

**ASSEMBLY BILL**

**No. 2316**

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**Introduced by Assembly Member Mazzoni**

February 24, 2000

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An act to add Chapter 17 (commencing with Section 7440) to Title 7 of Part 3 of the Penal Code, relating to children of incarcerated parents.

LEGISLATIVE COUNSEL'S DIGEST

AB 2316, as introduced, Mazzoni. Children of incarcerated parents: study.

Existing law establishes the California Institution for Women for the punishment, treatment, supervision, custody, and control of females convicted of felonies. The Department of Corrections is required to establish and implement a community treatment program for women sentenced to state prison who have one or more children under the age of 6 years. In operating the program, the department is required to make its prime concern the establishment of a safe and wholesome environment for the participating children.

This bill would authorize a research project to study the children of 11,600 female prisoners. The bill would require the Department of Corrections to cooperate in conducting a survey of these women to determine which of them have children and to gather from the women who have children, specified information about their children relating to the children's residence, caregivers, source of support, school level, medical problems, involvement, if any, with the criminal justice system, and frequency of prison visits. The

research project would track the development of a subgroup of these children to determine the risk factors and public costs associated with this group of children. By increasing the duties of local agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 17 (commencing with Section  
2 7440) is added to Title 7 of Part 3 of the Penal Code, to  
3 read:

4  
5 CHAPTER 17. CHILDREN OF INCARCERATED PARENTS

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7 7440. A research project to study children of  
8 incarcerated parents shall be conducted in cooperation  
9 with the Department of Corrections.

10 7441. (a) The research project shall begin with a  
11 survey of 11,600 women imprisoned in a California state  
12 prison. The survey shall begin by determining which of  
13 these women have children and the women who are  
14 determined to have children shall be required to provide  
15 the following information:

16 (1) The number, age, name, and current address of  
17 each of her children.

18 (2) The legal status or relation of each of her children's  
19 caregiver, including but not limited to a relative, a friend,



1 or a foster caregiver, and to report whether each child  
2 lives with one or more of his or her siblings.

3 (3) The source of each of her children's support,  
4 including but not limited to a father or other relative or  
5 public assistance.

6 (4) Whether each child is in school and the grade level  
7 of each child.

8 (5) The existence of any serious medical problem of  
9 each child.

10 (6) Whether any of the children have been involved  
11 with the criminal justice system.

12 (7) How often do her children visit her in prison.

13 (b) The survey shall include appropriate safeguards to  
14 ensure the confidentiality of the information disclosed by  
15 the women pursuant to this section.

16 7442. After the survey in Section 7441 is completed, a  
17 group of children from nine counties shall be selected  
18 from the children of the women who participated in the  
19 survey. This group shall be tracked for the purpose of  
20 determining the risk factors and public costs associated  
21 with this group of children.

22 SEC. 2. Notwithstanding Section 17610 of the  
23 Government Code, if the Commission on State Mandates  
24 determines that this act contains costs mandated by the  
25 state, reimbursement to local agencies and school  
26 districts for those costs shall be made pursuant to Part 7  
27 (commencing with Section 17500) of Division 4 of Title  
28 2 of the Government Code. If the statewide cost of the  
29 claim for reimbursement does not exceed one million  
30 dollars (\$1,000,000), reimbursement shall be made from  
31 the State Mandates Claims Fund.

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