

Community-Based Sentencing for Parents and Other Primary Caregivers Leads to Better Health Outcomes - Massachusetts

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, increasing judges' discretion to authorize alternatives to incarceration that include treatment instead of prison or jail where appropriate can keep families intact.

Senate Bill S770 would allow judges to determine when to sentence parents and other primary caretakers of dependent children into community-based solutions, 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 passing this bill. In Massachusetts, the number is manageable: about 2,500 people currently incarcerated in Massachusetts state prisons and county jails are mothers and fathers who would have been eligible for community-based alternatives had they been sentenced under this law.^{1 2 3 4 5}

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

The benefits of non-custodial sentencing options under Senate Bill S770 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.⁶
- **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.⁷
- **Healthier child development:** Community-based residential parenting programs, where mothers can serve their sentences with their infants in a non-prison setting⁸ that offers housing and social services, increase mother-child bonding⁹ and foster healthy child development.⁹
- **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.^{10 11}
- **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.¹² Children of parents who participate in family-based drug treatment are less likely to develop a substance abuse disorders.¹³

Support Senate Bill S770. *Let judges, not lawmakers, decide when mothers and fathers 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 Kim Gilhuly at kim@humanimpact.org.

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

Higher rates of physical health problems ¹⁴	<ul style="list-style-type: none"> • Migraines • Asthma • High cholesterol • HIV/AIDS
Higher rates of mental health problems	<ul style="list-style-type: none"> • Depression and anxiety¹⁴ • Posttraumatic stress disorder (PTSD)¹⁴ • Self-esteem issues¹⁵ • Emotional withdrawal¹⁶ • Feelings of guilt, embarrassment, and shame¹⁶
More behavioral issues ¹⁵	<ul style="list-style-type: none"> • Aggression • Substance use disorder¹³ • Delinquency
Poorer performance in school ^{13 17}	<ul style="list-style-type: none"> • Truancy • Lower standardized test scores • Dropping out¹⁵ • Suspension and expulsion¹⁸
Higher likelihood of placement in foster care ¹⁹	<ul style="list-style-type: none"> • Mental health problems^{20 21} • Developmental problems^{20 21}
Higher likelihood of other social challenges ¹⁵	<ul style="list-style-type: none"> • Being sexually trafficked²² and sexually abused¹⁴ • Incarceration • Being uninsured • Homelessness • Having a lower income • Feeling powerless
Feelings putting them at risk for other mental health issues	<ul style="list-style-type: none"> • Abandonment¹⁶ • Insecure attachment to their parent⁷

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