

# **REDUCING THE HARM OF MATERNAL INCARCERATION ON LOUISIANA'S CHILDREN: PREVENTING INTERGENERATIONAL TRAUMA**

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Emily Mooney  
Frank Batten School of Leadership and Public Policy  
University of Virginia  
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## **National Criminal Justice Association Mission Statement**

The National Criminal Justice Association exists to promote the development of justice systems in states, tribal nations, and units of local government that enhance public safety; prevent and reduce the harmful effects of criminal and delinquent behavior on victims, individuals, and communities; adjudicate defendants and sanction offenders fairly and justly; and that are effective and efficient.

## **Louisiana Commission on Law Enforcement Mission Statement**

The Mission of the Louisiana Commission on Law Enforcement (LCLE) is to improve the operations of the criminal justice and juvenile justice system and promote public safety by providing progressive leadership and coordination within the criminal justice community.

## **Disclaimer**

The author conducted this study as part of the program of professional education at the Frank Batten School of Leadership and Public Policy, University of Virginia. This paper is submitted in partial fulfillment of the course requirements for the Master of Public Policy degree. The judgments and conclusions are solely those of the author, and are not necessarily endorsed by the Batten School, by the University of Virginia, or by any other entity. This study was conducted for the National Criminal Justice Association and the Louisiana Commission on Law Enforcement but does not represent an official position of either organization or any member thereof.

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## **Acronym Glossary**

ADC Adult drug treatment court  
AFCARS Adoption and Foster Care Analysis and Reporting System  
ASFA The Adoption and Safe Families Act of 1997  
BBBSA Big Brothers Big Sisters of America  
CCO Community Corrections Officer  
CPA Community Parenting Alternative  
DCFS Department of Children and Family Services  
DHHS Department of Health and Human Services  
DOC Department of Corrections  
DPSC Department of Public Safety and Corrections  
DSS Department of Social Services  
FCC Federal Communication Commission  
FITAP Family Independence Temporary Assistance Program  
FOSA Family and Offender Sentencing Alternative  
KCSP Kinship Care Subsidy Program  
LA Louisiana  
LCIW Louisiana Correctional Institute for Women  
MHC Mental health court  
NCSL National Conference of State Legislators  
OJJDP Office of Juvenile Justice and Delinquency Prevention  
PRWORA The Personal Responsibility and Work Opportunity Reconciliation Act  
PSA Parenting Sentencing Alternative  
SAMSHA Substance Abuse and Mental Health Administration  
SNAP Supplemental Nutrition Assistance Program  
TANF Temporary Assistance for Needy Families  
WSIPP Washington State Institute for Public Policy



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## Executive Summary

The negative impact of maternal incarceration on children in Louisiana is too high. At least 1,300 children currently have a mother incarcerated in Louisiana's justice system according to analysis of 2017 data from the Louisiana Department of Public Safety and Corrections (LA DPSC, 2018).

However, this data only includes information regarding whether or not an incarcerated female is a parent and does not provide their total number of children. The most recent estimate provided by the Bureau of Justice Statistics suggest incarcerated mothers are, on average, a parent to two children (Glaze & Maruschak, 2008). This suggests the true number of children currently impacted by maternal incarceration in Louisiana is likely greater than 2,500.

There is a dearth of data regarding the true impact of maternal incarceration on children, but experts agree maternal incarceration is an adverse childhood experience. Maternal incarceration has been labeled an "intensifying risk factor" that compounds trauma experienced by an already disadvantaged population (Sandifer, 2017). Children impacted by maternal incarceration in Louisiana have few opportunities for developing healthy parent-child relationships due, in part, to the geographical distances between many children and the state's female correctional facilities and limited opportunities for visitation. Maternal incarceration is associated with a myriad of negative<sup>1</sup> child outcomes including a greater likelihood for entrance into the foster care system, reduced academic achievement, lower earning potential, increased economic insecurity, disrupted living arrangements, reduced mental and physical health, and a greater likelihood for future criminal justice involvement. In many cases, maternal incarceration results in an intergenerational legacy of trauma, with little multi-agency coordination surrounding how to care for impacted children.

This analysis describes the harm to children due to maternal incarceration and provides three policy alternatives for reform at various points during a mother's experience with the criminal justice system.

1. Include Family Responsibility Statements
2. Adapt Parenting Program in LCIW; Add Visitation Component
3. Establish Two Parenting Sentencing Alternative

All alternatives are evaluated according to the following five criteria: cost-effectiveness, political feasibility, ability to implement, equity, and positive impact on child development. The two outcomes of interest are (1) the total number of children impacted by maternal incarceration and (2) the length of parent-child separation, which are weighted to create a final outcome measurement.

This analysis recommends that the LA DCPS establish the two parenting sentencing alternatives. This option is the most cost-effective option with a cost savings of \$2,400 per 1-child reduction in the number of children impacted by maternal incarceration and \$30 of cost savings per month of parent-child separation reduced. This option rated as having a high positive impact on child development and medium-high political feasibility due to the expected opportunity for cost savings. However, this option will be difficult to implement due to the need for multi-agency coordination and is rated as having low equity, rated in this analysis based on the difference in impact between children of mothers incarcerated for non-violent versus violent offenses.

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<sup>1</sup> In some cases, maternal incarceration may result in positive child outcomes. Proposed alternatives provide flexibility in considering whether or not an alternative is in the best interests of the child, with the assumption that an alternative against the child's best interests would not be pursued.

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# The Impact of Maternal Incarceration on the Children of Louisiana

## The Problem:

The negative impact of maternal incarceration on children in Louisiana is too high.

Approximately 75.6% of women in the custody of the Louisiana Department of Corrections (LA DOC) report having one or more children, and an estimated 64.7% of the total male and female population in both state and local level facilities report being a parent according to 2018 data from the Louisiana Department of Public Safety and Corrections (LA DPSC, 2018). A total of 538 women were incarcerated in state facilities at the end of 2017 with an additional 1,419 women held in local parish jails (LA DPSC, 2018). Based on these conservative estimates, over 1,300 of Louisiana's children currently have a mother incarcerated in a state facility or a local level parish.<sup>2</sup> However, this data simply notes parental status and does not provide the total number of children impacted. The most recent national estimate provided by the Bureau of Justice Statistics suggests incarcerated mothers are, on average, a parent to two children (Glaze & Maruschak, 2008). Based on this estimate, the true number of children impacted today by maternal incarceration in Louisiana is likely around 2,500.<sup>3</sup> An estimated 94,000 children in Louisiana have experienced the incarceration of either a mother or father with whom they have lived according to an analysis of the 2011-2012 National Survey of Children's Health by Child Trends (Kids Count, 2016).

Currently states, including Louisiana, have not adopted an integrative, multiagency data tracking system to follow children with incarcerated mothers, leading to a dearth of data regarding the true extent of the impact of maternal incarceration. However, experts agree maternal incarceration is an adverse childhood experience. Evidence presented in the sections below will describe the harm to children impacted by maternal incarceration and the resulting costs to society, with possible policy alternatives suggested and assessed.

## Costs to Society

The costs to society due to the negative impact of maternal incarceration on children in Louisiana include the (1) annual direct costs, (2) loss of income among youth impacted by maternal incarceration, and (3) negative social externalities. For additional information on the costs to society see *Appendix B*.

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<sup>2</sup> Estimate of children impacted by maternal incarceration in state facilities calculated by multiplying the likelihood of maternal status if incarcerated in a state facility (75.6%) by the most recent estimate of the number of women in state facilities (538). Resulting estimate suggests 407 children impacted. Estimate of children impacted by maternal incarceration in local-level facilities uses the best available estimate regarding chance of parental status in either state or local-level facility (64.7%) multiplied by the number of women incarcerated in local level facilities (1,419). Resulting estimate suggests approximately 918 children impacted by maternal incarceration in local parishes. When combined, the number of children impacted by maternal incarceration in Louisiana is conservatively estimated to be at least 1,325 children.

<sup>3</sup> In 2016, Louisiana's total fertility rate was 1.9 children per woman (Martin, Hamilton, Osterman, Driscoll, & Drake, 2018). This fertility rate will be used in the cost-effectiveness analysis in this report in place of the national Bureau of Justice Statistics estimate when calculating the estimated number of total children impacted by maternal incarceration.

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### **Annual Direct Costs**

Society incurs the annual direct cost of (1) foster care and kinship care expenses, (2) maternal incarceration and related alternatives, (3) legal fees and court-related fines, and (4) visitation and communication costs due to the use of maternal incarceration.

**Foster Care and Kinship Care Expenses.** Children who experience maternal incarceration are at an increased risk for entrance into the child welfare system, with greater than one in ten incarcerated mothers surveyed nationally reporting a child in foster care (Christian, 2009; Kids Count, 2016). In Louisiana, the Department of Social Services (DSS) pays an average monthly board rate of approximately \$407-\$501 depending on the age of the child (Louisiana Department of Social Services, 2017). Annual board payments per child are thus estimated<sup>4</sup> to be \$4,884 to \$6,012, but these estimates do not include all administrative and program costs incurred by efforts to take care of this population.

In Louisiana, children living with relatives may be eligible<sup>5</sup> for Family Independence Temporary Assistance Program (FITAP), with a monthly minimum payment of \$122 for eligible families with one child and a maximum of \$510 for families with 10 or more children according to the LA Department of Children and Family Services (DCFS) (DCFS, n.d.-a). Louisiana also offers cash assistance for relative caregivers through the Kinship Care Subsidy Program (KCSP) in the amount of \$222 per month per eligible child (DCFS, n.d.-b). Annual costs for kinship care subsidies are thus estimated to be \$2,664 per child, and FITAP payments estimated to be \$1,464 to \$6,200 annually depending on the total number of children. However, children are not allowed to benefit from both programs at the same time (DCFS, n.d.-b).

**Maternal Incarceration and Related Alternatives.** As alternatives to incarceration exist, maternal incarceration costs are applicable to this analysis. Successful maintenance of parent-child bonds has been associated with reduced recidivism rates among incarcerated parents, making the cost of future maternal incarceration also applicable to this analysis (Kids Count, 2016). In Louisiana, taxpayers pay approximately \$19,800<sup>6</sup> per year per person incarcerated in a state institution and approximately \$9,900 per year per person incarcerated in a local level facility (Le Blanc, 2017). In comparison, the Louisiana Supreme Court provided approximately \$5,000 of funding for each person who participated in a drug court program in 2017 (Supreme Court of Louisiana Drug Court Program, 2018). According to Susan Leavell, Program Administrator for Washington's Parenting Sentencing Alternatives, community-based electronic monitoring of those who have been convicted of an offense can cost as little as \$7 per day for a total annual cost of \$2,555 per year (personal communication, February 26, 2018).

**Legal Fees and Court-related Fines.** Legal fees and court-related fines may increase the economic insecurity faced by children of incarcerated mothers. Mothers may be billed fees for a public defender, room and board in jails or prisons, and parole or probation costs (Shapiro, 2014). Fees are often not determined according to one's ability to pay, and failure to pay these fees may result in

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<sup>4</sup>Annual estimates based on the lowest average monthly cost multiplied by twelve and highest average monthly cost multiplied by twelve.

<sup>5</sup>Caregivers are not eligible if they have received benefits for more than 24 out of the last 60 months or have surpassed the lifetime limit of five years of benefits (DCFS, n.d.-a).

<sup>6</sup>Cost estimated based on average daily cost of \$54.12 per person incarcerated (Le Blanc, 2017).

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additional jail time, loss of a license, or more fees (Laisne, Wool, & Henrichson, 2017; Shapiro, 2014). The average total reported cost for attorney fees, court fees, bonds, and restitution payments due from those incarcerated in fourteen states was over \$13,000 according to survey results from the Ella Baker Center (deVuono-Powell, Schweieler, Walters, & Zohrabi, 2015). According to data from the LA DPSC, the average person in 2015 still had repayment obligations for 32% -58% of fees ordered for restitution, supervision, indigent defense, and other categories at probation discharge (Schuster et al., 2018). This can lead to greater family financial stress upon incarceration and release and prove a hindrance to successful maternal re-entry (Shapiro, 2014).<sup>7</sup>

**Visitation and Communication Costs.** According to The Urban Institute, approximately 160 miles separates the average imprisoned mother from her child (Travis, McBride, & Solomon, 2005). In Louisiana, visiting an incarcerated mother may require up to a six-hour drive (Rhett Covington, personal communication, March 2, 2018). This distance imposes additional costs on child caregivers who may have to take off work and pull a child out of school in order to facilitate a visit. According to local Louisiana reporting by the *Times-Picayune*, communicating with incarcerated family members costs millions of dollars for the families left behind, with the cost for a 15-minute phone call exceeding \$4 in some parts of the state (NOLA.com, 2017).

### **Loss of Income Among Youth Impacted by Maternal Incarceration**

A child's level of educational attainment and parental income are associated with a youth's potential earnings and contribution to society (The Pew Charitable Trusts, 2010). Research suggests that children of incarcerated mothers are at increased risk for learning disabilities, behavioral issues, lower school engagement, truancy, and high school dropout (Turney, 2014; Poehlmann, 2005; Schlafer, Reedy, & Davis, 2017; Nichols, Loper, & Meyer, 2016; Cho, 2010; Brown, 2017). According to the U.S. Department of Labor's U.S. Bureau of Labor Statistics, median weekly earnings for those over the age of 24 who did not graduate with a high school diploma and worked full-time were \$494 compared to the median weekly earnings of \$679 for those with only a high school diploma, and \$782 for those who either had an associate's degree or who had taken some college coursework (2016). Additionally, children who age out of the foster care system have an increased risk for lower earnings than similarly disadvantaged peers. According to a U.S. Department of Health and Human Services (U.S. DHHS) report, youth who aged out of foster care in three states displayed average monthly incomes \$845-\$1,085 lower than the national average of peers from low-income families at age 24 (Macomber et al., 2008).

### **Negative Social Externalities**

Society may incur the cost of several negative social externalities associated with maternal incarceration through negative impacts on (1) child mental health and (2) child physical health, (3) disrupted living arrangements, and (3) children's future involvement in the criminal justice system. These impacts are not included in this project's cost-effectiveness analysis, but attempts to mitigate these factors are expected to result in positive impacts on society.

**Child Mental Health.** Several studies have linked maternal incarceration to worse mental health outcomes for children (Kids Count, 2016; Harpaz-Rotem, Rosenheck, & Desai, 2006; Tasca,

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<sup>7</sup>According to the Ella Baker Center, in more than six in ten cases, family members of those incarcerated bear this financial burden (deVuono-Powell et al., 2015). Additionally, a study of the New Orleans justice system found that government revenue incurred through defendant payments of bail, fees, and fines did not outweigh the costs of imprisonment and the bondsman used to solicit fees (Laisne et al., 2017).

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Turanovic, & Rodriguez, 2014; Davis & Schlafer, 2017). A 2013 study linked childhood experiences of maternal incarceration to an increased likelihood of suffering from depression as a young adult using data from the National Longitudinal Study of Adolescence (Lee, Fang, & Luo, 2013). Although the causal impact of maternal incarceration on mental health is debated, research confirms that children of incarcerated mothers are an especially at-risk population for mental health issues (Murray, Farrington, & Sekol, 2012; Wildeman & Turney, 2014).

**Child Physical Health.** Parental incarceration can also have a negative impact on a child's physical health. According to 2017 study using panel study<sup>8</sup> data, children of incarcerated mothers have been demonstrated to be approximately 15 percentage points less likely to receive adequate health care than their peers without incarcerated mothers due, in part, to increased economic insecurity (Foster & Hagan, 2017). Even among the vulnerable child populations surveyed in the Fragile Families and Child Wellbeing Study, maternal incarceration was associated with reduced childhood sleep duration and increased intake in unhealthy sugar, sweet, and fast food consumption (Jackson & Vaughn, 2017). These factors are often associated with negative impacts on child development such as slower cognitive processing, potentially explaining findings from a 2014 study that linked parental incarceration with delays in child development (Jackson & Vaughn, 2017; Turney, 2014).

**Disrupted Living Arrangements.** Children of incarcerated mothers are also at-risk for unstable living environments that may result in additional trauma. Despite a possible disparity in impact between maternal and paternal incarceration, research agrees that children with an incarcerated parent are more likely to move from place to place than their peers, further disrupting any positive support networks (Leverentz & Eason, 2010; Wildeman, 2014; Kids Count, 2016; Geller, Garfinkel, Cooper, & Mincey, 2009).

