

110TH CONGRESS
2D SESSION

H. R. 5654

To authorize a program to provide grants to youth-serving organizations that carry out child-parent visitation programs for children with incarcerated parents.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2008

Mr. RUSH (for himself, Mr. JOHNSON of Georgia, Ms. KILPATRICK, Mr. BUTTERFIELD, Mr. ELLISON, Mr. DAVIS of Illinois, Ms. MOORE of Wisconsin, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. COHEN, Mr. LEWIS of Georgia, Ms. WATSON, Mrs. CAPPs, Ms. BALDWIN, Ms. HARMAN, Mr. CLAY, Ms. CLARKE, Mr. RUPPERSBERGER, Mr. LARSON of Connecticut, Ms. DELAURO, and Mr. HASTINGS of Florida) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To authorize a program to provide grants to youth-serving organizations that carry out child-parent visitation programs for children with incarcerated parents.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Families Beyond Bars
5 Act of 2008”.

1 **SEC. 2. FINDINGS.**

2 Congress finds as follows:

3 (1) The Bureau of Justice Statistics estimates
4 that 1,500,000 children in the United States have at
5 least one incarcerated parent, and an estimated
6 10,000,000 more individuals have at least one par-
7 ent who was incarcerated at some point during the
8 individual's childhood.

9 (2) In 2006, the Bureau of Justice Statistics
10 estimated that 75 percent of incarcerated women
11 were mothers, two-thirds of whom were mothers of
12 children under the age of 18, and an estimated 32
13 percent of incarcerated men were fathers of children
14 under the age of 18.

15 (3) The trauma associated with having an in-
16 carcerated parent has been well-documented, and in-
17 cludes depression, aggression, low self-esteem, poor
18 academic performance, truancy, attention deficit dis-
19 orders, substance abuse, teen pregnancy, and symp-
20 toms of post-traumatic stress disorder.

21 (4) The Bureau of Justice Statistics estimates
22 that children with imprisoned parents may be almost
23 6 times more likely than their peers to be incarcer-
24 ated.

25 (5) Increased visitation between incarcerated
26 parents and their children can reduce the anxiety

1 and sense of loss children of incarcerated parents ex-
2 perience. This beneficial, low-cost activity may also
3 contribute to a reduction in future crime committed
4 by, and incarceration of, children of incarcerated
5 parents.

6 (6) Participation in a comprehensive visitation
7 program allows children of incarcerated parents to
8 build relationships with caring adults and experience
9 opportunities for meaningful involvement and mem-
10 bership, helping to reduce the negative effects of
11 parent-child separation.

12 (7) The incarceration of women who are moth-
13 ers introduces significant changes to the family
14 structure, income level, living arrangements, and
15 emotional support systems of their children. The in-
16 carceration of mothers is often more disruptive than
17 the incarceration of fathers, because an estimated
18 two-thirds of mothers who are incarcerated serve as
19 the primary caregiver for at least one child before
20 arrest.

21 (8) Incarceration can present an opportunity to
22 enhance parenting skills, encourage children to resist
23 peer pressure, and foster high parental expectations
24 for their children's school work.

1 **SEC. 3. BEYOND BARS GRANT PROGRAM.**

2 (a) GRANT PROGRAM ESTABLISHED.—

3 (1) GRANTS AUTHORIZED.—The Attorney Gen-
4 eral is authorized to award grants to qualified orga-
5 nizations to carry out child-parent visitation pro-
6 grams that foster and develop familial ties between
7 eligible children and their incarcerated parents.

8 (2) GRANT AMOUNT.—A grant awarded under
9 this section to a qualified organization may not be
10 less than \$200,000 nor more than \$310,000.

11 (3) GRANT PERIOD; RENEWABILITY.—A grant
12 awarded under this section shall be for not less than
13 a 3-year period and not more than a 5-year period,
14 and may be renewed.

