Legislative Work Group
House Committees
Early Learning and Human Services
&
Public Safety and Emergency Preparedness

PARENTING SENTENCING ALTERNATIVE
Substitute Senate Bill 6639

June 2010-December 2011
Research tells us that children of incarcerated parents are significantly more likely to end up in the criminal justice system themselves. The goal of this program is to help stop that cycle of criminal activity.

"... those who make the adjustment with the support of their families are more likely to succeed, suggesting that the careful involvement of families in the reentry process can boost the chances of positive outcomes.” Nancy La Vigne, Christy Visher, and Jennifer Castro (Dec. 8, 2004). “Family Support is Key to Staying Out of Prison Say Ex-Offenders in Chicago”. The Urban Institute. [http://www.urban.org/url.cfm?ID=900762](http://www.urban.org/url.cfm?ID=900762)

“This program gave me the opportunity to connect with all my kids on some kind of level, which I know would not have happened if I didn’t have help from the FOSA program.”
Parenting Sentencing Alternative

The legislation created two ways in which parents of minor children that have been convicted of non-violent, non-sex offenses can receive intensive supervision as alternatives to incarceration:

• **Family and Offender Sentencing Alternative (FOSA)** – Judicial Sentencing Option: Judges have the option to waive a sentence within the standard sentence range and impose 12 months of community custody along with conditions for treatment and programming for eligible offenders facing a prison sentence.

• **Community Parenting Alternative (CPA)** – allows the Department of Corrections to transfer an offender to electronic home monitoring for up to the last 12 months of his or her sentence.
FOSA - Eligibility Requirements

Offender must:

• Have physical custody of his/her minor child(ren) or is a legal guardian or custodian with physical custody of a minor child at the time of current offense.

• The high end of the offender's sentence is more than one year (presumptive prison sentence).

• Sign a release of information waiver regarding current and/or prior child welfare involvement.

Offender may not:

• Have current or prior convictions for a felony sex and/or violent offense.

• Be subject to a deportation order.
CPA - Eligibility Requirements

Offender must:

- Have physical custody of minor child(ren), or have legal custody of a minor child,
- *Has a proven, established, ongoing, and substantial relationship* with his or her minor child that existed prior to the commission of the current offense; or is a legal guardian of a minor child at the time of the current offense.
- Have up to 12 months remaining on their prison sentence.
- Sign a release of information waiver regarding current and/or prior child welfare involvement.

Offender may not:

- Have any *current* convictions for a felony sex and/or violent offense.
- Be subject to a deportation order.

Department of Corrections:

- The department determines that such placement is in the best interest of the child.
- Additionally, the department considers nature of harm, visitation, infractions, and overall programming while incarcerated.
Multi Disciplinary Screening Committee

In order to ensure that the “best interest of the child” is being met, and eligible offenders are selected to participate on the CPA program, a screening process was put in place by the Department of Corrections.

Screening process includes:

• Assessing what is in the best interest of the child
• Nature and extent of convictions
• Relationship to the child prior to incarceration
• Extent of parental role
• Infractions while incarcerated
• Program participation in prison

Committee recommendations for transfers are sent to the Secretary of DOC.
Multi Disciplinary Screening Committee

The members represent the following organizations and agencies:

- Children’s Administration
- Division of Behavioral Health and Recovery
- Department of Commerce – Crime Victim Advocacy
- Department of Corrections
- Department of Early Learning
- Department of Health - Women’s Services
- Economic Services
- Juvenile Rehabilitation Administration
- Rebuilding Families Inc.
- Child Psychologist/Developmental Specialist

DOC continues to look for partners who will further ensure that the “best interest of the child” is being met.
COMMUNITY SUPERVISION/MONITORING PHASE SYSTEM

PHASE 1
1st-3rd month

- Daily phone contact
- Weekly UA testing
- Monthly office visit
- Monthly contact w/social worker for open CPS cases.
- Program participation as identified in the Supervision Plan.

PHASE 2
4th - 8th month

- Bi-Weekly UA testing
- Monthly office visit
- Monthly contact w/social worker for open CPS cases.
- Increase availability to friends and family as approved by the CCO
- Continue programming

PHASE 3
9th - 12th month

- Monthly UA testing
- No employment restrictions
- Monthly office visit
- Monthly contact w/social worker for open CPS cases

Must be infraction/violation free for 30 days prior to advancement. If a violation/infraction occurs the offender is reduced by one phase.

“I feel my positive life changes has increased my self-worth and self-esteem tremendously.”
Partnership with Children’s Administration

Information Sharing
  o Community Corrections Officers
  o Inmate In-Services

Resource Sharing
  o Services

Aligning the Practice Approach with Families
  o Solution based casework

Case Collaboration on Open Cases
  o Case Planning
  o Family Monitoring

Case Consultation
  o Social Work Academy
  o Solution base casework

“Coming home for me was like a culture shock because I was gone so long, but this program helped me ‘ease’ back into things instead of being ‘plunged back’ in.”
The children of the offenders serve as the focal point of the program. As of Dec. 2011, as many as 163 children ranging in ages birth to 18 years of age have participated in the program.

Data collection didn’t begin until Sept. 2010 due to start-up logistics.

Average of 105 children per month are impacted by both FOSA and CPA program combined. 53% of the children come from FOSA parents, and 47% come from CPA parents.
On average, the distribution of ages does not differ significantly from one age group to the next.
On average 45% of the children are female and 55% are male.

* Figure includes duplicates
Location of Children

- 67%: Family Member + Offender
- 30%: Offender Only
- 3%: Other Parent, in Foster Care, or Supervised Visits
This program allowed for 8 kids to leave the foster care system and reunite with their parent.
Forty-four children were diverted from entering the foster care system.
Total **CPA** = 83 or 60%  
Total **FOSA** = 57 or 40%
Total Females = 116     83%
Total Males = 24     17%

CPA Total Female – 70
CPA Total Male - 13

FOSA Total Female – 46
FOSA Total Male - 11

* Figures include duplicates
Participant Programming

Other programs include: AA/NA, Education/Vocation training, MRT, SAM, Faith Based Counseling
Of the 56 participants who successfully completed the program none of the participants have re-offended during this reporting period.

(57) FOSA – 40% of the population
• 6 participants were revoked (10% revoke rate among FOSA participants)
• 10 have successfully completed the program

(83) CPA – 60% of the population
• 11 participants returned to prison (13% return to prison among CPA participants)
• 46 have successfully completed the program

(140) PROGRAMS COMBINED
• FOSA is 4% revoked
• CPA is 7% return to prison

Revokes and Return to Prison were not due to a new crime – rather a violation of program condition.
Questions
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