

**“Ask a man what his main concern is when he gets into prison, and he’ll say getting out. Ask a woman..... She doesn’t say getting out, she doesn’t say anything else, and she says her children. She’s worried about her children.”**

**-Susie, incarcerated mother**

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### **Abstract**

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The numbers of children with incarcerated parents continue to rapidly grow in the United States. There has been very little research on policy formulation or literature written that focuses on incarcerated mothers and the profound effects that it has on the children and caregivers. The children are left voiceless and forced to succumb to a harsh criminal justice system, child welfare system, and policy makers. The caregivers of children whose parents are incarcerated experience increased risk for antisocial outcomes, internalizing symptoms and academic difficulties with the children. Social Work is fundamental to improving the policy outcomes of these groups and necessary in cultivating the plight for many of these families.

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**Keywords:** lookism, cognitive dissonance, discrimination, focus group, *Schadenfreude*

### **Introduction: Incarcerated Mothers**

Either incarceration of parents, mother, or father can have an atrocious effect of the well-being and outcome of the children affected. Incarceration of parents, specifically mothers whether it occurs once or multiple times presents the children left with challenges before, during, and after the incarceration. Currently, there are over one million people incarcerated or are serviced by the criminal justice system for probation, house arrest or parole; in Mississippi, there are over 20,000 people incarcerated (BOJ, 2011). Of the millions incarcerated nationwide, over 65,000 are mothers (cite) and there are over one million children who are under the age of 18 who are either shuffled through the child welfare system, living with kinship caregivers, or are homeless (Poehlmann, 2005).

There has been a large body of literature written that focuses on the trends of incarceration among men and women and the recidivism rates among the incarcerated. Nonetheless, there has been very little research, policy formulation, or literature written that focuses on incarcerated mothers and the profound effects that it has on the children and caregivers who are left. The children, as well as their incarcerated mothers are left without a voice and forced to succumb to the criminal justice systems, the child welfare systems, policy/lawmakers, and faded from the larger society. The children, their incarcerated mothers, as well as their caregivers during their mothers' absence undergo dramatic changes financially, socially, and psychologically. These factors have a germane effect on the health/well-being of the children, their mothers, and their caregivers.

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This paper will analyze current policies that address maternal incarceration, the effects it has on the children and caregivers left, and discuss needs for new policies that addresses the aftermath of maternal incarcerations and the barriers it places on families. It will also compare Mississippi's policies on maternal incarceration with the nation's polices and provide implications for policies tailored specifically for children of incarcerated mothers.

### **Incarcerated Mothers**

It has been commonplace for men, especially those of African-American and Latino descent to be imprisoned for drugs and sentenced to lengthy sentences, thus forcing them to be absent from their children' lives, but the "war on drugs" has created an alarmingly twist among incarceration of men and women. Consistent with the "war on drugs" declared by President Nixon in 1971, there has been a remarkably increase in the arrest and imprisonment of women, more specifically women who are also mothers. As comparable with the incarceration rates of women pre the war on drugs, since the declaration of the war on drugs, the incarceration rates of women has more than quadrupled (Lawrence et. al, 2007). Women incarceration represents about 53% of the total prison population (Mumola, 2000). As comparable to their Caucasian counterparts who make up only 22% of the prison population, African-American women make up 44% of the total female prison population, followed by Hispanics who contributes to 30% of the population (Mumola, 2000).

Maternal incarceration is of a different caliber than paternal incarceration. Literature suggests that women are more often the primary caregivers for their children prior to incarceration, thus making the child (ren) physically, emotionally, and financially dependent upon the mother for their well-being (Mumola, 2000). Conversely, in the past fathers have had a history of incarcerations which resulted in them constantly being absent from their child (ren) lives and strong bonds are attachments are not present. Fathers who are incarcerated have also been incarcerated for crimes that were or are more violent than that of women (Poehlmann, 2005). The primary offense of incarcerated women is drug offenses, followed by property offenses, forgery and lastly violent crimes (Poehlmann, 2005). Women incarcerated for drugs have lengthy histories of drug use and abuse due to them using the drugs to cope with other underlying issues that they are not readily able to deal with or refuse to deal with such as sexual abuse, domestic violence, and mental health conditions. Studies that address the rise in women maternal incarceration suggests that women are abused as a child are more likely to have a history of substance abuse (Loper, 2009), are susceptible to domestic violence, and often suffers from mental illnesses such as depression and post traumatic stress disorder (Loper, 2009).

