

AMENDED IN SENATE JUNE 20, 2000  
AMENDED IN ASSEMBLY APRIL 25, 2000  
AMENDED IN ASSEMBLY MARCH 28, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2316**

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**Introduced by Assembly Member Mazzoni**  
**(Coauthors: Assembly Members Alquist, Kuehl, Longville,**  
**Migden, Romero, Strom-Martin, Thomson, and**  
**Washington)**

(Coauthor: Senator Solis)

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, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2316, as amended, 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 require the California Research Bureau (~~CRB~~) in the California State Library, pursuant to specified guidelines, to conduct a study of the children of parents who are incarcerated in state prisons.

The bill would appropriate the sum of \$69,000 from the General Fund to the California Research Bureau for the purpose of implementing its provisions.

*This bill would require certain local agencies and school districts to provide the California Research Bureau with access to certain records, as specified. By imposing additional duties on 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: <sup>2</sup>/<sub>3</sub>. Appropriation: yes. Fiscal committee: yes. State-mandated local program: ~~no~~ 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:

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5 CHAPTER 17. CHILDREN OF INCARCERATED PARENTS

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7 77440. The California Research Bureau (~~CRB~~) in the  
8 California State Library shall conduct a study of the  
9 children of ~~parents~~ *women* who are incarcerated in state  
10 prisons. The ~~CRB~~ *California Research Bureau* shall design  
11 and complete the study, surveying selected state  
12 prisoners in cooperation with the Department of



1 Corrections, and reviewing the records of local agencies  
2 to obtain outcome information about a sample of *women*  
3 prisoners' children and a control sample.

4 77441. The purpose of the survey of state prisoners is  
5 to determine how many have children and to gather basic  
6 information about the children to include the following  
7 variables, among others:

8 (a) Number.

9 (b) Age.

10 (c) Siblings.

11 (d) Location.

12 (e) Caregiver.

13 (f) Grade *and performance* in school.

14 (g) Medical issues.

15 (h) Possible delinquency.

16 (i) Visitation.

17 (j) *Possible involvement in the child welfare system.*

18 (k) *Other pertinent information.*

19 77442. (a) The purpose of the review of local agency  
20 records, in a representative sample of California counties,  
21 is to obtain outcome information about the status of a  
22 sample of the children of incarcerated parents *and their*  
23 *caregivers*. This information ~~will~~ *may* be of value in  
24 establishing public costs associated with the care these  
25 children and in determining any special needs and  
26 problems that targeted public programs might meet. The  
27 review shall be undertaken by the ~~CRB~~ *California*  
28 *Research Bureau*.

29 (b) *Women prisoners who participate in the survey*  
30 *sample of state prisoners shall provide written permission*  
31 *allowing the California Research Bureau access to their*  
32 *children's records in regard to school performance,*  
33 *identity of the caretaker responsible for the child, child*  
34 *protective services records, public assistance records,*  
35 *juvenile justice records, and medical records relating to*  
36 *drug or alcohol use, and mental health. The California*  
37 *Research Bureau shall follow appropriate procedures to*  
38 *ensure confidentiality of the records and to protect the*  
39 *privacy of the survey participants and their children.*



1 (c) County agencies, including members of  
2 multidisciplinary teams, and school districts shall comply  
3 with requests by the California Research Bureau for  
4 access to records, pursuant to subdivision (b), to the  
5 extent permitted by federal law.

6 (d) Notwithstanding Section 10850 of the Welfare and  
7 Institutions Code, the survey required by this section is  
8 deemed to meet the research criteria identified in  
9 paragraph (3) of subdivision (c) of Section 11977 of the  
10 Health and Safety Code, and subdivision (e) of Section  
11 5328 of the Welfare and Institutions Code. For purposes  
12 of this study, the research is deemed not to be harmful for  
13 the at-risk and vulnerable population of children of  
14 women prisoners.

15 (e) For purposes of the study only, the California  
16 Research Bureau is authorized to survey records, reports,  
17 and documents described in Section 827 and in paragraph  
18 (3) of subdivision (h) of Section 18986.4 of the Welfare  
19 and Institutions Code, and information relative to the  
20 incidence of child abuse, as provided by Section 11167,  
21 among children in the study sample.

22 (f) School districts shall provide directory information  
23 to the California Research Bureau for purposes of this  
24 study. The California Research Bureau is deemed an  
25 appropriate organization to conduct studies for  
26 legitimate educational interests, including improving  
27 instruction, for purposes of paragraph (4) of subdivision  
28 (b) of Section 4906 of the Education Code. School  
29 variables that the California Research Bureau shall survey  
30 shall include, but not be limited to, attendance patterns,  
31 truancy rates, achievement level, suspension and  
32 expulsion rates, and special education referrals.

33 ~~77443. The confidentiality of records shall be~~  
34 ~~maintained.~~

35 77443. The California Research Bureau shall follow  
36 appropriate procedures to ensure confidentiality of the  
37 records and to protect the privacy of the survey  
38 participants and their children, and participating  
39 agencies. Data compiled from case files shall be coded  
40 under an assigned number and not identified by name.



1 *Survey questionnaires and coding forms shall be exempt*  
2 *from the public disclosure requirements prescribed by*  
3 *Chapter 3.4 (commencing with Section 6250) of Division*  
4 *7 of Title 1 of the Government Code.*

5 77444. The ~~CRB~~ *California Research Bureau shall*  
6 *convene an advisory group to assist in designing and*  
7 *administering the study. Any costs associated with*  
8 *convening the advisory group are to be paid for by funds*  
9 *appropriated pursuant to this act.*

10 77445. *The California Research Bureau shall report to*  
11 *the Legislature, analyzing the findings of its research,*  
12 *upon completion of the report.*

13 SEC. 2. The amount of sixty-nine thousand dollars  
14 (\$69,000) is hereby appropriated from the General Fund  
15 to the California Research Bureau for the ~~purpose of~~  
16 ~~implementing Section 7440 of the Penal Code.~~ *purposes*  
17 *of this chapter.*

18 SEC. 3. *Notwithstanding Section 17610 of the*  
19 *Government Code, if the Commission on State Mandates*  
20 *determines that this act contains costs mandated by the*  
21 *state, reimbursement to local agencies and school*  
22 *districts for those costs shall be made pursuant to Part 7*  
23 *(commencing with Section 17500) of Division 4 of Title*  
24 *2 of the Government Code. If the statewide cost of the*  
25 *claim for reimbursement does not exceed one million*  
26 *dollars (\$1,000,000), reimbursement shall be made from*  
27 *the State Mandates Claims Fund.*

