

WHITE PAPER

Emerging Issues for Incarcerated Parents and Their Children:

Hawai'i in a National Perspective

Thomas E. Lengyel, MSW, Ph.D.

Jamie Harris, M.A.

Department of Research and Evaluation Services

Alliance for Children and Families

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Commissioned by

Geri Marullo, R.N., Dr. PH

CEO, Child and Family Service

Ewa Beach, Hawai'i



Executive Summary for Hawai'i

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The number of parents in prisons and jails in the United States escalated during the 1990's, growing about 59% between 1991 and 1999. They are currently in the majority among inmates, and parents with minor children comprise about 56% of all state and federal prisoners. The precise numbers of both incarcerated parents and their children are not known for Hawai'i because the correctional system does not collect and integrate this information into their administrative database. That fact symbolizes a central feature of the correctional system: It is designed for autonomous adults rather than parents.

Hawai'i incarcerates fewer of its citizens overall than many other states, but has distinguished itself since 1995 in the growth of its female prison population. If yearend 2002 rates are representative, Hawai'i incarcerates 69 out of every 100,000 women, a rate that is higher than 36 other states. Applying national proportions to the counts of prisoners in Hawai'i's prisons and correctional centers suggests that there are just over 3,000 parents incarcerated in Hawai'i today, and they are parents to almost 6,500 children.

Hawai'i's special circumstances result in much greater obstacles to contact between incarcerated parents and their families than is true on the mainland. The State sends approximately 25% of its felons to private prisons in Oklahoma and Arizona. In addition, due to the distribution of prisons, a fair number of state prison inmates are placed on an island different from their residence. This is especially so for female felons, since the only women's prison is on Oahu. These arrangements almost foreclose contact of such parents with their families, and also impede contact between child welfare professionals and parents on child welfare issues. As a consequence, incarcerated parents in Hawai'i probably receive fewer family visits, on average, than their mainland counterparts, who reported sparing contact with their children. Even for inmates who are within reach of their families, the visiting environment is generally unfriendly, particularly for children, and there are few programs in Hawai'i that cater to this need.

A broad literature on children of incarcerated parents has developed in recent years, most of which documents the negative impact of the incarceration. The effects include a broad range of undesirable outcomes, such as physical and mental problems, difficulty in school, aggressive behavior, and even the increased likelihood of criminal behavior by the children themselves. The research demonstrates that children are at increased risk of abuse and neglect when a parent is sent away.

Emergent research is now trying to document the social costs of incarcerating a person, setting up the possibility of cost-benefit analysis for the net cost of imprisonment (i.e., lockup plus social cost). Early indications suggest that the social cost of incarcerating a person is in the neighborhood of twice the cost of keeping the person in a cell. Both lockup and social costs are higher for women, and higher still for mothers with dependent children. Previous economic research identified the likely social benefits for adding a prisoner, based on a corresponding reduction in the number of crimes committed, and on a dollar value assigned to each of these crimes. It appears that the community is losing money on some prisoners who commit non-violent offenses, and particularly on mothers with dependent children who are doing time for drug abuse or possession.

Both federal and state policies contribute to the difficulties that parents and their children face when the parent goes to prison. In particular, the state is urged by federal law to begin termination proceedings against a parent whose child has been in placement for 15 of the last 22 months. More generally, fathers in prison are frequently treated as invisible men, and are seldom engaged by social workers in child welfare decision-making, planning, or as a resource for their children.

The State can do much to improve the circumstances documented here. It might prudently begin by committing itself to systematically gathering accurate information about incarcerated parents, their children, and their families on the outside. There are also many options for enhancing visiting in prisons and correctional centers, not all of which are costly. The State must mandate consultation with incarcerated parents when decisions about their children are contemplated if it takes seriously its professed loyalty to the family as an institution. Many imprisoned parents and the caregivers to their children require services and support. Outstanding among these is the need in Hawai'i for professional inpatient and outpatient substance abuse treatment, both in prison and in community settings.

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The Issue

The correctional system in the United States appears to have been established and developed for punishing and rehabilitating autonomous adults. The system holds that responsibility for crime attaches to individuals and expects prisoners to respond to its interventions as autonomous units. These practices and assumptions labor against the reality that parents currently constitute the majority of people in prison. The issue for parents and children is that the premise of the autonomous adult ignores their relationship and mutual dependency. The needs of parents and children are external and burdensome in this system, analogous to interference. Almost all of the deficiencies explored in the literature on incarcerated parents and their children have roots in this design issue. And, many of the proposed solutions amount to fixes that moderate the negative effects of aspects of this system but do not reform its nature.

Scope

We lack precise knowledge of the number of parents in the correctional system and the number of children affected by their incarceration. Although it is possible to estimate the size of the incarcerated parent population and the number of children of incarcerated parents, it is difficult to understand the full extent of the problem because few reliable studies address this issue. Law enforcement institutions and child welfare agencies have largely ignored the issue (Hairston 1998; Waul et al. 2002). Neither the courts nor correctional facilities record information regarding the children of prisoners—what happens to them during and after incarceration—and few state and county child welfare systems record information about an incarcerated parent unless it bears directly on the placement. The absence of information limits our ability to do system-wide analyses (Hairston 1998; Seymour 1998). Where there have been specific child welfare interventions, we do not know the extent of these interventions or whether they work (Seymour 1998). Scholarly research on the topic has been limited to a handful of small studies, many of which suffer from particular methodological weaknesses. No large-scale longitudinal studies have been conducted and few studies focus on the children of incarcerated parents directly; instead, most studies rely on self-reporting from parents or caregivers.

The most substantial investigation into the lives of incarcerated parents and their families comes from the Survey of Inmates of State and Federal Correctional Facilities that surveys inmates in the state and federal prison systems every six years. Information from this dataset is summarized in a series of reports from the Bureau of Justice Statistics. The most recent report from 2000 highlights the dramatic increase in the number of parents in prison over the last decade. In 1999, 721,500 prisoners were parents to 1,498,800 minor children, an increase of 500,000 children (50%) since 1991. Prisoners with minor children accounted for 55% of all state inmates and 63% of federal prisoners (Mumola 2000, 1-2).

In 2002, the U.S. prison population increased to a record 2.1 million. The growth in the number of prisoner-parents is due primarily to increases in the prison population overall. Since 1995, the prison population has been increasing at an average rate of 3.6% or 45,000 inmates each year (Harrison and Beck 2003). The growing number of women incarcerated in the nation's prisons and jails has also contributed to the increase because a higher percentage of women in prison have children than men, and have more children on average. Nationally, the growth in the number of women entering prisons (4.9%) is now more than twice the growth rate of men annually (2.4%) (Harrison and Beck 2003, 4). This has meant a dramatic increase in incarcerated mothers, their number nearly doubling since 1991 (Mumola 2000, 2).

