



THE LEGAL NEWS

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Will Mommy and Daddy Ever Come Home?

Children coping with incarcerated parents

Eight-year-old Justin, small for his size, trailed behind his grandmother, holding her hand tightly as they approached the gate marked "Visitors" at the state prison. He had not seen his mother in six weeks, and the last thing he could remember about her was when the policeman knocked on the door and took her away. He had collapsed on the floor, shrieking and in tears. The neighbor who took him home with her that night could do little to comfort him. His mother was gone from his life, having been finally incarcerated for selling drugs. As a young child, he had not been aware of her drug activity and involvement with the legal system that led up to her incarceration.

He had stayed with their neighbor until his grandmother picked him up several days later. Since then, he had been having "bad, bad dreams" at night, he told her. She knew that his days were not much better, as his teacher had called her to say that he was getting into fights and lashing out at his classmates.

By her actions, his mother had robbed him at a young age of any stability and security he had.

Justin's experience and reactions are not unusual for a child whose parent is incarcerated. Wanda Redding, Program Administrator of the Rehabilitation and Re-entry Program of the Texas Department of Criminal Justice, reports that there are approximately one and one half million children in our nation whose parents are incarcerated. In addition, approximately seven

million children in our nation have a parent who has been under criminal court supervision of some kind.

Research from the U.S. Department of Justice has shown approximately 56 percent of prisoners nationally are parents of minor children. Those children are between 2 and 3 percent, or approximately 2 million, of all the children in our country. Redding also added that a recent survey of women prisoners in Texas showed that at least 60 percent were parents and that last year 289 women in Texas prisons gave birth. Nationally, about 6 percent of the women are pregnant when they enter prison.

The prison population has been steadily increasing. In Texas, between 1992 and 2002, the female

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population increased at the rate of 345 percent for women and 172 percent for men. Since females are much more likely to be the primary care takers of children, that increase has a greater impact on children.

Mothers and fathers tend to be imprisoned for different offenses. This fact impacts children. Approximately 45 percent of fathers

are violent offenders, compared to 26 percent of mothers. Mothers are more likely to be imprisoned for drug abuse and fraud.

A study by the U. S. Department of Justice in 2000 found that more than four out of five parents in state prisons have some type of past drug use, and a majority said that they had used drugs in the month before



they were incarcerated. One third of the mothers reported that they committed their crimes to get drugs or money for drugs. The children should be a cause of major concern for our country, because substance abuse often engulfs the lives of imprisoned parents. The children themselves are potentially subject to involvement in the same substance abuse and criminal activity as their imprisoned parents.

One of the major problems for these children is their care while the parents are absent. About 90 percent of the children of incarcerated fathers are cared for by the children's mothers; not surprisingly, only about a quarter of the children of imprisoned mothers are cared for by the fathers. Majority of the children are cared for by a grandparent, and smaller percentages are cared for by other relatives, friends and foster parents. A small percentage of children even live alone.

Like Justin, these children may have experienced chaos before the imprisonment because of the criminal activity and the arrest that they very often witnessed. They also experience the trauma of separation, erratic moves from one caregiver to another, poverty and its hardships and a lack of contact with the imprisoned parent.

The physical separation brings with it a variety of emotions. Children quite often experience fear, anxiety, anger, sadness, loneliness and guilt. Their self-esteem suffers—some become depressed and often withdraw. As a result of any of these factors, they may act out inappropriately and be disruptive in the classroom—causing their academic progress to suffer. They are more likely to engage in criminal activity as juveniles and as adults. The fact that they have a parent in jail is usually not a secret in their neighborhoods and schools either—they also have to bear the social stigma. These difficulties appear to be a direct link to the stress of the separation and their identification with the incarcerated parent.

Visitation with the incarcerated parent has its own problems. Children do not visit their parents often because of geographics, transportation costs, unwillingness or inability of caregivers to arrange visits or inhospitable visiting conditions. Most contact between the child and the absent parent occurs through letters and phone calls, though phone contact is limited by the cost of expensive collect calls.

According to Redding, though, the Texas Department of Criminal Justice is very aware of the children in these situations and of the impact on our state. They have set up procedures to minimize the effects of the separation. Children and mothers can visit, or “bond,” as it is called, a minimum of twice a week in private rooms. Some parents are able to help their children with homework during those times. Another program is The Storybook Project. The parent reads a book aloud on tape, and the tape and book are then mailed to the child. In one of the men's prisons, a father can make a video and send it to his child.

The child of an incarcerated parent also suffers from a loss of financial support. Texas child support laws provide that incarcerated parents remain under their child support orders while incarcerated, though few have the resources to actually make their payments. A court can hold the parent in contempt for non-payment and order the arrearage to be paid out over time, but support is still not paid at the time the children need it. The fact remains that parents who are currently in Texas prisons owe \$2.5 billion in unpaid child support.

Though there are no long-term longitudinal studies about the effect of their parent's imprisonment, it is clear that the children suffer tremendously. Child welfare resources are thin and these children are often left outside the system. In addition, the substitute caretakers are often not aware

of the children's needs or do not have the time to give them.

Concerned persons, including attorneys, in Texas can access a growing database of resources for children and their families in these situations by clicking on the GO KIDS icon at www.tdcj.state.tx.us. There are many programs and services available at that site. They can also contact Wanda Redding at 936-437-6407 or call United Way's 211 number for help and information.

Examples of effective programs include—on a national arena—Chuck Norris's KICK-START, which offers a positive experience and guidance through the martial arts; and—on a local arena—No More Victims, Inc., a program which began at Houston's Smiley High School. No More Victims was founded in 1993 by Marilyn Gambrel, a former parole officer, who recognized the needs of a large population of high school students at Smiley whose parents are incarcerated. In daily meetings, the students have the opportunity to discuss issues of anger, suicide, violence, victimization, trauma, and abuse. The program is having great results. See www.nomorevictimsinc.org for more information.

One of the great challenges of our society is to give support to these young and innocent victims. They are enduring largely unrecognized hardships and suffering in silence and shame. When we recognize the needs of these children, we not only help them, but benefit our society as well.

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