

**Access Committee – All Families Served  
January 2021**

**Recommendation on the Addition of  
Children who are Impacted by Parental Involvement in the Criminal Justice System  
to the Illinois Priority Populations List**

**Proposal**

Nationwide, and in Illinois, increasingly high rates of incarceration—and the disproportionate mass incarceration of Black (African and Black immigrants from other nations, as well as American Descendants of Slavery)<sup>1</sup>, Indigenous, and People of Color (BIPOC) and women— significantly impact communities, families, and the children of incarcerated parents. The United States is a world leader in mass incarceration, with approximately 2.1 million people confined in the nation’s prisons and jails<sup>2</sup> and one of 38 adults under some form of correctional control in 2016<sup>3</sup>. With a rate of 564 incarcerated people per population of 100,000 including prisons, jails, immigration detention, and juvenile justice facilities, Illinois incarcerates a higher percentage of people than many wealthy democracies.<sup>4</sup> Prison and jail incarceration rates in Illinois have increased significantly over the last four decades,<sup>5</sup> with Black and Native Illinoisans dramatically overrepresented in the incarcerated population, per 2010 estimates by the Prison Policy Initiative.<sup>6</sup> The United States overwhelmingly spends more money on incarceration than education and in 2015, Illinois total prison expenditures were over \$1.5 billion<sup>7</sup>.

Even as national and statewide awareness of the impact of parental incarceration on young children grows, additional attention and resourcing are needed to ensure that systems, including early childhood care and education systems, take into account how children are affected by their parents' involvement and to find ways to address their needs. The following represents a joint recommendation by Start Early and the Erikson Institute to the All Families Served Subcommittee, Access Committee to include children who are impacted by parental involvement in the criminal justice system in the list of Illinois priority populations through the Early Learning Council.<sup>8</sup>

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<sup>1</sup> From ADOS 101 “ADOS—which stands for American Descendants of Slavery—seeks to reclaim/restore the critical national character of the African American identity and experience, one grounded in our group’s unique lineage, and which is central to our continuing struggle for social and economic justice in the United States.” See <https://ados101.com/about-ados>

<sup>2</sup> *Jail* can be used to describe a place for those awaiting trial or held for minor crimes (usually under the jurisdiction of a local government, such as a county), whereas *prison* describes a place for convicted criminals of serious crimes (usually under a state jurisdiction). Sentences to jail (typically misdemeanors) are usually 1 year or less, whereas sentences to prison (typically felonies) are generally more than 1 year. Compared to prisons, jails have substantially higher turnover, typically provide fewer programs and services, and often have limited opportunities for contact visitation. These differences have important implications for parents.

<sup>3</sup> Kaeble, D., & Cowhig, M. (2018). *Correctional populations in the United States, 2016*. Bureau of Justice Statistics Bulletin, NCJ 251211. Retrieved from <https://www.bjs.gov/content/pub/pdf/cpus16.pdf>

<sup>4</sup> Jones, Alexi. "Correctional control 2018: Incarceration and supervision by state." Prison Policy Initiative. Last modified December (2018). <https://www.prisonpolicy.org/reports/correctionalcontrol2018.html>

<sup>5</sup> Aiken, Joshua. "Era of mass expansion: Why state officials should fight jail growth." Prison Policy Initiative (2017). <https://www.prisonpolicy.org/reports/jailsovertime.html>

<sup>6</sup> Jones, 2017.

