

AN ACT concerning criminal law.

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

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

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

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

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

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

(4) In a snapshot of mothers incarcerated at Logan

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

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

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

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

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

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

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

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

ARTICLE 106F. CHILDREN OF INCARCERATED PARENTS TASK FORCE

(725 ILCS 5/106F-10 new)

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

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

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

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

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

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

should take into account security concerns.

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

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

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

(725 ILCS 5/106F-15 new)

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

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

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

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

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

(4) 2 members who are formerly incarcerated parents;

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

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

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

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

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

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

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

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

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

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

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

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

(17) one member who represents the court system;

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

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

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

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

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

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

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

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

(725 ILCS 5/106F-20 new)

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

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

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

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

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

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