15 (b) GRANT USES.—Grants awarded under this sec-
16 tion may be used by a qualified organization to—

17 (1) organize and lead group meetings, in ac-
18 cordance with subsection (c);

19 (2) provide counseling to eligible children, and
20 to their incarcerated parents;

21 (3) select one or more qualified program
22 facilitators to—

23 (A) organize and lead group meetings, in
24 accordance with subsection (c); and

25 (B) provide counseling to eligible children,
26 and to their incarcerated parents;

1 (4) provide to one or more such qualified pro-
2 gram facilitators a monthly stipend in accordance
3 with subsection (d);

4 (5) provide transportation for eligible children
5 to attend such group meetings, and provide volun-
6 teer support to assist in such transportation;

7 (6) provide security for eligible children during
8 such group meetings, and comply with applicable se-
9 curity procedures required by the facility at which
10 the eligible children's parents are incarcerated;

11 (7) provide enrichment activities for incarcer-
12 ated parents of eligible children during incarceration
13 and pre-release, including parenting classes and
14 transition programs;

15 (8) provide connections to and coordination
16 with community and social services and other sup-
17 port to eligible children, incarcerated parents, and
18 individuals who serve as guardians of eligible chil-
19 dren while the eligible children's parents are incar-
20 cerated;

21 (9) obtain program materials and other supplies
22 necessary to carry out other grant activities required
23 or permitted under this subsection;

24 (10) conduct periodic evaluations of the activi-
25 ties carried out with a grant under this section, in-

1 including volunteer recruitment, parental support and
2 development, measurement of children's opportuni-
3 ties to build meaningful relationships with caring
4 adults, and measurement of children's opportunities
5 for meaningful involvement and membership;

6 (11) develop best practices regarding child-par-
7 ent visitation programs for eligible children and their
8 incarcerated parents, based on the evaluations con-
9 ducted under paragraph (10);

10 (12) provide age-appropriate enrichment activi-
11 ties for children, including activities related to basic
12 life skills, hygiene, healthy and drug-free habits, so-
13 cial skills, and building self-esteem and confidence;

14 (13) coordinate the logistics of the child-parent
15 visitation program with the correctional facility at
16 which the eligible children's parents are incarcer-
17 ated;

18 (14) supervise adult volunteers who are assist-
19 ing with the child-parent visitation program, whether
20 such volunteers are working as individuals or as part
21 of a team; and

22 (15) conduct outreach activities to recruit eligi-
23 ble children.

24 (c) GROUP MEETINGS.—The group meetings orga-
25 nized and led by a qualified organization with a grant

1 under this section shall be supervised and facilitated by
2 a qualified program facilitator in accordance with the pro-
3 visions of this section, and shall include the following:

4 (1) CHILD-PARENT MEETINGS.—At least one
5 day each month, a meeting that provides an oppor-
6 tunity for eligible children to visit their incarcerated
7 parents in the prison facility in which their parents
8 are incarcerated, and to take part in child-parent ac-
9 tivities based on evidence-based programs and
10 emerging best practices that foster and develop fa-
11 miliary ties. Such meeting shall provide a supportive
12 environment for child-parent interaction, and may
13 include arts and crafts, games, community service
14 projects, and informal group mentoring sessions.

15 (2) MEETINGS FOR CHILDREN.—At least one
16 day each month, on a day other than the day de-
17 scribed in paragraph (1), a meeting in a location
18 other than a prison facility that provides an oppor-
19 tunity for eligible children to build interpersonal
20 problem-solving skills, character, self-confidence, and
21 self-esteem by—

22 (A) taking part in—

23 (i) activities based on evidence-based
24 programs and emerging best practices that
25 address traumatic stress in children, such

1 as programs and practices recommended
2 by the National Child Traumatic Stress
3 Network;

4 (ii) community service projects; and

5 (iii) recreational activities; and

6 (B) holding planning meetings.

7 (3) MEETINGS FOR PARENTS.—At least one
8 day each month, on a day other than the day de-
9 scribed in paragraph (1), a meeting in the prison fa-
10 cility in which parents of eligible children are incar-
11 cerated, that provides an opportunity for such incar-
12 cerated parents to obtain and improve parenting
13 skills to ensure strong family foundations upon re-
14 lease, which may include evidence-based programs
15 and emerging best practices.

16 (d) STIPEND FOR QUALIFIED PROGRAM
17 FACILITATORS.—Not more than 45 percent of the grant
18 funds provided to a qualified organization under this sec-
19 tion may be used to provide a monthly stipend to qualified
20 program facilitators. To be eligible to receive such a sti-
21 pend, a qualified program facilitator shall enter into an
22 agreement with a qualified organization to facilitate and
23 supervise group meetings in accordance with the provi-
24 sions of this section for not less than a one-year period,
25 in exchange for such stipend. Such agreement may be re-

1 newable, at the discretion of the qualified organization, for
2 additional one-year periods.

