

111TH CONGRESS
2^D SESSION

H. R. 5747

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

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2010

Mr. RUSH (for himself, Mrs. CHRISTENSEN, Mr. PAYNE, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Ms. MOORE of Wisconsin, Mr. JOHNSON of Georgia, Mr. LARSON of Connecticut, and Mr. DAVIS of Illinois) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To authorize a program to provide grants to nonprofit 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 2010”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

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

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

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

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

23 (5) Increased visitation between incarcerated
24 parents and their children can reduce the anxiety
25 and sense of loss children of incarcerated parents ex-

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

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

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

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

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

25 (a) GRANT PROGRAM ESTABLISHED.—

1 (1) GRANTS AUTHORIZED.—The Attorney Gen-
2 eral is authorized to award grants to qualified orga-
3 nizations to carry out, directly or through subgrants
4 to other entities, child-parent visitation programs
5 that foster and develop familial ties between eligible
6 children and their incarcerated parents.

7 (2) GRANT PERIOD; RENEWABILITY.—A grant
8 awarded under this section shall be for not less than
9 a 3-year period and not more than a 5-year period,
10 and may be renewed.

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

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

15 (2) provide counseling to eligible children, and
16 to their incarcerated parents;

17 (3) select one or more qualified program
18 facilitators to—

19 (A) organize and lead group meetings, in
20 accordance with subsection (c); and

21 (B) provide counseling to eligible children,
22 and to their incarcerated parents;

23 (4) provide to one or more such qualified pro-
24 gram facilitators a monthly stipend in accordance
25 with subsection (d);

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

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

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

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

18 (9) obtain program materials and other supplies
19 necessary to carry out other grant activities required
20 or permitted under this subsection;

21 (10) conduct periodic evaluations of the activi-
22 ties carried out with a grant under this section, in-
23 cluding volunteer recruitment, parental support and
24 development, measurement of children’s opportuni-
25 ties to build meaningful relationships with caring

1 adults, and measurement of children’s opportunities
2 for meaningful involvement and membership;

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

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

11 (13) coordinate the logistics of the child-parent
12 visitation program with the correctional facility at
13 which the eligible children’s parents are incarcer-
14 ated;

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

19 (15) conduct outreach activities to recruit eligi-
20 ble children.

21 (c) GROUP MEETINGS.—The group meetings orga-
22 nized and led by a qualified organization with a grant
23 under this section shall be supervised and facilitated by
24 a qualified program facilitator in accordance with the pro-
25 visions of this section, and—

1 (1) may include meetings for parents that pro-
2 vide an opportunity for incarcerated parents of eligi-
3 ble children to obtain and improve parenting skills
4 to ensure strong family foundations upon release,
5 which may include evidence-based programs and
6 emerging best practices; and

7 (2) shall include the following:

8 (A) CHILD-PARENT MEETINGS.—At least
9 one day each month, a meeting that provides an
10 opportunity for eligible children to visit their in-
11 carcerated parents in the prison facility in
12 which their parents are incarcerated, and to
13 take part in child-parent activities based on evi-
14 dence-based programs and emerging best prac-
15 tices that foster and develop familial ties. Such
16 meeting shall provide a supportive environment
17 for child-parent interaction, and may include
18 arts and crafts, games, community service
19 projects, and informal group mentoring ses-
20 sions; and

21 (B) MEETINGS FOR CHILDREN.—At least
22 one day each month, on a day other than the
23 day described in subparagraph (A), a meeting
24 in a location other than a prison facility that
25 provides an opportunity for eligible children to

1 build interpersonal problem-solving skills, char-
2 acter, self-confidence, and self-esteem by—

3 (i) taking part in—

4 (I) activities based on evidence-
5 based programs and emerging best
6 practices;

7 (II) community service projects;
8 and

9 (III) recreational activities; and

10 (ii) holding planning meetings.

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

23 (e) APPLICATIONS; PRIORITY.—

24 (1) APPLICATIONS.—A qualified organization
25 interested in receiving a grant under this section

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

9 (2) PRIORITY.—In awarding grants under this
10 section, the Attorney General may give priority as
11 follows:

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

16 (B) Second, to qualified organizations that
17 have a track record of providing research-based,
18 evaluated, and effective leadership development
19 programming.

20 (C) Third, to qualified organizations based
21 on the quality of the organization's plan for
22 measuring and assessing success of the pro-
23 gram to be carried out with such a grant; and

24 (D) Fourth, to qualified organizations
25 based on the likelihood that the objectives of

1 the program will be achieved by the organiza-
2 tion.

