Invisible Victims: The Children of Women in Prison
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December 2004

Each year, at least 25,000 children across Canada have a mother in prison. Alison Cunningham and Linda Baker of London’s Centre for Children and Families in the Justice System present compelling evidence about why these children are among the most vulnerable in our communities. Their groundbreaking study paints a stark portrait of the lives of children who are at higher risk for a troubled adolescence and may increasingly turn to crime as they get older. By understanding the factors that affect how children deal with the experience of having a mother in prison, we can reduce the chance that they will follow the same path. The authors provide thoughtful recommendations for the smaller and larger changes needed to minimize harm and proactively support children whose mothers are in conflict with the law.

Introduction

Nine-year-old Corry lies awake worrying her mother will end up in jail and not come home. Three years ago, her mother served two months in prison for storing a relative’s stolen property.

Five-year-old Adam cried the entire week his mother was detained awaiting a bail hearing. Four months later, Adam wants Power Rangers to kill the police officers who took mommy to jail and the prison workers who kept her there.

Sixteen-year-old Darryl is anxious about his mother’s upcoming sentencing hearing, when she may receive six months for breach of probation. He is overwhelmed at the thought of caring for three young brothers, but he doesn’t want them to end up in foster care.

These three children, and at least 25,000 like them across Canada every year, are the hidden victims of the imprisonment of women, and they are among the most vulnerable in our communities. While children affected by the incarceration of their fathers are far more numerous, it is the incarceration of their mothers that will be more destabilizing and affect them disproportionately.

In our zeal to make offenders pay by forfeiting their freedom, children become the secondary
victims of crime, experiencing residential disruptions, school changes, separation from siblings, foster care, or periods of time spent with convenient but inappropriate caretakers. They may have witnessed a traumatic scene at their mother's arrest. They feel shame, isolation, abandonment, confusion, grief, and loneliness. Well-meaning family members encourage keeping the secret from friends and teachers, adding to the sense of stigma, and isolating them from potential supports.

Moreover, a mother's imprisonment often affects families already challenged by poverty, inadequate housing, abusive or exploitative partners, mental illness, substance abuse and the legacies of child abuse. Even after a mother returns, children are forever changed simply by knowing she could be gone again. Few social services are designed to help them navigate the period before, during and after a mother's absence.

For too many of these youngsters, the stage is set for a troubled adolescence. Mothers may recognize disturbing trends in their teenagers, seeing them re-live events from their own youth such as substance use, depression, survival crime, school drop-out, early emancipation from adult care, exploitation by others, and early child bearing. They know this story better than most. In our study, 40% of the women had themselves been separated from their own mothers, fathers, or both, when they were children, because of parental incarceration. Now, as mothers raising the next generation, half of their own teenaged children have already been in youth custody.¹

Certainly, children can be affected when a parent engages in criminal behaviour and when a parent becomes involved with the justice system (e.g. arrest, pending court proceedings, being under restrictions in the community). But it is arguably the impact of the separation caused by incarceration that is most salient for children. Understanding more about how children are affected can inform our efforts. Furthermore, it highlights the need for alternatives to incarceration – both while awaiting trial and following conviction. Few women pose a risk to the community. Incarceration can actually elevate the likelihood of recidivism for women, as it destabilizes an already vulnerable family situation and can cause job and housing losses, and relationship breakdown. The longer-term price of incarceration as a form of punishment could well be seen in the prosecution of the “next generation.”²

This report provides background information concerning women in conflict with the law, and highlights the findings of a small, exploratory study in which we surveyed 45 mothers who are in prison and interviewed 7 of their children. We use a developmental lens to describe how children are affected and to understand how many of these children get launched on a particular trajectory which can result in their own eventual involvement in the criminal justice system. We recommend policy and practice changes to minimize the harm and proactively support children whose mothers are imprisoned.