3 (e) APPLICATIONS; PRIORITY.—

4 (1) APPLICATIONS.—A qualified organization
5 interested in receiving a grant under this section
6 shall submit an application to the Attorney General
7 at such time, in such manner, and containing such
8 information as the Attorney General may require.
9 Such application shall include an assurance by the
10 qualified organization that the organization will pro-
11 vide the non-Federal share of the costs of the activi-
12 ties funded by a grant under this section in accord-
13 ance with subsection (f).

14 (2) PRIORITY.—In awarding grants under this
15 section, the Attorney General may give priority as
16 follows:

17 (A) First, to qualified organizations that,
18 before and on the date of enactment of this Act,
19 are carrying out a child-parent visitation pro-
20 gram for eligible children.

21 (B) Second, to qualified organizations that
22 serve the greatest number of eligible children.

23 (C) Third, to qualified organizations that
24 demonstrate the greatest need for funds to
25 serve eligible children.

1 (f) NON-FEDERAL SHARE.—A qualified organization
2 receiving a grant under this section shall provide a per-
3 centage of the costs described in subsection (e)(1) from
4 non-Federal sources, which may be contributed in cash or
5 in kind, fairly evaluated, including facilities, equipment,
6 or services, and which may be provided from State or local
7 public sources, or through donations from private entities.
8 Such percentage of the costs shall be equal to—

9 (1) in the case of a qualified organization that
10 was established on or after the date of the enact-
11 ment of this Act—

12 (A) 2.5 percent for the first year of such
13 grant;

14 (B) 5 percent for the second year of such
15 grant;

16 (C) 10 percent for the third year of such
17 grant;

18 (D) 10 percent for the fourth year of such
19 grant; and

20 (E) 10 percent for the fifth year of such
21 grant; and

22 (2) in the case of a qualified organization that
23 was established before the date of the enactment of
24 this Act—

1 (A) 10 percent for the first year of such
2 grant;

3 (B) 15 percent for the second year of such
4 grant;

5 (C) 20 percent for the third year of such
6 grant;

7 (D) 20 percent for the fourth year of such
8 grant; and

9 (E) 20 percent for the fifth year of such
10 grant.

11 (g) REGULATIONS; REPORTS.—

12 (1) REGULATIONS.—The Attorney General is
13 authorized to issue such regulations as may be nec-
14 essary to carry out this section.

15 (2) REPORTS BY ORGANIZATIONS.—Each quali-
16 fied organization receiving a grant under this section
17 shall submit to the Attorney General an annual re-
18 port relating to the activities carried out with a
19 grant under this section. Each such report shall in-
20 clude—

21 (A) the evaluations conducted under sec-
22 tion 3(b)(10), and the best practices developed,
23 if any, under section 3(b)(11);

1 (B) demographic information about the eli-
2 gible children served by the qualified organiza-
3 tion;

4 (C) demographic information about any eli-
5 gible children who applied to participate in the
6 activities carried out with a grant under this
7 section by the qualified organization, but who
8 were not accepted for participation; and

9 (D) the number of eligible children served
10 by the qualified organization who have been di-
11 agnosed with or treated for post traumatic
12 stress disorder.

13 (3) REPORTS BY THE ATTORNEY GENERAL.—
14 Not later than one year after the date of the enact-
15 ment of this Act, and annually thereafter, the Attor-
16 ney General shall submit to Congress a report sum-
17 marizing the annual reports submitted to the Attor-
18 ney General under paragraph (2).

19 **SEC. 4. GAO REPORT.**

20 (a) STUDY.—The Comptroller General shall, subject
21 to the availability of appropriations, conduct a study of
22 child-parent visitation programs for eligible children, in-
23 cluding—

24 (1) the number of eligible children and incarcerated
25 ated parents served by such programs;

1 (2) demographic data for participants in such
2 programs, including—

3 (A) eligible children;

4 (B) incarcerated parents; and

5 (C) individuals who serve as guardians of
6 eligible children while the eligible children's par-
7 ents are incarcerated;

8 (3) the recidivism rates of parents who partici-
9 pate in such programs;

10 (4) the incarceration and recidivism rates for
11 children who participate in such programs;

