

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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
17 prison, on probation, or on parole.

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

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

23 (4) In a snapshot of mothers incarcerated at Logan

1 Correctional Center in 2015, they reported having 3,700
2 children.

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

8 (6) Parental incarceration is classified as an Adverse
9 Childhood Experience. Multiple peer-reviewed studies connect
10 Adverse Childhood Experiences, a set of specific traumatic
11 events that occur during childhood, to poor mental and physical
12 health outcomes such as chronic diseases, certain cancers,
13 sexually transmitted infections, depression, and other mental
14 health conditions.

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

19 (8) The trauma of being separated from a parent, along with
20 a lack of sympathy or support from others, can increase
21 children's mental health issues, such as depression and
22 anxiety, and hamper educational achievement. Children of
23 incarcerated mothers in particular, are at greater risk of
24 dropping out of school. Research shows preserving a child's
25 relationship with a parent during incarceration benefits both
26 parties. It also benefits society, reducing children's mental

1 health issues and anxiety, while lowering recidivism and
2 facilitating parents' successful return to their communities.

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

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

6 ARTICLE 106F. CHILDREN OF INCARCERATED PARENTS TASK FORCE

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

8 Sec. 106F-10. Task Force; creation. The Task Force on
9 Children of Incarcerated Parents is created. The purpose of the
10 Children of Incarcerated Parents Task Force is to develop and
11 propose policies and procedures that encourage the following
12 guiding principles to the extent possible:

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

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

17 (3) Children should be considered when decisions are made
18 about their parent.

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

22 (5) Children should be given an opportunity to speak with
23 and see the incarcerated parent. The opportunity to touch

1 should take into account security concerns.

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; membership.

11 (a) Policies and procedures of the Task Force on Children
12 of Incarcerated Parents shall incorporate the emotional,
13 mental, and physical well-being of the children, as well as the
14 safety of officers, other staff, and any other relevant
15 parties. A policy or procedure adhering to the guiding
16 principles of Section 106F-10 shall not supersede a decision by
17 a court having jurisdiction over the best interest of the
18 child. The Task Force shall consist of the following members,
19 appointed by the Lieutenant Governor unless otherwise
20 indicated:

21 (1) 2 members from an organization that advocates for
22 adolescents, youth, or incarcerated parents;

23 (2) 1 member who is an academic or researcher that has
24 studied issues related to the impact of incarceration on
25 youth;

1 (3) 2 members who are adult children who have
2 experienced parental incarceration;

3 (4) 2 members who are formerly incarcerated parents;

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

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

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

10 (8) the Cook County Public Guardian, or his or her
11 designee;

12 (9) the Director of Juvenile Justice, or his or her
13 designee;

14 (10) the Director of Corrections, or his or her
15 designee;

16 (11) the President of the Illinois Sheriffs
17 Association, or his or her designee;

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

19 (13) the Director of State Police, or his or her
20 designee;

21 (14) the Chief of the Chicago Police Department, or his
22 or her designee;

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

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

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

1 (18) one Representative, appointed by the Speaker of
2 the House of Representatives;

3 (19) one Representative, appointed by the Minority
4 Leader of the House of Representatives;

5 (20) one Senator, appointed by the President of the
6 Senate;

7 (21) one Senator, appointed by the Minority Leader of
8 the Senate;

9 (22) one member, appointed by the Governor's Office who
10 represents an organization with expertise in gender
11 responsive practices and assessing the impact of
12 incarceration on women, who are disproportionately
13 custodial parents of young children.

14 (b) The Office of the Lieutenant Governor shall provide
15 administrative and technical support to the Task Force and
16 shall be responsible for administering its operations,
17 appointing a chairperson, and ensuring that the requirements of
18 the Task Force are met. The Task Force shall have all
19 appointments made within 30 days of the effective date of this
20 amendatory Act of the 101st General Assembly.

21 (c) The members of the Task Force shall serve without
22 compensation.

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

24 (725 ILCS 5/106F-20 new)

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

1 (a) The Task Force on Children of Incarcerated Parents
2 shall meet at least 4 times beginning within 30 days after the
3 effective date of this amendatory Act of the 101st General
4 Assembly. The first meeting shall be held no later than August
5 1, 2019.

6 (b) The Task Force shall review available research, best
7 practices, and effective interventions to formulate
8 recommendations.

9 (c) The Task Force shall produce a report detailing the
10 Task Force's findings and recommendations and needed
11 resources. The Task Force shall submit a report of its findings
12 and recommendations to the General Assembly and the Governor by
13 December 31, 2019.

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.