**Future Criminal Justice Involvement.** Research suggests that children of incarcerated mothers are more likely to experience future criminal justice involvement. While some research suggests that child behavioral problems are due to risk factors preceding maternal incarceration, recent studies using propensity score matching and national longitudinal datasets confirm the association between maternal incarceration and a greater likelihood for impacted children to experience future criminal justice involvement (Wildeman & Turney, 2014; Gifford, Eldred, Evans, & Sloan, 2016; Huebner & Gustafson, 2007; Muftic, Bouffard, & Armstrong, 2016). Effective interventions and sentencing alternatives may thus result in future savings from the reduction of intergenerational crime and incarceration.

## The National Problem of Incarcerated Mothers

An estimated 7% of children in the United States in 2011-2012 had experienced the incarceration of either a mother or father with whom they had lived (Kids Count, 2016). This figure represents over five million children when including parents incarcerated in jails and prisons (Kids Count, 2016). While parental incarceration typically implies the absence of a father due to incarceration, the rate of maternal incarceration has grown substantially since the early 1990s and continues to rise. The Bureau of Justice Statistics estimated that over 65,000 mothers were held in state and federal prisons across the nation in mid-2007, impacting almost 150,000 children (Glaze & Maruschak, 2008). A

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<sup>8</sup> Data was taken from over 9,000 individuals in a nationally representative sample found in the National Longitudinal Study of Adolescent and Adult Health.

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recent Prison Policy Initiative report primarily relying on data from 2015 estimates that the number of women incarcerated in prisons and jails across the nation has grown to 219,000, with additional implications for thousands of children (Kajstura, 2017).

Children impacted by maternal incarceration represent one of the youth populations most at-risk for poor life outcomes. Previous research has struggled to clearly define a causal relationship between parental incarceration and many adverse child outcomes due to the confounding presence of factors often present prior to incarceration such as parental drug abuse, issues with parental mental health, and child maltreatment (Christian, 2009; Murray & Murray, 2010; Cramer, Goff, Peterson, & Sandstrom, 2017). The U.S. Government Accountability Office (GAO) identified drug abuse, mental health issues, and lower levels of academic success as negative consequences of child maltreatment alone (2017). However, research assertively suggests that children of incarcerated parents are more likely to experience economic distress and disruption in household stability, which can often lead to further problems (Christian, 2009; Bouchet, 2008; Kids Count, 2016). Recent literature denotes maternal incarceration as an “intensifying risk factor” due to a child’s increased likelihood to have experienced higher levels of poverty, become separated from their primary caregiver, and suffer the loss of healthy parent-child attachments (Sandifer, 2017; Kids Count, 2016).<sup>9</sup> According to the opinion of child experts, it is important that poverty is addressed in early childhood and children experience stable housing during early adolescence (U.S. GAO, 2017). Children of incarcerated mothers are, however, unlikely to see these basic needs met.

According to the most recent data from the Bureau of Justice Statistics, approximately a fifth of those incarcerated in state facilities had a child age four or younger (Glaze & Maruschack, 2008). Children who experience maternal separation at an early age are even more likely to struggle with forming the strong attachments to parents critical to healthy development (Parke & Clarke-Stewart, 2002; Kids Count, 2016; Cramer et al., 2017). Parental incarceration is associated with negative impacts on a child’s mental health, fears of abandonment when the reason for parental absence is not known, and stigmatization (Lee, Fang, & Luo, 2013; Cramer et al., 2017; Murray & Murray, 2010). Research suggests that children of incarcerated mothers may also be less physically healthy and more likely to be involved in the criminal justice system (Foster & Hagan, 2017; Jackson & Vaughn, 2017; Gifford et al., 2016; Huebner & Gustafson, 2007). Extended analysis of the impact of maternal incarceration on children and society are discussed above and in *Appendix B*.

## A Profile of the Problem

### Female Incarceration

Across the nation, the number of females sentenced to incarceration in the state and federal prisons has grown from over 85,000 women in 2000 to over 105,000 in 2016 – around a 24% increase (Guerino, Harrison, & Sabol, 2011; Carson, 2018). When including women incarcerated in local jails, estimates of the total number of incarcerated females rose to more than 215,000 women in 2014.

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<sup>9</sup>According to Prison Policy Initiative’s analysis of data from the U.S. Bureau of Justice Statistics, incarcerated women make approximately \$13,890 prior to incarceration, around \$6,000 less than their incarcerated male peers and \$10,000 less than women who have not experienced incarceration (Rabuy & Kopf, 2015a).

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(The Sentencing Project, 2015). While the number of males incarcerated in federal and state prisons decreased substantially from 2010 to 2015, the number of females incarcerated remained mostly the same (Carson & Anderson, 2016). Research suggests different trends in the offenses leading to maternal versus paternal incarceration. While males are more likely to be incarcerated in state prisons for violent offenses, females are more likely to experience incarceration due to a property or drug offense, with over 50% of women incarcerated for a nonviolent offense in 2009 (Guerino, Harrison, & Sabol, 2011). Estimates discussed below show that Louisiana's female correctional population mirrors this assertion.

## **Differences in Minority Impact**

The majority of those incarcerated in state prisons are of minority background (Carson, 2018). In 2016, black women in the United States had an incarceration rate approximately twice as high as white women, with 96 black women incarcerated in state or federal prisons per 100,000 U.S. residents compared to 49 white women per 100,000 U.S. residents (Carson, 2018). However, from 2000 to 2014, African American women saw a 47% decrease in their rate of incarceration while the incarceration rate for white females increased by 56% (The Sentencing Project, 2015). In 2016, Nationally, minority children are also the most likely to be impacted by maternal incarceration. An estimated 767,400 black children were separated from their parent due to incarceration in 2007 (Glaze & Maruschak, 2008). La Vigne, Davies, & Brazzell (2008) argue that the concentration of the negative effects of maternal incarceration in minority communities increases the disadvantage experienced by these children.

## **Total Children Impacted**

According to the most recently available estimate, the number of U.S. children impacted by maternal incarceration in state and federal correctional facilities across the nation increased by 131% from 1991 to 2007 (Glaze & Maruschak, 2008). Approximately 147,400 children were reported to have an incarcerated mother in a state or federal prison in 2007 (Glaze & Maruschak, 2008). However, analysis of the 2011-2012 National Survey of Children's Health suggests that over five million children in the United States have experienced parental incarceration, suggesting the number of children impacted by maternal incarceration at this time is most likely much higher (Murphy & Cooper, 2015).

## **Foster Care**

Children may be at increased risk of entering the foster care system due to maternal incarceration. Swann and Sylvester (2006) found that the growth in the number of women incarcerated from 1985 to 2000 explained approximately 31% of the increase in foster care caseloads during that time period. According to Adoption and Foster Care Analysis and Reporting System (AFCARS) data, approximately 20,000 children entered the foster care system nationally because their parent was incarcerated in 2013 (Children's Bureau, 2015). However, Ross, Khashu, and Wamsley (2004) provide evidence that incarceration may be more likely to follow child entrance into the foster care system; child removal may actually signify greater likelihood of future maternal incarceration. According to the Bureau of Justice Statistics, approximately one in nine mothers (11%) incarcerated in state facilities in 2004 reported having minor children in the foster care system (Glaze & Maruschak, 2008).

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## Why are mothers being incarcerated?

Research suggests several reasons for why maternal incarceration is a problem in modern-day society including (1) histories of trauma, mental illness, and addiction, (2) legacies of familial crime and separation, and (3) federal and state sentencing.

**Histories of Trauma, Mental Illness, and Addiction.** Incarcerated women exhibit high rates of childhood and sexual trauma. According to a report by the Bureau of Justice Statistics, “Mothers in state prison were two times more likely to report homelessness in the year before arrest, four times more likely to report past physical or sexual abuse, and almost one and a half times more likely to report a current medical or health problem [than incarcerated fathers],” (Glaze & Maruschak, 2008, p. 7). In 2007, Mothers incarcerated in state facilities were more likely than incarcerated fathers to have been exposed to a caregiver’s alcohol or drug abuse when growing up and to have lived in a foster care home (Glaze & Maruschak, 2008). Data on mothers incarcerated in state prisons in 2004 demonstrated that more than seven in ten mothers of minor children had a mental health problem (Glaze & Maruschak, 2008). According to an analysis done by the national non-profit Mental Health America, data demonstrates a positive association between states with low access to mental health care and increased state incarceration rates (Mental Health America, 2016). Given the high prevalence of trauma and mental health issues among incarcerated women, inadequate access to mental health services may partly explain maternal entrance into the justice system.

The majority of women entering the criminal justice system also display a need for substance abuse treatment (Glaze & Maruschak, 2008). According to national data from the Bureau of Justice Statistics, approximately 64% of mothers who had lived with their minor child immediately prior to incarceration reported substance dependence or abuse problems in 2004 (Glaze & Maruschak, 2008). This number grew even higher when accounting for mothers who did not live with minor children immediately prior to incarceration; over 81% of this population reported substance abuse struggles (Glaze & Maruschak, 2008). High rates of substance abuse and mental health problems suggest a need for comprehensive treatment strategies that account for co-occurring disorders.

Prison environments often do not do enough to meet the unique needs of this population and may reinforce trauma, potentially reducing the potential for healthy transformation upon re-entry and creating a pathway for mothers to return to the justice system (Pickard, 2015; SAMSHA, n.d.). Recent trauma statistics claiming that approximately nine out of ten incarcerated women have experienced domestic violence or sexual abuse have led to calls for female facilities designed with these facts in mind (Corwin, 2014).

**Legacies of Familial Crime and Separation.** Incarcerated women are more likely to have experienced separation from immediate family members due to incarceration, possibly compounding women’s history of trauma and therefore promoting intergenerational crime. In the most recently available data from the Bureau of Justice Statistics, almost six in ten mothers surveyed in state prisons said they had a family member who had previously been incarcerated while half of fathers reported this experience (Glaze & Maruschak, 2008).

**Federal and State Sentencing.** Federal and state laws contribute to the growth in maternal incarceration through “mandatory minimums” and “three strikes you’re out” legislation first

introduced in the 1980s. These laws gave judges parameters for minimum sentencing requirements for crimes such as nonviolent drug felony offenses (Gertner, 2010). The laws could also result in stacked sentences, greatly enhancing the length of incarceration. Minority populations have been disproportionately impacted by mandatory minimums instituted for substances such as crack cocaine (Mauer, 2010). Participants in a roundtable discussion held by the U.S. Department of Justice asserted that mandatory minimums were directly responsible for the prevalence of incarcerated females in federal prisons (Office on Violence Against Women, 2017). Participants argued that expanding judicial discretion would allow judges to consider circumstances such as domestic violence when making rules and inhibit prosecutors from utilizing the threat of mandatory minimums to entice women into taking plea bargains (Office on Violence Against Women, 2017).

## Louisiana Profile

This section gives an overview of Louisiana's general and correctional populations before providing information on the differences in minority impact due to maternal incarceration, the total children impacted by maternal incarceration in Louisiana, the projected trend of female incarceration in Louisiana, and the estimated impact of maternal incarceration on the Louisiana foster care system.

**General Population.** According to the U.S. Census Bureau (2017), there were approximately 4.68 million people living in Louisiana as of July 1, 2017, displaying a 3.3% growth in population since 2010. An estimated 24% of

Louisiana's population was under the age of 18, with 7% of the population

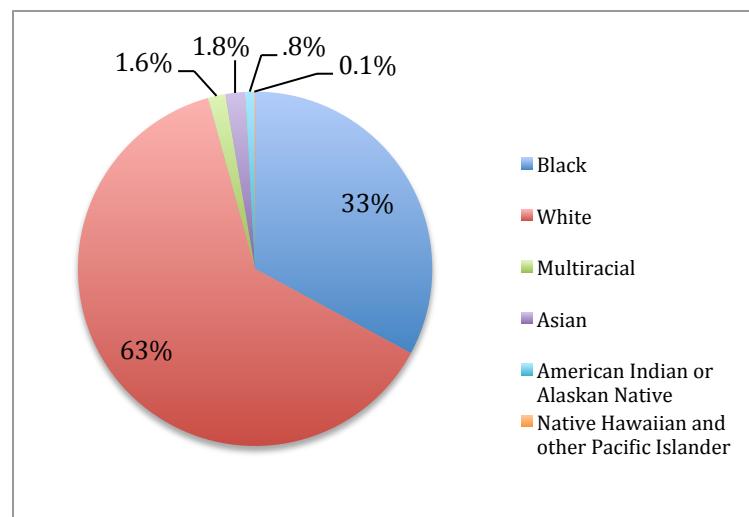
younger than five years old (U.S. Census Bureau, 2017). The most recent annual estimates from the American Community Survey suggest that women constitute 51% of the total Louisiana population (U.S. Census Bureau, 2017). The majority of Louisianans are white, but a third of the population is black as seen in *Graph 1* below.

Approximately one in five Louisiana residents are considered impoverished (U.S. Census Bureau, 2017). The state's mean per capita annual income, using data collected from 2012-2016, was estimated at \$25,515 in 2016

dollars whereas the state's median household income was assessed to be \$45,652 (U.S. Census Bureau, 2017). While over eight in ten people in Louisiana aged 25 or older graduated high school, only 23% of the population has graduated with a bachelor's degree or higher (U.S. Census Bureau, 2017).

**Correctional Population.** The most recent 2017 estimates show that total of 1,957 women were incarcerated in state and local-level facilities in Louisiana according to data received from the LA

**Graph 1: Louisiana Demographics in 2016**  
(% Of Total Population)



Data Source: (U.S. Census Bureau, 2017)

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DPSC (2018). Earlier estimates from September 30, 2017 recorded that females represented 5.9% of the total adult correctional population in Louisiana (Le Blanc, 2017). However, females represented only 3.6% of the total adult correctional population held in state facilities (Le Blanc, 2017). In September 2017, the average woman incarcerated in Louisiana was currently 35.9 years old but was convicted at 32.8 years old, with most women convicted between the ages of 20 to 44 (Le Blanc, 2017). Both the number of males and the number of females incarcerated in Louisiana has decreased by approximately 12% from 2011 to 2017 (Le Blanc, 2017). Refer to *Chart 1* pictured below for previous and projected trends among the incarcerated female state population

Property and drug crimes constitute the most serious commitment offense for the majority of the female population, with 22.1% of women committed for property offenses and 31% of women committed for drug-related offenses (Le Blanc, 2017). Violent crime accounted for a third of the most serious commitment offenses among the female population (Le Blanc, 2017). Eight in ten women in the correctional system have served less than six years of their sentence, and according to data from September 2017, the average woman was sentenced to a total of 10.80 years (Le Blanc, 2017). The majority of women are serving time for their first felony conviction (41.8%), with the next largest group of women constituting 2<sup>nd</sup> class offenders (26.6%) (Le Blanc, 2017). A total of 538 women were incarcerated in state facilities at the end of 2017, and 1,419 women were incarcerated in local jails (LA DPSC, 2018).

Similar to national estimates, the majority of women incarcerated in Louisiana's state female facility, Louisiana Correctional Institute for Women (LCIW), struggle with mental health issues. However, compared to national estimates, fewer women incarcerated in state facilities have diagnosed issues with substance abuse. As of January 2018, 63.3% of women in LCIW have been diagnosed with a mental health problem, and 12.5% of women incarcerated in LCIW have a diagnosed substance abuse disorder (LA DPSC, 2018). The female population in the Louisiana's adult correctional system currently exhibits some of the lowest recidivism rates.<sup>10</sup> One in ten women recidivate within the first year of release, but only 29% of the female correctional population released in 2011 recidivated by 2016 compared to 44.3% of the total adult correctional population (Le Blanc, 2017).