<sup>7</sup> Mai, C., & Subramanian, R. (2017). *The Price of Prisons: Examining State Spending Trends, 2010 – 2015*. <https://www.vera.org/downloads/publications/the-price-of-prisons-2015-state-spending-trends.pdf>

<sup>8</sup> All Families Served Subcommittee: [Recommendation on Priority Populations](#) - Approved February 4, 2019

## **Background**

Data on the true scale of number of children affected by parental incarceration is limited, because often our systems do not systematically collect information about a person's parenting status when they enter a facility. Yet this information is critically important for guiding correctional practice and policy. Recently, the Advisory Council of the Illinois Risk and Reach Report wanted to include parental incarceration as a Family Stability Risk Indicator but reliable county-level data on parental incarceration does not exist. Underreporting and a lack of uniform data collection make it difficult to estimate the number of parents involved in the justice system. Even when incarcerated individuals are asked about their parenting status during intake procedures, many chose not to report that they have children. Reasons such as fear of involvement with child protective services contribute and these fears are understandable, especially considering that increased surveillance among justice-involved families has been shown to contribute to increased rates of children's out-of-home placements in foster care and racial disparities in incarceration<sup>9</sup>.

However, national data suggest that the incarceration of parents of young children is prevalent. Recent estimates from the National Survey of Children's Health indicated that more than 5 million children—and 5% of children younger than 6 years old—have had a parent who lived with them go to jail or prison<sup>10</sup>. Over 60 percent of the women in state and federal prison are mothers of minor children<sup>11</sup>, and incarcerated mothers are far more likely than incarcerated fathers to have been their children's primary caregiver prior to their incarceration<sup>12</sup>.

Similar trends are present in the available data from Illinois' 40 prison facilities<sup>13</sup>. According to the Illinois Department of Corrections Fiscal Year 2019 Annual Report, 24,818 of the prison population reported being a parent, or 63.1%<sup>14</sup> (however, this data is not disaggregated by age of the child and so could also include adult children, another example of inadequate data collection). To give an example of one individual Illinois facility, a survey of the Logan prison found that 71% of the women incarcerated were mothers<sup>15</sup>.

It is important to note that these statistics only list prisons and do not account for the even larger landscape of the jail system or immigrant detention centers. The Cook County Sheriff's Office has been collecting data to inform programs and initiatives to support families affected by incarceration in jail. Self-reported, one-year data from men and women detained at Cook County Jail estimated that 73,539 children under the age of 18 were affected by parental incarceration in jail. While data from the Cook County Jail speaks only to the scope of the impact of parental incarceration in one county, there are 92

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<sup>9</sup> Edwards, F. (2016). Saving children, controlling families: Punishment, redistribution, and child protection. *American Sociological Review*, 81(3), 575–595.

<sup>10</sup> Murphey, D., & Cooper, P. M. (2015). Parents behind bars: What happens to their children? *Child Trends*. Retrieved from <https://www.childtrends.org/wp-content/uploads/2015/10/2015-42ParentsBehindBars.pdf>

<sup>11</sup> Glaze, L., & Maruchak, L. (2010). *Parents in prison and their minor children*. Washington, DC: U.S. Department of Justice Office of Justice Programs, Bureau of Justice Statistics.

<sup>12</sup> Ibid.

<sup>13</sup> Security is classified as Transitional, Low Minimum, Minimum, High Minimum, Medium, High Medium, Secure Medium, and Maximum.

<sup>14</sup> <https://www2.illinois.gov/idoc/reportsandstatistics/Documents/Annual%20Report%20FY19.pdf>

<sup>15</sup> Benedict, A., & Benos, D. (2016). *The gender informed practice assessment (GIPA): summary of findings & recommendations*. Washington, DC: National Resource Center on Justice Involved Women.

jails in 102 counties in Illinois, suggesting that the true number of children impacted by jail incarceration throughout the state is staggeringly high.

## **Rationale**

Parental incarceration is recognized as an adverse childhood experience (ACE) and can have a profound impact on children. Children who have experienced the incarceration of a parent are at increased risk for physical health problems<sup>16</sup>; developmental delays; learning difficulties<sup>17</sup>; behavioral problems<sup>18</sup>; delinquency<sup>19</sup>; and mental health concerns<sup>20</sup>. Parental incarceration is also associated with increased risk for educational concerns, such as truancy, suspension, and expulsion<sup>21</sup>; grade retention<sup>22</sup>; fewer years of school completion<sup>23</sup>; and higher rates of dropping out<sup>24</sup>. Due to its negative impact on family income and educational attainment<sup>25</sup>, parental incarceration may adversely affect children's well-being into adulthood<sup>26</sup>. Incarceration can be a generational cycle with 26% of 50 interviewed mothers at the Logan facility indicating that they had experienced the incarceration of one or more of their own parents<sup>27</sup>.

