

HOUSE BILL REPORT

E2SHB 1422

As Amended by the Senate

Title: An act relating to children and families of incarcerated parents.

Brief Description: Addressing children and families of incarcerated parents.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Roberts, Dickerson, Appleton, Walsh, Haler, Darneille, Lovick, Pettigrew, Quall, Hasegawa, Sells, Goodman, Eddy, Green, O'Brien, Chase, Kagi, Ormsby and Santos).

Brief History:

Committee Activity:

Human Services: 1/30/07, 2/8/07 [DPS];

Appropriations: 3/1/07, 3/3/07 [DP2S(w/o sub HS)].

Floor Activity:

Passed House: 3/9/07, 86-11.

Senate Amended.

Passed Senate: 4/4/07, 47-0.

Brief Summary of Engrossed Second Substitute Bill

- Requires several state agencies to adopt policies and programs to assist children and families with incarcerated parents.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey, Darneille, McCoy and O'Brien.

Staff: Sonja Hallum (786-7092).

HOUSE COMMITTEE ON APPROPRIATIONS

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services. Signed by 26 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Cody, Conway, Darneille, Ericks, Fromhold, Grant, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, McDonald, McIntire, Morrell, Pettigrew, Priest, Schual-Berke, Seaquist, P. Sullivan and Walsh.

Minority Report: Do not pass. Signed by 8 members: Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Buri, Chandler, Dunn and Kretz.

Staff: Kirk Schmidt (786-7118).

Background:

According to the federal 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. 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 imprisoned 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.

In 2005, the Washington Legislature passed SHB 1426 that required the Department of Corrections (DOC), in partnership with the Department of Social and Health Services (DSHS), 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 oversight committee was 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. The oversight committee submitted its report to the Legislature in 2006. The report contained numerous recommendations including the following:

- create a policy level position, funded by the DOC, to work on systemic parenting issues faced due to incarceration;
- develop a protocol for gathering information about children as a part of the criminal hearings process;
- develop protocols for gathering data in the DOC diagnostic and reception centers;
- develop arrest protocols for adults with children;
- educate human service, judicial and education professionals;
- provide child care for families during court proceedings;
- collaborative inside/outside family resource centers;

- implement systemic programs that encourage contact, increase communication and strengthen the chances of reunification between children and their incarcerated parents; and
- promote economic stability in families where children of incarcerated parents reside.

Summary of Engrossed Second Substitute Bill:

The Department of Corrections (DOC), Department of Social and Health Services (DSHS), Department of Early Learning, and the Office of the Superintendent of Public Instruction (OSPI) are each required to review their agency policies relating to the adequacy and availability of programs or services targeted at inmates who have children or the children and families of a person who is incarcerated in a DOC facility.

The secretary or director of each agency is required to adopt policies and programs that encourage familial contact and engagement between inmates and their children with the goal of reducing recidivism and intergenerational incarceration.

Each agency is required to designate a policy level staff person who is responsible for the following:

- gathering information and data on the children and families of inmates;
- developing programs and policies that focus on sustaining the families during the period of the parent's incarceration and to assist reunification if appropriate; and
- participating in the Children of Incarcerated Parents Advisory Committee and reporting the information gathered regarding their agency to the advisory committee.

The DOC is also required to evaluate data to determine the impact on recidivism and intergenerational incarceration.

The Department of Community, Trade and Economic Development (DCTED) is required to establish an advisory committee to monitor, guide, and report on recommendations relating to policies and programs for children and families with incarcerated parents. The advisory committee includes representatives from the above agencies, as well as private and nonprofit business sectors, child advocates, representatives of Washington Indian tribes, court administrators, the Administrative Office of the Courts, Washington Association of Sheriffs and Police Chiefs, jail administrators, the Office of the Governor, and others who have an interest in the issues.

The DCTED is granted \$1.2 million for the purpose of enhancing programs and services for the children and families with incarcerated parents. The advisory committee is required to submit recommendations to the DCTED regarding which community programs the DCTED should fund. The programs funded by the DCTED should collaborate with an agency, or agencies, that serve sexual assault and domestic violence victims to ensure the programs provide appropriate services.

EFFECT OF SENATE AMENDMENT(S):

The amendment eliminates the requirement that DOC programs focus on "normal childhood development."

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony: (Human Services)

(In support) This is a population that is largely forgotten and is not discussed. This came to light in 2004 in the Children of Incarcerated Parents Report. There are over a half-million children in this country who have a parent who is incarcerated. These children face unique challenges and suffer a silent sentence. There are a few programs like the Girl Scouts who have been serving this population. It has made a big difference for these girls, but it is not enough. This bill is trying to gather data at a state level, find out who the population is, and adjust policies in the agencies serving this population to better serve their needs. Oregon has a program in every prison. The Oversight Committee will cease to exist, but some of the functions will move to the Advisory Committee. Law enforcement and several educators support this bill. Not only is this the right thing to do, it is the financially sound thing to do. Studies show this reduces recidivism in the parents and reduces the number of children going into the juvenile justice system and state care. There needs to be appropriate safety planning, particularly when there is a history of child sexual abuse.

Staff Summary of Public Testimony: (Appropriations)

(In support) There is a large number of children with incarcerated parents. Most feel isolated and need programs to help keep them from one day entering the prison system. Children with incarcerated parents are four to seven times more likely to be incarcerated than those without incarcerated parents. There is not an accurate count of how many children have incarcerated parents, but estimates range between 25,000 to 30,000. Data from the Children of Incarcerated Parents Oversight Committee has shown that 82 percent of offenders have an average of 1.91 children.

(Opposed) None.

Persons Testifying: (Human Services) (In support) Representative Roberts, prime sponsor; Beth Colgan, Columbia Legal Services Institutions Project; Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs; Grace Chien, Kathy Houston, and Delana Smith, Girl Scouts of America; Kathleen Russell, Pacific Lutheran University and Oversight Committee member; Chief Rick Kieffer, Washington Association of Sheriffs and Police Chiefs; Cathy Garland, Children's Home Society of Washington; Paul Benz, Lutheran Community Services; Sharon Darcy, Children's Justice Alliance of Oregon; Chief Fred B. Walser, Sultan Police Department; and Alice Payne, Department of Corrections.

Persons Testifying: (Appropriations) Ron Murphy, Casey Family Programs; Kathleen Russell, Pacific Lutheran University; and Beth Minker, Big Brothers and Big Sisters of King, Pierce, and Jefferson Counties.

Persons Signed In To Testify But Not Testifying: (Human Services) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.