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Moms Back From Incarceration Are Fighting to Keep Their Children



by Lori Teresa Yearwood

Advocates working with formerly incarcerated moms say the criminal justice and social service systems are facing challenges in dealing with real family needs – specifically keeping parents and children together to minimize trauma and build better futures.

By her own summation, Rose Russom grew up “a bit rough,” raised first in motels by parents struggling with substance abuse and then by a series of foster families, where she endured severe child abuse. At 13, after trying to sell a Glock 9 to feed herself and her little brother, she experienced her first encounter with the criminal justice system and was put in juvenile hall.

Today she is a recovering drug addict with 19 felonies on her criminal record – all of them substance-abuse related, she says.

She is also a mother of three children – ages 2, 4 and 9 months – all of whom have been removed from her custody by the state of Utah. Russom, 34, keeps her voice surprisingly matter-of-fact as she explains the details, her blue eyes as unwavering as the words on her court documents.

“Locking the parents up, putting their children into the foster care system – all that almost guarantees that those children will be homeless and incarcerated and will struggle in life.”

- Peter Sakai, a district court judge in Texas

After nine years of sobriety, she was in a car wreck. Then a doctor prescribed medication, and she fell into opioid addiction. When she could no longer afford the ever-increasing number of pills she needed to stay out of pain – as many as 15 pills a day that cost \$28 each – she resorted to cheap heroin from a drug dealer on the streets of Salt Lake City.

In 2017, the courts placed Russom’s children in foster care, making her part of a devastating national trend: Formerly incarcerated mothers, many of whom have substance abuse disorders, are finding it difficult to gain and keep custody of their children upon reentry into the mainstream.

Amid the opioid crisis tearing through the country, this trend has reached a crisis point, with the foster-care population increasing by more than 10 percent between 2012 and 2016, according to a March [report](#) by the U.S. Department of Health and Human Services.

In fact, one in three children who entered foster care in 2017 did so because of parental substance abuse, [according to Child Trends](#), a 40-year-old research organization focused on improving the lives of children and youth.

To help reverse this trend, compliance guidelines for a new federal law that overhauls the foster care system are scheduled to roll out in October. [The law, called the Family First Prevention Services Act](#), assumes the stance that children fare better when kept with their parents. The legislation requires states to funnel more money toward prevention strategies and substance abuse treatment, as well as trauma-informed, evidenced-based, prevention plans and services.

Meanwhile, Russom is fighting hard for her sobriety. She says she's tested clean in every urine analysis she has taken in the past 16 months. Russom's court-appointed therapist confirmed her sobriety since they started working together in June.



Rose Russom

Like many cases inundating the nation's courts system, Russom's is complicated. She separated from the father of her children before falling into opioid addiction, and the courts took custody of her children and placed them in foster care.

Russom says she has not completed any of the in-patient treatment programs she's entered. She lists several reasons, including inadequate insurance, her inability to complete chores in a given timeframe – she says she has various disabilities that have prevented her from doing so – and her past propensity to fall asleep during classes because of stress and exhaustion.

She says she left the last rehab center because a judge told her she wasn't doing well enough to win back her two older children. So she "gave up hope and left." During that time, Russom gave birth to her youngest child. She says she lost custody of him in January because the courts saw her inability to complete treatment as proof that she was an unfit mother.

The children's father, who asked that his name not be used in this story, says that up until March of 2019 he used marijuana. Since then he has completed a court-appointed

treatment program and stayed clean. The courts gave him custody of his 9-month-old child but not his two older children.

An information officer at the Utah Division of Child and Family Services declined an interview about the ongoing case, citing confidentiality issues for the children.

Court documents dated from November of 2018 state: “(W)hile there has been substantial progress by both parents, reunification is not probable...The permanency goal should be changed to adoption.”

Russom has limited visitation rights with her children, but the mother’s prediction is dire: “I’m going to lose all custody rights to my baby, too. To be honest, I’m feeling pretty hopeless about everything.”

Against All Odds

From her therapist’s perspective, Russom – and so many other women like her – serve as a symbol of how out of sync America’s criminal and welfare officials are with the needs of previously justice-involved, drug-addicted mothers. At the same time, the women are also a testament to the resilience of the human spirit.



An 11-year-old girl hugs her mom in May 2014 during a special Mother's Day event for families at the Folsom Women's Facility in Folsom, California. At the time, the woman, who used chalk to write a message to her children, was an inmate. Copyright photo by Rich Pedroncelli of The Associated Press

“Rose has overcome so much,” says Amanda Brassard, Russom’s counselor at Valley Behavioral Health Drug and Alcohol Outpatient Clinic in Salt Lake County. “But I think there is an inflexibility with the courts in that they are not necessarily trauma informed.

They get stuck on these specific requirements rather than looking at the whole picture. Rose has shown me no reason to question her ability to be a good parent.”

It is impossible to untangle the nation’s substance abuse disorders – the prescription opioid users from the heroin users, for example – since the first addiction often bleeds into the other. What is known: There were 219,000 women incarcerated in America’s jails and prisons in 2018, according to the Prison Policy Initiative, a think tank focusing on mass criminalization.

Sixty-two percent of the adult female inmate population in America are mothers to minors, [according to the Prison Policy](#). Of the total adult population, 52 percent are locked up for drug or property charges, according to a [2018 study from the Brennan Center for Justice](#) in New York.

“Most have suffered some form of trauma, such as domestic or sexual violence, and many suffer from drug addiction or mental illness,” the report states.

