

# Chapter 16

## Motherhood: Parent–Child Separation

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### ABSTRACT

*The incarceration of women and the impact on children, families, caregivers, and the prisoner in terms of motherhood and parenting has become an increasingly prominent area of interest within the criminal justice system. The number of women in state and federal prisons has dramatically increased; however, gender-responsive policies and practices that address incarcerated women's needs and circumstances have been limited. These findings give rise to concern regarding the number of women in jail or prison who are mothers of minor children. This paper investigates the differences between inmate mothers' and fathers' reported incarceration rates and examines the associations between early mother-child separation behaviors and children's outcomes. The impact of COVID-19 will also be included to address the ongoing harms to the lives of female prisoners. Based on these findings and other studies, prisons and jails need to develop a comprehensive strategy to fully address the needs of incarcerated mothers and reduce the harmful impact of incarceration on their children.*

### INTRODUCTION

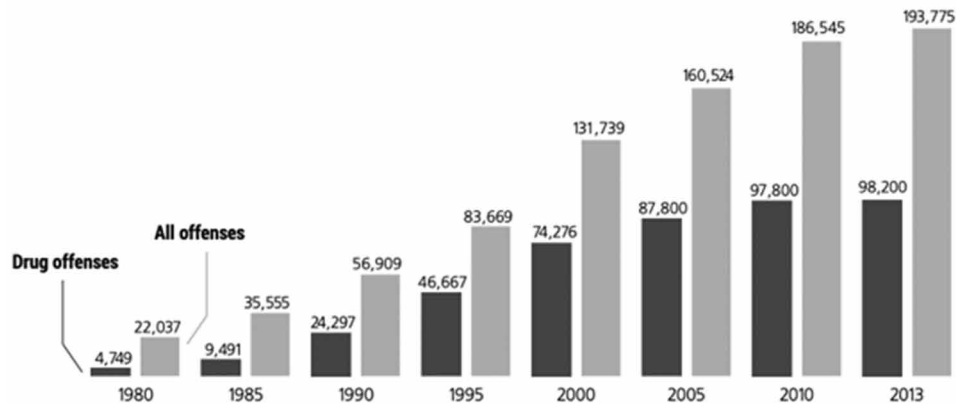
The United States has the highest incarceration rate of women in the world, “between 1980 and 2019, the number of incarcerated women increased by more than 700%, rising from a total of 26,378 in 1980 to 222,455 in 2019” (Incarcerated Women and Girls, 2020, p. 1). While many more men are in prison than women, women are incarcerated now more than at any other point in U.S. history. This rapid, unprecedented growth is predicted to continue. This results from “more expansive law enforcement efforts, stiffer drug sentencing laws, and post-conviction barriers to reentry that uniquely affect women” (Incarcerated Women and Girls, 2020, p. 1). While there has been data collected about individuals who have been or are under some form of criminal justice system control, “very little is known about the approximately 10 million children in the U.S. who are under 18 and have had one or both incarcerated parents. Who are invisible to the larger society,” (Reed & Reed, 1997, p. 152). More than 60% of women

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*Figure 1. Number of People in Federal Prisons for Drug Offenses, 1980–2013*

*Source: Sourcebook of Criminal Justice Statistics Online; Carson, E.A. (2014). Prisoners in 2013. Washington, D.C.: Bureau of Justice Statistics.*



in state prisons have a child under 18 (Incarcerated Women and Girls, 2020, p. 1). The national trend in women being incarcerated guarantees that children will continue to be adversely affected by policies enacted without considering the harm done to family systems. This report aims to examine what is presently known about motherhood and includes the child's experience as their lives are disrupted. We begin by placing women's increase in incarceration in its larger historical and political context and conclude with recommendations to address and alleviate the problems resulting from mother-child separation.

### Imprisoned Mothers and Their Children: "War on Drugs"

Studies have shown that the increase in numbers of incarcerated women is largely due to the "War on Drugs." According to Sharp and Eriksen (2003, p. 119), "[t]he United States is waging war on poor women and their children." Over the past two decades, there have been increasing numbers of women imprisoned due to the sentencing for drug possession. This drug policy moved to the forefront of criminal justice policy during the 1980s and early 1990s (Wonders, 1996). The proportion of imprisoned women convicted of a drug offense increased from 12% in 1986 to 26% in 2018 (Incarcerated Women and Girls, 2020, p. 1). As a result of the draconian drug laws, there has been an increase in U.S. women's prison population.

The War on Drugs was an effort of the United States to combat illegal drug use and increased penalties, enforcement, and incarceration for drug offenders (see Figure 1). According to Bush-Baskette, the "War on Drugs" was first declared in 1972 by President Nixon and then re-declared 10 years later by President Reagan" (2000, p. 1). These statutes forced drug offenders to serve longer prison terms and now applied minimums to any member of a drug trafficking conspiracy. This holds an individual liable for any activity within the drug-related crime. Mandatory sentences uniformly punished any member and offered a low chance of judicial discretion.

The "War on Drugs" disproportionately targeted women. Even though men are sought out by drug law enforcement more frequently, many of the war on drugs targets have been women (see Figure 2) (Women, Prison, and the Drug War, 2018, p. 1). The Anti-Drug Abuse Acts of 1986 and 1988 imposed lengthy

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