

# Policies and Programs Affecting Fathers

## *A State-by-State Report*

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## Chapter 4: Criminal Justice

Approximately one-half of inmates (47% in state prisons and 57% in federal prisons) are parents with minor children (ages 0–18) and most parents in prisons are fathers (626,800 fathers compared to 57,700 mothers). This translates into 2.7 million children who have a parent behind bars, or 1 in every 28 children (3.6%). Looked at somewhat differently, 5.2 million children under age 18 have experienced parental incarceration at some point in their lives.<sup>1, 2</sup>

Having a father in prison engenders severe financial dislocations. Half of parents in prison lived with their children before their arrest and were the primary source of financial support for their children.<sup>3</sup> Family income averaged over the years a father is incarcerated is 22% lower than family income was the year prior to his incarceration, and remains 15% lower in the year after he is released.<sup>4</sup> Less likely to have stable employment in the formal economy long after their release,<sup>5</sup> men with criminal records face employment and wage deficits that can last for years.<sup>6</sup> A groundbreaking study found that criminal records reduced by half the likelihood of an applicant being called back for a job interview.<sup>7</sup> Estimates of the effect of incarceration on subsequent employment range as high as 25%,<sup>8</sup> with most studies showing negative effects on subsequent

1 Ghandnoosh, N., Stammen, E., & Muhitch, K. (2021). *Parents in prison*. The Sentencing Project. Retrieved from <https://www.sentencingproject.org/publications/parents-in-prison/>.

2 The Pew Charitable Trusts. (2010). *Collateral costs: Incarceration's effect on economic mobility*. Retrieved from [https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pcs\\_assets/2010/collateralcosts1pdf.pdf](https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pcs_assets/2010/collateralcosts1pdf.pdf).

3 LaLiberte, T., Barry, K., & Walthour, K. (Eds.). (2018). *Criminal justice involvement of families in child welfare*. Center for Advanced Studies in Child Welfare, University of Minnesota. Retrieved from [https://cascw.umn.edu/wp-content/uploads/2018/04/CW360\\_Spring2018\\_WebTemp.pdf](https://cascw.umn.edu/wp-content/uploads/2018/04/CW360_Spring2018_WebTemp.pdf).

4 The Pew Charitable Trusts. (2010). *Collateral costs: Incarceration's effect on economic mobility*. Retrieved from [https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pcs\\_assets/2010/collateralcosts1pdf.pdf](https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pcs_assets/2010/collateralcosts1pdf.pdf).

5 Western, B. (2007). Mass imprisonment and economic inequality. *Social Research*, 74(2), 509–532.

6 The Pew Charitable Trusts. (2010). *Collateral costs: Incarceration's effect on economic mobility*. Retrieved from [https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pcs\\_assets/2010/collateralcosts1pdf.pdf](https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pcs_assets/2010/collateralcosts1pdf.pdf).

7 Pager, D. (2003). The mark of a criminal record. *American Journal of Sociology*, 108(5), 937–975.

8 Freeman, R. (1996). Why do so many young American men commit crimes and what might we do about it? *Journal of Economic Perspectives*, 10(1), 25–42.

earnings of 10% to 20%.<sup>9</sup> Two-thirds of fathers in the child support system who enroll in programs to help them with employment due to delinquent child support payments report having a criminal conviction prior to their enrollment.<sup>10</sup> A recent study of barriers to employment, earnings, and child support payment among 3,767 of such fathers concluded that the most consequential barriers fathers faced dealt with criminal records and a lack of transportation.<sup>11</sup>

Incarceration also disrupts parent–child relationships. Nearly two-third (62%) of parents in state prisons and 84% of parents in federal prisons are incarcerated more than 100 miles from their last residence.<sup>12</sup> Less than one-third of incarcerated fathers see at least one of their children on a regular basis.<sup>13</sup> Incarceration leads to greater distrust among mothers of the fathers' ability to care for their children,<sup>14</sup> reduces their willingness to participate in interventions designed to enhance coparenting following their release,<sup>15</sup> and increases a mother's likelihood of seeking to repartner.<sup>16</sup>

Finally, children with fathers who have been incarcerated face additional challenges. Data from the Fragile Families and Child Wellbeing study found that they are at higher risk of antisocial, delinquent, and aggressive behavior and suffer reduced cognitive development.<sup>17</sup> They are also significantly more likely than other children to be suspended from school (23% compared with 4%),<sup>18</sup> and have significantly higher odds of being incarcerated themselves.<sup>19</sup> Some of these risks may be due to child support debt that accumulates during periods of incarceration. A recent study of parental debt and child well-being found that fathers' child support arrears are associated with worse socioemotional outcomes among 9- and 15-year-old children, and that these associations become stronger as children age.<sup>20</sup> It is estimated that nearly one million incarcerated fathers owe child support<sup>21</sup> and leave prison with average levels of child support debt ranging from \$20,000 to \$36,000, depending on the state and data used.<sup>22</sup>

This chapter discusses state-level policies that may have the effect of avoiding incarceration, reducing rates of incarceration, and lessening the duration of incarceration episodes through diversion initiatives, deferred adjudications, and pardons. We also examine state efforts to facilitate reintegration among fathers who commit various types of offenses and improve their employability by revising their juvenile and adult criminal records. We illustrate state efforts to reduce recidivism by improving their rates of parole and probation

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- 9 Kling, J., Weiman, D., & Western, B. (2000). *The labor market consequences of mass incarceration*. Paper presented at the Urban Institute Reentry Roundtable. Washington, D.C., October 12.
- 10 Sorensen, E. (2020). *What we learned from recent federal evaluations of programs serving disadvantaged noncustodial parents*. U.S. Department of Health and Human Services, Administration for Children and Families, Office of Planning Research and Evaluation. Retrieved from [https://www.acf.hhs.gov/sites/default/files/documents/opre/OPRE%20NCP%20Employment%20Brief\\_508.pdf](https://www.acf.hhs.gov/sites/default/files/documents/opre/OPRE%20NCP%20Employment%20Brief_508.pdf).
- 11 Berger, L., Cancian, M., Guarin, A., Hodges, L., & Meyer, D. L. (2019). *Barriers to child support payment*. Institute for Research on Poverty. Retrieved from <https://www.irp.wisc.edu/resource/barriers-to-child-support-payment/>.
- 12 Mumola, C. (2000). *Incarcerated parents and their children* (NCJ 182335). U.S. Department of Justice, Bureau of Justice Statistics. Retrieved from <https://bjs.ojp.gov/content/pub/pdf/iptc.pdf>.
- 13 Geller, A., Garfinkel, I., & Western, B. (2011). Paternal incarceration and support for children in fragile families. *Demography*, 48(1), 25–47.
- 14 National Fatherhood Initiative. (2019). *Father facts, 8th edition*.
- 15 Fagan, J., & Pearson, J. (2021). Predictors of mothers' participation in a mother-only coparenting intervention conducted in fatherhood programs. *Journal of Community Psychology*.
- 16 Turney, K., & Wildeman, C. (2013). Redefining relationships: Explaining the countervailing consequences of paternal incarceration for parenting. *American Sociological Review*, 78(6), 949–979.
- 17 Emory, A. (2018). Explaining the consequences of paternal incarceration for child's behavioral problems. *Family Relations*, 67, 302–319.
- 18 The Pew Charitable Trusts. (2010). *Collateral costs: Incarceration's effect on economic mobility*. Retrieved from [https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pes\\_assets/2010/collateralcosts1pdf.pdf](https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pes_assets/2010/collateralcosts1pdf.pdf).
- 19 National Fatherhood Initiative. (2019). *Father facts, 8th edition*.
- 20 Nepomnyaschy, L., Emory, A. D., Eickmeyer, K. J., Waller, M. R., & Miller, D. P. (2021). Parental debt and child well-being: What type of debt matters for child outcomes? *RSF: The Russell Sage Foundation Journal of the Social Sciences*, 7(3), 122–51.
- 21 McKay, T., Mellgren, L., Landwehr, J., Bir, A., Helburn, A., Lindquist, C., & Krieger, K. (2017). *Earnings and child support participation among reentering fathers* (ASPE research brief). U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. Retrieved from <https://aspe.hhs.gov/sites/default/files/private/pdf/257731/MFSIPChildSupport.pdf>.
- 22 Haney, L., & Mercier, M-D. (2021). *Child support and reentry*. National Institute of Justice. Retrieved from <https://www.ojp.gov/pdffiles1/nij/300780.pdf>.

success. Finally, we consider efforts to foster father-child connections by taking family relationships into account during sentencing and providing parenting programming in correctional facilities.

