

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Children, Families, and Elder Affairs Committee

BILL: SB 388

INTRODUCER: Senator Joyner

SUBJECT: Children of Incarcerated Parents

DATE: February 15, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Walsh	CF	Pre-meeting
2.			CJ	
3.			RC	
4.				
5.				
6.				

I. Summary:

The bill provides legislative findings relating to children of incarcerated parents. The bill also provides guiding principles for use by state agencies when dealing with these children, but does not obligate a state agency to either provide support or services or give priority to these children when delivering support and services.

This bill creates an unnumbered section of the Florida Statutes.

II. Present Situation:

Background

On any given day in the United States, it is estimated that more than 1.5 million children have a parent incarcerated in a state or federal prison. More than 10 million children are living with a parent who has come under some form of supervision by the criminal justice system at some point in the child's life. Most of these children are young, low-income, black, or Hispanic.¹

The physical and emotional well being of children can be threatened or harmed in a multitude of ways, including the absence of a parent from their lives. While parental absences can occur through marital separation or even death, the removal of a parent through incarceration creates unique and multiple stressors in a child's life. While most children have a means of personal

¹ Bouchet, S.M. *Children and Families with Incarcerated Parents*, Annie E. Casey Foundation, January 2008. Available at: <http://www.fcnetwork.org/AECFChildren%20and%20Families%20with%20Incarcerated%20Parents%20Report.pdf>. (Last visited February 11, 2011).

contact with a parent who is absent because of marital separation, the barriers to communication between a child and his or her incarcerated parent are much greater and are complicated by the fact that caregivers may be reluctant to facilitate such contact.²

Children of incarcerated parents are also subject to significant uncertainty and instability, as many incarcerated parents repeatedly rotate in and out of prison. In addition to the trauma of this loss, these children face uncertainty in their living arrangements, relationships with other family members and friends, and family financial stability,³ which may lead to long-term emotional and behavioral challenges. Children with incarcerated parents often do not receive the help they need, because the stigma and shame associated with parental incarceration make these children difficult to identify by schools and social service agencies.⁴

Florida

Florida's Department of Corrections (DOC or department) reports that as of December 31, 2010, there are 74,180 children in Florida who have a parent in prison.⁵ Florida law recognizes that maintaining an inmate's family and community relationships through enhancing visitor services and programs and increasing the frequency and quality of the visits is an underutilized correctional resource that can improve an inmate's behavior in the correctional facility and, upon an inmate's release from a correctional facility, will help to reduce recidivism.⁶ The law also requires the department to provide, at designated visiting areas for approved visitors in state correctional facilities, minimal equipment and supplies that will assist staff and visitors in managing and occupying the time and meeting the needs of children and youth visitors.⁷

In addition, the department's Bureau of Inmate Transition is responsible for managing a three year Memorandum of Agreement with the Service Network for Children of Inmates,⁸ to provide services for children with incarcerated parents. The objective of the program is to promote family bonding, preparation for family reunification and personal growth for children of inmates. Currently letter writing, video visitations, and in-person visits between child and parent are being provided at Martin, Homestead, Lowell, Marion, Dade, Okeechobee, Everglades and Broward correctional institutions. The Service Network is also working to establish programs at Hendry and Glades correctional institutions.

Due to funding constraints, the department also relies heavily on volunteers to carry out initiatives involving maintaining family relationships at most correctional institutions. In Fiscal Year 2009-2010, the department recorded over 270,000 hours of volunteer services to incarcerated parents.

² La Vigne, N.G., Davies, E. and Brazzell D. *Broken Bonds: Understanding and Addressing the Needs of Children with Incarcerated Parents*, Justice Policy Center. Urban Institute. February 2008. Available at: http://www.urban.org/UploadedPDF/411616_incarcerated_parents.pdf. (Last visited February 11, 2011).

³ *Id.*

⁴ *Id.*

⁵ Written communication from the Office of Legislative Affairs, Department of Corrections. February 14, 2011.

⁶ *See* s. 944.8031, F.S.

⁷ *Id.*

⁸ The Service Network is funded by the Children's Trust of Miami-Dade.

These initiatives include:

- Long Distance Dads – A fatherhood curriculum developed by the National Fatherhood Initiative.
- Marriage Enrichment Seminars – Prison Fellowship and other groups offer these seminars that are usually held in prison without the spouse.
- Writing Family Ties – Inmates at Tomoka Correctional Institute are encouraged to write to reestablish contact with family members.
- Visions of Manhood – This is a weekly class taught at Wakulla Correctional Institute that addresses issues related to parenting.
- Father Hunger – A weekly class and support group that explores problems resulting from absent fathers.
- Responsible Fatherhood - The curriculum includes a workbook that examines such topics as communication, discipline, and reunification, to enable the offender to become a responsible father.

III. Effect of Proposed Changes:

The bill requires state agencies to use a set of guiding principles when dealing with children of incarcerated parents, but also provides that provisions of the bill do not obligate any state agency to provide services or support to children with incarcerated parents or to give these children priority in the delivery of services or support.

- The children should be treated with respect and dignity at all times.
- The children's safety and care should be of paramount importance to all involved.
- If children so choose, they should be allowed to see, speak to, or visit parents, if appropriate.
- Support for the children should be provided as resources permit and as authorized by law.
- The children should be kept safe and informed at the time of the parent's arrest.
- The children's wishes should be considered regarding decisions made about their welfare.
- The children's wishes should be considered regarding decisions made about the incarcerated parent.
- Children should be well cared for when a parent is absent due to incarceration.
- Children should receive proper support while struggling with the parent's incarceration.
- Children should not be judged, blamed, or labeled because of a parent's incarceration.
- Children should be supported in maintaining a relationship with an incarcerated parent.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The department reports that the bill could result in frivolous legal challenges by inmates and result in a workload increase and a fiscal impact on the department and the courts.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Some of the guiding principles would appear to be more appropriate for the caregivers of these children rather than state agencies, such as:

- Children should be well cared for when a parent is absent due to incarceration;
- Children should receive proper support while struggling with the parent's incarceration; and
- Children should not be judged, blamed or labeled because of a parent's incarceration.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.