

# Families and Imprisonment

This fact sheet contains some of the present concerns for the families of people in prison in NSW today. Some of these issues are long-standing and have been identified in parliamentary inquiries stretching back decades, while others have evolved from more recent policy changes implemented in response to COVID-19.

## Why are families important?

The number of people in prison in NSW has increased substantially over recent decades, leading to a growing number of family members directly affected by imprisonment. On any given day, there are over **12,800** people in prisons across NSW, but this census figure does not account for the much larger number of people who flow in and out of prisons over the course of a year. There are around **20,000** people leaving NSW prisons every year and returning to their families and communities [1]. Families are uniquely affected by incarceration and experience a range of negative impacts to their emotional and psychological well-being, financial and material resources, and social relationships. Recognising these effects is critical for a more complete understanding of the broader impacts of punishment systems.

While families bear unique burdens from imprisonment, their relationships also play a crucial role in supporting desistance and reintegration for those leaving prison. Evidence suggests that regular contact with family improves the well-being of both people in prison and their families on the outside [2-3].

Family relationships can also foster and reinforce social identities beyond that of an 'offender' [4] – such as mother, father, parent, partner, son, daughter or child – that are important for building pathways out of the criminal legal system. In addition to providing social and emotional support, families are often key providers of material and practical assistance during reintegration.

In this factsheet, the term criminal legal system is used as opposed to criminal justice system. This recognises that the 'justice system' has been imposed upon Indigenous peoples through colonisation without their consent, and how the current system frequently fails to deliver justice, but rather exacerbates the effects of marginalisation and disadvantage.



## Who are the families of people in prison?

There is no routine data collected on the families of people in prison in NSW. The information available comes from government inquiries and small-scale research projects, as well as demographic data on imprisoned populations. Collectively, this research tells us that the families of people in prison are diverse and frequently face multiple forms of intersecting marginalisation, and children are almost always affected [5]. Even amongst the complexity of family relationships and in contexts where relationships may be strained or broken, imprisonment remains a family experience [5].



### Families are diverse



The families of people in prison are diverse. Just as there is no one picture of 'family' in the community, the same is true of the families of people in prison [6-7]. Given the complexity of family relationships for formerly imprisoned people, the concept of 'family' often constitutes more than blood and kin relations, and 'chosen family' – the relationships formed through personal and professional networks – can be just as important [5].

First Nations concepts of family differ significantly from non-Indigenous definitions, reflecting a collectivist kinship system that extends beyond Western conceptualisations to include a wide range of extended family members and people in the community [8]. These kinship structures emphasise community, collective responsibility, reciprocity and mutual obligation [9]. Culture, community and family are deeply intertwined and play a critical role in shaping identity, fostering a sense of belonging, promoting social and emotional wellbeing, as well as collective healing after harm [10-11]. In Australia, understanding family relationships within the criminal legal system requires paying attention to the harmful impacts of settler colonial policies designed to disrupt and fracture these kinship systems [12].



### Families often experience intersecting forms of disadvantage



While there is diversity among the families of people in prison, there are also notable similarities. Research consistently shows that those in prison overwhelmingly come from neighbourhoods with relatively poor support systems and high levels of systemic disadvantage. Our experience providing services to families, along with existing research, indicates that families of people in prison also experience intersecting forms of disadvantage including housing instability, fractured work histories, experiences of trauma, substance dependency, and unmet physical and mental health needs [5, 13]. Family relationships are further fractured by child 'protection' systems, as well as contexts of offending and institutional processes of criminalisation and repeated cycles of imprisonment. Despite these intersecting disadvantages, families should not always be viewed as a 'risk' for reoffending and recognising the strengths and benefits of these relationships is important.

## » Children are almost always affected

The majority of adults in prison – 62% of women and 51% of men – are parents to dependent children [14]. Data for non-binary parents, however, is not available. It is estimated that approximately 77,000 children in Australia currently have a parent in prison [15], with estimates that 5% of non-Indigenous children and 20% of First Nations children have ever been affected by parental incarceration [16]. However, we still lack a clear understanding of the exact number of children in NSW with an

imprisoned parent, where they live, and who is caring for them, as there is no government agency with direct responsibility for these children [17-18].

Although children with imprisoned parents are often described as ‘invisible’ and ‘forgotten’ [18], this does not apply to all. For some children, particularly First Nations children and those who come from backgrounds of disadvantage, familial imprisonment can make them ‘super visible’, as they often face higher rates of contact with child ‘protection’ and criminal legal systems [19].