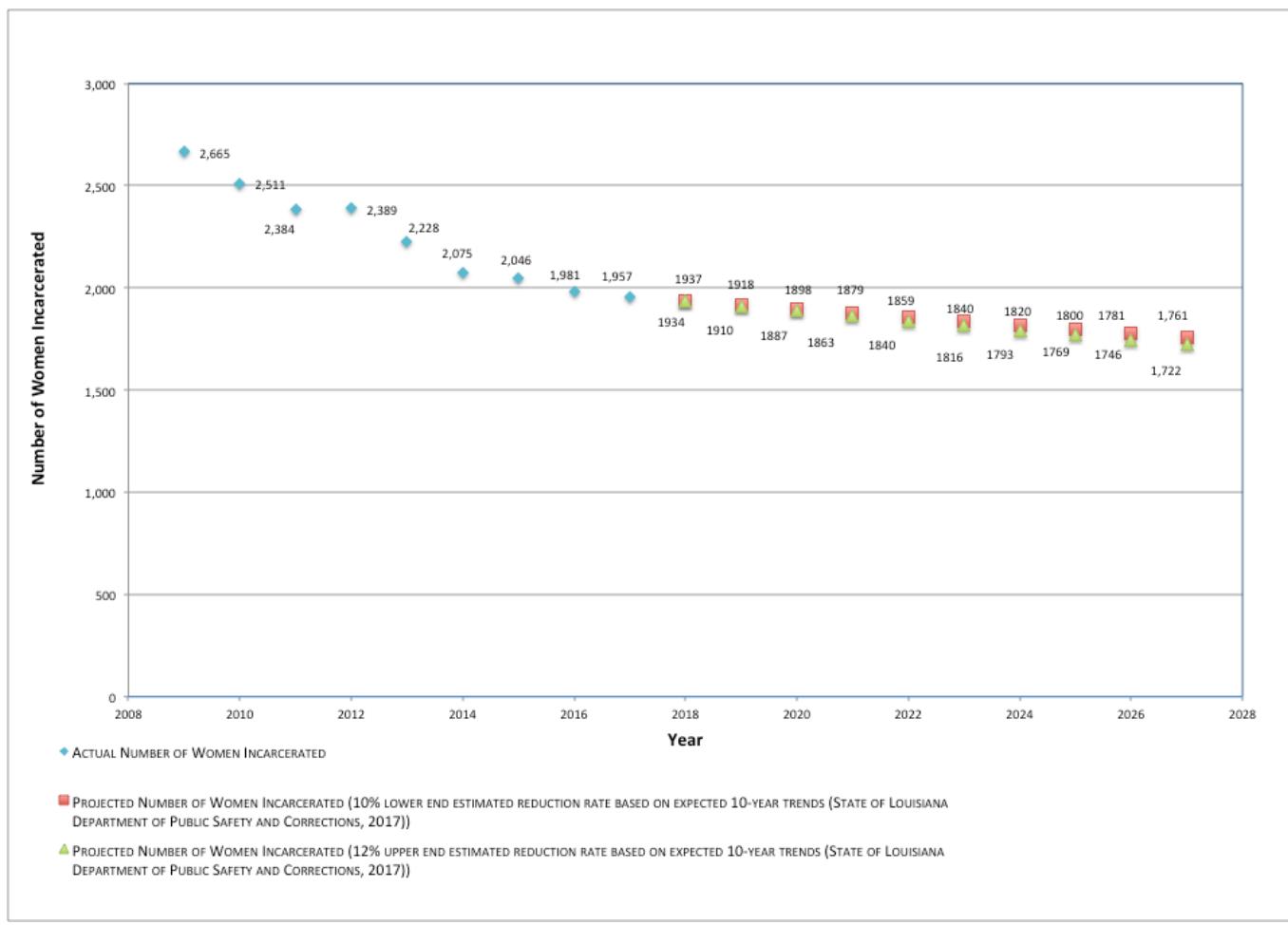
**Differences in Minority Impact.** Interestingly, while the Louisiana correctional system overall displays a disproportional impact on minorities with blacks composing 68% of the total male population and white males representing 31.5% of the male population, the female correctional population reflects state demographics (Le Blanc, 2017). White females compose a majority of the population (61%), and black females represent 39% of the female population (Le Blanc, 2017). In both the male and female correctional populations, other minority groups constitute less than 1% of the population (Le Blanc, 2017). Therefore, although LA DPSC data suggests children of minority background are disproportionately impacted by paternal incarceration, a similar disproportionate impact on minority children is not seen in Louisiana's maternal incarceration trends (Le Blanc, 2017).

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<sup>10</sup> In Louisiana, recidivism is defined as "return to custody following conviction for a new felony or technical revocation of supervision after having been released from incarceration through completed sentence, released on parole, conditional release, or split probation sentence" (Le Blanc, 2017, p. 50). Recidivism rates in other states may not be comparable due to divergent methods in defining recidivism among states.

**Total Children Impacted.** In Louisiana, estimates shown above suggest that more than 400 children are currently impacted by maternal incarceration in state facilities alone. If estimates from national trends are applicable to the maternal population held in local jails, the total number of children currently experiencing maternal incarceration could exceed more than 2,500<sup>11</sup> children. However, these estimates do not include children who have previously experienced maternal incarceration in their childhood. The rate of Louisiana children impacted maternal and paternal incarceration grows to approximately 8% of all children according to the latest estimates available (Kids Count, 2016). Kids Count (2016), a project of the Annie E. Casey Foundation, estimates that over 94,000 children in Louisiana have experienced the incarceration of either a mother or father with whom they have lived.

### Chart 1: Trend in the Number of Female State Offenders in Louisiana



Data Source: (LA DPSC, 2018)

**Foster Care.** According to U.S. Department of Health and Human Services (DHHS) data, in fiscal year 2016 approximately 8,145 Louisiana children were served in the foster care system, with 4,461 Louisiana children were currently in care on September 30<sup>th</sup> (AFCARS, 2017). Around 3,700 children entered and exited the foster care system in Louisiana, and an estimated 577 children were waiting to

<sup>11</sup> See *supra* note 2. Total amount based on estimates given by LA DPSC & Glaze & Maruschak (2008).

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be adopted after the termination of the maternal and/or paternal rights in fiscal year 2016 (AFCARS, 2017). Louisiana does not track the number of children in foster care who have an incarcerated parent, but assuming national estimates regarding maternal incarceration and child entrance into the foster care system are accurate for the Louisiana female correctional population, approximately 146 to 292 children<sup>12</sup> in the foster care system currently have an incarcerated mother.

## **Governance and Funding**

### **Federal Governance**

Federal and state legislation instituting mandatory minimum sentencing guidelines impacts the amount of time incarcerated mothers spend behind bars. The passage of the Sentencing Reform Act of 1984 marked the birth of mandatory minimums in the U.S. and established a U.S. Sentencing Commission responsible for creating national sentencing guidelines (Gertner, 2010). The Commission's guidelines often increased the length of sentences served, and with the passage of the PROTECT Act of 2003 the guidelines became essentially mandatory (Gertner, 2010). While federal judges have since been given more discretion over sentencing, those charged in state courts may be subject to different sentencing guidelines under state code (Gertner, 2010).

Federal legislation may also impact the probability of mother-child reunification following maternal incarceration. The Adoption and Safe Families Act of 1997 (ASFA) delineates the criteria for the termination of parental rights for children involved with the child welfare system (Children's Bureau, 2015). Unless a child is in the care of a relative, foster care children are at risk of permanently losing their mother if she has been incarcerated for fifteen of the previous twenty-two months (Children's Bureau, 2015). States have been granted flexibility to make changes to this policy, with some states clarifying that parental incarceration alone is not a reason to terminate parental rights and others listing it as a factor allowed in this decision (Children's Bureau, 2015). Louisiana law delineates in which circumstances parental rights may be involuntarily terminated in Article 1015 of Louisiana's Children's Code. Currently Louisiana law allows for the termination of parental rights in cases in which "the parent has failed to maintain significant contact with the child by visiting him or communicating with him for any period of six consecutive months" or if "the parent has been convicted and sentenced to a period of incarceration of such duration that the parent will not be able to care for the child for an extended period of time" (La. Child. Code art. 1015).

Incarcerated mothers face significant hurdles in maintaining contact with their child. Caseworkers may be unaware of a mother's incarceration (Ross et al., 2004). Incarcerated mothers and their children may feel ashamed of parental incarceration and not share this information with the caseworker (Ross et al., 2004). When caseworkers are aware of parental incarceration, they face the time-consuming and logistical challenge of arranging child visits with parents in prison; this process often requires coordination with the Department of Corrections, preparing children for the visit, arranging transportation, and supervising child-parent interactions (Ross et al., 2004). According to

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<sup>12</sup> Estimate calculated by adding total children expected to be in foster care due to maternal incarceration in state and local level facilities. The minimum total number of children of incarcerated mothers is conservatively estimated in supra note 2 to be 1,325, with expected number of children in foster care to be  $1,325 * .11$  (chance in foster care based on national estimates from Glaze & Maruschak (2008)) = 145.8 However, as national evidence denotes incarcerated mothers have, on average, two children (Glaze & Maruschak, 2008) the actual number of children of incarcerated mothers that are in foster care may be closer to  $291.5$  ( $1,325$  mothers \* 2 children \* .11 chance of foster care) = 292.

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Karene Lynch, a retired LA DCFS Child Welfare Consultant, the DCFS does not currently collect information on which children in the child welfare system have an incarcerated mother (personal communication, February 9, 2018). However, Assistant Secretary of the DPSC Rhett Covington acknowledged that the Department of Corrections currently allows child welfare personnel to access their data documenting who is incarcerated (personal communication, March 2, 2018).

Title IV-E and Title IV-B of the Social Security Act provide federal funding for foster care, guardianship assistance, and family support (Children's Bureau, 2017). The Promoting Safe and Stable Families Amendments of 2001 revising Title IV of the Social Security Act granted additional federal dollars for mentoring programs supporting the children of incarcerated parents and authorized expenditures on education and training opportunities for children who age out of the foster care system (Congressional ProQuest, 2002). The Second Chance Act has recently provided funding opportunities for programs servicing children of incarcerated parents (Office of Juvenile Justice and Delinquency Prevention (OJJDP), 2018).

The Federal Communication Commission (FCC) is involved in the regulation of the costs of phone calls behind bars. The FCC placed caps on interstate calls to those behind bars in 2013 (FCC, 2015). In 2015, the FCC attempted to also regulate intrastate and local calls to jails and prisons, placing a cap of \$1.65 per fifteen-minute conversation to an interstate or intrastate facility (FCC, 2015). Previously, charges for intrastate long-distance or local calls could cost as much as \$14 per minute (FCC, 2015). However, intrastate caps are still pending judicial review due to claims pending the FCC acted outside its legal authority (FCC, n.d.).

## State Governance

Previously known as the number one incarcerator in the world, Louisiana passed multiple sentencing reforms and expanded alternative sentencing in a package of reforms recommended by a Justice Reinvestment Task Force during their 2017 legislative session<sup>13</sup> (Carson, 2018; Ellerbe, 2017; State of Louisiana Department of Public Safety and Corrections, 2017). Judges now have more discretion in some cases to prescribe sentences shorter than suggested in law, particularly for those convicted of a first-time felony, and increase the use of mental health and drug treatment facilities for those convicted on DUI charges as well as those with multiple felony convictions (O'Donoghue, 2017; State of Louisiana Department of Public Safety and Corrections, 2017). Additionally, new legislation eliminated several mandatory minimums and lowered maximums, reduced possible sentences for "habitual offenders," and raised the felony theft threshold (O'Donoghue, 2017; State of Louisiana Department of Public Safety and Corrections, 2017). These reforms are expected to result in savings of approximately \$262 million for the state and reduce the number of those incarcerated by 10-12% over the next ten years (State of Louisiana Department of Public Safety and Corrections, 2017).

## Federal and State Funding

**Federal Grant Opportunities.** The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides grant opportunities under the Second Chance Act for state government, local governments,

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<sup>13</sup> Refer to the report entitled "Louisiana's Justice Reinvestment Reforms: Practitioner's Guide" by the Louisiana Department of Corrections and Public Safety for more detailed description and analysis of these recent sentencing reforms (State of Louisiana Department of Public Safety and Corrections, 2017).

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or private organizations to conduct programming serving children of incarcerated parents. In 2015, a Second Chance Act grant awarded approximately a total of \$1.2 million to applicants (OJJDP, n.d.). The OJJDP recently released a new funding opportunity for states under the title of “Second Chance Act Addressing the Needs of Incarcerated Parents with Minor Children.”<sup>14</sup> Applications are due May 22, 2018 (OJJDP, 2018a). The maximum funding amount is \$750,000 (OJJDP, 2018a).

**Department of Corrections.** In 2016, the Louisiana legislature appropriated approximately \$502.4 million to the Department of Corrections (DOC) and state correctional facilities for fiscal year 2016-2017 (Henry, 2016). DOC expenditures were primarily financed by the State General Fund, although federal funding supported \$2.2 million of the Corrections Administration’s discretionary funding (Henry, 2016). Additionally, \$147.1 million was appropriated to finance the local housing of state adult offenders for fiscal year 2016-2017 (Henry, 2015). The state appropriated \$22.2 million in both non-discretionary and discretionary funding to LCIW, the facility holding the majority of the female population incarcerated in state facilities (Henry, 2016).

**Louisiana Supreme Court System.** The Louisiana Supreme Court system was appropriated approximately \$12.6 million for the maintenance and enhancement of state drug courts for fiscal year 2016-2017 (Henry, Barras, Alario, & LaFleur, 2016).

**Office of Children and Family Services.** In 2016, the Office of Children and Family Services, which includes the DCFS and funds programs such as foster care, FITAP, and KCSP, was appropriated a total of \$690.9 million for fiscal year 2016-2017 (Henry, 2016). The federal government provided the majority of appropriated funding, allocating \$308.9 million of non-discretionary funding and \$199.6 million of discretionary funding (Henry, 2016). The majority of federal funding for the Louisiana system comes from Title IV-E and TANF funds (Child Trends, n.d.). Title IV-B, Medicaid, and the Social Services Block Grant provide the rest of federal funding (Child Trends, n.d.). A significant portion of DCFS appropriations are slated for child welfare expenses. Child Trends identified that Louisiana child welfare agencies spent around \$189 million on child welfare costs alone in 2014 (Child Trends, n.d.). According to state data, the DCFS spent approximately \$10 million on 23,644 KCSP case payments for fiscal year 2016-2017, with average monthly payments fluctuating between \$728,700 and \$877,700 and serving approximately 1,834 to 2,061 children (DCFS, n.d.-c).

Approximately \$212.7 million was appropriated for prevention and intervention services “designed to promote safety, the well-being of children, and stability and permanence for foster children in the custody of the Office for Children and Family Services,” in fiscal year 2016-2017 (Henry, 2016, p. 89). These appropriations supported approximately \$55.2 million of DCFS expenditures on room and board, subsidies, medical costs, and related expenses for foster care children in fiscal year 2016-2017 (House Fiscal Division, 2017).

**Re-entry Services.** The Louisiana state legislature appropriated approximately \$3.2 million for local re-entry services for fiscal year 2016-2017 (Henry, 2016).

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<sup>14</sup> According to the OJJDP, “This program will promote and expand services in detention and correctional facilities to incarcerated individuals who have children younger than 18. This program will provide states and localities with funding to implement positive family engagement strategies and activities that address the needs of incarcerated parents with minor children” (2018b).

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## Best Practices

The section below delineates available evidence on best practices adopted by states across the nation and serves as a basis for suggested alternatives. Additional best practices excluded due to mixed evaluation results, recent reforms, or Louisiana's fiscal constraints are described in *Appendix C*.

### Pre-Sentencing Reform

States have begun to provide information regarding total family impact in an effort to reduce the scope of incarceration. A new policy that may reduce the number of mothers incarcerated is presented below.

**Include Child Impact in Judicial Sentencing.** According to the National Conference of State Legislators (NCSL) and Urban Institute, children of incarcerated parents can have their interests represented in maternal sentencing by requiring judges to weigh the impact of incarceration on affected children (Christian, 2009; Cramer, Peterson, Kurs, & Fontaine, 2015). NCSL recommended that states follow precedents set by Arkansas and Tennessee where cases may mandate that “pre-sentence investigation reports include a family impact statement including recommendations for the ‘least detrimental alternative’ sentence” (Christian, 2009). These impact statements bring child concerns directly to the forefront of sentencing determinations and “help probation officers become aware of a defendant’s family,” suggesting a more tailored approach to accountability (Cramer et al., 2015). San Francisco, Arkansas, Tennessee, and New York have complete or limited use of family impact statements according to Meghan McCann, Senior Policy Specialist at the National Conference of State Legislatures (personal communication, February 22, 2018) and Urban Institute staff have produced a best-practice toolkit for implementing these statements (Cramer et al., 2015). However, there is no evidence demonstrating how the use of these statements has affected judicial decision-making (Allison Holliland, personal communication, March 23, 2018)

### Alternatives to Incarceration and Familial Separation

The programs and policies mentioned below may provide better alternatives to maternal incarceration. Alternatives are targeted to treat the criminogenic needs of incarcerated mothers, smooth re-entry, and incorporate greater parent-child interaction. A 2017 study of over one hundred mothers and their respective children found that children whose mothers were allowed to participate in an alternative program to incarceration had fewer behavioral problems, demonstrated greater maternal trust, and were displayed more attachment to their mothers (Fry-Geier & Hellman, 2017).

