

1 INTERIM STUDY PROPOSAL 2011-178

2
3 REQUESTING THE INTERIM SENATE COMMITTEE ON STATE AGENCIES AND
4 GOVERNMENTAL AFFAIRS TO COMPREHENSIVELY STUDY THE CURRENT STATUS
5 OF CHILDREN OF INCARCERATED PARENTS AND THE CAREGIVERS FOR THE
6 CHILDREN LEFT BEHIND BY EXAMINING THE LAWS, POLICIES, PROCEDURES,
7 RULES, PROGRAMS, TRAINING, BENEFITS, AND FUNDING AVAILABLE FOR
8 IMPROVING THE OUTCOMES FOR THESE CHILDREN AND THEIR CAREGIVERS
9 AND MAKE RECOMMENDATIONS FOR IMPROVING THE OUTCOMES FOR THIS
10 POPULATION.

11
12 WHEREAS, according to a 2008 report of the Bureau of Justice
13 Statistics, there are approximately two and a half million (2,500,000) adults
14 in prisons and jails in the United States; and

15
16 WHEREAS, according to the 2008 report of the Bureau of Justice
17 Statistics, there are an estimated three million (3,000,000) children in the
18 United States who have a parent in federal or state prison or jail; and

19
20 WHEREAS, according to the 2003 Bureau of Justice Statistics, there are
21 an estimated seven million (7,000,000) children in the United States who have
22 experienced a parent under some form of correctional supervision, including
23 jail, prison, probation, or parole; and

24
25 WHEREAS, according to the Arkansas Department of Correction, as of June
26 13, 2011, there are a total of sixteen thousand twelve (16,012) inmates in
27 Arkansas prisons, with the number of males incarcerated totaling fourteen
28 thousand four hundred eleven (14,411) and the number of females incarcerated
29 totaling one thousand six hundred one (1,601); and

30
31 WHEREAS, according to the Arkansas Department of Correction, as of June
32 13, 2011, there are a total of eighteen thousand four hundred sixty-one
33 (18,461) minor children who have a father currently in state prison in
34 Arkansas; and

1 WHEREAS, according to the Arkansas Department of Correction, as of June
2 13, 2011, there are a total of two thousand nine hundred seventy eight
3 (2,978) minor children who have a mother currently in state prison in
4 Arkansas; and
5

6 WHEREAS, when a parent is incarcerated, he or she is unable to provide
7 economic, social, educational, and family support for his or her children,
8 leaving the children disadvantaged in all of these ways and more susceptible
9 to negative environmental conditions and pressures; and
10

11 WHEREAS, the children of incarcerated parents are often left in the
12 care of relatives, friends, or other caregivers while their parent is
13 incarcerated; and
14

15 WHEREAS, perhaps the fundamental disadvantage children of incarcerated
16 parents have is poverty and the likely deepening of poverty after the
17 parent's incarceration; and
18

19 WHEREAS, incarcerated parents are disproportionately low-income people
20 of color, which explains why one (1) out of every five (5) African-American
21 children who come to the attention of child welfare agencies have a recently
22 arrested parent compared to only one (1) out of ten (10) Caucasian children
23 and only one (1) out of twenty (20) Hispanic children; and
24

25 WHEREAS, while the public may stigmatize the child of a prisoner as
26 being a "problem child", research and statistics do not support such a label;
27 and
28

29 WHEREAS, in 2003, the National Survey of Child and Adolescent Well-
30 Being (NSCAW) found that behavioral problems are no more common among
31 children with arrested or incarcerated parents than they are among other
32 children (known to child welfare agencies); and
33

34 WHEREAS, children of incarcerated parents show a greater statistical
35 likelihood of suffering from problems such as anxiousness, depression,
36 withdrawal, attention problems, with the origin of these problems likely

1 related to grief associated with the absence of the incarcerated parent who
2 cared for them or worrying over who will take care of them; and
3

4 WHEREAS, there have been efforts on the state level to address the
5 issues of incarcerated parents with the passage of the One Percent to Prevent
6 Fund in the 2003 Regular Session of the General Assembly,
7

8 NOW THEREFORE,

9 BE IT PROPOSED BY THE INTERIM SENATE COMMITTEE ON STATE AGENCIES AND
10 GOVERNMENTAL AFFAIRS OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF
11 ARKANSAS:
12

13 THAT the Interim Senate Committee on State Agencies and Governmental
14 Affairs, or a subcommittee of the committee appointed by the chair,
15 comprehensively study the current status of children of incarcerated parents
16 and the caregivers of these children by examining the laws, policies,
17 procedures, rules, programs, training, and funding available for improving
18 the outcomes for these children and the caregivers of these children, and
19 make recommendations for improving the outcomes for this population.
20

21 BE IT FURTHER PROPOSED that the appropriate divisions of the Department
22 of Health provide a response in writing to this proposal to the committee
23 chair within one hundred twenty (120) days of adoption of this proposal and
24 be available for testimony to explain the written submission at later
25 committee meetings concerning:

