

Testimony Supporting H.B. 7216: An Act Concerning Family Impact Statements in the Cases of Defendants with Dependent Children

Alexandra Ricks
Judiciary Committee
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Senator Doyle, Senator Kissel, Representative Tong, Representative Rebimbas, and the distinguished members of the Judiciary Committee:

My name is Alexandra Ricks, and I am submitting this testimony on behalf of Connecticut Voices for Children, a research-based child advocacy organization working to ensure that all Connecticut children have an equitable opportunity to achieve their full potential. **I offer this testimony in support of H.B. 7216: An Act Concerning Family Impact Statements in the Cases of Defendants with Dependent Children.**

This bill seeks to allow the court to consider the impact on the children and family of a defendant when making sentencing decisions. In cases where defendants face incarceration as a possible sentence, their defense teams would be able to submit a Family Impact Statement describing how this might impact their dependent children; this statement may include financial impact, the impact on children's relationships with their parents, and what familial and community supports will be available to children in their parents' absence. This bill would put Connecticut in the company of other jurisdictions—such as the states of Oklahoma, Hawaii, and California¹—that include some degree of family-informed sentencing decisions.

Allowing defendants to submit Family Impact Statements acknowledges the **many collateral damages that affect the children of incarcerated parents**. Families face financial hardship through lost earnings, residential instability, difficulty arranging childcare, and social stigma as a result of parental incarceration.² As a result, the children of incarcerated parents are more likely to become homeless.³ They are also more likely to end up in the child welfare system; in the case of

¹ San Francisco's Adult Probation Court uses Family Impact Statements. For more see: Dizerega, Margaret. "San Francisco's Family-Focused Probation: A Conversation with Chief Adult Probation Officer Wendy Still." *Federal Sentencing Reporter* 24.1 (2011): 54, http://www.jstor.org/stable/10.1525/fsr.2011.24.1.54?seq=1#page_scan_tab_contents; Feig, Lauren. "Breaking the Cycle: A Family-Focused Approach to Criminal Sentencing in Illinois." *Advocates' Forum* (2015).

https://ssa.uchicago.edu/sites/default/files/uploads/Breaking_The_Cycle.pdf; Osborne Association. "New York initiative for children of incarcerated parents fact sheet." (2010) http://www.osborneny.org/images/uploads/printMedia/FamilyImpactStatementFactSheet_Osborne.pdf.

² Wildeman, Christopher. "Parental incarceration, child homelessness, and the invisible consequences of mass imprisonment." *The ANNALS of the American Academy of Political and Social Science* 651.1 (2014): 74-96,

<http://journals.sagepub.com/doi/abs/10.1177/0002716213502921>; Geller, Amanda, et al. "Parental incarceration and child well-being: Implications for urban families." *Social science quarterly* 90.5 (2009): 1186-1202,

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2835345/>; Conway, James M., Ashley J. Provencher, and Aileen Keays. "Impact of Caregiver Arrest on Minor Children: Implications for Use of Family Impact Statements in US Courts."

http://www.cjci.org/uploads/cjci/documents/jpi_impact_of_caregiver_arrest.pdf.

³ Wildeman, "Parental incarceration, child homelessness, and the invisible consequences of mass imprisonment."

maternal incarceration, this risk increases five times.⁴ These immediate impacts place children and youth at risk for long-term challenges.

Moreover, **the children of incarcerated parents face greater risk for experiencing long-term negative outcomes.** The children of incarcerated parents have higher rates of depression and anxiety.⁵ These children have lower academic achievement in school, including higher rates of grade retention, lower attendance, higher rates of suspensions and expulsions,⁶ and higher chances of dropping out compared to their peers. Finally, the children of incarcerated parents are more likely to be involved in the criminal justice system as children and as adults; juvenile delinquency increases 10 percent⁷ and adult crime convictions increase 15 percent⁸ compared to children whose parents were never incarcerated. **These negative outcomes in children, youth, and adults diminish the productivity of Connecticut's future workforce and contribute to children with incarcerated parents having greater needs throughout their lives**—needs that will have to be addressed through costly interventions, such as social services and incarceration.

