

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2254 Session of
2008

INTRODUCED BY PARKER, CREIGHTON, DePASQUALE, BISHOP, BLACKWELL, BRENNAN, COHEN, CURRY, DONATUCCI, D. EVANS, FRANKEL, GEORGE, HARPER, HELM, HENNESSEY, JAMES, JOSEPHS, W. KELLER, KORTZ, KULA, LEACH, MANDERINO, McGEEHAN, MICOZZIE, MILNE, MUNDY, MURT, MYERS, M. O'BRIEN, OLIVER, PAYTON, SABATINA, SCAVELLO, SIPTROTH, STURLA, THOMAS, WAGNER, WATERS, WATSON, WHEATLEY, WILLIAMS, YOUNGBLOOD, FREEMAN AND QUINN, FEBRUARY 26, 2008

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 26, 2008

AN ACT

1 Establishing a task force to create a plan to address the needs
2 of children of incarcerated parents and their caregivers.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the No Child Left
7 Alone Act.

8 Section 2. Findings.

9 The General Assembly finds and declares as follows:

10 (1) In the United States more than 2,500,000 children
11 have at least one parent who is currently incarcerated.

12 (2) Approximately 60% of incarcerated women in this
13 Commonwealth are mothers of children under 18 years of age.

14 (3) Approximately 55% of incarcerated men are fathers of
15 children under 18 years of age.

1 (4) These children whose needs are not met are more
2 likely to be involved in the criminal justice system.

3 (5) The primary impacts of parental arrest and
4 incarceration on children are in the areas of economic
5 security and family stability.

6 (6) The majority of families caring for these children
7 are living below the Federal poverty level.

8 (7) Female prisoners who have contact with their
9 children and who complete family reunification programs,
10 which reintroduce them in a community-based setting, have
11 lower recidivism rates than female prisoners without access
12 to such programs.

13 (8) Parents are often held at facilities far from the
14 homes in which their children reside.

15 (9) The most commonly stated reasons for low mother-
16 child visitation rates are cost of transportation and
17 distance to prisoners.

18 (10) Incarceration has been shown to have adverse
19 effects on a child's sense of security, trust and self-
20 esteem.

21 (11) Children who have incarcerated fathers have been
22 known to act out by exhibiting hostile behavior, using drugs
23 and alcohol and being truant and delinquent.

24 (12) Children who have incarcerated mothers tend to
25 exhibit withdrawal characteristics, such as unwillingness to
26 engage in play, fear of school, frequent crying and
27 nightmares.

28 (13) Research suggests that the relationship between
29 mothers and their children during incarceration affects how
30 mothers function within the prison system.

1 (14) A majority of incarcerated mothers state that they
2 have never had personal visits with their children while
3 incarcerated.

4 (15) Rule-breaking behavior among incarcerated women,
5 such as manipulation, negativism and fighting, is often a
6 response to the grief, loss, shame and guilt that these women
7 feel regarding their roles as parents.

8 (16) One in five children of incarcerated mothers
9 witnessed their mothers' arrests, causing profound trauma to
10 the children.

11 (17) Many incarcerated parents are unaware of their
12 rights pertaining to their minor children.

13 (18) Parenting skills programs targeting inmate parents
14 of aggressive children have been shown to prevent three times
15 the number of crimes per dollar spent on the programs.

16 Section 3. Definitions.

17 The following words and phrases when used in this act shall
18 have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

20 "Child of incarcerated parent." A child under 18 years of
21 age whose biological, adoptive or stepparent or whose primary
22 custodian is incarcerated in a correctional institution after
23 being taken into custody after arrest, pending trial or after
24 conviction.

25 "Correctional institution." A State correctional institution
26 or a county correctional institution.

27 "County correctional institution." A correctional facility,
28 prison or jail owned or operated by a county.

29 "Incarcerated parent." An individual who is incarcerated in
30 a correctional institution who is the biological parent,

1 adoptive parent or stepparent to a child under 18 years of age
2 or who is the primary custodian of a child under 18 years of
3 age.

