
Fathers in Prisons: Responsible Fatherhood and Responsible Public Policies

Creasie Finney Hairston, Ph.D.

The chapter presents an overview of the family roles and relationships of incarcerated men and describes the ways in which individual situations and public decisions affect their ability to function as parents. With few exceptions, fathers in prison have been out of sight and out of mind of community organizations concerned with family life and children's well-being [11,27]. Men in prison have not been encouraged to maintain relationships with their children and have not been supported in carrying out parenting obligations or commitments.

How is the Policy Environment Changing?

On any given day, there are more than a million children whose fathers are in prison or jail and millions more whose fathers have been or will be incarcerated at some point during their growing up years [22,31]. These numbers are likely to increase as a result of:

- laws mandating long prison terms for drug and certain other criminal offenses
- life terms for repeat criminal offenders.

A heavy reliance on prisons as a major criminal justice strategy has consequences that extend far beyond the individuals imprisoned today and well into the next generation. Although it may be hard to think of imprisoned fathers as significant, positive figures in their children's lives, numerous problems are associated with their absence. Research on father absence, including during and because of incarceration, indicates that father absence results in decreased financial resources for the families and loss of regular father-child interaction [21,28,29]. Negative effects of fatherlessness include a greater risk of juvenile delinquency and later adult criminality and a host of other difficulties such as school failure, withdrawal and excessive sadness, aggressive behavior, and teenage pregnancy [8,24,28,33,36].

With predictions that indicate that three in ten African-American men will spend some time in prison [18], the issue of absent parents becomes an even more pressing public policy concern. The rediscovery of fatherhood and the implementation of state-led responsible fatherhood initiatives challenge the conventional wisdom of treating incarcerated fathers' family responsibilities as private matters.

As an example, the State of Illinois has implemented procedures to establish paternity and child support orders for prison inmates as a key component of its responsible father initiative [16]. Similar state-led initiatives aimed at increasing the amount of child support that states raise from prison inmates, along with proposals to make parent education for fathers an accepted part of prison programming [16], have raised the issue of parental incarceration to a new level of visibility and importance.

On any given day, there are more than a million children whose fathers are in prison or jail and millions more whose fathers have been or will be incarcerated at some point during their growing up years.

A heavy reliance on prisons has consequences that extend far beyond the individuals imprisoned today and well into the next generation.

The State of Illinois has implemented procedures to establish paternity and child support orders for prison inmates as a key component of its responsible father initiative.

A 1993 U.S. Department of Justice report indicated that more than half of the state prison inmate population were fathers, with 56% having at least one child under the age of 18.

More recent studies of prisoners report that most men in prison are not married although the majority are parents of dependent children.

Parent-child relationships during imprisonment are tenuous at best as fathers seldom see their children and have few opportunities to provide emotional or social support to them.

What are the Social Characteristics, Family Roles, and Family Relationships of the Prison Population?

National surveys of prison inmates indicate that while the prison population has been steadily increasing, several social characteristics of the population have remained relatively stable over several years. According to the most comprehensive national report providing detailed statistics on prisoners' social and family characteristics, prisoners are primarily young, undereducated, poor and people of color. This 1993 U.S. Department of Justice report, which presented a 1991 profile of the state prison inmate population [31], indicated that more than half were fathers with 56% having at least one child under the age of 18. Nearly a third (32%) had two or more children prior to being incarcerated.

Both national and state level data collected during the latter half of the 1990's show a marked overrepresentation of people of color and an increasing percentage of prisoners who are African-American. Gilliard and Beck [7] reported that 1997 data indicated that African-American males constituted about 50% of the state and federal prison population. Recent studies of prisoners that focus on prisoners' family relationships report that most men in prison are not married although the majority are parents of dependent children [19,24,28,33,36].

What Kinds of Parent-Child Relationships Do Incarcerated Men Develop?

Hairston's [8,9,10] studies of men incarcerated in three southeastern prisons provide the most descriptive information on men's family relationships. Fathers in the Hairston studies fulfilled a range of different economic provider and nurture roles with their children. Most fathers indicated that they lived in the same household as at least one of their children at the time of arrest. Most children, however, were not living in the same household as their fathers.

When fathers did live in the same household as one of their children, it was most frequently with the youngest child. They usually provided for the financial support of that child and shared caregiving with the child's mother. Even though fathers were not involved in the day-to-day physical care of their children who did not live with them, many carried out some parenting responsibilities. Two-thirds said they were contributing to the financial support of and/or spending time with at least one of their children prior to incarceration.

Parent-child relationships during imprisonment are tenuous at best as fathers seldom see their children and have few opportunities to provide emotional or social support to them. Hairston's studies had the following findings about father-child contact while the father was imprisoned:

- Fewer than one-third of the fathers reported seeing their children on a regular basis, with married men having more regular contact than other fathers.
- Thirty percent of the men in the 1995 study had not seen their children at all since imprisonment.
- Fewer than 50% had seen at least one of their children at least once in the six months preceding the survey.

Hairston asked fathers why they believed their children did not visit more often. The major reasons fathers gave for no or few visits were:

- the child had no one to bring him or her to the prison (42%) or
- the child's mother did not want the child to visit (22%).