## What is the impact of imprisonment and reintegration on families?

While family relationships are diverse, and the harms of imprisonment are not felt equally across families, there are common themes regarding the impact of imprisonment. Although imprisonment can sometimes provide relief for families, it often leads to a range of negative effects on emotional and psychological wellbeing, financial and material stability, and social and relational dynamics. These impacts are frequently interrelated and compounding, and shift and change over time, as imprisonment is not a singular or discrete event but a process with non-linear effects. For example, the emotional and psychological pains associated with imprisonment are experienced differently over time and vary depending on the individual’s point of involvement in the criminal legal system: whether at the point of arrest, through court processes, during periods on remand, whilst serving sentences, and after their release from prison [20-21].

## » Emotional and psychological impacts

The imprisonment of a family member results in complex emotional and psychological effects that change over time. Families, particularly children, often experience trauma from the moment of arrest, as the sudden removal of a loved one creates confusion and fear, compounded by limited understanding of legal processes and insufficient information [18]. Once a family member is imprisoned, those on the outside frequently experience profound grief, loss, and sadness, alongside anxiety about the future [22]. Research suggests that those impacted by familial imprisonment are at greater risk of developing mental health conditions and to use substances as a coping mechanism [23].

Families also experience worry and anxiety regarding the safety, health and wellbeing of their imprisoned loved ones, particularly in light of the higher prevalence of physical health, mental health, disability, and substance use needs of people in prison in comparison to the general population. This worry is compounded by the varying access and quality of healthcare treatment in prisons [24].

The emotional and psychological harms experienced by families can also be exacerbated through institutional processes, such as the multiple barriers to maintaining family relationships, poor treatment of families by prison authorities, and the lack of information shared with families related to the wellbeing of loved ones in prison [21]. These emotional and psychological impacts also continue following release, as those returning home navigate the trauma of imprisonment, which can affect their daily social and familial interactions [5].



## » Financial and material impacts

Imprisonment also has significant financial and material impacts, often exacerbating existing socio-economic precarity amongst families. Research has found that many families with imprisoned loved ones live in the most disadvantaged neighbourhoods and communities in the state, and families often face difficulties in meeting basic needs including food, housing, paying utilities, children's school expenses and activities [19]. When a family member is incarcerated, household income may decrease, particularly if the imprisoned person was a primary earner. At the same time, families may face increased expenses associated with their family member's imprisonment, including legal fees, travel costs to and from prisons, and expenses for maintaining contact through phone calls and mail. In some cases, these financial strains are compounded by the emotional and

psychological toll of imprisonment, which can lead family members to reduce work hours as they take on additional household and family responsibilities or struggle to cope with the stress of imprisonment [5]. Families may also need to relocate due to a loss of housing, which may lead to changes in schooling for children and a disruption of social networks.

These financial and material strains persist post-release, as many formerly imprisoned people encounter barriers to employment and housing stability. Families frequently shoulder the financial burden of supporting newly released family members, often without adequate social or institutional support. As a result, familial imprisonment further entrenches socio-economic disadvantage.



## » Social and relational impacts

Familial imprisonment has profound social and relational impacts that extend beyond the incarcerated person, affecting daily routines, family dynamics, caregiving responsibilities, and community ties. The imprisonment of a loved one can provoke feelings of grief, anxiety, anger, and resentment among family members on the outside. These emotional responses may strain relationships between the imprisoned person and their family, as both parties may struggle to cope with separation.

Like those who have been imprisoned, family members also face the stigma associated with criminalisation and imprisonment [25]. This stigma can isolate them from broader social networks, including friends, colleagues, neighbours, and even amongst members of their own families.



Such isolation can limit access to supportive resources and contribute to ongoing cycles of marginalisation and disadvantage.

The absence of a caregiving parent can impose new responsibilities onto non-imprisoned family members, leading to changes in family roles and responsibilities and exacerbating existing social and economic vulnerabilities [26]. The social and relational impacts of imprisonment can persist even after family members return home, as they may struggle to meet family and societal expectations – such as providing financial support, readjusting to parental roles, or life in the community – due to the collateral consequences of incarceration.

## What are the impacts on specific groups?

There are also specific impacts on certain groups, including First Nations families, culturally and linguistically diverse families, women, and children, as well as those at these intersections.

### » Impacts on First Nations families

The over-criminalisation and hyperincarceration of First Nations people have profound impacts on their families, compounding the grief, loss and sorrow occurring because of the attempted destruction of First Nations family, kinship, and community connections as a central settler colonial policy. The grief and loss stemming from familial imprisonment is profound, particularly for First Nations mothers, whose removal from their families inflicts significant trauma on both themselves and their children [27]. 1 in 3 First Nations people in prison have reported the imprisonment of parents or caregivers during their childhood [28], which both generates and entrenches additional social disadvantage and marginalisation [29].

