

By Senator Joyner

18-00570-11

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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 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 who is in  
16 a state or federal prison. The Department of Corrections  
17 estimates that, in this state, there are more than 73,000  
18 children who have a parent in prison. The Legislature further  
19 finds that children of incarcerated parents often face  
20 significant obstacles, including unstable living arrangements  
21 and multiple school placements, financial hardship, and the  
22 social stigma associated with their parents' incarceration. As a  
23 result, such children are at risk for poor academic achievement,  
24 substance abuse, delinquency, and criminal activity that can  
25 lead to their own future 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 AGENCIES.—State agencies  
31 shall use the following guiding principles when dealing with the  
32 children of incarcerated parents.

33       (a) The children should be treated with respect and dignity  
34 at 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, avenues for communication  
38 should be made available to allow the children to see, speak to,  
39 or visit parents, if 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 while struggling  
53 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  
57 maintain a relationship with an incarcerated parent, if  
58 appropriate.

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59       (4) APPLICABILITY.—This section does not obligate a state  
60 agency to provide the children of incarcerated parents with  
61 support 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.