



RHODE ISLAND KIDS COUNT

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**Testimony Re: House Bill 7048, An Act Relating to Criminal Procedure
-- Sentence and Execution
House Judiciary Committee
April 11, 2024
Kelsey Bala, Policy Analyst**

Mr. Chairman and members of the Committee, thank you for the opportunity to provide testimony. We would also like to thank Representative Cruz for sponsoring this important bill and Representatives Ajello, Morales, Stewart, Batista, Henries, Cotter, Sanchez, Felix, and Solomon for co-sponsoring.

Rhode Island KIDS COUNT would like to voice its support for House Bill 7048. **This bill would require the courts to consider the parental status of the defendant at the time of sentencing and would allow the defendant to present a family impact statement, including testimony, videos and documents relative to their parental status.** Unless the court finds that the parent poses a significant risk to the community that outweighs the harm of the parent's absence from the child's life, it shall impose a sentence that does not include imprisonment but keeps the parent at home and able to care for their child/children while being monitored.

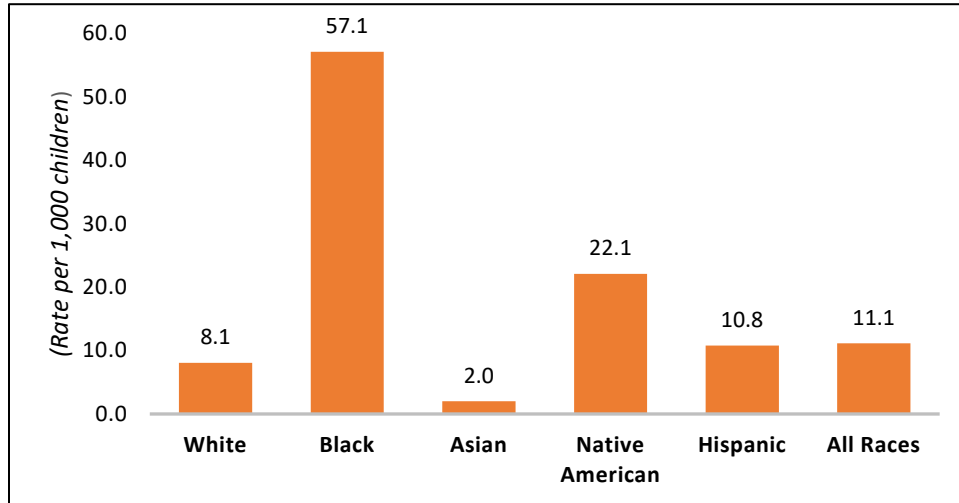
More than five million children in the U.S. have had a parent incarcerated in jail or state or federal prison at some point in their lives. Parental incarceration can contribute to children's insecure attachment to their parent, which can lead to poor developmental outcomes.

Adverse Childhood Experiences (ACEs) are defined as traumatic events that happen to an individual before the age of 18. The Centers for Disease Control and Prevention describe the instability due to parental separation, including a caregiver being in jail or prison, as an ACE that leads to the development of toxic stress for children in those circumstances. This long-lasting stress response causes damage both to the physical body and to the child's mental well-being. ACEs disrupt the development of the brain and biological systems and can result in short-term harm and long-term negative outcomes, such as depression, substance use disorders, suicide, and certain chronic diseases in adulthood. Children of incarcerated parents experience high rates of physical and mental health problems (including asthma, obesity, and depression) and educational challenges (including grade retention, placement in special education, and suspension). Parental incarceration increases children's risk for learning disabilities, ADHD, conduct problems, developmental delays, and speech problems.

Moreover, the incarceration of parents with minor children maintains pervasive disparities. Nationally and in Rhode Island, the criminal justice system disproportionately affects People of Color. In the U.S., 24% of Black children and 11% of Hispanic children will experience parental incarceration compared to 4% of white children.

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**Children of Incarcerated Parents, by Race and Ethnicity,
Rhode Island, September 30, 2022**



Source: Rhode Island Department of Corrections, September 30, 2022. Sentenced population only.

In Rhode Island, Parents of Color are overrepresented in the incarcerated population compared to their proportion in the general population. In Rhode Island on September 30, 2022, 57.1 per 1,000 Black children had an incarcerated parent compared to 8.1 per 1,000 white children. Native American children also experience higher rates of parent incarceration (22.1 per 1,000).

