



Family-Centered Reforms to Address the Rise of Incarcerated Mothers

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The United States presently has the highest incarceration rate in the world, accounting for approximately 5% of the world's population, yet housing 20% of the world's **incarcerated population**. About **two million** individuals are incarcerated across the country, representing a **700% increase** since the 1970s.

Hyperincarceration means the number of incarcerated parents, especially mothers, has skyrocketed. Between 1991 and 2016, the number of **incarcerated mothers** nearly doubled, while the number of incarcerated fathers grew by about 48%. As the number of individuals housed under lock and key increases, so too does the number of mothers and children adversely impacted. In fact, some of the most significant effects of mass incarceration specifically and disproportionately impact mothers and their children, including overreliance on the foster care system, an increased potential for termination of parental rights, and a higher risk for intergenerational involvement in the criminal justice system.

Incarcerated mothers also face limitations on parenting when behind bars which include diminished access to in-person visitation, costly video and phone calls, and inconsistent access to programs and services imperative to reunification. How to remain an active parent from jail or prison, and thus preserve the parent-child relationship, is at the heart of programs intended to address the growing number of incarcerated parents.

What Happens in Women-Led Households When Moms Go to Jail?

Parental incarceration is an **adverse childhood experience** (ACE). ACEs are known to impact health and well-being outcomes of affected children throughout their lifespan and can actually contribute to **future criminal behavior**. There is evidence to suggest these negative outcomes may be compounded when children experience maternal, rather than paternal, incarceration. For example, research suggests an **association** between maternal imprisonment and Post-Traumatic Stress Disorder for the child, and one study finds **school-age children with incarcerated mothers** exhibit high levels of anxiety, depression, and aggressive behaviors. Children of incarcerated mothers are exponentially more likely to become incarcerated themselves. According to the **National Institute of Justice**, children of incarcerated mothers have higher rates of imprisonment and earlier and more frequent arrests than children of incarcerated fathers, thus feeding a cycle of trauma and incarceration.

Another effect of mass incarceration is the interaction with the foster care system and its associated outcomes. Parental incarceration was estimated to be a factor for **six percent** of the 200,000 children who entered the foster care system in 2021. Whereas children of incarcerated fathers are typically cared for by their mother, children of incarcerated mothers are frequently left in the care of grandmothers or other family members. When such resources are absent, incarcerated mothers are forced to accept foster care for their

children. Incarcerated mothers are therefore **five times** more likely to rely on the foster care system than are incarcerated fathers, simply because they are more likely to be the sole or primary **caretakers** of their minor children.

In some states, incarceration in and of itself is considered **child abandonment**, and authorities may immediately pursue termination of parental rights. In other states, the conditions created by incarceration, such as difficulty in maintaining the parent-child relationship or the inability to participate in regular and predictable visitation with a child, may support an argument for abandonment. And the **"15/22 provision"** of The Adoption and Safe Families Act of 1997, which compels states to seek termination of parental rights when a child has been housed in foster care for 15 of the past 22 months, does not carve out an exception for children in foster care due to parental incarceration. Once parental rights have been terminated in any of these manners, there is no legal pathway for incarcerated mothers to reunite with their children following release from custody.

The relationship between foster care and incarceration does not end there, unfortunately. The children of incarcerated women whose parental rights have been terminated are **less likely to be adopted** than other children in foster care. Remaining in foster care may feed these children directly into the carceral system themselves, with **half** the children in foster care connecting with the juvenile justice system by age 17. Preserving parental rights and decreasing reliance on the foster care system may serve to temper this outcome.

State Policies Can Support Parent-Child Relationships

Historically, harmful policies have limited incarcerated individuals' ability to parent and facilitated deterioration of the parent-child relationship. For instance, the Federal Communications Commission approved increases in phone and video calling rate caps for incarcerated people in November 2025, meaning some will pay as much as **83% more** than last year to remain in touch with their children. A growing number of facilities have **replaced face-to-face visits** with virtual visitation, essentially placing an incarcerated parent's relationship with a child behind a paywall. And the vast majority of jurisdictions do not operate **prison nurseries or lactation programs** to allow for bonding with a newborn child.

However, some state policy actions have prioritized preservation of the parent-child relationship in formulation of carceral parenting policies. For instance, New Jersey permits regular **contact visits with minor children** and offers parenting education classes. In addition, parents must be housed in facilities geographically close to any minor children, though this rarely benefits mothers, as there are often less women's facilities than men's.

Colorado attacks the problem from multiple angles: it enacted an exception for incarceration in its adoption policies so long as the parent has maintained a **meaningful and safe relationship** with the child during the period of incarceration. The state then facilitates this meaningful and safe relationship by providing child-friendly events at correctional facilities and by employing a liaison between the criminal justice and human services department to coordinate family services. **Pennsylvania** allows incarcerated mothers 72 hours of **bonding time** with a newborn in the hospital, and **Minnesota** allows for the **release of post-partum individuals** into the community to bond with a newborn. Early outcome studies of Washington's Family Sentencing Alternative Pilot Program suggests diverting incarcerated mothers to the community has shown a **reduction** in

both foster care utilization and in recidivism.

In the absence of diversion programs and other alternatives to incarceration, evidence-based programming may serve to maintain the parent-child relationship and mitigate some of the more deleterious effects of mass incarceration. The National Institute of Corrections has published a **model guide** to implementing practices which support incarcerated parents, detailing interventions at key intervals, intake and reentry, for example. Individuals lodged in county jails, whose access to diversion and alternative programming is limited, may particularly benefit from standardized delivery of evidence-based services.

Additional recommendations for policymakers include conducting program evaluations and outcome studies on existing policies, examining sentencing guidelines to include parenting as a mitigating factor, including the care of minor children as a factor in the work release program application process, and expansion of specialty courts to include a collaboration between criminal and family systems. Finally, there are times when incarceration is appropriate and expected. For those parents, facilities can consider appointing “parenting coordinators” whose duties may include case management of incarcerated parents, conducting the aforementioned outcome studies, and liaising with and coordinating between the criminal and family courts, departments of human services, and state and local policymakers. These and other family-centered approaches may serve to alleviate some of the deleterious effects of increased maternal incarceration by allowing justice-involved mothers to remain active parents while in jail or prison.