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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1422

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State of Washington

60th Legislature

2007 Regular Session

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)

READ FIRST TIME 03/05/07.

1 AN ACT Relating to children and families of incarcerated parents;  
2 adding a new section to chapter 72.09 RCW; adding a new section to  
3 chapter 74.04 RCW; adding a new section to chapter 43.215 RCW; adding  
4 a new section to chapter 28A.300 RCW; adding a new section to chapter  
5 43.63A RCW; and creating new sections.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

18 According to the final report of the children of incarcerated  
19 parents oversight committee, helping offenders build durable family

1 relationships may reduce the likelihood that their children will go to  
2 prison later in life. Additionally, the report indicates that  
3 offenders who reconnect with their families in sustaining ways are less  
4 likely to reoffend. In all efforts to help offenders build these  
5 relationships with their children, the safety of the children will be  
6 paramount.

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

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

11 (a) The impact of existing policies on the ability of offenders to  
12 maintain familial contact and engagement between inmates and children;  
13 and

14 (b) The adequacy and availability of programs targeted at inmates  
15 with children.

16 (2) The secretary shall adopt policies that encourage familial  
17 contact and engagement between inmates and their children with the goal  
18 of facilitating normal child development, while reducing recidivism and  
19 intergenerational incarceration. Programs and policies should take  
20 into consideration the children's need to maintain contact with his or  
21 her parent and the inmate's ability to develop plans to financially  
22 support their children, assist in reunification when appropriate, and  
23 encourage the improvement of parenting skills where needed.

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

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

28 (b) Evaluate data to determine the impact on recidivism and  
29 intergenerational incarceration; and

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

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

35 (1)(a) The secretary of social and health services shall review  
36 current department policies and assess the adequacy and availability of

1 programs targeted at persons who receive services through the  
2 department who are the children and families of a person who is  
3 incarcerated in a department of corrections facility. Great attention  
4 shall be focused on programs and policies affecting foster youth who  
5 have a parent who is incarcerated.

6 (b) The secretary shall adopt policies that encourage familial  
7 contact and engagement between inmates of the department of corrections  
8 facilities and their children with the goal of facilitating normal  
9 child development, while reducing recidivism and intergenerational  
10 incarceration. Programs and policies should take into consideration  
11 the children's need to maintain contact with his or her parent, the  
12 inmate's ability to develop plans to financially support their  
13 children, assist in reunification when appropriate, and encourage the  
14 improvement of parenting skills where needed. The programs and  
15 policies should also meet the needs of the child while the parent is  
16 incarcerated.

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

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

23 (b) Participate in the children of incarcerated parents advisory  
24 committee and report information obtained under this section to the  
25 advisory committee.

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

28 (1)(a) The director of the department of early learning shall  
29 review current department policies and assess the adequacy and  
30 availability of programs targeted at persons who receive assistance who  
31 are the children and families of a person who is incarcerated in a  
32 department of corrections facility. Great attention shall be focused  
33 on programs and policies affecting foster youth who have a parent who  
34 is incarcerated.

35 (b) The director shall adopt policies that support the children of  
36 incarcerated parents and meet their needs with the goal of facilitating

1 normal child development, while reducing intergenerational  
2 incarceration.

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

5 (a) Gather information and data on the recipients of assistance who  
6 are the children and families of inmates incarcerated in department of  
7 corrections facilities; and

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

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

13 (1) The superintendent of public instruction shall review current  
14 policies and assess the adequacy and availability of programs targeted  
15 at children who have a parent who is incarcerated in a department of  
16 corrections facility. The superintendent of public instruction shall  
17 adopt policies that support the children of incarcerated parents and  
18 meet their needs with the goal of facilitating normal child  
19 development, including maintaining adequate academic progress, while  
20 reducing intergenerational incarceration.

21 (2) The superintendent shall conduct the following activities to  
22 assist in implementing the requirements of subsection (1) of this  
23 section:

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

27 (b) Participate in the children of incarcerated parents advisory  
28 committee and report information obtained under this section to the  
29 advisory committee.

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

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

1 (b) The advisory committee shall include representatives of the  
2 department of corrections, the department of social and health  
3 services, the department of early learning, the office of the  
4 superintendent of public instruction, representatives of the private  
5 nonprofit and business sectors, child advocates, representatives of  
6 Washington state Indian tribes as defined under the federal Indian  
7 welfare act (25 U.S.C. Sec. 1901 et seq.), court administrators, the  
8 administrative office of the courts, the Washington association of  
9 sheriffs and police chiefs, jail administrators, the office of the  
10 governor, and others who have an interest in these issues.

11 (c) The advisory committee shall:

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

14 (ii) Monitor and provide consultation on the implementation of  
15 recommendations contained in the 2006 children of incarcerated parents  
16 report;

17 (iii) Identify areas of need and develop recommendations for the  
18 legislature, the department of social and health services, the  
19 department of corrections, the department of early learning, and the  
20 office of the superintendent of public instruction to better meet the  
21 needs of children and families of persons incarcerated in department of  
22 corrections facilities; and

23 (iv) Advise the department of community, trade, and economic  
24 development regarding community programs the department should fund  
25 with moneys appropriated for this purpose in the operating budget. The  
26 advisory committee shall provide recommendations to the department  
27 regarding the following:

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

29 (B) The scope and purpose of eligible services and the priority of  
30 such services;

31 (C) Grant award funding limits;

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

33 (E) Whether the funding should be directed towards starting or  
34 supporting new programs, expanding existing programs, or whether the  
35 funding should be open to all eligible services and providers; and

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

37 (d) The children of incarcerated parents advisory committee shall

1 update the legislature and governor annually on committee activities,  
2 with the first update due by January 1, 2008.

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

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

11 (b) The department shall consider the recommendations of the  
12 advisory committee regarding which services or programs the department  
13 should fund.

14 (c) The programs selected shall collaborate with an agency, or  
15 agencies, experienced in providing services to aid families and victims  
16 of sexual assault and domestic violence to ensure that the programs  
17 identify families who have a history of sexual assault or domestic  
18 violence and ensure the services provided are appropriate for the  
19 children and families.

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

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

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