

2013

# Children of Incarcerated Parents in New York State

A Data Analysis



## ACKNOWLEDGMENTS

This report is the culmination of a multi-year project to inform policy conversations about children of incarcerated parents in New York State with data. The project was spearheaded by the Subcommittee on Children with Incarcerated Parents as it existed in 2011. Many hours of survey development, administration, data entry and data analysis were donated by members of the Subcommittee to bring this report to completion.

Special thanks to Lorraine Hogan, Alicia Smith Roberts, Katie Nastars, Tina Taylor, Heather Stroker, Lori Torgersen, Michael Barrett, and Chelsea Reudiger for taking substantial time and care to administer the survey. Much thanks also goes to James Gilmer and Andrew Wheeler for their data analysis. This report was also made possible through the partnership of the New York State Department of Corrections and Community Supervision (DOCCS). Special thanks to Commissioner Brian Fischer, Kathy Jacobson, Paul Korotkin, and the superintendents and staff at the prisons where the survey was administered.

Finally, deep appreciation is extended to the parents who shared personal information about their children through survey completion. Your willingness to tell the stories of your children will advance policy to help other children who will follow in their footsteps.

Jacquelyn Greene  
Project Director

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## **Introduction**

This report summarizes findings from a survey on children with incarcerated parents administered in December of 2010 to incarcerated individuals in the New York State prison system. The survey was developed in response to policy issues raised by a cross systems Subcommittee on Children with Incarcerated Parents. The Subcommittee was made up of New York State agency representatives from the corrections and human services fields as well as advocates and not for profit service providers who work with incarcerated individuals and their families.

The survey was structured to gather information to inform policy discussion related to the following questions:

- How many incarcerated individuals have minor children?
- What type and amount of contact do incarcerated parents have with their children prior to and during their incarceration?
- What factors influence parents' ability to maintain contact with children?
- What are the living arrangements of children prior to and following parents' incarceration?
- What type of activities do incarcerated parents use to maintain a role in the care and planning for their children in foster care?
- To what extent have children with incarcerated parents witnessed the arrest of their parent?
- What percent of incarcerated parents plan to reunify with their children?
- What factors do incarcerated parents identify as barriers to their reunification with their children?

## **Survey Administration**

The survey was administered in seven New York State prisons in December of 2010. The administration sites included male and female facilities and all security levels.

<b>Prison</b>	<b>Population</b>	<b>Security level</b>
Beacon	Female	Minimum
Bedford Hills	Female	Maximum
Greene	Male	Medium
Mid-State	Male	Medium
Sing Sing	Male	Maximum
Taconic	Female	Medium
Washington	Male	Medium

Survey administration was conducted through a purposeful sample of incarcerated individuals in grouped settings that normally occur during the course of the day. Those settings included classrooms, substance abuse treatment groups and anger management groups. This methodology was utilized in order to minimize disruption and cost associated with survey administration. Individual survey administrators explained the reason for the survey to individuals in each of these settings and invited each incarcerated person in the group to voluntarily respond to the survey. Each administrator remained in the group setting while survey participants completed the survey and offered individual support to participants who sometimes struggled with language or literacy barriers to survey completion. In addition, staff in the classroom and group settings and several survey participants also assisted other participants who needed extra support to understand and complete the survey.

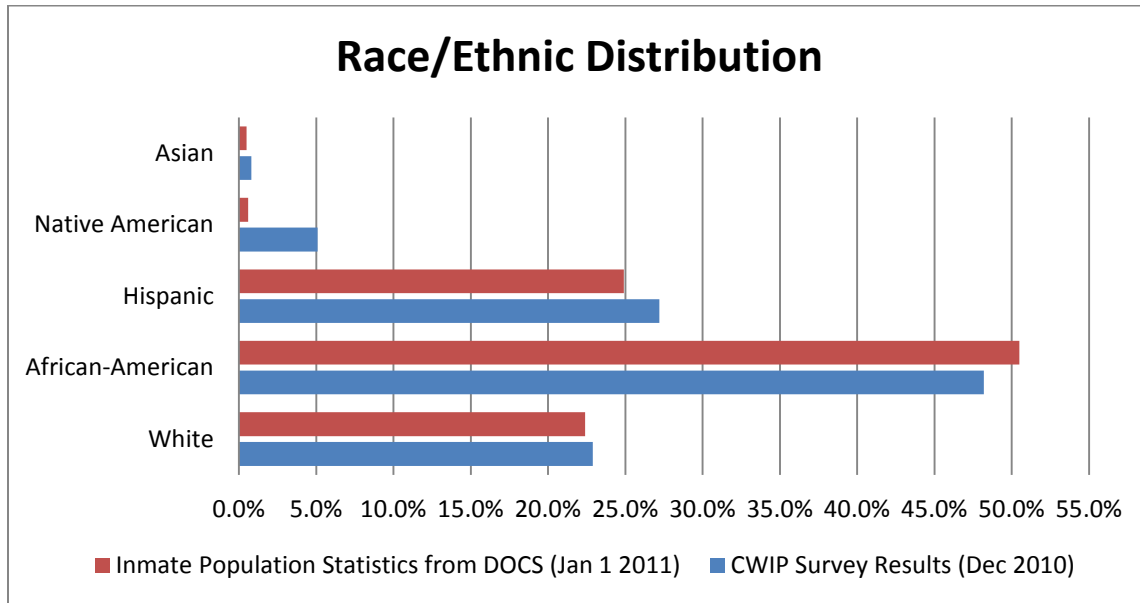
The survey was structured in three parts. The first part gathered basic demographic and sentence length data on each participant. Every person responding to the survey, whether they were a parent or not, completed part I. Participants were asked at the end of part I whether they currently had children under age 21 and those who did not were not asked to complete parts II and III of the instrument. Part II of the survey asked general questions about connectivity between the incarcerated parent and his or her children. Finally, participants with minor children completed an individualized Part III for each child they had under the age of 21, providing child specific information related to each child's experience of the parent's arrest, impacts on living and educational arrangement, any foster care involvement, and frequency, type(s) and barriers to connectivity with each child.

