

Community-Based Sentencing for Primary Caretakers Improves Health Outcomes

Providing safe, stable, and nurturing environments for children and families is a value most of us can agree on. However, criminal justice practices that separate children from their mothers and fathers are harmful. The justice system's default approach tears apart families, hurts children and parent-child relationships, and harms health. Instead, expanding the use of sentencing alternatives to incarceration that include treatment instead of prison or jail where appropriate can keep families intact.

Primary Caretaker legislation will be introduced during the 2018 session. It would expand sentencing options for people identified as primary caretakers of dependent children to include community-based alternatives, where they can care for their families while healing and advancing their lives in addition to dealing with the consequences of their conviction. Legislators would drastically improve these families' lives by introducing and passing this bill. In Louisiana, the number is manageable: about 1,800 people currently incarcerated in Louisiana state prisons and county jails are parents who would have been eligible for community-based alternatives had they been sentenced under this law.^{1 2 3 4} Not having these caretakers incarcerated would save the state over \$18M annually in incarceration costs alone.^{5 6}

Community-based sentencing is better for children and parents than incarceration.

The benefits of non-custodial sentencing options that would be part of the legislation include:

- ▶ **Avoiding Trauma:** Parental incarceration is classified as an Adverse Childhood Experience (ACE). Multiple peer-reviewed studies connect ACEs, a set of specific traumatic events that occur during childhood, to poor mental and physical health outcomes such as chronic diseases, certain cancers, sexually transmitted infections, depression, and other mental health conditions.⁷
- ▶ **More secure parental attachment:** Allowing incarcerated mothers and their babies to cohabitate during the baby's first year of life leads to babies having more secure attachments to their mothers when compared to those who have not cohabitated for a full year.⁸ Incarcerated mothers experience emotional and physical distress as a result of being separated from their children.^{9 10}
- ▶ **Healthier child development:** Community-based residential parenting programs, where mothers can serve their sentences with their infants in a non-prison setting¹¹ that offers housing and social services, increase mother-child bonding⁹ and foster healthy child development.¹²
- ▶ **Improved parenting skills:** Family-based drug treatment programs, that offer parenting skills training and home-based case management services, are successful in reducing parental drug abuse and improving parenting skills. Parenting classes for fathers improve parent-child relationships and attachment, children's self-concept and behaviors, and feelings of competence among fathers.^{13 14}
- ▶ **Reduced substance abuse:** Among women who participate in residential drug treatment, those who have their children with them are far more likely to complete the program when compared to those who are separated from their children.¹⁵ Children of parents who participate in family-based drug treatment are less likely to develop a substance abuse disorders.¹⁶

Support the introduction of Primary Caretaker legislation.

Let judges, not lawmakers, decide when parents convicted of low-level crimes would be better off serving their sentences while caring for their children outside of prison.

Please share this fact sheet with your networks.

To get involved, contact Syrita Steib-Martin at info@theoperationrestoration.com or Annie Freitas at afreita1@tulane.edu.

Children separated from their families due to a parent being incarcerated experience...

Higher rates of physical health problems¹⁷

- Migraines
- Asthma
- High cholesterol
- HIV/AIDS

Higher rates of mental health problems

- Depression and anxiety¹⁷
- Posttraumatic stress disorder (PTSD)¹⁷
- Self-esteem issues¹⁸
- Emotional withdrawal¹⁹
- Feelings of guilt, embarrassment, and shame¹⁹

More behavioral issues¹⁸

- Aggression
- Substance use disorder¹⁶
- Delinquency

Poorer performance in school^{16 20}

- Truancy
- Lower standardized test scores
- Dropping out¹⁸
- Suspension and expulsion²¹

Higher likelihood of placement in foster care²²

- Mental health problems^{23 24}
- Developmental problems^{23 24}

Higher likelihood of other social challenges¹⁸

- Being sexually trafficked²⁵ and sexually abused¹⁷
- Incarceration
- Being uninsured
- Homelessness
- Having a lower income
- Feeling powerless

Feelings putting them at risk for other mental health issues

- Abandonment¹⁹
- Insecure attachment to their parents⁸

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