The growing number of mothers in prisons is especially significant since incarcerated mothers often are the sole support for their children, making incarceration a more disruptive change and more difficult adjustment for their children and families

Despite the growing numbers of incarcerated women, far more fathers are imprisoned than mothers. Fathers accounted for 1,372,000 of the total number of children with a parent in prison; 126,000 children had a mother in prison. Still, the growing number of mothers in prisons is especially significant since incarcerated mothers often are the sole support for their children, making incarceration a more disruptive change and more difficult adjustment for their children and families (Seymour 1998). Based on the 1997 Survey of Inmates, mothers were more likely to have lived with their children prior to admission to a prison (64% in state prison and 84% in federal prison) compared with fathers (44% in state prison and 55% in federal prison) (Mumola 2000, 4). Smaller studies have found even higher rates of parenthood among prisoners. Two studies reported between 80-90% of incarcerated women had two or three dependent children living with them at the time of admission (Henrique 1982; Hungerford 1996).

In 1999, children of incarcerated parents represented 2.1% of the nation's total of 72.3 million minor children living in the U.S. A majority (58%) of these minor children were under 10 with a mean age of 8 years (Mumola 2000, 2). But, because the prison population includes a disproportionately high number of African American and Hispanic prisoners, 7% of all minor African American children in the U.S. had a parent in prison, making them nearly nine times more likely than white children (0.8%) to have a parent in

prison; Hispanic children were three times more likely (Mumola 2000, 2). These figures represent only currently-serving incarcerated parents and their children. One estimate suggests that as many as 7.3 million children (or 10% of U.S. minor children) have a parent currently involved in the criminal justice system (jail, prison, parole, probation) and a far greater number of children have had or will have a parent incarcerated during their lifetime (Putze 2003).

Profile of Incarcerated Parents

Parents do not differ significantly from non-parents when it comes to the type of offense that led to incarceration. The most common type of offense for incarcerated parents in state prison was a violent offense (44%) followed by a drug offense (24%). Among federal prison parent inmates, drug offenses were most common (67.2%). When broken down by gender, the pattern held for fathers, but not for mothers; the most common offense for incarcerated mothers in state and federal prison was a drug offense (35.1% in state prison and 73.9% in federal prison) followed by property offenses (28.3% and 10.3%, respectively). These differences in offense also affected average sentence lengths: fathers were sentenced an average 150 months in state prison and 124 months in federal prisons; mothers were sentenced an average of 94 months in state prison and 83 months in federal prison (Mumola 2000, 6). Over 75% of incarcerated parents had a prior conviction (77.2%); fathers in state prison had a somewhat higher rate of a prior conviction than mothers (78% compared to 65.3%), and a much higher rate in federal prison (64.6% compared to 33.7%) (Mumola 2000, 7). A majority of both fathers (57.5%) and mothers (65.3%) reported using a drug in the month prior to the offense. The most common drug offense among fathers was marijuana; for mothers it was cocaine/crack. In general, mothers in prison had more serious drug histories. Mothers were more likely (32%) to report committing an offense to get money for drugs than fathers (19%). Mothers were nearly twice as likely as fathers in both state and federal prison to report a mental illness (22.5% vs. 13.4% in state prison; 10.3% vs. 5.6% in federal prison), and mothers were nearly twice as likely as men to report being homeless in the year leading up to admission (18% vs. 8% in state prison; 5% and 4% in federal prisons) (Mumola 2000, 8-9).

Hawai'i: Prison Population Profile and Trends

Although Hawai'i has a relatively small prison population, and an incarceration rate that is below the national average (308 vs. 476¹ per 100,000), the state has seen a fairly significant increase in its prison population over the last decade. Between 1992 and 1997, Hawai'i had the sixth highest percent growth in the prison population and the percent increase between 1996 and 1997 was the highest in the U.S. at 24.4% (Gilliard and Beck 1998). At yearend in 2002, the prison population (including state prisons and

¹ This is a national prison incarceration rate. Since Hawai'i includes jails in its prison reporting, the Hawai'i incarceration rate of 308 could be compared to the national jail and prison incarceration rate which is 701 per 100,000.

community correctional centers²) stood at 5,423. That population has continued to grow, rising by 5.3% to 5,709 by the beginning of September 2003.³

According to the Department of Public Safety office, native Hawaiians are overrepresented in the prison population of Hawai'i, making up 40% of men and 47% of women inmates, while as a group native and part-native Hawaiians represent only 20% of the state population. Caucasians, the next largest group, account for 23% of the men and 30% of women behind bars while they represent 24% of the state population (Bueno 2003; U.S. Census as reported in Brown 2003a, 200).⁴

The increase of women in Hawai'i's prisons

In the case of Hawai'i, the number of female prisoners is growing much faster than the U.S. as a whole, increasing at a yearly rate of 11.5% since 1995—a rate that is more than twice the national average. And while Hawai'i has an overall incarceration rate that is below the national mean, its female incarceration rate puts it higher than 36 other states at 69 for every 100,000 women (Harrison and Beck 2003, 5). The most recent data indicate that the number of female prisoners in Hawai'i continues to increase, rising 4.7% between yearend 2000 and September 2003.

The Department of Public Safety lacks accurate counts of the number of prisoners who are parents and lacks knowledge of the number of minor and adult children of these prisoners.

Hawai'i's incarcerated parents and their children

Increases in the prison population overall and a higher rate of incarcerated women add to the number of prisoner-parents in Hawai'i's prison system. That number is difficult to determine. The Department of Public Safety lacks accurate counts of the number of prisoners who are parents and lacks knowledge of the number of minor and adult children of these prisoners. Although the corrections intake process includes questions about number and ages of children and the location of other family members not living with the defendant, the Department does not enter this information into its database (Bueno 2003). It therefore cannot be recovered and analyzed.⁵

² Community correctional centers in Hawai'i operate as co-ed jails, housing pre-trial detainees, sentenced misdemeanants, sentenced felon probationers (jail as a condition of probation), probation violators awaiting adjudication, and some sentenced felon probationers (Department of Public Safety, 2003).

³ Department of Public Safety weekly average for September 8, 2003.

⁴ Department of Public Safety prisoner census for June, 2002.

⁵ The manner in which these questions are presented on the Intake/Assessment Form insures that information about family will not be gathered or will be incomplete. The field for "Names & Ages of Children at Residence" is less than one line. The table for "Other Family/Associates in Hawaii" allows four rows with inadequate space to enter addresses and telephone numbers. The Initial Prescriptive Plan is even more perfunctory, providing room for a sentence or two on "Family/Community Ties."

The extent of the parent-prisoner population in Hawai'i can be extrapolated based on proportions derived from the 1997 Survey of Inmates in State and Federal Correctional Facilities, and applying these proportions to the latest inmate counts from the Department of Public Safety cited above.⁶ Drawing on these data sources we find that:

- There are approximately 3,163 parents of 6,665 minor children in Hawai'i's prison system.⁷
- There are approximately 1,433 parent-prisoners who lived with their child immediately prior to admission to prison.
- There are approximately 439 mother-prisoners of 1,045 children in Hawai'i.
- There are approximately 282 mother-prisoners who lived with a child immediately prior to admission to prison.
- There are approximately 2,755 father-prisoners of 5,620 minor children in Hawai'i.
- There are approximately 1,207 fathers who lived with their child immediately prior to admission to prison.

Some experts believe that incarcerated parents, particularly incarcerated mothers, may have overstated their role as caregivers to their children.