Research about how the post-incarceration experience affects young children is limited. However, the challenges associated with regaining economic and social stability for individuals released from incarceration are well-documented and have substantial implications on family and child well-being. For example, many parents are key providers of financial support for their families prior to incarceration

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<sup>16</sup> Glaze, L., & Maruchak, L. (2010). *Parents in prison and their minor children*. Washington, DC: U.S. Department of Justice Office of Justice Programs, Bureau of Justice Statistics.

<sup>17</sup> Turney, K. (2014). "Stress Proliferation Across Generations? Examining the Relationship between Parental Incarceration and Childhood Health." *Journal of Health and Social Behavior*, 55(3), 302–319.

<sup>18</sup> Craigie, T.-A. L. (2011). The effect of paternal incarceration on early child behavioral problems: A racial comparison. *Journal of Ethnicity in Criminal Justice*, 9(3), 179–199.

<sup>19</sup> Murray, J., Farrington, D. P., & Sekol, I. (2012). Children's antisocial behavior, mental health, drug use, and educational performance after parental incarceration: A systematic review and meta-analysis. *Psychological bulletin*, 138(2), 175–210. ; Roettger, M.E. & Swisher, R. R. (2011). Associations of fathers' history of incarceration with sons' delinquency and arrest among Black, White, and Hispanic males in the United States. *Criminology*, 49(4), 1109-1147.

<sup>20</sup> Davis, L., & Shlafer, R. J. (2017). Mental health of adolescents with currently and formerly incarcerated parents. *Journal of Adolescence*, 54, 120–134.; Murray, J. & Farrington, D. (2008). The Effects of Parental Imprisonment on Children. *Crime and Justice*, 37(1), 133-206.

<sup>21</sup> Shlafer, R., 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.

<sup>22</sup> Turney, K. & Haskins, A. (2014). Falling Behind? Children's Early Grade Retention after Paternal Incarceration. *Sociology of Education*, 87(4), 241-258.

<sup>23</sup> Foster, H. & Hagan, J. (2009). The mass incarceration of parents in America: Issues of collateral damage to children and prison re-entry. *The ANNALS of the American Academy of Political and Social Science*, 623(1), 179-194.

<sup>24</sup> Cho, R. M. (2011). Understanding the mechanism behind maternal imprisonment and adolescent school dropout. *Family Relations*, 60(3), 272-289.

<sup>25</sup> Hairston, C.R., 2007, *Focus on Children of Incarcerated Parents, An Overview of the Research Literature*. A Report for the Annie E. Casey Foundation.; The Pew Charitable Trusts. (2010). *Collateral Costs: Incarceration's Effect on Economic Mobility*. Washington, DC: The Pew Charitable Trusts.

<sup>26</sup> Sykes, B. & Pettit, B. (2014). Mass Incarceration, Family Complexity, and the Reproduction of Childhood Disadvantage. *The ANNALS of the American Academy of Political and Social Science*, 654(1), 127–149.

<sup>27</sup> Dworsky, A., Fedock, G., Schlecht, C., Malcome, M., Murray, C., & Hazel, C. (2020). Addressing the needs of incarcerated mothers and their children in Illinois. Chicago, IL: Chapin Hall at the University of Chicago and the University of Chicago's School of Social Service Administration.

