Incarceration of a Parent or Caregiver

Executive Summary

Parental incarceration may interfere with the attachment relationship between a child and their parent or caregiver, cause financial hardship, disrupt care and living arrangements, and subject children to stigmatisation and shame.\(^1\) This may impact upon a child’s emotional, behavioural, and psychological development, educational performance, delinquency and risk of offending.\(^2\)

Australian and international research has found that children who experience parental incarceration are at increased risk of:

- alcohol and drug abuse;
- lower educational outcomes;
- unemployment;
- developing aggressive and/or antisocial behaviours; and
- mental health problems.\(^3\)

Children of incarcerated parents have also been shown to exhibit poorer developmental outcomes than children who are not separated from their parents, or are separated for other reasons such as divorce.\(^4\)

Children with an incarcerated parent are also more likely to experience frequent socioeconomic hardship,\(^5\) which may precipitate offending behaviour.\(^6\)

Parental imprisonment can contribute to the normalisation of contact with the criminal justice system within affected communities, and attitudes of distrust towards authorities.\(^7\)

The impacts of parental incarceration may have particularly negative consequences for Indigenous children,\(^8\) who are more likely than non-Indigenous children to experience not only the imprisonment of a parent, but also to experience repeat parental imprisonment.\(^9\)

The potential relevance of evidence of parental incarceration in sentencing proceedings includes an assessment of moral culpability; moderating the weight to be given to general deterrence; and determining the weight to be given to specific deterrence and protection of the community. There may also be issues relating to the likelihood of hardship in custody, a finding of special circumstances and the shaping of conditions to enhance prospects of rehabilitation.

2 Ibid 1220.


4 Bell et al (n 1) 1220.


9 Ibid 341.