First Nations families are particularly harmed by processes of imprisonment which move people off Country and far distances from their home communities, disrupting important family and community connections [30].

They also face unique challenges at the point of release, as individuals leaving prison may be restricted from returning to their communities or associating with family members. Parole conditions may further prevent individuals from being released to addresses where other family members subject to community sanctions reside, overlooking the reality of the mass criminalisation of First Nations people [5, 30].



## » Culturally and linguistically diverse families

Culturally and linguistically diverse individuals and families – those born overseas, who speak a language other than English as their first language, or identify as having a cultural background other than Australian – are uniquely impacted by familial imprisonment [31]. These groups may experience racism and discrimination, social isolation, and difficulties maintaining ties to their culture, which can affect their interaction with the criminal legal system [32]. In NSW, one in five people in prison come from a culturally and linguistically diverse background [31]. Although research on these groups and the specific experiences of their families is limited, our work in supporting families reveals that these families face distinct challenges. For example, the failure to translate information into multiple languages can impede access to information about imprisoned loved ones, limiting their understanding of legal processes, prison rules and regulations, which

can be exacerbated by insufficient translation services. The experiences of many culturally and linguistically diverse families are also shaped by experiences of systemic racism and discrimination, both within community settings and in the criminal legal system [33]. They may also face cultural stigma and isolation, as imprisonment often carries significant cultural shame, leading to further disconnection and isolation within their own communities. Alongside this, imprisonment causes disruption to family and community connections that are central to identity and wellbeing [32, 34]. For many cultural groups, family extends beyond nuclear models and encompass a broad network of relatives and community ties. These extended family structures play a vital role in supporting reintegration, providing not only emotional and practical support but also a sense of belonging and stability [35].

## » Impacts on women

Familial imprisonment disproportionately impacts women, who often bear the brunt of the emotional, social, and material effects of incarceration [5]. Although men constitute the vast majority of prison populations, it is women – particularly mothers, current and former partners, aunts, sisters and daughters – who provide essential care both during and after imprisonment [36]. This expectation not only reinforces gendered norms but also functions as an extension of carceral control, effectively co-opting women as unpaid providers of post-release support [5].

During periods of imprisonment, women usually take on increased caregiving responsibilities for children and other dependents, which can contribute to financial and emotional strain [6, 22]. This is compounded by societal stigma, as women – especially mothers – are often implicitly blamed for their relatives' imprisonment, and may face social isolation and a lack of community support as a result [37].





## Impacts on children

The imprisonment of a family member profoundly impacts children, often creating long-term emotional, social, and health challenges. Children frequently experience intense feelings of grief, loss, anxiety, sadness, and abandonment when a family member is imprisoned, particularly if the family member is a parent or primary caregiver. Limited or non-existent contact with imprisoned family members can further disrupt the development of secure attachments, contributing to trauma, behavioural issues, and a sense of instability in the child's life [19].

Research indicates that children impacted by familial imprisonment experience social exclusion and are at heightened risk of health problems and disruptions to education [23, 38]. In comparison to their peers, they have higher rates of disability and chronic illness [19], and a lack of financial and material resources can result in unmet educational needs [39].

Children affected by familial imprisonment are more likely to face bullying, school absenteeism, and fractured schooling experiences, which can exacerbate social isolation and marginalisation [19].

The experience of visiting family members in prison can be unpleasant and, in some cases, traumatic for children, particularly for First Nations children [18]. There are often limited facilities for children during visits and a lack of activities for young children. Children from economically disadvantaged backgrounds face additional structural barriers to maintaining relationships with imprisoned family members [27]. For example, children in out-of-home care – which are disproportionately First Nations children – are rarely supported to visit imprisoned family members, which intensifies their isolation and feelings of grief and loss [10].

## About CRC's support services for families

CRC provides a Telephone Information and Referral Service (Monday-Friday 9am-5pm) that families can access (anonymously if they wish) to find information and seek help. Some families who need additional support may access CRC's Family Service, which provides non-judgmental support, information, referral, counselling, advice and advocacy for families of people in prison in NSW. Family Caseworkers support family members through the stressful period of incarceration, and also in the planning of release and family reintegration following a period of imprisonment. When a person goes to prison their family can be left feeling scared, anxious, angry or embarrassed, as well as trying to understand a system they know little about. They may also feel socially isolated yet reluctant to seek support because of the stigma attached. CRC's Family Caseworkers support families through the stressful process of incarceration and assist in planning for release and family reintegration following a period of imprisonment. By providing support and information, this service allows families to focus their energy on the important tasks they face, such as caring for children and preparing for visits.