(89% of mothers, and 67% of fathers), per Bureau of Justice Statistics.<sup>28</sup> The loss of financial support upon the incarceration of a parent may jeopardize a family's housing stability, healthcare access, continuity in childcare, or other critical supports. Correspondingly, parents released from incarceration may struggle to provide the same levels of financial support to their children and families post-incarceration, especially as finding meaningful employment or affordable housing are increasingly difficult following incarceration. Fees associated with post-incarceration supervision/probation may also pose a barrier to economic stability for the families of formerly incarcerated individuals—fees may reach \$50 per month.<sup>29</sup>

However, we should not solely focus on the risk factors and assume that children whose parents are incarcerated are a lost cause. Promoting protective factors and providing the support these children and families need is equally important. Research has shown that a continued relationship affects both the child and the parent:

- Final implementation findings from the Responsible Fatherhood Reentry Projects found that assisting fathers in reducing the barriers to family stability and reunification helped fathers become more empathetic to their children, decrease feelings of stress about parenting, decrease behavioral problems exhibited by the child, and improve employment and substance abuse recovery outcomes<sup>30</sup>.
- Mothers who have participated in prison nursery programs show a significantly lower recidivism rate than non-participants in part because of the positive mental and emotional health outcomes from meaningful time spent with their children<sup>31</sup>.
- Providing additional assistance with childcare, parenting classes, and other supplementary support can help prevent child behavior problems that lead to later anti-social and delinquent behavior, thus breaking the cycle of incarceration and poverty within families and communities.<sup>32</sup>
- A recent study conducted by the University of Chicago at the Logan prison, surveying and interviewing incarcerated women who are parents found that “Contact with children was consistently cited by the mothers interviewed as vital to their time in prison, especially in terms of buffering them from mental health concerns. One mother disclosed that had she not had contact with her daughter, ‘I would have killed myself, because there- at least at that point- there’s no point in staying alive. But my kid reminds me how much she needs me.’”<sup>33</sup>

Even with the challenges to measuring the number of children of incarcerated parents noted above, Illinois has recently adopted several pieces of legislation affirming the rights of and drawing attention to

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<sup>28</sup> Glaze, L. E., & Maruschak, L. M. (2008). Bureau of Justice Statistics. Special Report: Parents in prison and their minor children (Report No. NCJ 222984). Washington, DC: *U.S. Department of Justice*. Retrieved from <https://www.bjs.gov/>

<sup>29</sup> <http://www.cookcountycourt.org/Manage/Division-Orders/View-Division-Order/ArticleId/337/GENERAL-ADMINISTRATIVE-ORDER-NO-05-09-STANDARD-PROBATION-FEE-GUIDE>

<sup>30</sup> Fontaine, Jocelyn, Lindsey Cramer, Emma Kurs, Ellen Paddock, Josh Eisenstat, Jeremy Levy, and Jeanette Hussemann (2017). Final Implementation Findings from the Responsible Fatherhood Reentry Projects, OPRE Report #2017-05, Washington, DC: Office of Planning, Research and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services.

<sup>31</sup> Goshin, Lorie S., Mary W. Byrne, and Alana M. Henninger. “Recidivism after Release from a Prison Nursery Program.” *Public health nursing* (Boston, Mass.) 31.2 (2014): 109–117. PMC. Web. 26 July 2017.

<sup>32</sup> Russell BS, Britner PA, Woolard JL. The promise of primary prevention home visiting programs. *J Prev Interv Community* 2007

<sup>33</sup> Dworsky, A., Fedock, G., Schlecht, C., Malcome, M., Murray, C., & Hazel, C. (2020). Addressing the needs of incarcerated mothers and their children in Illinois. Chicago, IL: Chapin Hall at the University of Chicago and the University of Chicago's School of Social Service Administration.

the particular needs of families and children experiencing parental incarceration. The Women’s Correctional Services Act (Public Act 100-0527) was passed in 2017, requiring the Illinois Department of Corrections (IDOC) to implement “gender responsive policies, practices, programs, and services [that are] considered relational, culturally competent, **family-centered**, holistic, strength-based, and trauma-informed.” Additionally, Public Act 101-0480 created a Children of the Incarcerated Task Force to recommend policies and procedures that would safeguard children whose parents are involved in the criminal justice system and laid out a set of guiding principles similar to the rights specified in Oregon’s Bill of Rights of Children of Incarcerated Parents<sup>34</sup>. Finally, the Children’s Best Interest Act (Public Act 101-0471) requires judges to consider the impact parental incarceration will have on child well-being during the sentencing process and allows a “Family Responsibility Statement” to be presented. Illinois has also long had an anti-shackling law, (Public Act 97-0660) which prohibits the use of restraints to a pregnant prisoner, during labor and delivery, and during post-partum recovery.