## Incarceration Rates for Males

State imprisonment rates for males of all ages in 2019 varies considerably by state.<sup>23</sup> Data is not provided for the District of Columbia since felons from the District of Columbia are the responsibility of the Federal Bureau of Prisons. The five states with the highest rates of male incarceration in 2019 were Arizona, Arkansas, Louisiana, Mississippi, and Oklahoma. The five states with the lowest rates of male incarceration in 2019 were Maine, Massachusetts, Minnesota, Rhode Island, and Vermont.

Chapter 4, Table 1. State Imprisonment Rate for Males of All Ages in 2019

State	Males of all Ages Incarcerated in 2019 per 100,000 Residents	Ranking	State	Males of all Ages Incarcerated in 2019 per 100,000 Residents	Ranking
Alabama	809	10	Montana	773	15
Alaska	447	39	Nebraska	536	35
Arizona	1,010	5	Nevada	744	17
Arkansas	1,089	4	New Hampshire	365	45
California	595	32	New Jersey	412	41
Colorado	612	29	New Mexico	575	34
Connecticut	473	37	New York	440	40
Delaware	754	16	North Carolina	596	31
DC	N/A	N/A	North Dakota	399	42
Florida	846	9	Ohio	803	12
Georgia	967	7	Oklahoma	1,158	3
Hawaii	389	43	Oregon	654	27
Idaho	809	11	Pennsylvania	680	24
Illinois	579	33	Rhode Island	309	48
Indiana	733	18	South Carolina	680	25
Iowa	535	36	South Dakota	722	21
Kansas	627	28	Tennessee	705	23
Kentucky	916	8	Texas	978	6
Louisiana	1,320	1	Utah	373	44
Maine	275	49	Vermont	341	46
Maryland	606	30	Virginia	786	13
Massachusetts	263	50	Washington	458	38
Michigan	732	19	West Virginia	675	26
Minnesota	331	47	Wisconsin	710	22
Mississippi	1,224	2	Wyoming	726	20
Missouri	783	14			

Source: Carson, E. A. (2020). *Prisoners in 2019* (NCJ 255115). U.S. Department of Justice, Bureau of Justice Statistics. Retrieved from <https://bjs.ojp.gov/content/pub/pdf/p19.pdf>.

<sup>23</sup> Carson, E. A. (2020). *Prisoners in 2019* (NCJ 255115). U.S. Department of Justice, Bureau of Justice Statistics. Retrieved from <https://bjs.ojp.gov/content/pub/pdf/p19.pdf>.

## Actions to Facilitate Reintegration for Criminal Justice Populations

A September 2020 report by Margaret Love and David Schlusssel at the Collateral Consequences Resource Center (CCRC) reviewed each state and the District of Columbia on different types of laws related to reintegration, including record relief and economic opportunities.<sup>24</sup> Their findings regarding pardons, felony and misdemeanor relief, judicial certificates of relief, deferred adjudication, non-conviction reliefs, employment, and occupational licensing are summarized here. When applicable, more recent updates from CCRC and other resources, including information on juvenile record relief, have been noted.



### Record Relief

**Pardons.** Pardoning supplements judicial record relief mechanisms like expungement and sealing. Depending on the state, it may be the only potential source of record relief available for felony convictions or for people who have been convicted of more than one felony. Until recently, pardoning offered an executive certification of rehabilitation and good conduct to a person's record but did not revise it. This is changing, however, as a full pardon now entitles the recipient to judicial expungement or sealing in a growing number of states.

Love and Schlusssel graded each state and the District of Columbia on its pardon practice and policy. Eight states received an A, ten states received a B, three states received a C, six states received a D, and 23 states and the District of Columbia received an F. In general, states that received a higher grade have "frequent and regular" pardoning and/or a full pardon entitles the recipient to judicial expungement or sealing.

Table 2 presents the grade each state and the District of Columbia received regarding their pardon practice and policy.

<sup>24</sup> Love, M., & Schlusssel, B. (2020). *The many roads to reintegration: A 50-state report on laws restoring rights and opportunities after arrest or conviction*. Collateral Consequences Research Center. Retrieved from <https://ccresourcecenter.org/wp-content/uploads/2020/09/The-Many-Roads-to-Reintegration.pdf>.

Chapter 4, Table 2. State Pardon Practice and Policy Grades

State	Pardon Grade	State	Pardon Grade	State	Pardon Grade
Alabama	B	Kentucky	D	North Dakota	D
Alaska	F	Louisiana	A	Ohio	C
Arizona	F	Maine	F	Oklahoma	A
Arkansas	A	Maryland	F	Oregon	D
California	B	Massachusetts	F	Pennsylvania	A
Colorado	C	Michigan	F	Rhode Island	F
Connecticut	A	Minnesota	B	South Carolina	A
Delaware	A	Mississippi	F	South Dakota	B
DC	F	Missouri	F	Tennessee	F
Florida	F	Montana	F	Texas	F
Georgia	A	Nebraska	C	Utah	B
Hawaii	F	Nevada	B	Vermont	F
Idaho	B	New Hampshire	F	Virginia	B
Illinois	B	New Jersey	F	Washington	D
Indiana	F	New Mexico	F	West Virginia	F
Iowa	D	New York	D	Wisconsin	B
Kansas	F	North Carolina	F	Wyoming	F

Source: Love, M., & Schlüssel, B. (2020). *The many roads to reintegration: A 50-state report on laws restoring rights and opportunities after arrest or conviction*. Collateral Consequences Research Center. Retrieved from <https://ccresourcecenter.org/wp-content/uploads/2020/09/The-Many-Roads-to-Reintegration.pdf>.

**Felony and Misdemeanor Relief.** Expungement and sealing laws restrict access to criminal records, and set-aside laws authorize a court to “vacate” a conviction and this may be followed by sealing the record. As Love and Schlüssel note, research shows that these “record-revising” reliefs are associated with improved employment outcomes and low recidivism rates.

Love and Schlüssel distinguish between five categories when looking at record-revising relief for convictions and identified Illinois as having the most expansive sealing law in the country.<sup>25</sup> As of May 2021, 14 states have broader felony and misdemeanor relief; 22 states have limited felony and misdemeanor relief; five states have relief for pardoned felonies and for misdemeanors; four states and the District of Columbia have misdemeanor relief only; and five states have no general expungement, sealing, or set-aside.<sup>26</sup>

As of June 2021, 12 states have automatic expungement or sealing of some convictions.<sup>27</sup> Automatic conviction relief generally applies to minor misdemeanors, some of which include marijuana offenses and, in some states, low-level felonies. In 2018, Pennsylvania became the first state to enact clean slate legislation. According to the Clean Slate Initiative, the clean slate policy model helps streamline petition-based record-clearing (a process that is often both expensive and time-intensive).<sup>28</sup> In February 2021, the Clean Slate

<sup>25</sup> Love, M., & Schlüssel, B. (2020). *The many roads to reintegration: A 50-state report on laws restoring rights and opportunities after arrest or conviction*. Collateral Consequences Research Center. Retrieved from <https://ccresourcecenter.org/wp-content/uploads/2020/09/The-Many-Roads-to-Reintegration.pdf>.

