

H.1382 An Act to create community-based sentencing alternatives for non-violent primary caretakers of dependent children

Summary: This bill calls for the establishment of community-based sentencing alternatives for primary caretakers of dependent children charged with non-violent crimes, with the goal of alleviating the harm to children and primary caretaker parents caused by separation due to incarceration of the parents, while reducing recidivism and strengthening family unity and communities.

Why This Matters: In a report issued by Erika Kates, Ph.D, of the Wellesley Centers for Women, an estimated two-thirds to three-quarters of incarcerated women in Massachusetts are mothers, over half of whom likely lived with their children prior to arrest. Kates' report, *Exploring Alternatives To Incarceration (ATI) For Women In Massachusetts, July, 2011*, states that in 2006 an estimated 15,000 children in Massachusetts were affected by their mothers' incarceration. Half of the incarcerated women at MCI-Framingham do not receive visits from their children due to financial and other constraints of the temporary caretakers. This can result in the incarcerated parent losing contact with their children and permanently losing custody of their children.

The Women's Prison Association reports that children of incarcerated parents are five times more likely than their peers to end up in prison themselves. One in ten will be incarcerated before reaching adulthood. A recent Massachusetts Institute for a New Commonwealth (MassINC) study, states that emerging research shows that simply increasing time served for broad categories of offenses and placing all people who have been convicted of those offenses in one category, is a high-cost, low return approach.

What This Bill Would Do: Currently in Massachusetts there is no legislation or policy that requires a determination to be made whether the justice-involved person is a primary caretaker of a dependent child. This bill would require a sentencing judge to determine whether a person is a custodial, primary caretaker of a dependent child, and eligible for consideration under this bill, and if so, the court shall order a community-based, non- incarcerating sentencing alternative.

Such sentences shall take into consideration a myriad of services, based on individual assessments, including individual and group substance abuse counseling, Individual and group counseling services, relapse prevention workshops, vocational and educational groups, medical, housing and financial assistance, domestic violence intervention and workshops, parenting skill development (if applicable), entrepreneurial and empowerment seminars and recreation and leisure activities.

Representative Russell Holmes and Senator Patricia Jehlen have filed this legislation to create community-based alternatives to incarceration for people convicted of non- violent offenses who are primary caretakers of dependent children.