Women in conflict with the law

In Canada, criminal behaviour among women is minor and relatively rare:

- 4% of adults in prison are women
- 23% of adults charged with property crimes such as fraud or theft are women
- 16% of adults charged with offences categorized as “violent,” are women
- women are less likely than men to have a record of prior convictions³
- women are over-represented in arrests related to the sex trade⁴
Research into women’s criminal behaviour invariably identifies family of origin issues, victimization, and abusive or exploitative relationships as important features of the pathways that bring them into conflict with the law. The majority of abused and neglected children grow up to lead law-abiding lives. However, the vast majority of women in correctional systems have experienced childhood abuse and neglect, compromising their health and the ability to develop emotionally in a nurturing family, complete school, live at home until adulthood, transition successfully into the workplace, and enter non-abusive and non-exploitative relationships. Instead, they may develop coping strategies associated with escape and survival that can take the form of or lead to criminal behaviour. Finally, some survival strategies of women are criminalized, such as when they work in the sex trade, steal to feed their children, or are prosecuted for welfare fraud because a full-time minimum wage job cannot support a family.

Unlike men, therefore, the criminal behaviour of women is typically understood to be part of an overall coping strategy that frequently has its roots in childhood abuse or neglect, followed by leaving home early, dropping out of school, and substance abuse as a coping mechanism. Perhaps as a direct consequence, women in conflict with the law typically survive with lives characterized by poverty, inadequate housing, abusive or exploitative partners, and instability. Many women in prison left school before graduation, had their first child as a teenager, and are unemployed. They may have few job skills and be reliant either on welfare, low-paying jobs, or criminal sources of income. Even compared with men in prison, they have high rates of serious drug problems and women with mental health crises can find themselves in prison rather than in a more appropriate residential placement.

Children of women in prison

Most of the women in prison are mothers. Little is known about their children, including exactly how many youngsters are affected. Extrapolating from daily counts of women in Ontario prisons, on any given day, 1,000 children are waiting for their mothers to return from prison. However, each year in Ontario, about 35,000 women are sentenced to prison and about an equal number are detained waiting trial or disposal of criminal charges. Because some women enter prison more than once in a year, it is difficult to know precisely how many children are affected by a mother’s entry into prison each year. The number must be at least 10,000 in Ontario alone. Across Canada, where 85,000 begin prison sentences each year, the number must be at least 25,000.

These children are invisible, not only from policy makers, service providers and researchers, but also from communities. With few exceptions, little data are available to bring them out of the shadows. In our small, exploratory study, we spoke with 45 women in the provincial correctional system who told us about their 90 children:

- the average age of the children was eight
- half of the children were age six or under
- most of the children had siblings (78%)
- of these, half were separated from their siblings while their mother was in prison
- about half of the children lived under an open child protection file and many (43%) had no contact with their biological fathers.

The mothers also told us about themselves:

- 62% left school before graduation
• 59% had a first child as a teenager  
• 60% were unemployed at the time of arrest

Many of the mothers acknowledged personal struggles that compromised their parenting:

• 59% experienced high-conflict relationships  
• 54% identified childhood abuse  
• 54% used drugs  
• 42% described problems with alcohol, and  
• 74% expressed not having enough money.

Many of the mothers also face structural barriers such as racism: 17% described themselves as Aboriginal, 38% described themselves as a visible minority, and 22% were born outside Canada.

**Understanding how children are affected**

Our study examined how children are affected when their mothers are incarcerated and we assessed the impact in the context of the children’s developmental stage. Here we illustrate the findings through some of the mothers’ and children’s voices.

**Infants and toddlers**

“He cannot understand where mommy is and why he can’t go home to mommy”

“I worry that he won’t understand and that he won’t know me when I get out”

Although babies may not understand what is happening in their lives, they are affected by the stress of those around them, especially during the difficult period before, during and after the time their mother is in custody. Infants and toddlers may be cut off from breast feeding too early, have their routines disrupted and have to deal with changes in their primary caregivers. Many will live in foster care and these interruptions in attachment can lead to distress and withdrawal. In our study, the mothers of 85% of the babies acknowledged they had an abusive partner or ex-partner which compromised their parenting. Violence and conflict in the home, with loud noises and vivid visual images, will distress babies and toddlers. Substance abuse by the mother also has an impact on her parenting.