<sup>26</sup> Collateral Consequences Research Center. (2021). *Authority for expunging, sealing, or setting aside convictions*. Retrieved from <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparison-judicial-expungement-sealing-and-set-aside/>.

<sup>27</sup> Collateral Consequences Research Center. (2021). *Automatic conviction relief*. Retrieved from <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparison-judicial-expungement-sealing-and-set-aside/>.

<sup>28</sup> Clean Slate Initiative. (2021). Retrieved from <https://cleanslateinitiative.org/>.

Initiative announced that four states—Delaware, New York, Oregon, and Texas—have launched campaigns to pass clean slate legislation, joining Connecticut, Louisiana, and North Carolina, where there are clean slate legislation efforts underway, and the three states—Michigan, Pennsylvania, and Utah—where there is already clean slate legislation.<sup>29</sup> In March 2021, *Stateline*, an initiative of the Pew Charitable Trusts, highlighted how a growing number of states are considering automatic criminal record expungement.<sup>30</sup>

In addition to general record relief that may cover marijuana among other offenses, 24 states and the District of Columbia have, as of June 2021, enacted relief specifically for decriminalized and legalized marijuana offenses.<sup>31</sup>

Table 3 indicates the applicable category for each state and the District of Columbia regarding their record-revising relief for convictions and any additional relief information (automatic relief available for some convictions, enacted clean slate legislation, clean slate legislation efforts, and/or enacted marijuana-specific relief legislation).

*Chapter 4, Table 3. State Felony and Misdemeanor Relief, Automatic Relief, Clean Slate Legislation, and Marijuana-Specific Relief*

State	Felony and Misdemeanor Relief	Automatic Relief for Some Convictions	Clean Slate Legislation	Marijuana-Specific Relief
Alabama	If pardoned			
Alaska	None			
Arizona	Broader			Yes
Arkansas	Broader			
California	Limited	Yes		Yes
Colorado	Broader			Yes
Connecticut	If pardoned	Yes	Efforts	Yes
Delaware	Limited		Efforts	Yes
DC	Misdemeanors only			Yes
Florida	None			
Georgia	If pardoned			
Hawaii	None			Yes
Idaho	Limited			
Illinois	Broader	Yes		Yes
Indiana	Broader			
Iowa	Misdemeanors only			
Kansas	Broader			
Kentucky	Limited			
Louisiana	Limited		Efforts	
Maine	None			
Maryland	Limited			Yes
Massachusetts	Broader			Yes

<sup>29</sup> Clean Slate Initiative. (2021). *National momentum grows as four states launch Clean Slate campaigns*. Retrieved from <https://cleanslateinitiative.org/media/national-momentum-grows-as-four-states-launch-clean-slate-campaigns/>.

<sup>30</sup> Hernández, K. (2021). *More states consider automatic criminal record expungement*. *Stateline*, an initiative of the Pew Charitable Trusts. Retrieved from <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/05/25/more-states-consider-automatic-criminal-record-expungement>.

<sup>31</sup> Collateral Consequences Research Center. (2021). *Expungement or sealing laws specific to marijuana, decriminalized, or legalized offenses*. Retrieved from <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparison-marijuana-legalization-expungement/>.

Michigan	Broader	Yes	Enacted	Yes
Minnesota	Broader			Yes
Mississippi	Limited			
Missouri	Limited			
Montana	Misdemeanors only			Yes
Nebraska	Limited			
Nevada	Broader			Yes
New Hampshire	Broader			Yes
New Jersey	Limited	Yes		Yes
New Mexico	Broader	Yes		Yes
New York	Limited	Yes	Efforts	Yes
North Carolina	Limited		Efforts	
North Dakota	Broader			Yes
Ohio	Limited			
Oklahoma	Limited			
Oregon	Limited		Efforts	Yes
Pennsylvania	If pardoned	Yes	Enacted	
Rhode Island	Limited			Yes
South Carolina	Misdemeanors only			
South Dakota	If pardoned	Yes		
Tennessee	Limited			
Texas	Misdemeanors only		Efforts	
Utah	Limited	Yes	Enacted	Yes
Vermont	Limited	Yes		Yes
Virginia	Limited	Yes		Yes
Washington	Broader			Yes
West Virginia	Limited			
Wisconsin	None			
Wyoming	Limited			

Sources: Collateral Consequences Research Center. (2021). *Authority for expunging, sealing, or setting aside convictions*. Retrieved from <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparison-judicial-expungement-sealing-and-set-aside/>.

Collateral Consequences Research Center. (2021). *Automatic conviction relief*. Retrieved from <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparison-judicial-expungement-sealing-and-set-aside/>.

Clean Slate Initiative. (2021). *National momentum grows as four states launch Clean Slate campaigns*. Retrieved from <https://cleanslateinitiative.org/media/national-momentum-grows-as-four-states-launch-clean-slate-campaigns/>.

Collateral Consequences Research Center. (2021). *Expungement or sealing laws specific to marijuana, decriminalized, or legalized offenses*. Retrieved from <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparison-marijuana-legalization-expungement/>.

**Juvenile Record Relief.** A juvenile record can have long-term consequences on obtaining education, employment, housing, and other opportunities as an adult,<sup>32</sup> and while all states provide for expungement or sealing of at least some juvenile delinquency records, there is significant variation from state to state.<sup>33</sup> The Juvenile Law Center has analyzed and scored juvenile record laws regarding expungement and sealing in each state and the District of Columbia. These scores are based on the state's policy and practice regarding expungement and sealing of juvenile records. The resulting total state score is expressed as a percentage

<sup>32</sup> Teigen, A. (2021). *The sometimes lifelong consequences of a juvenile record*. National Conference of State Legislatures. Retrieved from <https://www.ncsl.org/research/civil-and-criminal-justice/when-a-mistake-can-haunt-for-a-lifetime-the-consequences-of-a-juvenile-record-magazine2021.aspx>.

<sup>33</sup> Love, M., & Schluskel, B. (2020). *The many roads to reintegration: A 50-state report on laws restoring rights and opportunities after arrest or conviction*. Collateral Consequences Research Center. Retrieved from <https://ccresourcecenter.org/wp-content/uploads/2020/09/The-Many-Roads-to-Reintegration.pdf>.

of the maximum possible total score for the policies and practices included for the individual state and then rounded and assigned stars based on the following rating system: 5 stars (80–100%), 4 stars (60–79%), 3 stars (40–59%), 2 stars (20–39%), and 1 star (0–19%). Overall, zero states received 5 stars, 8 states received 4 stars, 24 states received 3 stars, 18 states and the District of Columbia received 2 stars, and zero states received 1 star.<sup>34</sup> Research suggests that diversion reduces youth recidivism more effectively than conventional judicial intervention, a strategy recently pursued in states such as Kentucky, Massachusetts, and Utah.<sup>35</sup>

Table 4 indicates the score, in terms of stars, for each state and the District of Columbia regarding their policy and practice on expunging and sealing juvenile record laws.

Chapter 4, Table 4. State Juvenile Relief Scores

State	Juvenile Relief	State	Juvenile Relief	State	Juvenile Relief
Alabama	3 stars	Kentucky	2 stars	North Dakota	3 stars
Alaska	3 stars	Louisiana	2 stars	Ohio	4 stars
Arizona	2 stars	Maine	2 stars	Oklahoma	4 stars
Arkansas	3 stars	Maryland	4 stars	Oregon	4 stars
California	4 stars	Massachusetts	3 stars	Pennsylvania	2 stars
Colorado	3 stars	Michigan	2 stars	Rhode Island	2 stars
Connecticut	3 stars	Minnesota	2 stars	South Carolina	3 stars
Delaware	2 stars	Mississippi	3 stars	South Dakota	2 stars
DC	2 stars	Missouri	3 stars	Tennessee	2 stars
Florida	3 stars	Montana	3 stars	Texas	4 stars
Georgia	3 stars	Nebraska	3 stars	Utah	2 stars
Hawaii	2 stars	Nevada	3 stars	Vermont	3 stars
Idaho	2 stars	New Hampshire	3 stars	Virginia	3 stars
Illinois	3 stars	New Jersey	2 stars	Washington	2 stars
Indiana	4 stars	New Mexico	3 stars	West Virginia	3 stars
Iowa	3 stars	New York	2 stars	Wisconsin	2 stars
Kansas	3 stars	North Carolina	3 stars	Wyoming	4 stars

Source: Juvenile Law Center. (2018). *Failed policies, forfeited futures*. Retrieved from <https://juvenilerecords.jlc.org/juvenilerecords/#!/map>.

