

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred House Bill No.
3 325 entitled “An act relating to a bill of rights for children of arrested and
4 incarcerated parents” respectfully reports that it has considered the same and
5 recommends that the Senate propose to the House that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 Sec. 1. LEGISLATIVE FINDINGS

9 (a) Children of incarcerated parents have committed no crime, yet they pay
10 a steep penalty. They often forfeit their homes, their safety, their public status
11 and private self-image, and their primary source of comfort and affection.

12 (b) The General Assembly and the State have a strong interest in assuring
13 that children of incarcerated parents are provided with the services and support
14 necessary to thrive despite the hardship they face due to their parent’s status.

15 Sec. 2. REPORT

16 (a) The Secretary of Human Services, Commissioner of Corrections, and
17 the Commissioner for Children and Families shall study and develop
18 recommendations, within the Integrated Family Services Initiative (IFS), on
19 the following issues:

1 (1) the capacity needed to identify and connect children and families of
2 incarcerated individuals to appropriate services within the Integrated Family
3 Services Initiative;

4 (2) existing services available to children with incarcerated parents and
5 the need for any additional services to:

6 (A) build and maintain healthy relationships between children and
7 incarcerated parents, including parent-child visits, parenting classes, and
8 supervised visits;

9 (B) develop child- and family-centered tools or strategies that can be
10 used throughout the criminal justice system to mitigate unintended
11 consequences on children; and

12 (C) support children and their families or caregivers by including the
13 use of Family Impact Statements in the Court process;

14 (3) appropriate physical settings for children to visit incarcerated parents
15 and services while the parent is incarcerated;

16 (4) a mechanism to ensure that coordinated services are provided to
17 children of incarcerated parents by the Department for Children and Families
18 and the Department of Corrections;

19 (5) agency data systems to track and coordinate services for children of
20 incarcerated parents; and

1 (6) the cost of services necessary to implement a comprehensive system
2 of care addressing the unique needs of children of incarcerated parents.

3 (b) Recommendations shall be developed in consultation with the
4 following stakeholders:

5 (1) the Department of Corrections;

6 (2) the Department for Children and Families;

7 (3) the Department of Mental Health;

8 (4) the Prisoners' Rights Office;

9 (5) LUND;

10 (6) the Parent Child Center Network; and

11 (7) kinship organizations.

12 (c) The Secretary and Commissioners shall consider the Inmate Family
13 Survey Project and its recommendations for best practices.

14 (d) On or before January 15, 2015, the Secretary shall submit a report and
15 recommendations to the Senate Committee on Health and Welfare, Senate
16 Committee on Institutions, House Committee on Human Services, and House
17 Committee on Corrections and Institutions.

18 Sec. 3. 28 V.S.A. § 204(d) is amended to read:

19 (d) Any presentence report, pre-parole report, or supervision history
20 prepared by any employee of the Department in the discharge of the
21 employee's official duty, except as provided in subdivision 204a(b)(5) and

1 section 205 of this title, is privileged and shall not be disclosed to anyone
2 outside the Department other than the judge or the Parole Board, except that
3 the Court or Board may in its discretion permit the inspection of the report or
4 parts thereof by the state’s attorney, the defendant or inmate, or his or her
5 attorney, or other persons having a proper interest therein, whenever the best
6 interest or welfare of the defendant or inmate makes that action desirable or
7 helpful. Nothing in this section shall prohibit the Department for Children and
8 Families from accessing the supervision history of probationers or parolees for
9 the purpose of child protection.

10 Sec. 4. EFFECTIVE DATE

11 This act shall take effect on passage.

12 and that after passage the title of the bill be amended to read: “An act relating
13 to the rights of children of arrested and incarcerated parents”.

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16 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE