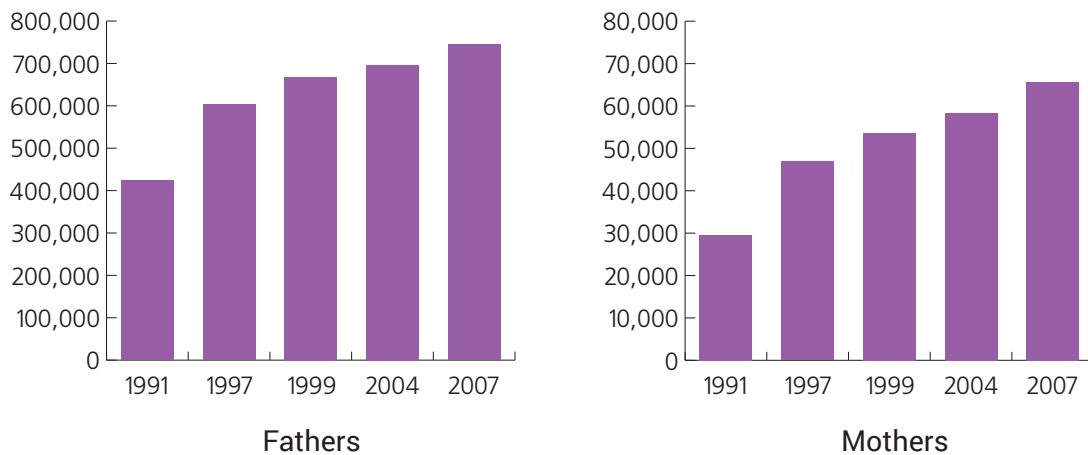


# Parents in Prison

## OVERVIEW

- In 2004, 52% of people in state prisons and 63% in federal prisons were parents of minor children.
- Most parents in prison are fathers (744,200 fathers compared to 65,600 mothers).
- The number of fathers in prison increased 76% and the number of mothers in prison increased 122% between 1991 and 2007.

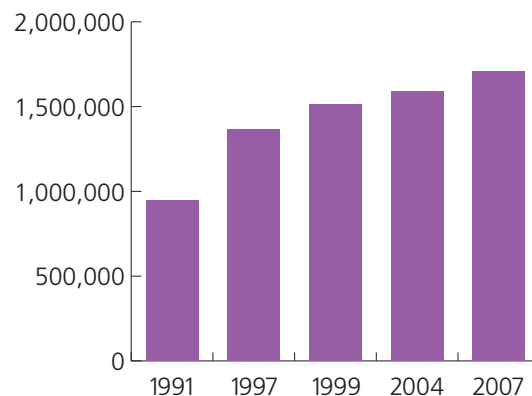
Number of Parents in Prison, 1991-2007



## CHILDREN WITH PARENTS IN PRISON

- In 2007, 1.7 million children had a parent in prison on any given day.
- The number of children with parents in prison increased 80% between 1991 and 2007.
- 1 in 15 black children, 1 in 42 Latino children, and 1 in 111 white children had a parent in prison in 2007.
- Black children are 7.5 times more likely and Hispanic children are 2.6 times more likely than are white children to have a parent in prison.

Children with Parents in Prison, 1991-2007



## CONTACT WITH CHILDREN

- Nearly half (48%) of all parents in state prisons lived with their children before being sent to prison.
  - 47% of fathers in state prisons lived with their children compared to 64% of mothers.
- 62% of parents in state prisons and 84% of parents in federal prisons are incarcerated more than 100 miles from their last residence.<sup>1</sup>
- 59% of parents in state prisons and 45% in federal prisons have not had any personal visits with their children while in prison.

## CHILDREN'S LIVING SITUATIONS

- Most fathers in prison (88%) report their children are living with their non-incarcerated parent.
- Mothers in prison are more likely than are fathers to have children living with grandparents, other relatives, or in foster care.

### Current Caregivers of Minor Children of Parents in State Prisons, 2004

	Fathers		Mothers	
	%	Number	%	Number
Child's other parent	89	517,317	37	18,907
Grandparent	13	73,150	45	22,944
Other relative	5	27,504	23	11,651
Foster home/agency	2	12,874	11	5,570
Other	2	14,045	8	3,986

NOTE: Percentages sum to more than 100% because some parents have children living with multiple caregivers.