## Angela's story

Angela's partner is currently on remand and awaiting sentencing.

Since her partner's incarceration, Angela has had to deal with various challenges, including financial stress due to legal fees and her transition to a single household income. Angela has noticed a decline in her own mental health, and in the health of her daughters. CRC's Family Worker supported Angela with ongoing counselling to support her mental health, specifically around grief and the loss of her partner as a result of imprisonment and juggling the life commitments that come with sole caring responsibilities. CRC's Family Worker supported Angela with information on how to access and apply for NSW Legal Aid funding as well as Centrelink payments she is eligible for, and supported Angela's children to visit their father in prison and link them with specialist service Shine for Kids.





## How can we do things differently for families?

The impacts of imprisonment on families are profound. Despite this, there are very few services that specifically work with families and as a result families rarely access formal or specialised support. CRC's Family Service is the only casework service in NSW for the adult family members of people in contact with the criminal legal system. Having access to formal and specialised supports which understand the unique impacts of familial imprisonment is critical. It is critical that families are supported in their own right, as individuals uniquely impacted by the experience of imprisonment [5, 19].

There are numerous ways the system – community sector organisations and government services – could include and better support the families of people in prison. These include changes to the ways families are treated and included in service delivery, systemic responses, institutional processes, and policies affecting family wellbeing, as identified in this factsheet. Some of these have been identified in previous government inquiries, academic research, and within our practice as a community-based service supporting families.

### Key actions for community sector practitioners

- Adopt an inclusive definition of family within your service: try to avoid assumptions about what constitutes a family. In service provision and intake and assessment forms, acknowledge diverse family structures including 'chosen' families and important relationships that exist beyond biological ties. This also includes recognising the complexity of First Nations kinship structures which extend well beyond Western definitions.
- Take a holistic approach to working with people in contact with the criminal legal system: recognise clients as part of broader social, cultural, community, and family contexts. With their consent, involve family members, including children, in intake and assessment processes and in casework support.
- Recognise the unique needs of families affected by imprisonment: families often face long-standing challenges that precede incarceration, such as trauma from arrest and prolonged court processes. In some cases, families have also navigated the complexities around their loved one's substance use or mental health needs. Recognise that even within the complexity of these relationships and even in circumstances where these relationships may appear fractured or strained, these relationships can be important, and imprisonment remains a family experience.
- Connect families with support services: facilitate referrals to services that can provide specialised support to families, such as CRC's Family Casework Service.

## Prison and government reforms to better support families

While we advocate for improvements to the prison system, our commitment remains firmly rooted in the long-term goal of decarceration. We acknowledge that the core function of the prison – to separate people from their families, communities and broader society – is an inherently harmful practice that does not make our community safer. We believe it is essential to continuously challenge the existence of prisons and seek alternatives to punitive approaches. At the same time, we recognise that there are numerous actions that could reduce the harm experienced by families in the short-term and improve their ability to maintain meaningful connections. These include:

- Families should always be treated with dignity, courtesy, and respect.
- Visiting hours and processes should be standardised across all NSW prisons.
- Families should receive timely notifications about any changes affecting their loved ones in prison, including transfers, cancelled visits, lockdowns, and updates on health and wellbeing.
- Adequate funding must be provided to assist families in attending in-person visits, including in cases where visits are cancelled at short notice.
- Visiting areas should be child-friendly, appropriately equipped and include access to basic facilities during visits and while waiting.
- People in prison should be placed as close as possible to their home regions, and families should receive adequate financial support for travel to visits and to collect family members upon release.
- All phone calls from prison should be free to ensure regular communication between people in prison and their families.
- Letters received by people in prison should be original documents, not photocopies, to preserve the authenticity of communication.
- Increase the availability of video-visits, with additional time slots and greater capacity.
- Families should be engaged pre-release by Community Corrections and communicated with in the lead up to a family member returning home, ensuring the family is prepared for the transition. Referrals should be made to community sector services that can provide casework support to families such as CRC's Family Casework Service and Shine for Kids.
- Community Corrections and parole authorities should engage meaningfully and respectfully with families, acknowledging their role in the reintegration process.
- The transitional welfare needs of people leaving prison must be met to support reintegration and ensure already marginalised and under-resourced families are not the default response for support.

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