**Adult Drug Treatment Courts.** Adult drug treatment courts (ADCs) may serve as an alternative to incarceration at any sentencing phase in the judicial process (SAMHSA, 2016). According to the Substance Abuse and Mental Health Administration (SAMHSA), “Services are coordinated for ADC participants by a case management team, which involves the judiciary, prosecution, defense counsel, probation, law enforcement, mental health, social service, and treatment communities working together to help the drug court client through the recovery process” (2016, p.1). A child’s needs are not directly incorporated into drug court program requirements, and ADCs are more likely to serve males than females (OJJDP, 2016). According to a 2016 literature review incorporating over 150 effectiveness studies of ADCs, two-year post-release re-arrest rates declined by 8-14%, on average,

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due to participation in an ADC with “more effective adult drug courts [having] reduced recidivism by 35 percent to 80 percent” (SAMSHA, 2016, p. 6). Messer, Patten, & Candela (2016) assert drug court participation marked a “turning point” in the life course model of those who had committed crime, particularly among females (p. 13). Cost-effectiveness evaluations have found that ADCs showcased a two to four dollar return for every dollar invested, with some studies arguing that ADCs “produced approximately \$3,000 to \$22,000 of net economic savings per participant” though the criteria used for cost estimates differed widely in the studies (SAMSHA, 2016, p. 9). The Washington State Institute of Public Policy (WSIPP) found the net per person benefits of ADCs average \$9002 (WSIPP, 2016).

**Family Residential Treatment.** Family-based interventions allow mothers to live in residential treatment centers with children or allow children living outside the center to see their mothers consistently (Berg, 2016). Residential treatment centers may serve as diversion from incarceration or an alternative to incarceration for a remainder of a mother’s sentence. In the case of the Federal Bureau of Prisons’ Mothers and Infants Nurturing Together (MINT) program, they may also be used mid-sentence to help mothers and young children to establish healthy attachments (Villanueva, From, & Lerner, 2009). Peer-reviewed research suggests that residential treatment programs that incorporate family into therapeutic programs have higher completion rates (McPherson, Boyne, & Willis, 2017). In programs, mothers are able to receive comprehensive treatment, bond with their children, and practice daily habits that promote a healthy, productive lifestyle upon reentry (Berg, 2016). The National Women’s Law Center (2010) reported that thirty-two states had family-based treatment as an alternative to incarceration. Cross-site program evaluations of over 30 grant programs that provided residential treatment found that, six months after treatment, six in ten mothers had not abused drugs, employment rates increased by thirty percentage points, enrollment in educational and vocational training increased by 17 percentage points, and more children left the foster care system to reunify with mothers (Burgdof & Chen, 2004; The National Women’s Law Center, 2010). According to WSIPP, therapeutic community treatment centers for persons with co-occurring substance abuse and mental health disorders are very cost-effective, with benefits exceeding costs in the Washington model in a greater than three to one ratio (WSIPP, 2017). However, these results may not be generalizable to family treatment centers where children are co-located with mothers.

**Parenting Sentencing Alternatives.** In 2010, Washington established two Parenting Sentencing Alternatives (PSAs) (Washington State Department of Corrections, 2017). The Family and Offender Sentencing Alternative (FOSA) allows judges to sentence eligible parents to a year of intensive community supervision in place of their sentence while the Community Parenting Alternative (CPA) allows a multidisciplinary screening committee to approve eligible incarcerated parents of minor children to return to the community for the last 12 months of their sentence under electronic monitoring and supervision. According to Susan Leavell, PSA Program Administrator, over 500 parents have successfully completed either the CPA or FOSA alternative (personal communication, February 26, 2018). CPA completers<sup>15</sup> currently have a 12% return to prison rate while FOSA completers boast a 5% return to prison rate; all PSA completers average a 9% return to prison rate (Susan Leavell, personal communication, April 16, 2018). As of December 2011, over 50 children were diverted or removed from foster care due to their parent’s participation in the alternative (Washington State Department of Corrections, 2017). Due to reduced use of parental incarceration

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<sup>15</sup> These statistics include all completers from implementation in 2010 to December 31, 2017.

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and foster care, this policy alternative has resulted in substantial<sup>16</sup> cost savings (Susan Leavell, personal communication, February 26, 2018).

## **Building Positive Parent-Child Relationships During Incarceration**

According to the framework of attachment theory, children of incarcerated mothers are at-risk of being unable to develop healthy, secure attachments and relationships due to maternal separation (Dallaire & Zeman, 2013). Research suggests that children who witness a parent's arrest may be even more likely to suffer from insecure attachments (Roisman et al., 2017). Policies and programs that may support positive parent-child relationships are suggested below.

**Place Incarcerated Mothers in the Closest Available Facilities.** Distance is one of the biggest barriers to maintaining a parent-child relationship during incarceration. Several states such as Hawaii and California have enacted policies to ensure parents are placed in facilities closest to the families critical for their rehabilitation and maintaining parent-child bonds (Christian, 2009). This reduces the barriers caregivers face in promoting parent-child contact and shows a system-wide recognition of the cost to children due to parental incarceration. In 2006, around six in ten female correctional facilities reported state policies promoting placement of those convicted of a crime in facilities closest to families according to Hoffman, Byrd, and Kightlinger (2010).

**Visitation Policy & Programs.** According to the Annie E. Casey Foundation, visitation policy can deter a child's contact with incarcerated parents (Bouchet, 2008). Child caretakers often face significant financial and time hurdles when facilitating a child's relationship with a parent. Facilities can reduce these barriers by decreasing rates for telephone calls to the facility, and technology can be utilized to build parent-child relationships through "televisits" when in-person contact with parents is not feasible (Cramer et al., 2017). According to the Urban Institute, facilities can institute policies that reduce the trauma potentially associated with visiting an incarcerated parent by providing child-friendly visitation spaces and activities that distract children when parents are returned to their cells (Cramer et al., 2017). Although there is a vacuum of research evaluating which visitation policies are the most successful in producing positive long-term child outcomes, the Urban Institute asserts that visitation is most beneficial for children when it is paired with a program that helps parents relate to their children in healthier ways (Poehlmann, Dallaire, Loper, & Shear, 2010; Cramer et al., 2017). The Prison Policy Initiative praises facilities such as New York's Bedford Hills Correctional Facility, which has a children's center in its facility, as a positive model for child-sensitive visitation policy (Rabuy & Kapf, 2015b). The Urban Institute and the Annie E. Casey Foundation assert that when child-parent relationships are supported through more regular contact or communication, children experience less anxiety, have fewer mental health issues, and may perform better academically (Kids Count, 2016; Cramer et al., 2017).

**Parenting Programs.** Research literature identifies parenting programs as a way to build healthy parent-child relationships. Sandifer (2008) found that women who participated in a parenting program in prison displayed gains in knowledge of healthy discipline, understanding of child development, and empathy for children compared to women who did not participate. Miller et al. (2013) conducted and evaluated a pilot family-based intervention and found the program was

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<sup>16</sup> Cost savings vary highly depending on a state's cost of incarceration and foster care and do not include the avoided negative externalities associated with maternal incarceration. Cost savings applicable to the Louisiana case will be discussed in the analysis of suggested policy alternatives.

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associated with increased family strength and cohesion, increased caregiver quality, and reduced caregiver depression, but was not linked to significant increases in children's pro-social development. However, the long-term effects on child outcomes may be positive, as quality caregiving during maternal incarceration is associated with healthier child outcomes (Poehlmann, 2005). Kampter, Teyber, Rockwood, & Drzewiecki (2017) support the results of these previous studies, finding that parenting curriculum was associated with increased knowledge of healthy parenting techniques and a decrease in maternal distress symptoms. A randomized controlled study of Parenting Inside Out demonstrated the intervention successfully increased parenting quality as well as the quality of parent-caregiver relationships; this presents the best evidence in support of parenting programs (Eddy, Martinez, & Burraston, 2013). Research Scientist Dr. J. Mark Eddy notes that the most effective parenting interventions include contact visits where parenting instructors can later discuss points of improvement with incarcerated parents (personal communication, February 21, 2018). A literature review by Poehlmann et al. (2010) assessed that parenting programs including child visitation are often challenging due to the program's dependence on caregivers for facilitation of the visit. Hoffman et al. (2010) found that 90% of female facilities reported parenting programs without child participation while only 33% of female-only facilities had programs with mother-child participation.<sup>17</sup>

**Prioritizing Parent-Child Contact to Aid Family Reunification.** Incarcerated mothers are at-risk for having their parental rights terminated due to ASFA requirements. Several states have adopted policies to encourage or require child welfare caseworkers to support parent-child contact during incarceration unless it would be detrimental to the child (Christian, 2009). In New York, prior to the termination of parental rights, child welfare agencies are directed to aid the development of a positive parent-child relationship through providing transportation for parent-child visits and noting helpful services for re-establishing a healthy parent-child relationship (Christian, 2009). Some state laws designate that incarceration in and of itself is not a viable reason for the termination of parental rights; and others designate that parenting programs or counseling may be mandated as components of reunification plans (Christian, 2009). Foster care children are at a particular risk for the termination of parental rights, and coordination between caseworkers and corrections personnel is necessary to ensure that visitation policies and parent programming are supportive in developing parent-child contact.

**Kin Placement & Providing Caregiver Support.** Child welfare policies can prioritize the placement of children with relatives or extended family and avoid the household instability experienced by children in the foster care system. In some cases, kin may be eligible for financial support as relative foster care providers. According to a recent literature review of subsidized guardianship by WSIPP, the benefits of subsidized guardianship may outweigh costs by over \$9,000 (WSIPP, 2017). Caregivers of incarcerated parents represent a vulnerable population themselves and may benefit from support services. An estimated half (45%) of the children of incarcerated mothers are taken care of by a grandparent (Glaze & Maruschak, 2008). These caregivers may have poor relationships with incarcerated mothers and constitute a barrier to the development of meaningful parent-child relationships. Programs that establish cooperative relationships between child caregivers and incarcerated mothers may create more beneficial relationships between mother and caregiver and mother and child (Poehlmann et al., 2010).

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<sup>17</sup> Hoffman et al. (2010) collected data from 387 correctional facilities across the nation. It is possible for facilities to have multiple parenting programs.

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**Mentoring Programs for Children of Incarcerated Parents.** Popular mentoring programs such as Big Brothers Big Sisters of America (BBBSA) present opportunities for children of incarcerated parents to develop healthy, pro-social relationships. Kjellstrand (2017) argues: “Mentoring has been shown to increase the likelihood of positive outcomes in many areas such as self-esteem, high school attendance and graduation, relationships, and employment...[and] decrease the likelihood of behavioral problems including risk taking, violent behavior, substance abuse, and delinquency, particularly for youth experiencing environmental risks,” (Kjellstrand, 2017, p. 117). One of the few pieces of research evaluating mentoring’s impact on children of incarcerated parents studied 57 child-mentor matches conducted through a U.S. Department of Health and Human Services (DHHS) program (Schlafer, Poehlmann, Coffino, & Hannerman, 2009). Findings from the study suggest that among children who continued in the mentorship program throughout the first six months, those who had frequent contact with their mentors experienced fewer internalizing and externalizing behavioral problems at six months, but over a third of mentoring relationships had ended<sup>18</sup> within six months (Schlafer et al., 2009). A randomized controlled evaluation of over 1,000 students in BBBSA found that mentoring was associated with higher academic outcomes in cases where students felt emotionally closer to their assigned mentor (Bayer, Grossman, & DuBois, 2015). However, Conway and Keays (2015) found that BBSA mentoring services were not associated with a positive change in strength development, self-confidence, healthy friendships, and positive behavior among children of incarcerated parents. These findings suggest that consistent, engaged mentoring is necessary to produce positive outcomes among children.

**Counseling for Children.** Lopez and Burt (2013) assert that strengths-based counseling interventions would positively impact the children of incarcerated parents. Lopez and Burt (2013) propose six-week group school-based counseling sessions with the goals of reducing stigmatization felt by participating children, establishing pro-social relationships, and teaching children how to improve decision-making. Nichols, Loper, & Myer (2016) assert that school-based counseling could help reduce student truancy, which is associated with parental incarceration. Conway and Keays (2015) evaluated home-based case management<sup>19</sup> and counseling services provided by Connecticut’s “Tomorrow’s Children” program and found that children of incarcerated parents who completed the program displayed fewer behavioral problems and higher levels of social functioning and strengths development (Conway & Keays, 2015).

## Policy Options

### Option 1: Status Quo

This option would include no additional services for children of incarcerated mothers and no changes in maternal sentencing or use of alternatives to incarceration.

### Option 2: Include Family Responsibility Statements

This option would require pre-investigative reports to include a statement assessing how a child would be impacted by their parent’s incarceration and their current caregiving situation. This option requires the Louisiana DPSC to craft a new agency directive establishing family responsibility

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<sup>18</sup> Schlafer et al. (2009) assessed that high attrition rates in the mentoring program they studied was due to (1) scheduling changes, (2) misunderstandings of volunteer time commitment, (3) different personalities between mentor and child, (4) mentors’ feelings of being used as an instrument for money or toys, and (5) child household instability.

<sup>19</sup> The program focuses on strengths-based counseling and could incorporate services that aid parent-child contact and develop parental knowledge along with case management services (Conway & Keays, 2015).

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statements as a best practice to be implemented in all pre-investigative reports completed by state probation officer under the authority of La R.S. § 15:1132. The family responsibility statement information should be collected under the “social studies” section of the pre-investigative report and should inform “the recommendations to the court as to the rehabilitation potential of the defendant, the stages required to make the defendant useful and productive, and as to whether the defendant should be placed on probation and the terms thereof...” as stated in La R.S. § 15:1132. The Louisiana DPSC would include family responsibility statements in training for new probation officers and create a webinar or training module for current probation officers. Current probation officers would be directed to complete the training module as part of their yearly continuing professional education requirements.

### **Option 3: Adapt Parenting Program in LCIW; Add Visitation Component**

This option would adapt the current parenting programming in the Louisiana Correctional Institute for Women (LCIW) to directly incorporate parent-child visitation so parents can rebuild parent-child relationships and practice newly learned parenting skills. This can be done through an administrative decision to hire a full-time parenting instructor. The instructor would be in charge of facilitating and supervising a bi-weekly, videotaped in-person parent-child visit or tele-visit for the duration of the fourteen-week Partners in Parenting coursework.<sup>20</sup> Segments of the videotaped 1-hr. visitation would be reviewed by the parenting instructor and incarcerated parent to assess points of improvement. The instructor would then facilitate a discussion with program enrollees on general visit reflections and possible tips for parenting improvement for the next visit. In addition to providing the necessary funding for program adaptation, the Louisiana DPSC would also work with the DCFS to ensure that the newly adapted program meets DCFS parenting class requirements to reduce duplicative services.

### **Option 4: Establish Two Parenting Sentencing Alternatives**

This option recommends the Louisiana State Legislature pass a bill instituting two new parenting sentencing alternatives (PSAs) based on the Washington Model. This first alternative, modeled after Washington’s Family and Offender Sentencing Alternative (FOSA) would allow judges to direct parental offenders who had been convicted of non-violent and non-sex offenses to serve an alternative one-year sentence under community-based supervision if eligible. This second alternative, modeled after Washington’s Community Parenting Alternative (CPA), would allow eligible parents of minor children to return to the community under electronic monitoring for the last 12 months of their sentence if approved for the CPA. All participants would be supervised by specially trained Community Corrections Officers (CCOs), each of whom would have a 20-person caseload. Both programs would have intensive requirements focusing on the rehabilitation of the parent and facilitation of the parent-child relationship. After securing passage of this legislative initiative, the DPSC would hire the PSA staff necessary for program phase-in and lead the formation of a team of specialists from the DCFS, DOC, and Department of Education among other relevant agencies. This interdisciplinary committee would meet once a month to review applications for CPA and make all final recommendations based on the best interests of the child. DCFS would hire a Family Services Liaison to work with the CCOs for the PSA program and ensure that parents involved in both systems are not being mandated to receive duplicative services and to coordinate child casework and program requirements.

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<sup>20</sup> This would result in a total 7 expected visits throughout the program.

