

**Direct Harms and Social Consequences: An Analysis of the Impact of Maternal Imprisonment on Dependent Children in England and Wales**  
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## **Abstract**

This article draws upon research with children whose mothers were imprisoned in England and Wales, to investigate the impacts of maternal imprisonment on dependent children. The research directly engaged with children, in accordance with Article 12 of the UNCRC 1989, and is set within an examination of the differentiated treatment in the family and criminal courts of England and Wales of children facing state initiated separation from a parent. The article explores children's 'confounding grief' and contends that this grief originates from social processes, experienced as a consequence of maternal imprisonment. 'Secondary prisonisation' is characterised by changes in home and caregiver and the regulation of the mother and child relationship. 'Secondary stigmatisation' occurs when children are stigmatised by virtue of their relationship with their mother. These harms to children calls into question the state's fulfillment of its duty to protect children under Article 2 of the UNCRC 1989.

## **Introduction**

Around 800,000 children across Europe are separated from a parent by imprisonment on any given day (Ayre et al, 2006). Each year more than 200,000 children in England and Wales experience parental imprisonment (Williams et al, 2012) and the societal impacts of increased penal populism seen both in the United States and in Europe are focusing attention on the thousands of children whose lives are altered when their parent is imprisoned (Smith, 2014; Wakefield and Wildeman, 2014).

A child with an imprisoned mother is likely to suffer more negative effects of parental imprisonment than a child with an imprisoned father (Dallaire, 2007a; Murray and Farrington, 2008; Murray, 2010; Gilham, 2012). In the UK it is more usual for a mother than a father to be the primary carer of dependent children (Office of National Statistics, January 2013), and when a mother is imprisoned in England and Wales only nine per cent of children are cared for by their father (Corston, 2007: 20). Data is not collected about prisoners' dependents but it is estimated that in England and Wales more than 17,240 children each year are separated from their mother because of her imprisonment (Howard League, 2011). A government report estimated that 13-19 per cent of all women receiving immediate custody had child dependents (Ministry of Justice, 2015). Literature from the United States and Europe links maternal imprisonment to a variety of negative consequences for children: diminished future outcomes due to disrupted primary attachments in childhood (Dallaire, 2007a); disrupted education (Dallaire and Wilson, 2010; Cho, 2011; Hagan and Foster, 2012); difficulty in following a 'pro-social' pathway (Hirschi, 1969; Fox and Benson, 2000; Green and Scholes, 2004); a very high aggregate, in number and range, of worrisome adversities and risk factors (Cunningham and Baker, 2003; Miller, 2014); and care arrangements

which may not be in the child's best interests (Caddle and Crisp, 1997; Poehlmann, 2005); and finally a greater risk of dying before the age of 65 than adults who did not experience maternal imprisonment in childhood (van de Weijer et al, 2018). Those who care for such children during their mother's absence are likely to suffer from a number of significant hardships affecting their ability to work, their economic stability, their family dynamics, and their health (Raikes, 2016; Minson, 2017).

This paper draws upon data from a study which sought to understand the ways in which maternal imprisonment impacts upon children, as part of an exploration of why the state separation of children from parents follows different procedures in the family courts and the criminal courts of England and Wales (Minson, 2017). When children face separation from their parent as a consequence of state action in the family courts, in proceedings under Section 31 of the Children Act 1989 due to abuse or neglect by their parents, their best interests are the 'paramount consideration' of the court and they have legal representation. If removed from their parents the state provides them with a new home and supplies both training and payment to their new caregivers. In contrast, children who face separation from their mother as a consequence of sentencing proceedings in the criminal courts are neither represented nor acknowledged within those proceedings. After separation there is no state care or support for them. The study examined explanations for the differentiated treatment with reference to existing literature and original empirical research. The impact on children of imprisoned mothers was investigated to determine whether or not they suffer harm. The parameters of the state duty of care towards children were explored, to see if children of defendant mothers fall outside of it, and the way sentencing judges construct and interpret their duty towards mothers and their children within the sentencing process was also examined. The research established that without legal or moral justification, children

of maternal defendants are treated without the concern given to children who face separation from their parents in the family courts. It is arguable that the state is therefore in breach of its duties to protect children from discrimination which they face because of the status or activities of their parents under Article 2 of the United Nations Convention on the Rights of the Child 1989 (UNCRC). This paper highlights the first question which the study sought to investigate: do children suffer harm when their mother is imprisoned?

### **Researching the experiences of children of imprisoned mothers**

No data is routinely collected about how many women in prison have dependent children or how those children are cared for during the women's imprisonment. In the absence of quantitative data I chose to undertake a qualitative study on the experiences of children separated from their mothers by imprisonment. Article 12 of the UNCRC, 1989 establishes the right of every child to freely express his or her views in all matters affecting them, and for those views to be given due weight according to age and maturity (UNCRC, 1989; UNCRC, 2009: paragraph 15). This requires researchers to have, 'recognition of [children] as active and competent participants capable of speaking for themselves and of providing reliable information about their situation' (Mishna et al, 2004). The General Comment on Article 12 provides a list of values which must be incorporated in all processes in which children participate (UNCRC, 2009), and researchers must start with an intention of direct engagement and then ensure that the process is safe and appropriate for children. At the time I designed and conducted the research, internationally only a few studies had engaged directly with children of imprisoned mothers (Cunningham and Baker, 2003; Poelmann, 2005; Hernandez, 2006; Lotze et al 2010; Flynn, 2012; Hissel et al, 2011; Howard League,

2011; Raikes and Lockwood, 2011). Consequently children's own perceptions of their experience were often absent from discussions of whether they suffered harm as a consequence of maternal imprisonment. In England and Wales, Save the Children interviewed 17 children visiting their mothers in HMP Holloway (Howard League, 2011), and Raikes and Lockwood spoke with four children about an overnight visiting scheme at a women's prison (2011). Children of imprisoned mothers were an under-researched population in England and Wales and I therefore selected them as my first group of research participants.