34 Juvenile Law Center. (2019). *Failed policies, forfeited futures*. Retrieved from <https://juvenilerecords.jlc.org/juvenilerecords/#!/map>.

35 Teigen, A. (2021). *The sometimes lifelong consequences of a juvenile record*. National Conference of State Legislatures. Retrieved from <https://www.ncsl.org/research/civil-and-criminal-justice/when-a-mistake-can-haunt-for-a-lifetime-the-consequences-of-a-juvenile-record-magazine2021.aspx>.



**Judicial Certificates of Relief.** Judicial certificates, issued by courts or parole boards, help avoid or mitigate mandatory barriers to employment, licensing, or housing and provide some reassurance about the person's rehabilitation to help with discretionary barriers. As Love and Schluskel explain, judicial certificates extend to a broader range of offenses than expungement or sealing and may be obtained after a shorter waiting period, which can make them potentially more valuable to reentry. They note that while some advocates and practitioners are skeptical about their efficacy, a 2016 study in Ohio found that individuals who had been issued judicial certificates were more likely to get an invitation to interview for a job than those who had not been issued one. Additionally, a 2017 study of the same certificates found a similar result in the context of applications for rental housing.<sup>36</sup> As of May 2021, judicial certificates are available in 13 states.<sup>37</sup>

Table 5 indicates which states have judicial certificates of relief available.

Chapter 4, Table 5. State Availability of Judicial Certificates of Relief

State	Judicial Certificates	State	Judicial Certificates	State	Judicial Certificates
Alabama		Kentucky		North Dakota	
Alaska		Louisiana		Ohio	Yes
Arizona	Yes	Maine		Oklahoma	
Arkansas		Maryland		Oregon	
California	Yes	Massachusetts		Pennsylvania	
Colorado	Yes	Michigan		Rhode Island	Yes
Connecticut	Yes	Minnesota		South Carolina	
Delaware		Mississippi		South Dakota	
DC		Missouri		Tennessee	Yes
Florida		Montana		Texas	
Georgia		Nebraska		Utah	
Hawaii		Nevada		Vermont	Yes
Idaho		New Hampshire		Virginia	
Illinois	Yes	New Jersey	Yes	Washington	Yes
Indiana		New Mexico		West Virginia	
Iowa		New York	Yes	Wisconsin	
Kansas		North Carolina	Yes	Wyoming	

Source: Collateral Consequences Research Center. (2021). *Judicial certificates of relief*. Retrieved from <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparisonjudicial-expungement-sealing-and-set-aside/>

<sup>36</sup> Love, M., & Schluskel, B. (2020). *The many roads to reintegration: A 50-state report on laws restoring rights and opportunities after arrest or conviction*. Collateral Consequences Research Center. Retrieved from <https://ccresourcecenter.org/wp-content/uploads/2020/09/The-Many-Roads-to-Reintegration.pdf>.

<sup>37</sup> Collateral Consequences Research Center. (2021). *Judicial certificates of relief*. Retrieved from <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparisonjudicial-expungement-sealing-and-set-aside/>.

**Deferred Adjudication.** Diversion, which involves diverting individuals away from a conviction at the front end of a criminal case, is identified as an increasingly popular record relief strategy that helps to promote desistance, employment, and earning outcomes for at least some populations. As Love and Schlüssel explain, there are two primary types of diversion: pure diversion (prosecutor-managed) and deferred adjudication (court-managed). They focus on deferred adjudication and distinguish between four categories: 19 states make deferred adjudication broadly available; 16 states have varying restrictions on eligibility based on offense charged or prior record and often limit record relief; 13 states and the District of Columbia offer deferred adjudication in only specialized types of cases; and two states (Kansas and Wisconsin) make no provision for court-managed diversion.<sup>38</sup>

Table 6 indicates the applicable category for each state and the District of Columbia regarding their deferred adjudications provisions.

Chapter 4, Table 6. **State Deferred Adjudication Provisions**

State	Deferred Adjudication	State	Deferred Adjudication	State	Deferred Adjudication
Alabama	Broadly available	Kentucky	Varying restrictions	North Dakota	Broadly available
Alaska	Varying restrictions	Louisiana	Varying restrictions	Ohio	Specialized only
Arizona	Specialized only	Maine	Broadly available	Oklahoma	Varying restrictions
Arkansas	Varying restrictions	Maryland	Broadly available	Oregon	Specialized only
California	Specialized only	Massachusetts	Broadly available	Pennsylvania	Varying restrictions
Colorado	Broadly available	Michigan	Specialized only	Rhode Island	Broadly available
Connecticut	Specialized only	Minnesota	Specialized only	South Carolina	Varying restrictions
Delaware	Varying restrictions	Mississippi	Broadly available	South Dakota	Varying restrictions
DC	Specialized only	Missouri	Broadly available	Tennessee	Varying restrictions
Florida	Varying restrictions	Montana	Varying restrictions	Texas	Broadly available
Georgia	Broadly available	Nebraska	Broadly available	Utah	Broadly available
Hawaii	Varying restrictions	Nevada	Specialized only	Vermont	Broadly available
Idaho	Broadly available	New Hampshire	Specialized only	Virginia	Specialized only
Illinois	Varying restrictions	New Jersey	Specialized only	Washington	Broadly available
Indiana	Specialized only	New Mexico	Broadly available	West Virginia	Broadly available
Iowa	Varying restrictions	New York	Broadly available	Wisconsin	No provision
Kansas	No provision	North Carolina	Specialized only	Wyoming	Varying restrictions

Source: Love, M., & Schlüssel, B. (2020). *The many roads to reintegration: A 50-state report on laws restoring rights and opportunities after arrest or conviction*. Collateral Consequences Research Center. Retrieved from <https://ccresourcecenter.org/wp-content/uploads/2020/09/The-Many-Roads-to-Reintegration.pdf>.

<sup>38</sup> Love, M., & Schlüssel, B. (2020). *The many roads to reintegration: A 50-state report on laws restoring rights and opportunities after arrest or conviction*. Collateral Consequences Research Center. Retrieved from <https://ccresourcecenter.org/wp-content/uploads/2020/09/The-Many-Roads-to-Reintegration.pdf>.

**Non-Conviction Relief.** Many arrests do not lead to convictions yet still produce a criminal record that may create long-term barriers to employment, housing, and other aspects of daily life. As of June 2021, 18 states have automatic relief for expunging or sealing non-convictions; six states expedite non-conviction relief at disposition or upon administrative request; 12 states require a court petition that is less burdensome and restrictive; 11 states and the District of Columbia require a court petition that is more burdensome and restrictive. In three states (Arizona, Maine, and Montana), the process is deemed not applicable. Arizona lacks a non-conviction expungement or sealing law. In Maine and Montana, state criminal justice records, but not court records, are subject to an automatic expungement, sealing, or confidentiality process.<sup>39</sup>

Table 7 indicates the applicable category for each state and the District of Columbia regarding their non-conviction relief process.