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## Evaluative Criteria

The evaluative criteria delineated below will be used to analyze and project the impact of each policy alternative on children in Louisiana experiencing maternal incarceration in the state system. Each criterion will be weighted according to the percentage listed to the right, with weights denoting priorities in determining policy recommendations. Qualitative measures will be rated according to a scale of Low, Low-Medium, Medium, Medium-High, and High. The goal of this analysis is to demonstrate how each policy alternative compares to Louisiana's status quo and provide evidence of which policy alternatives promote cost-effective benefits to Louisiana's children and Louisiana society while displaying political support and a clear ability to be implemented. See *Appendix C* for other policy alternatives considered prior to evaluation.

### **Criteria #1: Cost-effectiveness - 50 Percent**

The cost-effectiveness criterion will be determined according to each policy alternative's ability to reduce the number of children impacted by maternal incarceration and the length of parent-child separation, with impact projected over a 10-year period from 2018 to 2027. This analysis assumes that reduced length in mother-child separation results in reduced harm to children. Longer lengths of separation would be assumed to result in further detrimental impacts on child outcomes due to research documenting the relationship between maternal incarceration and the negative factors discussed above. The policy alternative's impact on Louisiana's children will be gauged according to program requirements and eligibility, projected trends in the female population incarcerated as state offenders, and the most recent research. State data will be used to conduct a cost-effectiveness analysis estimating net societal impact. The cost-effectiveness of each alternative will be calculated according to the net present value over the next ten years with a standard discount rate of 3%.

### **Criteria #2: Political Feasibility - 10 Percent**

The political feasibility of each policy alternative will be determined according to the policy alternative's likelihood of adoption by the state of Louisiana. The opinions of key political decision-makers such as relevant legislators, agency officials, and Governor John Edwards as well as the perspective of outside stakeholders will be identified for each policy alternative, with legislator opinion weighted most highly when an alternative necessitates the enactment of a new law. All aspects will be reflected in the final assessment of each alternative.

### **Criteria #3: Ability to Implement - 20 Percent**

The administrative feasibility of each policy alternative, or "ability to implement," will be determined according to the policy alternative's complexity, timing, and current administrative buy-in. The complexity of implementation will be identified according to the number of rules and regulations associated with each policy alternative as well as the number of agencies involved in implementation. The timing of implementation will be denoted as the length of time given to transition or establish new programs, services, or processes, with more time reflecting a higher ability to implement. Administrative buy-in will be identified as implementation staff's time capacity for and support of each policy alternative. The components of each policy alternative will provide information on implementation complexity and timing, and administrative buy-in will be assessed through conversations with staff in the LA DPSC. Ultimately, high ability to implement will denote an increased likelihood that the policy alternative will produce the projected outcomes desired. In comparison, low ability to implement may impede a cost-effective policy measure from producing the expected outcomes desired.

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### **Criteria #4: Equity - 10 Percent**

The equity of each policy alternative will be determined according to the policy alternative's comparative impact on the children of mothers incarcerated for non-violent versus children of mothers incarcerated for violent felony offenses. This aspect of equity was chosen over assessments of racial equity due to the unusually proportional racial composition of Louisiana's incarcerated female population. Children of mothers convicted of violent felonies may see smaller gains in reduced harm due to a greater public willingness to promote sentencing alternatives and reductions for non-violent offenders. Equity will be defined according to mother-child eligibility for the policy alternative based on offense type, the policy alternative's impact on the length of mother-child separation by offense type, and the projected number of children in each group impacted by the policy alternative. Information will be assessed based on the composition of each policy alternative and the projected impact of policy change on each subpopulation.

### **Criteria #5: Positive Impact on Child Development - 10 Percent**

The positive impact of each policy alternative on child development will be determined according to the policy alternative's impact on high-quality parent-child attachment. These impacts will be identified through relevant peer-reviewed and best practice research.

## **Methodology for Cost-Effectiveness**

Each policy alternative is analyzed for its cost-effectiveness over a 10-year period from 2018 to 2027. The cost-effectiveness estimates are based on equally weighted calculations of the total (personnel, capital, opportunity) costs per alternative divided by the reduced number of children impacted by maternal incarceration and the total costs per alternative divided by the reduction in the length of parent-child separation. Due to the absence of clear data and evaluation regarding program impacts on children in Louisiana, this analysis depends on several assumptions taken from national surveys, best practices, and expert opinion. This analysis assumes a 3% discount rate for discounting nominal dollar flows as suggested by the Office of Management and Budget Circular No. A-94 (2015). Cost and impact assumptions are described in greater detail below, but a list of total assumptions is provided in *Appendix E*.

## **Projecting Outcomes**

The baseline number of children impacted by maternal incarceration was determined using the LA DPSC projected trends in the number of females incarcerated over the next ten years and the current rate of maternal status among females incarcerated in Louisiana. Due to the recent reforms, the DPSC expects their total correctional population to decrease by 10-12% over the next ten years (State of Louisiana Department of Public Safety and Corrections, 2017). According to the LA DPSC (2018), an estimated 75.6% of women incarcerated in their state facilities are mothers to at least one child. This estimate is also assumed to accurately describe the rate of maternal status among local-level offenders in this analysis. Recent data estimates that 64.7% of local-level offenders are parents, but these estimates could have been largely biased by the inclusion of a much larger male population (LA DPSC, 2018). This analysis assumes that approximately 1.9 children are impacted per incarcerated mother in accordance with Louisiana's high total fertility rate (Martin et. al, 2018). This rate is also aligned with national trends, which suggest that, on average, incarcerated mothers have two children (Glaze & Maruschak, 2008).

Sentences served are assumed to be a stand-in measure for the length of parent-child separation. In this cost-effectiveness analysis reductions in the length of parent-child separation are measured in months and counted according to the aggregate impact on children. For example, if eighty children gain an additional three hours with their parent annually then that option would be estimated to reduce parent-child separation by 240 hours or .333 months. In cases where sentences are avoided or reduced, avoided separation time is counted as a reduction in total length of parent-child separation. Due to the large variance in the length of sentences served, several important assumptions are made below regarding the anticipated length of parent-child separation in the absence of a diversion or program. These assumptions and the basis of their related estimates are explained in further detail below in *Figure 1*.

## Projecting Costs

Key costs included cost savings, personnel costs, capital costs, and opportunity costs. Cost savings resulted when changes in the number of females incarcerated in state and local-level facilities and reductions in the number of children in the foster care system occurred. Cost savings were estimated using Louisiana-specific estimates from the LA DPSC (2018) and the LA DSS (2017). While some personnel costs were estimated using an open source database crafted by the Pelican Institute for Public Policy (2013), most personnel costs were estimated using U.S. Bureau of Labor Statistics reports and Louisiana-specific average salaries for positions similar to the ones proposed (U.S. Bureau of Labor Statistics, 2018b). All benefits for government employees were assumed to cost the same amount due to a suggested benefits calculation of approximately \$15/hour (U.S. Bureau of Labor Statistics, 2018a). As two options involve instituting a Louisiana version of another state's program or adapting a current program, multiple assumptions were made to allow for program phase-in and much cost data comes from current practitioners. The cost estimates for each option are listed below in Figure 2 and explained more thoroughly in *Appendix E*.

**Figure 1: Key Impact Assumptions**

General Assumptions	
3% discount rate	Office of Management and Budget Circular A-94 (2015)
11% of incarcerated mothers in state and local-level facilities have children in the foster care system	Based on most recent BJS data (Glaze & Maruschak, 2008)
75.6% of incarcerated females in state and local-level facilities are mothers	Based on 2018 data regarding rate of maternal status among women incarcerated in state facilities (Louisiana Department of Corrections, 2018)
Average incarcerated mother in state or local-level facility is the parent to 1.9 children	Based on Louisiana's total fertility rate of 1.9 births per woman (Martin et. al, 2018). Close to BJS estimate of 2 children per mother (Glaze and Maruschak, 2008)
All program participants complete program	Not able to determine likelihood of completion
Family Responsibility Statements Assumptions	
0% change in length of parent-child separation	Experts agree that there is currently no data linking family responsibility statements to changes in judicial sentencing or child outcomes (Lindsey Cramer, personal communication, February 28, 2018) (Allison Holliland, personal communication, March 23, 2018) (Ann Adalist-
0% change in number of children impacted by maternal incarceration	

Estrin, personal communication, April 2, 2018)

### Parenting Program Adaptation Assumptions

30 participants expected per session of quarterly programming held at Hunt facility and 20 participants expected per session of quarterly programming held at Jetson facility = expected 200 participants annually

Every child of an incarcerated mother in programming will have seven 1-hr. long visits with parents during one full program session

No change in program enrollment over time

Conservative estimates based on current program participation data provided by LCIW Assistant Warden Pam Laborde (personal communication, May 1, 2018)

Calculations described in *Appendix E*

It is expected that when construction on LCIW is completed, quarterly programming will include min. of 50 participants per session due to combination of Jetson and Hunt populations

### Parenting Sentencing Alternatives Assumptions

Participants in FOSA and CPA Parenting Sentencing Alternatives are evenly split between local-level and state facilities

All FOSA and CPA participants are female

Women diverted pre-incarceration would have served a 2-year sentence

Each CCO serves 20 cases, with 1/4 of cases assumed to be for FOSA participants and 3/4 for CPA

Gradual phase-in of CCOs with two Year 2, four total in Year 3, six total in Year 6, and then eight total in Year 9

For every person diverted into a CPA or FOSA, 1.9 fewer children per mother are impacted by maternal incarceration annually

For every mother released into CPA, parent-child separation is reduced by 1 year

For every mother diverted into FOSA, parent-child separation is reduced by 2 years

No ability to predict from which facilities females are diverted or released

Cannot accurately predict parental gender ratio of program participants

Estimated based on average sentence length of releases (Le Blanc, 2017).

Calculations described in *Appendix E*

Assumed to ease implementation

(Martin et al., 2018)

Based on program structure

Based on average sentence length of releases (Le Blanc, 2017)

**Figure 2: Key Cost Assumptions**

<b>General Assumptions</b>	
\$19,800 baseline cost of incarceration per female in state facility	Most recent data available (Le Blanc, 2017)
\$9,900 baseline cost of incarceration per female in local-level facility	Most recent data available (Le Blanc, 2017)
\$5,400 annual cost of foster care board payments, \$450 estimated monthly cost	Average of minimum and maximum annual board payments (Louisiana Department of Social Services, 2017).
\$31,000 annual benefits for state or local government employee	U.S. Bureau of Labor Statistics (2018a)
<b>Family Responsibility Statements Assumptions</b>	
Zero personnel or capital costs	Existing personnel would implement new policy Internal MOU would result in policy change with little effort
Zero opportunity costs	Professional Development Staff develop and update training materials as part of job description Probation Officers complete new training module as part of required 40 hours annual in-service training New Probation Officers taught implementation of FRS as new best practice in initial training
<b>Parenting Program Adaptation Assumptions</b>	
\$40,000 Parenting Instructor Salary	Based on salaries of Administrative Program Specialists for LCIW (Pelican Institute for Public Policy, 2013)
\$600 cost for new security camera with audio capabilities for videotaped visits	
\$150 cost/per laptop	Estimates provided by Best Buy pricing
\$180 annual cost for use of Zoom Pro video conferencing	Estimate provided by Zoom
Zero opportunity costs for visitation space	Visitation space not utilized in early evenings during week days
<b>Parenting Sentencing Alternatives Assumptions</b>	
No Costs for Year 1	Need time for coalition-building and implementation planning in order to pass new piece of legislation Year 2
\$60,000 Program Administrator Salary	Based on estimated salary of similar jobs in Louisiana from the U.S. Bureau of Labor Statistics (2018b)
\$48,000 Annual Salary per CCO	Based on estimated salary of similar jobs in Louisiana from the U.S. Bureau of Labor Statistics (2018b)
\$38,000 Annual Salary for the Family Services Liaison	Based on most recent Louisiana estimates of similar jobs from the U.S. Bureau of Labor Statistics (2018b)
No opportunity cost for DPSC and DCFS staff to plan and implement new program	Inability to estimate implementation time
Services of Early Childhood Educational Specialist Costs \$28/hr.	Based on most recent Louisiana estimates of similar jobs from the U.S. Bureau of Labor Statistics (2018b).
\$2,555 annual estimated cost of electronic monitoring for CPA participants (\$7/per day)	Susan Leavell (personal communication, Feb. 26, 2018)
\$32,000 cost per year of community-based supervision per person (FOSA)	Susan Leavell (personal communication, Feb. 26, 2018)

## Outcomes Matrix

Each policy option is weighed according to the criterion presented below, with cost-effectiveness outcomes for the cost per reduced month of parent-child separation and the cost per reduction in total children with an incarcerated mother weighted at 25% each. Ability to implement was weighted as the next most important category (20%), with political feasibility, equity, and the positive impact on child development each weighted to account for 10% of the total score. A more detailed explanation of the evaluation of each option is presented below.

(Weights)	25%	25%	10%	20%	10%	10%
Policy Options	Cost-Effectiveness		Political Feasibility	Ability to Implement	Equity	Positive Impact on Child Development
Status Quo: Let Present Trends Continue	N/A*	\$7,090 per child with an incarcerated mother*	High	High	Low-Medium	Low
Family Responsibility Statements	N/A	N/A	Medium-High	High	Medium	Low-Medium
Parenting Program Adaptation	\$19,910 per month of reduced parent-child separation	N/A**	Low-Medium	Medium	High	Medium-High
Parenting Sentencing Alternatives	-\$30 per month reduced parent-child separation	-\$2,400 per 1-child reduction in the number of children with incarcerated mothers	Medium-High	Low	Low	High

\*The status quo is not expected to reduce the length of parent-child separation above current projections during this time period, but the listed cost-effectiveness ratio of \$7,090 provides an estimate of the total net present costs over the net present value of the total number of children impacted from 2018-2027. However, children impacted represents a summation of the net present value of the number of children impacted annually; therefore, the same child may be accounted for in several years.

\*\*Eligible mothers may currently receive a 75-day earned good time credit after completing the current parenting programming. This would be expected to reduce the number of children experiencing maternal incarceration, but this estimate is assumed to be included in the status quo projections.

## Evaluation

### Option 1: Status Quo – Let Present Trends Continue

#### Cost-effectiveness

The status quo does not attempt to reduce the length of parent-child separation specifically and will only result in a small decline in the total number of children impacted due to the reduction in the total female population resulting in a cost-effectiveness ratio of \$7,090 per child impacted by

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maternal incarceration over the designated time period. Louisiana's Justice Reinvestment package will allow policymakers to choose where to reinvest cost savings in the future, freeing up additional money to possibly invest in alternatives to incarceration which have, on the whole, been proven to be cheaper and more effective at increasing public safety and reducing the length of parent-child separation.

Lack of coordination between the Department of Children and Family Services and the Department of Public Safety and Corrections is most likely leading to the requirement of duplicative services for incarcerated parents, reducing total system cost-effectiveness and likely increasing barriers to family reunification and maternal re-entry. Moreover, a failure to invest in reducing the trauma experienced by children of incarcerated parents is likely to result in additional negative social externalities that will increase total system costs long-term. For these reasons, I value the cost-effectiveness of this option as Low-Medium.

### **Political Feasibility**

Louisiana continues to struggle with large budget shortfalls, making investment in new, costly programs where the payoffs are only revealed in the long-term less politically feasible. Political feasibility for this option is rated as High.

### **Ability to Implement**

The LA DPSC and the DCFS have typically worked in silos with little contact or coordination. The DPSC is, for the most part, an adult-focused institution while DCFS is a child-focused institution. Attempting to implement new programs or services that necessitate coordination may be difficult due to agency identity and a lack of clear understanding of how the agencies are legally allowed to work together and share information. While the DPSC has the support of Governor Edwards, continuing to implement adult-focused programs and policies may be easier to implement than policies that require coordination. I rate this option as High ability to implement.

### **Equity**

Due to visitation and child contact rules, there are often large discrepancies between how children of non-violent, non-sex offenders are able to see, touch, and relate with their parents compared to children of violent or sex offenders. The new sentencing reforms will continue to provide new opportunities for familial reunification for children of non-violent offenders, but children of violent offenders will still face more restrictions on when and how they can see their parent. This option is rated as Low-Medium.

