



PLANK 12: Support the children of incarcerated parents.

1 in 28

children has an
incarcerated parent.

20%

or more of these kids
are under the age of 4.

1 in 9

Black children has
an incarcerated parent.

5 mil.

or more have had an
incarcerated parent
in the past.

[Today, one in 28 children](#) has an incarcerated parent; [nearly one-fifth of these kids](#) are under age 4. [One in nine Black children and one in 28 Latino children have an incarcerated parent.](#) More than [5 million](#) children have had a parent behind bars in the past. This separation takes a profound toll: Kids with incarcerated parents tend to [underperform academically and are more likely to drop out of school](#). They are [at higher risk of experiencing](#) anxiety, depression, post-traumatic stress disorder, and behavioral issues. Put simply, having an incarcerated parent is a traumatic experience. And, as research shows, [traumatic experiences during childhood](#) have lifelong effects.

The United States must reduce the number of children with incarcerated parents by drastically reducing the number of parents incarcerated in the first place. Those children who experience parental incarceration can still thrive and succeed, but they need the support to do so. Children with incarcerated parents must be provided with adequate community-based supports — affordable mental and physical health care, high-quality education, extracurricular activities, etc. — and the opportunity for ample in-person visits with their incarcerated parent.

We must advocate against the division of families in the United States.

**WE MUST CREATE
A WORLD IN WHICH
FAMILIES CAN
REMAIN TOGETHER.**

State Policy Priorities

Enshrine the rights of children with incarcerated parents

- Adopt the [Children of Incarcerated Parents Bill of Rights](#) developed by the San Francisco Children of Incarcerated Parents Partnership, as well as a concrete framework for convening agency heads, advocates, and directly impacted individuals to co-create different ways that the bill of rights can be implemented through agency action.

Keep parents at — or close to — home

- Require that, when sentencing a parent, the defense counsel has the opportunity to request a family impact statement to be included in reports submitted to the court. This report will allow for judges to consider noncustodial and community-based sentences first, and then justify any decision not to use such sentences.
- Change sentencing policies that ensure that parents are placed in the facility closest to their minor and young adult children that meets their needs.
- Allow parents to serve the last year of their sentences either in their communities (e.g., in a halfway house) or at home.

Support parents during incarceration

- Require all jails and prisons to give parents access to voluntary services, including parenting classes, anger management services, and family and individual counseling, and require that no parent be penalized for missing any class or session due to temporarily leaving the facility to appear in person for a court appearance or to be present for a family visit. In making these changes, ensure no increase to correction facility budgets.
- Allow parents to spend the last 18 months of their sentence in programs and classes that prepare them for reentry and reunification with their children.

Help children visit and stay in touch with their parents

- Ensure that state jail/prison facilities have an up-to-date notification system to keep families and loved ones abreast of prison lockdowns, closings, and hours.
- Require all jails and prisons to have child-friendly visiting spaces and security screening, and require all jails and prisons to have “family days” at least once a month that include structured activities for kids. Transportation assistance should be provided to families wherever possible.
- Adopt a more modern and comprehensive definition of parent eligibility, defining “custodial and noncustodial parent” as an expectant parent, biological parent, adoptive parent, stepparent, or person who is acknowledged as a parent figure regardless of sexual orientation. This may include siblings who are minors.

- Codify the right to in-person, contact visits and substantially improve the visiting experience through innovative, people-centered changes to visiting facilities, procedures, and programming; where space is not readily available for such visits, existing spaces should be repurposed. Changes should not allow an increase in correctional facility budgets.
- Offer free video conferencing, email, and phone calls to allow for children to stay connected with a parent in between in-person visits.
- Enshrine a robust procedure before people in jail or prison lose visiting privileges, and require that parents *never* lose the right to see their kids.
- Ensure that children are never kept from seeing their parents because of a facility lockdown, clothing-related problem, or other such issue, unless proceeding with such a visit would place the child in danger. Where a clothing or similar issue arises, facility staff must help children comply with the rule, such as by offering temporary clothing and having a family-friendly visiting center adjacent to the jail.
- Ensure that minor children and immediate family members who travel more than two hours to see a family member be allowed extended visits.
- Require that children ages 16 and older be allowed to visit their parents alone — *without* the presence of an adult guardian.

