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H.325

Introduced by Representatives Masland of Thetford, Buxton of Tunbridge,
Cheney of Norwich, Christie of Hartford, Clarkson of
Woodstock, Cole of Burlington, Ellis of Waterbury, French of
Randolph, McCormack of Burlington, Sharpe of Bristol,
Spengler of Colchester, Stevens of Shoreham, Till of Jericho,
Waite-Simpson of Essex, Webb of Shelburne, Yantachka of
Charlotte, and Zagar of Barnard

Referred to Committee on

Date:

Subject: Public institutions and corrections; rights of children of incarcerated
parents

Statement of purpose of bill as introduced: This bill proposes to establish a bill
of rights for children of parents who are arrested or incarcerated.

An act relating to ~~a bill of~~ *the* rights ~~for~~ *of* children of arrested and
incarcerated parents

It is hereby enacted by the General Assembly of the State of Vermont:

1 ~~Sec. 1. 28 V.S.A. chapter 29 is added to read:~~

2 CHAPTER 29. RIGHTS OF CHILDREN

3 § 1701. CHILDREN OF ARRESTED AND INCARCERATED PARENTS;

4 BILL OF RIGHTS

5 (a) It is the policy of the state of Vermont to afford certain rights to minor
6 children at the time of arrest, trial, and incarceration of a parent. These
7 children have committed no crime, yet they pay a steep penalty. They often
8 forfeit their homes, their safety, their public status and private self-image, and
9 their primary source of comfort and affection. Their lives are profoundly
10 affected by multiple agencies involved in the criminal justice system, including
11 the department of public safety, courts, prosecutors and defenders, the
12 corrections system, the child welfare system, and probation and parole officers.

13 (b) Unless deemed inappropriate by a judge, a minor child of an arrested or
14 incarcerated parent shall have the following rights:

15 (1) to be kept safe and informed at the time of the parent's arrest;

16 (2) to be heard when others are making decisions about the child;

17 (3) to be considered when others are making decisions about the parent;

18 (4) to be well cared for in the parent's absence;

19 (5) to speak with, see, and touch the parent;

20 (6) to be supported during the parent's incarceration;

1 ~~(7) to be free of judgment, blame, or labeling due to the parent's~~
2 ~~incarceration; and~~

3 ~~(8) to have a lifelong relationship with the parent.~~

4 Sec. 2. EFFECTIVE DATE

5 ~~This act shall take effect on July 1, 2013.~~

Sec. 1. LEGISLATIVE FINDINGS

(a) Children of incarcerated parents have committed no crime, yet they pay a steep penalty. They often forfeit their homes, their safety, their public status and private self-image, and their primary source of comfort and affection.

(b) The General Assembly and the State have a strong interest in assuring that children of incarcerated parents are provided with the services and support necessary to thrive despite the hardship they face due to their parent's status.

Sec. 2. REPORT

(a) The Secretary of Human Services shall study and develop recommendations, within the Integrated Family Services Initiative (IFS), on the following issues:

(1) the capacity needed to serve children and their families or caregivers within the Integrated Family Services Initiative;

(2) existing services available to children with incarcerated parents and the need for additional services to:

~~(A) build and maintain healthy relationships between children and incarcerated parents, including parent-child visits, parenting classes, and supervised visits;~~

~~(B) develop child- and family-centered tools or strategies that can be used throughout the criminal justice system to mitigate unintended consequences on children; and~~

~~(C) support children and their families or caregivers by including the use of Family Impact Statements in the Court process;~~

~~(3) appropriate physical settings for children to visit incarcerated parents and services while the parent is incarcerated;~~

~~(4) a mechanism to ensure that coordinated services are provided to children of incarcerated parents by the Department for Children and Families and the Department of Corrections;~~

~~(5) agency data systems to track and coordinate services for children of incarcerated parents; and~~

~~(6) the cost of services necessary to implement a comprehensive system of care addressing the unique needs of children of incarcerated parents.~~

~~(b) In developing recommendations as required by this act, the Secretary shall consult stakeholders, including:~~

~~(1) the Department of Corrections;~~

~~(2) the Department for Children and Families;~~

~~(3) the Department of Mental Health;~~

~~(4) the Prisoners' Rights Office;~~

~~(5) the LUND Family Center; and~~

~~(6) the Parent Child Center Network.~~

~~(c) The Secretary shall consider the Inmate Family Survey Project and its recommendations for best practices.~~

~~(d) On or before January 15, 2015, the Secretary shall submit a report and recommendations to the Senate Committee on Health and Welfare, Senate Committee on Institutions, House Committee on Human Services, and House Committee on Corrections and Institutions.~~

Sec. 3. EFFECTIVE DATE

~~This act shall take effect on passage.~~

Sec. 1. LEGISLATIVE FINDINGS

~~(a) Children of incarcerated parents have committed no crime, yet they pay a steep penalty. They often forfeit their homes, their safety, their public status and private self-image, and their primary source of comfort and affection.~~

~~(b) The General Assembly and the State have a strong interest in assuring that children of incarcerated parents are provided with the services and support necessary to thrive despite the hardship they face due to their parent's status.~~

Sec. 2. REPORT

(a) The Secretary of Human Services, Commissioner of Corrections, and the Commissioner for Children and Families shall study and develop recommendations, within the Integrated Family Services Initiative (IFS), on the following issues:

(1) the capacity needed to identify and connect children and families of incarcerated individuals to appropriate services within the Integrated Family Services Initiative;

(2) existing services available to children with incarcerated parents and the need for any additional services to:

(A) build and maintain healthy relationships between children and incarcerated parents, including parent-child visits, parenting classes, and supervised visits;

(B) develop child- and family-centered tools or strategies that can be used throughout the criminal justice system to mitigate unintended consequences on children; and

(C) support children and their families or caregivers by including the use of Family Impact Statements in the Court process;

(3) appropriate physical settings for children to visit incarcerated parents and services while the parent is incarcerated;

(4) a mechanism to ensure that coordinated services are provided to children of incarcerated parents by the Department for Children and Families and the Department of Corrections;

(5) agency data systems to track and coordinate services for children of incarcerated parents; and

(6) the cost of services necessary to implement a comprehensive system of care addressing the unique needs of children of incarcerated parents.

(b) Recommendations shall be developed in consultation with the following stakeholders:

(1) the Department of Corrections;

(2) the Department for Children and Families;

(3) the Department of Mental Health;

(4) the Prisoners' Rights Office;

(5) LUND;

(6) the Parent Child Center Network; and

(7) kinship organizations.

(c) The Secretary and Commissioners shall consider the Inmate Family Survey Project and its recommendations for best practices.

(d) On or before January 15, 2015, the Secretary shall submit a report and recommendations to the Senate Committee on Health and Welfare, Senate

Committee on Institutions, House Committee on Human Services, and House
Committee on Corrections and Institutions.

Sec. 3. 28 V.S.A. § 204(d) is amended to read:

(d) Any presentence report, pre-parole report, or supervision history prepared by any employee of the Department in the discharge of the employee's official duty, except as provided in subdivision 204a(b)(5) and section 205 of this title, is privileged and shall not be disclosed to anyone outside the Department other than the judge or the Parole Board, except that the Court or Board may in its discretion permit the inspection of the report or parts thereof by the state's attorney, the defendant or inmate, or his or her attorney, or other persons having a proper interest therein, whenever the best interest or welfare of the defendant or inmate makes that action desirable or helpful. Nothing in this section shall prohibit the Department for Children and Families from accessing the supervision history of probationers or parolees for the purpose of child protection.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.