

By Senator Joyner

18-00287-10

2010404

1 A bill to be entitled
2 An act relating to children of incarcerated parents;
3 providing legislative findings and purpose; providing
4 guiding principles to be used by state agency
5 personnel when dealing with children of incarcerated
6 parents; providing for applicability; providing an
7 effective date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Children of incarcerated parents; guiding
12 principles for state agencies.-

13 (1) LEGISLATIVE FINDINGS.-The Legislature finds that one
14 in every 100 adults in this country is in jail or prison and
15 that approximately 1.5 million children have a parent in a state
16 or federal prison. The Department of Corrections estimates that
17 there are more than 73,000 children in this state who have a
18 parent in prison. The Legislature further finds that children of
19 incarcerated parents often face significant obstacles, including
20 unstable living arrangements and multiple school placements,
21 financial hardship, and the social stigma associated with their
22 parents' incarceration. As a result, children of incarcerated
23 parents are at risk for poor academic achievement, substance
24 abuse, delinquency, and criminal activity that can lead to their
25 own incarceration.

26 (2) PURPOSE.-The purpose of this section is to help ensure
27 that state agency personnel are sensitive to the issues and
28 risks of children of incarcerated parents and to help maintain
29 their well-being and support their needs.

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30 (3) GUIDING PRINCIPLES FOR STATE AGENCY PERSONNEL.—State
31 agency personnel shall use the following guiding principles when
32 dealing with the children of incarcerated parents.

33 (a) Children should be treated with respect and dignity at
34 all times.

35 (b) The children's safety and care should be of paramount
36 importance to all involved.

37 (c) If the children so choose, communication avenues should
38 be made available such that the children should have
39 opportunities to see, speak to, or visit parents, if
40 appropriate.

41 (d) State support for the children should be provided as
42 resources permit and as authorized by law.

43 (e) The children should be kept safe and informed at the
44 time of the parent's arrest.

45 (f) The children's wishes should be taken into
46 consideration regarding any decisions made concerning their
47 welfare.

48 (g) The children's wishes should be taken into
49 consideration when decisions are made about their incarcerated
50 parent.

51 (h) Children should be well cared for when a parent is
52 absent due to incarceration.

53 (i) Children should receive proper support during struggles
54 with the parent's incarceration.

55 (j) Children should not be judged, blamed, or labeled
56 because of a parent's incarceration.

57 (k) Children should receive support for the desire to
58 retain a relationship with an incarcerated parent, if

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59 appropriate.

60 (4) APPLICABILITY.—This section does not obligate a state
61 agency to provide children of incarcerated parents with support
62 or services, or to give children of incarcerated parents
63 priority in the delivery of support or services not authorized
64 by law.

65 Section 2. This act shall take effect July 1, 2010.