### **Survey Participant Demographic Data**

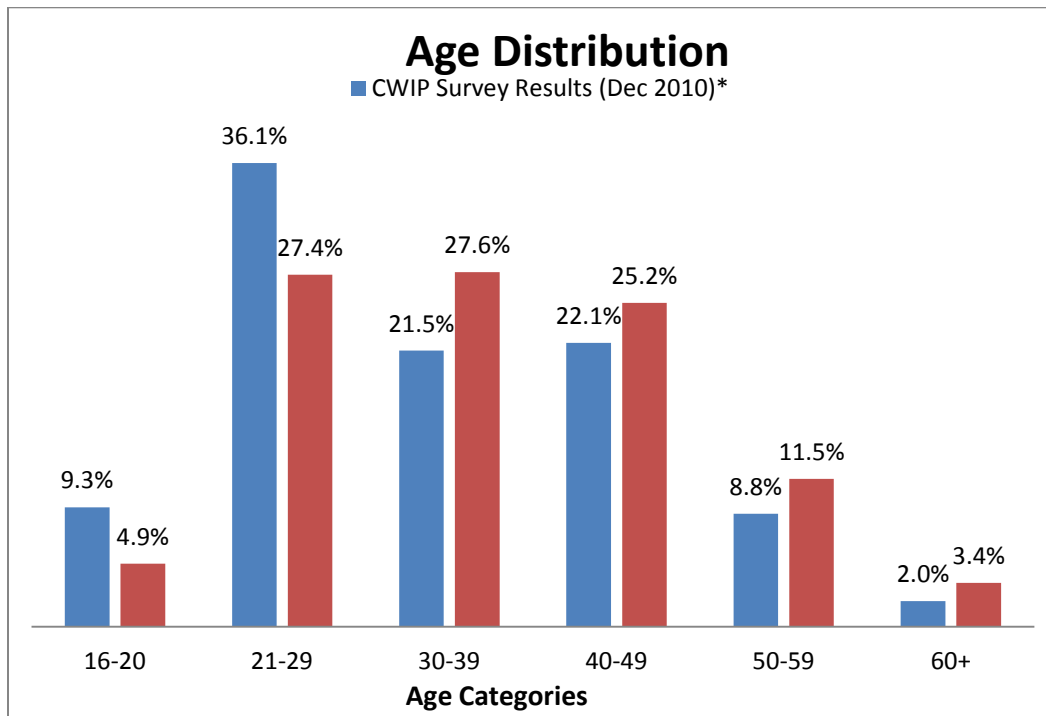
A total of 895 incarcerated individuals participated in the survey. Male respondents comprised 69% of participants (616 males) and female respondents comprised 31% (279) of participants. This represents a substantial oversampling of females compared to the overall prison population. As of January 1, 2011, the New York State Department of Corrections and Community Supervision (DOCCS) reported that 96% of the New York State prison population was comprised of males and females make up only 4% of the overall population.<sup>i</sup> The survey administration plan was intended to oversample the female population, given the common anecdotal sentiment that women are more likely to be primary caregivers of children prior to incarceration and the necessity to oversample women in order to obtain a large enough sample to support meaningful analysis of issues related to female incarceration.

A substantial majority of respondents reported a racial or ethnic minority status. Nearly half of the respondents (45%) self reported as Black and another 27% of respondents self identified as Hispanic. The racial and ethnic composition of the sample tracked relatively

closely to the overall racial and ethnic breakdown of the total prison population as reported by DOCCS .