Chapter 4, Table 7. State Non-Conviction Relief Processes

State	Non-Conviction Relief	State	Non-Conviction Relief	State	Non-Conviction Relief
Alabama	Court petition (more burden)	Kentucky	Automatic	North Dakota	Court petition (more burden)
Alaska	Automatic	Louisiana	Court petition (less burden)	Ohio	Court petition (less burden)
Arizona	Not applicable	Maine	Not applicable	Oklahoma	Court petition (less burden)
Arkansas	Court petition (less burden)	Maryland	Automatic	Oregon	Court petition (more burden)
California	Automatic	Massachusetts	Automatic	Pennsylvania	Automatic
Colorado	Expedited	Michigan	Automatic	Rhode Island	Court petition (more burden)
Connecticut	Automatic	Minnesota	Court petition (less burden)	South Carolina	Automatic
Delaware	Expedited	Mississippi	Expedited	South Dakota	Court petition (more burden)
DC	Court petition (more burden)	Missouri	Court petition (more burden)	Tennessee	Court petition (less burden)
Florida	Court petition (more burden)	Montana	Not applicable	Texas	Court petition (less burden)
Georgia	Court petition (less burden)	Nebraska	Automatic	Utah	Automatic
Hawaii	Expedited	Nevada	Court petition (less burden)	Vermont	Automatic
Idaho	Expedited	New Hampshire	Automatic	Virginia	Automatic
Illinois	Expedited	New Jersey	Automatic	Washington	Court petition (more burden)
Indiana	Court petition (less burden)	New Mexico	Court petition (less burden)	West Virginia	Court petition (more burden)
Iowa	Court petition (more burden)	New York	Automatic	Wisconsin	Automatic
Kansas	Court petition (more burden)	North Carolina	Automatic	Wyoming	Court petition (less burden)

Source: Collateral Consequences Research Center. (2021). *Process for expunging or sealing non-convictions*. Retrieved from <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparisonjudicial-expungement-sealing-and-set-aside/>.

39 Collateral Consequences Research Center. (2021). *Process for expunging or sealing non-convictions*. Retrieved from <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparisonjudicial-expungement-sealing-and-set-aside/>.



## Economic Opportunities

**Employment.** According to Love and Schlüssel, Hawaii's 1998 Fair Employment Practices law has served as a model for other states. The law has a four-part enforcement mechanism: (1) to prohibit application-stage inquiries about criminal history; (2) after inquiry is made, to prohibit consideration of non-convictions and certain other records that are categorically deemed "unrelated" to qualifications; (3) to apply detailed standards to consideration of potentially relevant records; and (4) to enforce these standards and procedures through the general fair employment law. Only two other states—California and Nevada—and the District of Columbia have built comprehensive approaches to "fair chance employment" around the same four-part mechanism as Hawaii. Illinois and Massachusetts provide for limited record-related protections through their human rights laws. In addition, the first part of Hawaii's comprehensive approach has inspired ban-the-box laws that limit the information that employers have about an applicant's criminal record until the later stages of the hiring process. Thirty-six states and the District of Columbia have adopted ban-the-box laws for public employment. In 14 states and the District of Columbia, ban-the-box legislation also applies to private sector employment. Research suggests that ban-the-box laws do improve job opportunities for people with a criminal record, although there are concerns that limiting inquiry into criminal history can lead to employer reliance on racial stereotypes and other stereotypes about who may have a criminal record.<sup>40</sup>

Love and Schlüssel organize states and the District of Columbia into five categories that reflect the textual strength of their law regulating how a criminal record is taken account of in the employment application process. The categories are: robust regulation of both public and private employment (seven states and the District of Columbia), robust regulation of public employment only (six states), minimal regulation of both public and private employment (11 states), minimal regulation of public employment only (12 states), and no regulation of either public or private employment (14 states). They note that when determining which laws were robust and which were minimal, they considered whether the state's fair employment law extends to discrimination based on criminal record, whether a ban-the-box law prohibits inquiry until after a conditional offer has been made, whether clear standards determine how employers should consider a record in the employment application process, and whether the law provides for administrative enforcement.<sup>41</sup>

Table 8 indicates the applicable category for each state and the District of Columbia regarding their employment regulations.

<sup>40</sup> Love, M., & Schlüssel, B. (2020). *The many roads to reintegration: A 50-state report on laws restoring rights and opportunities after arrest or conviction*. Collateral Consequences Research Center. Retrieved from <https://ccresourcecenter.org/wp-content/uploads/2020/09/The-Many-Roads-to-Reintegration.pdf>.

<sup>41</sup> Love, M., & Schlüssel, B. (2020). *The many roads to reintegration: A 50-state report on laws restoring rights and opportunities after arrest or conviction*. Collateral Consequences Research Center. Retrieved from <https://ccresourcecenter.org/wp-content/uploads/2020/09/The-Many-Roads-to-Reintegration.pdf>.

Chapter 4, Table 8. State Employment Regulations

State	Employment Regulation	State	Employment Regulation	State	Employment Regulation
Alabama	None	Kentucky	Robust (public)	North Dakota	Minimal (public)
Alaska	None	Louisiana	Robust (public)	Ohio	Minimal (public)
Arizona	Minimal (public)	Maine	Minimal (public)	Oklahoma	Minimal (public)
Arkansas	None	Maryland	Minimal (both)	Oregon	Minimal (both)
California	Robust (both)	Massachusetts	Minimal (both)	Pennsylvania	Minimal (both)
Colorado	Minimal (both)	Michigan	Minimal (public)	Rhode Island	Minimal (both)
Connecticut	Robust (both)	Minnesota	Robust (both)	South Carolina	No regulation
Delaware	Robust (public)	Mississippi	None	South Dakota	No regulation
DC	Robust (both)	Missouri	Robust (public)	Tennessee	Robust (public)
Florida	Minimal (public)	Montana	None	Texas	None
Georgia	Minimal (public)	Nebraska	Minimal (public)	Utah	Minimal (public)
Hawaii	Robust (both)	Nevada	Robust (public)	Vermont	Minimal (both)
Idaho	None	New Hampshire	None	Virginia	Minimal (public)
Illinois	Robust (both)	New Jersey	Minimal (both)	Washington	Minimal (both)
Indiana	Minimal (both)	New Mexico	Minimal (both)	West Virginia	None
Iowa	None	New York	Robust (both)	Wisconsin	Robust (both)
Kansas	Minimal (public)	North Carolina	None	Wyoming	None

Source: Love, M., & Schlüssel, B. (2020). *The many roads to reintegration: A 50-state report on laws restoring rights and opportunities after arrest or conviction*. Collateral Consequences Research Center. Retrieved from <https://ccresourcecenter.org/wp-content/uploads/2020/09/The-Many-Roads-to-Reintegration.pdf>.

**Occupational Licensing.** Per Love and Schlüssel, close to 20% of all jobs in the United States are available only to people who have been approved to compete for them by a government licensing agency. A renewed push for occupational licensing reform began in 2013 following some reforms made prior to the 1980s. It aims to remove record-based barriers that restrict access to the licenses and certificates needed to work in these regulated occupations

Love and Schlüssel organized states and the District of Columbia into five categories reflecting the textual strength of their law regulating consideration of criminal record by licensing agencies. These categories are: robust (11 states), adequate (9 states), modest (16 states), minimally acceptable (10 states and the District of Columbia), and none (four states). The categories reflect whether clear and specific standards apply to test the relevance of an applicant's record to the occupation by reference to public safety, whether certain categories of records are excluded as irrelevant to licensure, whether the law provides an opportunity for applicants to get an early read on their likelihood of success, whether procedural protections are available through written reasons for denial and an opportunity to appeal, whether there is an external accountability mechanism to monitor agency performance, and whether there is provision for enforcement. Indiana, New Hampshire, and Rhode Island are identified as having particularly comprehensive laws regarding occupational licensing.

In addition to general reforms, Love and Schlüssel also highlight several states that have also enacted laws regulating specific occupations that may be relevant for low-income, nonresident fathers. Five states—Connecticut, Delaware, Florida, Idaho, and Iowa—loosened their restrictions on barbers; Florida and Iowa facilitated licensing in construction trades taught in their prisons, and one state—Texas—opened healthcare occupations to people who may have been barred from them earlier in life.<sup>42</sup>

Table 9 indicates the applicable category for each state and the District of Columbia regarding their law regulation consideration of a criminal record for occupational licensing.