Women who commit crimes and are incarcerated are said to have a family history of incarceration, are from low socioeconomic backgrounds, and have limited education (Poehlmann, 2005). Studies show that the backgrounds of incarcerated women are similar in that they are from areas of poverty laden with crime (Clompton & East, 2005). These women are from a generation of families who are undereducated and are barely making ends meets so they revert to crime for survival such as selling drugs, stealing, and prostitution to support their families. These women lack the knowledge, resources, and empowerment to overcome life's harsh obstacles to create a better life not only for themselves but for their children as well.

### **The affects of maternal incarceration**

There are numerous of precipitating factors that not only affect the children of incarcerated mothers, but also affect the physical and emotional well-being of the mothers as well. Maternal incarcerations pose stressful situations for the mother, the child, and the caregivers. Mothers are left wondering about the health and welfare of their children. During maternal incarcerations, the children have multiple living arrangements. Clopton and East (2005) stated that: 50-65% of children of incarcerated mothers live with their grandparents during their mother's time in prison, while 20-28% lives with their fathers, 15-25% lives with other relatives, and the remaining 10% are placed in foster care due to unavailability of stable kinship caregivers to care for them during their mother's incarceration sentence. Prisons that houses women are usually miles away from the women's primary residence and make it impossible for children and caregivers to visit due to the lack of transportation. This reason alone creates stressors for the mother, the child (ren), and the caregiver. In some cases, the unavailability to have regular visitations weakens the bonds once shared between the mother, her child (ren), and sometimes the caregiver(s) (Loper et. al, 2009) and can possibly cause a loss of respect between the child for their mother.

The children involved see the mother as a figure that is no longer involved in the daily functions of their lives and the children, depending on their ages usually begins to form a bond with their current caregiver (Loper et. al, 2009). Once the mother re-enters the child (ren) lives after a prison sentence, there is a power struggle between the parent, child, and caregiver; it requires the mother to work harder to regain her role as a mother.

Having a parent incarcerated whether mother or father can have a germane affect on the child's well-being. Hence, children of incarcerated mothers are laden with heavy burdens. They experience short and long terms social, psychological, and physical turmoil as a result of the mothers' incarceration (Poehlmann, 2005). With incarcerations of the parents, particularly the main caregiver, such as the mother presents social stigmas and rejections. Children of incarcerated mothers are oftentimes rejected from society by their peers and are antagonized because they are now viewed as the child of a criminal (Murray, 2010), this sometimes causes isolation and displaced anger. Society can be very cruel and often stigmatize or expect the child (ren) to follow in their parent's footsteps and become criminals as well (Murray, 2010). This stigma and rejection from society creates attachment insecurity because it allows for the child (ren) becoming angry at their parents and viewing them in the same light as society does. It also creates tension in the current living situation by causing a reduction in open communication between the child (ren), current caregiver(s), and the incarcerated mother (Murray, 2010).

As with any traumatic experiences, children view their mothers' incarceration as traumatic and may have psychological complications such as depression, post traumatic stress disorder, insecure attachment, and separation anxiety. A baffling concern is the manner in which the incarceration occurs. Mothers are arrested early in the morning once their child (ren) has left home to go to school or in the middle of the night when their children are sleeping. This leaves a lot of unanswered questions and leaves an illusion that they have been abandoned or "mommy" has been bad to younger children who do not understand.

Poehlmann (2005) states that details of the incarceration and the incarceration itself are sometimes hidden. Though, over half of families are partially truthful with the children and inform them that their mother is in jail, 15% of families chooses not to discuss the mother's whereabouts, while 20% attempt to cover up reality, and 6% only discloses to the children that their mother is in "time-out" (Poehlmann, 2005). This creates feelings of loneliness, abandonment, and depression in children because they are left to feel that they're to blame for their mother's disappearance or punishment. These affects can be both short and long term and can create insecure attachment and later affect life outcomes.