It is important to acknowledge that, unfortunately, **parental incarceration impacts children that are already at higher risk for negative outcomes and have fewer social and economic supports.** Although one in fourteen children in the country has an incarcerated parent, the rates are much higher for Black children and low-income children. 12 percent of Black children (compared to 6 percent of white children) and 13 percent of children living below the Federal Poverty Level (FPL) (compared to 4 percent of children in families with income twice the FPL) have an incarcerated parent.⁹ Black children and children living in poverty already face disproportionate health, academic, and financial challenges. Having an incarcerated parent further compounds these challenges, and that effect must be considered when sentencing an individual with dependent children to ensure the best possible outcomes for these children.

This bill does not seek to give parents a free pass. **Rather, it seeks to allow the court to make fully informed decisions and minimize collateral damages relating to children.** When altering incarceration sentence lengths or alternative to incarceration programs are options for the court, having an understanding of how the sentence will impact innocent children gives the judge the ability to make the best decision for all involved.¹⁰ When the needs of the children are considered, it creates an opportunity to minimize the negative outcomes that often result for the children of

⁴ Wildeman, Christopher. "Paternal incarceration and children's physically aggressive behaviors: Evidence from the Fragile Families and Child Wellbeing Study." *Social Forces* 89.1 (2010): 285-309, <http://fragilefamilies.princeton.edu/sites/fragilefamilies/files/researchbrief42.pdf>.

⁵ Lee, Rosalyn D., Xiangming Fang, and Feijun Luo. "The impact of parental incarceration on the physical and mental health of young adults." *Pediatrics* 131.4 (2013): e1188-e1195.

⁶ Turney, Kristin, and Anna R. Haskins. "Falling behind? Children's early grade retention after paternal incarceration." *Sociology of Education* 87.4 (2014): 241-258, https://dornsife.usc.edu/assets/sites/902/docs/SoE_TurneyHaskins_Aug2014.pdf; Murphey, David, and P. Mae Cooper. "Parents Behind Bars: What Happens to their Children?" *Child Trends* (2015)

http://www.courts.ca.gov/documents/BTB_23_4K_6.pdf; Trice, Ashton D., and JoAnne Brewster. "The effects of maternal incarceration on adolescent children." *Journal of Police and Criminal Psychology* 19.1 (2004): 27-35, https://link.springer.com/article/10.1007%2F978-1-4020-2572-7_LI=true; Morse, Leila and Richard Rothstein, "Mass Incarceration and Children's Outcomes: Criminal Justice Policy is Education Policy," *Economic Policy Institute* (2016), <http://www.epi.org/publication/mass-incarceration-and-childrens-outcomes/>.

⁷ Ibid.

⁸ Huebner, Beth M. and Regan Gustafson, "The Effect of Maternal Incarceration on Adult Offspring Involvement in the Criminal Justice System," *Journal of Criminal Justice* 35, no. 3 (2007), 291, https://www.researchgate.net/profile/Beth_Huebner/publication/4970830_The_Effect_of_Maternal_Incarceration_on_Adult_Offspring_Involvement_in_the_Criminal_Justice_System/links/561ea84f08acc7945a26e6ac.pdf

⁹ Ibid.

¹⁰ Cramer, Lindsey, et al. "Toolkit for Developing Family Impact Statements." *Urban Institute* (2015) <http://www.urban.org/sites/default/files/publication/53651/2000253-Toolkit-for-Developing-Family-Impact-Statements.pdf>.

incarcerated parents later in life. When negative outcomes for children and youth are averted, the entire state benefits by avoiding costly interventions and creating healthier, more productive citizens.

Thank you again for your time and I am happy to answer any questions. I can be reached at (203)498-4240 ext. 115 or aricks@ctvoices.org.