### **Positive Impact on Child Development**

Current programming and opportunities for familial involvement with an incarcerated parent have little to no opportunity for real parent-child relationship building and, therefore, promote the loss of the parent-child relationship as a child protective factor. Even when opportunities such as parenting classes are offered, children are not able to participate, and parents lose the chance to practice their newly acquired skillset. Louisiana collects very little data on how many children are impacted by parental incarceration and where that impact is seen. Policies are often not aligned with best practice research due to large resource and budget constraints, potentially negatively impacting child development. There is much room for growth in the direct incorporation of best practices when crafting visitation, programming, and probation requirements. This option is rated as Low.

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## Option 2: Include Family Responsibility Statements

### Cost-effectiveness

This option has essentially zero cost but also lacks substantive research on how it will reduce parent-child separation or the total number of children impacted by maternal incarceration. Therefore, although it has been recommended as a new best practice it has no measurable positive impact at this point. According to experts consulted, many of the positive changes from incorporating family responsibility states will not be seen until more than ten years down the road.<sup>21</sup> However, these statements do allow for the beginning of more comprehensive data analysis by the possibility of connecting pre-investigate child impact questions to pre-incarceration reports filled out once adult offenders are sentenced to a state facility. For the reasons listed above, I am rating cost-effectiveness for this option as N/A and assigned a qualitative value of Low-Medium.

### Political Feasibility

This option could be pursued solely through an internal memo and policy change within the LA DPSC, making this option highly politically feasible. Rhett Covington, Assistant Secretary of LA DPSC, estimates that similar information is already collected by Louisiana probation officers in about half of cases necessitating a pre-investigative report (personal communication, March 2, 2018). This option would just standardize this practice across-the-board and support a culture change where child impact is considered in policymaking. I give this option a Medium-High political feasibility rating.

### Ability to Implement

This option would be fairly straightforward to implement. Once all DPSC staff was alerted of the policy change in an internal agency-wide directive, new probation officers would be trained according to the new “best practice” of having family responsibility statement questions included under the “social services” part of the pre-investigative report. Current probation officers would receive their training through a webinar that would be part of their annual professional development requirements. I rate this option as a High ability to implement.

### Equity

This option has no information on the changed length of parent-child separation between non-violent and violent offenders and does not reduce the number of children experiencing incarceration. However, this option would be uniformly implemented to include children of all offenders and would not institute divergent child impacts based on parental offense (at least empirically measured). I rate equity as Medium for this option.

### Positive Impact on Child Development

This option has no measured impact on child development. However, one of the goals of family responsibility statements is to more efficiently connect children of incarcerated parents with resources and support systems. If this goal is realized, this will result in a small positive impact on child development. This option is rated as Low-Medium for positive impact on child development.

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<sup>21</sup> Judges have to be willing to consider family impact when making a sentencing decision. Even when the statements do impact judicial sentencing decisions, it is hard to measure the impact due to the myriad of factors considered in sentencing.

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## **Option 3: Adapt Parenting Program in LCIW; Add Visitation Component**

### **Cost-effectiveness**

This option has a cost of \$19,910 per month of parent-child separation reduced with zero impact on the total number of Louisiana children with an incarcerated mother. These estimates are based on small capital costs from Year 1 of implementation for the purchase of new video and audio equipment for the videotaped visitation component of the class as well as personnel costs associated with hiring a full-time parenting instructor to lead the new visitation component of programming. The instructor salary was estimated based on the salary range of full-time Administrative Program Specialists in LCIW, and benefits were determined by an assumed amount suggested by the U.S. Bureau of Labor Statistics in 2018. This option would lead to a reduction of 30 months of parent-child separation, with an assumed 1,400 additional parent-child visits per year. The cost-effectiveness of this option is given a qualitative rating of Low.

### **Political Feasibility**

Since total net program costs are high, this option is rated as having Low-Medium political feasibility due to the DPSC's tight fiscal constraints (Rhett Covington, personal communication, March 2, 2018). However, if the DPSC pursued the Second Chance Act grant opportunity and was awarded funding, the political feasibility would greatly increase due to an interest for such programming among key DCPS decision-makers (Rhett Covington, personal communication, March 2, 2018; Pam Laborde, personal communication, April 25, 2018).

### **Ability to Implement**

The main challenge of this option will be ensuring the children are able to visit incarcerated parents in-person. According to Assistant Secretary Rhett Covington (personal communication, March 2, 2018), many incarcerated women are located six or more hours away from their families making in-person visitation difficult. This option would seek to understand this problem by offering the bi-weekly parent-child contact visitation component during the evening hours, possibly facilitating more familial engagement, and by providing an alternative opportunity for tele-visitation. This option is thus rated as having Medium ability to implement.

### **Equity**

All children of participating mothers will be eligible for increased in-person visitation over the course of the program. For these reasons, equity for this option is rated as High.

### **Positive Impact on Child Development**

If implemented correctly, this option is thought to have a strong positive impact on child development primarily through reducing child anxiety caused by the trauma of parental incarceration and the loss of regular contact or communication with an important caregiver. Children in such parenting programs with more regular contact also have fewer mental health issues and may perform better academically (Kids Count, 2016; Cramer et al., 2017). This option may result in positive maternal impacts such as a reduction in maternal stress, increased family cohesion, and increased parenting quality, which are necessary for facilitating a healthy parent-child relationships throughout and after maternal incarceration (Eddy, et al., 2013; Kamptner, et al., 2017; Miller et al., 2013). For these reasons, the positive impact on child development is rated as Medium-High.

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## Option 4: Establish Two Parenting Sentencing Alternatives

### Cost-effectiveness

This option is the most cost-effective options due to the cost savings from the diminished use of incarceration and foster care. This option would save \$154 per month of parent-child separation reduced and \$2,311 per 1-child reduction in the total number of children with an incarcerated mother. Cost calculations included estimated personnel costs for a Program Administrator, a Family Services Liaison, and up to 8 CCOs (phased in over the ten-year time span). Personnel salary costs were estimated based on salaries of related jobs in Louisiana as suggested by the U.S. Bureau of Labor Statistics (2018b). Benefits were estimated based on U.S. Bureau of Labor Statistics data (2018a). Capital costs did not include physical space capacity as CCOs would primarily be working in the field. Opportunity costs included the hourly cost of an Early Childhood Educational Specialist whom would be responsible for developing and leading a special training session with PSA CCOs. This option incurred substantial cost savings due to the reduced use of maternal incarceration in state and local-level facilities based on assumptions detailed in *Appendix E*. This option also substantially reduces the foster care population and results in further savings. Estimates for the cost of incarceration and the annual cost per foster care child are based on information from the LA DPSC and the LA DSS (Le Blanc, 2017; LA DSS, 2017). This option has the largest total impact, with an expected 23,058 months of parent-child separation reduced and 1,537 fewer children impacted by maternal incarceration. This cost-effectiveness result is given a qualitative value of High.

### Political Feasibility

This option is rated as having Medium-High political feasibility due to the cost savings of the program and emerging support for community-based alternatives for primary caretakers. The cost savings from this program could effectively reduce state costs of incarceration and, therefore, the budget shortfall while increasing the positive outcomes of mothers and their children. Recently, Louisiana Representative Patricia Smith (D-67) introduced H.B. 264, which would institute a new community-based alternative for primary caretakers (Smith, 2018). H.B. 264 passed the House on April 27, 2018 and is currently awaiting Senate consideration (Smith, 2018). The National Conference of Currently and Formerly Incarcerated Women have been the largest advocates for this bill with assistance from Human Impact Partners<sup>22</sup>, a national public health advocacy organization (Kim Gilhuly, personal communication, April 26, 2018). The DPSC may be able to capitalize on this movement and connect with recent allies of reform to secure passage of parenting sentencing alternatives. Over 25 local and 10 national organizations on both sides of the political spectrum, including faith-based, business, law, and advocacy groups, supported the 2017 reforms (Schuster et al., 2018). According to a poll conducted for The Pew Charitable Trusts, 68% of Louisiana voters cared more about reducing recidivism among those incarcerated for nonviolent offenses than the length of incarceration, with 74% of Democrats agreeing with this statement compared to 64% of Republicans (Schuster et al., 2018).

### Ability to Implement

This option requires multiple layers of multi-agency coordination during implementation. Currently, the LA DCFS and the DPSC do not have a strong, cooperative relationship (Rhett Covington, personal communication, March 2, 2018) Furthermore, since this option is based on Washington's

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<sup>22</sup> Human Impact Partners estimates 1,800 parents would be eligible for a primary caretaker alternative, resulting in around \$18 million in cost savings (Human Impact Partners, 2017).

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PSA Model, additional adjustments will need to be made to ensure the program matches the needs and capacity of Louisiana's correctional environment. Localities may not be able to provide the necessary resources to support this option, possibly diminishing program effectiveness (Kerry Lentini, personal communication, April 2, 2018). Ultimately, there is no way to ensure full use of this program. According to Lentini (personal communication, April 2, 2018), local-level District Attorneys sometimes run their own diversion programs and estimating possible program demand for the FOSA, in particular, would be difficult. Based on the above reasoning, this option is rated as having Low ability to implement.

### **Equity**

The criteria for diversion eligibility under the new PSAs, both the FOSA and CPA program, would only result in positive impacts for children of mothers incarcerated for non-violent crimes, non-sex crimes. Therefore, the equity of this option is rated as Low.

### **Positive Impact on Child Development**

This option has the highest positive impact on child development of all options. Children who remain with their mothers in the FOSA program are less likely to suffer from the negative outcomes associated with maternal incarceration. Children who are able to reunite with their mothers a year earlier through the CPA program will be able to rebuild parent-child attachment a year earlier and have avoided some of the extended trauma and negative consequences of maternal incarceration. An estimated 11% of children of incarcerated mothers would either be diverted from the foster care system or returned a year earlier to their parents. This PSA case management is specifically tailored and designed with children in mind, with mandated parent-child bonding activities such as daily reading and family meals. CCOs are specifically trained to advise mothers and fathers during re-entry and work with child populations. The fact that currently only 9% of Washington's PSA completers have returned to prison suggests that fewer children will suffer from the possibility of maternal incarceration again in the future (Susan Leavell, personal communication, April 16, 2018).

## **Recommendation: Option 4**

It is recommended that Louisiana pursue Option 4: Establish Two Parenting Sentencing Alternatives. Secondary and tertiary recommendations are provided in *Appendix A*. This option presents the most cost-effective alternative for reducing the negative impact of maternal incarceration on Louisiana's children and demonstrates moderate political feasibility. The FOSA option allows judges to sentence eligible defendants to the intensive community supervision model, allowing parents that would be incarcerated to remain at home with their children. The CPA option allows a multi-disciplinary committee of child welfare officials, corrections officials, and other relevant leadership to decide if the children of eligible incarcerated parents who have applied for the alternative would benefit from their parent's early release. If the committee approves the application, the cost savings accrued from the use of electronic monitoring instead of incarceration and the diminished use of the foster care system benefits the state as well as impacted children. The programming requirements of this option and the eligibility criteria are crafted to specifically promote the best interests of the child and reduce trauma.

In order to implement this program, the LA DPSC should immediately work with Louisiana legislators to introduce and pass a piece of legislation establishing both alternatives. The DPSC should target former Justice Reinvestment Task Force Members, their local and national allies in the

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2017 reform effort, and select a legislative champion to introduce a piece of legislation establishing the two new alternatives. Additionally, DPSC should collaborate with new allies such as Human Impact Partners and Rep. Patricia Smith to build public support for the issue. The DPSC should also work to include district judges, district attorneys, and the foster care advocacy network in this coalition.

Prior to the 2019 legislative session, DPSC should begin meeting with DCFS to determine what an inter-agency partnership would look like and identify potential candidates to serve on the multidisciplinary committee to determine CPA applicants. The DPSC should also work with the Louisiana Supreme Court to project the funding impact of the FOSA alternative and recruit potential judges willing to conduct status hearings with FOSA participants. During this time period, the DPSC should determine the specific requirements of each alternative and make modifications from the Washington Model in order to fit the Louisiana context.

After the legislation is passed during the 2019 session, the DPSC should immediately hire the Program Director and two CCOs to begin program implementation with the goal of approving FOSA and CPA participants for the programs as soon as possible. Increased staffing should phase-in as program applicants increase. See *Appendix E* for suggested staffing phase-in, resulting in 8 PSA CCOs serving an expected 160 participants by 2026. The DPSC should collect information regarding the use of alternatives, recidivism rates for program completers and non-completers, the number of children diverted from or returned from foster care, and other important PSA outcomes.

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## **Appendix A: Additional Recommendations**

### **Secondary Recommendation: Collect Data and Establish MOU for Information-Sharing**

It is recommended that the LA DPSC mandate state and local-level facilities collect data regarding the exact number of children impacted by both maternal incarceration and paternal incarceration, with data broken down by parental gender. Additionally, the establishment of a new information gathering and tracking protocol regarding a convicted person's parental status, number of children, child placement, and services received is recommended. This would allow for coordinated services between the DOC and child-focused agencies such as the DCFS. States, such as Washington, have instituted memoranda of understanding between DOC and child-focused agencies on cases including parents and children. According to Susan Leavell (personal communication, February 26, 2018), this information sharing allows social workers and CCOs to work together on case management plans and avoid duplication of services. The new data management system and reporting methodology could draw best practices from the U.S. Department of Housing and Urban Development's (DHUD) (2018) Housing Management Information System which has local level communities collect data in order "to produce an unduplicated count of homeless persons, understand patterns of service use, and measure the effectiveness of homeless programs."

There is a deficiency of data on the exact number of children impacted by parental incarceration and the causal implications of parental incarceration. Data collection could help identify vulnerable children earlier and plan for comprehensive supports for these children, while allowing state officials to understand the true scope maternal incarceration. According to McCann (personal communication, February 22, 2018), lack of available information often impeded needed policy change in this area of policy. Liz Swavola (personal communication, February 26, 2018) from The Vera Institute of Justice and Lindsey Cramer (personal communication, February 28, 2016) from The Urban Institute echo this point. Agencies are often constrained in their ability to understand challenges facing incarcerated mothers and their children due to the lack of data and knowledge regarding how women move through the justice system (Liz Swavola, personal communication, February 26, 2018). According to Swavola (personal communication, February 26, 2018), when data is available, it is not often broken down by race and gender, impeding researchers' ability to conduct an intersectional analysis.

### **Tertiary Recommendation: Option 3**

It is recommended that Louisiana also pursue Option 3: Adapt Parenting Programming for the Louisiana Correctional Institute for Women (LCIW) and Add Visitation Component. This option would reduce the negative impact of maternal incarceration on Louisiana's children during the period of incarceration and demonstrates moderate ability to implement with the inclusion of a tele-visitation option. The lack of opportunity for parent-child contact and communication during incarceration continues to pose a significant barrier to the healthy development of children of incarcerated mothers. This in-prison programming serves as an avenue to facilitate quality parent-child contact, benefitting both children and mothers, while also ensuring that parenting curriculum is more effectively utilized through direct practice of acquired parenting skills. In order to reduce costs, the LA DPSC should immediately apply for funding under the "Second Chance Act Addressing the Needs of Incarcerated Parents with Minor Children" OJJDP grant. The grant could result in a

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maximum funding amount of \$750,000, which could cover the costs of equipment, funding new personnel, and additional transportation support for caregivers and children of incarcerated parents to support visitation to multiple facilities.

First, the LA DPSC should coordinate with the mental health professionals and social workers leading the current Partners in Parenting 14-week coursework (Pam Leborde, personal communication, April 25, 2018). DCPS should discuss the addition of a visitation component and ensure curricular changes could allow program completers to receive dual credit towards parenting program requirements from both the DCFS and DCPS.

Second, DCPS should hire a new parenting instructor in charge of orchestrating and facilitating the visitation component for quarterly programming in the facilities currently holding women under the jurisdiction of LCIW staff – the former Jetson Center for Youth and the Elayn Hunt Correctional Center. In Year 1 (2018) of implementation, it is assumed the visitation component will be added for one complete session of programming in each facility. The first full year of parenting program sessions with the visitation component will be Year 2 (2019) of implementation, with four parenting program sessions occurring every year in each facility until LCIW repairs are completed by the end of Year 3 (2020). From Year 4 (2021) through Year 10 (2027), it is assumed that larger class sessions will be held quarterly due to the newly combined population. The bi-weekly videotaped parent-child contact visits will take place in the visitation room during the evening hours of weekdays so as to not overlap with regular visitation time periods. In cases where children are unable to visit in-person, tele-visitation shall replace the in-person visitation time. The parenting instructor will be in charge of coordinating visitation schedules with the program instruction time and working with programming instructors to ensure visits are synchronized with learning material.