The second group I interviewed were the caregivers of children of imprisoned mothers. I hoped to interweave the data from caregivers with children's data to build a picture of the impact on children of maternal imprisonment. I interviewed children and caregivers during the period the mother was in prison to explore their perceptions of their lives whilst they were experiencing the mother's removal from the family.

Convenience sampling was used, recruiting children and caregivers through organisations working with families of imprisoned people and through prison visitors' centres. As many women in prison do not receive any visits from their families during their imprisonment (Social Exclusion Unit, 2002) the families I met were likely to be those with more resources and coping abilities, who may have been less stigmatised or less afraid of stigma and exclusion. I was unable to interview any children who were in local authority approved foster care, because local authority gatekeepers did not give consent. The children's mothers were serving a range of sentences from 9 months to five years.

Children were invited to participate in a semi-structured interview consisting of 13 open questions about the child's living arrangements, schooling, friendships, family, wishes and feelings. 14 children were interviewed in their homes or at a prison visitors'

centre. All chose to be interviewed without their caregiver present. Semi-structured interviews with the caregivers consisted of 18 open questions about their home situation, the ways in which their life and the child's life had changed since taking on the care of the child, their relationship with the child, and the ways in which the caring had impacted their relationships. 22 caregivers participated and interviews took place at the caregivers' location of choice. 27 different family groupings, (including within them 41 children) participated in the research.

This paper provides insight into some of the experiences which were common to this group of children. Building on the scholarship on ambiguous loss (Boss, 2004) and 'disenfranchised grief' (Doka, 1989; Arditto, 2012), I observed that the children experienced a grief with particular characteristics, which I contend originated from a mother's imprisonment via two social processes which attach to the children: 'secondary prisonisation' and 'secondary stigmatisation'. These terms have been used in criminological literature (Comfort, 2003, Condry, 2007) but are here extended to incorporate the experiences of children impacted by maternal imprisonment.

### **The experiences of children of imprisoned mothers**

Through children's accounts of their responses to their mothers' imprisonment, and their adult caregivers' observations of the children's behavioural changes, it was possible to explore some of the more intangible consequences children experience which may be attributable to maternal imprisonment. The word 'may' is used advisedly, as although scholars have tried to separate out the mediators and moderators of risks, (Phillips et al, 2006; Dallaire, 2007a; Foster and Hagan, 2007;) this has proved to be extremely challenging without large-scale data sets which include pre-imprisonment data (Dallaire, 2007b; Flynn, 2012). A full discussion of this cannot be contained within

this paper, but it is recognised that multiple factors may be contributing to children's experiences, for example the structural inequalities faced by prisoners' families (Condry, Kotova, Minson, 2016) and other family risk factors (Phillips et al, 2006). However, the empirical research I undertook led me to observe that the children who participated in the study exhibited behavioural changes and emotions similar to those which had been identified and attributed in other studies (Kampfner, 1995; Arditti, 2003; Poehlmann, 2005; Bockneck et al, 2009) to children's experience of traumatic separation as a consequence of their parents' imprisonment (Myers et al, 1999; Travis and Waul, 2003; Arditti, 2012).

The particular trauma experienced by children whose parents are imprisoned is thought to be attributable in part to the children's experience of ambiguous loss (Boss, 2004) and disenfranchised grief (Doka, 1989; Arditti, 2012). Their grief differs from that suffered by children of separated parents or those who experience bereavement, due to its origin in imprisonment. The grief is ambiguous and uncertain; no one has died, and yet the person is no longer present, and their return is uncertain (Boss, 2004). In addition, they experience disenfranchised grief; 'Grief that persons experience when they incur a loss that is not or cannot be openly acknowledged, socially sanctioned or publicly mourned' (Doka, 1989; Arditti, 2012). The stigma surrounding imprisonment means that this type of grief can generate feelings of shame, embarrassment and 'secret keeping' (Arditti, 2012; Wenrer-Lin and Moro, 2004).

I recognised a further element in the children's grief which led me to name it 'confounding grief'. To confound is, according to the Oxford English Dictionary, to confuse by not according to expectations; to defeat a plan, aim or hope. The imprisonment of a mother who has been a primary carer changes children's expectations, as their day to day life is changed and confused. Disenfranchised grief describes the



impact of the loss on the person experiencing the loss, but the grief is also confounding to society. Gendered notions of parenting contribute to the idea that an offending mother is ‘doubly deviant’ (Dobash et al, 1986) which can lead to a belief that if a mother is imprisoned she deserves to be there. This in turn may cause her children to feel more intensely stigmatised and less entitled to their grief, and it has been suggested that it is this additional stigma in conjunction with the loss which produces such negative effects on children (Fritsch and Burkhead, 1981).

The relationship the child has with their mother is radically changed by the physical separation brought about by imprisonment. The boundaries of the prison walls are experienced not only by the prisoner but by her children. Most of the children described themselves as ‘sad’ with no one to talk to about their feelings.

‘My little brother he’s confused; he’s not sure why she’s there or what she’s doing so he does cry a lot’ (Taylor, 16).

An older child described his feelings of loss:

It’s just like generally not having a mum. Like you don’t understand what it is – having her there and not seeing her is different from not having her there at all. (Robert, 16)

The loss of their mother was central to children’s lives:

‘If you had three wishes what would they be?’ ‘My mum to come back, my mum to come back, my mum to come back’ (Caleb, 7).

Adult caregivers described the sadness of the children and many described behaviours similar to those identified as symptoms of Posttraumatic Stress Disorder in children of imprisoned parents (Kampfner, 1995), or indicative of attachment representations within a group of children with imprisoned mothers (Poehlmann, 2005).

