



To: Committee Chair, Judiciary Committee
From: Ashley Devaughn, Youth Justice Policy Director
Re: SB 682, SB 683, SB 684, Correctional Services - Prerelease Unit for Women
Date: February 26, 2020
Position: Support

Thank you for the opportunity to provide testimony on SB 682, SB 683, SB 684, Correctional Services - Prerelease Unit for Women. Advocates for Children and Youth (ACY) SUPPORTS this bill.

We urge this committee to issue a favorable report on these bills.

As this Nations prison population has grown, the population of children with an incarcerated parent has grown as well. This leads us to ask who is incarcerated and how many of those incarcerated are parents?

Ten years ago, the Pew Charitable Trust report stated that more than 1.1 million men and 120,000 women in U.S. jails and prisons have children under the age of 17 and 2.7 million children nationwide have one or both parents behind bars. This is especially dire for Black and Brown children due to the overrepresentation of the population in the Criminal Justice and prison systems. Although all races commit crime at roughly the same rates, African American and Latinx populations are incarcerated at much higher rates than their white counterparts, and therefore are at particularly high risk of becoming or having incarcerated parents. The Color of Justice: Racial and Ethnic Disparity in State Prisons states that African Americans are incarcerated in state prisons across the country at more than five times the rate of whites, and at least ten times the rate in five states. The Bureau of Justice Statistics reports that 35% of state prisoners are white, 38% are black, and 21% are Hispanic and indicates Maryland, whose prison population is 72% African American, tops the nation.

The Hidden Consequences: The Impact of Incarceration on Dependent Children defines the term parental incarceration to refer to any kind of custodial confinement of a parent by the criminal justice system, except being held overnight in police cells. Incarceration can refer to confinement in jails or prisons. The gender of the parent is a major factor in patterns of incarceration; fathers account for 90% of incarcerated parents. However, the number of mothers in prison grew at a faster rate than the number of incarcerated fathers across the decade 1991-2000. There was an 87% increase for mothers, but only a 61% increase for fathers indicated by From Prison to Home: The Effect of Incarceration and Reentry on Children, Families, and study. The study goes on to share the age of children at the time of the parent's incarceration. Roughly 60% of children with incarcerated parents are under 10 years of age, with 8 years being the mean age.

To fully understand the impact of parental incarceration, it is important to consider the nature of the family living arrangements prior to incarceration. Many children live with non-parental caregivers prior to the incarceration of their mother or father. In fact, only half of the inmate parents in either state or federal prison lived with their children at the time of admission to prison. Gender differences are again evident. Specifically, mothers in either state (64%) or federal (84%) prisons were living with their children at the time of admission to prison. In contrast, only half of the fathers were living with their children at the time of their incarceration (44% for state and 55% for federal prison). Unfortunately, the prior living arrangements is not generally considered in assessments of the impact of incarceration or children, but it would be expected that incarceration would carry different meanings and have different consequences for children who do or do not reside with their parents

before incarceration.

So who looks after the children when parents are incarcerated. Again the answer varies with the gender of the parent. For incarcerated fathers, the child's mother is the usual caregiver before the father is arrested, and in the case of both state and federal incarceration, 90% of the time, mothers assume the caregiving responsibility after the father goes to prison. On the other hand, when mothers are put in prison, fathers assume responsibility only 28% - 31% of the time. Instead, most commonly, the grandparent becomes the caregiver (53% of the time for state incarcerations and 45% of federal). Reports show that incarceration of men with children contributes to higher rates of homelessness primarily among African American children in particular by removing financial contribution or finances used for the care of the children, places additional strains on mothers, and may compound family trauma. However, when a mother is incarcerated, her children often end up in foster care, separated from their family.

There is a clear overlap between the prison system and child welfare system. Further, Child Welfare and Juvenile Justice - Two Sides of the Same Coin brief explores the Child Welfare system and the intersection of juvenile incarceration. There is particular concern that a parent's imprisonment will lead to a cycle of intergenerational criminal behavior. One statistic indicates that children of incarcerated parents are, on average, six times more likely to become incarcerated themselves. While another study named Criminal Justice Involvement, Drug Use, and Depression Among African American Children of Incarcerated Parents found that children of incarcerated mothers had much higher rates of incarceration — and even earlier and more frequent arrests — than children of incarcerated fathers.

There is growing recognition of and effort toward diminishing this problem—Sesame Street's Little Children, Big Challenges: Incarceration initiative is a prime example. With increased opportunities for children to maintain relationships with an incarcerated parent and through better support for these parents—and other types of caregivers in the community—children and their families can be better protected and tap into their own resiliency against the effects of incarceration.

We urge this committee to issue a favorable report on SB 682, SB 683, and SB 684.

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Advocates for Children and Youth builds a strong Maryland by advancing policies and programs to ensure children of every race, ethnicity, and place of birth achieve their full potential.