

# HOUSE BILL REPORT

## SHB 1426

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### As Amended by the Senate

**Title:** An act relating to children of incarcerated parents.

**Brief Description:** Establishing an interagency plan for children of incarcerated parents.

**Sponsors:** By House Committee on Children & Family Services (originally sponsored by Representatives Roberts, McDonald, Kagi, Nixon, Pettigrew, Dickerson, Darneille, Tom, Rodne, Hasegawa, O'Brien, Lovick, Ormsby, Morrell, Chase and Santos).

**Brief History:**

**Committee Activity:**

Children & Family Services: 1/31/05, 2/9/05 [DPS].

**Floor Activity:**

Passed House: 2/28/05, 89-0.

Senate Amended.

Passed Senate: 4/11/05, 48-0.

### Brief Summary of Substitute Bill

- Requires the Department of Corrections to establish an oversight committee to develop a comprehensive interagency plan to provide the necessary services and supports for children whose parents are incarcerated.

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### HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Roberts, Vice Chair; Hinkle, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Darneille, Dickerson, Dunn, Haler and Pettigrew.

**Staff:** Cynthia Forland (786-7152).

**Background:**

According to the Justice Department's Bureau of Justice Statistics, an estimated 2 percent of the nation's 72 million children under 18 years of age had an imprisoned parent in 1999. During that same year, an estimated 721,500 federal and state prisoners had minor children. Almost 1.5 million minor children had a parent in prison, which constitutes an increase of more than 500,000 children since 1991. Of those children with imprisoned parents, 58 percent were under 10 years of age with the average being 8 years of age.

Nationwide, 40 percent of the imprisoned fathers and 60 percent of the mothers reported weekly contact with their children by phone, mail, or visit. However, a majority of both fathers (57 percent) and mothers (54 percent) reported never having had a personal visit with their children since their admission to state prison. More than 60 percent of the parents in state prisons reported being held more than 100 miles from their last place of residence.

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### **Summary of Substitute Bill:**

The Department of Corrections (DOC), in partnership with the Department of Social and Health Services (DSHS), is required to establish an oversight committee to develop a comprehensive interagency plan to provide the necessary services and supports for the children of this state whose parents are incarcerated in jail or prison.

The interagency plan must include the following:

- identification of existing state services and programs, as well as recognized community-based services and programs, for children whose parents are incarcerated;
- identification of methods to improve collaboration and coordination of existing services and programs;
- recommendations concerning new services and programs for children whose parents are incarcerated, involving both interagency and community-based efforts; and
- identification of evidence-based practices and areas for further research to support the long-term provision of services and programs for children whose parents are incarcerated, including the following:
  - identification and ongoing collection of data relating to incarcerated individuals in the state who have children under 18 years of age; and
  - identification and sharing of information relating to children of incarcerated parents who are involved in the juvenile justice or child welfare systems, to the extent permissible under state and federal law.

The oversight committee must include the following:

- representatives with decision-making authority of: the DOC, the Children's Administration of the DSHS, the Juvenile Rehabilitation Administration of the DSHS, law enforcement and jails, the Office of Superintendent of Public Instruction, the courts, prosecuting attorneys and public defenders, and community-based agencies working with families of individuals who are incarcerated; and
- caregivers of children whose parents are incarcerated.

The oversight committee must seek input from children whose parents are or have been incarcerated and from parents who have been incarcerated in developing the interagency plan.

The oversight committee is required to develop the interagency plan by June 30, 2006, with an interim report due to the appropriate committees of the Legislature by January 1, 2006.

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## **EFFECT OF SENATE AMENDMENT(S):**

Replaces representatives of law enforcement and jails with representatives of the Washington Association of Sheriffs and Police Chiefs on the membership of the oversight committee.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** There is a significant impact on the family when a parent is incarcerated, denying income or basic stability. An incarcerated parent is one of the adverse childhood experiences that often contribute to later in life need for health care and other services. It makes good common sense to ensure that we are not punishing children along with their parents. The police should be prepared to deal with children. They need to make sure that they are safe and informed. Kids need people to support them. There should be more programs for kids who have parents in prison, and more people should know about those programs, like teachers and counselors, so that they can tell kids about them. Kids don't have enough contact with their parents in prison. The DOC strongly supports passage of this bill. Last year, the DOC held a one-day symposium in order to elevate this issue to statewide importance. This would give us an opportunity to bring resources together, to look at the issue in a systemic way, and to bring recommendations back to the Legislature. In order to give this population a voice, it is necessary to find out who they are as indicated in the bill. Note also that there are juveniles who are incarcerated who have children. As of this year, there are 132 children of juveniles who are incarcerated in the state. Kids go through a lot of emotional problems. They are harassed at school, have to deal with having a parent missing from the home, and have to visit their parent in prison and talk to them over 15-minute collect phone calls. One of the strongest things that can happen is giving these kids and families a voice, recognize that they exist. Kids are not recognized during the intake process. That should be right up front. Children of incarcerated parents are separated from their extended family and placed in foster care.

(With amendments) This is a very important bill that begins to address the needs of a forgotten group of children. The loss of a parent has a tremendous impact on a child's healthy development. Providing support to these children, their caregivers, and their parents upon re-entry in the community is an important way that we can reduce juvenile and adult crime in the long term. Include the voices of parents who are or have been incarcerated and children of parents who are or have been incarcerated in the membership of the work group.

**Testimony Against:** None.

**Persons Testifying:** (In support) Representative Roberts, prime sponsor; Kirstin Pennel and Dalana Smith, Girl Scouts Beyond Bars; Belinda D. Stewart, Department of Corrections; Claudia Sorum, Parent and Children's Home Society of Washington; Greg Williamson and Kathleen Sande, Office of Superintendent of Public Instruction; Dan Lemery, Family Council

and Washington Corrections Center for Women; Edith Owen, Pierce County Relatives Raising Children; and Suzy Nickel, American Family Rights Association.

(With amendments) Cathy Garland, Children's Home Society of Washington.

**Persons Signed In To Testify But Not Testifying:** None.