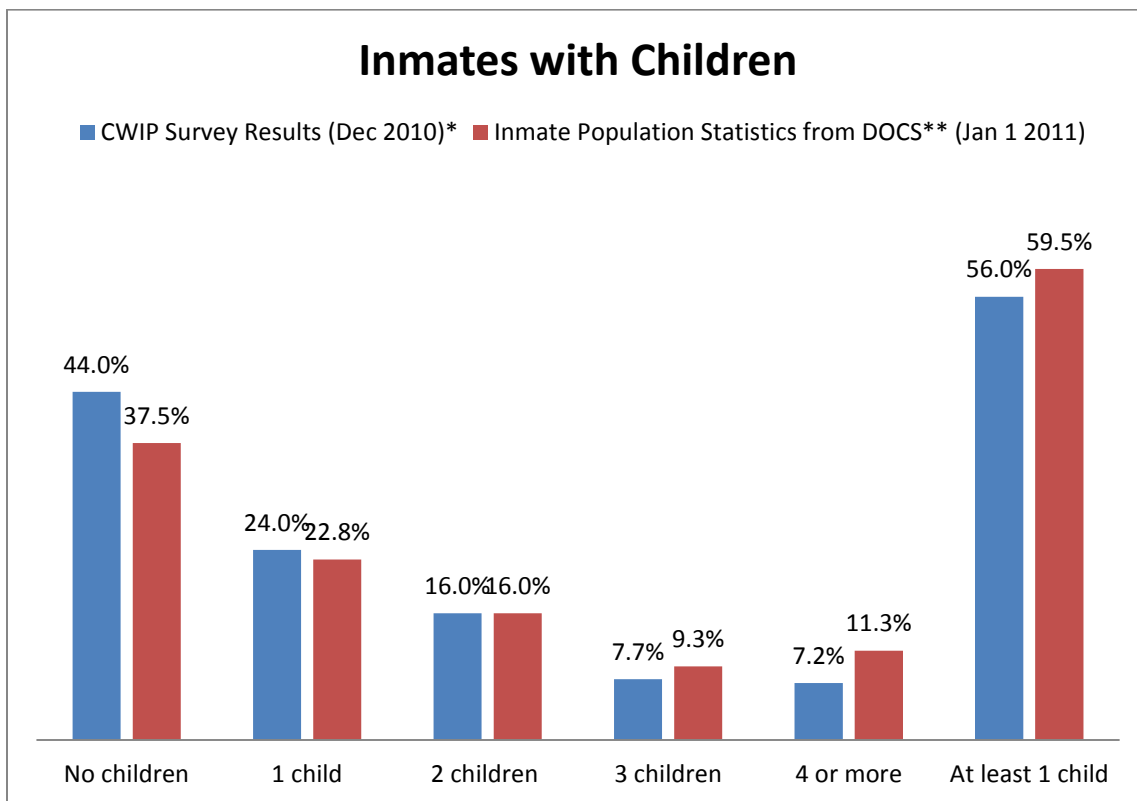
Survey participants ranged in age from 18 to 68, with 80% of respondents falling between the ages of 18 and 45 and 25% of the survey respondents ranged in age from 20 to 23. The sample was somewhat biased toward a young population compared to the age distribution of the overall prison population, as shown in the graph below.



Respondents also reported significant histories of adolescent justice involvement, with 46% of participants reporting youth justice involvement either as a status offender or through probation involvement or out of home placement resulting from delinquency. Finally, 20% of survey takers reported experiencing either foster care placement or homelessness as a youth.

### **Prevalence of Minor Children Among Respondents**

The question of how many incarcerated individuals are parents of minor children was a threshold question that the survey was designed to inform. Almost half (49%) of survey respondents reported being the parent of a child under the age of 21. DOCCS Profile of the Inmate Population reports that 60% of incarcerated individuals reported having a living child when asked that question upon admission to the DOCCS system. The graph below illustrates the alignment between the survey results and the information collected by DOCCS at intake.



Speculation that the number reported to DOCCS is a significant undercount abounds, given the rational reasons that a person may have to withhold that information at intake into the state prison system.<sup>ii</sup> The limitations of the methodology used to administer this survey render the capacity to generalize its findings to the entire prison population impossible. However, the relative proximity of the percentage of individuals reporting children at intake to the percentage of survey respondents who reported minor children is noteworthy and suggests

that the data being collected at intake into DOCCS may be more reliable than is generally accepted.

While parent participants reported having between one and nine children, families tended to be small, with 73% of parent participants reporting having only one or two children. Of the 895 total respondents, 483 reported having at least one child under the age of 21. Those 483 parent participants reported a total of 977 minor children. The children tended to be young, with 70% of the children falling between the ages of one and 13. Over three quarters of the children were current New York State residents at the time the surveys were completed.

### **Contact Between Children and Incarcerated Parents**

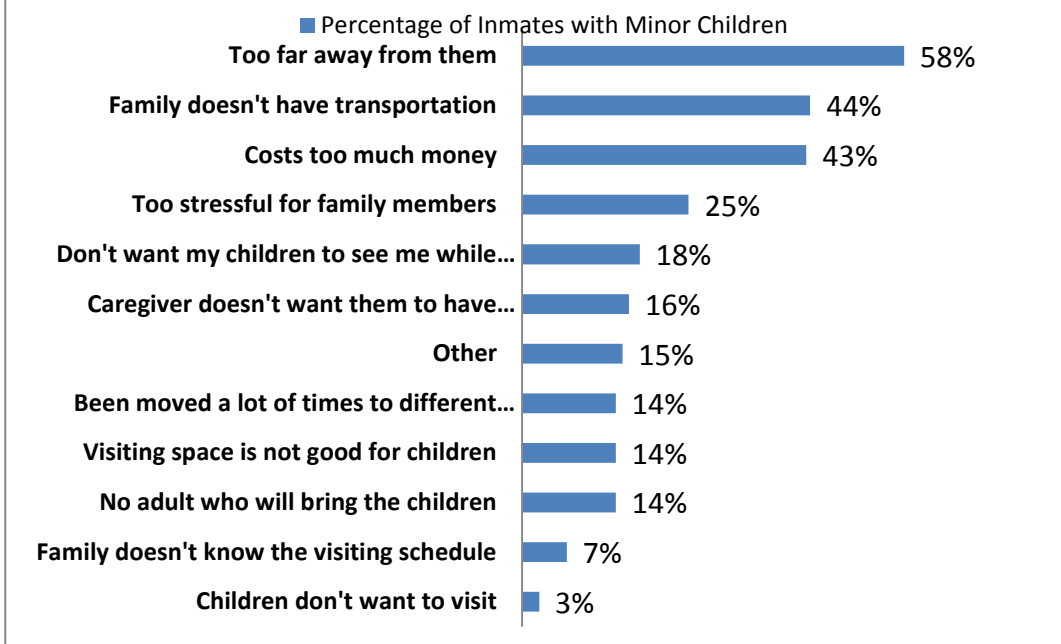
The survey was constructed to assess the level of involvement that the parent participant had in the life of the child prior to incarceration. Responses to those questions showed significant connections between parent participants and their children prior to incarceration. Eighty-five percent of parents reported contact with their child prior to incarceration, 81% of parents reported physically caring for their children, 80% noted financial support for their children prior to incarceration, and 74% of parent participants reported making decisions about their children's daily activities. In addition, over half (56%) of the children reported in the survey were living with the parent participant prior to the parent's incarceration.

