Child-sensitive Justice for Children of Imprisoned Parents

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Children of Prisoners

Worldwide, unprecedented numbers of people are being imprisoned and in many countries incarceration is on the increase (Walmsley, 2009). Indeed “more parents than ever are behind bars” (Murray et al., 2012). Despite this, the psychosocial impact on children is little recognized. A meta-analysis of studies of children of prisoners synthesized empirical evidence on the associations between parental incarceration and children’s later behavioural, educational and health outcomes from 40 studies involving a total of over 7,000 children of prisoners. The report of the findings states:

Children with incarcerated parents have been referred to as the “forgotten victims” of crime..., the “orphans of justice”...and the “unseen victims of the prison boom”... They can experience multiple emotional and social difficulties during their parent’s incarceration, which may develop into a range of adjustment problems in the long term.

Murray et al., 2012, p. 2

A UK study of 411 boys who had experienced parental imprisonment before the age of 10 years reported double the risk for antisocial behaviour and poor mental health in adulthood even controlling for other childhood risk factors (Murray & Farrington, 2005, 2008a, 2008b), while a longitudinal study of young people in the United States found that imprisonment of mothers led to increased risks of criminal behaviour in adulthood for their children (Huebner & Gustafson, 2007; Hissel, Bijleveld, & Kruttschnitt 2011). For some children who experience these adverse outcomes, the pre-conditions were set long before, with substance misuse, domestic violence, longstanding criminogenic behaviour, poverty and social exclusion providing the backdrop to parental imprisonment in many cases (Kinner et al., 2007).

This fact does not lessen the need for action, even in cases where imprisonment provides a child with some respite from these problems, for what is

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becoming clear is that the accumulative effects of adversity are often compounded for children when their parent is imprisoned. Almost two decades ago, research by Richards and McWilliams (1996) showed that children are frequently distressed, disturbed and confused, as well as financially disadvantaged, particularly by a father’s imprisonment while Philbrick (2002) found that children may suffer stigma, confusion, anger and deterioration in health, often regressing in behaviour or falling behind with their school attendance and school work. In exploring the link between parental imprisonment and children's behaviour and mental health, Murray, Farrington, Sekol and Olsen, (2009) carried out a systematic review of 16 studies and concluded:

Theory and qualitative research suggest that parental imprisonment might contribute to child antisocial behaviour and mental health problems, because of the trauma of separation, strained child-care arrangements during parental imprisonment, loss of family income, other stressful life events such as moving home and school, and the stigma of parental imprisonment (p. 8).

For children separated from a mother because of imprisonment, the difficulties can be particularly challenging especially where the mother is the primary or sole care giver (Huebner & Gustafson, 2007).

From our review of the literature, it seems that children of prisoners can be categorized in three inter-related ways.

a **Invisible**
Several reasons attest to this: statistics on children of prisoners are rarely gathered in any jurisdiction; most governments have yet to recognize that imprisonment may have adverse effects on children, so their needs are not officially recognized; stigma forces children to keep the imprisonment a secret; children's rights (CRC) are subsumed by the greater powers of the criminal justice system in most countries and this means that the specific ways in which the rights of children of prisoners can be undermined go unnoticed.

b **Marginalized**
Children of prisoners are likely to face the same experiences of social exclusion that may have impacted their imprisoned parent such as poverty, alcohol and drug misuse, domestic violence, immigration restrictions, racial and ethnic discrimination (non-national children and those from ethnic minorities experience greater levels of social exclusion than other children and in many EU