HLS 19RS-1679

2019 Regular Session

HOUSE STUDY REQUEST NO. 2

BY REPRESENTATIVE DUPLESSIS

CHILDREN/PARENTAL RIGHTS: Provides relative to a bill of rights of children of incarcerated parents

1	A STUDY REQUEST
2	To the House Committee on Administration of Criminal Justice, or a subcommittee thereof,
3	to study the protections, rights, and services afforded to a child in Louisiana who has
4	an incarcerated parent for the purpose of determining the feasibility of the Louisiana
5	Legislature adopting a "bill of rights" for children of incarcerated parents.
6	WHEREAS, Louisiana has taken steps to implement cost-effective, evidence-based
7	practices and programs that have worked to control the growth in the state's prison
8	population; and
9	WHEREAS, although Louisiana has recognized success in this endeavor, it is
10	estimated that approximately 94,000 children in Louisiana have an incarcerated parent; and
11	WHEREAS, studies indicate that maintaining family bonds during incarceration
12	reduces recidivism for parents and improves outcomes for children; and
13	WHEREAS, in recognition of the specific needs of children of incarcerated parents
14	and in hopes of achieving the improved outcomes for such children, a number of states have
15	adopted a "bill of rights" for children of incarcerated parents which include the following:
16	(1) At the time of the arrest of the child's parent:
17	(a) Children have the right to be protected from additional trauma and to be
18	informed of the arrest in an age-appropriate manner.
19	(b) Children have the right to work with individuals that have been trained to ensure
20	child safety upon the arrest of a parent or guardian.

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1 (c) Children have the right to work with state or local law enforcement officers who 2 inquire whether the person is a parent or guardian of minor or dependent children who may 3 be at risk as a result of the arrest. 4 (d) Children have the right to make major decisions that affect their life, in 5 accordance with the law, the child's age, and ability. 6 (e) If children are present at the arrest, the child has the right to participate in an 7 age-appropriate conversation regarding their placement. 8 (f) The child has the right to an attorney, if requested, and the ability to speak 9 privately with the attorney. 10 (2) During the incarceration of the child's parent: 11 (a) Children have the right to be cared for in the absence of the child's parent in a 12 way that prioritizes the child's physical, mental, and emotional needs. 13 (b) Children have the right to maintain a relationship with the incarcerated parent 14 which includes the right to speak with, see, and touch the incarcerated parent. 15 (c) The child has the right to be considered when determining the placement of an 16 incarcerated parent. 17 (d) Children have the right to speak with their incarcerated parent through phone 18 calls and video conferencing despite an incarcerated parent's ability to pay. 19 (e) Children have the right to be provided information about local services and 20 programs that support the child during and after the parent's incarceration. 21 THEREFORE, the House of Representatives of the Legislature of Louisiana requests 22 the House Committee on Administration of Criminal Justice, or a subcommittee thereof, to 23 study the protections, rights, and services afforded to a child in Louisiana who has an 24 incarcerated parent for the purpose of determining the feasibility of adopting a "bill of 25 rights" for children of incarcerated parents.

DIGEST

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HSR 2 Original

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Duplessis

Requests the House Committee on Administration of Criminal Justice, or a subcommittee thereof, to study the protections, rights, and services afforded to a child in La. who has an incarcerated parent for the purpose of determining the feasibility of adopting a "bill of rights" for children of incarcerated parents.