Other factors affecting children of this age include the potential for inappropriate (possibly abusive or neglectful) interim caregivers, disruptions in attachment, severe family stress, and reduced capacity for self-regulation, possibly interacting with the effects of other family challenges such as poverty.

The mothers worried their babies were confused by the sudden separation and were too young to understand or have the situation explained. Some worried their babies would bond with another caretaker and not remember them or that the mother/child bond would be permanently damaged. Only one in ten women with babies said they had been brought to visit them, probably out of concern for the wrenching point of departure. In penal settings that do not permit contact visits, children of this age cannot understand why they can see but not touch their mothers.
Children from three to five are developing the skills they will need to succeed in school and in society. They are becoming more independent and asserting their individuality. Routines are important at this age. More than half (57%) of the preschoolers in our sample changed homes because of their mothers’ incarceration and many (29%) had to change schools and child care settings. Although preschoolers may not understand complex situations and motives, they will pick up on the emotions of those close to them. They are likely to be distressed if Mommy is noticeably upset and they may have seen a mother arrested.

Pre-schoolers will not be able to grasp the connection between crime and punishment and will focus on the outcome. For example, they may blame the police or the judge for taking Mommy away. Or they may blame Mommy for being bad and needing a “time out” which is difficult to reconcile with the good mommy they know who does nice things for them. This may set the stage for children to see the justice system as unjust and “people like them” as victims of that system.

School-aged children

“When mommy went to jail, I felt sad and broken-hearted. When mommy came home, I felt happy and double-hearted.”

“My mother was with [my uncle] and he gave stuff he wanted to steal to my mom and then he ran away and that’s how my mom got in jail. It wasn’t nice to leave my mom and have her go to jail when she didn’t do anything.”

Children aged six to 12 have an increased emotional awareness of themselves and others and are better able to think in more complex ways about right and wrong and cause and effect. In the families we studied, the school-aged children were growing away from their mothers and being established with other caregivers. At this age, children need to rationalize their mother’s behaviour in a way that allows them to continue seeing her as a good person. They will focus on the fairness of the circumstances of her arrest and prosecution rather than on her behaviour itself. As a result, they may see the system as unfair or biased. They may justify her behaviour and believe instead that the “system” chose to pick on her. Left unaddressed, these attitudes can eventually result in anti-social rationales for their own criminal behaviour.

School aged children may hide their “secret” from others and this may prevent them from seeking support and assistance from adults such as caretakers or teachers and their peers. They may experience adjustment difficulties that can manifest in a variety of ways including aggression, difficulty concentrating, multiple absences and even school avoidance.

Adolescents

“My son doesn’t think I care about him.”
“My 16-year old is angry and feels abandoned.”

The picture concerning adolescents is one of young people already drifting away from their mothers and having little if any contact with their fathers. Many of the teens had already spent time in youth custody themselves. For over half of the teens, this was not the first time their mother was in prison. Because most already lived elsewhere, the experience was not as disruptive for them as for younger children. Adolescents may feel anger at their mothers and at the “system”, shame, sadness, confusion, and guilt. They often feel isolated and stigmatized as the child of an “inmate” and fearful of public discovery of their status. They may rationalize their mom’s behaviour, perhaps in a distorted way, denying what she did was wrong and normalizing her behaviour (“everybody does it”). They may also accept her excuses (e.g., need/survival, stress, drugs), blame others, or blame the system. Some emotionally distance themselves from mothers who have repeatedly disappointed them.

Coping strategies you might see in adolescents include taking on adult roles prematurely, such as being a practical and emotional caretaker for younger siblings or even their mothers. Coping might also take the form of alcohol/drug use, running away, using anger to suppress other emotions, thrill seeking, developing pseudo-family relationships with relative strangers, and seeking sexual intimacy. Finally, they may drift away from the care and supervision of responsible adults, living with “friends,” with exploitive adults or on the street. They may find it logistically difficult to stay in school. The differences between boys and girls, which would be anticipated, are not well understood and should be examined.

