found that they are more likely to experience lower wages and lower quality jobs than their peers.²⁵ Another study found that children who experience traumatic events like parental separation are more likely to be unemployed and live in poverty, regardless of sex, race, and ethnicity.²⁶ They also tend to have a lower annual income later in life.²⁷

¹⁸ Foster, Holly and Hagan, John. (2015)

¹⁹ Shaw, Marcus. (2019)

²⁰ Treatment and Services Adaptation Center, What is a Trauma-informed School?, from <https://traumaawareschools.org/traumaInSchools>

²¹ Miller, Holly Ventura and Barnes, J.C. (2014)

²² Illinois ACEs Response Collaborative. "Justice Brief"

²³ Hagan, Foster, Murphy. (2020)

²⁴ Testa, Alexander and Jackson, Dylan B. (2020).

²⁵ Ryabov, Igor. (2020).

²⁶ Metzler, Marilyn et. al. (2017).

²⁷ Mears, D.P., and Siennick, S.E. (2016)

The incarceration of a parent has been associated with other problems in life for the child. Children who live without their mother are three times more likely to experience sexual abuse²⁸ and six times more likely to develop substance use disorders.²⁹ They are also more likely to experience the criminal justice system themselves. The criminality of parents is tied to later juvenile delinquency.³⁰ One study also found that boys who had incarcerated fathers have double the chance of other similar boys to be incarcerated in the future.³¹ Parental incarceration perpetuates an intergenerational cycle of poverty and criminality.

²⁸ "Keeping Kids and Parents Together"

²⁹ Gifford, Elizabeth J., Lindsey Eldred Kozeck, Megan Golonka, Sherika N. Hill, E. Jane Costello, Lilly Shanahan, and William E. Copeland. "Association of Parental Incarceration With Psychiatric and Functional Outcomes of Young Adults." *JAMA Network Open* 2, no. 8 (August 23, 2019). <https://doi.org/10.1001/jamanetworkopen.2019.10005>.

³⁰ Hagan and Palloni, 1990 page 147.

³¹ Ibid.

Chapter 3: Families at the intersection of the criminal legal system and the child welfare system: A national and Rhode Island perspective

40% of foster children in the US have experienced parental incarceration.³² Foster care is associated with poorer outcomes for children, so this link between parental incarceration and foster care is problematic. A child's foster care placement is a predictor of family homelessness during adulthood,³³ and one in four former foster youth get involved in the criminal legal system within two years of leaving foster care.³⁴ The situation of foster care is especially concerning in Rhode Island which relies almost twice as much on group homes for foster placement compared to the US overall. Being more restrictive than family placement, group homes are linked to the poorest educational, employment, and social outcomes out of all forms of state care.³⁵ There have also been multiple examples in recent years of the Rhode Island Department of Children, Youth, and Families (DCYF) abusing, neglecting, and allowing dangerous conditions within the state foster care system.³⁶ ³⁷ Furthermore, it is very possible for a foster child to never be unified

³² Laub, J. H. & Haskins, R. (2018). Helping children with parents in prison and children in foster care. Retrieved January 11, 2019, from <https://futureofchildren.princeton.edu/>

³³ The National Center on Family Homelessness. The Characteristics and Needs of Families Experiencing Homelessness. (Needham, MA, 2011). <https://files.eric.ed.gov/fulltext/ED535499.pdf>.

³⁴ Juvenile Law Center. "What is the Foster Care to Prison Pipeline?" (Juvenile Law Center, 2018). Accessed March 18, 2021. <https://jlc.org/news/what-foster-care-prison-pipeline>.

³⁵ Bebe, Savannah et al. "Improving Outcomes for Foster Youth in Rhode Island." The College & University Research Collaborative, 2016. Accessed 18 March 2021. <http://www.collaborativeri.org/research/improving-outcomes-for-foster-youth-in-rhode-island>.

³⁶ Cullinane, Ashely and Botelho, Jessica. "9-year-old Warwick child's death due to 'inaction' by DCYF, report notes." 10 WJAR, 2019. Accessed 18 March 2021. <https://turnto10.com/news/local/9-year-old-ri-childs-death-due-to-inaction-by-dcyf-report-notes>.

³⁷ Mooney, Tom. "3 R.I. group homes put on probation following child advocate's report." The Providence Journal, 2020. Accessed 18 March 2021. <https://www.providencejournal.com/news/20200225/3-ri-group-homes-put-on-probation-following-child-advocates-report>.

with their formerly incarcerated parent, continuing the trauma of separation previously described.³⁸

Rhode Island's criminal legal system relies heavily on probation. Single mothers in particular may struggle to avoid probation violations as a result of conflicts between their probation requirements and parenting and employment responsibilities, resulting in potential imprisonment and child protective services involvement.³⁹

The 1997 Adoption and Safe Families Act (ASFA), was created to prevent children from remaining in foster care for years without being adopted or reunified with their families after a child has been in foster care for fifteen of the most recent twenty-two months.⁴⁰ It is important to note that the likelihood of family reunification is highest immediately after a child is placed in foster care, with longer lengths of stay reducing the probability of reunification.⁴¹

³⁸ Hayward, R. A., & DePanfilis, D. (2007). Foster children with an incarcerated parent: Predictors of reunification. *Children and Youth Services Review*, 29(10), 1320–1334. <https://doi.org/10.1016/j.childyouth.2007.05.005>

³⁹ Ferraro, Kathleen J., and Angela M. Moe. "Mothering, Crime, And Incarceration." *Journal of Contemporary Ethnography* 32, no. 1 (February 2003): 9–40. <https://doi.org/10.1177/0891241602238937>.

