

# **WOMEN IN PRISON PROJECT**

## **Correctional Association of New York**

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## **Imprisonment and Families Fact Sheet**

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- Nationally, more than 8.3 million children have parents under correctional supervision (either in prison, jail, on probation or parole).<sup>1</sup>
- More than 1.7 million children have a parent in state or federal prison.<sup>2</sup>
- Nearly 62% of women in state prisons and 51% of men in state prisons are parents of children under 18.<sup>3</sup>
- Since 1991, the number children with a mother in prison increased by 131% and the number of children with a father in prison increase by 77%.<sup>4</sup>
- Women in state prisons are more likely than men in state prisons to have more than one child.<sup>5</sup>
- Almost 73% of New York's incarcerated women are parents, compared to more than 58% of men.<sup>6</sup>
- Almost 80,000 children have a parent in New York's prisons, including nearly 5,240 children with an incarcerated mother.<sup>7</sup>
- More than 10,000 children have a mother in a jail or prison in New York State.<sup>8</sup>
- More than 64% of mothers in state prison lived with their children before prison, compared to over 46% of men.<sup>9</sup>
- Over 77% of mothers in state prison were the primary caretakers of their children before arrest, compared with more than 26% of men.<sup>10</sup>
- One in five children of incarcerated mothers witnessed their mother's arrest.<sup>11</sup>
- An estimated 25% of incarcerated women are pregnant at the time of their arrest or have given birth at some point during the year prior to prison.<sup>12</sup> 4% of women in state prisons, 3% of women in federal prisons, and about 5% of women in jail nationwide report being pregnant at the time of incarceration.<sup>13</sup>
- As of January 2009, there were 12 mothers in the nursery at Bedford Hills Correctional Facility and nine mothers in the nursery at Taconic Correctional Facility.<sup>14</sup>
- 58% of mothers and 49% of fathers in state prison report having an immediate family member who has also been incarcerated.<sup>15</sup>
- African American children are 7.5 times more likely to have a parent in prison than white children. Latino children are 2.5 times more likely than white children to have an incarcerated parent.<sup>16</sup>
- Almost 58% of mothers and almost 59% of fathers in state prisons report never having had a visit with their children since they entered prison.<sup>17</sup>
- Nearly 42% of incarcerated mothers and just under 30% of incarcerated fathers report that they maintain some form of weekly contact with their children.<sup>18</sup>
- More than 88% of men in state prison report that their children are living with their mothers. In comparison, 37% of incarcerated mothers report that their children are living with their fathers.<sup>19</sup>
- Nearly 11% of mothers in state prison report that their children are in foster homes or agencies, compared with just over 2% of fathers.<sup>20</sup>

- Almost 68% of mothers in state prison report that their children live with a grandparent or other relative. The corresponding figure for incarcerated fathers is more than 17%.<sup>21</sup>
- 87% of incarcerated women who spent their childhood in foster care or institutions report having prior histories of abuse.<sup>22</sup>
- The incarceration of a primary caretaker is traumatic and disruptive for children. Children of incarcerated mothers will often move at least once and live with at least two different caretakers while their mother is in prison.<sup>23</sup>
- Like all young people, children of incarcerated parents need support and nurturing. Services for children of incarcerated parents, however, should be specially tailored to their specific experiences and circumstances.<sup>24</sup>
- Nearly 41% are incarcerated at Albion Correctional Facility, more than 370 miles away from New York City, where a majority of incarcerated people are from and where their children still reside.<sup>25</sup>
- Some visiting rooms in New York's prisons have little opportunity for parents and children to meaningfully interact with each other.
- 62% of parents in state prisons and 84% of parents in federal prisons are held over 100 miles from their last residence. In federal prisons, about 43% of parents are held over 500 miles from their last residence.<sup>26</sup>
- Maintaining family ties can lessen the destructive aspects of parental incarceration by helping children process their mother's absence, easing family reunification after release, bolstering children's well-being and healthy development, and decreasing the likelihood that a mother will return to prison.<sup>27</sup>
- New York's Adoption and Safe Families Act (ASFA)<sup>28</sup> almost always requires a foster care agency to file a petition to terminate parental rights if a child has been in foster care for 15 of the last 22 months. The median sentence for women in New York's prisons is 36 months.<sup>29</sup>
- Termination of parental rights means that parents lose all legal ties to their children forever. After termination, parents have no right to find out about their children's well-being, where they live, or even if they have been adopted.
- Because more children of incarcerated mothers are in foster homes or agencies than children of incarcerated fathers, ASFA likely has a disproportionate impact on mothers in prison.
- As a result of the way that ASFA is implemented when a parent is in prison, incarcerated mothers are at serious and disproportionate risk of losing their parental rights – even in cases where the true best interest of the child is to keep reunification as the goal for the family.

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- <sup>1</sup> Nearly 62% of women in state prisons and 51% of men in state prisons are parents of children under 18. On average, incarcerated mothers report having 2.3 children and incarcerated fathers report having 2.1 children. Figures derived from Lauren E. Glaze and Laura M. Maruschak, *Parents in Prison and Their Minor Children* (August 2008, rev 1/8/09), at 2 (hereinafter *Parents in Prison and Their Minor Children*). It seems fair to assume that a similar percentage of men and women in jail and on parole and probation are parents and that male and female probationers, parolees and jail inmates across the country have similarly sized families as male and female state inmates. The figure cited in this document was calculated by applying percentages and averages derived from national state prison statistics to the most current data on male and female probationers, parolees and jail inmates. Jail statistics derived from Todd D. Minton and William J. Sabol, *Jail Inmates at Midyear 2008 - Statistical Tables*, Bureau of Justice Statistics, U.S. Department of Justice (March 2009), at 5. Parole and probation statistics derived from Lauren E. Glaze and Thomas P. Bonczar, *Probation and Parole in the United States, 2006*, Bureau of Justice Statistics, U.S. Department of Justice (December 2007), at 2-6.
- <sup>2</sup> *Parents in Prison and Their Minor Children*, at 2.
- <sup>3</sup> *Id.*
- <sup>4</sup> *Id.*
- <sup>5</sup> *Id.* 41% for mothers and 29% for fathers.
- <sup>6</sup> Figures derived from *Hub System: Profile of Inmate Population Under Custody on January 1, 2008*, NYS DOCS (March 2008) at 17 (hereinafter *DOCS Hub Report 2008*).
- <sup>7</sup> As of January 2009, women under DOCS custody report having 5,238 children. Letter from New York State Department of Correctional Services Commissioner Brian Fischer, March 26, 2009. At least 74,345 children have a father in a New York State prison. *DOCS Hub Report*, at 17. This figure is most likely lower than the actual number: DOCS reports the number of incarcerated parents with one, two and three children; the final category is defined as “four or more children.” The figure cited here was calculated by using the lowest possible number of children (four) for men reporting in this category. It is likely that at least one male in this category had more than four children.
- <sup>8</sup> Letter from New York State Department of Correctional Services Commissioner Brian Fischer, March 26, 2009. Jail figures estimated based on data reported from women under DOCS custody.
- <sup>9</sup> *Parents in Prison and Their Minor Children*, at 4.
- <sup>10</sup> *Id.*, at 16.
- <sup>11</sup> Denise Johnston, “The Care and Placement of Prisoners’ Children,” *Children of Incarcerated Parents* (Gabel and Johnston, eds., New York: Lexington Books, 1995) (hereinafter *Children of Incarcerated Parents*, Gabel and Johnston).
- <sup>12</sup> J. D. Wooldredge and K. Masters, “Confronting Problems Faced by Pregnant Inmates in State Prisons,” *Crime and Delinquency*, Vol. 39, No 2. (April 1993), at 195.
- <sup>13</sup> Laura M. Maruschak, *Medical Problems of Prisoners*, based on data from the *2004 Survey of Inmates in State and Federal Correctional Facilities*, Bureau of Justice Statistics, U.S. Department of Justice. Laura M. Maruschak, *Medical Problems of Jail Inmates*, Bureau of Justice Statistics, U.S. Department of Justice (November 2006), at 1.
- <sup>14</sup> Letter from New York State Department of Correctional Services Commissioner Brian Fischer, March 26, 2009. The New York State prison system has two nursery programs that allow incarcerated mothers to keep their infants with them for up to 18 months: one at Bedford Hills Correctional Facility, in New York’s Westchester County, which has the capacity to house 26 mothers and infants, and another at Taconic Correctional Facility, also in Westchester County, which has the capacity to house 17 mothers and infants. See *Profile and Three Year Follow-up of Bedford Hills and Taconic Nursery Programs: 1997 and 1998*, State of New York Department of Correctional Services (2002).
- <sup>15</sup> *Parents in Prison and Their Minor Children*, at 7.
- <sup>16</sup> *Id.*, at 2.
- <sup>17</sup> *Id.*, at 18.
- <sup>18</sup> *Id.*
- <sup>19</sup> *Parents in Prison and Their Minor Children*, at 5. A 2002 government study found that 88% of fathers in New York’s prisons reported that their children lived with their mothers, while 20% of incarcerated mothers reported that their children lived with their fathers. Over 74% of incarcerated mothers reported that their children lived with a grandparent or other relative. The study also found that 18% of incarcerated mothers reported that their children lived in foster homes or agencies, compared to 1% for incarcerated fathers. *Collateral Casualties: Children of Incarcerated Drug Offenders in New York*, Human Rights Watch (2002).
- <sup>20</sup> *Parents in Prison and Their Minor Children*, at 5.
- <sup>21</sup> *Id.*
- <sup>22</sup> *Prior Abuse Reported by Inmates and Probationers*, Bureau of Justice Statistics, U.S. Department of Justice (April 1999), at 2.
- <sup>23</sup> *Children of Incarcerated Parents*, Gabel and Johnston.
- <sup>24</sup> See *The Study of the Needs of Children Whose Parents Are Incarcerated*, House Document No. 32, Virginia Commission on Youth (1993). See Denise Johnston, “Effects of Parental Incarceration,” in *Children of Incarcerated Parents* (Gabel and Johnston, eds., New York: Lexington Books, 1995). See J. Mark Eddy and John B. Reid, *The Antisocial Behavior of the Adolescent Children of Incarcerated Parents: A Development Perspective*, papers prepared for *From Prison to Home*, Conference, January 30-31, 2002, hosted by U.S. Department of Health and Human Services. See Cynthia Seymour, “Children with Parents in Prison: Child Welfare Policy, Program, and Practice Issues,” in *Child Welfare: Special Issue, Children with Parents in Prison*, Child Welfare League of America (Sept.-Oct. 1998).
- <sup>25</sup> Figure derived from *Daily Population Capacity Report, 01/01/09*, New York State Department of Correctional Services. As of January 2008, 54.5% of women in New York’s prisons were from New York City or its suburbs. *DOCS Hub Report 2008*, at 10.
- <sup>26</sup> Christopher J. Mumola, *Incarcerated Parents and Their Children*, Bureau of Justice Statistics (August 2000), at 5.

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- <sup>27</sup> Adela Beckerman, “Charting a Course: Meeting the Challenge of Permanency Planning for Children with Incarcerated Mothers,” in *Child Welfare: Special Issue, Children with Parents in Prison* (Child Welfare League of America, Sept.-Oct. 1998), at 517 and 518. See Inger P. Davis, John Landsverk, Rae Newton, and Williams Ganger, “Parental Visiting and Foster Care Reunification,” *Children and Youth Services Review*, Vol. 18, Nos. 4/5 (1996), at 363–382. See Judge Leonard P. Edwards, “Judicial Oversight of Parental Visitation in Family Reunification Cases,” *Juvenile and Family Court Journal* (Summer 2003).
- <sup>28</sup> Codified in sections of New York State’s Social Services and Domestic Relations Law, and Family Court Act.
- <sup>29</sup> Letter from New York State Department of Correctional Services Commissioner Brian Fischer, March 26, 2009.