Criminal behaviour in youth: Understanding the role of a mother’s incarceration

Very few studies of criminal behaviour in youth consider whether or not a parent has been incarcerated, however those that do clearly identify a correlation. Our research has identified five over-arching factors that shed some light on how this connection may work:

1. **Unhealthy coping strategies.** Coping strategies in general help children of all ages deal with hurtful situations. Children who have a mother in prison experience disruption, anxiety over the future, shame, and other difficulties such as violence or poverty. Unfortunately, young people often resort to unhealthy strategies such as denial, anger, self-blame, emotional numbing and escape through running away or alcohol and substance use. These techniques may help kids get through the bad times, but their use on an ongoing basis will create longer term problems that may lead to criminal behaviour.

2. **Rationalization** is a particular coping strategy which children use to preserve their image of mom as a good person. They tell themselves that people who say bad things about her must be wrong or confused or malicious. Children might even begin to see crime as necessary and noble in some circumstances (e.g., to provide food and clothing), they may feel their mom is a victim of circumstances (e.g., addictions, poverty), and that the “system” is unfair. Some will even believe that going to prison is part of the family script; unavoidable or even a badge of honour. These beliefs may cause kids to rationalize their own anti-social behaviour.

3. **Living in poverty** is an extreme strain on children whose mothers are imprisoned. They are affected by the stresses and strains of life in disadvantaged neighbourhoods, subsidized housing complexes with high crime rates, poor nutrition and an ever-present sense of want. Growing up in the context of poverty is already a challenge, even without the added stress of incarceration.
4. **Freedom from adult supervision and guidance** is another factor that may lead to criminal behaviour in young people whose mother is in prison. Whether they choose to accept it or not, adult guidance allows adolescents to grow and develop within a safe environment. Without advice and support, young people may struggle in school and eventually drop out, experience job difficulties, early child bearing, and become involved in abusive or exploitative relationships. Survival crime, the lure of pseudo families on the street, the draw of the drug culture and perhaps the sex trade, will all play a role in encouraging kids to adopt criminal behaviour.

5. **Stereotyping** by decision-makers within the justice system is also a problem if children are pre-judged based on the criminal involvement of their family members. By believing that “the apple does not fall far from the tree”, decision makers may be quick to lay charges instead of using discretionary avenues such as cautions, diversion, referral to social service agencies and other options.

**What can we do to minimize harm?**

Many children with a mother in prison are at risk of criminal behaviour and eventual incarceration themselves. By recognizing and addressing these factors early we can lessen their impact. Currently, we need to work harder to ensure women can plan for substitute caregivers and help children maintain meaningful contact with their mothers. There are few if any parenting programs in Ontario correctional settings; meaningful release planning is lacking and there are only limited specialized programs available for children. The general public may have little sympathy for people who find themselves on the wrong side of prison bars, but it can only be in society’s interest to assist these innocent child victims who have been called the “collateral” casualties.11

If we are serious about making a difference in the lives of these children, we will have to develop policies and approaches to address the factors we have outlined above. Here we present strategies – big and small -- to proactively support children.

1. **Using viable alternatives to incarceration** will help keep families intact and stable by using non-carceral ways to hold offenders accountable, address the underlying causes of offending behaviour in their own communities, and protect society at least as well or better than by using imprisonment. Besides concern for children, this is a sensible approach for many reasons. There is no doubt that our system of criminal justice will continue to use incarceration for the slim minority of cases in which victims are harmed and/or in which the offender must be separated from society for our safety. For the majority of offences, however, community-based alternatives are cheaper, less damaging, and more effective. Conditional sentences (with the threat of imprisonment for non-compliance) can accomplish many of the goals of sentencing without recourse to imprisonment. Incarceration may increase risk of recidivism and breaks down any social supports, employment, housing, etc. that are critical to family functioning.