Chapter 4, Table 9. **State Occupational Licensing Laws**

State	Occupational Licensing	State	Occupational Licensing	State	Occupational Licensing
Alabama	Minimal	Kentucky	Modest	North Dakota	Adequate
Alaska	None	Louisiana	Minimal	Ohio	Minimal
Arizona	Robust	Maine	Modest	Oklahoma	Adequate
Arkansas	Adequate	Maryland	Modest	Oregon	Minimal
California	Adequate	Massachusetts	None	Pennsylvania	Modest
Colorado	Modest	Michigan	Adequate	Rhode Island	Robust
Connecticut	Modest	Minnesota	Robust	South Carolina	Minimal
Delaware	Modest	Mississippi	Robust	South Dakota	None
DC	Minimal	Missouri	Modest	Tennessee	Modest
Florida	Minimal	Montana	Minimal	Texas	Modest
Georgia	Modest	Nebraska	Modest	Utah	Robust
Hawaii	Robust	Nevada	Minimal	Vermont	None
Idaho	Modest	New Hampshire	Robust	Virginia	Minimal
Illinois	Robust	New Jersey	Modest	Washington	Modest
Indiana	Robust	New Mexico	Adequate	West Virginia	Adequate
Iowa	Robust	New York	Adequate	Wisconsin	Adequate
Kansas	Minimal	North Carolina	Robust	Wyoming	Modest

Source: Love, M., & Schlüssel, B. (2020). *The many roads to reintegration: A 50-state report on laws restoring rights and opportunities after arrest or conviction*. Collateral Consequences Research Center. Retrieved from <https://ccresourcecenter.org/wp-content/uploads/2020/09/The-Many-Roads-to-Reintegration.pdf>.

<sup>42</sup> Love, M., & Schlüssel, B. (2020). *The many roads to reintegration: A 50-state report on laws restoring rights and opportunities after arrest or conviction*. Collateral Consequences Research Center. Retrieved from <https://ccresourcecenter.org/wp-content/uploads/2020/09/The-Many-Roads-to-Reintegration.pdf>.

## Actions to Facilitate Probation and Parole Reform

Although probation and parole are designed to lower prison populations and help people succeed in the community, new data shows that 45% of state prison admissions nationwide in 2017 were due to violations of probation or parole for new offenses (20%) or technical violations (25%).<sup>43</sup> Looked at somewhat differently, missing appointments with parole or probation officers or failing drug tests and other technical violations accounted for 25% of all admissions to state prisons.<sup>44</sup> In 20 states, more than half of all prison admissions were due to supervision violations, with the percentage ranging from a low of 10% and 17% in Massachusetts and Alaska, respectively, to a high of 79% and 77% in Utah and Missouri, respectively. According to the Council of State Governments Justice Center, the variation is shaped by “the overall size of each state’s supervision population, how violations are sanctioned, whether those sanctions are paid for by the state or county, and how well state policy and funding enable probation and parole agencies to employ evidence-based practices to improve success on supervision.”<sup>45</sup> In addition to being costly and accounting for \$2.8 billion in annual incarceration costs, recidivism due to supervision violations leads to longer periods of incarceration that may make employment and connection with children more difficult upon release.<sup>46</sup>

The Justice Reinvestment Initiative (JRI), a public–private partnership among the Pew Charitable Trusts, the U.S. Department of Justice’s Bureau of Justice Assistance, state governments, and technical assistance providers, resulted in the identification of policies that states may adopt to improve supervision outcomes and reduce recidivism.<sup>47</sup> A total of eight reform policies were identified. They fall into four categories:

- Tailoring supervision strategies toward behavioral change for those at the highest risk of reoffending.
- Providing positive incentives for people on supervision.
- Using administrative responses to violations.
- Capping or reducing jail or prison time for violations and limiting the conditions under which incarceration may be used to respond to a technical violation.

As part of their JRI reform packages, 35 states enacted one or more of eight policies to increase success rates among people on supervision and develop alternatives to technical revocation. Four states adopted one policy, 11 states adopted two or three policies, 12 states adopted four or five, seven states adopted six or seven policies, and one state adopted all eight. Evaluations of the policies in highlighted states demonstrate positive results on incarceration and public safety. Fifteen states did not participate in JRI and did not reform criminal justice policies through justice reinvestment.<sup>48</sup>

43 Council of State Governments. (2019). *Confined and costly: How supervision violations are filling prisons and burdening budgets*. Retrieved from <https://csgjusticecenter.org/publications/confined-costly/>.

44 *Ibid.*

45 *Ibid.* at 2.

46 Council of State Governments Justice Center. (2019). *Confined and costly: How supervision violations are filling prisons and burdening budgets*. Retrieved from <https://csgjusticecenter.org/publications/confined-costly/>.

47 The Pew Charitable Trusts. (2019). *To safely cut incarceration, states rethink responses to supervision violations*. Retrieved from [https://www.pewtrusts.org/-/media/assets/2019/07/pspp\\_states\\_target\\_technical\\_violations\\_v1.pdf](https://www.pewtrusts.org/-/media/assets/2019/07/pspp_states_target_technical_violations_v1.pdf).

48 The Pew Charitable Trusts. (2018). *35 states reform criminal justice policies through justice reinvestment*. Retrieved from [https://www.pewtrusts.org/-/media/assets/2018/07/pspp\\_reform\\_matrix.pdf](https://www.pewtrusts.org/-/media/assets/2018/07/pspp_reform_matrix.pdf).

Table 10 shows the percentage of prison admissions due to supervision violations and the number of policies enacted to reduce parole and probation revocations in each state.

Chapter 4, Table 10. **State Prison Admissions due to Supervision Violations and Policies Enacted to Reduce Parole and Probation Revocations**

State	Percentage of State Prison Admissions Due to Supervision Violations	Number of Policies Enacted to Reduce Parole and Probation Revocations
Alabama	30%	7
Alaska	17%	8
Arizona	44%	1
Arkansas	57%	6
California	33%	0
Colorado	52%	0
Connecticut	48%	2
Delaware	N/A	5
DC	N/A	N/A
Florida	33%	0
Georgia	35%	7
Hawaii	53%	3
Idaho	69%	6
Illinois	34%	2
Indiana	53%	0
Iowa	56%	0
Kansas	68%	5
Kentucky	64%	5
Louisiana	51%	7
Maine	44%	0
Maryland	24%	5
Massachusetts	10%	0
Michigan	52%	3
Minnesota	65%	0
Mississippi	45%	5
Missouri	77%	3
Montana	41%	7
Nebraska	33%	5
Nevada	39%	3
New Hampshire	60%	2
New Jersey	27%	0
New Mexico	31%	0
New York	41%	0
North Carolina	62%	5
North Dakota	49%	1
Ohio	47%	3
Oklahoma	24%	1
Oregon	45%	2
Pennsylvania	54%	4
Rhode Island	38%	5
South Carolina	39%	4
South Dakota	68%	5
Tennessee	39%	0
Texas	47%	3
Utah	79%	7
Vermont	N/A	2
Virginia	51%	0
Washington	39%	0
West Virginia	31%	4
Wisconsin	70%	1
Wyoming	56%	0

Sources: Council of State Governments. (2019). *Confined and costly: How supervision violations are filling prisons and burdening budgets*. Retrieved from <https://csgjusticecenter.org/publications/confined-costly/>.

The Pew Charitable Trusts. (2019). *To safely cut incarceration, states rethink responses to supervision violations*. Retrieved from [https://www.pewtrusts.org/-/media/assets/2019/07/pspp\\_states\\_target\\_technical\\_violations\\_v1.pdf](https://www.pewtrusts.org/-/media/assets/2019/07/pspp_states_target_technical_violations_v1.pdf).