However, estimates of parents who lived with their children before incarceration based on the 1997 Survey of Inmates may be misleading. Some experts believe that incarcerated parents, particularly incarcerated mothers, may have overstated their role as caregivers to their children (George 2003).⁸ We should therefore regard the figures about prisoners' co-residence with their children as upper limits.

⁶ The precise count of the parent prisoner population in Hawai'i's correctional system is unknown. The national percentage of prisoners who are parents is likely close to the true Hawai'i rate. A Hawai'i Department of Public Safety fact sheet distributed at the 2000 Hawai'i Symposium on Female Offenders reported a .60 parent-prisoner rate for female inmates based on a manual review of all female inmate "jackets" (Department of Public Safety 2000; Bueno 2003). A second study (Brown 2003a, 207) found a .78 parent-prisoner (mothers with minor children) rate based on a May 2002 representative sample of female parolees. The proportion we use from the national data for female inmates (.653) falls in between these two rates. Use of any of the above rates may underestimate the number of children affected by incarceration, since many women in Hawai'i take in and care for children who are not their own, either from relatives or friends (Brown 2003b).

⁷ The parent estimates are based only on state prison proportions for parent-prisoners since Hawai'i does not house any federal prisoners. The number for parent-prisoners is derived by taking the state prison proportion of parent-prisoners (.554) from the 1997 Survey of Inmates of State and Federal Correctional Facilities and multiplying this by the September 2003 total inmate counts from the Department of Public Safety: $.554 \times 5,709 = 3,163$. The same methodology is applied to breakdowns for men and women: for men, the state prison proportion for parent-prisoners is .547; for women, the proportion is .653. Child rates are based on the 1997 count of prisoner children divided by the number of parent prisoners (mothers and fathers, respectively). For incarcerated fathers in Hawai'i: $2.04 \text{ children/father} \times 2,755 \text{ fathers} = 5,620$ minor children. For incarcerated mothers in Hawai'i: $2.38 \text{ children/mother} \times 439 \text{ mothers} = 1,045$ minor children.

⁸ A Hawai'i corrections professional spontaneously offered the same observation regarding incarcerated mothers in Hawai'i, but requested anonymity.

Hawai'i prisons

Compounding problems that incarcerated parents and their families face is the fact that Hawai'i continues to house up to a quarter of its prison population on the mainland using private facilities (Harrison and Beck 2003, 6). The decision to place an inmate on the mainland turns on probable length of stay, reflecting economic considerations (Department of Public Safety 1998, 8). Such choices are driven by overcrowding in Hawai'i's eight prisons and community correctional centers.

Over the last decade, approximately 20-25% of prisoners have been housed on the mainland, making contact with family difficult and extremely expensive (Barayuga 2001). As of September 2003, 22.5% of Hawai'i prisoners were held in prisons on the mainland, split between Arizona and Oklahoma. The Department of Public Safety currently budgets for 1,300 transfers to the mainland. Recent news reports, however, state that 200 additional prisoners will be housed out-of-state (West Hawai'i Today 2003). Other things equal, this would bring Hawai'i's rate of mainland incarceration of its prisoners to 26%.

Housing prisoners on the mainland and centralized prisons together conspire to impede contact between those held in prison and their children, relatives, significant others, and friends.

Hawai'i has another characteristic that interposes geographical barriers between prisoners and their home communities, including their friends and families. Namely, it is a chain of 8 islands. Four community correctional centers are scattered across Oahu, Hawai'i, Kauai, and Maui. Hawai'i's four prisons are situated on the Big Island and Oahu. The single prison for women stands in Kailua, on the windward side of Oahu. This distribution assures that some prison inmates, particularly women, will be held on an island remote from their community of residence.

Housing prisoners on the mainland and centralized prisons together conspire to impede contact between those held in prison (i.e., sentenced felons) and their children, relatives, significant others, and friends. The situation also hinders communication between child welfare workers and prisoner-parents in such critical matters as juvenile court proceedings, placement decisions for their children, and termination of parental rights proceedings. This contact assumed more fateful importance with the passage of the Adoption and Safe Families Act of 1997, which emphasized early termination of parental rights and placement for adoption (see Genty 1998). A key provision of this statute mandates termination proceedings whenever a child has been in care for 15 of the past 22 months.

Experts and advocates for incarcerated parents generally argue, with cause, that enforced separation between the parents and their children is detrimental to both. Researchers have generated a body of literature detailing the range of negative effects on children, including differential effects at different developmental stages (see below; Gabel and

Johnston 1995; Waul et al. 2002). Hawai'i's special circumstances of geographical isolation clearly adversely affect the performance of parental roles and a parent's sense of identity. As one Hawai'i professional commented: "How can the mothers make their peace with being women without a connection with their children?" (Pavich 2003).

On the flip side of this coin, evidence has recently been presented that incarcerated mothers who enjoyed greater contact with their children showed less recidivism, reduced misconduct and disciplinary behavior, and displayed more productivity in terms of both work and program participation (Buell 2003). There may be payoffs for the correctional system itself for promoting child-parent contact.

Balancing this case, other experts report inmate comments that imprisonment on the mainland served as a respite from the chaos of their family lives. Hawai'i female parolees who had been housed on the mainland reported better services in Oklahoma than in Hawai'i (Brown 2003a, 232). Hawai'i men imprisoned in Arizona compared their experience favorably to the conditions they had experienced in prison in Hawai'i (Kakesako 1997). A recent study by the Department of Public Safety showed marginally lower rates of recidivism among inmates held on the mainland (Department of Public Safety 2003).⁹ Separation from family and from the overcrowded conditions in Hawai'i's prisons may have some advantages for certain inmates. However, as Marilyn Brown has pointed out, these facts may be equally considered an argument for better prisons and prison programs in Hawai'i (Brown 2003c).

Hawai'i is not rich in programs addressing the specific needs and strengths of incarcerated parents and their children.

Programming in Hawai'i

Hawai'i is not rich in programs addressing the specific needs and strengths of incarcerated parents and their children, particularly compared to states such as Ohio. Based on the most recent prison census data,¹⁰ the 1995 Census of State and Federal Adult Correctional Facilities, only 25% of Hawai'i's prisons reported having a parenting program in place. And none of the state facilities in Hawai'i had programs to provide for child overnight stays.

Among programs currently in place locally are the Keiki Hale (Children's House) at the women's prison at Kailua and the Nurturing Father's program at Waiawa. The Children's House is a visiting room equipped for extended day visits between children and their mothers. It is evidently not coupled with other types of programming, such as parent education, counseling, support groups, or debriefing. The Nurturing Fathers program, begun in April 2002, allows fathers to interact with their children, and includes parenting support and counseling, plus a group counseling session for the mothers or caregivers of the children. Also, since 1992, the Department of Public Safety has

⁹ These differences in recidivism rates were not statistically significant.

¹⁰ 2000 census data is not currently available.

sponsored Kid's Day at Kailua to promote mothers' connection with their children. Originally held every Saturday, it now offers women an opportunity to celebrate holidays with their children on Mother's Day, Easter, Halloween, and Christmas.