26 1. Data regarding the number of children with at least one (1)
27 incarcerated parent or the caregivers of these children who have contact with
28 the Department of Health because they are receiving services or benefits from
29 any division of the department, with the data separated for each division to
30 include:

31 A. A description of the service or benefit;

32 B. The number of children with at least one (1) incarcerated
33 parent or the caregivers of these children who are receiving the service or
34 benefit and the total population served receiving the benefit, for comparison
35 purposes;

36 C. Demographic data, including without limitation race, gender,

1 and age for children with at least one (1) incarcerated parent or the
2 caregivers of these children;

3 D. An estimated cost of the services or benefits provided to
4 children with at least one (1) incarcerated parent or the caregivers of these
5 children; and

6 E. Any other data relevant to this request;

7 2. Services or benefits within the Department of Health that are
8 available to children with at least one (1) incarcerated parent or the
9 caregivers of these children that currently are not being provided to this
10 population;

11 3. Policies and procedures regarding outreach to children with at
12 least one (1) incarcerated parent or the caregivers of these children; and

13 4. Any recommendations for improving the outcomes of children with at
14 least one (1) incarcerated parent or the caregivers of these children.

15

16 BE IT FURTHER PROPOSED that the appropriate divisions of the Department
17 of Human Services, including without limitation the Division of Youth
18 Services, the Division of Children and Family Services, and the Division of
19 Medical Services, provide a response in writing to this proposal to the
20 committee chair within one hundred twenty (120) days of adoption of this
21 proposal and be available for testimony to explain the written submission at
22 later committee meetings concerning:

23 1. Data regarding the number of children with at least one (1)
24 incarcerated parent or the caregivers of these children who have contact with
25 the Department of Human Services who are receiving services or benefits from
26 any division of the department, with the data separated for each division to
27 include:

28 A. A description of the service or benefit;

29 B. The number of children with at least one (1) incarcerated
30 parent or the caregivers of these children who are receiving the service or
31 benefit and the total population served receiving the benefit, for comparison
32 purposes;

33 C. Demographic data, including without limitation race, gender,
34 and age for children with at least one (1) incarcerated parent or the
35 caregivers of these children;

36 D. An estimated cost of the services or benefits provided to

1 children with at least one (1) incarcerated parent or the caregivers of these
2 children; and

3 E. Any other data relevant to this request;

4 2. Services or benefits within the Department of Human Services that
5 are available to children with at least one (1) incarcerated parent or the
6 caregivers of these children that currently are not being provided to this
7 population;

8 3. Policies and procedures regarding outreach to children with at
9 least one (1) incarcerated parent or the caregivers of these children; and

10 4. Any recommendations for improving the outcomes of children with at
11 least one (1) incarcerated parent or the caregivers of these children.

12

13 BE IT FURTHER PROPOSED that the appropriate divisions of the Department
14 of Workforce Services provide a response in writing to this proposal to the
15 committee chair within one hundred twenty (120) days of adoption of this
16 proposal and be available for testimony to explain the written submission at
17 later committee meetings concerning:

18 1. Data regarding the number of children with at least one (1)
19 incarcerated parent or the caregivers of these children who have contact with
20 the Department of Workforce Services because they are receiving services or
21 benefits from any division of the department, with the data separated for
22 each division to include:

23 A. A description of the service or benefit;

24 B. The number of children with at least one (1) incarcerated
25 parent or the caregivers of these children who are receiving the service or
26 benefit and the total population served receiving the benefit, for comparison
27 purposes;

28 C. Demographic data, including without limitation race, gender,
29 and age for children with at least one (1) incarcerated parent or the
30 caregivers of these children;

31 D. An estimated cost of the services or benefits provided to
32 children with at least one (1) incarcerated parent or the caregivers of these
33 children; and

34 E. Any other data relevant to this request;

35 2. Services or benefits within the Department of Workforce Services
36 that are available to children with at least one (1) incarcerated parent or

1 the caregivers of these children that currently are not being provided to
2 this population;

3 3. Policies and procedures regarding outreach to children with at
4 least one (1) incarcerated parent or the caregivers of these children; and

5 4. Any recommendations for improving the outcomes of children with at
6 least one (1) incarcerated parent or the caregivers of these children.