A major goal of the survey was to understand the frequency and type of contact between children and their incarcerated parents as well as the barriers to contact. Some sort of contact between children and their incarcerated parent was reported for 78% of the children in the survey. Letter writing and phone conversations were the most frequently reported methods of contact between parents and children. Less than half of the children (42%) had experienced a face to face visit with their incarcerated parent. No contact at all between the parent and the child was reported for 159 of the 977 children.

Parent participants identified distance from children as the top barrier to face to face visits. A lack of transportation and cost followed as the most frequently identified barriers to visitation. Family barriers to visitation were also substantial, as 46% of the parent participants reported that either the stress of visitation on the family, caregiver refusal to bring the child or a lack of an available adult to bring the child were barriers to visitation for them. At the same time, institutional barriers such as inadequate visiting space for children and a lack of clarity about the visiting schedule were reported by only a small minority of parents. Finally, only three percent of parents reported that their children do not want to visit them in prison.

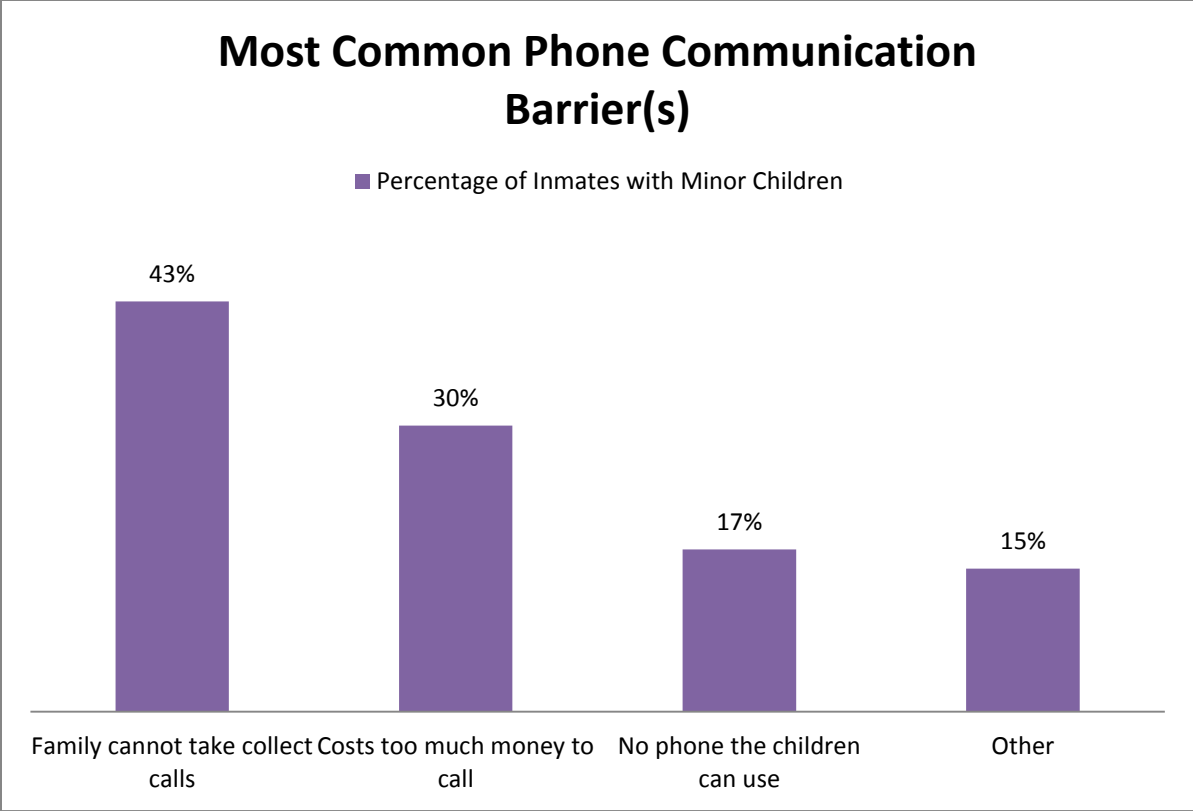


# Visitation Barriers



During the time the survey was administered, DOCCS provided a free bus program to New York State prisons, allowing families with no other money or means to visit incarcerated loved ones. While the free bus program was subsequently discontinued, only 57 of the 260 parents who reported having had a visit with a child during their incarceration reported that their family has used the free bus program. In addition, less than 10% of the parent participants reported that their families used a community based organization to facilitate transportation for their child to visit.

Survey respondents reported that over half of their children (55%) had experienced telephone communication with their incarcerated parent. Of the 483 survey respondents who provided information about barriers to telephone communication, 210 (44%) indicated that their children did not have the phone capacity to accept collect calls. Nearly one third (30.6%) of respondents indicated that the cost of collect calls presented a barrier to phone communication with their children and 81 parents (17%) indicated that their children did not have access to a phone at all. Over one third of parents reported that phone communication worked well for them, as they did not identify any barriers to phone communication with their children.



**Children’s Living Arrangements**

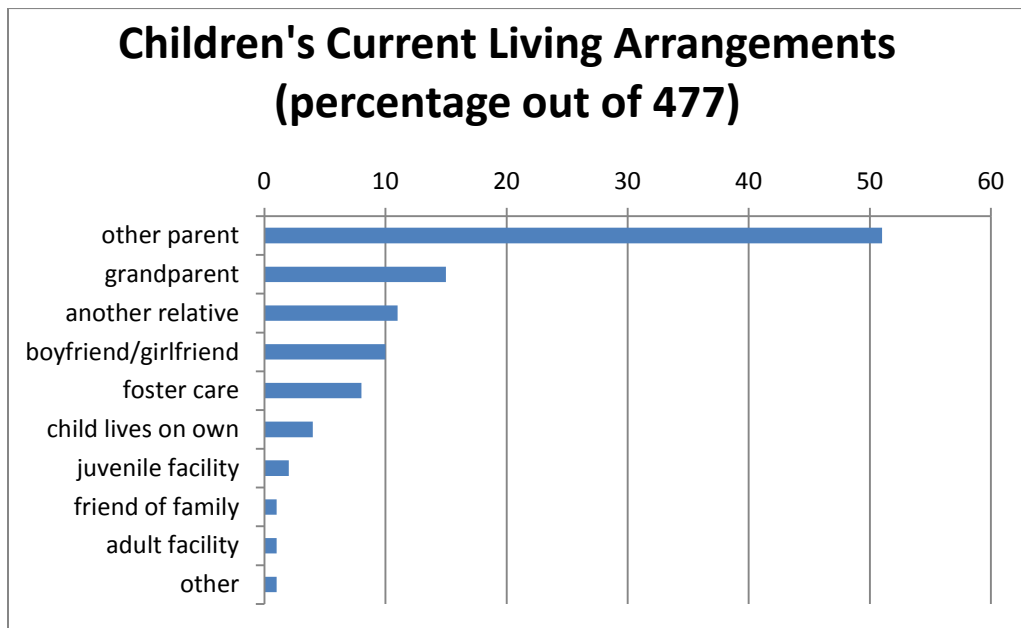
The survey asked a series of threshold questions designed to assess the impact the parent’s incarceration had on the children’s living arrangements. Responses showed that almost half (477) of the children lived with the incarcerated parent or lived in some combination that included the incarcerated parent prior to that parent’s incarceration.

A major goal of this survey was to determine how disrupted the children’s living arrangements were due to the parent’s incarceration. The results show that there is significant disruption. As stated above, almost half of the children lived with the incarcerated parent prior to the period of incarceration. Even if the parent’s incarceration did not cause the child to move, the loss of a parent from a child’s household in and of itself is likely a significant disruption and loss for the child.<sup>iii</sup>

Further responses highlight the true magnitude of the impact of the parents’ incarceration on the living arrangements of their children. Of the 477 children living with the incarcerated parent prior to incarceration, just over half (243) ended up living with the other parent at the time the incarcerated parents completed the survey. There were significant differences in these living patterns between male and female survey respondents, highlighted below in the section comparing responses from male and female survey takers.

About one fourth of the children who had been living with their incarcerated parent prior to incarceration ended up living with someone other than their parents. Seventy-two (15%) were living with grandparents, and another 50 (10%) were living with other relatives. Thus, 26 percent of the children who had been living with their incarcerated parent prior to the incarceration were being cared for by relatives other than a parent at the time the incarcerated parent completed the survey. These findings reinforce the important role that grandparents and other family members play in caring for children during a period of parental incarceration.

The children who were not reported as living with a parent or other family member varied in their living arrangements. The most common alternate living arrangement reported for these children was care provided by a boyfriend or girlfriend (49 youth) followed by residence in foster care (38 youth). Youth who had been living with the incarcerated parent prior to the incarceration and who were reported as being in foster care at the time of the survey comprised eight percent of the sample reported on in the survey. The remaining living arrangements reported in the survey were reported for very small numbers of youth, including residence in a juvenile or adult facility (11 youth). Finally, 18 youth were reported to be living on their own at the time of the survey.



### **Maintaining a Parental Role for Children in Foster Care**

The link between a parent’s capacity to plan and care for their child and their ability to maintain parental rights while incarcerated is strong. Child welfare law provides that parental rights can be terminated on the grounds of permanent neglect when a parent “has failed for a period of either one year or fifteen out of the most recent twenty-two months...substantially and continuously or repeatedly to maintain contact with or plan for the future of the child.”<sup>iv</sup>

While this section of law was amended in 2010 to require the court to consider the special circumstances of an incarcerated parent when terminating parental rights on this basis<sup>v</sup>, a parent's ongoing engagement in their child's foster care planning and progress remains critically important both to that parent's relationship with the child and to the parent's capacity to maintain parental rights during a substantial period of incarceration

This survey contained a threshold of questions designed to assess the ongoing engagement of respondents in planning for their children who were in foster care. While the ultimate sample of children in foster care was relatively small, the results show that maintaining any kind of a role is incredibly difficult. Seventy-five of the 977 (8%) children reported on in the survey were in foster care. For 35 of those youth, the parent reported that his or her parental rights had already been terminated. Parents reported an ongoing proceeding to terminate their parental rights for 25 more of those 75 youth. Therefore, 80 percent of the youth reported to be in foster care had a parent whose parental rights had either already been terminated or whose parental rights were in the process of termination.

The survey asked parents with ongoing parental rights of children in foster care to report whether or not they had any contact with that child's caseworker or school. Of the 21 survey respondents with children in foster care and who had not lost their parental rights, 13 reported having had contact with a child's foster care caseworker. While a very small sample, this data suggests that a significant number of incarcerated parents with children in foster care may not have ongoing communication with their children's foster care caseworkers. These parents also reported on contact with their children's school during their incarceration. Only three out of the 21 respondents reported contact with their child's school. It appears that for this small group of parents, contact with the schools that their children were attending was virtually nonexistent. These data indicate substantial barriers for parental planning for children in foster care during periods of incarceration.

### **Children as Witnesses to Parents' Arrests**

Researchers have documented that children can experience significant trauma when witnessing the arrest of a parent.<sup>vi</sup> These impacts can vary for children based on their age and level of development and can even lead to the negative impact of a teenager getting arrested for attempting to prevent the arrest of a parent. The survey included questions to assess the child's involvement in the parent's arrest in order to assess the extent to which the children reported in the study were present at the time of their parent's arrest.

Thirty-three percent (158) of the 483 incarcerated parents reported that at least one of their children had been involved in their arrest in some way. Eighty-eight incarcerated parents (18%) reported that their child had witnessed their arrest, and 87 incarcerated parents had been handcuffed in front of their child. Forty-five incarcerated parents (9%) reported that law enforcement drew a weapon in front of their children.

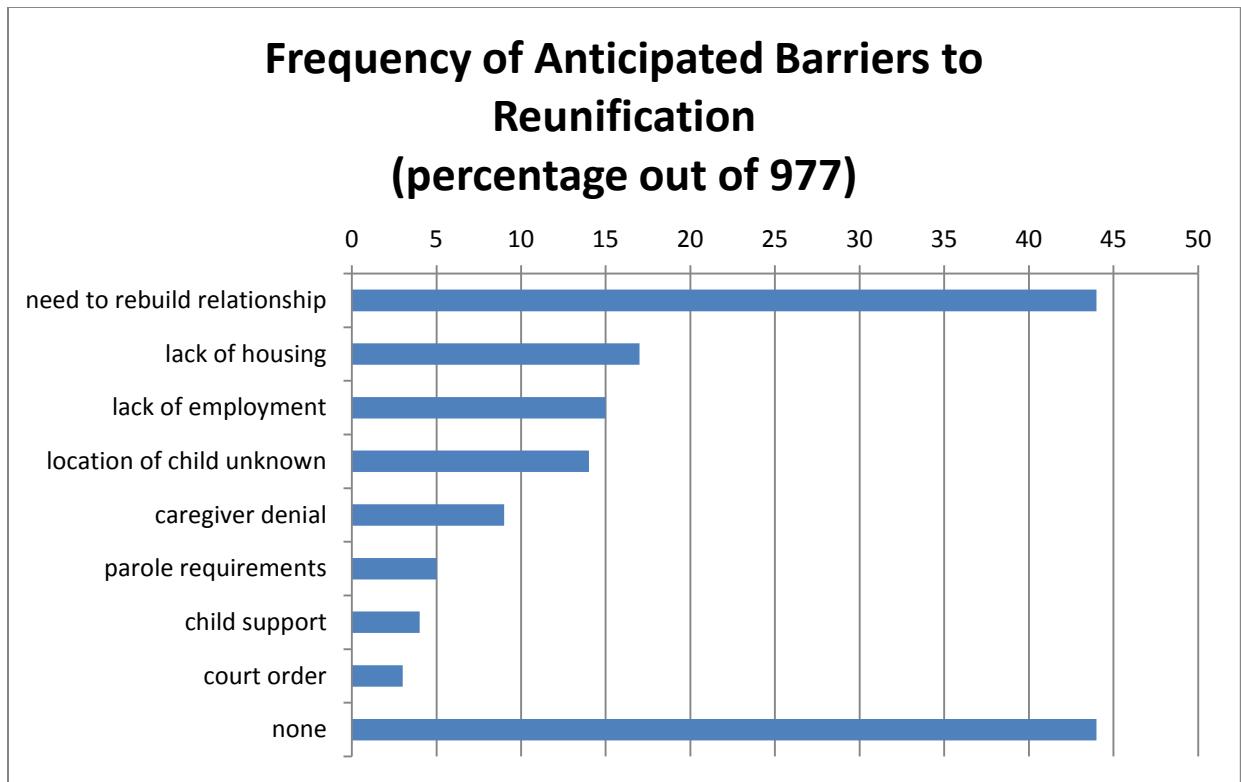
The presence of children at the time of arrest has an impact beyond the immediate trauma, however, affecting many of the other subjects discussed in this report. Only 71 incarcerated parents (15%) reported that the arresting officers had inquired whether the parent was responsible for the care of the child(ren) at the time of arrest. Only 51 parents (11%) reported that the arresting officers allowed them to make arrangements for the care of their child at the time of arrest. This data suggests that the traumatic impact of witnessing a parent's arrest and the immediate follow up in terms of care for children following a parent's arrest are areas ripe for exploration and improvement.

### **Reunification Plans and Barriers**

The survey was constructed to assess the incarcerated parents' plans to reunite with their children. Of the 483 respondents who had at least one child under the age of 21, 276 (57%) reported plans to live with at least one of their children post-release. However, the incarcerated parents identified a number of significant barriers to these plans.

The most widely reported anticipated barrier to reunification was the need to rebuild the relationship with the child. The incarcerated parents reported that their relationships with 430 of the 977 children (44%) needed rebuilding. Lack of housing and employment were also anticipated to be challenges to reunification with children for 17% and 15% of the respondent parents, respectively.

The fourth most widely cited barrier, however, is the fact that the child's whereabouts are unknown. This barrier affected 134 of the 977 children, or about 14%. This statistic illustrates the disconnect that incarceration can create between children and their parents. Less than half of the children (42%) had experienced face-to-face contact with their incarcerated parent during the period of incarceration, and 22% had no contact with their incarcerated parent at all. This lack of connectivity between the child and the incarcerated parent, evidenced by the large number of parents who did not know where their children were residing and the significant number of parents who reported a need to rebuild relationships with their children, illustrates the major challenge that many incarcerated parents and their children face in reunifying as a family following a period of incarceration.



### Gender differences

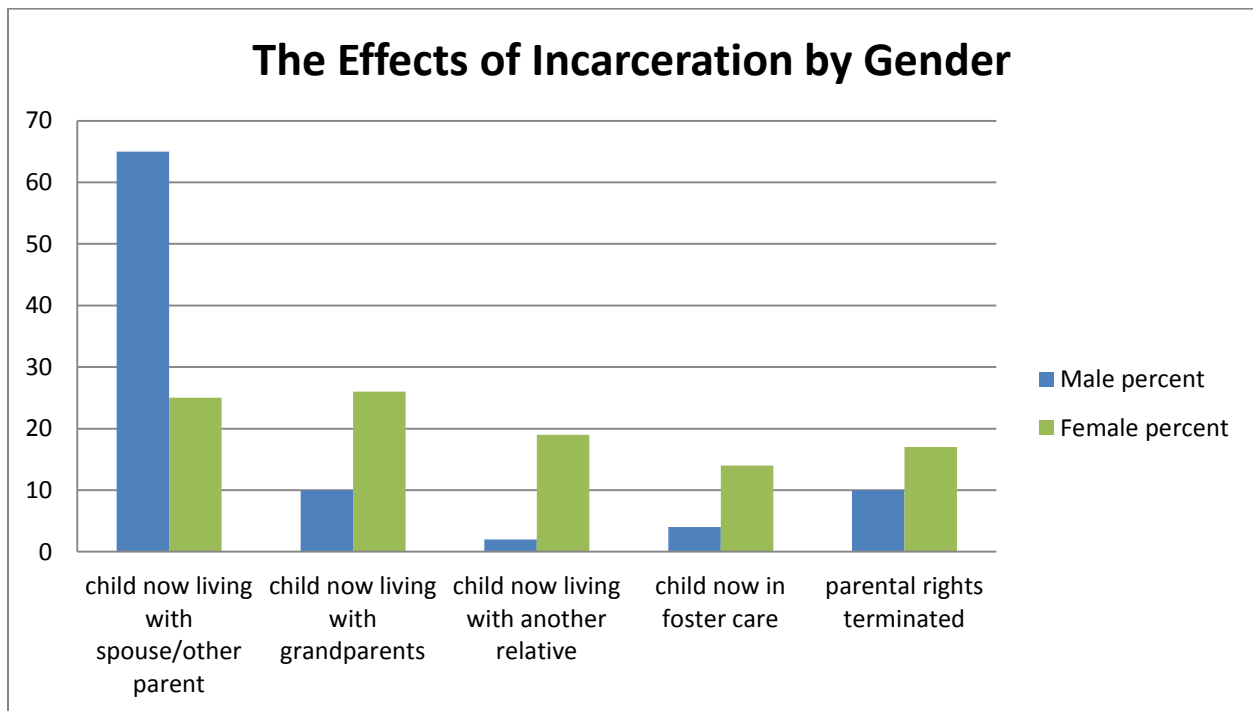
Survey responses varied significantly by gender. First, the survey showed that females were much more likely to be the primary and/or only caregiver for their children prior to incarceration. Sixty seven percent of female parents who took the survey reported that they were responsible for taking care of or watching their children prior to incarceration, whereas 49% of male survey respondents reported taking care of or watching their children prior to incarceration. In addition, 50% of females reported that they made decisions about the daily activities of their children prior to incarceration versus 38% of males.

Females were also slightly more likely to be planning to live with at least one child post-release. Thus, incarcerated mothers were more likely to be a part of the child's life at every stage of the incarceration process.

This impact is even better understood when one considers how the parent's gender affects the child's living arrangements. The children of incarcerated fathers were much more likely to remain with a parent than those of incarcerated mothers. For example, only 25% of females reported that their child(ren) now lived with their father, yet 65% of incarcerated fathers reported that their child(ren) now lived with their mother. The survey also found that

26% of the incarcerated mothers' children were living with grandparents, 19% were living with another relative, and 14% were in the foster care system. The same statistics for incarcerated fathers are 10%, 2%, and 4%, respectively

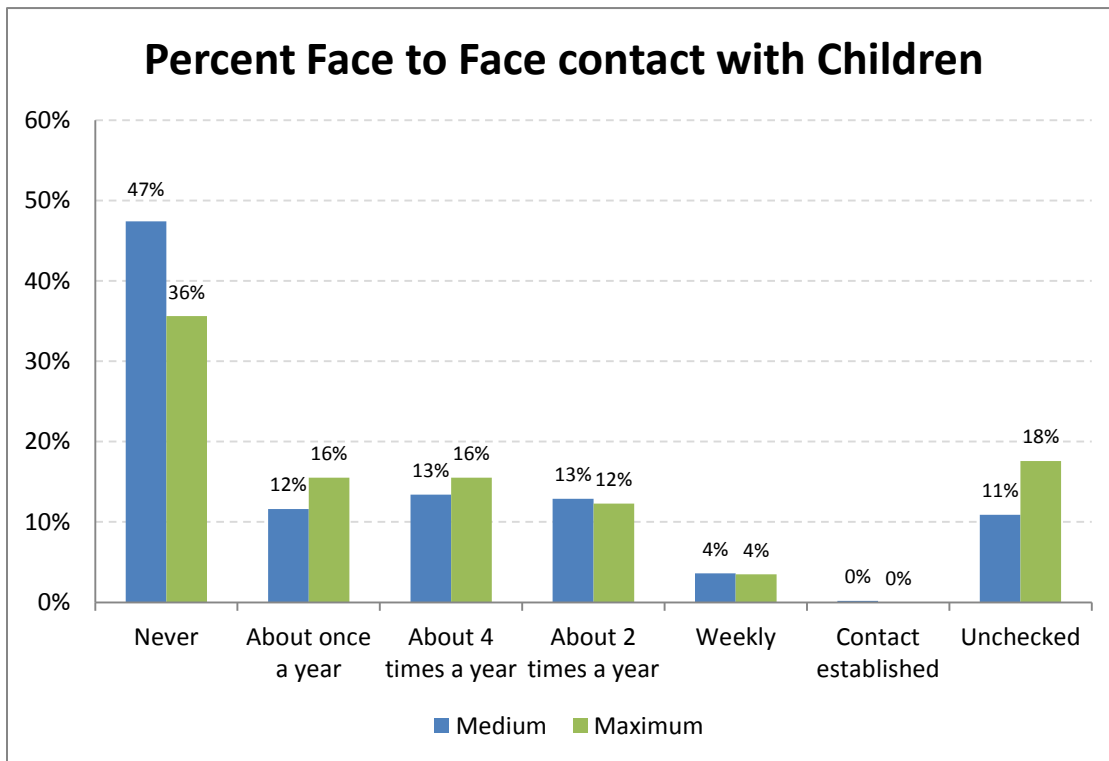
In addition, the child welfare system impact on children with incarcerated mothers was significantly more prevalent for children with an incarcerated mother than for those with an incarcerated father. In this survey, 17% of the incarcerated mothers reported that their parental rights were already terminated, compared with 10% of the incarcerated fathers. Connectivity to a parent was clearly much more tenuous for children of mothers than for children of fathers among the children reported on in this survey.



**Security level differences**

Survey responses were relatively consistent across parents who completed the surveys in prisons of maximum, medium and minimum security. However, availability of face to face contact between parents and their children did vary significantly between parents in maximum and medium security settings. Parents reported that a total of 391 children whose parents were in maximum or medium security prisons had not had any face to face contact with their incarcerated parent. Nearly three quarters, or 290 of those children, had parents who were completing the survey from a medium security prison. Overall, 47 percent of the children reported on by parents incarcerated in a medium security prison had not had any face to face

contact with their parent, while thirty six percent of the children whose parents were in maximum security prisons had not had any face to face contact with their incarcerated parent. These findings may at least be partially explained by the fact that the medium security prisons included in the survey were significantly farther from New York City than the maximum security prisons and outside of readily accessible public transportation. At the same time, the differences suggest that closer analysis of the face to face visiting options for children whose parents are incarcerated for shorter time periods in medium security prisons may be warranted.



## **Conclusion**

This survey was a first step to develop comprehensive data regarding the impact of parental incarceration on children in New York State. A pilot initiative geared toward identifying areas for further analysis and potential policy reform, the survey provides data driven support for further exploration of the following areas:

- Strategies to increase opportunities for increased face to face visiting between children and their incarcerated parents should be explored, especially in medium security prisons;



- Strategies to overcome the financial barriers to phone call contact between incarcerated parents and their children should be developed;
- The differential impact that children with incarcerated mothers experience should be a point of focus, with special emphasis on placing single parent heads of households whose children are housed in foster care as close to their children as possible at the outset of the period of incarceration;
- Programs and services for grandparent and other non-parent caretakers could be targeted to serving women’s prisons;
- Police child sensitive arrest protocols should be developed and trained throughout New York State to reduce the traumatic impact experienced by children who witness the arrest of their parent; and
- Reentry programs and services should be assessed for, and build the necessary, capacity to address the need to rebuild parent/child relationships prior to and after the parent returns home.

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<sup>i</sup> [http://www.doccs.ny.gov/Research/Reports/2011/UnderCustody\\_Report.pdf](http://www.doccs.ny.gov/Research/Reports/2011/UnderCustody_Report.pdf).

<sup>ii</sup> Subcommittee members noted concern that individuals experiencing intake into the prison system may have concerning their report of a living child triggering child welfare action in the persons family or a proceeding to collect child support. In addition, subcommittee members noted that individuals may not generally be inclined to trust prison staff with personal information about their children at a time when the individuals have not yet built trust with any prison staff.

<sup>iii</sup> “Murray, J. and Murray, L. (2010). Parental incarceration, attachment and child psychopathology. *Attachment & Human Development* 12 (4), 289-309.” “Lyle, D. S. (2006). Using military deployments and job assignments to estimate the effect of parental absences and household relocations on children’s academic achievement. *Journal of Labor Economics* 24 (2), 319-350.” Find support for loss and disruption when a parent leaves the household

<sup>iv</sup> See Social Service s Law §384-b(7)(a).

<sup>v</sup> See Chapter 113 of the Laws of 2010.

<sup>vi</sup> See “Phillips, S. D. and Zhao, J. (2010). The relationship between witnessing arrests and elevated symptoms of posttraumatic stress: Findings from a national study of children involved in the child welfare system. *Children and Youth Services Review* 32 (10), 1246-1254.” and “Dallaire, D. H. and Wilson, L. C. (2009). The relation of exposure to parental criminal activity, arrest, and sentencing to children’s maladjustment. *Journal of Child and Family Studied* 19 (4), 404-418.”