2. **Training key professional groups** about the unique contingencies of parental incarceration will help them assist children. Groups likely to come into contact with these youngsters include child protection workers, children’s mental health professionals, educators, and staff at youth custody facilities. The staff of adult correctional institutions would also benefit from such training. Training might focus on the pros and cons of visiting, how to explain
incarceration to children of different ages, addressing children’s questions and worries about prison, helping them understand their mother’s criminal behaviour and the connection between crime and punishment, how children’s emotional reactions can manifest, how school performance and peer relationships can be affected, how children rationalize the separation from mothers, and challenges faced after release. Finally, enhancing judicial skills will help judges appreciate the impact on children, a factor to consider when choosing between a carceral and a community-based sentence.

3. **Providing developmentally sensitive assistance to children** who are, will be, or have experienced their mothers being imprisoned by:

   - training professional groups likely to come into contact with these youngsters to ensure that social service and treatment interventions are responsive to their unique needs
   - organizing group activities so these children can meet other children “like themselves.” For example, the Continuité-famille auprès des détenues et ex-détenues (CFAD) program in Montreal offers recreational and supportive activities, including music, painting and wood working
   - developing interventions – individual or group-based -- designed for children. For example, the CABI program (Children Affected by Incarceration) of the House of Hope in Ottawa is based on play and art therapy techniques and uses a cognitive behavioural approach. There are many other examples in the United States
   - creating mentoring programs perhaps following the Big Brother/Big Sister model. The Precious Pals program of the Elizabeth Society of Manitoba is an example
   - ensuring that all interventions avoid labelling or further stigmatizing children and are sensitive to their need for privacy
   - ensuring that counselling support includes the following:
     - supportive listening in a confidential environment about how the children are feeling and thinking
     - assessment of the strategies children use for coping and attempting to extinguish the unhelpful strategies by encouraging healthier coping
     - assessing and addressing the rationalizations children develop to explain and feel okay about the absence of their mothers
     - assessing and re-framing any cognitive distortions children may have about why their mother offended, was arrested, and was incarcerated
     - when age appropriate, helping children to understand the criminal justice process that is affecting their families, so they don’t feel in the dark

4. **Providing parenting education and support** universally to support parenting by both men and women, and specifically, to help men and women in institutional and community-based correctional settings. Some correctional authorities reject this suggestion because parenting is not a “criminogenic risk” factor. However, this paradigm for correctional programming is increasingly coming under attack in favour of more holistic and strength-based, gender-responsive approaches. The Ontario Women’s Directorate has funded a resource to support parenting in mothers who have survived woman abuse, a designation which applies to most
women in conflict with the law. Women may see the patterns of their lives being repeated in their children but not have the skills and confidence to be a change agent for them. The women we surveyed are motivated to learn how to be better parents.

5. **Ensuring children have safe placements with nurturing caregivers** should be a priority. In our study, 83% of women with custody of minor children said they had no time at all to make arrangements for a substitute caregiver when first admitted to custody. The consequence is clear: hastily made arrangements -- perhaps neighbours, partners (some of whom only recently arrived on the scene), distant relatives or a combination of such people -- may not be best for children. Indeed, almost one third of the women we surveyed were not sure children were safe with current caregivers. Unstable arrangements which break down will trigger other residential changes. Continuity of at least one caregiver, or continuity of a wider support system such as extended family, is helpful especially for younger children. Protocols among police, courts and child protection authorities could ensure that a Children’s Aid Society assesses or monitors the suitability of all caregiver arrangements.

6. **Encouraging meaningful contact between children and mothers** will keep the bond strong and help smooth family reunification. In our study, few mothers said their children had visited the prison. Reasons included not wanting their children entering a prison, the visiting arrangements were not nice for children, the children lived too far away and transportation was difficult or too expensive, and the current caregiver did not believe they should visit. Visiting facilities can range from a box with cold steel furniture and a glass partition, to more comfortable and inviting child-friendly rooms where contact is permitted and activities are available. Efforts to enhance contact between mothers and children should include designated family liaison officers to help families negotiate the visiting process and maintain contact. Enriched visiting programs can incorporate a parenting-skills program. There are many excellent examples of the latter operating in other jurisdictions. Other means of contact can include telephone calls (currently only available as collect calls) and making audio or videotape recordings.

