

Keeping Kids and Parents Together: A Healthier Approach to Sentencing in Tennessee

Executive Summary

It carries on throughout their life that their mother or father had to go away for a while. If there was an alternative to incarceration in place it would keep the family bond instead of the family being destroyed from separation.

– Lisa, formerly incarcerated mother

More than 800,000 parents are incarcerated across the US — a common practice that tears families apart, hurts children, and harms the health of entire communities. In this report, we evaluate the health and equity impacts of Tennessee House Bill 0825 and Senate Bill 0919. If passed, these bills would expand the ability to set community-based sentences for parents.

Community-based sentencing is a healthier and fiscally responsible alternative.

The benefits of allowing incarcerated parents to stay with or have more contact with their children are tremendous. Parents are more likely to succeed at treatment for substance use disorders and less likely to return to prison. By staying connected with their parents, children have the opportunity to experience healthy development and attachment, which contributes to good mental health and fewer behavioral issues. Community-based sentencing also decreases costs to prisons and jails and keeps parents connected to the workforce.

Youth of color are more likely to experience their parent getting locked up.

As a result of the racial inequities in the criminal legal system in the US, Black children are nine times more likely and Latino/a children are three times more likely than White children to have a parent in prison. Kids with incarcerated parents are at risk of facing a variety of physical, mental, and behavioral health issues throughout the rest of their lives as a direct result of separation from their parent due to incarceration. In fact, this type of child-parent separation is classified as a specific type of trauma: an adverse childhood experience (ACE). Across Tennessee, about 19,198 children are separated from a parent due to incarceration.

Reducing the harm from incarcerating parents is doable in Tennessee.

In 2016, about 3,733 parents who are currently incarcerated would have been eligible for this alternative sentencing in Tennessee — potentially keeping them together with their kids while still being held accountable for their actions.

In Tennessee, about 1 of every 10 children has had an incarcerated parent.



Mothers and grandmothers bear the burden at home.

When a father is incarcerated, his children’s mother remains as the primary caretaker 90% of the time. When a mother is incarcerated, her children are often displaced from their homes and frequently placed in the care of their grandmother. In both of these situations, mothers and grandmothers face the additional financial burden and emotional toll of a single parent home.

Incarceration is harmful to individual and community health.

Prison and jail environments are not conducive to family visits. In addition, most mothers and fathers in state and federal prisons are held over 100 miles from their homes, creating significant barriers for kids to visit their parents. Incarcerated parents who aren’t able to maintain a connection with their children are more likely to experience depression, anxiety, and hopelessness, be re-incarcerated, and lose parental rights. In communities targeted by mass incarceration, the loss of working adults and parents to jails and prisons fuels the cycle of poverty without reducing crime or increasing public safety.

Almost 9 out of 10 women who are incarcerated have extensive histories of emotional, physical, and sexual abuse. They should be supported and have access to treatment — not punished.

Alternative sentencing holds parents accountable and keeps families together.

Research shows that community-based sentencing creates a supportive environment where parents can heal and be held accountable for the consequences of their conviction — while staying with or near their kids. These sentencing alternatives can also properly address substance use, mental health issues, and homelessness, instead of criminalizing behaviors that merit public health interventions. These community-based alternatives do not have to be residential, but they do have to be funded external to the criminal legal system. This report highlights Tennessee programs that could serve parents sentenced to community alternatives under this proposed legislation.

Visit www.humanimpact.org to read the full report and view references.