Bowlby's attachment theory posits that a secure attachment to the caregiver, particularly mothers provide security for children and allows room to grow and form other healthy, nurturing relationships (Turner, 2011). An insecure attachment creates insecurity and feelings of anxiousness and trust issues that affect life outcomes. Relative to children of incarcerated mothers, insecure attachments form when the mother is absent from the child's life for extended periods of time. The child is then anxious and afraid to reattach because fear of losing their mother again. In return, the child matriculates through life with trust issues and an inability to form close bonds with others because of the fear of being abandoned.

### **Kinship Caregivers**

As previously stated, maternal incarcerations poses tremendous hardships on the children as well as individuals left to take care of them. It causes financial strain, educational issues, and an increased risk for the children to be abused or neglected by the surrogate caregiver (Cho, 2010). Maternal incarcerations causes an abrupt disruption in the lives of children and forces family members to take on the financial burdens in order to keep the children from going into the child welfare system or foster care. Majority of caregivers are grandparents, who are living on a fixed income. These grandparents are reluctant to report the mother's incarceration in an attempt to get government assistance such as food stamps because fear of the children being taken away and placed in foster care and later adopted (Hegar, 2000). This forces the grandparents to try to make ends meet without asking for assistance.

In certain states such as Mississippi, only the legal guardian or court appointed guardian are allowed to enroll children in school. The process to obtain guardianship requires the parents to sign over their rights and the filling of the paperwork is costly along with court fees. The process puts families in a double bind because the mother is incarcerated, hence unavailable to sign the proper documents and low income families cannot afford the fees. Without the proper documentation to prove guardianship, relatives are not allowed to register children for school forcing the children to miss school. Eventually, the courts and child welfare systems become involved and usually it leads to the children being separated from their current caregivers.

Research has shown that children of incarcerated mothers are shuffled between houses and facilities and often fall through the cracks (Greenberg, 2006). This allows optimal room for abuse and neglect to take place due to instability of a homelike environment. This causes emotional distress to the previous caregivers because they are left with feelings that they failed the children as well as the incarcerated mothers because they made promises to step in and be the primary caregivers during the mother's absence.

### **Policies that affect mothers and children of incarcerated mothers**

There have been countless pieces of literature that explains the psychological and physical burdens those children and mothers undergo as a result of incarceration; as well as programs that are offered and the changing of policies to ensure that "criminals" are off the streets and placed where they're supposed to be "jail." However, there has been very little policy written that examines legality issues of having a mother incarcerated such as custody issues, communication, and visitations.

There are no policies that examine and enforce the rights of children to ensure that bonds they once shared with their mothers are not broken; policies that lawmakers put themselves in the shoes of the children who are separated from their mothers to consider how traumatic the experiences are and the difficulties faced when trying to thrive in a society where you're rejected and taunted because your mother is deemed a "criminal". There is a dire need for policies to ensure that every stone is turned to in order for children of the incarcerated to thrive such as granting kinship caregivers equal parental rights when the primary caregiver is incarcerated; so that they can obtain assistance to make sure that the child (ren) are taken care of without the fear of losing the child (ren) to the child welfare system. Since it has been proven that regular visitations between the mother and the child (ren) defray separation anxiety in children, promote healthy parent-child communication during the incarceration period, and reduce recidivism rates (Bales, W. Mears, D., 2008); there is a need for policies that ensure children have regular visitations with their mothers while incarcerated by providing transportation since most mothers are incarcerated miles away from their homes.

Reviews of current policies in the United States geared toward children of incarcerated mothers reveal that most policies are designed with one central theme of doing what's in the "best interest" of the child during their mothers' incarceration. There is no clear definition to determine what is meant by "best interest" and has for years been used to deny children of the incarcerated their rights to maintain their relationships with their parents during incarceration, having a voice and being heard by lawmakers, the child welfare and criminal justice systems. This practice is outdated and is misleading in the sense of what is defined as "the best interest" of the child. As a result of the "best interest", standard families have been broken, children have fallen through the cracks, and dreams and goals have been deferred.

Reversely, The Convention on the Rights of the Child (CRC) sets forth guidelines that are inclusive of children who have parents incarcerated (Boudin, 2011). It gives the children left behind the authority to participate in the legal aspects of their parents' sentencing by attending court hearing, having a voice, and mandating visitation policies (Boudin, 2011). However, CRC is not an approved body of guidelines for the United States. Unlike the United States, there are countries that recognize that the children of the incarcerated have rights and should have a voice in the matters concerning their well-being as well as their parents. Take for instance, the African Charter on the Rights and Welfare of the Child that is a central guideline in Africa is modeled after the CRC and recognizes that children of the incarcerated is a fragile population and requires special tactics that will promote optimal physical and psychological well-being during their parents', particularly their mother's incarceration. The charter is ideal in that it promotes bonding in mothers who are incarcerated while pregnant and have their child during their sentencing term and to mothers who left their children in the care of family or other individuals.