Emotionally, it's terrible. It's like they've changed so much, they've got behavioural problems. They weren't like that before. Especially the little one cries for his mum all the time. (Tara, caring for grandchildren aged 9 and 5)

Ana and Janice, grandmothers caring for 7 grandchildren from two different families recounted how the children's grief manifested in nightmares or sudden outbursts. Many children displayed anger from the moment their mother was arrested, or the time they first heard about their mother's imprisonment:

They were distraught. Especially Zane because he understood a little bit because he was five. He was really angry, and he was angry at me because his mum had been arrested. (Patricia, caring for grandsons now aged 12 and 16)

I didn't know that she went to prison and then when I found out I just got angry. (Isla, nine)

Very young children displayed new behaviours:

I'm wondering if he'll come back, because he is just screaming and shouting, he just has tantrums all the time. He was such a sweet little boy.

(Dee, grandmother caring for 2 ½ year old grandson)

Many caregivers were subjected to physical assaults by the children:

She's very angry and she's lashing out at me ... if it's really bad kicking, punching, slapping, which is quite hard because we had such a good relationship before.

(Mel, caring for granddaughter aged 4 and grandson aged 15 months)

He used to have these terrible temper tantrums - he's got a lot better now. If he's really in a mood he'll throw a piece of paper at you, but it was knives and plates or everything would just be destroyed. (Joanna, caring for grandsons aged 14 and 15)

Children had difficulty sleeping after moving in with their new caregivers, and younger children in particular suffered from regressive behaviours. Almost all of the children in this study found it difficult to keep going to school:

He just started refusing to go to school. I don't know there didn't seem to be a cause. They didn't really find at the [school] either because he refused to speak. (Joanna, grandmother caring for grandsons aged 14 and 15)

Other children struggled with the change of school their mother's imprisonment necessitated and for those who remained in schools where they were known, the strain of people knowing that their mother was in prison proved too much to manage:

At school he's getting aggressive, he's getting upset now when people ask him where's his Mum.

(Febe, caring for 4 year old great nephew)

Some children found it hard to focus on their studies:

My daughter has had a pastoral care person assigned to her and she's had a time out card assigned to her so that if she felt emotional she could leave. (Daniel, caring for his children aged 14 and 15)

The caregivers described the children as having intense emotional needs, far beyond those that a 'normal' child of the same age would have. Children were diagnosed with attachment disorders stemming from their mother's imprisonment. More than half the caregivers described the children as angry, agitated, aggressive, violent, or having problems at school. In all cases, the caregivers reported that the troubling and disturbed behaviour began after the mother's imprisonment.

### **The origins of confounding grief as observed in children of imprisoned mothers**

I suggest that two negatively-impacting social processes flow directly from the imprisonment of a primary caring mother to her dependent children and are the underlying cause of confounding grief. The first is 'secondary prisonisation', characterised by changes in their home and caregiver and the prison's regulation of the mother and child relationship. The second is 'secondary stigmatisation', experienced when children are stigmatised by virtue of their relationship with an imprisoned person.

#### ***Secondary prisonisation of children of imprisoned mothers***

Prisonisation is the process by which a prisoner is socialised into the culture and life of prison (Clemmer, 1958), and was adapted by Comfort (2003) when she extended Sykes 'pains of imprisonment' analysis (1954) to include the pain for women of visiting their partners in prison. 'Secondary prisonisation' described this effect. When visiting the prison, the women were subject to 'a weakened but still compelling version of the elaborate regulations, concentrated surveillance, and corporeal confinement governing the lives of ensnared felons' (Comfort, 2003: 101). Later the term was extended to include the impacts which prison had on women's time and home life:

Women are subjected to secondary prisonisation via institutional management and exploitation since the methods for staying in touch with a mate require surrendering the private domicile as an extended site of penal control. (Comfort, 2008: 97)

Carceral geographers write of the porous nature of prison walls (Moran, 2013), and Granja refers to the ‘permeability of prisons’ placing ‘correctional facilities in permanent intersection with the social implications both behind and beyond prison walls.’ (2016: 274). I suggest ‘the pervasiveness of incarceration’ (Christian, 2005), reaches into the lives of children whose mothers are imprisoned when they visit the prison, and in their daily routines. The impacts fall into two categories: physical changes which children experience in home, carer, and education as they lose their mother’s physical presence and undergo a change of residence (in parallel with her change of physical location), and secondly the changes to the mother and child relationship as it becomes constrained by prison regulations.

#### *1) Physical changes to home, caregiver and education*

In England and Wales few children remain in the family home when a mother is imprisoned (Caddle and Crisp, 1997) so, like their mother, children are moved from their homes. Only two of the children who took part in my research remained in their home and some lived between two homes. One 16 year old girl, Taylor, was living by herself.

When imprisonment was unexpected the children’s experience echoed their mother’s as they moved with little or no preparation, and the families they moved to lacked even the most basic necessities for them:

It was the police, the police actually who bought all of the things we needed, all the practical things because I didn't have nappies or anything.

(Shelley, caring for two grandchildren)

Echoing their mother's integration into a prison regime, children had to fit into the habits of their new household, 'different people who see things differently and the rules do change' (Nina, aunt caring for five nephews). Overcrowding was an issue for many children and their carers:

What was my bedroom I've now got two lots of bunk beds and four boys sleep in there. The middle room is my daughter's room and the baby sleeps in there and I sleep on the settee in the front room and the kitchen's in the front room so you ain't got a separate kitchen. (Ana, grandmother caring for 5 grandsons)

Some children experienced multiple moves as placements broke down:

He [nephew] was sort of between me and my brother...but it wasn't really working out with my brother...so we made the decision for him to stay with me. (Jermaine, caring for nine year old nephew)

M: I was living with my aunt for a little while and then I moved in with my Nan and Granddad...I think it was more better for me to live with my Nan and Granddad because it's quiet.

