

# A Women's Issue: Intersection of Gender, Incarcerated Motherhood and Race

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[THIRD PLACE]

Rates of incarceration and length of prison sentences have increased dramatically in the past fifty years since the War on Drugs, a U.S. government-led initiative focused on reducing the trade of illegal drugs (Opsal and Foley 2013). Often, the consideration for discussing this increase has been focused on incarcerated men's issues: rates of recidivism, challenges or obstacles faced with re-entry, and the compounding factor of race in the struggle for successful reintegration after release. Incarceration and the obstacles faced in reintegration are gendered issues, faced differently by men and women. This difference is further experienced by incarcerated parents of minor children and by incarcerated people of color. While the number of incarcerated women is less than the number of incarcerated men and incarcerated women are more likely to serve shorter sentences than incarcerated men, nearly two-thirds of the incarcerated women are mothers to minor children and experience the circumstance of having to mother their children from a distance, find familial custody for their children, or are embedded with social services as their children are taken into foster care (Michalsen, Flavin, and Krupat 2010; Opsal and Foley

2013). In our current justice system, there is not enough done for incarcerated mothers during incarceration and in preparation for release to advance or improve potential for successful reintegration with the possibility of custody of their children intact, despite seeing beneficial and positive outcomes in maintaining mother-child relationships.

This essay focuses on the blind spot of the American justice system in advocating for the compounded intersection of gender, incarceration, motherhood, and race, starting with a discussion of the obstacles faced by incarcerated mothers of color (especially Black and Hispanic) in successfully re-integrating into society after release from prison (Opsal and Foley 2013). In consideration of these obstacles faced, this essay will review the current societal and judicial stereotype on motherhood which plays a significant role in the lives of incarcerated mothers who don't meet societal expectations of femininity (Garcia 2016). Finally, the importance of fostering mother-child relationships while incarcerated will be explored (Garcia 2016; Michalsen et al. 2010). These factors present only a portion of the narrative of struggles faced by incarcerated mothers; more research

regarding the intersection of incarcerated motherhood and race needs to be done in order to have a more adequate understanding of how best to encourage successful and equitable re-entry (Garcia 2016; Opsal and Foley 2013).

### OBSTACLES IN RE-ENTRY

Re-entry upon release is a gendered issue for incarcerated women, as they experience greater difficulties with successful reintegration (Garcia 2016). In American society, men are more likely to be employed than women. White women are more likely to be employed than women of color. Within certain industries, there still exists a gender pay gap in employment with women of color making far less money than white women. These same demographic statistics apply for incarcerated individuals; however, having a record and being on parole makes it much harder. Incarcerated mothers (especially mothers of color) face insurmountable challenges with reintegration, in regards to obtaining employment, financial security, housing, custodial arrangements, parole requirements as well as dealing with mental and physical health issues (Garcia 2016; Opsal and Foley 2013).

Incarcerated women have difficulty finding stable employment upon release, as the job market looks down on individuals with a prior record and individuals on parole (Garcia 2016; Opsal and Foley 2013). This fact is compounded by gender issues in hiring and pay equality for women in the United States. With regards to obtaining employment after release, incarcerated women are considered to be “doubly deviant” in the eyes of employers (Opsal and Foley 2013). This standard weighs that incarcerated women are not only criminals, but also countering societal expectations of femininity with being tough or hardened through incarceration (Garcia 2016; Opsal and Foley 2013). With the addition of race-

based stereotyping and bias, incarcerated women of color struggle with finding stable employment with adequate means to support themselves, let alone any minor children they have (Opsal and Foley 2013).

Incarcerated women usually do not have money saved up upon release and must find a job to support themselves. Released incarcerated mothers are more likely to have been the “sole providers for [their] children” prior to incarceration and after release, must find ways to source income to be able to provide for their children (Opsal and Foley 2013). Often, the money they earn isn't enough to afford housing to live with their child or to pay for the livelihood of their kids.

Upon release, incarcerated women must find housing conditions, but there are limited housing options for recently released convicts (Garcia 2016; Opsal and Foley 2013). Options for housing are even more sparse for women of color. Incarcerated women of color are more likely to end up in housing in “racially-segregated communities” where there exists greater “economic disadvantage, high crime, and a dearth of public resources” (Opsal and Foley 2013). These group housing situations don't afford the option for mothers to be able to live with their children (Garcia 2016). Incarcerated women who are able to rely on family support in the form of housing and child custody are more likely to succeed in re-entry (Garcia 2016; Opsal and Foley 2013).