Lastly, children of incarcerated parents are more likely than other children to be involved with the child welfare system. In the U.S., 40% of children in foster care had experienced parental incarceration at some point in their lives. Not only is removal from home and placement into foster care often disruptive for children, it can also negatively affect their academic achievement, mental health, ability to develop healthy connections, and future earnings.

We urge you to pass House Bill 7048 to give children of parents who do not pose a significant risk to community safety the opportunity to have their parent present during the critical developmental years of their lives.

Thank you for the opportunity to provide testimony.

Children of Incarcerated Parents

DEFINITION

Children of incarcerated parents is the number of children with parents serving sentences at the Rhode Island Department of Corrections per 1,000 children under age 18. The data are reported by the place of the parent's last residence before entering prison and do not include Rhode Island children who have parents incarcerated at other locations.

SIGNIFICANCE

More than five million children in the U.S. have had a parent incarcerated at some point in their lives.¹ Parental incarceration can contribute to children's insecure attachment to their parent, which can lead to poor developmental outcomes. Children of incarcerated parents experience high rates of physical and mental health problems (including asthma, obesity, and depression) and educational challenges (including grade retention, placement in special education, and suspension). Parental incarceration increases children's risk for learning disabilities, ADHD, conduct problems, developmental delays, and speech problems.^{2,3,4,5}

Nationally, most children of incarcerated parents live with their other parent, a grandparent, or other relatives.⁶ Of the 1,467 parents incarcerated in Rhode Island on September 30, 2022 (including those awaiting trial), 93% (1,361) were

fathers and 7% (106) were mothers.⁷ Parents of minor children represent over half of the U.S. prison population.⁸

Children of incarcerated parents are more likely than other children to be involved with the child welfare system. In the U.S., 40% of children in foster care had experienced parental incarceration at some point in their lives.⁹ These children often represent complex cases for child welfare agencies, involving balancing parental rights with the safety and well-being of the child.¹⁰

Programs and policies targeting the unique needs of incarcerated pregnant women and mothers can improve outcomes for them and their families. Placing children with family members, providing family counseling and access to mental health care, mentoring, peer support services, and prison transition supports can alleviate the effects of parents' imprisonment on children and improve the family reunification process.^{11,12}

Nationally and in Rhode Island, the criminal justice system disproportionately affects People of Color. In the U.S., 24% of Black children and 11% of Hispanic children will experience parental incarceration compared to 4% of white children.¹³ Of the 1,467 parents incarcerated in Rhode Island on September 30, 2022 (including those awaiting trial), 40% were white, 30% were Black, 26% were Hispanic, and 3% were another race.¹⁴



Parents at the Rhode Island Adult Correctional Institutions (ACI), September 30, 2022

	INMATES SURVEYED*	# REPORTING CHILDREN	% REPORTING CHILDREN	# OF CHILDREN REPORTED
Awaiting Trial	713	490	69%	1,163
Serving a Sentence	1,576	977	62%	2,334
TOTAL	2,289	1,467	64%	3,497

Source: Rhode Island Department of Corrections, September 30, 2022. *Does not include inmates who were missing responses to the question on number of children, inmates on home confinement, inmates serving at Institute of Mental Health, or those from another state's jurisdiction.

- ◆ Of the 2,289 inmates awaiting trial or serving a sentence at the ACI on September 30, 2022 who answered the question on number of children, 1,467 inmates reported having 3,497 children. Thirty-nine percent of sentenced mothers and 11% of sentenced fathers had sentences that were six months or less.¹⁵
- ◆ Of the 56 sentenced mothers on September 30, 2022, 48% were serving a sentence for a violent offense, 34% for a nonviolent offense, 9% for a drug-related offense, and 4% for a sex-related offense. Of the 921 sentenced fathers, 51% were serving sentences for a violent offense, 19% for a nonviolent offense, 15% for a sex-related offense, 11% for a drug-related offense, and 5% for breaking and entering.¹⁶
- ◆ Thirty-five percent of incarcerated parents awaiting trial or serving a sentence on September 30, 2022 had less than a high school diploma, 51% had a high school diploma or a GED, and 13% had at least some college education.¹⁷
- ◆ A supportive family, safe and secure housing, assistance obtaining employment, medical and mental health services, and substance abuse treatment are critical to parents' successful transition to the community after incarceration and to support the well-being of their children.^{18,19}
- ◆ Families with parents with a criminal record can experience significant challenges even if the parent has never been incarcerated. A parent's criminal record is often a barrier to housing eligibility, employment opportunities, maintaining parental rights, and access to public benefits. For immigrants a conviction can lead to deportation.²⁰

Children of Incarcerated Parents

Table 29.

