

AMENDED IN SENATE AUGUST 30, 2000
AMENDED IN SENATE AUGUST 18, 2000
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~~ *women*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2316, as amended, Mazzoni. Children of incarcerated ~~parents~~ *women*: 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~~ women who are incarcerated in state prisons.

~~This~~ *The bill would require the bureau to convene an advisory group to assist in designing and administering the study.*

~~This~~ *This bill would declare that the costs of the measure would be paid from money appropriated for its purposes in the ~~budget~~ State Budget and would authorize payment of travel and per diem expenses to members of the advisory panel.*

~~This~~ *This bill would also require certain local agencies and school districts to permit the California Research Bureau to have reasonable access to certain records, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: 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.—~~
8 7440. The California Research Bureau in the
9 California State Library shall conduct a study of the
10 children of women who are incarcerated in state prisons.
11 The California Research Bureau shall design and
12 complete the study, surveying selected state prisoners in
13 cooperation with the Department of Corrections, and
14 reviewing the records of local agencies to obtain outcome
15 information about a sample of women prisoners' children.



1 ~~77441.~~—

2 7441. The purpose of the survey of state prisoners is to
3 determine how many have children and to gather basic
4 information about the children to include the following
5 variables, among others:

6 (a) Number.

7 (b) Age.

8 (c) Siblings.

9 (d) Location.

10 (e) Caregiver.

11 (f) Grade and performance in school.

12 (g) Medical issues.

13 (h) Possible delinquency.

14 (i) Visitation.

15 (j) Possible involvement in the child welfare system.

16 (k) Other pertinent information.

17 ~~77442.~~—

18 7442. (a) The purpose of the review of local agency
19 records, in a representative sample of California counties,
20 is to obtain outcome information about the status of a
21 sample of the children of incarcerated parents and their
22 caregivers.

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

34 (c) County agencies, including members of
35 multidisciplinary teams, and school districts shall permit
36 the California Research Bureau to have reasonable access
37 to records, pursuant to subdivision (b), to the extent
38 permitted by federal law.

39 (d) Notwithstanding Section 10850 of the Welfare and
40 Institutions Code, the survey required by this section is



1 deemed to meet the research criteria identified in
2 paragraph (3) of subdivision (c) of Section 11977 of the
3 Health and Safety Code, and subdivision (e) of Section
4 5328 of the Welfare and Institutions Code. For purposes
5 of this study, the research is deemed not to be harmful for
6 the at-risk and vulnerable population of children of
7 women prisoners.

8 (e) For purposes of the study only, the California
9 Research Bureau is authorized to survey records, reports,
10 and documents described in Section 827 and in paragraph
11 (3) of subdivision (h) of Section 18986.4 of the Welfare
12 and Institutions Code, and information relative to the
13 incidence of child abuse, as provided by Section 11167,
14 among children in the study sample.

15 (f) School districts shall permit reasonable access to
16 directory information by the California Research Bureau
17 for purposes of this study. The California Research
18 Bureau is deemed an appropriate organization to
19 conduct studies for legitimate educational interests,
20 including improving instruction, for purposes of
21 paragraph (4) of subdivision (b) of Section 4906 of the
22 Education Code. School variables that the California
23 Research Bureau shall survey shall include, but not be
24 limited to, attendance patterns, truancy rates,
25 achievement level, suspension and expulsion rates, and
26 special education referrals.

27 ~~77443.—~~

28 7443. The California Research Bureau shall follow
29 appropriate procedures to ensure confidentiality of the
30 records and to protect the privacy of the survey
31 participants and their children, and participating
32 agencies. Data compiled from case files shall be coded
33 under an assigned number and not identified by name.
34 Survey questionnaires and coding forms shall be exempt
35 from the public disclosure requirements prescribed by
36 Chapter 3.4 (commencing with Section 6250) of Division
37 7 of Title 1 of the Government Code.

38 ~~77444.—~~



1 7444. The California Research Bureau shall convene
2 an advisory group to assist in designing and administering
3 the study.

4 ~~77445.—~~

5 7445. The California Research Bureau shall *submit a*
6 *report to the Legislature on or before January 1, 2003,*
7 *analyzing the findings of its research, upon completion of*
8 *the study.*

9 ~~SEC. 2. Funds identified in item 6120-011-0001 of the~~
10 ~~2000-01 budget, as made available by the Legislature, are~~

11 *(a) Of the funds identified in provision (2) of Item*
12 *6120-011-0001 of the 2000-01 State Budget, forty thousand*
13 *dollars (\$40,000) shall be made available, in consultation*
14 *with the Assembly Rules Committee, to be used for the*
15 *purposes of this act, including, but not limited to,*
16 *contracts for outside researchers.*

17 *(b) Members of the advisory group convened*
18 *pursuant to Section 7444 of the Penal Code, shall not*
19 *receive compensation for their services but shall be*
20 *reimbursed for travel and per diem expenses incurred*
21 *while assisting in designing and administering the study*
22 *required by this act. These expenses may be paid from the*
23 *forty thousand dollars (\$40,000) made available in*
24 *subdivision (a).*

