
SECOND SUBSTITUTE HOUSE BILL 1422

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 adequacy and availability of programs targeted
11 at inmates with children. The secretary shall adopt policies and
12 programs that encourage familial contact and engagement between inmates
13 and their children with the goal of facilitating normal child
14 development, while reducing recidivism and intergenerational
15 incarceration. Programs and policies should take into consideration
16 the children's need to maintain contact with his or her parent and the
17 inmate's ability to develop plans to financially support their
18 children, assist in reunification when appropriate, and encourage the
19 improvement of parenting skills where needed.

20 (2) The secretary shall designate a policy level staff position to
21 assist in implementing the requirements of subsection (1) of this
22 section and to continue to oversee the policies and programs that are
23 developed pursuant to this section. The functions of the staff shall,
24 at a minimum, include the following:

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

27 (b) Developing programs and policies that focus on sustaining the
28 family during the parent's incarceration. Programs should be developed
29 to assist parents to gain skills and connections that will help them
30 resume parenting, and create a plan to help the family successfully
31 deal with reintegration, or help them plan how to support the children
32 if they decide not to reunite or if reunification is not in the best
33 interest of the family;

34 (c) Evaluate data to determine the impact on recidivism and
35 intergenerational incarceration; and

36 (d) Participate in the children of incarcerated parents advisory

1 committee and report information obtained under this section to the
2 advisory committee.

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

5 (1)(a) The secretary of social and health services shall review
6 current department policies and assess the adequacy and availability of
7 programs targeted at persons who receive services through the
8 department who are the children and families of a person who is
9 incarcerated in a department of corrections facility. Great attention
10 shall be focused on programs and policies affecting foster youth who
11 have a parent who is incarcerated.

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

23 (2) The secretary shall designate a policy level staff position to
24 assist in implementing the requirements of subsection (1) of this
25 section and to continue to oversee the policies and programs that are
26 developed pursuant to this section. The functions of the staff shall,
27 at a minimum, include the following:

28 (a) Gathering information and data on the recipients of public
29 assistance, or children in the care of the state under chapter 13.34
30 RCW, who are the children and families of inmates incarcerated in
31 department of corrections facilities;

32 (b) Developing programs and policies that focus on sustaining the
33 family during the parent's incarceration, particularly the needs of the
34 children during the period the parent is incarcerated; and

35 (c) Participate in the children of incarcerated parents advisory
36 committee and report information obtained under this section to the
37 advisory committee.

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

3 (1)(a) The director of the department of early learning shall
4 review current department policies and assess the adequacy and
5 availability of programs targeted at persons who receive assistance who
6 are the children and families of a person who is incarcerated in a
7 department of corrections facility. Great attention shall be focused
8 on programs and policies affecting foster youth who have a parent who
9 is incarcerated.

10 (b) The director shall adopt policies and programs that support the
11 children of incarcerated parents and meet their needs with the goal of
12 facilitating normal child development, while reducing intergenerational
13 incarceration.

14 (2) The director shall designate a policy level staff position to
15 assist in implementing the requirements of subsection (1) of this
16 section and to continue to oversee the policies and programs that are
17 developed pursuant to this section. The functions of the staff shall,
18 at a minimum, include the following:

19 (a) Gathering information and data on the recipients of assistance
20 who are the children and families of inmates incarcerated in department
21 of corrections facilities;

22 (b) Developing programs and policies that focus on sustaining the
23 family during the parent's incarceration, particularly the needs of the
24 children during the period the parent is incarcerated; and

25 (c) Participate in the children of incarcerated parents advisory
26 committee and report information obtained under this section to the
27 advisory committee.

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

30 (1) The superintendent of public instruction shall review current
31 policies and assess the adequacy and availability of programs targeted
32 at children who have a parent who is incarcerated in a department of
33 corrections facility. The superintendent of public instruction shall
34 adopt policies and programs that support the children of incarcerated
35 parents and meet their needs with the goal of facilitating normal child
36 development, including maintaining adequate academic progress, while
37 reducing intergenerational incarceration.

1 (2) The superintendent of public instruction shall designate a
2 policy level staff position to assist in implementing the requirements
3 of subsection (1) of this section and to continue to oversee the
4 policies and programs that are developed pursuant to this section. The
5 functions of the staff shall, at a minimum, include the following:

6 (a) Gathering information and data on the students who are the
7 children of inmates incarcerated in department of corrections
8 facilities;

9 (b) Developing programs and policies that focus on sustaining the
10 family during the parent's incarceration, particularly the needs of the
11 children during the period the parent is incarcerated; and

12 (c) Participate in the children of incarcerated parents advisory
13 committee.

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

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

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

31 (c) The advisory committee shall:

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

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

1 (iii) Identify areas of need and develop recommendations for the
2 legislature, the department of social and health services, the
3 department of corrections, the department of early learning, and the
4 office of the superintendent of public instruction to better meet the
5 needs of children and families of persons incarcerated in department of
6 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 under sections 7 and 8 of this act. The
10 advisory committee shall provide recommendations to the department
11 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 of
14 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 the
19 funding should be open to all eligible services and providers; and

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

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

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

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

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

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

1 identify families who have a history of sexual assault or domestic
2 violence and ensure the services provided are appropriate for the
3 children and families.

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

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

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