“I think there is an inflexibility with the courts in that they are not necessarily trauma informed. They get stuck on these specific requirements rather than looking at the whole picture.”

- Amanda Brassard, a counselor in Salt Lake County, Utah

The Rules vs. The Reality

Experts in the field of substance abuse – from case managers to therapists, from social advocates to a juvenile court judge in Texas – are working under the weight of an overburdened system, struggling to keep up with the needs of thousands of formerly incarcerated mothers.

“The court system has historically been very punitively based,” says Judge Peter Sakai, who has overseen the 225th District Court in Bexar County, Texas, for 12 years. “In the last decade we are realizing that we need to relook at the whole justice system.”

Judge Sakai says he works within a restorative-justice model. The focus is on how “we can put children and families back together again,” with a purposeful emphasis on the long-term trauma that so many of his clients have endured.

“The government can be a lousy parent,” Sakai says. “Locking the parents up, putting their children into the foster care system – all that almost guarantees that those children will be homeless and incarcerated and will struggle in life.”

Statistics back up his assertion: Studies find that youth aging out of foster care experience homelessness [at rates of at least 30 percent](#).

Instead of sitting behind a raised bench wearing a somber robe, Sakai wears everyday street clothes and sits at a table surrounded by the families he serves. When people

graduate from programs, land jobs or achieve milestones in their sobriety, Sakai announces those accomplishments and robust applause fills the room.

Perhaps the most serious impediment to this kind of massive shift in the justice system: The courts, entrenched in the country's long-lasting War on Drugs, almost always view the behavior of women solely through the lens of punishable transgressions. Get enough "dirties" – urine analysis that come up positive for substance abuse – in a certain amount of time, and a mother loses her rights to raise her child.



Shawntee Johnson, left, is seen with one of her children.

"Yet we know for a fact that addiction is a chronic disease, much like diabetes and hyper-tension," says Lisa Cleveland, an expert on opioid-use disorder in pregnant and parenting women, and an associate professor at the University of Texas Health San Antonio School of Nursing.

"Addiction is a disease that has both biological and behavioral components," Cleveland says.

She says that's why The American Society of Addictive Medicine (ASAM) includes this phrase in their definition of addiction: "Like other chronic diseases, addiction involves cycles of relapse and remission."

Cleveland says no one tells people with diabetes they have to stick to their diet or risk losing care. “However, we do it all the time with women who have substance abuse disorders,” she says.

Time for Change

Kim Carter is the founder of [Time for Change Foundation](#), a California nonprofit that empowers disenfranchised, low-income people – particularly formerly-incarcerated mothers – struggling to reunite with their children.

Convicted on many drug charges herself, Carter was an inmate at the California Institute for Women and lost custody of her daughter in 1986. She says her own healing came after she stopped living in drug-infested environments and ensconced herself in emotionally and physically safe housing. Only then was she able to stack up five years of sobriety and regain custody of her daughter.

Approximately 90 percent of the women at Time for Change have been incarcerated, and the majority of them have lost their children to family members or foster care. Carter knows the psychological impact of those losses is devastating.

“That is another two or three years of therapy because you feel bad for failing your children,” she says. “The pain is horrible.”

LEARN MORE

- Marguerite Casey Foundation is a national independent philanthropy that is nurturing a movement of low-income families to strengthen their voice and mobilize their communities for a more just and equitable society.
- The Foundation supports [the movement building efforts of numerous community organizations](#) in the West, Southwest Midwest and South. It has a long-term commitment to small and large grantee organizations. The [Brennan Center for Justice](#) is a Foundation grantee.
- The Foundation collaborated with grantee organizations and working families to produce the [National Family Platform](#). It recognizes that families do not live single-issue lives and that a collective effort is needed for equity and to alleviate poverty.

Through wrap-around case management, counseling and housing, Time for Change has helped reunite 291 women and children since its inception in 2002. One by one, court requirements for reunification such as sobriety, employment and housing are met – seemingly insurmountable goals in a society that bars felons from mainstream housing and employment.

Shawntee Johnson is one of those mothers at Time for Change. The 34-year-old has four children ranging in age from 3 months to 9 years, but the three oldest children are in the custody of a relative.

“I started back drinking when my aunt wouldn’t let me see my [other] kids. I didn’t want to lose my baby,” Johnson says from her living quarters at Time for Change.

Johnson fulfilled a prison sentence for an assault – an act of self-defense during her homelessness, she says.

She grew up in a challenging area of East Oakland in a home where substance abuse and domestic violence were the norm. But she says she's been sober since January 25, 2019.

At Time for Change, Johnson is surrounded by a community of supportive women who laugh and cry together, attend sobriety meetings together and cook and eat meals at a communal table every night.

If there's one piece of advice she can give the officials who run the courts and prisons, it's this: "Don't just pay attention to what the person has done. Try to figure out where it came from. Everything stems from something."

Lori Yearwood is a freelance journalist who writes about the complexities of trauma-informed experiences. She also is a contributing editor at the Economic Hardship Reporting Project. Her work has appeared in The Washington Post, CNBC, the San Francisco Chronicle and The American Prospect, among other news media outlets. Equal Voice is Marguerite Casey Foundation's publication featuring stories of America's families creating social change. With Equal Voice, we challenge how people think and talk about poverty in America. All original and contracted Equal Voice stories can be reproduced for free, as long as proper credit and a link to our homepage are included. The Associated Press photographs are copyright protected.

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