

2SHB 1422 - H AMD 188

By Representative Roberts

ADOPTED 3/9/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes the
4 significant impact on the lives and well-being of children and
5 families when a parent is incarcerated. It is the intent of the
6 legislature to support children and families, and maintain familial
7 connections when appropriate, during the period a parent is
8 incarcerated. Further, the legislature finds that there must be a
9 greater emphasis placed on identifying state policies and programs
10 impacting children with incarcerated parents. Additionally, greater
11 effort must be made to ensure that the policies and programs of the
12 state are supportive of the children, and meet their needs during
13 the time the parent is incarcerated.

14 According to the final report of the children of incarcerated
15 parents oversight committee, helping offenders build durable family
16 relationships may reduce the likelihood that their children will go
17 to prison later in life. Additionally, the report indicates that
18 offenders who reconnect with their families in sustaining ways are
19 less likely to reoffend. In all efforts to help offenders build
20 these relationships with their children, the safety of the children
21 will be paramount.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.09
23 RCW to read as follows:

24 (1) The secretary of corrections shall review current
25 department policies and assess the following:

26 (a) The impact of existing policies on the ability of offenders
27 to maintain familial contact and engagement between inmates and
28 children; and

29 (b) The adequacy and availability of programs targeted at
30 inmates with children.

1 (2) The secretary shall adopt policies that encourage familial
2 contact and engagement between inmates and their children with the
3 goal of facilitating normal child development, while reducing
4 recidivism and intergenerational incarceration. Programs and
5 policies should take into consideration the children's need to
6 maintain contact with his or her parent and the inmate's ability to
7 develop plans to financially support their children, assist in
8 reunification when appropriate, and encourage the improvement of
9 parenting skills where needed.

10 (3) The department shall conduct the following activities to
11 assist in implementing the requirements of subsection (1) of this
12 section:

13 (a) Gather information and data on the families of inmates,
14 particularly the children of incarcerated parents;

15 (b) Evaluate data to determine the impact on recidivism and
16 intergenerational incarceration; and

17 (c) Participate in the children of incarcerated parents
18 advisory committee and report information obtained under this
19 section to the advisory committee.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.04
21 RCW to read as follows:

22 (1)(a) The secretary of social and health services shall
23 review current department policies and assess the adequacy and
24 availability of programs targeted at persons who receive services
25 through the department who are the children and families of a
26 person who is incarcerated in a department of corrections facility.
27 Great attention shall be focused on programs and policies affecting
28 foster youth who have a parent who is incarcerated.

29 (b) The secretary shall adopt policies that encourage familial
30 contact and engagement between inmates of the department of
31 corrections facilities and their children with the goal of
32 facilitating normal child development, while reducing recidivism
33 and intergenerational incarceration. Programs and policies should
34 take into consideration the children's need to maintain contact
35 with his or her parent, the inmate's ability to develop plans to
36 financially support their children, assist in reunification when
37 appropriate, and encourage the improvement of parenting skills
38 where needed. The programs and policies should also meet the needs

1 of the child while the parent is incarcerated.

2 (2) The secretary shall conduct the following activities to
3 assist in implementing the requirements of subsection (1) of this
4 section:

5 (a) Gather information and data on the recipients of public
6 assistance, or children in the care of the state under chapter
7 13.34 RCW, who are the children and families of inmates
8 incarcerated in department of corrections facilities; and

9 (b) Participate in the children of incarcerated parents
10 advisory committee and report information obtained under this
11 section to the advisory committee.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter
13 43.215 RCW to read as follows:

14 (1)(a) The director of the department of early learning shall
15 review current department policies and assess the adequacy and
16 availability of programs targeted at persons who receive assistance
17 who are the children and families of a person who is incarcerated
18 in a department of corrections facility. Great attention shall be
19 focused on programs and policies affecting foster youth who have a
20 parent who is incarcerated.

21 (b) The director shall adopt policies that support the
22 children of incarcerated parents and meet their needs with the goal
23 of facilitating normal child development, while reducing
24 intergenerational incarceration.

25 (2) The director shall conduct the following activities to
26 assist in implementing the requirements of subsection (1) of this
27 section:

28 (a) Gather information and data on the recipients of assistance
29 who are the children and families of inmates incarcerated in
30 department of corrections facilities;

31 (b) Participate in the children of incarcerated parents
32 advisory committee and report information obtained under this
33 section to the advisory committee.