Depending on the length of time of incarceration, incarcerated mothers must juggle the expectations of the court system to attend hearings, to meet parole requirements, to find housing to live with their children, and to have stable employment or financial security, in order to obtain custody of their children. Since the Adoption and Safe Families Act of 1997, incarcerated mothers (often women of color) released after longer sentences (greater than 15

months) lose custody of their children to the foster care system (Garcia 2016; Opsal and Foley 2013).

In order to meet parole and stay out of prison, newly released women are required to meet state and federal requirements of finding stable employment, housing, and completing regular drug testing. For incarcerated mothers, this first year of parole is critical in ensuring they are able to stay out of prison, in order to even physically be present for their children. Without familial support, meeting the dual requirements of parole officers as well as the court system and social services is impossible (Opsal and Foley 2013).

Finally, incarcerated women experience mental and physical health issues (either from incarceration or pre-incarceration), which impedes their ability to succeed upon re-entry. These women have limited to no access to healthcare or substance abuse care while in prison and these issues persist upon leaving prison, often to their own detriment (Opsal and Foley 2013). Federal and correctional policies disproportionately affect women of color and low-income women (Opsal and Foley 2013). Roughly half of repeat incarcerated, low-income women of color receive little to no treatment for ongoing mental health issues (Opsal and Foley 2013). In order to be able to attain healthcare, reform, or rehabilitation upon release, these women must find employment and financial security.

As illustrated above, the expectations of incarcerated women upon release is a juggling act with knives, putting these women in repeatedly punitive positions to not succeed in reintegration. A newly released mothers' success (if there is to be any) relies on having family or others to take care of her children, while she navigates the requirements of her parole (Garcia 2016; Michalsen et al. 2010; Opsal and Foley 2013).

## THE STEREOTYPE OF MOTHERHOOD AND THE STIGMATIZATION OF INCARCERATED MOTHERS

There exists a developed stigma, in society and ultimately mirrored in our justice system, around incarcerated mothers who are subsequently considered "bad" or "unfit" mothers due to their incarceration (Garcia 2016; Michalsen et al. 2010). This stigma has led to unequal treatment toward incarcerated mothers if and when they don't meet the general expectations of traditional "motherhood" and femininity. There is a homogeneous understanding of "motherhood" tied to physically living with your children, fully financially supporting your children, and nurturing your children's growth into future successes (Garcia 2016). This vision of motherhood is not that for incarcerated mothers nor for mothers of color. The question of how a child should be raised is a race-based and income-based issue, often being seen differently within families of color, immigrant families, or low-income families.

Immigrant mothers often want for their children to have far more than they ever did. Black women must engage in "motherwork" to empower their children with the acknowledgment that there exist systemic issues that will impede their ability to succeed always and that there are inherent dangers to living while Black (Garcia 2016). Incarcerated mothers who've experienced the penal system raise their children differently through "tough love parenting" with the intention of not wanting their kids to end up like them or to be aware of the struggles at an earlier age (Garcia 2016). This experience of motherhood is different than those of White mothers or White middle-class mothers; incarcerated women (especially those of color) cannot just impart wisdom to their children about focusing on attaining a good education and earning a living (Garcia 2016). Our world is experi-

enced differently by those of color and by those of low-income.

Our current justice system, with regards to child custody, hands down judgments on the basis of living arrangements (whether a child lives with the mother or not), financial stability (stable employment or savings), and any custodial agreements (familial support for the child) to determine whether a mother can be involved in a child's life or not (Garcia 2016; Opsal and Foley 2013). These expectations are independent of whether a mother is incarcerated. Newly released mothers are unable to meet all of these standards while meeting the requirements of parole and especially within the allotted timeline before losing custody or access to their children. Due to systemic racial discrepancy and disadvantage in our court system, incarcerated mothers of color are more likely to be unable to meet these expectations and lose access to their children (Garcia 2016). Our system must evolve from the white homogeneous understanding of "motherhood" to adapt to the ways in which individuals can be good parents even without living with their children and in acknowledging how even just the maintenance of a relationship between a mother-child improves a child's wellbeing (Garcia 2016; Michalsen et al. 2010; Opsal and Foley 2013).

### **FOSTERING MOTHER-CHILD RELATIONSHIPS**

Children of incarcerated parents experience instability due to the separation of familial ties, especially experiencing "emotional turmoil" regarding the incarceration of their mother. Due to the disruption in their relationships with their family and to their steady home life, these children often experience instability in their housing situations, "educational achievement", and suffer from mental health issues which cause them to behave aggressively, break rules, or

drop out of school (Garcia 2016).

While parental incarceration is problematic for these children, what is more traumatic is the loss of the connection to their parent entirely. Knowing that incarcerated women are likely to serve shorter prison sentences than men and likely to be released on parole on an average of 18 served months, the separation between mother and child is temporary (Michalsen et al. 2010). This short-term incarceration should not create a lasting ripple effect where the mother no longer has any access to their child after release and that the separation between mother and child becomes permanent.

Children of incarcerated mothers are more likely to have lived with their mothers prior to incarceration and are more unduly harmed by this separation (Garcia 2016; Michalsen et al. 2010). In order to ensure the child's wellbeing, structure, and sense of their identity, we must create greater opportunities for children to be able to access their mothers while incarcerated through extended visiting hours or correctional reforms (Michalsen et al. 2010). Convicted mothers of non-violent crimes shouldn't be in prison, but rather in community correctional programs which advocate for self-improvement and keep the family unit together (Michaelsen et al. 2010).

There are benefits to the incarcerated mother being able to see their child. Access to their children encourages a sense of hope of a future after release, provides for potential motivation to stay away from drugs and crime and facilitates reintegrative efforts (potentially reducing recidivism, encouraging a smoother re-entry, and promoting rehabilitation) (Michalsen et al. 2010). If we want to ensure that every child and family can succeed when given the opportunity, our justice and correctional systems must evolve to meet that standard

(Michalsen et al. 2010).

### **GAPS IN THE NARRATIVE: OPPORTUNITIES FOR FURTHER RESEARCH**

In order to fully ascertain how to remedy or alleviate the obstacles faced by incarcerated mothers, there needs to be more empirical research in understanding the intersection of incarceration, motherhood, and race. There is homogeneity presented in the experiences of incarcerated motherhood as there is a lack of data on the differences in experiences faced by incarcerated mothers of varying racial and ethnic backgrounds (Garcia 2016). Often, current data discusses incarcerated women of color as a unit, aggregating systemic disadvantage to all women of color rather than discussing the nuances of disadvantage faced. Black and Hispanic women in the United States serve longer prison sentences than white women (Opsal and Foley 2013). Due to these longer sentences and the stipulations of the Adoption and Safe Families Act of 1997, incarcerated Black and Hispanic mothers to minor children are, in general, less likely to be able to regain custody of their children (unless the children are already in the care of family) (Garcia 2016; Opsal and Foley 2013). The current presentation of empirical data suggests that all incarcerated women face the same struggles with reentry into society after release. While not untrue, it doesn't fully share the further struggles faced by incarcerated single mothers of color in our society for attaining safe housing, financial

stability, and secure employment. Our understanding of the narratives of incarcerated mothers of color can be enriched through empirical study of the rates of recidivism, successful re-entry, and obtainment of custody (Garcia 2016; Opsal and Foley 2013).

### **CONCLUSION**

In reviewing the challenges faced by incarcerated mothers after release, the societal expectations of motherhood, and the beneficial outcomes associated with fostering incarcerated mother-child relationships, we can see that our narrative understanding of incarcerated mothers (especially those of color) is nuanced and complex (Garcia 2016; Michalsen et al. 2010; Opsal and Foley 2013). The American judicial and correctional system, while acknowledging the obstacles faced by incarcerated mothers, has not actively alleviated or remediated these issues (Michalsen et al. 2010). With all of the societal and judicial challenges faced by incarcerated individuals within the penal system and upon release, how can these individuals also be expected to be available parents? If we seek to aid incarcerated mothers (especially those of color who receive greater disadvantage), we must make more active efforts to adapt our systems to maintain and sustain relationships with their children, while also encouraging success for the family unit through aiding the individual with access to housing, finances, employment, and achievement of parole requirements upon release.

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