Only 5% of the incarcerated fathers thought the child did not want to visit. Interviews and conversations with prisoners' children and children's mothers indicate that there is a strong desire on the part of many children to see their incarcerated fathers, even if the children's mothers do not want the children to visit their fathers. Recent studies [1,3,5] have indicated that men in prison, similar to many other men, equate being a good father primarily with providing financially for their children, being physically present to protect them, and being in control. These findings suggest that fathers who are unable to control their own day-to-day routines, to make mundane decisions about their own lives, or to carry out traditional roles are at high risk of perceiving themselves as powerless and/or of devaluing their role as parents.

What Factors Affect Prison Parenting?

Parenting from prison is difficult and affected by diverse personal, familial, and public forces. These forces must be taken into consideration in designing fatherhood programs and adoption policy options.

Personal Issues. Many prisoners have serious social and emotional problems that inhibit their ability to parent effectively. These problems include the large numbers of prisoners with substance abuse problems, who are in need of drug or alcohol treatment, and the social conditions that brought them into conflict with the law. Others have engaged in repetitive criminal activity and sometimes violent and abusive relationships [19]. Reports of high levels of mental illness and serious chronic health problems further complicate the issue [23]. Because many men in prison may not really know how to be good parents, most responsible fatherhood programs include parent education as a fundamental component of the programming [2,6,16].

Family Histories. Prisoners' pre-prison family relationships are major determinants of the relationships they have with their children during imprisonment and upon release. In some cases, an imprisoned father's pre-prison lifestyle may not have been one in which much time was spent with his children. In cases where fathers were very much involved in the day-to-day lives of their children in positive ways, these fathers may be embarrassed that they cannot do the things that they once did. Pride, hurt and grief, and a desire for their children to move on with their lives may cause these fathers to disengage from their families.

Prison Environment. Fathers' parenting roles and behaviors are also shaped by the realities of the social environment of prisons. A prisoner's life involves childlike dependency; a prisoner's major responsibility centers on obeying rules. Social survival involves evasive and deceitful behavior and aggression and violence. A prison environment discourages the behaviors required to be a responsible parent or even a caring and compassionate adult.

Interviews and conversations with prisoners' children and children's mothers indicate that there is a strong desire on the part of many children to see their incarcerated fathers, even if the children's mothers do not want the children to visit their fathers.

Because many men in prison may not really know how to be good parents, most responsible fatherhood programs include parent education as a fundamental component of the programming.

Although official memorandum of most departments of corrections cite the importance of family relationships to the achievement of correctional goals, helping fathers maintain relationships with their children is one of the least important considerations in policy directives and day-to-day operations.

A consistent body of research has highlighted the positive role and function of strong family ties during imprisonment.

In recent years, policies have been added that make it more difficult for children to visit their incarcerated fathers.

How Do Public Policies Affect Parenting during Incarceration?

Parenting during and after imprisonment is not simply a matter of individual commitment or personal choice. Public policies together with the perceptions and goals that shape them affect incarcerated fathers' ability to parent. Although official memorandum of most departments of corrections cite the importance of family relationships to the achievement of correctional goals, helping fathers maintain relationships with their children is one of the least important considerations in policy directives and day-to-day operations.

Prison Locations and Prisoner Placements. Many state and federal level policy decisions discourage family relationships. The use of imprisonment as a primary policy option for addressing problems of drug, poverty, and crime is a major example. For individuals convicted of non-violent crimes and drug possession, punishment and rehabilitation services in their own communities would not create immediate parent-child family disruptions with long term negative consequences for children. Incarceration often leads to permanent termination of parental rights, the severance of parent-child attachments and the relegation of parenting solely to mothers and other female relatives.

Legislative and administrative decisions regarding the location of prisons and the placement of prisoners are usually made with little or no regard for, or understanding of, family connections, parenting responsibilities, or the long term societal consequences of fatherlessness.

The notion of responsible fatherhood and most of what it entails has clearly not been factored into prisoner placement strategies. Current strategies often place prisoners in the geographic area of a state that is farthest from their homes at the beginning of a sentence and move them closer to their homes toward the end of their sentences. There is little or no evidence that isolation measures will reduce recidivism, enhance character, support children's development, or strengthen family ties. However, a consistent body of research has highlighted the positive role and function of strong family ties during imprisonment [9].

Prison Visits. Communication policies governing visits and telephone calls vary considerably from one state to another, and within states from one institution to another. Within institutions, sanctioned practices vary from one staff person to another. The State of New York is one of a few states that permit overnight visits for husbands, wives and their children, but these visits are not permitted statewide. Most states have a history of restricting the frequency, duration, and time of children's visits [12].

In recent years, policies have been added that make visitation more difficult [30]. These restrictions include requiring that the children's mother or legal custodians escort them on visits, limiting visiting privileges to children for whom there is documentation that the incarcerated parent is the child's biological father, and requiring identification for infants and other young children [13]. Many prison visits involve a long journey to the prison site, long waits to be processed to visit and pat and frisk searches.