7. **Fostering meaningful release planning** will help women leave prison with the best chance of success. Planning for release means securing a suitable place to live, defining a job search strategy or enrolment in an educational/vocation program, applying to any needed treatment programs, and having a source of income. When women are released with a bus ticket and map to the homeless shelter, their chances of success are low.

8. **Helping women avoid re-involvement with the justice system** will ultimately be the best way to help their children. A spectrum of services is required including educational or vocational programs; health care; mental health services; addictions treatment; woman abuse advocacy; sexual assault/abuse survivor advocacy and treatment; a livable level of social assistance; fair access to disability pensions for those who qualify; legal aid; child protection services and family support; and community-based correctional services. In the correctional system, programs should be gender-responsive, designed for women and not re-treads of those designed for men. Women and men find their ways into conflict with the law for vastly different reasons.

9. **Conducting further research** will aid in our efforts to increase understanding about the unique needs of mothers in conflict with the law, their children, and the supports which can have the greatest positive impact. Ideally, we need to routinely collect data on parental incarceration when children are referred to social service settings, and from mothers entering and leaving detention. We need to know a lot more about which women are more likely to
return to prison and why so that we can ensure an appropriate spectrum of services to address the needs of both women and children.

Conclusion

Judged against the backdrop of our many years working with traumatized and vulnerable children, we now see children affected by their mother’s imprisonment as perhaps the most traumatized and vulnerable children in our communities. Indeed, one of the most poignant findings for us was how long the effects lasted and how deep the scars were. At the same time, the children want nothing more than to blend in and keep the “secret.”

The real tragedy here is that their mothers represented no threat to the community, as is often the case with women who enter detention or sentenced custody. Can we not devise creative ways to hold people accountable that do not involve cages and bars?

As one woman told us, “No one sees the mothers and fathers [in prison] crying quietly at night. No one sees the children crying quietly at night, and blaming themselves.” Our intent is to bring these children out of the shadows, so they occupy our thoughts when we make decisions, set policy, do research, and plan interventions. As individuals, they need and deserve sensitive and discrete support in the period before, during and after a mother goes to prison. A mother’s release does not automatically make everything better again. Invisible children can carry invisible scars for many years to come.

Resources and Links

Action for Prisoners’ Families  
www.prisonersfamilies.org.uk

Canadian Family and Corrections Network  
www3.sympatico.ca/cfcn/

Centre for Children of Incarcerated Parents  
www.e-ccip.org

Council of Elizabeth Fry Societies of Ontario  
www.cefso.ca

Author Bios

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Linda Baker, Ph.D., C.Psych., is a clinical psychologist and Executive Director of the Centre for
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References

1. The material here is from a study funded by the National Crime Prevention Centre in Ottawa and summarized in: Alison Cunningham & Linda Baker (2003). *Waiting for Mommy: Giving a Voice to the Hidden Victims of Imprisonment.* London ON: Centre for Children and Families in the Justice System. The project was undertaken in cooperation with member agencies of the Council of Elizabeth Fry Societies of Ontario. Copies can be downloaded from www.cefso.ca or www.lfcc.on.ca


5. This number is based on an average daily count of 650 (federal and provincial combined), and extrapolation of findings that at least 85% of women in prison have minor children and each mother has two children on average.


Frontline service providers have frequently warned women in prison are often victims of much more serious offences than those of which they have been convicted. A recent report from the Prison Reform Trust found 80 per cent of women in jail were inside for non-violent offences. Although female prisoners are legally allowed to keep their baby for the first 18 months in a secure mother and baby unit, the vast majority of children are separated from their mothers. This could easily be fixed, its report said, noting it was not possible to protect the human rights of children who are invisible.