

Caregivers and Incarceration in Kentucky

The Problem

Kentucky Kids Impacted by Incarceration: Kentucky has the 2nd highest rate of kids with incarcerated parents in the nation. [Annie E. Casey](#) Foundation reports 12% of Kentucky kids have had a parent who has experienced incarceration. This is an impactful event in a child's formative years, and it's included as a question in the Adverse Childhood Experiences (ACE) screening tool. The questionnaire is designed to measure trauma's impact on health. Outside of the relationship between a high ACE score and negative health outcomes, [study after study](#) demonstrates the severe negative impacts of an incarcerated parent on a child.

The Effects of Parental Incarceration on the Community: The impact of parental incarceration doesn't stop at the individual family; it has a broader societal impact. [Studies](#) have shown that children with incarcerated parents are more likely to face many challenges, including an increased risk of poverty, difficulty in school, and behavioral issues. Not surprisingly, this cycle can increase the likelihood of a child's future involvement in the criminal justice system.

Parenting and Incarceration: Nationally, nearly [half](#) of all incarcerated people are parents to minor children. The proportions are higher when it comes to [Kentucky](#), with 64% of women and 55% of men incarcerated by the state who parent minor children. Children of women who are incarcerated are five times more likely to end up in foster care than children of men who are incarcerated. Further, women who are primary caretakers and are incarcerated also have their parental rights taken away most often. These numbers are especially impactful given that moms are more likely to be primary caregivers to children and [Kentucky incarcerates women at some of the highest rates in the nation](#).

Kentucky Kids in Out of Home Placement: The rate of Kentucky kids in foster care continues to [rise](#), and the number of kids reuniting with their parents continues to [decline](#). Though there have been some modest and meaningful improvements since 2019, Kentucky continues to be among the top 2 states in [the nation](#) in the number of children who live with someone other than their parent. In 2022, 8% of Kentucky kids lived with neither parent.

Further, Kentucky kids are [slightly more](#) likely than the national average to be removed from the home as a result of a parent experiencing incarceration. This leads to an outsized impact on kids because parental incarceration often results in these families not being reunified.

Incarcerated Parents are Losing Their Children Forever: According to a study conducted by the Marshall Project which analyzed 3 million child-welfare cases, parents who have children placed in foster care because they are incarcerated (not for crimes related to child abuse, neglect, endangerment, or substance abuse) are ***more likely to have their parental rights terminated than those who physically or sexually abuse their children.*** According to the U.S. Department of Health and Human Services, between 2006 and 2016, in an estimated one out of every eight cases, the incarcerated parents lose custody of their children, regardless of the seriousness of their offenses.

Pregnancy and Incarceration: Accurate statistics specifically for pregnant incarcerated women in Kentucky are scarce. However, the overall increase in women's incarceration suggests a growing number of pregnant women within the system. Nationally, about 4% of women entering incarceration are pregnant. Pregnant incarcerated women often face significant and unique challenges. Currently, under current KRS, pregnancy release conditions are contingent on the presence of SUD, we are hopeful pregnant incarcerated individuals would be eligible for community supervision, with or without SUD with this proposed caregiver legislation, and have increased access to support services and resources to prevent recidivism and promote a healthy safe environment for their families.

High Rates of Incarceration: Kentucky consistently has among the highest rates of incarceration in the world. In 2022, Kentucky incarcerated 32,351 people in both local jails and state prisons, a 10% increase from 2020. These statistics and insights underscore the complex challenges faced by incarcerated women and their families in Kentucky, including racial disparities, high rates of substance use disorders, and significant family disruptions.

The Solution

Kentucky has already advanced policies and initiatives to support the preservation of families. We have seen it through the advancement of bills to provide modest accommodations for pregnant people incarcerated in jails and significant investment in treatment services. Upon further review, we still have work to do in supporting families impacted by incarceration. In the [Blueprint](#) for Kentucky's Children, released by Kentucky Youth Advocates (KYA) each year, they line out the need for parents charged with less serious offenses to have the additional options instead of incarceration, such as administrative release, probation, or a mitigating circumstance at sentencing, this would

allow them to continue to work and remain in the home to care for their children. This can also benefit Kentucky in many ways, lowering ACE scores and mitigating impact on children, ensuring these parents can acquire and maintain employment, while providing resources that can improve life for the entire family.

Legislative Landscape: Some [states](#) have established legislative solutions for the impact of incarceration on families. Most of these states' laws create alternative sentencing options, allowing caregivers to avoid incarceration but not a criminal conviction. Some states create diversion programs for caregivers, and some do both. In 2019, **Tennessee** passed a [measure](#) to empower judges to use alternatives to incarceration for primary caregivers. **Oregon** launched a 10-year Family Sentencing Alternative Pilot Program in [2015](#). A 2021 [analysis](#) of the bill showed some promising outcomes including a reduction in the length of time children of participants [spend in foster care](#) and a [reduction in recidivism and revocations for parents](#). In 2021, **Missouri** passed [SB 53](#) that included a provision to require the Missouri Department of Corrections to oversee a community corrections program that would help to establish local sentencing alternatives for offenders who are primary caregivers of dependent children.

While a number of states have advanced these types of laws, even more have considered them, including most recently – [Texas](#). The measures are rising in popularity because these laws and programs produce better outcomes for everyone involved, parents, children and the community at large while saving the state valuable resources.