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Senate of Pennsylvania

February 14, 2012

TO: ALL SENATORS

FROM: Stewart J. Greenleaf *Stewart*

SUBJECT: Cosponsorship – **Children of incarcerated parents**

At the direction of Senate Resolution 52 (Sen. Greenleaf) and House Resolution 203 (Rep. Parker) of 2009, the Joint State Government Commission established an advisory committee to study the effects of parental incarceration on children of the incarcerated parents; to recommend a system for determining and assessing the needs of children of incarcerated parents, services available to them, and barriers to accessing those services; and to make recommendations to the Senate and the House of Representatives. In December 2011 the Joint State Government Commission published the advisory committee's report "The Effects of Parental Incarceration on Children: Needs and Responsive Services." While the advisory committee made many recommendations in its report, three of them involve legislative changes. I am introducing a bill which incorporates the advisory committee's legislative recommendations.

The Domestic Relations Code section (23 Pa.C.S. §2511) that lists the grounds for involuntary termination of parental rights includes a provision stating that "The court in terminating the rights of a parent shall give primary consideration to the developmental, physical and emotional needs and welfare of the child. The rights of a parent shall not be terminated solely on the basis of environmental factors such as inadequate housing, furnishings, income, clothing and medical care if found to be beyond the control of the parent." The advisory committee recommended and my bill includes a sentence that says "The rights of a parent shall not be terminated solely on the basis of parental incarceration."

In the section of the Judicial Code (42 Pa.C.S. §6351) that discusses the disposition of a dependent child, specifically the matters which a judge must determine at a permanency hearing, the advisory committee recommended and my bill includes language giving the court the authority when determining whether the rights of an incarcerated parent should be terminated to consider if the parent is making an effort, to the extent feasible, to comply with the family service plan requirements and otherwise maintaining a meaningful role in the child's life during the time of incarceration.

Finally, the advisory committee recommended and my bill includes a new chapter (44 Pa.C.S. Ch. 25) that provides for training law enforcement officers to ensure child safety upon the arrest of a parent or guardian; establishing guidelines for the identification of minor or dependent children upon arrest; and giving the Pennsylvania State Police and Municipal Police Officers Education and Training Commission the responsibility to develop and maintain arrest protocol training programs.

The guidelines and training programs shall include procedures to ensure that officers inquire whether an arrestee has any minor or dependent children who may be present or at another location at the time of arrest; procedures for the proper arrangement of temporary care for children to ensure their safety and well-being; and education on how the effects of witnessing a violent crime or other event causes emotional harm to children and how officers can assist in mitigating long-term effects to the trauma.

If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at psnively@pasen.gov.