7

8 BE IT FURTHER PROPOSED that the appropriate divisions of the Department
9 of Education provide a response in writing to this proposal to the committee
10 chair within one hundred twenty (120) days of adoption of this proposal and
11 be available for testimony to explain the written submission at later
12 committee meetings on:

13 1. Data regarding the number of children with at least one (1)
14 incarcerated parent or the caregivers of these children who have contact with
15 the Department of Education because they are receiving services or benefits
16 from any division of the department or a school district, with the data
17 separated for each division or school district to include:

18 A. A description of the service or benefit;

19 B. The number of children with at least one (1) incarcerated
20 parent or the caregivers of these children who are receiving the service or
21 benefit and the total population served receiving the benefit, for comparison
22 purposes;

23 C. Demographic data, including without limitation race, gender,
24 and age for children with at least one (1) incarcerated parent or the
25 caregivers of these children;

26 D. An estimated cost of the services or benefits provided to
27 children with at least one (1) incarcerated parent or the caregivers of these
28 children; and

29 E. Any other data relevant to this request;

30 2. Data regarding the number of students who are considered "a child
31 with a disability" under § 6-41-203(a) and who have at least one (1)
32 incarcerated parent, to include without limitation demographic data such as
33 race, gender, age, and school district;

34 3. Services or benefits within the Department of Education or school
35 districts that are available to children with at least one (1) incarcerated
36 parent or the caregivers of these children that currently are not being

1 provided to this population;

2 4. Policies and procedures regarding outreach to children with at
3 least one (1) incarcerated parent or the caregivers of these children; and

4 5. Any recommendations for improving the outcomes of children with at
5 least one (1) incarcerated parent or the caregivers of these children.

6

7 BE IT FURTHER PROPOSED that the Juvenile Ombudsman Division of the
8 Arkansas Public Defender Commission provide a response in writing to this
9 proposal to the committee chair within one hundred twenty (120) days of
10 adoption of this proposal and be available for testimony to explain the
11 written submission at later committee meetings on:

12 1. Data it collects regarding the number of children committed to the
13 Division of Youth Services of the Department of Human Services who have an
14 incarcerated parent, including without limitation race, gender, and age, and
15 any other data relevant to this request that is independently collected for
16 its purposes;

17 2. Services that are available to children committed to the Division
18 of Youth Services of the Department of Human Services who have at least one
19 (1) incarcerated parent; and

20 3. Any recommendations for improving the outcomes of children
21 committed to the Division of Youth Services of the Department of Human
22 Services who have at least one (1) incarcerated parent.

23

24 BE IT FURTHER PROPOSED that the appropriate divisions of the Department
25 of Correction and the Department of Community Correction provide a response
26 in writing to this proposal to the committee chair within one hundred twenty
27 (120) days of adoption of this proposal and be available for testimony to
28 explain the written submission at later committee meetings on:

29 1. Data regarding the number of incarcerated persons who are receiving
30 any type of services or benefits related to parenting or the development and
31 maintenance of relationships with family members from prison, with the data
32 separated for each division to include:

33 A. A description of the service, benefit, or program;

34 B. The number of incarcerated parents who are receiving the
35 service, benefit, or program;

36 C. The number of children with at least one (1) incarcerated

1 parent or the caregivers of these children affected by each specific type of
2 service or program;

3 D. Demographic data, including race, gender, and age for
4 children with at least one (1) incarcerated parent or the caregivers of these
5 children affected by the program;

6 E. An estimated cost of the services, benefits, and programs;
7 and

8 F. Any other data relevant to this request;

9 2. Services within the Department of Correction and the Department of
10 Community Correction that are available to children with at least one (1)
11 incarcerated parent or the caregivers of these children;

12 3. Policies and procedures regarding outreach to children with at
13 least one (1) incarcerated parent or the caregivers of these children; and

14 4. Any recommendations for improving the outcomes of children with at
15 least one (1) incarcerated parent or the caregivers of these children.

16

17 BE IT FURTHER PROPOSED that if any agency that is specifically
18 requested to provide written data for this interim study is unable to provide
19 the data in whole or in part within the time frame provided or because the
20 data is unavailable, the agency shall provide a written explanation of the
21 circumstances in its response to this interim study.

22

23 BE IT FURTHER PROPOSED that other stakeholders are invited to provide a
24 response to this interim study proposal, a response to any agency's response,
25 or a response to both, including without limitation the Administrative Office
26 of the Courts, any member of the court system, Arkansas Children's Hospital,
27 Arkansas Voices for the Children Left Behind, school districts, or any
28 organization or individual that has relevant information for the committee to
29 consider.

30

31 BE IT FURTHER PROPOSED that the committee seek expert testimony on the
32 undertakings of other states to improve outcomes for children with at least
33 one (1) incarcerated parent and the caregivers of these children and other
34 issues relevant to this interim study.

35

36 BE IT FURTHER PROPOSED that the study activities be temporarily

1 suspended during the 2012 Fiscal Session to avoid conflicts in scheduling for
2 members and participants but be resumed after the Fiscal Session.

3
4 BE IT FURTHER PROPOSED that at the conclusion of the study, the
5 committee make recommendations for increasing the awareness of the needs of
6 and improving the coordination of services and benefits for children with at
7 least one (1) incarcerated parent and the caregivers of these children, with
8 the goal of improving outcomes and reducing the costs of delivery of services
9 and benefits for this population.

10
11 BE IT FURTHER PROPOSED that this study be completed by November 1,
12 2012.

13
14 Respectfully submitted,

15
16
17
18 Senator David Johnson
19 District 32

20
21
22
23
24 By: JSE/CDS
25
26
27
28
29
30
31
32
33
34
35
36