The Impact of Incarceration on Children, Parents, and Families

The prevalence of parent-prisoners raises a whole host of questions and concerns that relate to child welfare systems and policy, criminal justice policy, prison services and accommodations for parents, multiple system coordination, community social services for incarcerated parents and their families, child development, and legal, financial, and psychological issues that pertain to children, inmates, and their families.

A balanced assessment of the impact of a parent's incarceration on their family members must at least acknowledge the possibility that it may have some beneficial effects.

The impact of incarceration on children

One central question remains in play: What exactly is the impact of incarceration on children? Studies that address incarceration of parents frequently identify the impacts on children when a mother is incarcerated, thus there is little we know about the impact when a father is incarcerated. Although some studies find negative outcomes with incarceration, it remains unclear to what extent these outcomes are the direct result of incarceration. A more likely explanation is that children of incarcerated parents are exposed to higher levels of dysfunction and abuse prior to any incarceration. However, it is also the case that incarceration likely exacerbates many existing problems as well as exposing children to new risks (Waul et al. 2002).

A balanced assessment of the impact of a parent's incarceration on their family members must at least acknowledge the possibility that it may have some beneficial effects. This is rarely explored in research and advocacy about incarcerated parents and their children. Watts and Nightingale (1996, 4) frame the issue squarely:

... removing a negative influence from the home could yield positive effects. If a person who has been disruptive, offensive, or irresponsible at home is incarcerated, remaining family members may stabilize. Adults may feel more able to pursue education, employment, and other productive activity that could improve their own human capital. Similarly, children may improve psychologically and perform better in school, which should, in the long run, increase their human capital. There is at least anecdotal information from a study of teen parent programs that some young mothers making noticeable progress in education, training, and employment experience a setback when their male partners are released from the justice system (Cohen, 1992).

We have not found studies that systematically assess such potential positive impacts. Rather, nearly all the literature examines the deleterious consequences of forced separation from parents.

Although the most significant trauma to children is often the separation, several other factors mitigate its significance. For example, infants and very young children that are transferred to a stable and nurturing environment may not experience negative consequences associated with the separation while young children in the 2-6 age range may have long-term consequences (Catan 1992 and Furman 1983 cited in Waul et al. 2002). In addition to age, gender may influence outcomes from incarceration of a parent. For example, one study that compared children who had a incarcerated parent with children who did not but who were from similar backgrounds found that girls with incarcerated parents were more likely to suffer attention problems while for boys it was higher levels of delinquent and aggressive behavior (Gabel and Shindledecker 1993).

Other studies find negative consequences, such as an increased likelihood of criminal behavior by children (Johnston 1991; 1992), physical and mental problems such as difficulty sleeping, concentrating, and depression (Kampfner 1995), difficulty with academic subjects and behavior at school (Phillips and Bloom 1998), as well as more aggressive behavior or withdrawal (Baunach 1985).

In all of these studies there are many intervening factors such as the quality of placements, the continuity of those placements, and the services children and families received that are not controlled for adequately. The children of incarcerated parents were frequently at risk prior to a parent's incarceration. For example, over half of prisoner-parents reported drug use in the month prior to admission, and roughly a quarter of parent-prisoners reported experiences that indicated alcohol dependence (Mumola 2000, 8). And about two-thirds of parent-prisoners had a prior conviction. In addition, the inmate population has a disproportionately high rate of sexual and physical abuse, mental illness, and low socioeconomic status (U.S. Dept. of Justice, 1993). The limited number of rigorous studies makes it difficult to tease out the impact of incarceration on children, since children of incarcerated parents may experience many years of trauma prior to the parent's admission.

There is strong evidence that when a parent is incarcerated, a child is at a much greater risk for abuse and neglect.

Placements

There is strong evidence that when a parent is incarcerated, a child is at a much greater risk for abuse and neglect. This may stem from the fact that children are particularly vulnerable during the transition to a new household. In some cases a relative grandparent, for example, may have difficulty providing adequate supervision. One study of incarcerated mothers found that most relative caregivers were maternal grandmothers who had an average age of fifty and became responsible for 2.3 children with a mean age 8.5 years (Phillips and Bloom 1998).

Most parents in prison report that their children are with the other parent, usually the mother; 20% report a grandparent. Due to the dominant cultural pattern of women as primary caregivers and custodians of children, gender of the parent-prisoner largely determines where a child is placed. Most children who have fathers in prison continue to live with their mother. Children of incarcerated mothers most often reside with grandparents (52%), or with their father (28%). Children of incarcerated mothers (10%) are much more likely than children of incarcerated fathers (2%) to be placed in foster care (Mumola 2000, 4).

Because incarcerated mothers are often the sole support for their children, the impact on children of absence of the parent can be much more traumatic and disruptive. In a study of caregivers for children of incarcerated mothers, Hungerford (1996) found that most children of incarcerated women stayed with a relative (86%). Half stayed with a maternal grandparent, 15% with a maternal sibling, and 18% with a father. Some of these fathers indicated that they had given informal guardianship to other relatives. Ten percent were in the foster care system. Hungerford argues that this pattern of extended family caregiving should be viewed as an informal foster care system—one that is not easily controlled or monitored. Brown provides evidence that some children of incarcerated mothers shift among caregivers during the mother's absence (2003a).

Although inmate-mothers want to keep their children out of the child welfare system, their extended family may not be overjoyed with the added burden a mother's children and may be ill-prepared to handle the new responsibilities (Phillips and Bloom 1998). The vast majority in Hungerford's study (78%) expressed resentment and anger toward the mother and also often divulged these attitudes to the children themselves. Caregivers of infants were not always prepared to care for a child that age; some did not have diapers or other necessary equipment and indicated they often tried to make do with what they had. The special needs of the children compounded the task of caregiving. Young children often have strong emotional reactions that require special attention and consideration. For these caregivers change in lifestyle, stresses on other members of the household, and the financial burdens remained significant problems.

Visitation

Although the trauma of child-parent separation is a significant risk factor that children experience when a parent is incarcerated, the ability of family members to maintain contact with a parent is severely limited. And on the other side, incarcerated parents often find their ability to maintain relationships with their children and other family members greatly constrained. The primary focus of correctional institutions is on punishment and security, with the family needs of an inmate far down the list of priorities. Prisons are not family oriented places and getting prison officials to accommodate the needs of parents is frequently an uphill struggle. In terms of contacts with the outside, prisons have wide latitude in communication policy and these vary widely across states (Hairston 1998). Access is limited in frequency and duration, as is the timing of visits. In some cases only a mother can escort a child on a visit to a father,

and a father may be required to show proof of paternity. During a visit a parent may not be able to have a child sit on their lap and unruly behavior by a child may be cause for ending the visit (Hairston 1998).