SM: Where does your sister live?

M: With my aunt but she comes and sees me most days and stays with me every weekend. (Molly, 13)

Afterwards [after Mum's imprisonment] my Dad kept getting really angry over like nonsense. At the time I was being a troublemaker I was sort of talking to him and we used to have arguments and I was like I'm going to live with my sister. So then yeah that's what happened. (Robert, 16)

Children became part of new family groupings and whilst for some this was positive, others were not wanted by the caregiver's family:

Our children who were resentful, who see us run ragged with everything and then saying things to them, like, 'well you don't live here anyway – go back to your parents, nobody wants you.' (Joanna, caring for two teenage grandsons)

He was in another family as well, but they didn't show him love, ... so that little boy was definitely withdrawn. He had some behavioural problems. (Dee Hayes looking after 2 ½ year old grandchild after his first placement broke down)

The caregiver had to act as disciplinarian and surrogate parent. Consequently older children felt that they had lost not only their mother, but also their grandma or sibling, and younger children displayed confusion, becoming unsure of their relationship with the person they visited in prison.

She [granddaughter] thinks I'm her mother and her mother is just called Mumma (Angela, caring for three year old granddaughter)

Some children had little contact with siblings with whom they previously lived as was the case with Barbara's grandson and granddaughter. Children often had to change

school or nursery. Michael (9) made a 90 minute journey to school for a year until a place became available in a local school whilst others missed school for long periods.

They were in a different school when they first moved with us [November], but then because we are too far away they couldn't go. I think it was about the end of January, that they started [school]. (Nina, caring for five nephews)

Children's ability to concentrate was affected by their mother's imprisonment, and some children experienced lower levels of achievement (Sam, 14). In overcrowded housing it was difficult to find the space to do homework. Robert (16), working towards G.C.S.E exams used the local library as a study space, as he shared his bedroom with a four year old nephew and his five year old brother.

*2) The changes to the mother and child relationship as it becomes constrained by the regulations of the prison*

The other major impact of secondary prisonisation is that prison determines the boundaries of communication. Although children whose mother is separated from them for other reasons such as divorce may also have reduced contact with their mothers, children whose contact with their mother is determined by the regulations of a penal institution suffer because of its 'spillover effect':

the criminal justice system is distinct...in that it is charged with exacting control and distributing punishment, and hence a spillover effect is inherently more corrosive to bystanders than that of an institutional process concerned with providing a social good, such as medical treatment or education. (Comfort, 2007: 3)



Ongoing relationship between a mother and her children can only take place if the children visit the prison or contact their mother by letter or telephone. The regulation of this is beyond the child's control and affects the child's ability to maintain relationship with their mother. This in turn alters the mother's ability to meet the child's needs and impacts on a mother and child's future relationship. Face-to-face time between a mother and child is limited by the prison's visiting regime, and the ability of the child to attend visits. Only half of mothers who had lived with, or were in contact with their children prior to imprisonment, received a visit from their children in prison (Social Exclusion Unit, 2002).

Visits are at the discretion of the prison, affected by prison regulations and staffing levels. Daisy (11) and Jed (10) did not see their mother for a six-year period; she was held hundreds of miles away and their grandmother could not afford the journey. On two out of three occasions when they tried to visit her, their visit was cancelled at short notice by the prison without explanation.

A child's ability to visit their mother is dependent on a caregiver with sufficient financial resources and willingness to make the journey to prison with them. Due to the lack of prison places for women, one in five women on average, is placed more than 100 miles away from their home (Social Exclusion Task Force, 2009). Prisons, with few exceptions, are not found within urban areas, and reaching prison by public transport is both expensive and difficult. 'I quite enjoyed them [visits] but it was quite hard to get there because we had to get like a few trains and a couple of tubes.' (Sam, 14)

Visiting expenses can be re-claimed by those in receipt of certain benefits but do not include all fares, and if the prison is far from a rail or bus station visits may not be financially viable. The process to reclaim travel expenses is time consuming and

expenses are only payable to those on extremely limited incomes who may not be able to afford the up-front costs of the journey. Consequently those who visit regularly tend to be those with their own transport and a willingness to make a significant commitment of time to the visits.

The caregiver must be available to visit at the hours prescribed by the prison. Visiting times are often during school hours and not all prisons provide weekend visits. Daniel spoke of how the timing of visits made it difficult for his teenage children to see their mother:

This [mid-February] is the first time [visiting] since just before Christmas - so every couple of months. It's a long way to come. It's expensive ... And the timings of it is awful. Here they have it 9-10am so you're travelling through the rush hour. They never thought maybe 10 -11am. So you could actually travel off peak so that your cost of travel is less. That's Monday to Friday. And then there's another from 2-3pm. Well what use is that? The kids finish school at 3pm.

When visits do take place the quality of the interaction may be affected by the prison environment and prison regulations. The rules of prisons prohibiting certain behaviours and preventing children from bringing food and drink in to visits can make visits difficult,

The last time we saw her it was just in a massive room but there was nobody in it and it was really weird and I didn't really like it because, I don't know, you weren't really even allowed to take water in and at that point I was car sick.  
(Daisy, 11)

The travel to the prison, the security, the sniffer dogs and the imposing fences were all things that the children I interviewed said made them afraid. For this reason caregivers

spoke of choosing to bring the children to the prison only when they could access extended children's visits. These are offered by many prisons, allowing children to spend a longer period of time with their mothers. Each prison has its own regulations regarding which prisoners are eligible to apply for these visits, and not all women can access them.

Children both enjoyed and were upset by visits. Although they appreciated the time with their mother, they were unhappy after it had taken place, and it could negatively affect their mood for some days after the visit.