The DPSC should not restrict program eligibility according to a parent's primary caretaker status or based on the offense for which a parent is incarcerated. Policy should work to re-establish positive parent-child contact for children of parents with all offense types unless the offense was committed against the child according to Ann Adalist-Estrin, Director of the National Resource Center on Children and Families of the Incarcerated (personal communication, April 2, 2018) and Dr. Joyce Arditti, Professor of Human Development at Virginia Tech (personal communication, April 11, 2018). Recent findings suggest that the offense for which a parent is incarcerated does not accurately predict parenting capacity or the impact of their incarceration on their children (Wakefield & Powell, 2016). In some cases, the incarceration of a parent with significant drug addiction may be beneficial for a child while the incarceration of a parent who committed a violent offense may be harmful (Wakefield & Powell, 2016). Moreover, both parents and children may benefit from programming regardless of whether or not a parent was a primary caretaker (Adalist-Estrin, personal communication, April 2, 2018). Supporting these relationships during incarceration may empower a parent to become more involved with a child after release and can relieve the anxiety associated with parental incarceration. Under the status quo, eligible mothers may earn 75 days of earned good time after completing Partners in Parenting programming according to P, Assistant Warden of LCIW (personal communication, April 25, 2018). Current earned good time eligibility standards require the participant not be incarcerated for a violent offense. Future policy actions should consider amending these restrictions in cases in which a child was not the target of the offense to increase the positive impact of this policy.

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## Appendix B: Extended Explanation of Costs to Society

Due to the constraints regarding the length of the final analysis, extended information and justifications of the costs to society included in this report are detailed here in *Appendix B*.

**Foster Care and Kinship Care Expenses.** Nationally, an estimated 45% of the children impacted by maternal incarceration are placed in the care of a grandparent and 23% in the care of another relative with the possibility of individual children within a family placed in separate homes (Glaze & Maruschak, 2008; Children's Bureau, 2015). According to the Child Welfare League of America, around 55,046 Louisiana grandparents were the caregivers of minor children in 2015, and approximately 1,507 children were placed with other relatives in 2014 (2017). These caregivers are may be eligible for either FITAP or kinship care subsidies.

**Reduced Welfare Benefits and Increased Financial Strain.** Nationally, children may also suffer from restrictions of welfare benefits. The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), President Bill Clinton's landmark welfare reform, established the Temporary Assistance for Needy Families (TANF) program with the provision that those with felony drug convictions would not be eligible for TANF benefits or those from the Supplemental Nutrition Assistance Program (SNAP) (Mauer & McCalmont, 2013). Given the high prevalence of females incarcerated for felony drug offenses, exclusion from these programs directly impacts children of incarcerated mothers. Several states across the United States permanently ban those with a felony record from accessing welfare benefits from programs such as TANF or SNAP (Mauer & McCalmont, 2013). While states are allowed to opt-out of this ban, Louisiana had only modified the ban prior to the passage of H.B. 681 in 2017, which removed the ban from certain public assistance programs such as SNAP for persons with prior drug convictions (Mauer & McCalmont, 2013; 2017 La. Act No. 265).

**Loss of Income.** Evidence from a 2014 study<sup>23</sup> using national survey data suggests that children of incarcerated parents are at greater risk for learning disabilities, issues with speech or language acquisition, and attention and conduct problems (Turney, 2014). In a study of 60 children with incarcerated mothers, Poehlmann (2005) illustrates that these children are also likely to experience cognitive delays, with effects mediated by the risks associated with their current caregivers. Examples of caregiver risks included low caregiver health, current use of public assistance, low levels of educational attainment, and unemployment (Poehlmann, 2005). Survey data from over 100,000 students suggests that public school children with currently or previously incarcerated parents have worse academic outcomes and showcase lower levels of school engagement (Schlafer, Reedy, & Davis, 2017). Both cognitive and behavioral factors are shown to be associated with a child's level of educational attainment (Kremer, Flower, Huang, & Vaughn, 2016; Welsh, Nix, Blair, Bierman, & Nelson, 2010).

Nichols, Loper, and Meyer (2016) provide evidence that parental incarceration is associated with increased truancy using data from the Longitudinal Survey of Adolescent Health. Using data from over 9,000 Illinois children who have experienced maternal incarceration, Cho (2010) found that children of incarcerated mothers were more likely to become high school dropouts if their mother was incarcerated when they were ages five to fourteen. Children whose mothers were incarcerated

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<sup>23</sup> Study results are based on data from the 2011-2012 National Survey of Children's Health.

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while they were ages eleven to fourteen had drop out rates approximately eight to eleven percentage points higher than those who had experienced maternal incarceration at other points in their childhood (Cho, 2010). A recent study by Brown (2017) confirms the negative impact of maternal incarceration on school dropout rates for children who experienced maternal incarceration prior to age eleven.

**Child Mental Health.** In one study among female veterans, previous maternal incarceration was associated with a greater likelihood of child emotional problems, and a cross-sectional study of incarcerated parent's reports from the Arizona Department of Corrections found increased prevalence of mental health issues among children of incarcerated mothers compared to children of incarcerated fathers (Harpaz-Rotem et al., 2006; Tasca et al., 2014).<sup>24</sup> A statewide student survey in Minnesota found an increased prevalence of mental health issues among students in fifth, eighth, ninth, and eleventh grade whom had experienced or were currently experiencing parental incarceration (Davis & Schlafer, 2017). However, a meta-analysis of 40 studies argued that parental incarceration itself was not associated with increased mental health problems among children of incarcerated parents, although the authors did find an increased risk for antisocial behavior (Murray et al., 2012). Wildeman & Turney (2014) display evidence that the impact from maternal incarceration depends in part on the amount of risks children experience prior to maternal incarceration; children with fewer risks to healthy development are more negatively impacted by incarceration itself.

**Disrupted Living Arrangements.** Data from the Fragile Families and Child Wellbeing study, a study that targets vulnerable populations across the United States, displays preliminary evidence that maternal incarceration is associated with increased likelihood of child homelessness and hunger (Leverentz & Eason, 2010). However, findings published in a working paper from Yale University argue that paternal incarceration is more likely to cause child homelessness, especially among black children (Wildeman, 2014).

**Future Criminal Justice Involvement.** A 2016 study utilizing a propensity score matching method with data from the North Carolina court system found that children whose parents were convicted of a criminal offense were twice as likely to be arrested as a young adult<sup>25</sup> than children with parents who had not been convicted of an offense (Gifford et al., 2016). There was no statistically significant difference in arrest rates between children of those convicted of a substance-related or other offense (Gifford et al., 2016). A 2007 study using data from the National Longitudinal Survey of Youth 1979 found that children of incarcerated mothers were more likely to be involved in the criminal justice system as an adult than their peers who did not experience maternal incarceration (Huebner & Gustafson, 2007). However, this study only compared the outcomes of 26 incarcerated mothers and their 31 children with those of a large sample of over a 1,200 non-incarcerated mothers and their 1,666 children reducing the significance of the results (Huebner & Gustafson, 2007). A 2016 study using propensity score matching with data from the National Longitudinal Survey of Adolescent Health found similar results, with children of incarcerated mothers more than two times as likely to report being arrested as an adult (Muftic et al., 2016).

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<sup>24</sup> Both studies relied on parental assessments of their children's mental and emotional health. As incarcerated mothers are more likely to be the primary caregiver of children prior to incarceration, it is expected that additional trauma would be incurred due to mother-child separation.

<sup>25</sup> Young adult defined as persons aged 16-21 in this study.

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According to Ann Adalist-Estrin, Director of the National Resource Center on Children and Families of the Incarcerated at Rutgers University, many of the numbers suggested by advocates are conflated, such as those which suggest children of incarcerated parents are six times more likely to be incarcerated (personal communication, April 2, 2018). Adalist-Estrin believes that more accurate estimates relay that 30% of children of incarcerated parents are more likely to be incarcerated than their peers, with the relationship explained in large part by the trauma these children experience (personal communication, April 2, 2018).

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## **Appendix C: Additional Best Practices and Policy Alternatives**

Due to project constraints, this report focused on evaluating only three policy alternatives to the status quo thought to have a positive impact on Louisiana's children. More information is given below on additional best practices and policy alternatives that could reduce the harm of maternal incarceration.

### **Option: Delineate Parental Status as Priority Criteria for Placement in the Closest Available Facility**

This option would designate parental status and parent-child relationship as an important criterion for determining in which facility a prisoner is held. Louisiana currently ranks bed-space and facility concerns as the first priorities for offender placement. An offender's special needs such as mental health or specific program services are only listed as the third priority in placement. Changing current law and including parental status as a priority criterion may reduce the barriers to parent-child relationships during incarceration. However, Louisiana currently houses incarcerated females primarily in one state facility – LCIW. The impact of this policy change on children of incarcerated mothers may be small.

### **Option: Establish a New Prison Nursery for Incarcerated Women**

This option would establish a new prison nursery inside LCIW or a local-level facility with a high concentration of pregnant incarcerated females or mothers with newborns. Prison nurseries are being increasingly implemented across the nation as a way to promote healthy mother-child attachment. A 2014 study of 139 women with newborns in a prison nursery found that less than 5% of the women were re-incarcerated within three years of release (Goshin, Byrne, Henninger, 2014). While there is fear that prison nurseries may adversely affect child development, findings from Goshin et al. (2014) contradict this claim. Their research assessed differences in behavioral development between preschool children who spent time in a prison nursery and peers who experienced maternal incarceration but did not live in a prison nursery and found that prison nursery experience was associated with more positive behavioral development (Goshin et al., 2014). A literature review of twenty-two studies by child experts from Save the Children Australia, Peabody Research Institute, and the University of Melbourne assessed that no studies had statistically significant proof of harm to children or positive benefits for maternal wellbeing, but three studies did associate the programs with a decreased likelihood of recidivism (Schlonsky et al., 2016). In 2010, thirteen states had prison nurseries (The National Women's Law Center, 2010).

### **Option: Increase Use of Halfway Houses as an Alternative to Incarceration**

This option would increase the use of halfway houses as an alternative to incarceration in a state or local-level facility. Families Against Mandatory Minimums (2011) notes halfway houses have been used as transitive housing to prepare someone who has been incarcerated for reentry or for shorter sentences. Halfway houses could be used to reduce the length of time mothers spend incarcerated in state prisons or as an alternative to incarceration. In this way, mothers would still be required to meet certain benchmarks and subjected to consistent supervision but could be placed in the same community as their child and maintain greater contact. Peer-reviewed literature by McGowan (2016) asserts that although current research does not link the use of halfway houses to lower recidivism rates, this is due to a "mis-location" of halfway houses in areas of poverty, crime, and few

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opportunities for employment. MacGowan (2016) asserts that when halfway houses are located in the right contexts, they can preserve family relationships and positive ties to one's community while rehabilitating those who have committed a crime; however, residential opposition and coding ordinances often prove oppositional to these attempts. Recently, halfway houses across the country have suffered from budget cuts and lower levels of funding that threaten to diminish any potential positive impact (Colbert, 2017; Michaels, 2017). According to WSIPP's analysis, the costs of Washington's halfway houses exceed the benefits by more than \$14,364 (WSIPP, 2017).

### **Option: Increase Use of Adult Mental Health Courts**

This option would provide additional funding to expand the case capacity of Louisiana mental health courts. Mental Health Courts (MHCs) target the specific needs of those who have a "serious and persistent mental illness" (SAMSHA, 2017, p. 1). The average MHC places the participant under judicial supervision throughout mental health treatment and on a community-based case-management plan crafted by mental health professionals (SAMSHA, 2017). National estimates displaying that women are more likely to have co-occurring mental health and substance abuse disorders show that incarcerated mothers may be better-served by diversion to an MHC than incarcerated fathers (SAMSHA, 2017). While there are few evaluations of MHCs and little standardization<sup>26</sup> of MHC practices, recent research suggests that participants have lower re-arrest rates and spend fewer days incarcerated; however, according to SAMSHA "studies fail to support the link from treatment to better mental health and improved public safety" and current cost-effectiveness evaluations of MHCs do not show that benefits outweigh costs (SAMSHA, 2017, p. 6). However, WSIPP's analysis argues that benefits of MHCs outweigh costs by \$14,065 (WSIPP, 2017). This divergence in results may be due to the inclusion of "non-taxpayer benefits" in WSIPP's analysis (WSIPP, 2017).

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<sup>26</sup> See full literature review (SAMSHA, 2017) for description of the core qualities of successful MHCs.

## Appendix D: Cost-effectiveness Results

Alternatives	Results	
	Cost-Effectiveness Ratios	
	Cost Per Month of Parent Child Separation Reduced	Cost Per 1 Less Child with an Incarcerated Mother
Family Responsibility Statements Parenting Program Adaptation Parenting Sentencing Alternatives	N/A	N/A
	\$19,910	N/A
	-\$30	-\$2,400
Units of Effectiveness		
Family Responsibility Statements Parenting Program Adaptation Parenting Sentencing Alternatives	Months of Parent Child Separation	Number of Children with Incarcerated Mothers
	N/A	N/A
	-30	*No Change from Status Quo
Family Responsibility Statements Parenting Program Adaptation Parenting Sentencing Alternatives	-124,512	-1,537
Total Net Present Costs		
\$0		
	\$591,140	
	-\$3,693,920	

\*At this time, women eligible for earned good time may receive a 75-day credit for completing Partners in Parenting programming. This would be expected to reduce the number of children with incarcerated mothers but assumed to be included in the status quo.

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## Appendix E: Cost-effectiveness Analysis Technical Appendix

### General Assumptions:

- I chose a 10-year time period, which is a standard time frame to measure new policies and their cost effectiveness, and which is aligned with Louisiana's projected population outcomes from their recent Justice Reinvestment Initiative reform package passed in 2017.
- I used a conservative 3.0% discount rate based on the Office of Management and Budget Circular A-94 (2015). Both outcomes and costs were discounted as in some options outcomes occur after costs are incurred.
- I assume \$19,800 as the baseline cost of incarceration per year per female incarcerated in a state facility and \$9,900 as the baseline cost of incarceration per year per female incarcerated in a local-level facility (Le Blanc, 2017).
- I assume that the projected 10-12% of reduction in the total correctional population is applied evenly between state and local-level facilities
- I assume that 11% of incarcerated mothers in the state criminal justice system have a child in the foster care system and assume that if a mother was not incarcerated her child would not be in the foster care system (Glaze & Maruschak, 2008).
- I assume that 75.6% of incarcerated females in state and local-level facilities are mothers. This assumption is based on the latest DOC estimates of maternal status of women incarcerated in state facilities (LA DPSC, 2018).
- I assume that the annual board payment per foster care child is \$5,400, an average of the maximum (\$6,012) and minimum (\$4,884) (LA DSS, 2017). I, therefore, assume the monthly board payment per foster care child to be \$450.
- I assume that the average incarcerated mother in state or local-level facilities is the parent to 1.9 children. This assumption is based on Louisiana's total fertility rate of 1.9 births per woman and the latest Bureau of Justice Statistics data which suggests incarcerated mothers in state facilities had, on average, two children (Martin et al., 2018; Glaze & Maruschak, 2008).

### Status Quo: Let Present Trends Continue

#### Impact Assumptions:

- I assume no change in the length of parent-child separation (as measured by sentence length) that is not already included in DCPS total population projections.
- I assume as the female population decreases, the rate of maternal status remains the same, and, therefore, the maternal population declines at the same rate.
- I create two separate base cases using the 10% population reduction rate and the 12% reduction rate and use the average of the net present value of total children impacted from these base cases to represent the total number of children impacted in my cost-effectiveness ratio.

#### Cost Assumptions:

- I use all cost assumptions noted in general assumptions.