4 "State correctional institution." A correctional facility,
5 prison or jail owned or operated by the Commonwealth.

6 "Task force." The Task Force on Children of Incarcerated
7 Parents established in section 4.

8 Section 4. Establishment of Task Force on Children of
9 Incarcerated Parents.

10 (a) Establishment.--The Task Force on Children of
11 Incarcerated Parents is established.

12 (b) Composition.--The task force shall consist of members
13 appointed as follows:

14 (1) Two members of the Senate, one each to be chosen by
15 the President pro tempore of the Senate and the Minority
16 Leader of the Senate.

17 (2) Two members of the House of Representatives, one
18 each to be chosen by the Majority Leader of the House of
19 Representatives and the Minority Leader of the House of
20 Representatives.

21 (3) Two members chosen by the Secretary of Public
22 Welfare.

23 (4) Two members chosen by the Secretary of Corrections.

24 (5) One member who is a mental health professional
25 chosen by the Secretary of Health.

26 (6) Two members chosen by the Commissioner of the
27 Pennsylvania State Police.

28 (7) Ten members chosen by the Governor as follows:

29 (i) A member of the judiciary.

30 (ii) A member of the Pennsylvania Sheriffs'

1 Association.

2 (iii) A teacher.

3 (iv) A member of the Fraternal Order of Police.

4 (v) A member of the Pennsylvania Prison Society.

5 (vi) A representative of the Department of
6 Education.

7 (vii) A representative of the Pennsylvania Prison
8 Wardens Association.

9 (viii) A representative of the County Commissioners
10 Association of Pennsylvania.

11 (ix) A representative of a child advocacy
12 organization.

13 (x) An adult child of an incarcerated parent.

14 (c) Appointment.--Members shall be appointed within 30 days
15 of the effective date of this act and the members' names shall
16 be furnished to the Secretary of Public Welfare and the
17 Secretary of Corrections.

18 (d) Quorum.--A majority of the members of the task force
19 shall constitute a quorum for the transaction of business.
20 Official action by the task force shall require the approval of
21 a majority of the members of the task force.

22 (e) Chairperson.--The task force shall elect one of its
23 members to serve as chairperson.

24 (f) Vacancy.--If there is a vacancy for any cause, the
25 appointing authority shall appoint a successor member within 30
26 days of the vacancy.

27 (g) Expenses.--Members of the task force shall not be
28 entitled to compensation or reimbursement.

29 (h) Meetings.--The task force shall convene no later than 60
30 days after the effective date of this act. The task force is

1 authorized to hold hearings, take testimony and make its
2 investigations at such places as it deems necessary in this
3 Commonwealth. The task force shall meet at times and places
4 specified by the call of the chairperson or a majority of the
5 members of the task force.

6 Section 5. Duties of task force.

7 The task force shall investigate the effects of parental
8 incarceration on the children of incarcerated parents and the
9 incarcerated parents. In connection with its investigation, the
10 task force has the following powers and duties:

11 (1) To adopt rules necessary for the operation of the
12 task force.

13 (2) To meet with affected individuals, including, but
14 not limited to, children of incarcerated parents,
15 incarcerated parents, those caring for children of
16 incarcerated parents while the parents remain incarcerated,
17 parole and probation officers, police officers, corrections
18 officers, social workers, teachers, behavioral specialists,
19 judges, district attorneys, public defenders and advocates
20 for children and families.

21 (3) To develop a system for identifying and assessing
22 the needs of children of incarcerated parents, the services
23 available to them and the barriers to accessing those
24 services.

25 (4) To develop a coordinated system of evaluation and
26 intake for children of incarcerated parents.

27 (5) To develop an integrated plan of service delivery,
28 budgeting, performance measures and accountability.

29 (6) To submit a report of its activities, findings and
30 legislative recommendations to the General Assembly within

1 one year of the effective date of this act.

2 Section 6. Expiration.

3 This act shall expire 18 months from the effective date of
4 this act.

5 Section 20. Effective date.

6 This act shall take effect immediately.