

AMENDED IN SENATE JUNE 28, 2000

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

Introduced by Assembly Member Mazzoni

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

(Coauthor: Senator Solis)

February 24, 2000

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 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~~ *permit* the California Research Bureau ~~with to have reasonable 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: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: ~~yes~~ *no*.

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

6

7 77440. The California Research Bureau in the
8 California State Library shall conduct a study of the
9 children of women who are incarcerated in state prisons.
10 The California Research Bureau shall design and

1 complete the study, surveying selected state prisoners in
2 cooperation with the Department of Corrections, and
3 reviewing the records of local agencies to obtain outcome
4 information about a sample of women prisoners' children
5 and a control sample.

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

- 10 (a) Number.
- 11 (b) Age.
- 12 (c) Siblings.
- 13 (d) Location.
- 14 (e) Caregiver.
- 15 (f) Grade and performance in school.
- 16 (g) Medical issues.
- 17 (h) Possible delinquency.
- 18 (i) Visitation.
- 19 (j) Possible involvement in the child welfare system.
- 20 (k) Other pertinent information.

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

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

1 ensure confidentiality of the records and to protect the
2 privacy of the survey participants and their children.

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

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

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

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

36 77443. The California Research Bureau shall follow
37 appropriate procedures to ensure confidentiality of the
38 records and to protect the privacy of the survey
39 participants and their children, and participating
40 agencies. Data compiled from case files shall be coded

1 under an assigned number and not identified by name.
2 Survey questionnaires and coding forms shall be exempt
3 from the public disclosure requirements prescribed by
4 Chapter 3.4 (commencing with Section 6250) of Division
5 7 of Title 1 of the Government Code.

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

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

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