Note: Data on violations as a proportion of prison admissions not available for Delaware or Vermont.



## Actions to Support Parenting During Sentencing and Incarceration

A 2016 report by the Annie E. Casey Foundation on the effects of parental incarceration on children, families, and communities documents its negative outcomes for children including added financial burdens, reduced health and well-being, behavioral problems, and educational deficits.<sup>49</sup> Among the recommendations they offer to support children of incarcerated parents is preserving a child's relationship with a parent during incarceration. They urge criminal justice systems to make sentencing and prison-assignment decisions so that parents can contact families and develop visitation policies that allow children to maintain their parental relationships. They also recommend that prisons provide family counseling and parenting courses while parents are incarcerated and after they return.<sup>50</sup> Specific mention is made of the National Fatherhood Initiative's InsideOut Dad curriculum, which has documented increases in fathers' confidence, parenting know-how, and contact with their children.<sup>51</sup>

### Parenting During Sentencing

Several states have passed legislation taking family relationships into account during sentencing. In Washington, 2010 legislation allows special sentencing for parents with minor children and judges can impose a period of community supervision, treatment, and programming for some parents or can release parents to electronic monitoring. In Oregon, 2016 legislation established the Family Sentencing Alternative Pilot Program, which is a community-based program that diverts parents sentenced for non-violent crimes from prison to participate in supervision and treatment programs. Similar programs are currently operating in California, Illinois, Massachusetts, and Tennessee and are under consideration in Connecticut and Oklahoma. Additionally, Hawaii requires officials to consider parent-child relationships when deciding where a parent will be incarcerated to try to minimize the distance children have to travel to visit their parent. The Finding Alternatives to Mass Incarceration: Lives Improved by Ending Separation (FAMILIES) Act, which was proposed in Congress in November 2020 but failed to pass, was modeled after the programs in Washington and Oregon and would have created alternatives to incarceration for eligible parents and caregivers and allowed federal judges to divert parents into programs offering parenting skills, education employment services, mental health and substance abuse services, and housing assistance.<sup>52</sup>

### Parenting During Incarceration

Based on a review of websites for Departments of Corrections conducted by the Center for Policy Research (CPR) in January 2021, 30 states and the District of Columbia offer parenting classes for incarcerated fathers in at least one state correctional facility. Of these 31, 20 states and the District of Columbia offer programs in every correctional facility administered by the respective Department of Corrections. In the other 10 states, the programs are offered at a limited number of correctional facilities.

A comparable website review of the availability of parenting classes for incarcerated fathers conducted by the Child and Family Research Partnership at the University of Texas at Austin in 2017 found that only 19 states

49 Annie E. Casey Foundation. (2016). *A shared sentence: The devastating toll of parental incarceration on kids, families and communities*. Retrieved from <https://assets.aecf.org/m/resourcedoc/aecf-asharedsentence-2016.pdf>.

50 *Ibid.*

51 Economic Development Research Group. (2012). *Assessing the impact of the InsideOut Dad program on Newark Community Education Center residents*. Rutgers University School of Public Affairs and Administration. Retrieved from [https://cdn2.hubspot.net/hub/135704/file-561437088.pdf/Research\\_Eval\\_Files/368\\_1oDEvalRpt\\_NREPP\\_12071](https://cdn2.hubspot.net/hub/135704/file-561437088.pdf/Research_Eval_Files/368_1oDEvalRpt_NREPP_12071).

52 Ghandnoosh, N., Stammen, E., & Muhitch, K. (2021). *Parents in prison*. The Sentencing Project. Retrieved from <https://www.sentencingproject.org/publications/parents-in-prison/>.

and the District of Columbia provided parenting programs in at least one correctional facility.<sup>53</sup> The addition of 11 states offering fatherhood classes since 2017, with other states exploring programming,<sup>54</sup> indicates growing national interest in fatherhood as an element of successful rehabilitation and reentry.

CPR's website review found that nine states employ the InsideOut Dad curriculum—Alaska,<sup>55</sup> Michigan,<sup>56</sup> Nevada,<sup>57</sup> New Mexico,<sup>58</sup> North Dakota,<sup>59</sup> Pennsylvania,<sup>60</sup> Washington,<sup>61</sup> West Virginia,<sup>62</sup> and Wyoming<sup>63</sup>—but many state Departments of Corrections use unique, independent curricula, often in collaboration with regional or national parenting organizations. For example, South Carolina's curriculum<sup>64</sup> was crafted by the National Fatherhood Coalition; Virginia<sup>65</sup> uses "DADs Inc" from Indiana's The Villages;<sup>66</sup> and Oklahoma's program<sup>67</sup> is from the Texas Institute of Behavioral Research at TCU.<sup>68</sup> Two states—Nebraska<sup>69</sup> and Louisiana<sup>70</sup>—provide parenting classes only through Christian faith-based organizations. While the National Fatherhood Initiative notes that InsideOut Dad is used in at least one facility in every state, aside from Delaware and the District of Columbia,<sup>71</sup> CPR's website review found that nine states reference the curriculum on their Department of Corrections website.

Another parenting intervention for young nonresident fathers, particularly those in juvenile or criminal justice facilities is Just Beginning (JB) Fatherhood.<sup>72</sup> The program consists of five 60–90-minute sessions during which a trained facilitator meets with fathers one-on-one or in small groups to help them master key parenting skills. Each session includes a father–child visit, during which the father practices the skills from the session and receives feedback from the facilitator.

Since its start in three counties in California, JB has been evaluated extensively,<sup>73</sup> and expanded to 18 facilities in six states (California, Colorado, Connecticut, New York, Ohio, and Texas). The program has also been piloted in three community-based sites in California, New York, and Pennsylvania, and was selected to be part of the