With the right supports, these children and families can continue to thrive. For incarcerated parents, participation in programming with children may be limited based on certain criteria (restrictions prohibiting participation of those sentenced for violent crimes, with open cases or warrants, and other criteria). Advocates continue to raise the need for community-based sentencing and alternatives to custodial sentencing, in part to support the ability of justice-system involved parents to maintain relationships with their children. However, for eligible parents, early care and education programs can provide these supports and there are some promising examples that could be built upon, including a Baby Talk home visiting program to the women and children in the prison nursery program in Decatur, IL, a home visiting and doula pilot project through Start Early in partnership with the Cook County Jail Sheriff’s Justice Institute, a parenting group for fathers in the Cook County Jail through the Fussy Baby Network, a collaboration between the Cook County Jail and the Chicago Children’s Museum to allow parents visits with their children, and innovations in other states within Head Start and Early Head Start. The Parents as Teachers home visiting model policies and program manuals also list children of Incarcerated parent(s), in their definitions of high-risk characteristics, which help guide requirements for service frequency. This population is defined as children whose “Parent(s) is incarcerated in federal or state prison or local jail or was released from incarceration with the past year.”

However, in Illinois, our programs are not comprehensively serving these families. For example, data from the 2019 Head Start Program Information Report in Illinois indicated that under “assistance to families of incarcerated individuals,” only 303 families received services. When comparing this number to the Cook County Jail data, we can see that we are most likely vastly underserving this population, or we are not recognizing that these children are in our programs. The early care and education system in Illinois must do a better job of providing services to these children and engaging their parents. For these reasons, this population should be designated a priority population.

### **Proposed Definition**

Children who are impacted by parental involvement in the criminal justice system: A child meets this criterion if a parent or legal guardian of the child is currently incarcerated in a jail, prison, or immigrant detention center for a sustained or repeated period of time, has been released from a correctional facility within the last year after a sustained or repeated period of time, or is at home on electronic monitoring, or is on mandatory supervision (parole or probation).

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<sup>34</sup> <https://www.oregonlaws.org/ors/423.160>

## Further Recommendations

Once this population is designated a priority population, further advocacy and work to support children of parents who are incarcerated could include:

1. Increase awareness among the public, as well as ECEC providers about the experiences of children of incarcerated parents and their families.
  - As noted by a 2019 review of public education and advocacy efforts, and persistent misconceptions surrounding the experiences of children of incarcerated parents, “common “child related assumptions include ideas that young children fare better not knowing or seeing a parent who is in jail or prison and that young children are naturally resilient in the face of trauma or separation from a parent.”<sup>35</sup>
2. Automatic CCAP eligibility for parents who are being released.
3. Following Puerto Rico’s example, ensure automatic enrollment in Head Start for all children with a parent in prison<sup>36</sup>.
4. Increased Infant/Early Childhood Mental Health Consultation (I/ECMHC) for programs working with this population.
  - Children may witness events associated with their parents’ incarceration or arrest that may be frightening, emotionally charged, or difficult to process.<sup>37</sup> Examples of these events may include witnessing confrontations between a parent and police, or watching a parent be handcuffed and driven away by police. I/ECMHC is critical to equip ECE professionals with the tools to understand the experiences of and support the mental health of young children of incarcerated parents. I/ECMHC may also be a critical support for providers working with families planning or experiencing the re-entry of a formerly incarcerated parent, as parents navigate new caregiving roles and responsibilities.
5. Programming to support contact between children and their parents who are incarcerated (home visiting programs, Head Start/Early Head Start, doulas, parenting programs in facilities, facilitating communication by phone or mail, facilitating visits if possible).
  - Per Bureau of Justice Statistics estimates, while more than 75% of state prison inmates who were parents of minor children reported having some contact with their children during their prison stay, less than half had an in-person visit since admission.<sup>38</sup> A variety of barriers may impede parent-child visitation, including long distances between families and the correctional facility, the availability of child-appropriate visiting environments within correctional facilities, and the in-person visitation policies of a given facility.
6. Following Connecticut, Iowa, Oklahoma, and Vermont’s examples, recognize children with incarcerated parents as a vulnerable population in applications for Preschool Development Grant Birth to Five funding<sup>39</sup>.

