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RAISED BILL NO. 361, AN ACT CONCERNING FAMILY IMPACT STATEMENTS

The Office of Chief Public Defender supports passage of ***Raised Bill No. 361, An Act Concerning Family Impact Statements*.** The Office of Chief Public Defender maintains that this is an opportune time to enact the reforms outlined in this bill to promote the welfare of children of incarcerated parents. ***Raised Bill 361*** would codify the ability of defense counsel to submit for the court's consideration a "family impact" statement or study for community sentencing alternatives to incarceration for a defendant who is a custodial parent or guardian of a minor child or children. 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 stable housing, loss or transfer of educational setting, loss of financial support, commitment to DCF foster care, loss of services for their special needs, separation from other siblings, and possible permanent separation from their parents. Research indicates that parental incarceration can destabilize families for generations due to the negative impact of the collateral consequences of incarceration. Research also indicates that strong family ties are predictive of an inmate's successful reentry into the community.

For the past two decades, Connecticut has made great strides in focusing on successful community reentry for incarcerated inmates. But often families of an incarcerated individual quickly become emotionally, physically, and economically fractured, making reentry and reunification extremely difficult or impossible for some inmates. We urge Connecticut lawmakers and courts to consider the cost/benefit implications of **"no-entry"** into the prison system whenever possible to prevent unnecessary physical, emotional and economic harm to Connecticut children who are the silent victims of parental incarceration.

Passage of the bill does not mean that incarceration is not appropriate for some defendants, or that judges cannot find the information offered by the defense on their behalf unpersuasive. But, passage would mean that courts could consider more specific information regarding an individual defendant's compelling family circumstances. Such information, if brought forward in appropriate cases, would be considered in addition to the information included in a probation officer's pre-sentence investigation (PSI). Courts would then be in a better position to make reasoned and selective decisions about whether incarcerating the defendant is necessary or warranted for purposes of punishment, rehabilitation, and protection of society. Such additional information would also be helpful to DOC and the Board of Pardons and Parole in developing the individual inmate plan if the court does impose a sentence of incarceration.

A study performed by the Annie E. Casey Foundation indicated 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 at the request of this Office 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 ever 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 community diversionary programs and special sentencing alternatives designed to address the unique issues associated with incarcerated parents. Similar legislative proposals are being considered in other

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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.

states, and more jurisdictions are relying on 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. There is growing recognition that many of the individuals involved in the criminal justice system are parents of minor children, and that punishing the offender with incarceration also punishes their children. The Connecticut Sentencing Commission has expressed support and awareness of the importance of maintaining family and community 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.*"