



Rep. Delia C. Ramirez

Filed: 4/9/2019

10100HB2649ham003

LRB101 10393 SLF 59581 a

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 3. Purpose. The purpose of this Act is to ensure
5 the fair and compassionate treatment for children of
6 incarcerated parents. This Act does not create any new
7 individual right of action.

8 Section 5. Legislative findings. Based upon a study by
9 Lurie Children's Hospital's researchers, a report by the Annie
10 E. Casey Foundation titled "A Shared Sentence", the work of the
11 San Francisco Children of Incarcerated Parents Partnership,
12 and the findings of the Women's Justice Institute's Gender
13 Informed Practice Assessment, the General Assembly finds the
14 following:

15 (1) Seven million, or one in 10 of the nation's children,
16 have a parent under criminal justice supervision, in jail or

1 prison, on probation, or on parole.

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

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

7 (4) In a snapshot of mothers incarcerated at Logan
8 Correctional Center in 2015, they reported having 3,700
9 children.

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

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

22 (7) Young adults who have experienced parental
23 incarceration are more likely to skip medical care, misuse or
24 abuse prescription drugs, and were more likely to use the
25 emergency room for medical needs.

26 (8) The trauma of being separated from a parent, along with

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

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

12 (725 ILCS 5/Art. 106F heading new)

13 ARTICLE 106F. CHILDREN OF INCARCERATED PARENTS TASK FORCE

14 (725 ILCS 5/106F-10 new)

15 Sec. 106F-10. Task Force; creation. The Task Force on
16 Children of Incarcerated Parents is created. The purpose of the
17 Children of Incarcerated Parents Task Force is to develop and
18 propose policies and procedures that encourage the following
19 guiding principles to the extent possible:

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

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

1 (3) Children should be considered when decisions are made
2 about their parent.

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

6 (5) Children should be given an opportunity to speak with
7 and see the incarcerated parent. The opportunity to touch
8 should take into account security concerns.

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

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

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

16 (725 ILCS 5/106F-15 new)

17 Sec. 106F-15. Task Force; membership.

18 (a) Policies and procedures of the Task Force on Children
19 of Incarcerated Parents shall incorporate the emotional,
20 mental, and physical well-being of the children, as well as the
21 safety of officers, other staff, and any other relevant
22 parties. A policy or procedure adhering to the guiding
23 principles of Section 106F-10 shall not supersede a decision by
24 a court having jurisdiction over the best interest of the
25 child. The Task Force shall consist of the following members,

1 appointed by the Lieutenant Governor unless otherwise
2 indicated:

3 (1) 2 members from an organization that advocates for
4 adolescents, youth, or incarcerated parents;

5 (2) 1 member who is an academic or researcher that has
6 studied issues related to the impact of incarceration on
7 youth;

8 (3) 2 members who are adult children who have
9 experienced parental incarceration;

10 (4) 2 members who are formerly incarcerated parents;

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

13 (6) the Secretary of Human Services, or his or her
14 designee;

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

17 (8) the Cook County Public Guardian, or his or her
18 designee;

19 (9) the Director of Juvenile Justice, or his or her
20 designee;

21 (10) the Director of Corrections, or his or her
22 designee;

23 (11) the President of the Illinois Sheriffs
24 Association, or his or her designee;

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

26 (13) the Director of State Police, or his or her

1 designee;

2 (14) the Chief of the Chicago Police Department, or his
3 or her designee;

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

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

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

8 (18) one Representative, appointed by the Speaker of
9 the House of Representatives;

10 (19) one Representative, appointed by the Minority
11 Leader of the House of Representatives;

12 (20) one Senator, appointed by the President of the
13 Senate;

14 (21) one Senator, appointed by the Minority Leader of
15 the Senate;

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

21 (b) The Office of the Lieutenant Governor shall provide
22 administrative and technical support to the Task Force and
23 shall be responsible for administering its operations,
24 appointing a chairperson, and ensuring that the requirements of
25 the Task Force are met. The Task Force shall have all
26 appointments made within 30 days of the effective date of this

1 amendatory Act of the 101st General Assembly.

2 (d) The members of the Task Force shall serve without
3 compensation.

4 (e) This Section is repealed on January 1, 2020.

5 (725 ILCS 5/106F-20 new)

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

7 (a) The Task Force on Children of Incarcerated Parents
8 shall meet at least 4 times beginning within 30 days after the
9 effective date of this amendatory Act of the 101st General
10 Assembly. The first meeting shall be held no later than August
11 1, 2019.

12 (b) The Task Force shall review available research, best
13 practices, and effective interventions to formulate
14 recommendations.

15 (c) The Task Force shall produce a report detailing the
16 Task Force's findings and recommendations and needed
17 resources. The Task Force shall submit a report of its findings
18 and recommendations to the General Assembly and the Governor by
19 December 31, 2019.

20 (d) This Section is repealed on January 1, 2020.

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