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<sup>35</sup> Shlafer, Rebecca J., Rachel R. Hardeman, and Elizabeth A. Carlson. "Reproductive justice for incarcerated mothers and advocacy for their infants and young children." *Infant Mental Health Journal* 40.5 (2019): 725-741.

<sup>36</sup> Early Childhood Knowledge and Learning Center. (n.d.). *Puerto Rico Head Start Collaboration Office*. Retrieved from <https://eclkc.ohs.acf.hhs.gov/programs/puerto-rico-head-start-collaboration-office>

<sup>37</sup> Schechter, Daniel S., et al. "The Effects of Violent Experiences on Infants and Young Children." *Handbook of Infant Mental Health* (2018): 219.

<sup>38</sup> Glaze, L. E., & Maruschak, L. M. (2008). Bureau of Justice Statistics. Special Report: Parents in prison and their minor children (Report No. NCJ 222984). Washington, DC: *U.S. Department of Justice*. Retrieved from <https://www.bjs.gov/>

<sup>39</sup> Ibid.

7. Following Indiana's example, identify incarcerated parents as a key audience to elicit information from during the Preschool Development Grants Birth to Five needs assessment process<sup>40</sup>.
8. Increase coordination between child welfare case timelines and parents' sentences and post-incarceration requirements.
  - Prison sentences may exceed the allowable duration of out-of-home placement for young children, per state and federal statutes. As a result, a parents' prison sentence may be incompatible with child protection timelines. Additional post-incarceration issues, including the limited availability of substance-use recovery, parent education, or domestic-abuse counseling resources, which may be required as part of a DCFS case plan, may be barriers to timely and appropriate reunification.<sup>41</sup>

## **Conclusion**

The Early Learning Council should include children of parents who are incarcerated as a priority population in Illinois. State agencies that fund early care and education programs and services should review this recommendation and consider policy, alignment, data collection efforts and other changes that reflect a commitment to improve services for children of parents who are incarcerated. As the state works toward building racial equity in Illinois' early care and education programs and services, state agencies should also provide data on the racial breakdown of all priority populations.

We look forward to continued partnership with state agencies, other ELC committees, and other stakeholders to advance access to high-quality, responsive early care and education programs for children and families from priority populations and stand ready to work with our partners and support their efforts in any way needed.

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<sup>40</sup> BUILD Initiative. (n.d.). *Preparing the Preschool Development Grant Birth Through Five (PDG B-5) Renewal Application: Insights and recommendations based on an analysis of the initial applications*. Retrieved from [https://www.buildinitiative.org/Portals/0/Uploads/Documents/BT5%20PDG/PDGBto5Report\\_Oct2019.pdf?ver=2019-10-01-220841-160](https://www.buildinitiative.org/Portals/0/Uploads/Documents/BT5%20PDG/PDGBto5Report_Oct2019.pdf?ver=2019-10-01-220841-160)

<sup>41</sup> Shlafer, Rebecca J., Rachel R. Hardeman, and Elizabeth A. Carlson. "Reproductive justice for incarcerated mothers and advocacy for their infants and young children." *Infant Mental Health Journal* 40.5 (2019): 725-741.