#### Impact Calculations:

- For Base Case 1:
  - To find the number of females incarcerated each year, I calculated 10% of the 2017 estimate of the number of females incarcerated (1,947) and reduced the total female population by 1/10 of this estimate each year, in order to account for a 10% population reduction by 2027.
  - In order to find the total number of incarcerated mothers, I multiply the annual number of females incarcerated in state and local level facilities by the likelihood of maternal status (75.6%). I then multiply this estimate by the expected number of children per mother (1.9) to find the total number of children impacted that year.
    - I do this for every year Y1 (2018) – Y10 (2027) included in my analysis.
    - I then discount my results for each year and sum the discounted annual estimates to get the net present value of the total number of children impacted. Note: Children may experience maternal incarceration for multiple years. Therefore, this estimate does not represent a discrete number of children.
- For Base Case 2:
  - To find the number of females incarcerated each year, I calculated 12% of the 2017 estimate of the number of females incarcerated (1,947) and reduced the total female population by 1/10 of this estimate each year, in order to account for a 12% population reduction by 2027.
  - In order to find the total number of incarcerated mothers, I multiply the annual number of females incarcerated in state and local level facilities by the likelihood of maternal status (75.6%). I then multiply this estimate by the expected number of children per mother (1.9) to find the total number of children impacted that year.
    - I do this for every year Y1 (2018) – Y10 (2027) included in my analysis.
    - I then discount my results for each year and sum the discounted annual estimates to get the net present value of the total number of children impacted. Note: Children may experience maternal incarceration for multiple years. Therefore, this estimate does not represent a discrete number of children.
- I calculated the average net present value of total children impacted by adding the net present values of Base Case 1 and Base Case 2 and dividing by 2.

#### Cost Calculations:

- For Base Case 1 and Base Case 2:
  - To find the annual cost of incarceration, I multiplied the total number of women in state facilities by the cost of incarceration in a state facility (\$19,800) and the number of women in local level facilities by the cost of incarceration in a local level facility (\$9,900).
  - To find the annual cost of foster care due to maternal incarceration, I multiplied the total number of incarcerated females by the likelihood of maternal status (75.6%). I then multiplied this estimate by the likelihood of having a child in foster care (11%) and the expected number of children per mother (1.9) to find the annual number of children in foster care with an incarcerated mother. I then multiplied this estimate by the annual cost of foster care (\$5,400) to get the annual cost of foster care due to maternal incarceration.

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- I added the annual incarceration costs and annual foster care costs to get the total annual costs due to maternal incarceration. I then discounted each estimate, ultimately summing each discounted annual estimate to get the net present value for each base case.
  - I then found the average net present value of costs by adding the net present value of Base Case 1 and Base Case 2 and then dividing by 2.

#### Option 1: Include Family Responsibility Statements

##### Impact Assumptions:

- I assume no change in the number of children impacted by maternal incarceration or in the length of parent-child separation based on several interviews with experts and practitioners. Family responsibility statements have been implemented in only a few localities, most notably in San Francisco and New York City. Lindsey Cramer (personal communication, February 28, 2018), who worked on the Urban Institute team which developed a toolkit for family impact statements, knew of no evidence that demonstrated how impact statements influenced sentencing. Allison Hollihan, Senior Policy Manager at The Osbourne Association, which led the charge to implement family responsibility statements in New York, confirmed that there was no current data to her knowledge demonstrating sentencing impact (personal communication, March 23, 2018). Hollihan argues that a positive impact will not be seen until culture change in judicial sentencing occurs: “Even when information was included in the report, it wasn’t always considered by the judge and wasn’t always well received” (personal communication, March 23, 2018). Ann Adalist-Estrin, Director of The National Resource Center on Children and Families of the Incarcerated at Rutgers University Camden, notes that judicial sentencing decisions are based on a myriad of factors – teasing apart how this one policy change would impact children is near impossible (personal communication, April 2, 2018). According to Sarah Peterson, Program Research Specialist, the New York Department of Corrections and Community Supervision has no information on whether or not family responsibility statements affected court proceedings or sentencing (personal communication, March 27, 2018).

##### Cost Assumptions:

- I assume no change in costs associated with the number of females incarcerated in state or local level facilities or the length of parent-child separation as outcome impact is unknown.
- I assume no additional capital or personnel costs as existing personnel would be implementing the policy change and no additional physical space or capital is needed.
- I assume no opportunity costs for the following actions by LA DPSC personnel:
  - DPSC Administration: crafting and implementation of new policy
  - DPSC Professional Development Staff: leading training of new probation officers and developing updated training materials as well as continuing professional development material is assumed to be included in the job description
  - DPSC Probations Officers: completing a new training module is assumed to be a part of yearly continuing professional development requirements

##### Impact Calculations:

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- N/A during the 10-year time period. After culture change has occurred, it is expected that the statements would positively decrease the use of incarceration/lead to increased use of alternatives to incarceration or reduce the length of sentences given to parents. However, the time period during which culture change will occur is unable to be estimated.

Cost Calculations:

- N/A

#### Option 2: Adaptation of Parenting Class in LCIW; Add Visitation Component

Impact Assumptions:

- I assume that impact occurs Y1 of implementation (2018), with one programming session in each facility including the new visitation component. I assume that the visitation component occurs quarterly in each facility along with current Partners in Parenting programming Y2-Y3 with an expected 30 participants per session at the Hunt facility and 20 participants per session at the Jetson facility for an annual total of 50 participants in Y1 and 200 participants Y2 – Y3. According to Assistant Warden Pam Laborde (personal communication, May 1, 2018), Partners in Parenting classes typically have 30-40 women per class, but participation is lower at the Jetson facility. I have thus chosen to use more conservative estimates regarding expected class size.
- I assume that classes will occur separately at the Jetson and Hunt facilities until LCIW reconstruction is completed Y3 of implementation (2020). From Y4-Y10, it is assumed that parenting classes will occur at the new LCIW facility with a minimum class size of 50 women per session due to the reunion of the currently dually-located LCIW population and an expected 200 participants annually.
- I am assuming that children will have seven 1-hr. long visits with their incarcerated parent throughout a program session, reducing the length of parent child separation by 7 hours for 200 mothers and an assumed 380 children annually (based on previous assumption of 1.9 children per mother).
- I assume all children of incarcerated mothers participate in the visitation component.
- I assume that a total annual reduction of parent child separation by 240 hours is equal to a reduction of parent child separation by 10 days and 30 days equal to a reduction of 1 month.
- I assume there will be no change in program enrollment over time based on communication with Assistant Warden Pam Laborde (personal communication, May 1, 2018).

Cost Assumptions:

- I assume the full-time Parenting Instructor Salary to be \$40,000 due to listed salaries of Administrative Program Specialists in the LCIW (Pelican Institute for Public Policy, 2013). I assume the instructor is hired halfway through Y1 (2018), with half of requisite salary and benefits paid Y1. I assume full projected costs to begin Y2 (2019).
- I assume the benefits package for the Parenting Instructor to be \$31,000 based on an hourly benefits cost rate of \$14.96 for state and local government employees noted by the U.S. Bureau of Labor Statistics (2018a).
- I assume no opportunity costs for parent-child visitation component of programming.
- I assume no opportunity costs for the time of DCPS and LCIW administration due to implementation of programming.

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- I assume an opportunity cost of zero for additional use of the facility space to for new parent-child contact visits.
  - I assume a \$600 cost for a new 4-Pack Outdoor/Indoor HD Wire Free Security Camera System with two-way audio capabilities from Best Buy to use during parent-child visits.
  - I assume a \$450 cost for three Dell laptops, one for the new Parenting Instructor and two for tele-visits when children are not able to visit in-person at the facility. I assume this cost to occur two times, once in Y1 (2018) and once in Y7 (2024).
  - I assume a \$180 annual cost to utilize Zoom Pro video conference technology for tele-visitation.

#### Impact Calculations:

- I assume the total number of children impacted by maternal incarceration does not change as mothers already earn a good time credit in the status quo.
- I calculated the annual reduction of parent-child separation through direct programming by taking the total number of mothers in programming (50 in Y1, 200 Y2-Y10) and multiplying this number by the number of children per mother (1.9) and then by the reduced length of parent-child separation due to direct programming (7 hours). I then divided this number by 24 (to get total days reduced) and then by 30 to arrive at new estimate measured in months reduced. I then discounted each annual estimate over the 10 year time period, ultimately summing my results to get the net present value.

#### Cost Calculations

- To estimate additional costs incurred due to programming, for Y1 I add the capital costs of the new video camera equipment (\$600) and laptops (\$450), to the new Parenting Instructor salary (\$20,000) and benefits (\$15,500) for the half-year worked in Y1. For Y2-Y10, I add the full Parenting Instructor salary (\$40,000) and benefits (\$31,000) and Zoom technology cost (\$180). In Y7, I also add the costs of replacing three laptops (\$450).
- In order to calculate the net present value of costs, I discounted the annual programming costs over the 10-year time span. I then summed the discounted costs to get the net present value.

#### Option 3: Establish Two Parenting Sentencing Alternatives

##### Impact Assumptions:

- I assume that during Y1 (2018) no impact on outcomes will be seen due to a need for a new piece of legislation to authorize and fund a new sentencing alternative.
- I assume that half of women participating in either PSA will be diverted/released from state correctional facilities and half will be diverted/released from local-level facilities.
- I assume that women diverted in the FOSA program would have served, on average, a 2-year sentence based on the assumption that length of sentence served is equal to length of parent-child separation.
- I assume that 1/4 of CCO caseloads will serve women participating in the FOSA program (pre-incarceration) and 3/4 of caseloads will serve women participating in the CPA alternative (early release to electronic monitoring).

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- I assume that in Y2, a total of 10 mothers will be diverted from incarceration as part of the FOSA program and 30 women would have been released a year early into the CPA alternative.
  - I assume that in each year from Y3 (2020) – Y5 (2022), a total of 20 mothers will be diverted from incarceration as part of the FOSA program and 60 women would have been released a year early into the CPA alternative.
  - I assume that in each year from Y6 (2023) – Y8 (2025), a total of 30 mothers will be diverted from incarceration as part of the FOSA program and 90 women would have been released a year early into the CPA alternative.
  - I assume that in each year from Y9 (2026) – Y10 (2027), a total of 40 mothers will be diverted from incarceration as part of the FOSA program and 120 women would have been released a year early into the CPA alternative.
  - I assume that for every woman diverted into either alternative 1.9 children fewer children are impacted by maternal incarceration that year.
  - I assume that for every woman released into the CPA alternative, parent-child separation is reduced by one year per child impacted (with the continued assumption of 1.9 children impacted per mother incarcerated) and for every woman released into the FOSA alternative, parent-child separation is reduced by 2 years.

#### Cost Assumptions:

- I assume no costs for Y1 due to a need for time for coalition-building and implementation planning in order to pass a new piece of legislation to enact the PSAs in Y2 (2019).
- I assume that in Y2 the necessary legislation will be passed during the spring legislative session and funds will be found through the existing budget or new appropriations. In Y2, I assume full-year salary costs for new personnel including a Program Administrator (\$60,000), two Community Corrections Officers (\$48,000 each), and a Family Services Liaison (\$38,000). Salary estimates are based on 2017 salary data for similar positions in Louisiana from the U.S. Bureau of Labor Statistics (2018b).
- I assume that in Y3 (2020) an additional two Community Corrections Officers (CCOs) are hired (for a total of 4), in Y6 (2023) another two CCOs hired (for a total of 6), and in Y9 another two CCOs are hired (for a total of 8).
- I assumed an annual benefits cost of \$31,000 per new government employee based on recommended average hourly benefit rate of \$14.96 per hour by the U.S. Bureau of a Labor Statistics (2018a).
- I assume no opportunity cost for participants in the monthly multidisciplinary committee meetings as there is no way to know at this point who would partake in these meetings.
- I assume an opportunity cost of \$28/hr. for each hour of work spent by an Early Childhood Educational Specialist preparing for and implementing special training for CCOs on how to interact with children and families. I assume that the Specialist would need 20 hours in Y2 to develop special training curriculum for CCOs in the PSA Program and assume 8 additional hours for in-person trainings for each year during which new CCOS are hired (Y2, Y3, Y6, Y9).
- I assume no opportunity cost to DCPS or DCFS Administration staff due to program implementation.
- I assume that 11% of mothers diverted/released from incarceration annually have children in the foster care system, and, on average, 1.9 children are diverted/removed from foster

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care as a result. I assume a reduction of \$5,400 in annual foster care expenses per child diverted or returned from foster care.

- I assume electronic monitoring for CPA program participants costs \$7 per day for a total annual cost of \$2,555 as suggested by Washington's Parenting Sentencing Alternatives Program Administrator Susan Leavell (personal communication, February 26, 2018).
- I assume a program cost of \$32,000 per FOSA participant in community-based supervision as noted by Susan Leavell (personal communication, February 26, 2018).
- I assume each CCO has a full case capacity of 20 program participants.
- I assume no capital costs as CCOs will spend most of their time out in the field, and I chose to assume physical space for more CCOs and equipment could be provided without cost.

#### Impact Calculations:

- I calculated changes in the annual total number of children impacted by maternal incarceration by first adding the number of women diverted from state or local-level facilities in the FOSA program and the number of women released a year early through the CPA program and multiplying this figure by the expected number of children per mother (1.9) for each year. I then discounted my results and summed the estimates to get the net present value.
- I calculated changes in the length of parent-child separation by multiplying the total number of women diverted into the FOSA program by the expected number of children that would have been impacted by their incarceration (1.9 per mother) and the expected reduction in length of separation (2 years or 24 months). I then added this estimate to an estimate of the CPA alternative's impact on parent child separation, which was found by multiplying the number of women released early through CPA by their expected number of children (1.9 per mother) multiplied by the reduced length in separation (12 months). Once the CPA and FOSA impact were added to demonstrate the annual impact of the PSAs on parent-child separation, I discounted each year across the 10-year time span and summed discounted estimates to find the net present value.

#### Cost Calculations:

- I assumed no program costs for Y1 (2018), but for Y2-Y10 I found annual total personnel costs by adding the expected salary and benefits for each position assumed above as well as the assumed opportunity cost (\$28/hr.) for the Early Child Education Specialist.
  - For Y2, I added the salary (\$60,000) and benefits (\$31,000) for the Program Administrator, two CCOs (\$48,000 salary each + \$31,000 benefits each), the salary (\$38,000) and benefits (\$31,000) of the Family Services Liaison, and the opportunity cost for 28 hours of work for the Early Child Education Specialist (\$784) for total personnel costs.
  - For Y3, I also added the salary and benefits of two additional CCOs but with a lower opportunity cost for the Early Child Education Specialist (\$224 total).
  - For Y4-Y5, costs remained the same as Y3 but with zero opportunity costs from use of the Early Child Education Specialist.
  - In Y6, I added the salary and benefits of two additional CCOs (at same amount listed in Y2) and included the opportunity cost of the 8 hr. new CCO training with the Early Childhood Education Specialist (\$224).
  - In Y7-Y8, I projected the same costs except subtracting the Early Education Specialist opportunity costs.

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- In Y9, I added the additional salary and benefits of two more CCOs (for a total of 8) and the cost of new CCO training from the Early Childhood Education Specialist (\$224).
    - In Y10, I projected the same personnel costs as Y9 but without training costs.
  - I calculated cost savings from reduced use of incarceration by multiplying the number of women diverted from state facilities to the FOSA program by the annual cost of incarceration (\$19,800) times two (for two years of cost avoidance) and the number of women diverted from local-level facilities to the FOSA program by the annual cost of incarceration (\$9,900) times two (for estimated two-year cost avoided). I calculated the cost savings from the CPA program due to the reduced use of incarceration by multiplying the number of women released into CPA from state facilities by the cost of incarceration in state facilities (\$19,800) and adding this estimate to the number of women released into CPA from local-level facilities multiplied the annual cost of incarceration (\$9,900).
  - I calculated cost savings from foster care avoidance by first finding the total number of foster care children impacted by multiplying the total number of women diverted into the FOSA program by their likelihood of having children in the foster care system (11%) and then multiplying that estimate by the expected number of children per mother (1.9). I then multiply this number by the length of expected foster care avoidance (assumed two years) and the annual cost of foster care per child (\$5,400).
  - I calculated cost savings from an earlier return from foster care by first finding the number of children impacted. I found this estimate by multiplying the number of children in the CPA program by their likelihood of having children in the foster care system (11%) and the expected number of children per mother (1.9). I then multiplied this estimate of foster care child impact by the length of foster care avoided (1 year or 12 months) by the annual cost of foster care (\$5,400).
  - I calculated total annual program costs by adding program costs (\$32,000 a year) multiplied by total FOSA participants to the electronic monitoring costs for CPA participants (\$2,555 a year) multiplied by the number of CPA participants.
  - In order to calculate annual yearly costs, I added the respective year's personnel costs and annual program costs and subtracted the cost savings found from the reduced use of incarceration and foster care avoidance for that year. In order to find the net present value of costs, I discounted annual costs according to the 10-year time period and then summed discounted annual cost estimates.

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## Appendix F: Technical Appendix References

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