That was my first time even visiting a prison so obviously seeing in over the gates I was like 'whoa is my Mum actually here?' So I hadn't seen her for like 6 months before that...and then you see her walk out and you're like 'ok, this is actually real.' So yeah, it was really hard then. When you have to leave as well. She's just sitting there and you have to walk out. That was hard as well. (Robert, 16)

Michael aged 9 articulated the mixed emotions children experienced, 'the good thing is that I see my Mum. The bad thing about it is that I leave', Miriam (15) told me: 'I like them, I like going in there and seeing her and stuff but I don't like leaving. I'm just upset.' Carers used words such as 'awful and emotional' (Miriam's father) and Tony said that after a family visit his daughters would be 'so upset for a couple of days'. Carol spoke of her three-year-old grandchild holding onto his mother's leg, crying and refusing to leave. Similar mixed feelings were observed by Arditti (2003) and were thought to be evidence of ongoing traumatic separation for the children.

If children want to maintain relationship with their mother through telephone calls they too become subject to the timetable of the prison, as prison life extends

into the lives of family members outside prison (Comfort, 2003). Younger children who initially loved the routine of daily phone calls became less interested as the sentence progressed. Mel's granddaughter no longer ran to the phone but instead sighed when she had to interrupt her activity to talk with her mum. Older children expressed frustration that they were unable to talk to their mother when they needed to. 'if there's something that would happen like, I have to wait for her to call me, instead of being able to tell her straight away what's happened. (Miriam, 15). Phone calls were also dependent on the mother having money:

Well she can't really ring us that much anymore because she doesn't have any money to use the phone and my Grandma can't send her any money because she doesn't have enough money to send her. So we can but we don't really get to talk to her. (Daisy, 11)

Letter contact was not used other than by children who had no face-to-face visits or telephone contact.

Imprisonment forces communication into short periods of time, at a frequency and duration determined by the institution, and this is a form of secondary prisonisation. A number of children said that although people equate their situation with that of children of divorced parents, it is not similar as they cannot see or talk to their mothers whenever they need to. As children grow older it is unlikely that those pre-set times for communication will coincide with when they need or want to talk to their mother. 'Sometimes you can talk to them and sometimes you just don't feel like you want to talk to them at all.' (Isla, nine).

As a consequence of this limited communication, the mothers had to relinquish the caregiving role they previously had for their children. Although mothers may have adapted their ways of expressing care for the children, the children I spoke with made

their own adjustments to the relationship. Some imposed boundaries on the conversations they had with their mother in an attempt to protect her from the more difficult aspects of their life:

[I] don't really want to make it worse for her. It's already bad enough I don't want to make it even worse by telling her bad stuff here, because then like she'd prefer just to hear everything good that's going on while she's stuck in that place. (Miriam, 15)

The relationship may be altered if the child feels a duty or responsibility towards the parent, and recognises that the parent is no longer able to meet their needs.

She hasn't asked me how it's affected me. I think she's just happy to be out and to see me. I think she just wants to get past that and like try to mend bridges and stuff instead of trying to ask me how I felt and go over the emotions again. (Robert 16)

For some children the relationship had been so significantly altered by the time spent apart that they chose not to live with their mother after her release. 'Basically they came out and I got asked if I wanted to live with them and I said no' (Lucas, aged 12). Others are faced with a dilemma if their mother will be released to an area which is not their hometown. Daisy (11) found it hard to decide whether she should move to be with her mother or stay with her caregivers.

Secondary prisonisation changed the lives of the children I spoke with. Their relationship with their mother was circumscribed, not only by the prison walls, but by the control and limitation of contact between parent and child; their time was regulated by the prison through the uncertainty of sentence length and the consequences of 'suspended time' (Fishman, 1990; Comfort, 2008; Granja, 2016: 278), and the need to re-organise their time to fit with a new routine of prison visiting. Their personal comfort

was disrupted by the physical separation they had from their parent when visiting, the loss of intimacy, and the strict limitations on what they could bring into the prison. Children experienced the burden of long journeys, and the physical structures of the prison caused fear and distress in children. Their relationship with their mother existed in the public, not private sphere, whether through direct visits, letters or telephone calls, all of which were monitored. When handling visitors, prison is intended to be a ‘people-processing organisation’ but the experience of children trying to maintain relationship with their mothers suggests that instead it is more akin to a ‘people-changing organisation’ (Hasenfeld, 1972: 257-258).

### ***Secondary Stigmatisation of children of imprisoned mothers***

Link and Phelan (2001) suggest stigmatisation includes five key elements: a distinguishing and labeling of difference; that label must be associated with negative attributes; there must be a distinguishing of ‘them’ and ‘us’ based on the label; the labeled individuals are devalued and discriminated against; and this takes place within the context of and perpetuation of differences in social, cultural, political and economic power. This is what happens when someone is imprisoned; they are designated as ‘other’, distinct from law-abiding members of society:

Such offenders are therefore already at the margins of society— deprived of many goods and opportunities that others possess, they are people whose early and later experiences may naturally make them feel outcast and uncared for— and so may for good reason believe that their relationships to others as well as to society at large have little proven value or benefit to them. Their mindset entering the criminal justice system may be that people are not to be trusted, and

that society does not work in their favour. Retributive punishment that stigmatises and gives license to expressions of affective blame may therefore serve to further alienate such offenders from society—in effect, increasing the divide between ‘us’ and ‘them’ and shifting an already marginalised and underprivileged faction of our community into a bona fide out-group. (Lacey and Pickard, 2015: 22)