⁴⁰ Halperin, Ronnie, and Jennifer L. Harris. "Parental Rights of Incarcerated Mothers with Children in Foster Care: A Policy Vacuum." *Feminist Studies* 30, no. 2 (2004): 339–52. Accessed March 18, 2021. doi:10.2307/20458967.

⁴¹ Courtney, Mark E. "Factors Associated with the Reunification of Foster Children with Their Families." *Social Service Review* 68, no. 1 (1994): 81–108. Accessed March 18, 2021. <http://www.jstor.org.revproxy.brown.edu/stable/30012522>.

Chapter 4: Parental Incarceration: Community-Based Alternatives & Existing Advocacy

Women who serve as the primary caregiver for children often bear childcare responsibility post incarceration. Providing community-based alternatives (CBAs) addressing the root causes of crimes can serve as pathways for the long-term health and wellbeing of mothers and children. CBAs center on women receiving therapeutic care instead of incarceration with the understanding that supporting women leads to healthier family outcomes. CBAs provide incarcerated women substance use and recovery support, trauma treatment, and wrap-around services to keep families together.

Reducing or diverting incarceration may substantially reduce adverse childhood experience (ACE) scores.⁴² Providing women trauma-informed care may offer healing from the effects of imprisonment and a greater sense of support in caring for their children. CBAs also aim to limit the intergenerational impact of incarceration on families.⁴³

Keeping families together requires a concerted effort by judges, CBAs, child welfare, and when necessary, parole and probation departments to divert primary caregivers away from incarceration, avoid revocation, and limit trauma incurred during separation and imprisonment. Providing wrap-around services to parents, tailored treatment plans, and systems-care ensures stability and addresses the underlying and often system social conditions leading to involvement with the criminal legal system.

⁴² Reichel, Chloe, and About The Author Chloe Reichel Research Reporter Chloe Reichel worked for The Journalist's Resource from 2017 to 2020. Previously she worked at the Vineyard Gazette. Her work has also appeared in Cambridge Day. "Parents in Prison and the Lasting Health Effects on Children." The Journalist's Resource, 4 Dec. 2020, journalistsresource.org/politics-and-government/parental-incarceration-health-research/.

⁴³ Hairston, Creasie Finney. 2007, FOCUS ON CHILDREN WITH INCARCERATED PARENTS.

Chapter 5: Keeping Families Together: Review of Current Successful Legislation and Future Recommendations

Massachusetts and Tennessee are examples of states that have introduced and implemented legislation prioritizing keeping families together. The legislation in these states pushes the idea that being incarcerated does not address or mitigate substance dependency, adverse mental or physical health, or other issues related to poverty such as low educational attainment or employment rates.^{44 45}

To effectively supplement the recommendation for alternatives to incarceration, examples of community-based agencies and data on their scope, reach, and success will need to be provided. Communication between the legislative team, co-sponsors, and relevant agencies should be consistent and proactive in nature.⁴⁶ Both the Tennessee and Massachusetts legislation utilized effective graphics illustrating carceral disparities and data, and easy-to-interpret fact sheets to present relative information related to the proposed bills. Also of great utility to the Massachusetts and Tennessee legislation was the use of impact statements from women and girls about their experiences of separation, as well as statements from local agencies that were examples of community-based places to satisfy sentencing requirements.

⁴⁴ “Keeping Kids and Parents Together: A Healthier Approach to Sentencing in Massachusetts.” PDF file. Oakland, CA: Human Impact Partners and Families for Justice and Healing, September 2017.

https://humanimpact.org/wp-content/uploads/2018/10/KeepingMAKidsParentsTogetherHealthier_2017.09.pdf.

⁴⁵ Sykes, Bryan L., and Becky Pettit. “Mass Incarceration, Family Complexity, and the Reproduction of Childhood Disadvantage.” *The ANNALS of the American Academy of Political and Social Science* 654, no. 1 (July 2014): 127–49. <https://doi.org/10.1177/0002716214526345>.

⁴⁶ “2020 Rhode Island Kids Count Factbook.” PDF file. Providence, RI: Rhode Island KIDS COUNT, 2020. <http://www.rikidscount.org/Portals/0/Uploads/Documents/Factbook%202020/RIKCFactbook2020.pdf?ver=2020-04-06-084405-867ffchil>