For families and other caregivers who have custody of an incarcerated parent's child or children, they may be reluctant or unable to visit a parent for several reasons. First, given that a parent is likely to be housed more than 100 miles from their primary residence, costs may be one impediment to collect calls from prison and in-person visits (Hairston 1998).¹¹ A family member may also be reluctant to bring a child to see a parent for a host

Caregivers and children often lack key information about their rights, visitation policy, and the status of the parent from case workers and prison or court officials

of different reasons: what the guardian perceives will be the impact on the child, the lack of family-friendly accommodations, the security provisions that are required of visitors, or because of anger directed at the incarcerated parent (Hairston 1998; Hungerford 1996). Also, caregivers and children often lack key information about their rights, visitation policy, and the status of the parent from case workers and prison or court officials (Seymour 1998; see also Buell 2003). Even mail contact can be problematic as some caregivers request that parents not send mail to avoid further stigma, since all letters and packages sent from prison bear the label "sent from a correctional facility" (Hairston 1998).

Although Mumola (2000, 5) found that 40% of fathers and 60% of mothers had some form of weekly contact (phone, visit, letter) with their children, a majority of both fathers and mothers had never received a personal visit by a child since their admission to prison. Sixty-two percent of incarcerated parents from state prison and 84% of parents in federal prison were housed more than 100 miles from their place of residence prior to admission (Mumola 2000, 5). Incarceration equates with the cessation of direct contact and even indirect contact for the majority of prisoner-parents.

The isolation entailed by the distance between home and prison may be magnified by family dynamics. Hungerford (1996) found that fathers with whom mothers had placed their children often expressed anger at the mother and indicated they would not let the children visit their mother during incarceration and even after release. Overall, 72% of the incarcerated mothers in the study rarely or never saw their children.

¹¹ Lucrative phone company contracts with prisons may charge as much as 10 times the normal rate. Recently, this single issue led to the transfer of all 800 Wisconsin inmates held in a private facility in Oklahoma.

Problems with Policy and Practices

Related questions reflect some of the differences among scholars and practitioners in how incarceration is viewed. Some advocate for a greater child protective services role and readily acknowledge the inadequacies of families to provide for the children of incarcerated parents, while others believe in the need to strengthen family relationships. From the literature it is not clear what has been the impact of these differing approaches and interventions. And while both approaches can be developed simultaneously, there are several structural impediments to the level of coordination and collaboration that has been suggested by some scholars and practitioners.

Several federal policies have contributed to some of the problems that incarcerated parents and their children experience. For example, child welfare legislation like the Adoption Assistance and Child Welfare Act of 1980 and the Adoption and Safe Families Act of 1997 has complicated the situation for incarcerated parents. Requirements that states must file a petition for termination of parental rights when a child has been in state care for 15 of the last 22 months have hit the inmate population especially hard, particularly given the increase in prison sentences over the last two decades. And although children placed with a relative can be exempted from this requirement, evidence indicates that states are not doing that (Johnson & Waldfogel 2002). Many child welfare agencies simply had no policy for dealing with children of incarcerated parents. A 1994 survey of 500 child welfare, correctional facilities, and law enforcement officials found only 20 % had guidelines or specific policies for placing children of incarcerated parents (Smith and Elstein 1994). In addition, few state sponsored programs exist to facilitate contact with an incarcerated parent. In a fairly recent survey by the Child Welfare League of America (1998), only 25 out of the 38 states that responded to the survey reported providing transportation for children to visit an incarcerated parent, despite the fact that parents were usually housed some distance from their families.

The structure of the criminal justice system makes it difficult for family, caregivers, and case workers to maintain contacts to plan for the future.

Children in the child welfare system who have an incarcerated parent are in some ways quite similar to the general child welfare population. These are families that must wrestle with an array of complex problems: parental substance abuse, poverty, domestic violence, low education, poor housing, et cetera. In other ways, these families present a set of complex challenges to child welfare programs and case workers. For one, these children may have experienced parent-child separation traumas, problems associated with the criminal behavior of a parent, and the social stigma that comes from the incarceration. And child welfare case workers face unique challenges in planning for the future because permanency planning is determined by the length of the sentence rather than a parent's ability to care for a child. In addition, the structure of the criminal justice system makes it difficult for family, caregivers, and case workers to maintain contacts to plan for the future (Seymour 1998). For a father that is incarcerated, case workers may simply dismiss the father as uninvolved, inaccessible, and a poor role model (Hairston 1998). As

a result, fathers are frequently neglected in child welfare services. Child welfare workers rarely include them in decision-making about their children or in case planning (Lazar and Fraser 1991). This practice of neglecting incarcerated fathers appears common across different types of child welfare services such as family preservation, family reunification, and kinship care (Hairston 1998; O'Donnell 1995). Compounding problems for many incarcerated parents is what has been identified as a general confusion and lack of understanding about the rights and needs of incarcerated parents (Johnson & Waldfogel 2002). Many parents did not receive communication from a foster care case worker about a child's case plan or a custody hearing (Beckerman 1994).

Because there is relatively little knowledge about which child welfare interventions work, a tension has emerged within the child welfare community about whether child protective services should have a formalized and automatic role in the evaluation of placements when a parent is incarcerated or whether an incarcerated parent should be allowed to make those caregiving decisions to provide for guardian arrangements independently (Seymour 1998).

Costs and Benefits of Incarcerating Parents

The state faces decisions about where to deploy its resources. In a tight fiscal environment prudence dictates close attention to comparison of the costs and benefits of all government programs. Incarceration of parents is worthy of this kind of scrutiny, particularly in view of the high cost of prisons.

The downstream or social costs of incarcerating a parent exceed what is spent keeping the parent in lockup.

The downstream or social costs of incarcerating a parent exceed what is spent keeping the parent in lockup. The costs of incarceration include presentence investigation, assessment of the inmate, and also foreseeable downstream costs of additional social services, health services, and educational services to the prisoner's dependents and other family members, and to caregivers of the dependent children. Post-release services to the parent, including supervision during probation or parole, job training, and other social services are also part of the mix.

Turning to the less foreseeable loading on the service delivery system, costs will accrue from children who experience trauma when a parent is imprisoned. This trauma, when it occurs, will generate costs in terms of increased special education needs, physical and mental health services, and other support services. Secondary costs may include reduced future productivity in employment, substance abuse, and potential violence, criminality, and incarceration linked to the abuse or trauma suffered while a parent is away.

Some preliminary research appears to demonstrate that incarcerated parents and their families make more use of services than those who are not incarcerated. In a new

analysis of census, police, corrections, and social welfare data for Brooklyn, New York, Eric Cadora and his colleagues used GIS mapping to match the block-by-block rates of incarcerated residents against individuals on TANF (Cadora, et al. 2003). They found

Some preliminary research appears to demonstrate that incarcerated parents and their families make more use of services than those who are not incarcerated.

substantial overlap in the neighborhoods with the highest concentrations of these individuals, suggesting that they are the same populations. They also matched incarcerated parents against minor children receiving public assistance, finding an even more precise overlap. This work documents in a systematic way what many professionals appreciate from their experience in the field: families with a member in jail, and particularly with a parent in jail require and use more services. These services are one of the direct, downstream costs of incarcerating a parent.

Deep involvement with child welfare services may also predate prison and then continue during incarceration. A glimpse of this cold reality emerges from the study of a representative cross-section of incarcerated women in Hawai'i. Based on an examination of their status at the time of sentencing, 24% of the mothers in the group had been involved with child protective services. Seventeen percent of the mothers had parental rights terminated, and 7.3% of them relinquished their children to the foster care system in Hawai'i (Brown 2003a, 154). These are among the more expensive social work procedures in the inventory of interventions, quite apart from the "costs" to the children themselves.

Given that these costs are probably substantial, how much does it cost the state and the community to incarcerate a parent? Remarkably little systematic investigation exists that provides numbers to answer this question. The broad studies that are currently underway suggest that these costs are much greater, perhaps several times those of keeping a parent in a cell.

In a study that has similarities to Eric Cadora's study of coincident populations in Brooklyn, Susan George and Robert LaLonde at the University of Chicago have begun to explore the histories of female prisoners and their children in Illinois as they move through the criminal justice system, foster care, welfare programs, and the legitimate labor market (George and LaLonde 2002; George 2002). Their study incorporates the 14,700 women admitted to prison in Illinois between 1990 and 2000 and also their estimated 35,000 children. To begin, they examined all admission and exit files for incarcerated women in Illinois over a twelve year period to develop a profile on the women and their children. They found that incarcerated women in Illinois had very low educational attainment, reported frequent substance abuse problems, and were frequently single mothers. Female inmates who were also parents were even more disadvantaged than those women prisoners who did not have children. Mother-prisoners were poor and likely to remain so after they left prison, unless provided with substantial support and

services (George and LaLonde 2002, 10). Some evidence suggests that incarcerated women in Hawai'i are living even more precariously than their mainland counterparts.¹² As Marilyn Brown noted in her dissertation about female parolees in Hawai'i (2003, 157): "Merely returning women to their pre-incarceration state will do little to alter their lives in any significant way."

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In the next phase of their research LaLonde and George will match the corrections admission and exit files against unemployment records, AFDC/TANF records, food stamp records, Medicaid records, and files of the Department of Children and Family Services (child welfare). Since individuals in their enormous database each have a unique identifier this should provide conclusive documentation about the use of services and workforce participation by incarcerated women in Illinois. Pending this integration George (2002, 6) offers a preliminary calculation of the costs for incarcerating a woman in Illinois that may serve as a starting point. These costs include¹³:

- processing from arrest to admission to prison: \$31,000
- operating costs for housing a female inmate for one year: \$20,000 – \$25,000
- capital costs of the prison bed: \$7,500
- foster care for 10% of the prisoners' children: \$2,500 per inmate per year

The net cost for these items: \$65,000. George's outline of costs does not include the downstream costs of public assistance and TANF payments to the inmate's dependents and family that Cadora's study identifies, nor does it fully encompass the on-going involvement of child protective services in the lives of a substantial portion of these families documented by Brown.¹⁴ Adding to these the costs of post-release services to the prisoner-parent probably raises the social costs of incarcerating a parent to at least twice the cost of the incarceration itself.

There are other, partially hidden costs. For example, many prisoner-parents have child support obligations. A recent study by Dennis Putze of the federal Department of Health and Human Services disclosed that 1.1 million non-custodial parents are currently incarcerated and 2.5 million are supervised in community corrections (Putze 2003).

¹² Marilyn Brown's research on incarcerated women in Hawai'i found that 54% of her sample had not graduated from high school compared to 44% of a national sample of incarcerated women (Brown 2003a, 148-49). A 1995 Department of Public Safety study found that 90% of women imprisoned at the WCCC reported a history of substance abuse (Department of Public Safety 1998, 6) whereas the comparable figure for women incarcerated in Illinois is 75% (George 2003, 3).

¹³ George notes that the costs of incarcerating a woman in Illinois are higher than those associated with incarcerating a man (George and LaLonde 2003, 17).

¹⁴ Economists do not count TANF payments and food stamps received by dependents as part of the social cost of incarceration, instead characterizing these as transfer payments. They use the technical term "social cost" to refer only to resources that are consumed or destroyed as the result of a choice or action (LaLonde 2003a).

Many of these parents owe child support to their children. Research establishes that incarceration of the non-custodial parent is related to the unpaid child support problem.

Simply, incarcerating a non-custodial parent normally means the cessation of child support payments and often the creation of an arrearage.

Most incarcerated parents do not have a job with income that permits them to continue child support payments while in prison, since only 45% are employed, and these employed parent-prisoners earn an average hourly wage of 56 cents (Putze 2003). From another angle, studies with methodologies paralleling the work of Cadora and George and LaLonde matched incarcerated parents and parolees in Colorado and Massachusetts to their children who were owed child support. These non-custodial parents owed over \$75 million in child support to their children (cited in Putze 2003). Simply, incarcerating a non-custodial parent normally means the cessation of child support payments and often the creation of an arrearage. Large arrearages and state capture of child support payments further function to defeat employment of the parent upon release.¹⁵ Lost child support is therefore part of the social cost of incarcerating a parent.¹⁶

There are also hidden contextual costs not born directly by the state, or the community. This fact arises equally from the patterns of caregiving for the children of incarcerated parents and from the manner in which these parents are released back into the community. Children of incarcerated mothers are most often cared for by close relatives during the period of incarceration. This is particularly true for Hawai'i, where foster care placement for such children is less common (7.3%) than in national samples (10%) (Brown 2003a, 153; Mumola 2000, 1).¹⁷ Furthermore, upon release many female parolees move in with their families or relatives, rather than establish independent residences. Considerable residential instability ensues, complicating the lives of parent and children (Brown 2003a, 222-25). Writing about female parolees in Hawai'i, Brown (2003a, 205) observes:

Most women (73.3%) are paroled to households rather than program or institutional settings, whether or not they have children. They live in their own apartments, with spouses or partners, with adult relatives, or with friends. However, very few of these women (2%) have the wherewithal to set up in their own places; most live with partners or other intimates. Although family bonds are often sufficiently flexible to absorb women after

¹⁵ Legal Action, Inc. of Wisconsin has found that large child support arrearages discourage employment since the sharply reduced take-home pay of the parent makes legitimate employment unattractive. Negotiating reductions in arrearages moves a significant number (ca. 40%) of these non-paying parents back into work and on-going child support payments (Pifer 2003).

¹⁶ LaLonde argues that child support is a transfer payment from the pocket of one parent (non-custodial) to the other parent (custodial). However, he also states that the loss of time spent working and time caring for children when a parent is incarcerated should both be counted as part of social cost (LaLonde 2003b).

¹⁷ This may be partly due to the Hawaiian social institution of *hanai*, by which children are placed with relatives or friends and become full members of their *hanai* families.

their incarceration (having cared for their children during this separation), material deprivation and lack of resources make a necessity of these family virtues. The economic costs of punishment are thus shifted to the families of former inmates in ways that often go unnoticed in calculations of the cost of prison expansion. The economic responsibilities associated with punishment are, in this way, shifted to non-state parties and the individuals themselves, just as theories of responsabilization predict.

To our knowledge no one has attempted to calculate these costs, but the costs are no less real for this lack of research.

The benefit to the community in terms of crime reduction for incarcerating one additional person is highest for offenses against persons, such as murders, assaults, and robberies.

The benefit to the community in terms of crime reduction for incarcerating one additional person is highest for offenses against persons, such as murders, assaults, and robberies (Levitt 1996; 1998). It is much lower for simple property crimes such as burglary, larceny, and auto theft. About 55% of fathers held in state prisons are incarcerated for such non-personal crimes, and about 74% of mothers are incarcerated for these types of crimes.¹⁸

The largest social benefits are associated with reduced murders, assaults, and robberies, together accounting for over \$40,000 per prisoner per year. No other type of crime reduction yields a social benefit greater than \$5000. ... Combining all of the [UCR] crime categories yields a social benefit of \$53,900 annually. The true benefits of crime reduction are likely to exceed this total since it reflects only the seven crime categories examined in this paper and thus omits any benefits from reductions in other illegal activities such as drug offenses, arson, fraud, and driving under the influence (Levitt 1996, 346).

Extending the logic, offenses can in principle be arrayed on a scale by the net social benefits of incarcerating the offender, assuming offenders would commit offenses similar to those for which they were sentenced. Likewise, since we know it is more costly to incarcerate some types of offenders compared to others, the offenders themselves can be distributed on a scale according to the costs for imprisoning them, based on their characteristics. It then becomes clear that the scales must cross at some point.

The social benefit of incarcerating a person for some offenses, such as murder or assault, may exceed the cost. Conversely, the benefits for incarcerating other classes of offenders will fall below the social cost of incarceration, and some will fall far below this threshold. It will be less cost effective to incarcerate parent-prisoners, since the social costs of their

¹⁸ For comparison, in a 1998 survey the Department of Public Safety in Hawai'i found that 81% of female inmates at the Women's Community Correctional Center were incarcerated for non-violent offenses (Department of Public Safety 1998, 3).

incarceration are higher, and this is particularly so for mother-prisoners with multiple children. For incarcerated mothers the cost-effect of type of crime and social cost diverge since the social costs of their incarceration are higher than for other prisoners, and the social benefits are lower given that they are in prison mainly for non-personal crimes.¹⁹ There are therefore groups of individuals in prison whose net cost of incarceration clearly exceeds the documentable benefit to the community and the state.

Cost-benefit analysis of mandatory sentences for ice users in Hawai'i

A Hawai'i example is the class of citizens imprisoned under the mandatory minimum laws for ice (methamphetamine).²⁰ The 637 inmates committed under these statutes are summarized in Table 1. They serve an average sentence of 39 months at a prison cost of \$76 to \$91 per day. The cost of incarceration alone averages \$30,500 per year and about \$99,000 for the average sentence. The total cost to the state for jailing this population falls between \$57.4 and \$68.8 million, with a mean of \$63 million (Brady 2003a). As argued above, the social costs are probably double the incarceration amount, yielding a likely net cost to the State of Hawai'i of approximately \$189 million.

Table 1
Sentenced Felons and Parole Violators with Drug Convictions (§712) as the Most Serious Offense As of June 30, 2003

Statute	Total	%	Male	%	Female	%
712-1241 Class A	86	13.5%	74	14.0%	12	11.2%
712-1242 Class B	242	38.0%	202	38.1%	40	37.4%
712-1243 Class C	309	48.5%	254	47.9%	55	51.4%
Total	637	100.0%	530	83.2%	107	16.8%

Adapted from Brady (2003b)

Applying Levitt's economic analysis, and assuming in a worst-case scenario that these inmates would each commit about 15 non-violent index crimes per year if they were on the street, the social benefit would be generously estimated at \$56,800 per offender per year, or \$117.5 million for the entire population over the course of their sentences.²¹

¹⁹ This could be represented visually by a three-dimensional graph whose axes would be number of children (z), type of crime (x), and gender (y). Men without children who commit violent personal offenses would embody the greatest cost benefit, fathers who commit non-personal offenses would occupy a middle ground, and mothers who commit non-personal offenses would represent the lowest cost benefit of incarceration.

²⁰ These statutes are §712-1241, -1242, and -1243, Class A, B, and C. Classes represent amounts of the drug in the possession of the arrestee from most (Class A) to least (Class C).

²¹ The average social benefit for non-violent index crimes (burglary, larceny, auto theft) corrected to 2003 dollars is \$3,785 (Levitt 1996, 345). Multiply this average by the expected reduction in crimes (15 per year), times the average sentence served (3.25 years), times the number incarcerated for ice (637). This thumbnail estimate overstates the social benefit, since ice users probably commit offenses that are, on average, less costly than burglary, auto theft, and larceny and they may commit fewer than the overall average of 15 crimes per year.

The State probably loses money merely by incarcerating these offenders, and may be losing quite a lot of money when social costs are taken into account. This is especially so since women in Hawai'i constitute a larger proportion of those incarcerated for ice use than they do for other crimes (Department of Public Safety 1998, 1, 6).²² As documented in Table 1, 17% of sentenced methamphetamine felons are women, substantially exceeding their share of the general Hawai'i corrections population (11.7%). And,

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projecting from Hawai'i averages (Brown 2003a, 207), 78% of these women drug abusers likely had dependent children at the time of sentencing. Since this population of 637 prisoners has a higher proportion of women and therefore a high number of mothers with minor children, both incarceration costs and social costs for this group are higher than for the average prison population in Hawai'i. The estimates for total incarceration costs and net costs (incarceration plus social cost) derived above are therefore conservative. Finally, the social benefit of incarcerating this population is relatively low, since just about half of them (48.5%) are doing time for Class C offenses, representing the lowest possession threshold. Hawai'i probably stands to lose considerably more than \$71 million in excess cost over benefit for this group.

It is also worthwhile noting that this population of ice users is not likely to receive adequate treatment while incarcerated. The 1998 Department of Public Safety population analysis of WCCC inmates took the institution's substance abuse programming to task for inappropriate placement and insufficient slots, concluding:

As the Department is well aware, substance abuse treatment must be made available to as many inmates as possible. Expanded treatment slots are clearly indicated. But effective assessment, screening, and program placement must go along with the expansion (1998, 8).

Nor is it likely that they will receive treatment on the outside, once released on parole, according to a Hawai'i expert on female prisoners:

We have a couple of drug court diversion programs across the state but these deal with a fraction of the population who need some kind of structured approach to dealing with their addiction. About 50% of the women in my overall sample of 240 had been on probation prior to their prison sentence. Given the nature of addiction,

²² In their 1998 analysis of the population of the Women's Community Correctional Center, the Department found that 35% of women were there primarily for drug related offenses. The anonymous analyst felt moved to comment: "Females have a lower rate of violent crime convictions and a higher rate of drug related convictions when compared to male inmates. The women, as a whole, are substantially involved with drugs and the number admitting to ice use should be of concern to the Department vis-à-vis treatment. The number requiring substance abuse treatment far exceeds the number participating in treatment (1998,1)."

if you provide supervision without treatment, sooner or later it's likely these people will be caught over a period of five years (a common probationary period) (Brown 2003d).

From this synergy of legislative policy requiring imprisonment of ice users, inadequate in-prison treatment, and reduction in community treatment options, the State of Hawai'i can expect a higher rate of recidivism among sentenced methamphetamine users than it would otherwise experience.