## MISSED OPPORTUNITY FOR INTERVENTION

- Compared with the general population, parents in prison are more likely to have problems that may place children at risk for social and emotional problems:
  - 9% of parents in prison were homeless in the year before the arrest leading to their current imprisonment.
  - 20% were physically or sexually abused prior to their imprisonment.
  - 38% do not have a high school diploma or GED.
  - 41% have infectious medical problems (including tuberculosis, hepatitis, HIV, and sexually transmitted diseases).<sup>2</sup>
  - 57% have current mental health problems.
  - 67% have a recent history of alcohol or drug abuse.
- While incarcerated, only a fraction of parents have received services to address these problems:
  - Only 12% have received parenting or child-rearing classes.
  - Only 30% have received education programs.
  - Only 31% of parents with mental health problems have received treatment while in prison.
  - Only 42% of parents with alcohol or drug problems have received treatment while in prison.

## COLLATERAL CONSEQUENCES OF INCARCERATION IMPEDE PARENTING

Once parents are released from prison, they must be able to support their children. Recently adopted federal policies pose barriers to parents meeting their children's basic needs.

- *The Adoption and Safe Families Act of 1997 (AFSA)* authorized the termination of parental rights when a child has been in foster care for 15 of the past 22 months.<sup>3</sup>
  - 1 in 30 (3%) parents in state prisons has children in foster care.
  - As of 2004, 58% of parents in state prison and 76% in federal prison were expected to still serve 12 months or more.
- *The Welfare Reform Act of 1996* imposed unduly harsh punishments on people convicted of felony drug crimes by permanently denying them welfare benefits (TANF) and food stamps.<sup>4</sup>
  - As of 2004, 12% of parents in state prisons who were the primary source of financial support for their children prior to being sent to prison had received welfare or other government transfers.
    - Of that 12%, mothers were more likely than fathers to have received welfare or other government transfers (36% vs 10%).
  - The lifetime welfare ban has a disproportionate impact on African American and Latino families due to racially-biased drug policies and the enforcement of those policies.
  - States have the option of opting-out of the felony conviction ban. As of 2011, 14 states had completely opted out of the ban on TANF and 18 had eliminated the ban for food stamps.<sup>5</sup>
    - 26 states have partially opted out of the TANF ban and 22 states have partially opted out of the food stamp ban. Some states, for example, apply the ban only to people convicted of distributing or manufacturing drugs, but not for possession, or they allow people to receive food stamps or TANF after completing their sentences and complying with other conditions such as participating in treatment or complying with conditions of probation.
- In 1996, the federal government passed the *Housing Opportunity Program Extension Act*<sup>7</sup> under which Public Housing Authorities may request criminal conviction information from law enforcement to screen applicants for housing or tenants for eviction.<sup>7,8</sup>
  - Public Housing Authorities are given broad discretionary power to deny public, Section 8, and other federally assisted housing to anyone who has had any involvement in a drug-related or violent crime, regardless of time passed since the offense.
- As part of the *Violent Crime Control and Law Enforcement Act of 1994*,<sup>9</sup> currently incarcerated individuals were declared ineligible for college Pell grants, creating a barrier to incarcerated parents overcoming their socioeconomic disadvantage. Once released, formerly incarcerated people re-gain eligibility for Pell Grants and federal financial aid if they have not been convicted of a drug-related offense.

Except as noted in endnotes, all data are from Glaze, L. & Maruschak, L. (2008). *Parents in prison and their minor children*. Washington, DC: Bureau of Justice Statistics.

## ENDNOTES

- 1 Mumola, C. (2000). *Incarcerated parents and their children*. Washington, DC: Bureau of Justice Statistics.
- 2 Maruschak, L. (2008). *Medical problems of prisoners*. Washington, DC: Bureau of Justice Statistics.
- 3 Lapidus, L., Luthra, N., Verma, A., Small, D., Allard, P., & Levingston, K. (2005). *Caught in the net: The impact of drug policies on women and families*. American Civil Liberties Union, Break the Chains: Communities of Color and the War on Drugs, the Brennan Center at NYU School of Law.
- 4 Federal Interagency Reentry Council. (2010). *Reentry myth buster: On TANF benefits*.
- 5 Legal Action Center. Opting out of federal ban on TANF and food stamps. <http://www.lac.org/toolkit/TANF/TANF.htm>
- 6 Housing Opportunity Program Extension Act of 1996, PL 104-120, Sec. 9 (1996).
- 7 Women's Prison Association. (2003). WPA Focus on women & justice: Barriers to reentry.
- 8 Violent Crime Control and Law Enforcement Act of 1994, H.R.3355.ENR, 103d Cong. (1993)
- 9 The Council of State Governments Justice Center. Frequently asked questions: Employment and education. National Reentry Resource Center. <http://www.nationalreentryresourcecenter.org/faqs/employment-and-education#Q14>.

This fact sheet was updated September 2012.

The Sentencing Project works for a fair and effective U.S. justice system by promoting reforms in sentencing policy, addressing unjust racial disparities and practices, and advocating for alternatives to incarceration.