

# FAMILY PRESERVATION

## THE PROBLEM

Kentucky kids are serving their parents' sentences, too.

### Parental Incarceration

Across the Commonwealth

#### DID YOU KNOW?

12% of Kentucky kids have had a parent who's experienced incarceration.

ACLU  
Kentucky

### Parental Incarceration

Across the Commonwealth

#### DID YOU KNOW?

Kentucky has the 2nd highest rate of kids with incarcerated parents in the nation.

ACLU  
Kentucky

### Parental Incarceration

Across the Commonwealth

#### DID YOU KNOW?

Kentucky incarcerates women at one of the highest rates in the world, creating an outsized impact on Kentucky kids.

ACLU  
Kentucky

### Parental Incarceration

Across the Commonwealth

#### DID YOU KNOW?

Kentucky's rate of incarceration continues to rise with a disproportionate number of Black families impacted.

ACLU  
Kentucky



Parental Incarceration is one of the ten questions on the Adverse Childhood Experiences Questionnaire. Research shows that children of incarcerated parents face increased risks of emotional, physical, educational, and financial challenges which can lead to a cycle of intergenerational incarceration.



Incarcerated parents are losing their children forever. Incarcerated parents, particularly moms, are significantly less likely to reunite with their children after release. Data shows that only 21% of children of incarcerated mothers are reunified, compared to 40% for all children in foster care.

## Incarceration and Out of Home Placement for kids are directly tied to each other.

The rate of Kentucky kids in foster care continues to rise.

The number of kids exiting foster care to reunite with their parents continues to decline.



Many US states have enacted caregiver diversion and mitigation laws.



Kentucky's investment in community-based alternatives has already yielded better outcomes and saves the state money when compared to prison or jail.

## THE SOLUTION

The Caregiver Consideration Act is a solutions-focused policy that addresses the root causes of crime. The bill provides community-based alternatives to prison and/or jail to prioritize safety while keeping families together including, but not limited to: therapy, case management, recovery services, vocational and educational services, job training, and more for Kentuckians who are parenting minor children and convicted of low-level drug and property crimes.

Community-based alternatives continue to require parents to face the consequences of their conviction, but reduce the impact on Kentucky kids.

# SOURCES

**Claim:** Kids are serving their parents' sentences, too.

**Source:** Kentucky Youth Advocates KIDS COUNT County Data Book: A Look at Child Well-Being Data Trends and Investing in the “Kid Workforce”

<https://kkyouth.org/2023-kentucky-kids-count-county-data-book/>

**Claim:** Parental Incarceration is 1 of the 10 questions on the ACE Questionnaire.

**Source:** Centers for Disease Control and Prevention

<https://www.cdc.gov/aces/about/index.html>

**Claim:** Research indicates that children with incarcerated parents face increased risks of emotional, physical, educational, and financial challenges, which can lead to a cycle of intergenerational incarceration.

**Source:** Hidden Consequences: The Impact of Incarceration on Dependent Children

<https://www.ojp.gov/pdffiles1/nij/250349.pdf>

**Claim:** Data shows that only 21% of children of incarcerated mothers are reunified, compared to 40% for all children in foster care.

**Source:** Annie E. Casey Foundation: Children of Incarcerated Parents Fact Sheet

<https://cblcc.acf.hhs.gov/wp-content/uploads/2017/02/aecf-childrenofincarceratedparentsfactsheet.pdf>

**Claim:** Incarceration and Out of Home Placement for kids are directly tied to each other.

**Source:** Prison Policy Initiative | Kentucky Incarceration

**Claim:** Kentucky's investment in community-based alternatives has already yielded better outcomes and saves the state money when compared to prison or jail

**Source:** Kentucky Administrative Office of the Courts: Senate Bill 90 Behavioral Health Conditional Dismissal Program, 2023 Annual Report.

<https://www.chfs.ky.gov/agencies/dbhdid/Documents/SB%2090%20Annual%20Report%20Final%202023.pdf>

This Annual Report details participants' success in Kentucky's Behavioral Health Conditional Dismissal Program (BHCDP). The pilot program was established through the enactment of Senate Bill 90 in 2022. The goal of BHCDP is to eliminate the barriers of addiction and to expand access to treatment.

*“SB90 has gave me my family back. My life, my freedom. I am not a prisoner of my life anymore. I wake up each day refreshed and happy. I look forward to the day. It's gave me a purpose to move forward to get my GED, my peer support certificate, get a job with MCCC someday soon so I can reach out and help others like I've been helped with a new future, a new life. I was headed back to prison but thanks to this program now headed to a future. I got another chance to be a person living on life's terms to be a mother to my children. Someone they're proud of and not ashamed of.” K. L., Letcher County BHCDP Participant*

*“Helping us create a local group of community mental and substance abuse professionals has not only been instrumental for the SB 90 program, but it has also forged relationships to further benefit court system and community.” Judge Todd Jones, Chief District Judge, 2nd Judicial District*

*Pretrial Services reviewed the 25 successful participants' Kentucky criminal histories and NCICs and found all have remained arrest and conviction free as of 12/31/23.*

The AOC anticipates that in 2024 there will be a larger collection of data from final reports as all eleven pilot sites will be active and as more agreements come to a conclusion.

