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Judiciary Committee Public Hearing
April 1, 2013

RAISED BILL NO. 6642, AN ACT ESTABLISHING A CHILD NURSERY FACILITY AT THE CONNECTICUT CORRECTIONAL INSTITUTION, NIANTIC
RAISED BILL NO. 6660, AN ACT CONCERNING FAMILY IMPACT STATEMENTS

The Office of Chief Public Defender supports passage of ***Raised Bill No. 6660, An Act Concerning Family Impact Statements*** **and** ***Raised Bill No. 6642, An Act Establishing a Child Nursery Facility at the Connecticut Correctional Institution, Niantic.*** The Office of Chief Public Defender maintains that this is an opportune time to enact the reforms outlined in both bills to promote the welfare of children of incarcerated parents. Together these two bills present a continuum of options for courts to consider when considering appropriate sentencing for cases involving pregnant women and/or primary caretakers of minor children. Passage of these bills would indicate that Connecticut lawmakers recognize the wide ranging implications and collateral consequences that incarceration of a pregnant woman or a primary caretaker, male or female, of minor children has on the individual, the welfare of children, and communities.

Connecticut has made great strides in focusing on successful reentry for incarcerated inmates, but often families of an incarcerated individual quickly become fractured, making reunification of child and parent extremely difficult or impossible upon release. ***Raised Bill No. 6660***, permits defense counsel to submit to the court for consideration at sentencing a "family impact" statement and an alternative plan to incarceration for a defendant who is the custodial parent or guardian of a minor child and who is facing a sentence of incarceration. The study would inform the court of both the economic and emotional impact of a term of incarceration on the minor children which could include: loss of housing, loss of employment, commitment of the children to DCF foster care, loss of services for a special needs child, separation of sibling groups, and possible termination of parental rights.

A study done by the Annie E. Casey Foundation showed that the number of incarcerated women has grown 50% since 1990[1]. The study showed that 75% of incarcerated women are mothers and approximately 66% of them have children under the age of 18. Research indicates that incarceration can have a negative multi-generation impact on defendants as well as their children. An informal February 10, 2012 "point in time" study performed by the Connecticut Department of Children and Families indicated that of the 1084 women incarcerated at York CI on that date, 129 women had open DCF cases. There were 453 additional women who had past involvement with DCF. Of those 453, DCF indicated that there were 200 children impacted by the termination of parental rights. There was no information on what happened to the children of those women, but 2007 statistics show that in Connecticut, 16% of children who are subject to termination of the biological parent's rights never find a permanent placement. The rest remain in the care of DCF.

It is important that state policymakers look for a better way to keep families stronger, safer, and together whenever possible. The 1997 federal Adoption and Safe Families Act, 42 USC 1305, requires states to file a petition to terminate parental rights on behalf of any child who has been abandoned or who has been in foster care for 15 of the most recent 22 months. The law provides exceptions to this requirement in the following cases: 1) at the option of the state, the child is being cared for by a relative, 2) the state has documented a compelling reason for determining that termination of parental rights would not be in the child's best interest, or 3) the state has not provided the child's family with services that the state deems necessary for the safe return of the child to his or her home. Although the Adoption and Safe Families Act does not explicitly require a termination of parental rights filing against incarcerated parents, the 15 of 22 months provision technically would apply in cases where reunification is delayed beyond 15 months due to a parent's incarceration, even if the parent is receiving services to facilitate reunification

California and Washington State (FOSA) have enacted legislation creating diversionary programs and special sentencing alternatives designed to address the unique issues associated with incarcerated parents. Similar legislative proposals are being considered in other states, and more jurisdictions are relying on family impact statements, studies prepared by social workers that investigate and assess the emotional, financial and legal impact of the incarceration of a parent on his or her family.

If remaining in the community is not an option for a pregnant defendant, then enactment of ***Raised Bill No. 6642*** provides an opportunity for an infant born to an incarcerated mother to remain with his/her mother in a prison nursery facility. Such a model has been highly successful in other states, i.e. Bedford Hills, New York and promotes appropriate time for parent - child bonding and parenting classes prior to release. The Office of Chief Public Defender would support such a facility as an alternative to community placement for cases where such community alternatives are clearly not an option that can be considered by the court.

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[1] Exploring Development in the Field and Opportunities for Growth, ***A Report Prepared for the Annie E. Casey Foundation,*** Stacey M. Bouchet, Ph.D. January 2008.

In conclusion, Connecticut's Sentencing Commission has expressed support and awareness of the importance of maintaining social ties to reduce recidivism. The Commission's 2011 annual report contains a proposal that research be undertaken by the Commission to:

> *"Study the impact of supportive social ties - including family ties - on recidivism and other indicators of harm and success. Compare social-tie effects of incarcerated vs. non-incarcerated offenders, and trace the granular effects of incarceration on families and other sources of social support. Examine current DOC practices that support or weaken social ties, with a view toward security considerations. Also review the data of the impact of conjugal and full family visits on incarcerated offenders."*