Other laws, though not as detailed and inclusive as the CRC and the Charter recognizes that children of the incarcerated has rights and promotes regular visitations and communication between the incarcerated mothers and their children. It is evident that compared to international laws such as that of the CRC and The Charter, the United States is in dire needs of revisions to its policies that focuses on children of the incarcerated.

### **Where Does Mississippi Stand**

As of 2011, there were over 32,000 individuals incarcerated in jail and prison in the state of Mississippi (BOJ, 2011). There were a total of 29,466 individuals on probation and a total 7,127 individuals on parole (BOJ, 2011). Among the southern states, Mississippi is ranked as one of the top two with the highest rates in incarcerating women (BOJ, 2011). The incarceration rate of women in Mississippi has increased 28 times since 1977 after the declaration of war on drugs (BOJ, 2011).

There are an average of over 55,000 children who are in the care of their grandparents and another 3,500 who are in the care of other relatives (BOJ, 2011); and the others are in foster care or are homeless. Of these kinship caregivers, 64% are African-American and 34% are Caucasian (BOJ, 2011). The statistics depict the need for policy revisions that grant certain rights to these kinship caregivers. The statistics also explain why the poverty rates in the African American community is so detrimental due to grandparents or other relatives who are already likely on a fixed income having to financially support their grandchildren and relatives; due to not being able to get benefits for them because they are not deemed their legal guardians. It is of the firm belief that wherever there is poverty there is also high crime rates. The statistics explain the disproportionate of the African-American community, the high crime rates, and the reasons for mass incarcerations amongst that ethnic group as comparable to their Caucasian counterparts.

Mississippi stands united with the mission of the United States that policies regarding children of the incarcerated are based on the premises of "best interest". When a parent is incarcerated in Mississippi, relatives are allowed to consent for medical care but are not allowed to enroll children in school. Children whose parents are incarcerated and have to be enrolled in school are appointed conservators by the appropriate school districts and risk a chance of the child welfare system getting involved to determine the best interests of the child (ren).

As a provision of the Personal Responsibility and Work Opportunities Reconciliation Act (PWORA) of 1996, most states are required to seek relative placement first when the legal guardian (parent) is not in a condition to continue to care for the child(ren) (incarcerated) (Luke, 2002). However, with the changing of policies to settle the Olivia Y lawsuit against the state of Mississippi, relatives including grandparents have to be licensed as foster parents to have the children placed in their homes. This creates barriers for relatives who are not able to attend the classes to obtain licenses as a foster parent. The policy also gives the state power and control of the children while their mothers are incarcerated and it warrants the mother's rights being revoked due to her being absent from the child (ren) lives for an extended period of time due to incarceration.

### **Policy Framework: The Institutional Framework**

The Institutional Framework posits that problems within families are converted into policies and programs based on the structure of government (Zimmerman, 1995). Consequently, these policies and programs represent the values and beliefs that are the premise of the structure (Zimmerman, 1995). Since, the United States declares that its policies on children of incarcerated mothers are based on the beliefs of the child's best interest; seemingly that policymakers would recognize the rights of children being violated during their parents' incarceration as problems and make adjustments. Adjustments need to be made that maps the United States policies of children's of the incarcerated rights congruent with that of CRC and the African Charter so that the children and parents can have a voice in how their lives will be conducted and bonds maintained during the periods of incarceration.

### **Conclusion**

In understanding the affects that incarceration poses on the mother and the children left behind, it is important to understand the transactional model. The transactional model similarly to the socio-ecological model explains the interconnectedness of individuals on different levels and explains how each level and the environment shape the individual and determines their life's outcome (Sameroff & Fiese, 2000).

Relatively to children of the incarcerated, the child's lives outcomes are determined by the many factors both short and long term that affect them during their parents' incarceration. Also, the many different systems that the child interact with such as the family, justice, and child welfare systems each shapes how the child view society thus predicting the child's outcomes; whether the child will follow the parent's footsteps and become intertwined with the criminal justice system or learn from the parent's mistake and become a productive citizen of society.

