

1 H.325

2 Introduced by Representatives Masland of Thetford, Buxton of Tunbridge,
3 Cheney of Norwich, Christie of Hartford, Clarkson of
4 Woodstock, Cole of Burlington, Ellis of Waterbury, French of
5 Randolph, McCormack of Burlington, Sharpe of Bristol,
6 Spengler of Colchester, Stevens of Shoreham, Till of Jericho,
7 Waite-Simpson of Essex, Webb of Shelburne, Yantachka of
8 Charlotte, and Zagar of Barnard

9 Referred to Committee on

10 Date:

11 Subject: Public institutions and corrections; rights of children of incarcerated
12 parents

13 Statement of purpose of bill as introduced: This bill proposes to establish a bill
14 of rights for children of parents who are arrested or incarcerated.

15 An act relating to a bill of rights for children of arrested and incarcerated
16 parents

17 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 28 V.S.A. chapter 29 is added to read:

2 CHAPTER 29. RIGHTS OF CHILDREN

3 § 1701. CHILDREN OF ARRESTED AND INCARCERATED PARENTS;

4 BILL OF RIGHTS

5 (a) It is the policy of the state of Vermont to afford certain rights to minor
6 children at the time of arrest, trial, and incarceration of a parent. These
7 children have committed no crime, yet they pay a steep penalty. They often
8 forfeit their homes, their safety, their public status and private self-image, and
9 their primary source of comfort and affection. Their lives are profoundly
10 affected by multiple agencies involved in the criminal justice system, including
11 the department of public safety, courts, prosecutors and defenders, the
12 corrections system, the child welfare system, and probation and parole officers.

13 (b) Unless deemed inappropriate by a judge, a minor child of an arrested or
14 incarcerated parent shall have the following rights:

15 (1) to be kept safe and informed at the time of the parent's arrest;

16 (2) to be heard when others are making decisions about the child;

17 (3) to be considered when others are making decisions about the parent;

18 (4) to be well cared for in the parent's absence;

19 (5) to speak with, see, and touch the parent;

20 (6) to be supported during the parent's incarceration;

1 (7) to be free of judgment, blame, or labeling due to the parent's
2 incarceration; and

3 (8) to have a lifelong relationship with the parent.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on July 1, 2013.