



Rep. Delia C. Ramirez

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1 AMENDMENT TO HOUSE BILL 2649

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2649 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Bill  
5 of Rights for Children of Incarcerated Parents Act.

6 Section 3. Purpose. The purpose of this Act is to ensure  
7 the fair and compassionate treatment for children of  
8 incarcerated parents by affording certain basic rights and  
9 considerations to these children. This Act does not create any  
10 new individual right of action.

11 Section 5. Legislative findings. Based upon a study by  
12 Lurie Children's Hospital's researchers, a report by the Annie  
13 E. Casey Foundation titled "A Shared Sentence", the work of the  
14 San Francisco Children of Incarcerated Parents Partnership,  
15 and the findings of the Women's Justice Institute's Gender

1 Informed Practice Assessment, the General Assembly finds the  
2 following:

3 (1) Seven million, or one in 10 of the nation's children,  
4 have a parent under criminal justice supervision, in jail or  
5 prison, on probation, or on parole.

6 (2) From 2011 to 2012, there were approximately 186,000  
7 children in Illinois who had experienced parental  
8 incarceration.

9 (3) Approximately 6% of children in Illinois have  
10 experienced parental incarceration.

11 (4) In a snapshot of mothers incarcerated at Logan  
12 Correctional Center in 2015, they reported having 3,700  
13 children.

14 (5) Children with incarcerated parents have a daunting  
15 array of needs. They need a safe place to live and people to  
16 care for them in their parents' absence, as well as everything  
17 else a parent might be expected to provide: food, clothing, and  
18 medical care.

19 (6) Parental incarceration is classified as an Adverse  
20 Childhood Experience. Multiple peer-reviewed studies connect  
21 Adverse Childhood Experiences, a set of specific traumatic  
22 events that occur during childhood, to poor mental and physical  
23 health outcomes such as chronic diseases, certain cancers,  
24 sexually transmitted infections, depression, and other mental  
25 health conditions.

26 (7) Young adults who have experienced parental

1 incarceration are more likely to skip medical care, misuse or  
2 abuse prescription drugs, and were more likely to use the  
3 emergency room for medical needs.

4 (8) The trauma of being separated from a parent, along with  
5 a lack of sympathy or support from others, can increase  
6 children's mental health issues, such as depression and  
7 anxiety, and hamper educational achievement. Children of  
8 incarcerated mothers in particular, are at greater risk of  
9 dropping out of school. Research shows preserving a child's  
10 relationship with a parent during incarceration benefits both  
11 parties. It also benefits society, reducing children's mental  
12 health issues and anxiety, while lowering recidivism and  
13 facilitating parents' successful return to their communities.

14 (9) Institutions that touch on the lives of children of the  
15 incarcerated tend to operate in isolation. The Bill of Rights  
16 for Children of Incarcerated Parents offers a strong set of  
17 principles and recommendations for putting children at the  
18 forefront before, during, and after incarceration.

19 Section 30. The Code of Criminal Procedure of 1963 is  
20 amended by adding Article 106F as follows:

21 (725 ILCS 5/Art. 106F heading new)

22 ARTICLE 106F. BILL OF RIGHTS FOR CHILDREN OF INCARCERATED

23 PARENTS

1 (725 ILCS 5/106F-5 new)

2 Sec. 106F-5. Policies and procedures. The Department of  
3 Corrections, county sheriff, or county correctional department  
4 shall develop and implement policies and practices that adhere  
5 to the guiding principles in Section 106F-10 for decisions that  
6 impact incarcerated individuals with children.

7 (725 ILCS 5/106F-10 new)

8 Sec. 106F-10. Bill of rights for children of incarcerated  
9 parents. It is the policy of this State that every child with a  
10 detained or incarcerated parent be treated with respect, care,  
11 and compassion. The following guiding principles shall set the  
12 framework for the review and development of policies and  
13 procedures by corrections and law enforcement agencies that  
14 interact with children whose parents are detained or  
15 incarcerated:

16 (1) Children should be protected from additional trauma at  
17 the time of parental arrest.

18 (2) Children should be heard, respected, and considered by  
19 decision makers when decisions are made about them.

20 (3) Children should be considered when decisions are made  
21 about their parent.

22 (4) Children should be cared for and provided access to  
23 support in the absence of their parent in a way that  
24 prioritizes their physical, mental, and emotional needs.

25 (5) Children should be able to speak with, see, and touch

1 their parent who is incarcerated.

2 (6) Children should have access to local services and  
3 programs that can provide support to them as they deal with  
4 their parent's incarceration.

5 (7) Children should not be judged, labeled, or blamed for  
6 the parent's incarceration.

7 (8) Children should be able to have a lifelong relationship  
8 with their parents.

9 (725 ILCS 5/106F-15 new)

10 Sec. 106F-15. Task Force on Children of Incarcerated  
11 Parents.

12 (a) The Task Force on Children of Incarcerated Parents is  
13 created. The purpose of this Task Force is to review best  
14 practices, available research, and current policies on the  
15 impact of parental incarceration on children. The Task Force  
16 shall develop and propose policies and procedures that align  
17 with the guiding principles contained in Section 106F-10, when  
18 possible. Policies and procedures shall incorporate the  
19 emotional, mental, and physical well-being of the children,  
20 officers and other staff, and any other relevant parties. A  
21 policy or procedure adhering to the guiding principles of  
22 Section 106F-10 shall not supersede a decision by a court  
23 having jurisdiction over the best interest of the child. The  
24 Task Force shall consist of the following members, appointed by  
25 the Lieutenant Governor unless otherwise indicated:

1           (1) 2 members from an organization that advocates for  
2           adolescents and youth;

3           (2) 2 members who are academics or researchers that  
4           have studied issues related to the impact of incarceration  
5           on youth;

6           (3) 2 members who are adult children who have  
7           experienced parental incarceration;

8           (4) 2 members who are formerly incarcerated parents;

9           (5) one member from an organization that facilitates  
10          visitation between incarcerated parents and children;

11          (6) the Secretary of Human Services, or his or her  
12          designee;

13          (7) the Director of Children and Family Services, or  
14          his or her designee;

15          (8) the Cook County Public Guardian, or his or her  
16          designee;

17          (9) the Director of Juvenile Justice, or his or her  
18          designee;

19          (10) the Director of Corrections, or his or her  
20          designee;

21          (11) one member representing the Illinois Sheriffs  
22          Association;

23          (12) the Cook County Sheriff, or his or her designee;

24          (13) the Director of State Police, or his or her  
25          designee;

26          (14) one member representing the Chicago Police

1 Department;

2 (15) the Director of the Illinois Law Enforcement  
3 Training Standards Board, or his or her designee;

4 (16) the Attorney General, or his or her designee;

5 (17) one member who represents the court system;

6 (18) one member, appointed by the Speaker of the House  
7 of Representatives;

8 (19) one member, appointed by the Minority Leader of  
9 the House of Representatives;

10 (20) one member, appointed by the President of the  
11 Senate;

12 (21) one member, appointed by the Minority Leader of  
13 the Senate;

14 (22) one member, appointed by the Governor's Office who  
15 represents an organization with expertise in gender  
16 responsive practices and assessing the impact of  
17 incarceration on women, who are disproportionately  
18 custodial parents of young children.

19 (b) The Task Force shall elect a chairperson from among its  
20 membership and any other officer it deems appropriate. The  
21 Office of the Lieutenant Governor shall provide administrative  
22 and technical support to the Task Force and shall be  
23 responsible for administering its operations and ensuring that  
24 the requirements of the Task Force are met.

25 (d) The members of the Task Force shall serve without  
26 compensation.

1       (e) This Section is repealed on January 1, 2022.

2       (725 ILCS 5/106F-20 new)

3       Sec. 106F-20. Task Force; meetings; duties.

4       (a) The Task Force on Children of Incarcerated Parents  
5 shall meet at least once per quarter beginning as soon as  
6 practicable after the effective date of this amendatory Act of  
7 the 101st General Assembly.

8       (b) The Task Force shall review available research, best  
9 practices, and effective interventions to formulate  
10 recommendations in accordance with the guiding principles  
11 addressed in Section 106F-10 and specifically address the  
12 reduction of harm to children upon arrest, the ability to visit  
13 parents in jails and prisons, and access to supports during  
14 parental detention and incarceration.

15       (c) The Task Force shall produce a report detailing the  
16 Task Force's findings and recommendations and the progress of  
17 implementation. The Task Force shall submit a report of its  
18 findings and recommendations to the General Assembly and the  
19 Governor by December 1, 2020 and a report on the progress of  
20 implementation on December 1, 2021.

21       (d) This Section is repealed on January 1, 2022.

22       Section 99. Effective date. This Act takes effect upon  
23 becoming law."