

Senate Bill 241

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Task Force on Children of Incarcerated Parents. Requires task force to submit report and implementation plan to committee of Legislative Assembly each year.
Sunsets December 31, 2021.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to children of incarcerated parents; and declaring an emergency.

3 Whereas there has been a dramatic increase in the number of children whose parents are
4 incarcerated; and

5 Whereas it is estimated that there are more than 70,000 children of incarcerated parents in
6 Oregon; and

7 Whereas over half of the children of incarcerated parents are under 10 years of age; and

8 Whereas parental incarceration is an "adverse childhood experience" that may predict a child's
9 future success in school and in life; and

10 Whereas best practices for protecting the rights of children during parental arrest and
11 incarceration have been developed throughout the United States; and

12 Whereas Oregonians have a moral imperative to protect and nurture the children of
13 incarcerated parents from arrest until the parents return to the family; and

14 Whereas Oregonians recognize that children of incarcerated parents have certain essential
15 rights that acknowledge the children's unique circumstances and needs and that prioritize the
16 children's best interests and well being; now, therefore,

17 **Be It Enacted by the People of the State of Oregon:**

18 **SECTION 1. It is the intent of the Legislative Assembly that each child of an**
19 **incarcerated parent have certain essential rights, including but not limited to the following:**

20 **(1) To be protected from additional trauma at the time of parental arrest.**

21 **(2) To be informed of the arrest in an age-appropriate manner.**

22 **(3) To be heard and respected by decision makers when decisions are made about the**
23 **child.**

24 **(4) To be considered when decisions are made about the child's parent.**

25 **(5) To be cared for in the absence of the child's parent in a way that prioritizes the**
26 **child's physical, mental and emotional needs.**

27 **(6) To speak with, see and touch the incarcerated parent.**

28 **(7) To be informed about local services and programs that can provide support to the**
29 **child as the child deals with the parent's incarceration.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (8) To not be judged, labeled or blamed for the parent’s incarceration.
- 2 (9) To have a lifelong relationship with the incarcerated parent.
- 3 **SECTION 2.** (1) The Task Force on Children of Incarcerated Parents is established.
- 4 (2) The task force consists of 20 members appointed by the Governor as follows:
- 5 (a) One member who represents the Department of Human Services;
- 6 (b) One member who represents the Department of Corrections;
- 7 (c) One member who represents the Department of Education;
- 8 (d) One member who represents the Oregon Health Authority;
- 9 (e) One member who represents a family court department;
- 10 (f) One member who is a public defender;
- 11 (g) One member who represents a district attorney;
- 12 (h) One member who is a court appointed special advocate;
- 13 (i) One member who represents a nonprofit children’s advocacy program;
- 14 (j) One member who represents the Young Women’s Christian Association;
- 15 (k) One member who represents a nonprofit civil rights advocacy program;
- 16 (L) One member who represents an early childhood program;
- 17 (m) One member who is a licensed mental health professional;
- 18 (n) Two members of the public who were formerly incarcerated and were parents at the
- 19 time of incarceration;
- 20 (o) Two adult members of the public who were children of incarcerated parents;
- 21 (p) One member of the public who is a foster parent;
- 22 (q) One member of the public who is knowledgeable about child welfare issues; and
- 23 (r) One member who represents a community justice department.
- 24 (3) The task force shall:
- 25 (a) Review the report and recommendations of the planning and advisory committee es-
- 26 tablished by section 16, chapter 635, Oregon Laws 2001, and revise and update the report and
- 27 recommendations;
- 28 (b) By December 31, 2017, establish an outreach and education plan for the criminal jus-
- 29 tice system about the needs of children of incarcerated parents and the rights listed in sec-
- 30 tion 1 of this 2017 Act; and
- 31 (c) By June 30, 2018, create an implementation plan for the recommendations described
- 32 in this subsection that:
- 33 (A) Includes a timeline and prioritization for implementation of the recommendations;
- 34 (B) Identifies policy changes and funding needs that the implementation plan requires;
- 35 and
- 36 (C) Identifies educational and training needs to ensure success of the plan.
- 37 (4) A majority of the members of the task force constitutes a quorum for the transaction
- 38 of business.
- 39 (5) Official action by the task force requires the approval of a majority of the members
- 40 of the task force.
- 41 (6) The task force shall elect one of its members to serve as chairperson.
- 42 (7) If there is a vacancy for any cause, the appointing authority shall make an appoint-
- 43 ment to become immediately effective.
- 44 (8) The task force shall meet at times and places specified by the call of the chairperson
- 45 or of a majority of the members of the task force.

1 **(9) The task force may adopt rules necessary for the operation of the task force.**

2 **(10) The task force shall submit an annual report in the manner provided in ORS 192.245**
3 **that includes the implementation plan and the outreach and education plan described in**
4 **subsection (3) of this section and the updated and revised recommendations for legislation,**
5 **to an interim or joint committee of the Legislative Assembly related to child welfare begin-**
6 **ning June 30, 2018, and each year thereafter.**

7 **(11) The Department of Corrections shall provide staff support to the task force.**

8 **(12) Members of the task force are not entitled to compensation or reimbursement for**
9 **expenses and serve as volunteers on the task force.**

10 **(13) All agencies of state government, as defined in ORS 174.111, are directed to assist**
11 **the task force in the performance of duties of the task force and, to the extent permitted**
12 **by laws relating to confidentiality, to furnish information and advice the members of the task**
13 **force consider necessary to perform their duties.**

14 **SECTION 3.** **Section 2 of this 2017 Act is repealed on December 31, 2021.**

15 **SECTION 4.** **This 2017 Act being necessary for the immediate preservation of the public**
16 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
17 **on its passage.**

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