The children of imprisoned mothers do not always attract the ‘retributive punishment’ nor the ‘spoiled identity’ of an imprisoned offender, but I suggest the stigmatisation which takes place as a consequence of their parent’s offence and imprisonment, attaches to the children. The attachment of stigma to ‘the individual who is related through the social structure to a stigmatised individual’ was called a ‘courtesy stigma’ (Goffman, 1963), and he argued that the relationship between the two parties leads wider society to treat both as sharing the same stigmatising characteristics. This leads to the child of imprisoned parents being labeled as ‘a problem child’, a ‘potential criminal’, or a ‘chip off the old block’ (Mazza, 2002, in Codd, 2008: 72), and may explain the differentiated treatment which such children experience when facing separation from their parent as a consequence of their parent’s wrongdoing. Condry defines courtesy stigma somewhat differently:

it is both a stigma by contagion – an extension of the offender’s stigma travelling through kinship ties – and a stigma attached to the new identity the relative holds as a ‘*mother* of a murderer’ or the ‘*wife* of a sex offender’ and the blame this new status attracts. (Condry, 2007: 62)

Phillips and Gates (2011) note that differences between people become meaningful through social processes and social interactions (2011: 286). Using Link and Phelan’s definition above (2001), they developed a framework to examine the way in which

stigmatisation impacts on children of prisoners. Phillips and Gates contend that the attachment of negative attributes to the label ‘children of imprisoned parents’ causes children to become socially isolated and experience civic disenfranchisement as they see themselves relocated to the margins of society, like their parents in prison (Lacey and Pickard, 2015: 22). The children I interviewed had, almost without exception, chosen not to share the fact of their mother’s imprisonment with anyone. Many older children said there was no-one they could talk to about their mother’s imprisonment. 16 year old Robert, whose mother had been in prison for two years, told me that I was the first person who had asked him how he felt about his mother’s imprisonment. Caregivers believed that when people knew about the mothers’ imprisonment the children were treated differently by the parents of their classmates. They spoke of ‘whispers in the playground’ (Marcus, father of a five year old), and believed that other families chose not to let their children play with the child whose mother was imprisoned:

There was always chatter [at school] and you could see people looking at you...I’d have a birthday party for [my grandchildren] and a lot of kids wouldn’t turn up. (Patricia, caring for grandsons)

Children who feel stigmatised make choices about what to tell and who to tell and live in a state of anxiety and fear (Link and Phelan, 2001: 287). The children self-reported that they had become guarded in their relationships with people, and no longer had openness in their friendships. They didn’t want people ‘to judge me for the situation’ (Molly, 13). Some experienced classmates using the information of their mother’s imprisonment to upset them:

she always uses it against me...whenever we’re in an argument she brings it up because she knows it’s like a hard subject. (Daisy, 11)



Children whose mother's crime had been reported in the papers lived with anxiety, worrying that someone might mention their mother's offending:

People would know anyway because people would read the Daily Mail which it was in, so that was not the best thing. (Sam, 14)

Their differences ('them' and 'us') become central to the identity of stigmatised children, and lead to discrimination and devaluing of them, such as is seen in the lack of consideration for their rights in adult sentencing decisions (Minson, 2017). This stigmatisation perpetuates and increases the differences in social, economic, political and cultural power (Link and Phelan, 2001: 288-294). Many older children I spoke with identified themselves as being different to other children, and that feeling of 'difference' meant that they became guarded in their relationships with friends and with teachers:

L: Sometimes [I feel different] but I don't like to think of that, I want to feel normal.

SM: And when you feel different what is the difference?

L: People don't know what I've been through, they don't understand. (Lucas, 12)

In describing the 'relegation of stigmatised individuals to a lower social status...subjected to social distancing' (2011: 289), Phillips and Gates suggest that this may lead to fundamental changes in their standing with society, 'At a more distal level they may be unwelcome in communities or even as citizens' (2011: 289). Among the children I spoke with their internalised behaviours had led to isolation. Although few of them experienced direct incidents of shaming or stigma related to their mothers' imprisonment, many of them believed that if they were to share that aspect of their lives more freely they would experience negative social interactions. When asked what they

would advise other children in similar circumstances to do the answer was simple: 'Lie...[long pause]..... well not lie just don't let on the full story, just change it.'

(Blake, 15)

'Secondary stigmatisation' provides a possible explanation as to why, within the criminal sentencing process, children are separated from their mothers without concern for their welfare, and why relatives are expected to take on their care without the support provided to foster carers. These children are viewed as 'other' (Lacey and Pickard, 2015) and that results in differentiated treatment at the micro and macro level, as well as it being a cause of their grief, as previously explored by (Fritsch and Burkhead, 1981).

## **Conclusion**

From the literature and the first-hand accounts given by children in England whose mothers are imprisoned, and those who care for them, it appears that children of imprisoned mothers may suffer a wide range of harmful impacts as a direct consequence of the imprisonment. This paper has provided an account of some of those corrosive harms (Comfort, 2007) and their attachment to dependent children via secondary prisonisation and secondary stigmatization, which lead to behavioural changes and confounding grief. The physical removal of their mother from their lives, and the limitation of their relationship with their mother due to prison regulations is painful and difficult. Even when cared for within their wider families, children may lose their home, sometimes their siblings, and their education can be disrupted. Those who take on their care do not always do so willingly, and the subsequent breakdown of family placements may cause harm to children. Their confounding grief may be expressed in angry and

aggressive behaviours. Their feelings of isolation, due to their mother's removal from society, can inhibit their social and civic relationships.

If children whose mother is imprisoned suffer harm directly attributable to their mother's status as a prisoner, then the state is failing in its duty under Article 2 of the UNCRC (1989) to protect children from suffering from discrimination attributable to the status or activities of their parent. The discrimination begins when they are treated differently to children who are separated by the state from their parents under the Children Act 1989 in the family courts. It continues when throughout the period of their mother's imprisonment this group of children in England and Wales experience the impacts of secondary prisonisation and secondary stigmatisation. They have not offended moral or legal codes yet they are without the protection or assistance of the state whilst they experience what for some may be life-changing and potentially destructive circumstances. Society will bear the economic and social cost of this as a group of children grow up believing that they are undeserving of protection and without a reason to want to commit to civic life. The consequences are broad reaching and it is time for this to be rectified before further harm is caused to these children.

