



RHODE ISLAND KIDS COUNT

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**Testimony Re: House Bill H5686, An Act Relating to Criminal
Procedure -- Sentence and Execution
House Judiciary Committee
April 4, 2023
Kelsey Bala, Policy Analyst**

Mr. Chairman and members of the Committee, thank you for the opportunity to provide testimony. We would also like to thank Representative Cruz for sponsoring this important bill and Representatives Potter, Batista, Speakman, Tanzi, Stewart, Boylan, McNamara, Giraldo, and Kazarian for co-sponsoring.

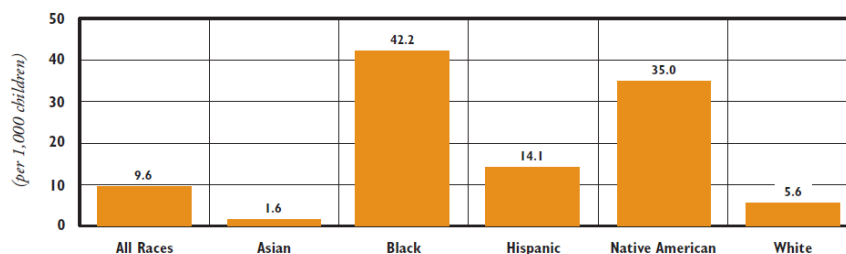
Rhode Island KIDS COUNT would like to voice its support for House Bill H5686. **This bill would require the courts to consider the parental status of the defendant at the time of sentencing and would allow the defendant to present a family impact statement, including testimony, videos and documents relative to their parental status.** Unless the court finds that the parent poses a significant risk to the community that outweighs the harm of the parent's absence from the child's life, it shall impose a sentence that does not include imprisonment but keeps the parent at home and able to care for their child/children while being monitored. This bill would also require the courts to consider if the defendant is the caregiver of an elderly, disabled or terminally ill family member whose well-being will be negatively affected by their absence.

More than five million children in the U.S. have had a parent incarcerated in jail or state or federal prison at some point in their lives. Parental incarceration can contribute to children's insecure attachment to their parent, which can lead to poor developmental outcomes.

Adverse Childhood Experiences (ACEs) are defined as traumatic events that happen to an individual before the age of 18. The Centers for Disease Control and Prevention describe the instability due to parental separation, including a caregiver being in jail or prison, as an ACE that leads to the development of toxic stress for children in those circumstances. This long-lasting stress response causes damage both to the physical body and to the child's mental well-being. ACEs disrupt the development of the brain and biological systems and can result in short-term harm and long-term negative outcomes, such as depression, substance use disorders, suicide, and certain chronic diseases in adulthood. Children of incarcerated parents experience high rates of physical and mental health problems (including asthma, obesity, and depression) and educational challenges (including grade retention, placement in special education, and suspension). Parental incarceration increases children's risk for learning disabilities, ADHD, conduct problems, developmental delays, and speech problems.

Moreover, the incarceration of parents with minor children maintains pervasive disparities. Nationally and in Rhode Island, the criminal justice system disproportionately affects People of Color. In the U.S., 24% of Black children and 11% of Hispanic children will experience parental incarceration compared to 4% of white children.

Children of Incarcerated Parents, by Race and Ethnicity, Rhode Island, September 30, 2020



Source: Rhode Island Department of Corrections, September 30, 2020.

In Rhode Island, Parents of Color are overrepresented in the incarcerated population compared to their proportion in the general population. In Rhode Island on September 30, 2020, 42.2 per 1,000 Black children had an incarcerated parent compared to 5.6 per 1,000 white children. Native American children also experience higher rates of parent incarceration (35.0 per 1,000).

Lastly, children of incarcerated parents are more likely than other children to be involved with the child welfare system. In the U.S., 40% of children in foster care had experienced parental incarceration at some point in their lives. Not only is removal from home and placement into foster care often disruptive for children, it can negatively affect their academic achievement, mental health, ability to develop healthy connections, and future earnings.

We urge you to pass H5686 to give children of parents who do not pose a significant risk to community safety the opportunity to have their parent present during the critical developmental years of their lives.

Thank you for the opportunity to provide testimony.