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

10 (1) in the case of a qualified organization that
11 was established before the date of the enactment of
12 this Act—

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

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

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

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

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

23 (2) in the case of a qualified organization that
24 was established on or after the date of the enact-
25 ment of this Act—

1 (A) 5 percent for the first year of such
2 grant;

3 (B) 10 percent for the second year of such
4 grant;

5 (C) 15 percent for the third year of such
6 grant;

7 (D) 15 percent for the fourth year of such
8 grant; and

9 (E) 15 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) an evaluation of the effect of leader-
10 ship development programming on the social
11 and emotional learning of the eligible children
12 served by the qualified organization.

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. DEFINITIONS.**

20 For the purposes of this Act:

21 (1) QUALIFIED ORGANIZATION.—The term
22 “qualified organization” means an entity that car-
23 ries out child-parent visitation programs that foster
24 and develop familial ties between eligible children
25 and their incarcerated parents, and that is—

1 (A) a national nonprofit organization with
2 the capacity (as determined by the Attorney
3 General) to carry out such visitation programs
4 in each of the several States;

5 (B) a nonprofit community-based or faith-
6 based organization; or

7 (C) a partnership of two or more organiza-
8 tions or entities described in subparagraphs (A)
9 or (B).

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

12 (A) are not younger than age 5 and are
13 not older than age 18; and

14 (B) have at least one parent who—

15 (i) is incarcerated in a Federal or
16 State prison;

17 (ii) during the 3-month period pre-
18 ceding participation in the activities car-
19 ried out by a qualified organization under
20 section 3, has displayed exemplary compli-
21 ance with the disciplinary regulations of
22 the prison, and during such participation,
23 continues to display exemplary compliance
24 with such disciplinary regulations; and

1 (iii) has never been convicted of or
2 pled guilty to any offense involving child
3 abuse or any sex offense against a minor.

4 (3) PRISON.—The term “prison” means any
5 correctional, detention, penal, pre-release, or other
6 confinement facility that is administered by the Fed-
7 eral Government or a State, or by a private organi-
8 zation on behalf of the Federal Government or a
9 State.

10 (4) QUALIFIED PROGRAM FACILITATOR.—The
11 term “qualified program facilitator” means an indi-
12 vidual who—

13 (A) is licensed as a clinical psychologist,
14 psychiatrist, or mental health professional, or is
15 working under the direct supervision of such a
16 licensed individual;

17 (B) is licensed as a social worker or work-
18 ing under the direct supervision of a licensed
19 social worker;

20 (C) is a licensed or certified counselor of
21 mental health, including an individual, school,
22 or family counselor or therapist;

23 (D) is an otherwise licensed or certified
24 mental health professional qualified to provide
25 services to children and adolescents;

1 (E) has 5 or more years of experience
2 working with children in a counseling capacity;
3 or

4 (F) has undergone a criminal background
5 check, and has completed an orientation and all
6 in-service training that is provided by a grantee
7 for facilitators of a child-parent visitation pro-
8 gram for eligible children.

9 (5) STATE.—The term “State” means each of
10 the several States of the United States, the District
11 of Columbia, and any commonwealth, possession, or
12 territory of the United States.

13 (6) LEADERSHIP DEVELOPMENT PROGRAM-
14 MING.—The term “leadership development program-
15 ming” means programs that help children and
16 adults acquire the knowledge, attitudes, and skills
17 associated with the core areas of social and emo-
18 tional competency, including—

19 (A) self-awareness and self-management to
20 achieve school and life success, such as identi-
21 fying and recognizing strengths, needs, emo-
22 tions, values and self-efficacy, impulse control
23 and stress management, self-motivation and
24 discipline, and goal setting and organizational
25 skills;

1 (B) social awareness and interpersonal
2 skills to establish and maintain positive rela-
3 tionships, such as self-esteem and respect for
4 others, communication, working cooperatively,
5 negotiation, conflict management, and help-
6 seeking; and

7 (C) decisionmaking skills and responsible
8 behaviors in personal, academic and community
9 contexts, such as situational analysis, problem
10 solving, reflection, and personal, social, and eth-
11 ical responsibility.

12 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated to carry out
14 this Act \$5,000,000 for fiscal year 2011, and such sums
15 as may be necessary for each of the 5 succeeding fiscal
16 years.

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