

HB 133

2011

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 personnel
5 when dealing with children of incarcerated parents;
6 providing for applicability; providing an effective date.

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

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10 Section 1. Children of incarcerated parents; guiding
11 principles for state agencies.—

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

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

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

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

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

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

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

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

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

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

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

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

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

56 (k) Children should receive support for the desire to

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57 retain a relationship with an incarcerated parent, if
58 appropriate.

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

64 Section 2. This act shall take effect July 1, 2011.