Children of Incarcerated Parents, Rhode Island, September 30, 2022

CITY/TOWN	# OF INCARCERATED PARENTS	# OF CHILDREN REPORTED*	2020 POPULATION UNDER AGE 18	RATE PER 1,000 CHILDREN
Barrington	1	3	4,489	0.7
Bristol	5	14	2,887	4.8
Burrillville	8	18	3,229	5.6
Central Falls	35	86	6,411	13.4
Charlestown	1	1	1,161	0.9
Coventry	10	21	6,655	3.2
Cranston	55	126	15,744	8.0
Cumberland	7	16	7,550	2.1
East Greenwich	7	19	3,465	5.5
East Providence	17	38	7,886	4.8
Exeter	1	2	1,175	1.7
Foster	1	1	790	1.3
Glocester	1	5	1,896	2.6
Hopkinton	3	8	1,613	5.0
Jamestown	1	2	871	2.3
Johnston	13	29	5,119	5.7
Lincoln	2	4	4,640	0.9
Little Compton	1	4	568	7.0
Middletown	4	11	3,487	3.2
Narragansett	3	7	1,651	4.2
New Shoreham	0	0	189	0.0
Newport	13	25	3,660	6.8
North Kingstown	6	13	5,496	2.4
North Providence	15	42	5,802	7.2
North Smithfield	2	3	2,274	1.3
Pawtucket	78	193	16,455	11.7
Portsmouth	1	1	3,444	0.3
Providence	289	667	41,021	16.3
Richmond	4	9	1,627	5.5
Scituate	4	7	1,866	3.8
Smithfield	8	18	3,411	5.3
South Kingstown	5	10	4,339	2.3
Tiverton	3	8	2,723	2.9
Warren	4	7	1,826	3.8
Warwick	43	109	14,034	7.8
West Greenwich	2	4	1,251	3.2
West Warwick	28	53	5,787	9.2
Westerly	13	36	3,826	9.4
Woonsocket	74	196	9,467	20.7
Unknown Residence	154	393	NA	NA
Out-of-State Residence**	55	125	NA	NA
Four Core Cities	476	1,142	73,354	15.6
Remainder of State	292	674	136,431	4.9
Rhode Island	768	1,816	209,785	8.7

Source of Data for Table/Methodology

Rhode Island Department of Corrections, September 30, 2022. Offenders who were in home confinement and the awaiting trial population are excluded from this table.

U.S. Census Bureau, Census 2020, P2,P4.

Since the 2007 *Factbook*, data are reported as of September 30, with the exception of the 2015 *Factbook*, in which data were reported as of October 10, 2014.

*Data on the number of children are self-reported by the incarcerated parents and may include some children over age 18. Nationally and in Rhode Island, much of the existing research has relied upon self-reporting by incarcerated parents or caregivers.

**Data on Out-of-State Residence includes inmates who are under jurisdiction in Rhode Island but report an out-of-state address. Inmates who were from another state's jurisdiction, but serving time in Rhode Island, are not included in the Rhode Island, four core cities, or remainder of state rates, nor are those with an unknown residence.

Core cities are Central Falls, Pawtucket, Providence, and Woonsocket.

References

- ^{1,4,9} Laub, J. H., & Haskins, R. (2018). *Helping children with parents in prison and children in foster care*. Retrieved March 29, 2023, from <https://futureofchildren.princeton.edu>
- ² Jackson, D. B., Testa, A., Semenza, D. C., & Vaughn, M. G. (2021). Parental incarceration, child adversity, and child health: A strategic comparison approach. *International Journal of Environmental Research and Public Health*, 18(7), 3384.
- ^{3,13} Turney, K., & Goodsell, R. (2018). Parental incarceration and children's wellbeing. *Future of Children*, 28(1), 147-160.
- ⁵ Wildeman, C., Goldman, A.W., Turney, K. (2018). Parental incarceration and child health in the United States. *Epidemiologic Reviews*, 40(1), 146-156.
- ^{6,8,10} Child Welfare Information Gateway. (2021). *Child welfare practice with families affected by parental incarceration*. Retrieved March 30, 2023, from www.childwelfare.gov

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