12 (5) the secondary education graduation and
13 drop-out rates of eligible children who participate in
14 such programs;

15 (6) the teen pregnancy rates of eligible children
16 who participate in such programs;

17 (7) the number of eligible children who partici-
18 pate in such programs who have any future adverse
19 contact with the justice system;

20 (8) the average amount of time such programs
21 have been in existence;

22 (9) the average length of time eligible children
23 and incarcerated parents participate in such pro-
24 grams;

1 (10) reasons why eligible children and incarcerated
2 ated parents drop out of or do not otherwise complete such programs;
3

4 (11) the average distance between where eligible
5 children reside from the prison facilities in which
6 their parents are incarcerated;

7 (12) the types of counseling that are available
8 and are being provided through such programs;

9 (13) whether such programs provide long-term
10 services to participants in such programs, including
11 whether any services are available after participants
12 have completed such programs;

13 (14) methods used to evaluate the performance
14 of employees and volunteers of such programs; and

15 (15) the methods used by such programs to
16 find and recruit eligible children and incarcerated
17 parents to participate in such programs, including
18 methods used in prison facilities, schools, and any
19 other service organizations.

20 (b) STUDY PERIODS.—The Comptroller General shall
21 conduct the study under subsection (a)—

22 (1) during the one-year period beginning on the
23 date of the enactment of this Act; and

1 (2) during the one-year period beginning on the
2 date that is 5 years after the date of the enactment
3 of this Act.

4 (c) REPORTS.—Not later than 30 days after the end
5 of each period described in paragraphs (1) and (2) of sub-
6 section (b), the Comptroller General shall submit to Con-
7 gress a report of the findings of the study conducted under
8 subsection (a).

9 **SEC. 5. DEFINITIONS.**

10 For the purposes of this Act:

11 (1) QUALIFIED ORGANIZATION.—The term
12 “qualified organization” means a non-profit organi-
13 zation (such as Girl Scouts of the United States of
14 America, Boy Scouts of America, Volunteers of
15 America, Camp Fire USA, Big Brothers Big Sisters,
16 and Amachi Mentoring Program), that carries out
17 child-parent visitation programs that foster and de-
18 velop familial ties between eligible children and their
19 incarcerated parents.

20 (2) ELIGIBLE CHILDREN.—The term “eligible
21 children” means individuals who—

22 (A) are not younger than age 5 and are
23 not older than age 18; and

24 (B) have at least one parent who—

1 (i) is incarcerated in a Federal or
2 State prison;

3 (ii) during the 3-month period pre-
4 ceding participation in the activities car-
5 ried out by a qualified organization under
6 section 3, has displayed exemplary compli-
7 ance with the disciplinary regulations of
8 the prison, and during such participation,
9 continues to display exemplary compliance
10 with such disciplinary regulations; and

11 (iii) has never been convicted of or
12 plead guilty to any offense involving child
13 abuse or any sex offense against a minor.

14 (3) PRISON.—The term “prison” means any
15 correctional, detention, penal, pre-release, or other
16 confinement facility that is administered by the Fed-
17 eral Government or a State, or by a private organi-
18 zation on behalf of the Federal Government or a
19 State.

20 (4) QUALIFIED PROGRAM FACILITATOR.—The
21 term “qualified program facilitator” means an indi-
22 vidual who—

23 (A) is licensed as a clinical psychologist,
24 psychiatrist, or mental health professional, or is

1 working under the direct supervision of such a
2 licensed individual;

3 (B) is licensed as a social worker or work-
4 ing under the direct supervision of a licensed
5 social worker;

6 (C) is a licensed or certified counselor of
7 mental health, including an individual, school,
8 or family counselor or therapist;

9 (D) is an other licensed or certified mental
10 health professional qualified to provide services
11 to children and adolescents;

12 (E) has 5 or more years of experience
13 working with children in a counseling capacity;
14 or

15 (F) has undergone a criminal background
16 check, and has completed an orientation and all
17 in-service training that is provided by a grantee
18 for facilitators of a child-parent visitation pro-
19 gram for eligible children.

20 (5) STATE.—The term “State” means each of
21 the several States of the United States, the District
22 of Columbia, and any commonwealth, possession, or
23 territory of the United States.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums

3 as may be necessary to carry out this Act.

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