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### **Statutes and Conventions**

Children Act 1989

United Nations Convention on the Rights of the Child 1989

### **References**

Arditti, J.A. (2003) Locked doors and glass walls: Family visiting at a local jail *Journal of Loss and Trauma* 8, 115-138

Arditti, J.A. (2012) *Parental Incarceration and the Family* New York: New York University Press

Ayre, L., Philbrick, K., Reiss, M. (2006) *Children of Imprisoned Parents: European Perspectives on Good Practice*. Montrouge: Eurochips

Bockneck, E.L., Sanderson, J., Britner, P.A. (2009) Ambiguous loss and posttraumatic stress of school -aged children of prisoners *Journal of Child and Family Studies*, 18, 323-333

Boss, P. (2004) Ambiguous loss in Walsh, F., McGoldrick, M. (eds), *Living beyond Loss* (pp.237-246) New York, NY: W.W. Norton and Company

Caddle, D., Crisp, D. (1997) *Imprisoned women and mothers: Home Office Research Study 162*. London: Home Office

- Cho, R.M. (2011) Understanding the mechanism behind maternal imprisonment and adolescent school dropout. *Family Relations*, 60(3)(1), 272-289
- Christian, J. (2005) Riding the Bus: Barriers to Prison Visitation and Family Management Strategies. *Journal of Contemporary Criminal Justice*, 21(1), 31-48
- Clemmer, D. (1958) *The Prison Community*. New York: Reinhart
- Codd, H. (2008) *In the Shadow of Prison: Families, Imprisonment and Criminal Justice*. Devon: Willan
- Comfort, M. (2003) In the tube at San Quentin: The 'Secondary Prisonisation' of women visiting inmates. *Journal of Contemporary Ethnography*, 32 (1), 77-107
- Comfort, M. (2007) Punishment Beyond the Legal Offender. *Annual Review of Law and Social Science*, 3, 271-96
- Comfort, M. (2008) *Doing Time Together: Love and Family in the Shadow of Prison*. Chicago: Chicago University Press
- Condry, R. (2007) *Families Shamed: The consequences of crime for relatives of serious offenders*. Devon: Willan
- Condry, R., Kotova, A., Minson, S. (2016) 'Social Injustice and Collateral Damage: The Families and Children of Prisoners' in Jewkes, Y., Bennett, J, and Crewe, B. (eds.) *Handbook on Prisons* (2<sup>nd</sup> edition). Abingdon: Routledge
- Corston, J. (2007) *The Corston Report, A Review of women with particular vulnerabilities in the criminal justice system*. London: Home Office
- Cunningham, A., Baker, L. (2003) *Waiting for Mommy: giving a Voice to the Hidden Victims of Imprisonment* Ottawa: National Crime Prevention Centre
- Dallaire, D. (2007a) 'Incarcerated Mothers and Fathers: A comparison of risks for children and families' *Family Relations*, 56 (5) p440-453

- Dallaire, D. (2007b) Children with Incarcerated mothers: Developmental outcomes, special challenges and recommendations. *Journal of Applied Developmental Psychology*, 28, 15-24
- Dallaire, D., Wilson, L. (2010) The relation of exposure to parental criminal activity, arrest, and sentencing to children's maladjustment. *Journal of Child and Family Studies*, 19(4), 404-418
- Dobash, R.P., Dobash, R.E., Gutteridge, S. (1986) *The Imprisonment of Women*. Oxford: Blackwell
- Doka, K. (1989) *Disenfranchised Grief: Recognizing hidden sorrow*. Lexington, MA: Lexington Books.
- Fishman, L. (1990) *Women at the Wall: A Study of Prisoners' Wives Doing Time On the Outside*. Albany, NY: State University of New York Press
- Flynn, C. (2012) Caring for the Children of Imprisoned Mothers: Exploring the role of fathers. *Child Abuse Review* 21, 285-298
- Foster, H., Hagan, J. (2007) Punishment Regimes and the Multilevel Effects of Parental Incarceration: Intergenerational, Intersectional, and Interinstitutional Models of Social Inequality and Systemic Exclusion. *Annual Review of Sociology*, 41, 135-158
- Fox, G.L., Benson, M.L (2000) *Families, Crime and Criminal Justice*. Amsterdam, Oxford: JAI
- Fritsch, T.A., Burkhead, J.D. (1981) Behavioral reactions of children to parental absence due to imprisonment *Family Relations*, 30, 83-88
- Gilham, J.J.M. (2012) A Qualitative Study of Incarcerated Mothers' Perceptions of the Impact of Separation on their Children. *Social Work in Public Health*, 27 (1-2), 89-103
- Goffman, E. (1963) *Stigma: Notes on the management of spoiled identity* Harmsworth: Penguin

- Granja, R. (2016) Beyond prison walls: The experience of prisoners' relatives and meanings associated with imprisonment. *Probation Journal*, 63(3), 273-292
- Green, M., Scholes, M. (2004) Education for what? Attachment, culture and society. In Green, M., Scholes, M. (Eds.) *Attachment and human survival* (pp. 37–51) London: Karnac
- Hagan, J., Foster, H., (2012) Children of the American Prison Generation: Student and School Spillover Effects of Incarcerating Mothers. *Law & Society Review*, 46 (1), 37-69
- Hasenfeld, Y. (1972) People processing organizations: An exchange approach. *American Sociological Review*, 37, 256-263
- Hernandez, H. (2006) 'The Invisible Victims: Children of Incarcerated Mothers' *PSU McNair Scholars Online Journal* vol.2 III. Article 22
- Hissel,S., Bijleveld,C., Kruttschnitt, C. (2011) The well-being of children of incarcerated mothers: An exploratory study for the Netherlands *European Journal of Criminology* 8:346
- Hirschi, T. (1969) *Causes of Delinquency*. New Brunswick, London: Transaction
- Howard League (2011) *Voice of a Child*. London: Howard League for Penal Reform
- Kampfner, C.J. (1995) Posttraumatic stress reactions in children of imprisoned mothers in Gabel, K. and Johnston, D. (eds.) *Children of Incarcerated Parents* (pp89-100). New York, NY: Lexington Books
- Lacey, N., Pickard, H. (2015) To blame or to forgive? Reconciling punishment and forgiveness in criminal justice. *Oxford Journal of Legal Studies*, 35 (4), 665-696
- Link, B.G., Phelan, J.C. (2001) Conceptualising Stigma. *Annual Review of Sociology*, 27, 363-385

