

CAREGIVER CONSIDERATION FAMILY DIVERSION AND MITIGATION PROGRAMS

THE ISSUE

An estimated 13,000 incarcerated Kentuckians are parents, and the consequences of separating families often affect their children's health, education, and employment opportunities. The devastating consequences of separation often negatively impact the quality-of-life outcomes for entire households for generations. Additionally, many children are placed in Kentucky's foster care system, which exacerbates the negative effects of parental incarceration and further depletes public resources.

THE SOLUTION

Kentucky should enact diversion and mitigation legislation, allowing for non-criminal off-ramps and requiring courts to consider non-carceral solutions based on a defendant's status as a primary caretaker of a child before sentencing. The substantiated status of primary caregiver would allow courts to demand accountability for non-violent and less-serious crimes by sentencing a parent to participate in alternative programming where they may remain at home while serving their time. Programming should emphasize family preservation and prevent involvement with the foster care system. Robust diversion and mitigation laws are a proven and sound alternative to incarceration which keep families together, reduce state spending while saving taxpayer dollars, and improve health, education, and the quality of life for Kentucky families.

QUICK FACTS

1.

Many states, like Missouri, Tennessee, Oregon, Washington, and Illinois have enacted family diversion programs which have reduced costs, reduced recidivism, and succeeded in keeping children out of the foster care system.

2.

An estimated 64% of incarcerated Kentucky women are mothers and 55% are fathers. More than 50% of these Kentuckian parents were convicted of nonviolent offenses.

3.

Research shows that incarcerated parents who maintain family ties while serving time are less likely to return to prison.

4.

Alternatives to incarceration can include community supervision, home-based substance abuse treatment, vocational training, and family counseling.