

**Submission
No 10**

INQUIRY INTO CHILDREN AFFECTED BY PARENTAL INCARCERATION

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Date Received: 27 April 2022

‘The invisible barrier’: Mental illness as a mediator of mothers’ participation in the Victorian criminal justice system

Dr Alannah Burgess

Submission to the Victorian Government’s inquiry into children affected by parental incarceration

In line with international trends, women represent Australia’s fastest growing prison population. They also represent a resource intensive population as women who enter the criminal justice system come with a wide variety of interlinked individual, social, and systemic challenges, most notably high rates of mental illness. Furthermore, many imprisoned women will also be mothers of dependent children. Despite the growing body of knowledge surrounding imprisoned mothers and women who have a mental illness, knowledge about women who straddle this divide appears to be missing. They are relatively invisible in terms of criminal justice policy and practice, as well as research.

To address this gap, my study examined the experiences of mothers with a mental illness, as they navigate Victoria’s criminal justice system, to plan the care of their children. I focused on mothers’ experiences at the critical care planning decision-making points of pre-prison, arrest, sentencing, and imprisonment. An exploratory embedded mixed methods approach was used, gathering both quantitative and qualitative data from mothers using a structured interview schedule. Data gathered from 21 imprisoned mothers with a mental illness was triangulated with data gathered from 19 imprisoned mothers without a mental illness. These mothers had 80 dependent children between them. Interviews took place in 2013 at Victoria’s two female prisons, the Dame Phyllis Frost Centre and Tarrengower Prison, and in the community. The quantitative data was analysed using descriptive, non-parametric statistics, and Chi-square tests. The qualitative data was analysed using thematic and content analysis to develop themes and map the mother’s experiences.

The findings showed that mothers with a mental illness, especially those who have severe mental health issues, have lower levels of involvement in planning their children’s care, compared to mothers who did not have a mental illness. This is due to the individual issues experienced by these mothers intersecting with a criminal justice system that typically does not acknowledge or respond to them in any significant way. This group of women are therefore disadvantaged by their gender and their mental health status, as well as the systems with which they interact (e.g., mental health and criminal justice).

This disadvantage had serious implications for their ability to plan the care of their children. Over one-half of the children had no care arrangements in place when their mother was imprisoned. No care arrangements can result in a crisis for the family unit; there is typically no time to plan, and significant others often stepped in to make care arrangements rather than the mother. Furthermore, the initial care arrangements made are often unstable over time, resulting in multiple moves for children during their mothers’ imprisonment. This study showed that mental illness has a significant impact on this group of mothers’ engagement with, and participation in, the criminal justice system to plan their children’s care. This in turn impacts the safety of their children.

This study represented one of the first Australian studies to examine the experiences of mothers with a mental illness as they intersect with and move through the criminal justice system. It has important implications for criminal justice policy and procedure. It highlights the importance of responding to complexity within correctional populations and provides evidence for the need to incorporate gender-responsive practice at the stages of arrest and sentencing (e.g., asking women at arrest and sentencing if they have children and if they have care plans in place).

Access to the full report can be found by following the link:

https://bridges.monash.edu/articles/thesis/The_invisible_barrier_mental_illness_as_a_mediator_of_mothers_participation_in_the_Victorian_criminal_justice_system/4720879/1