Consistently with earlier statements regarding policies and how they affect the physical and psychological well-being of children and incarcerated mothers; there is a need for policy formation that connects the systems on all levels (family, child welfare, criminal justice, and educational) and examines the needs of children of the incarcerated.

There is also a need for research that examines the impacts that the incarceration has on the child and creates programs that are tailored to children that provides means to keep the communication and bonds between the parent and child. Finally, it is equally important for social workers and practitioners intervening in the lives of children to be abreast on the policies and programs that are available for children and families of the incarcerated; and to use best practices while providing interventions by educating the families and serving as an advocate for this special population so that they can have a voice within the systems they interact with.

## References

- Boudin, C. (2011). Children of Incarcerated Parents: The Child's Constitutional Right to the Family Relationship. *The Journal of Criminal Law and Criminology*, 101(1), 77-118.
- Cho, R. M. (2010). Maternal Incarceration and Children's Adolescent Outcomes: Timing and Dosage. *Social Services Review*, 257-282.
- Clopton, K., & East, K. (2008). "Are There Other Kids Like Me?" Children With a Parent in Prison. *Early Childhood Education*, 36, 195-198. doi:10.1007/s10643-008-0266-z
- Greenberg, R. (2006). Children and Families: Mothers Who Are Incarcerated. Haworth Press, 165-179. doi:10.300/J015v29n03\_09
- Hegar, R., & Scannapieco, M. (2000). Grandma's Babies: The Problem of Welfare Eligibility for Children Raised by Relatives. *Journal of Sociology and Social Welfare*, 27(3), 153-171.
- Lawrence, S., Stepteau-Watson, D., & Honore'-Collins, C. (2007). An Exploratory Study: Incarcerated Mothers with Daughter Involved in Child Welfare. *Race, Gender & Class*, 14(1-2), 227-235.
- Loper, A. B., Carson, L. W., Levitt, L., & Scheffel, K. (2009). Parenting Stress, Alliance, Child Contact and Adjustment of Imprisoned Mothers and Fathers. *Journal of Offender Rehabilitation*, 48, 483-503. doi:10.1080/10509670903081300
- Loper, A. B. (2006). How Do Mothers in Prison Differ From Non-Mothers. *Journal of Child and Family Studies*, 15(1), 83-95. doi:10.1007/s10826-005-9005-x
- Luke, K. (2002). Mitigating the Ill Effects of Maternal Incarceration on Women in Prison and their Children. *Child Welfare League of America*, 81(6), 929-948.
- Mumola, C. J. (2000). Incarcerated Parents and their Children. U. S. Department of Justice. Office of Justice Program. Bureau of Justice Statistics, Special Report.
- Murray, J., & Murray, L. (2010). Parental incarceration, attachment, and child psychopathology. *Attachment and Human Development*, 12(4), 289-309. doi:10.1080/14751790903416889
- Poehlmann, J., Dallaire, D., Loper, A. B., & Shear, L. D. (2010). Children's Contact with Their Incarcerated Parents. *American Psychological Association*, 65(6), 575-598. doi:10.1037/a0020279
- Poehlmann, J. (2005). Children's Family Environments and Intellectual Outcomes During Maternal Incarceration. *Journal of Marriage and Family*, 67, 1275-1285.
- Poehlmann, J. (2005). Incarcerated Mothers' Contact With Children, Perceived Family Relationships and Depressive Symptoms. *Journal of Family Psychology*, 19(3), 350-357. doi:10.1037/10893-3200.19.3.350
- Poehlmann, J. (2005). Representations of Attachment Relationships in Children of Incarcerated Mothers. *Child Development*, 76(3), 679-696.
- Turner, F. J. (2011). Attachment Theory and Social Work Treatment. In *Social work treatment: Interlocking theoretical approaches* (5th ed., pp. 30-48). New York: Free Press.
- Turner, F. J. (2011). Transactional Analysis Theory and Social Work Treatment. In *Social work treatment: Interlocking theoretical approaches* (5th ed., pp. 533-546). New York: Free Press.
- Zimmerman, S. (1995). *Understanding family policy: Theories & applications*. Thousand Oaks, Calif: Sage Publications.