According to testimony recently given to the Hawai'i Joint House-Senate Task Force on Ice and Drug Abatement, substance abuse treatment beds in Hawai'i have declined by about 50% over the past 10 or 15 years (Brady 2003a, 1). From this synergy of legislative policy requiring imprisonment of ice users, inadequate in-prison treatment, and reduction in community treatment options, the State of Hawai'i can expect a higher rate of recidivism among sentenced methamphetamine users than it would otherwise experience. This will function to feed more of these prisoners back into a cost-benefit equation on which the State probably achieves the largest negative cost-benefit balance of any prisoner group, thereby compounding its losses.

Brown's dissertation (2003a) drives home the fundamental point that a woman's pathway to incarceration integrates events and influences far upstream from the commission of the offense for which the woman is ultimately incarcerated. She also shows that these conditions persist when women are paroled and seriously impede their efforts to reestablish themselves in the community in family-sustaining roles. George's profile of women prisoners in Illinois argues that they will not be likely to succeed without support from comprehensive programs offering mental health, substance abuse, domestic violence, education, job training, job placement, safe housing, and parent training (George 2003, 7). She notes that the costs of these types of programs are about \$35,000 to \$40,000 in the first year and \$15,000 to \$20,000 in the second year. From the cost-benefit analysis pursued here, such investments would likely provide a greater return to the community than incarceration for certain classes of offenders even assuming low rates of treatment effectiveness.

We noted above that the social costs associated with incarceration cannot be unambiguously tied to the fact of incarceration, since many of the conditions, influences, and behaviors that characterize incarcerated parents and their families on the outside predated incarceration and almost certainly would have continued had the parent not been imprisoned. On reflection, this consideration is beside the point. These parents and families have nominated themselves by the parent's action (i.e., the commission of a criminal offense) as highly disadvantaged and in need of support and investment. From a cost-benefit perspective, once that has occurred the only question is whether incarceration is a more effective and cost-effective intervention than community-based programming. Just as clearly, for many of the parents currently in prison and on parole incarceration as an investment performs poorly relative to community placement and support.

Findings and Future Directions

A variety of recommendations arise directly from this review of the research. Other very recent resources that speak to some of the same issues have been produced by the Center for Law and Social Policy (2003), by advocates, and by program operators (Buell 2003), and are worth consulting. We recall here evidence and arguments advanced above and suggest legislative, regulatory, and policy responses for the State of Hawai'i and the federal government. Some of the following recommendations would require action at both levels.

Finding #1: We lack accurate knowledge about the number of prisoners who are mothers and fathers, and about their children and families because the prison intake process gathers only perfunctory information about families. What sparse information is gathered is not uploaded to central databases and cannot be analyzed.

- As a matter of course, jails and prisons must gather information about an inmate's family, including dependents, at the time of intake.
 - This must include demographic information on all children, on custody (legal and informal), on caregiving arrangements, and on services needed or anticipated. Inmate parents must have the right and ability to update this information.
 - The Department of Public Safety must integrate family information into its central databank on prisoners on a regular basis.

Finding #2: Incarcerated parents risk losing a role in their children's lives due to restrictions on their ability to communicate freely, lack of outreach to incarcerated parents, particularly fathers, by child welfare professionals, and the provisions of federal laws governing adoption.

- The State must ensure that child welfare authorities remain in touch with incarcerated parents, especially fathers.
 - The case planning process for children of incarcerated parents in the child welfare system should require consultation with the parent.
 - Inmate-parents should have court-appointed counsel in child welfare cases.
 - The state should grant exceptions for incarcerated parents from the 15-month rule of the Adoption and Safe Families Act under the "best interest of the child" exception.

Finding #3: Prisoner-parents have infrequent contact with their children caused in part by placement far from their families. Placement on the mainland, based on economic considerations, forecloses the possibility of visits.

- The State should factor in the ability to maintain parent-child contact when making prison placements.

- Parent inmates should be placed on the basis of the "best interest of the family" rather than on the basis of economics or administrative convenience.

Finding #4: The predominant pattern of post-release residence with extended family or relatives due to inadequate housing options burdens relationships with extended family, complicates reunification with children, and transfers the costs of punishment to others.

- The State should invest in post-release housing options and support for reentering parents.
 - Means should be developed to assist parent-prisoners in arranging their own housing prior to release, including furloughs for this purpose when appropriate.

Finding #5: Research that explores the effect of a parent's incarceration on their children focuses on incarcerated mothers and relies almost exclusively on reports of caregivers as to the status and outcomes for the children themselves.

- The State should sponsor research based on direct contact with children that examines the impact of their parent's incarceration, to supplement existing research based on reports of caregivers.
 - A segment of this research should focus on the relationship of incarcerated fathers with their children, and the long term impact on the children.

Finding #6: Substance abuse treatment services are grossly inadequate both in prison and in the communities to which prisoners return. Community-based treatment has few residential slots that allow parents to continue residing with their children.

- The State should invest sufficient resources to provide appropriate substance abuse treatment on demand both in the community and in prison, without waiting lists.
 - Substance abuse treatment for inmates must be graded based on an assessment of the inmate's level of need.
 - Community-based treatment must include an adequate number of residential beds that serve families.

Finding #7: Non-custodial parents are unable to pay child support while in prison. Large arrearages and state capture of support payments to recover public assistance discourage parents with child support obligations from working in the legitimate labor market and supporting their children.

- Child support orders for non-custodial parents should be set at zero at the time of sentencing, lasting until 60 days after release.
 - The State should pass through all support payments to families.

- The State should forgive arrearages owed the state in exchange for realistic on-going payments.

Finding #8: Children’s visits to their parents are encumbered by physical environments and policies that discourage the development of their relationship with the parent.

- The State should create a friendly visiting environment for families and children and encourage contact through a greatly expanded set of programs.
 - Visiting areas must include information and resource displays including prison policies, visiting and mail rules, community supports for families of inmates, and resources for families (e.g., how to explain jail and prison to children).
 - Kid's Day should be held at least monthly.
 - Facilities for overnight stays for children should be established at the Women’s Community Correctional Center.
 - Full contact visits for children and parents should be the norm at all institutions.

Finding #9: Grandparents and other relatives play a very significant role in caring for the children of incarcerated parents and managing the child’s relationship with the imprisoned parent. They seldom have adequate resources to fulfill this role and they experience considerable stress.

- The State should initiate supports for grandparent and relative caregivers of children with parents in prison.
 - Supports should include provision of respite care, housing assistance, chore services, parenting support, and material support comparable to what is provided to foster parents.

Finding #10: Considerable social costs accrue for the incarceration of a parent that are probably 200% the cost of lockup. Therefore, for certain offenders, the net cost of their incarceration likely exceeds the corresponding social benefit.

- The State should shift from incarceration to community supervision and support for certain classes of inmates who are now serving time.
 - Men and women with dependent children who have committed only non-violent offenses should preferentially be placed in community settings.
 - Men and women who have committed only crimes involving substance use and abuse should receive treatment in a community setting rather than incarceration.
 - Funds currently deployed to incarcerate these classes of inmates should be gradually shifted to support community placement and the services needed to achieve this.

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