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February 8, 2017

To: Members of the Judiciary Committee

From: Julia Tse, Policy Associate

RE: Support for LB 108 – Require guidelines to ensure safety of minor or dependent whose parent or guardian is arrested

All children need stable and loving relationships with adults that they can learn from and trust. Voices for Children in Nebraska supports LB 108 because it creates the foundation for child-focused policy and practice when a parent is arrested and incarcerated.

Criminal justice reform has been the topic of intense discussion in recent years, as the financial cost of mass incarceration came to a head in many states. Still, there is an untold price that has been paid by families and our communities. Latest estimates show that there are **5.1 million children in the U.S. who have had a parent incarcerated at some point in their lives. This includes 41,000 Nebraska children, or nine percent of all children in our state—one of the highest in the country.**¹

Voices for Children in Nebraska believes that LB 108 creates opportunities for our state to better support the children of incarcerated parents in a way that is supported by research. In recent months, we organized listening sessions with Nebraskans who have personal experiences with parental incarceration to discuss the impact this has had on families and much of what we have already learned has affirmed the need to give thoughtful attention to the children who are left behind by incarceration. **The stories we heard were ones of hope, anguish, and anxiety over their children’s futures, and we hope that their voices will drive the policy reform that Nebraska needs.**

LB 108 would require law enforcement agencies to establish guidelines that ensure child safety when a parent or guardian is arrested. Policy and practice may already exist within departments across the state, but this language would ensure that intentional dialogue occurs with some level of uniformity in Nebraska. **A number of other states and jurisdictions have passed similar legislation,² in recognition of the importance of minimizing the trauma that children experience when witnessing the arrest of a parent, and any other traumatic events leading up to arrest.**³ Additionally, the guidelines would **create a footpath for collaboration with child**

¹ The Annie E. Casey Foundation, *A Shared Sentence: The Devastating Toll of Parental Incarceration on Kids, Families, and Communities*, April 2016, available at: <http://www.aecf.org/m/resourcedoc/aecf-asharedsentence-2016.pdf>.

² Steve Christian, “Children of Incarcerated Parents,” National Conference of State Legislatures, March 2009, <http://www.ncsl.org/documents/cyf/childrenofincarceratedparents.pdf>.

³ International Association of Chiefs of Police and the Bureau of Justice Assistance of the U.S. Department of Justice, *Safeguarding Children of Arrested Parents*, August 2014, <https://www.bja.gov/Publications/IACP-SafeguardingChildren.pdf>. See also: <http://www.iacp.org/cap>.

welfare workers to ensure that children are able to remain in a safe environment and prevent foster care placement whenever possible.

Additionally, LB 108 would require that presentencing investigations include how any minor or dependent children could be impacted by sentencing. The loss of a parent to incarceration is not just a loss of a source of income for families—it oftentimes means a greater, more hidden, loss of stability. **Children depend on strong relationships with adults, and research has linked parental incarceration to a multitude of adversities that last into adulthood, including antisocial behavior,⁴ poor educational performance,⁵ and decreased physical and mental health.⁶** Most alarmingly, research suggests that **altogether, the effects and strain of the incarceration of a family member oftentimes lead children to demonstrate law-breaking behavior and become justice-involved, themselves.⁷**

The provisions of LB 108 would offer a first-step answer to this important issue by requiring the Department of Correctional Services to adopt policies that support strong parent-child relationships. This is an opportunity to build on the successes of our corrections system, including the country's second-ever prison nursery at the Nebraska Correctional Center for Women (NCCW) in York,⁸ and the parenting and visitation programs available to parents in state facilities. **By continuing to support the children of incarcerated parents and their families, our systems can buffer against risk by enhancing protective factors that enhance positive growth.** These policies would improve communication for families, and raise the age for physical contact during visitation from age three to 13. Echoing child psychology research,⁹ the importance of physical touch was consistently identified as a challenge as we talked to Nebraskans—children, especially younger children, experience confusion and frustration when a younger sibling is able to sit in a parent's lap, but they are unable to do so.

Voices for Children in Nebraska supports LB 108 and its effort to bring child well-being into focus during the ongoing discussion over corrections reform. We thank Senator Crawford for her commitment to Nebraska's children and this committee for their time and consideration. We respectfully urge you to advance LB 108. Thank you.

⁴ Joseph Murray, David P. Farrington, and Ivana Sekol, "Children's Antisocial Behavior, Mental Health, Drug Use, and Educational Performance after Parental Incarceration: A Systematic Review and Meta-Analysis," *Psychological Bulletin* 138, no. 2 (2012):175-210.

⁵ John Hagan and Holly Foster, "Intergenerational Educational Effects of Mass Imprisonment in America," *Sociology of Education* 85, no. 3 (2012):259-286.

⁶ Rosalyn D. Lee, Xiangming Fang, and Feijin Luo, "The Impact of Parental Incarceration on the Physical and Mental Health of Young Adults," *Pediatrics* 131, no. 4 (2013).

⁷ Lauren Aaron and Danielle H. Dallaire, "Parental Incarceration and Multiple Risk Experiences: Effects on Family Dynamics and Children's Delinquency," *Journal of Youth and Adolescence* 39, no. 12 (2010): 1471-1484.

⁸ Joseph R. Carlson, "Prison Nursery 2000: A Five-Year Review of the Prison Nursery at the Nebraska Correctional Center for Women," *Journal of Offender Rehabilitation* 33, no. 3 (2001):75-97.

⁹ Julie Poehlmann, "Children's Contact with Their Incarcerated Parents: Research Findings and Recommendations," *American Psychology* 65, no. 6 (2010):575-598.