Support children and families when parents are released

- Give kids access to voluntary transition services and provide them with reunification planning, which helps stabilize families immediately following parental incarceration. Such services should include assignment of a caseworker — with a caseload that allows for meaningful engagement and attention — who can help kids access resources.
- Provide resources, including educational support, transition counseling, and social services, to children who have an incarcerated parent not only after the parent's confinement, but also throughout the parent's sentence.
- Design all policies and programs in partnership with directly affected families and in a way that maximally maintains and strengthens family bonds.
- Issue guidance and provide technical assistance to direct existing workforce development programs to target youth and adults impacted by the criminal-legal system with transitional jobs programs, and provide supportive services, including cash assistance, food and nutrition supports, housing, child care, transportation, and physical and mental health care.

Federal Policy Priorities

Keep parents at — or close to — home

- Repeal the Adoption and Safe Families Act. Pass a new law that prioritizes family reunification and ensures that adoption policies maximize preservation of the parent-child bond and that takes into account the special circumstances and barriers facing parents who are or were recently incarcerated.
- Require that, when sentencing a parent, judges consider noncustodial and community-based sentences first, and then justify any decision not to use such sentences.
- Allow and openly encourage the Bureau of Prisons to let people serve the last 12 months of their sentences at home to preserve and strengthen relationships with their children.
- Require family impact statements for sentencing- and prison-related bills.

Help children visit and stay in touch with their parents

- Adopt a more modern and comprehensive definition of parent eligibility, as discussed in the State Policy Priorities.
- Require that, when sentencing a parent, the defense counsel has the opportunity to request a family impact statement to be included in reports submitted to the court allowing for judges to consider noncustodial and community-based sentences first, and then justify any decision not to use such sentences.
- Codify the right to in-person, contact visits and substantially improve the visiting experience through innovative, people-centered changes to visiting facilities, procedures, and programming.
- Pass legislation that allows federal judges to divert parents and other caregivers who would otherwise have been incarcerated into a comprehensive program that would better serve them, their families, and society by offering resources, services, and training to meet their needs. Such legislation, which may be modeled on the FAMILIES Act, should provide education, employment services, parenting skills training, and mental health and substance abuse services while funding research on how parental incarceration affects children.
- Enact legislation that would require judges to consider placing or transferring incarcerated parents to prisons located no more than 100 miles from, or the closest facility possible to, where their children and families live to support maintenance of the parent-child bond.

Respect parents and children — during and after incarceration

- Support legislation that establishes requirements for the humane and dignified treatment of incarcerated people, including by:
 - Directing the Bureau of Prisons to place incarcerated people as close to their children as possible;
 - Providing trauma-informed care to incarcerated people who have been diagnosed with trauma;
 - Making specified health products available free of charge, as outlined in the Dignity for Incarcerated Women Act; and
 - Making all communications — including communications via phone, email, postage mail, and video conferencing — free of charge. Free communications, among other essential purposes, serve to mitigate the emotional trauma that children experience as a result of the uncertainty of the health and well-being of incarcerated parents.
- Incentivize and financially support local efforts to develop comprehensive policies concerning police-youth interactions. This comprehensive youth policy would ensure that police-youth interactions are informed by principles of child and adolescent development, an understanding of juvenile-specific law, and a commitment to positive role-modeling and relationship building between police and youth consistent with procedural justice and community, problem-oriented, and bias-free policing.

Incentivize state change

- Make state grants contingent on passing reforms outlined in the State Policy Priorities.
- Support legislation to reauthorize the Juvenile Accountability Block Grant.