34 NEW SECTION. **Sec. 5.** A new section is added to chapter
35 28A.300 RCW to read as follows:

36 (1) The superintendent of public instruction shall review

1 current policies and assess the adequacy and availability of
2 programs targeted at children who have a parent who is incarcerated
3 in a department of corrections facility. The superintendent of
4 public instruction shall adopt policies that support the children
5 of incarcerated parents and meet their needs with the goal of
6 facilitating normal child development, including maintaining
7 adequate academic progress, while reducing intergenerational incarceration.

8 (2) The superintendent shall conduct the following activities
9 to assist in implementing the requirements of subsection (1) of
10 this section:

11 (a) Gather information and data on the students who are the
12 children of inmates incarcerated in department of corrections facilities;

13 (b) Participate in the children of incarcerated parents
14 advisory committee and report information obtained under this
15 section to the advisory committee.

16 NEW SECTION. **Sec. 6.** A new section is added to chapter
17 43.63A RCW to read as follows:

18 (1)(a) The department of community, trade, and economic
19 development shall establish an advisory committee to monitor,
20 guide, and report on recommendations relating to policies and
21 programs for children and families with incarcerated parents.

22 (b) The advisory committee shall include representatives of
23 the department of corrections, the department of social and health
24 services, the department of early learning, the office of the
25 superintendent of public instruction, representatives of the
26 private nonprofit and business sectors, child advocates,
27 representatives of Washington state Indian tribes as defined under
28 the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), court
29 administrators, the administrative office of the courts, the
30 Washington association of sheriffs and police chiefs, jail
31 administrators, the office of the governor, and others who have an
32 interest in these issues.

33 (c) The advisory committee shall:

34 (i) Gather the data collected by the departments as required
35 in sections 2 through 5 of this act;

36 (ii) Monitor and provide consultation on the implementation of
37 recommendations contained in the 2006 children of incarcerated
38 parents report;

1 (iii) Identify areas of need and develop recommendations for
2 the legislature, the department of social and health services, the
3 department of corrections, the department of early learning, and
4 the office of the superintendent of public instruction to better
5 meet the needs of children and families of persons incarcerated in
6 department of corrections facilities; and

7 (iv) Advise the department of community, trade, and economic
8 development regarding community programs the department should fund
9 with moneys appropriated for this purpose in the operating budget.
10 The advisory committee shall provide recommendations to the
11 department regarding the following:

12 (A) The goals for geographic distribution of programs and funding;

13 (B) The scope and purpose of eligible services and the priority
14 of such services;

15 (C) Grant award funding limits;

16 (D) Entities eligible to apply for the funding;

17 (E) Whether the funding should be directed towards starting or
18 supporting new programs, expanding existing programs, or whether
19 the funding should be open to all eligible services and providers;
20 and

21 (F) Other areas the advisory committee determines appropriate.

22 (d) The children of incarcerated parents advisory committee shall
23 update the legislature and governor annually on committee
24 activities, with the first update due by January 1, 2008.

25 (2) The department of community, trade, and economic development
26 shall select community programs or services to receive funding that
27 focus on children and families of inmates incarcerated in a
28 department of corrections facility and sustaining the family during
29 the period of the inmate's incarceration.

30 (a) Programs or services which meet the needs of the children of
31 incarcerated parents should be the greatest consideration in the
32 programs that are identified by the department.

33 (b) The department shall consider the recommendations of the
34 advisory committee regarding which services or programs the
35 department should fund.

36 (c) The programs selected shall collaborate with an agency, or
37 agencies, experienced in providing services to aid families and
38 victims of sexual assault and domestic violence to ensure that the
39 programs identify families who have a history of sexual assault or

1 domestic violence and ensure the services provided are appropriate
2 for the children and families.

3 NEW SECTION. **Sec. 7.** The children of incarcerated parents
4 oversight committee shall expire on the effective date of this
5 section.

6 NEW SECTION. **Sec. 8.** If specific funding for the purposes of
7 this act, referencing this act by bill or chapter number, is not
8 provided by June 30, 2007, in the omnibus appropriations act, this
9 act is null and void."

10 Correct the title.

EFFECT:

Narrows the duties of the Department of Corrections, Department of Social and Health Services, Department of Early Learning, and Office of the Superintendent of Public Instruction to remove all requirements to designate a specific staff person to implement the Act and to remove all requirements to develop new programs.

Clarifies that the review the Department of Corrections is to undertake includes examining the impact of existing policies, as well as the adequacy of those policies.

Makes technical changes and corrections.