While many of these more recent policies present problems for families of all races, several are particularly insensitive to African-American family traditions and culture wherein child rearing responsibilities are often shared among several individuals and where many children do not reside with their mothers. Visits between prisoners and their children are not likely to occur, if women with whom they long ago severed ties are the only ones who can escort children to prison. These mothers may not object to, or may even be in favor of, children seeing their fathers, but not if it means that they must inconvenience themselves to make visits possible.

Prison Telephone Calls. Telephone calls are important means for maintaining parent-child contact when parents and children live in separate households. As a result of states' decisions to use the revenues generated from inmate telephone systems to subsidize other operations, prison telephone calls are expensive. Fathers who maintain telephone contact with their children usually do so by calling collect to the home. The receiving audiences are charged the maximum allowable telephone rates, with large profits being divided among the telephone companies and the corrections department or other state units.

These calls with their very high rates are not welcomed by children's mothers or caregivers who do not have strong relationships with or commitments to the incarcerated families, and they are highly problematic for poor families. Public officials who promote responsible fatherhood initiatives have failed to examine the impact of the competing goals of earning high, profit-splitting returns on prison telephone calls and promoting family relationships.

Child Support Policies. Most prisoners are not in a position to carry out traditional father roles as economic providers. Prison pay is too low to allow fathers to meet financial commitments they may have to their children [15,34]. In the absence of real prison jobs, support orders have little meaning and little effect on parenting. When child support debt accrues during imprisonment and must be paid upon release, fathers who lack employment and have few resources will find it difficult to pay these debts. This situation is a precursor for rearrest for nonsupport, repeat crime, tense family relationships, and a host of other social ills. Paternity establishment is also of little benefit to children if other policies counteract and thwart fathers' ability to parent. Legal responsibility for a child does not go very far if communication policies preclude fathers from being able to see, talk, or correspond with their children.

Child Welfare Policies. Child welfare policies pose unique challenges for fathers who are in prison. When children are under the custody of the state, parent-child bonds are at high risk of permanent, rather than temporary, severance [6]. Termination of incarcerated parents' rights can result from a father's failure to communicate regularly with his child or from his failure to adhere to court orders regarding participation in treatment programs. A father can also lose his legal rights as a parent because a judge decides that his prior criminal behavior and/or incarceration make him an unfit parent.

Visits between prisoners and their children are not likely to occur, if women with whom they long ago severed ties are the only ones who can escort children to prison.

Public officials who promote responsible fatherhood initiatives have failed to examine the impact of the competing goals of earning high, profit-splitting returns on prison telephone calls and promoting family relationships.

When child support debt accrues during imprisonment and must be paid upon release, fathers who lack employment and have few resources will find it difficult to pay these debts.

The prison focus on security and emphasis on punishment precludes the types of parental involvement, program participation, and father-caseworker contact that the child welfare system requires.

Rules that prohibit individuals with criminal records from being on an apartment lease prevent formerly incarcerated fathers from resuming legal residence with their children and children's mothers who live there.

Child welfare agencies do not have policies that address the unique situations or problems of children whose parents are in prison [13,27,35]. Incarcerated fathers are not generally involved in decision-making about their children. They are rarely included in planning, case plans, or administrative reviews of their children's cases. Furthermore, the prison focus on security and emphasis on punishment precludes the types of parental involvement, program participation, and father-caseworker contact that the child welfare system requires. When fathers are notified of administrative case reviews or termination of parental rights hearings, the probability that they will be able to attend these hearings is also very low.

How Do Public Policies Affect Postrelease Fathering?

The impact of a criminal record does not end with the completion of a prison sentence. The inability to vote, hold certain jobs, or obtain different professional licenses is sanctioned by formal public policy. These types of ongoing sanctions threaten the notion of responsible fatherhood for formerly incarcerated men. Two examples of policies that have a strong potential for undermining the goals of responsible fatherhood initiatives are described here.

Public housing and subsidized housing policies designed to stamp out criminal activity in housing communities work at counter purposes to responsible fatherhood goals. Rules that prohibit individuals with criminal records from being on an apartment lease prevent formerly incarcerated fathers from resuming legal residence with their children and children's mothers who live there.

Similarly, child welfare policies designed to protect children may actually keep them from their fathers and prevent their fathers from being able to provide for themselves and their children. Of specific interest are policies that prohibit individuals with criminal histories from serving as kinship care providers and from living in homes approved as relative foster care. Under these situations, a grandmother providing relative foster care for her incarcerated son's child could be in the position of returning a child to the custody of the state if her formerly incarcerated son had to live in her home.

What Kinds of Data and Research Are Needed to Inform the Public Policy Debate?

The body of scientific evidence about prisoners and their family roles and responsibilities is fairly limited. In order to inform public policy, the following data and research would be beneficial:

1. National statistics on incarcerated fathers and their family characteristics and responsibilities need to be collected and disseminated routinely.
2. Rigorous assessments of policies and programs that are being used to promote responsible fatherhood among incarcerated fathers need to be conducted.
3. Studies need to examine the impact of correctional system policies and regulations on family maintenance and relationships.
4. Research-based studies need to examine the full impact of public policies designed to protect the public from former prisoners or to maintain a safe prison environment.