



TEXAS CRIMINAL
JUSTICE COALITION

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FACT SHEET 2021

HB 2926

Support Family Reunification

*Reduce the Burden on Texas' Foster Care System and Improve Outcomes for Children
By Creating a Pathway to Reinstate Parental Rights*

FOR MANY WOMEN WHOSE PARENTAL RIGHTS ARE TERMINATED, REINSTATEMENT IS DESERVED – BUT A CHALLENGE

Children are the hidden victims of a state that relies too heavily on incarceration. When the state removes a child from a parent, the parent has 12 months to create a stable environment to welcome the child back into the home.¹ Some parents are unable to meet these conditions solely as a result of incarceration. Because **81 percent of incarcerated women in Texas are mothers**,² the termination of parental rights is a common unintended consequence of incarceration.

More specifically, incarcerated women's parental rights are often terminated due to their inability to appear in court, provide adequately for their child from a distance and within the confines of the prison environment, or complete various Child Protective Services (CPS) program requirements within the required 12 month timeframe.

In Texas, of the approximately 30,000 children in the substitute care of the Department of Family and Protective Services (DFPS), about 17,500 languish in foster care (including residential treatment centers and emergency shelters) every year.³ The burden facing the foster care system could be lifted by allowing children to return to safe and stable homes following a parent's reentry.

Unfortunately, reinstatement of parental rights poses significant challenges. Structural barriers, such as limitations on visitation hours and distance to the corrections facility, mean that women often have little contact with their children during their confinement; additionally, women are often released from prison with no clear plan or support for obtaining stable housing, public benefits, or employment – requirements for successful reunification with their children.

While in some circumstances, termination of parental rights will best serve the needs of a child, the reality is that **failure to create pathways to the reinstatement of parental rights can result in the destruction of the parent-child relationship in cases where reunification is feasible and in the child's best interest.**

KEY FINDINGS: MOTHERS' LOSS OF PARENTAL RIGHTS & THE IMPORTANCE OF FAMILY REUNIFICATION

- Mothers who have a child placed in foster care because they are incarcerated — but who have not been accused of child abuse, neglect, endangerment, or even drug or alcohol use — are more likely to have their parental rights terminated than those who physically or sexually assault their children.⁴
- Family reunification after incarceration reduces recidivism rates for mothers.⁵ In fact, research shows that family is the most important factor in helping formerly incarcerated individuals stay out of jail or prison,⁶ and that losing parental rights is associated with negative and long-lasting labor market outcomes for women.⁷

**This is the family
separation crisis
that no one
knows about.”**

*Kathleen Creamer,
family attorney*

Continued on reverse.

KEY FINDINGS: FAMILY SEPARATION & FOSTER CARE

| No Pathway Home | Aging Out of Foster Care | Lack of Parental Guidance Leads to Incarceration |
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| In 2018, 5,000 children were separated from parents whose rights were terminated. ⁸ | 1,200 children age out of the foster care system every year in Texas. ⁹ | 41% of emancipated youth spend time in jail within 6 months of leaving the foster system's care. ¹⁰ |

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 2926 BY REPRESENTATIVE PARKER

Texas can create a pathway to family reunification for children whose parents have experienced incarceration. The state needs effective strategies for keeping families together, especially if separation was only a result of incarceration. Post-incarceration, when people are back on their feet and able to support and care for their children, they deserve the opportunity to do so.

HB 2926 will allow Texas to join 22 other states that already allow for reinstatement of parental rights for those whose rights were terminated as a result of incarceration.¹¹ This bill will create a clear and accessible path to family reunification for parents who can demonstrate that they have done the work necessary to provide for the best interests of their children.

Citations

¹ Texas Rio Grande Legal Aid, *CPS Investigations*, TexasLawHelp.org, <https://texaslawhelp.org/article/cps-investigations>.

² TDCJ data request, 2017.

³ Texas Department of Family and Protective Services, *DFPS Data Card: Fiscal Year 2018*, https://www.dfps.state.tx.us/About_DFPS/Data_Book/documents/DFPS_Data_Card_FY_2018.pdf.

⁴ Eli Hager and Anna Flagg, "How Incarcerated Parents are Losing Their Children Forever," *The Marshall Project*, December 2, 2018, <https://www.themarshallproject.org/2018/12/03/how-incarcerated-parents-are-losing-their-children-forever>.

⁵ Venezia Michalsen, *Mothering and Desistance in Re-Entry*, 2018, <https://www.taylorfrancis.com/books/mothering-desistance-re-entry-venezia-michalsen/10.4324/9781315624143>.

⁶ Ken Gosnell, "Fathers Successfully Returning Home," *Corrections Today*, Vol. 69 Nbr. 2 (April 2007), <https://law-journals-books.vlex.com/vid/fathers-successfully-returning-home-55840924>.

⁷ Susan George, et al., *Incarcerated Women, Their Children, and the Nexus with Foster Care*, Final Report, November 2007, <https://www.ojp.gov/pdffiles1/nij/grants/234110.pdf>.

⁸ Nikki Pressley, *Second Chance Parenting: Restoring Parental Rights*, Texas Public Policy Foundation, September 2020, <https://files.texaspolicy.com/uploads/2020/09/08165212/Pressley-Parental-Rights.pdf>.

⁹ Nikki Pressley, *Second Chance Parenting*.

¹⁰ Nikki Pressley, *Second Chance Parenting*.

¹¹ National Conference of State Legislatures, *Reinstatement of Parental Rights State Statute Summary*, January 17, 2020, <https://www.ncsl.org/research/human-services/reinstatement-of-parental-rights-state-statute-sum.aspx>.