- Lotze, B.M., Ravindran, N., Myers, B.J. (2010) 'Moral Emotions, Emotion Self-Regulation, Callous-Unemotional Traits, and Problem Behaviour in Children of Incarcerated Mothers' *Child and Family Studies* 19: 702-713
- Mazza, C. (2002) And then the world fell apart: the children of incarcerated fathers. *Families in Society*, 83(5/6), 521 - 529
- Miller, K.M. (2014) Maternal criminal justice involvement and co-occurring mental health and substance abuse problems: Examining moderation of sex and race on children's mental health. *Children and Youth Services Review*, 37, 71-80
- Ministry of Justice (2015) *Female Offenders and Child Dependents*. <https://www.gov.uk/government/statistics/female-offenders-and-child-dependents> (Accessed 30<sup>th</sup> August 2017)
- Minson, S. (2017) 'Who Cares? Analysing the place of children in maternal sentencing decisions in England and Wales', DPhil Thesis, University of Oxford
- Mishna, F., Antle, B.J., Regehr, C. (2004) 'Tapping the Perspectives of Children: Emerging ethical issues in qualitative research'. *Qualitative Social Work*, 449
- Moran, D. (2013) Between Outside and Inside? Prison Visiting Rooms as Liminal Carceral Spaces. *GeoJournal*, 78(2), 339-351
- Murray, J., Farrington, D. (2008) Parental Imprisonment: long lasting effects on boy's internalizing problems through the life course. *Development and Psychopathology*, 20, 273-90
- Murray, J. (2010) Longitudinal research on the effects of parental incarceration on children' in Eddy, J. M., Poehlmann, J. (eds.) *Children of incarcerated parents: A handbook for researchers and practitioners* (pp.55-73). Washington DC: Urban Institute
- Office of National Statistics (2013) *Labour Market Statistics*. <http://webarchive.nationalarchives.gov.uk/20160105160709/http://www.ons.gov.uk/o>



[ns/rel/lms/labour-market-statistics/january-2013/index.html](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/261117/lms/labour-market-statistics/january-2013/index.html) (Accessed 30<sup>th</sup> August 2016)

Myers, B., Smarsh, T., Amlund-Hagen, K., Kennon, S. (1999) Children of incarcerated mothers *Journal of Child and Family Studies*, 8, 11-25

Phillips, S.D, Erkanlis, A., Keeler, G.P., Costello, E. Angold, A. (2006) Disentangling the risks: Parent criminal justice involvement and children's exposure to family risks *Criminology and Public Policy*, 5(4), 677-702

Phillips, S.D., Gates, T. (2011) A conceptual framework for understanding the stigmatization of children of incarcerated parents. *Journal of Child and Family Studies*, 20, 286-294

Poehlmann, J. (2005) 'Children's Family Environments and Intellectual Outcomes during Maternal Incarceration' *Journal of Marriage and Family* vol 67, no 5 pp1275-1285

Raikes, B., Lockwood, K. (2011) 'Mothering from the Inside – A small scale evaluation of Acorn House, an Overnight Child Contact Facility at HMP Askham Grange' *Prison Service Journal* 194: 19-26

Raikes, B. (2016) Unsung Heroines; Celebrating the care provided by grandmothers for children with parents in prison. *Probation Journal*, 63(3), 320-330

Smith, P. (2014) *When the Innocent are Punished: The children of imprisoned parents*. Hampshire: Palgrave

Social Exclusion Unit (2002) *Reducing Re-offending by ex prisoners*. London: Social Exclusion Unit

Social Exclusion Task Force (2009) *Short Study on Women Offenders*. London: Cabinet Office and Ministry of Justice

Sykes, G. (1954) *The Society of Captives*. Princeton NJ: Princeton University Press

Travis, J., Waul, M. (2003) *Prisoners once removed: The impact of incarceration and reentry on children, families and communities*. Washington, DC: Urban Institute Press

United Nations Committee on the Rights of the Child (2009) *General Comment No.12 on the United Nations Convention on the Rights of the Child*. Geneva: United Nations

Van de Weijer, S.G.A, Smallbone, H.S., Bouwman, V. (2018) Parental Imprisonment and premature mortality in adulthood *Journal of Development and Life-course Criminology* , 4 (2) 148-161

Wakefield, S., Wildeman, C. (2014) *Children of the prison boom: Mass incarceration and the future of American inequality*. Oxford: Oxford University Press

Werner -Lin, A., Moro, T. (2004) Unacknowledged and stigmatized losses, in Walsh,F., McGoldrick, M. (eds.) *Living beyond loss* (pp.247-271) New York, NY: Norton

Williams, K., Papadopoulou, V., Booth, N. (2012) *Prisoners' Childhood and Family Backgrounds. Results from the Surveying Prisoner Crime Reduction Longitudinal Cohort Study of Prisoners Ministry of Justice Research Series 4/12*. London: Ministry of Justice

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/278837/prisoners-childhood-family-backgrounds.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278837/prisoners-childhood-family-backgrounds.pdf) (Accessed on 30th August 2017)