

AMENDED IN SENATE MAY 28, 2009

AMENDED IN SENATE MAY 12, 2009

AMENDED IN SENATE APRIL 20, 2009

Senate Concurrent Resolution

No. 20

Introduced by Senator Liu

March 9, 2009

Senate Concurrent Resolution No. 20—Relative to the Children of Incarcerated Parents Bill of Rights.

LEGISLATIVE COUNSEL'S DIGEST

SCR 20, as amended, Liu. Children of Incarcerated Parents Bill of Rights.

This measure would encourage designated entities to distribute the Children of Incarcerated Parents Bill of Rights to identified children of incarcerated parents, and to invite discussion and encourage relevant departments to use the bill of rights as a framework for analysis and determination of procedures when making decisions about services for these children.

Fiscal committee: yes.

- 1 WHEREAS, As many as 1 in 10 children have a parent who is
- 2 in jail, prison, or on parole or probation; and
- 3 WHEREAS, Over the last 15 years, federal and state
- 4 governments have expanded and lengthened criminal sentences,
- 5 particularly for drug offenses, incarcerating an increasing number
- 6 of adults. An unintended consequence of this rapid increase in
- 7 adult incarceration has been the growing number of children whose
- 8 parents are, or have been, in jail or prison; and

1 WHEREAS, The California sample of a national survey found
2 that two-thirds of the state's male prison inmates and 79 percent
3 of the state's female prison inmates were parents, with an average
4 of 2.5 children for the men and 2.9 children for the women. Still,
5 state law provides very limited direction on how criminal justice
6 authorities should interact with the families and children of
7 prisoners; and

8 WHEREAS, Studies indicate that maintaining family bonds
9 during incarceration reduces recidivism for parents and improves
10 outcomes for children; and

11 WHEREAS, The San Francisco Children of Incarcerated Parents
12 Partnership (SFCIPP) has developed a bill of rights for children
13 of incarcerated parents and has turned it into a resolution for the
14 city; and

15 ~~WHEREAS, The San Francisco CIPP bill of rights states the~~
16 ~~following:~~

17 ~~"San Francisco Children of Incarcerated Parents: A Bill of Rights~~
18 ~~(1) I have the right to be kept safe and informed at the time of~~
19 ~~my parent's arrest.~~

20 ~~(2) I have the right to be heard when decisions are made about~~
21 ~~me.~~

22 ~~(3) I have the right to be considered when decisions are made~~
23 ~~about my parent.~~

24 ~~(4) I have the right to be well cared for in my parent's absence.~~

25 ~~(5) I have the right to speak with, see and touch my parent.~~

26 ~~(6) I have the right to support as I face my parent's incarceration.~~

27 ~~(7) I have the right not to be judged, blamed, or labeled because~~
28 ~~my parent is incarcerated.~~

29 ~~(8) I have the right to a lifelong relationship with my parent";~~
30 ~~now, therefore, be it~~

31 *WHEREAS, The San Francisco CIPP Bill of Rights sets forth*
32 *the following principles:*

33 *(a) The child has the right to be kept safe and informed at the*
34 *time of his or her parent's arrest. Actions to realize this right*
35 *include, but are not limited to, developing arrest protocols that*
36 *support and protect children, and offering the children and their*
37 *caregivers basic information about the postarrest process.*

38 *(b) The child has the right to be heard when decisions are made*
39 *about him or her. Actions to realize this right include, but are not*
40 *limited to, training staff at institutions whose constituency includes*

1 children of incarcerated parents, and telling the truth and listening
2 to these children.

3 (c) The child has the right to be considered when decisions are
4 made about his or her parent. Actions to realize this right include,
5 but are not limited to, reviewing current sentencing law in terms
6 of its impact on children and families, including a family impact
7 statement in presentence investigation reports, and turning an
8 arrest into an opportunity for family preservation.

9 (d) The child has the right to be well cared for in his or her
10 parent's absence. Actions to realize this right include, but are not
11 limited to, supporting children by supporting their caretakers, and
12 offering subsidized guardianship.

13 (e) The child has the right to speak with, see, and touch his or
14 her parent. Actions to realize this right include, but are not limited
15 to, providing access to visiting rooms that are child-centered,
16 nonintimidating, and conducive to bonding, considering proximity
17 to family when siting prisons and assigning prisoners, and
18 encouraging child welfare departments to facilitate contact.

19 (f) The child has the right to support as he or she faces a
20 parent's incarceration. Actions to realize this right include, but
21 are not limited to, training adults who work with young people to
22 recognize the needs and concerns of children whose parents are
23 incarcerated, providing access to specially trained therapists,
24 counselors, and mentors, allocating 5 percent of the corrections
25 budget to support prisoners' families.

26 (g) The child has the right not to be judged, blamed, or labeled
27 because his or her parent is incarcerated. Actions to realize this
28 right include, but are not limited to, creating opportunities for
29 these children to communicate with and support each other,
30 creating "a truth fit to tell," and considering differential response
31 when a parent is arrested.

32 (h) The child has a right to a lifelong relationship with his or
33 her parent. Actions to realize this right include, but are not limited
34 to, reexamining the federal Adoption and Safe Families Act of
35 1997, designating a family services coordinator at prisons and
36 jails, supporting incarcerated parents on reentry, and focusing on
37 rehabilitation and alternatives to incarceration, now, therefore,
38 be it

39 Resolved by the Senate of the State of California, the Assembly
40 thereof concurring, That, the Legislature hereby encourages the

1 State Department of Social Services, the Department of Corrections
2 and Rehabilitation, the Office of the State Foster Care
3 Ombudsperson, schools, relevant nonprofit organizations, law
4 enforcement agencies, and other departments that interact with
5 children of incarcerated parents to distribute the bill of rights
6 created by the San Francisco Children of Incarcerated Parents
7 Partnership to identified children of incarcerated parents, utilizing
8 available funds; and be it further

9 *Resolved*, That these entities are encouraged to invite discussion
10 and encourage relevant departments to use this bill of rights as a
11 framework for analysis and determination of procedures when
12 making decisions about services for the children of incarcerated
13 parents; and be it further

14 *Resolved*, That the Secretary of the Senate transmit copies of
15 this resolution to the author for appropriate distribution.