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- 53 Child and Family Research Partnership. (2017). *Federal, state, and local efforts supporting father involvement* (CFRP Policy Brief B.032.0617). LBJ School of Public Affairs, The University of Texas at Austin. Retrieved from <https://childandfamilyresearch.utexas.edu/federal-state-and-local-efforts-supporting-father-involvement>.
- 54 Wisconsin Department of Corrections. (2019). *Reentry business plan Fiscal Year 2020*. Retrieved from <https://doc.wi.gov/Documents/AboutDOC/Reentry/FY2020ReentryBusinessPlan.pdf>.
- 55 Alaska Department of Corrections. (2018). *Programs and services*. Retrieved from <https://doc.alaska.gov/doc/ADOC-Programs-and-Services.pdf>.
- 56 Michigan Department of Corrections. (2021). *Prisoner programming*. Retrieved from [https://www.michigan.gov/corrections/0,4551,7-119-33218\\_68926---,00.html](https://www.michigan.gov/corrections/0,4551,7-119-33218_68926---,00.html).
- 57 State of Nevada Department of Corrections. (2021). *Core correctional programs*. Retrieved from [https://doc.nv.gov/Programs/Correctional\\_Programs/Correctional\\_Programs/](https://doc.nv.gov/Programs/Correctional_Programs/Correctional_Programs/).
- 58 New Mexico Corrections Department. (2021). *Education*. Retrieved from <https://cd.nm.gov/divisions/adult-prison/reentry-division/recidivism-reduction-education/>.
- 59 North Dakota Department of Corrections and Rehabilitation. (2021). *Office of facility inspections*. Retrieved from <https://www.docr.nd.gov/sites/www/files/documents/jails/Ward%20County%20Inspection.pdf>.
- 60 Pennsylvania Department of Corrections. (2021). *Treatment programs*. Retrieved from <https://www.cor.pa.gov/Inmates/Pages/Treatment-Programs.aspx>.
- 61 Washington State Department of Corrections. (2021). *Family & relationship programs*. Retrieved from <https://www.doc.wa.gov/corrections/programs/descriptions.htm#family-relationships%20>.
- 62 West Virginia Division of Corrections and Rehabilitation. (2020). *FY 2019 annual report*. Retrieved from <https://dcr.wv.gov/resources/Documents/FY2019%20ANNUAL%20REPORT%20WVDCR.pdf>.
- 63 Wyoming Department of Corrections. (2021). *Offender programs and services matrix*. Retrieved from <https://corrections.wyo.gov/services-and-programs>.
- 64 South Carolina Department of Corrections. (2021). *Department of corrections history*. Retrieved from [http://www.doc.sc.gov/about\\_scdc/AgencyHistory1.pdf](http://www.doc.sc.gov/about_scdc/AgencyHistory1.pdf).
- 65 Virginia Department of Corrections. (2021). *Facility programs*. Retrieved from <https://vadoc.virginia.gov/offender-resources/incoming-offenders/facility-programs/>.
- 66 The Villages of Indiana, Inc. (2018). *Dads Inc*. Retrieved from <https://www.villageskids.org/services/prevent-child-abuse-indiana/dads-inc/>.
- 67 Oklahoma Corrections. (2021). *Howard McLeod Correctional Center*. Retrieved from <https://oklahoma.gov/doc/facilities/state-institutions/howard-mcleod-correctional-center.html#programs>.
- 68 Bartholomew, N. G., Knight, D. K., Chatham, L. R., & Simpson, D. D. (2000). *Partners in parenting*. Texas Institute of Behavioral Research at TCU. Retrieved from <http://ibr.tcu.edu/wp-content/uploads/2013/09/ppmanual.pdf>.
- 69 Nebraska Department of Correctional Services. (2021). *Vocational/life skills programs*. Retrieved from <https://corrections.nebraska.gov/about/rehabilitation/vocational/life-skills-programs>.
- 70 Louisiana Department of Public Safety and Corrections. (2021). *Prisoner programs & resources*. Retrieved from <https://doc.louisiana.gov/imprisoned-person-programs-resources/transition-reentry/>.
- 71 National Fatherhood Initiative. (2021). *InsideOut Dad*. Retrieved from <https://store.fatherhood.org/insideout-dad-programs/>.
- 72 Youth.gov. (2021). *Just Beginning Fatherhood*. Retrieved from <https://youth.gov/collaboration-profiles/just-beginning>.
- 73 Richeda, B., Smith, K., Perkins, E., Simmons, S., Cowan, P., Cowan, C. P., Rodriguez, J., & Shauffer, C. (2015). *Baby Elmo leads dads back to the nursery: How a relationship-based intervention for incarcerated fathers enhances father and child outcomes*. Zero to Three. Retrieved from <https://elp.georgetown.edu/wp-content/uploads/2016/12/Richeda0515-3-Baby-Elmo-ZTT.pdf>.

Building Bridges and Bonds (B3) study by MDRC and the Administration for Children and Families' Office of Planning, Research and Evaluation within the U.S. Department of Health and Human Services.<sup>74, 75</sup>

Table 11 indicates, for each state and the District of Columbia, whether they have passed or proposed legislation that takes family relationship into account during sentencing and whether their Department of Corrections website notes that they offer parenting classes for fathers. If they do offer parenting classes, an asterisk indicates that they are offered statewide rather than at a limited number of correctional facilities.

Chapter 4, Table 11. State Legislation and Classes Regarding Parenting During Sentencing and Incarceration

State	Legislation Takes Family Relationships Into Account During Sentencing	Offers Parenting Classes for Incarcerated Fathers Per Dept of Corrections Website	State	Legislation Takes Family Relationships Into Account During Sentencing	Offers Parenting Classes for Incarcerated Fathers Per Dept of Corrections Website
Alabama		Yes*	Montana		
Alaska		Yes	Nebraska		Yes*
Arizona			Nevada		Yes
Arkansas			New Hampshire		Yes
California	Passed	Yes	New Jersey		Yes*
Colorado			New Mexico		Yes*
Connecticut	Proposed	Yes*	New York		
Delaware		Yes	North Carolina		
DC		Yes*	North Dakota		Yes
Florida			Ohio		
Georgia			Oklahoma	Proposed	Yes
Hawaii	Passed		Oregon	Passed	Yes*
Idaho			Pennsylvania		Yes*
Illinois	Passed	Yes	Rhode Island		Yes*
Indiana		Yes*	South Carolina		Yes*
Iowa			South Dakota		
Kansas		Yes	Tennessee	Passed	
Kentucky		Yes*	Texas		Yes*
Louisiana		Yes*	Utah		Yes*
Maine			Vermont		
Maryland		Yes*	Virginia		Yes*
Massachusetts	Passed	Yes*	Washington	Passed	Yes*
Michigan		Yes*	West Virginia		Yes
Minnesota			Wisconsin		
Mississippi			Wyoming		Yes*
Missouri					

Sources: Ghandnoosh, N., Stammen, E., & Muhitch, K. (2021). *Parents in prison*. The Sentencing Project. Retrieved from <https://www.sentencingproject.org/publications/parents-in-prison/>.

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Note: \* indicates that the parenting classes are offered statewide.

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## Important Policies We Were Unable to Measure

This chapter does not address how states handle several policy issues that affect incarcerated parents and their children. For example, while federal law prohibits people convicted of felony drug offenses from accessing public programs such as the Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families, some states choose to opt out or limit the ban. (See the chapter on Food and Housing for this information.) Although all states must permit child support orders to be modified during the incarceration of a noncustodial parent to avoid the accumulation of debt, relatively few states have data exchanges to identify incarcerated parents with child support orders and/or policies that allow for their automatic reduction or suspension upon incarceration. Instead, most states require parents to file a request for modification, a process that they rarely pursue, and consequently leave prison with crippling child support debt. (See the chapter on Child Support for more information on debt incurred during incarceration and child support debt compromise programs.) States vary on the degree to which they direct Workforce Innovation and Opportunity Act funding for incarcerated individuals to prepare them for work in high-demand sectors. And states and local governments differ in whether they encourage housing authorities and private landlords to lift restrictions on people with records so that justice-involved families can remain in or access safe, affordable housing. (See the chapter on Food and Housing for further discussion.)

## Conclusions

Parental incarceration has devastating effects on parents and their children that can last for decades and reverberate across generations. Criminal records present obstacles to parents assuming their roles as caregivers and providers. This chapter highlights some policies and practices that states can adopt to mitigate some of the brutal, long-term barriers to parenting and employment that parents face following their commitment of a crime and their prosecution. They include the issuance of pardons; expungement and sealing of juvenile and adult records; the issuance of judicial certificates to mitigate mandatory barriers to employment, licensing, or housing; deferred adjudication to divert individuals away from a conviction at the front end of a criminal case; and sealing or expunging arrest records that do not lead to convictions. In the employment realm, states can provide varying levels of regulatory relief regarding how a criminal record is considered in the employment application process and whether it covers public or private employers or both. States also regulate the consideration of criminal records in occupations that require approval by government licensing agencies. States can pursue probation and parole reform to reduce recidivism and prison admissions due to supervision violation. Finally, states can help incarcerated parents preserve their relationship with their children during sentencing, incarceration and following their release. At a minimum, Departments of Corrections can provide parenting classes in all correctional facilities while parents are incarcerated and work with child support agencies to identify those who have child support orders and assist them with their modification to avoid the accumulation of debt. Ultimately, the solution for parents and their children is to reduce the overreliance on incarceration in all states. But as this chapter shows, through their policies, states can be relatively generous, limited, restrictive, or totally unresponsive in multiple areas. These decisions affect the size of the prison population, the duration of their confinement, their potential to succeed upon their release, and their relationships with their children.



# Fatherhood Research & Practice Network

## About the FRPN

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To the best of our knowledge, the information we provide is current as of report publication and/or the date indicated in the report and table sources. Nevertheless, since state policies and programs continually evolve, there are inevitable changes and developments that we have not captured. The views expressed in the report are those of the authors.

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