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SENATE  
S. No. **3170**

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Introduced by Senator Miriam Defensor Santiago

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#### EXPLANATORY NOTE

The Constitution, Article 15, Section 1 provides: “The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development.”

Parental incarceration creates additional challenges for children and families, often resulting in:<sup>1</sup>

1. Financial instability and material hardship, with financial problems the most severe for already vulnerable families and caregivers who support contact between the incarcerated parent and his or her child<sup>2</sup>
2. Instability in family relationships and structure, and residential mobility<sup>3</sup>
3. School behavior and performance problems<sup>4</sup>; and
4. Shame, social and institutional stigma<sup>5</sup>

Increased visitation between incarcerated parents and their children can reduce the anxiety and sense of loss children of incarcerated parents experience. This beneficial, low-cost activity also contributes to a reduction in future crimes committed by, and incarceration of, children of incarcerated parents.<sup>6</sup>

Further, participation in a comprehensive visitation program allows children of incarcerated parents to build relationships with caring adults and experience opportunities for

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<sup>1</sup> [http://211.idaho.gov/pdf/COIP\\_Factsheet.pdf](http://211.idaho.gov/pdf/COIP_Factsheet.pdf).

<sup>2</sup> Garfinkel, I., Geller, A., & Cooper, C. (2007). Parental Incarceration in Fragile Families: Summary of Three Year Findings. A report to the Annie E. Casey Foundation (unpublished); Hairston, C. Finney. (2007).

<sup>3</sup> *Id.*

<sup>4</sup> 2 Hairston, C. F. (2007); Hanlon, T. E., Blatchley, R. J., Bennett-Sears, T., O’Grady, K. E., Rose, M., & Callaman, J. M. (2005). Vulnerability of children of incarcerated addict mothers: Implications for preventive intervention. *Children and Youth Services Review*, 27, 67– 84.

<sup>5</sup> Hairston, C. F. (2007).

<sup>6</sup> <http://thomas.loc.gov/cgi-bin/query/z?c112:H.R.2464.IH>.

meaningful involvement and membership, helping to reduce the negative effects of parent-child separation.<sup>7</sup>

Thus, this bill authorizes the Secretary of Justice to provide grants to nonprofit organizations that carry out child-parent visitation programs for children with incarcerated parents.

*alt*  
*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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<sup>7</sup> *Id.*

Office of the Secretary  
12 APR 19 12:29

SENATE  
S. No. 3170

BY: fen

Introduced by Senator Miriam Defensor Santiago

1 AN ACT  
2 AUTHORIZING A PROGRAM TO PROVIDE GRANTS TO NONPROFIT  
3 ORGANIZATIONS THAT CARRY OUT CHILD-PARENT VISITATION PROGRAMS FOR  
4 CHILDREN WITH INCARCERATED PARENTS

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

5 SECTION 1. *Short Title.* – This Act shall be known as the “Families Beyond Bars Act”.

6 SECTION 2. *Definition of Terms.* – For purposes of this Act, the term:

7 (1) “Eligible Children” means individuals who are not younger than age five (5) and  
8 are not older than age eighteen (18); and have at least one parent who

9 (A) is incarcerated in prison;

10 (B) during the three-month period preceding participation in the activities carried out  
11 by a qualified organization, has displayed exemplary compliance with the  
12 disciplinary regulations of the prison, and during such participation, continues to  
13 display exemplary compliance with such disciplinary regulations; and

14 (C) has never been convicted of or pled guilty to any offense involving child abuse or  
15 any sex offense against a minor.

16 (2) “Leadership Development Programming” means programs that help children and  
17 adults acquire the knowledge, attitudes, and skills associated with the core areas of social and  
18 emotional competency, including:

19 (A) self-awareness and self-management to achieve school and life success, such as  
20 identifying and recognizing strengths, needs, emotions, values and self-efficacy,  
21 impulse control and stress management, self-motivation and discipline, and goal  
22 setting and organizational skills;

- 1 (B) social awareness and interpersonal skills to establish and maintain positive  
2 relationships, such as self-esteem and respect for others, communication, working  
3 cooperatively, negotiation, conflict management, and help-seeking; and
- 4 (C) decision-making skills and responsible behaviors in personal, academic and  
5 community contexts, such as situational analysis, problem solving, reflection, and  
6 personal, social, and ethical responsibility.
- 7 (3) "Qualified Organization" means an entity that carries out child-parent visitation  
8 programs that foster and develop familial ties between eligible children and their incarcerated  
9 parents, and that is:
- 10 (A) a nonprofit organization with the capacity (as determined by the Department of  
11 Justice) to carry out such visitation programs nationwide;
- 12 (B) a nonprofit community-based or faith-based organization; or
- 13 (C) a partnership of two or more organizations or entities described in subparagraphs  
14 (A) or (B).
- 15 (4) "Qualified Program Facilitator" means an individual who:
- 16 (A) is licensed as a clinical psychologist, psychiatrist, or mental health professional,  
17 or is working under the direct supervision of such a licensed individual;
- 18 (B) is licensed as a social worker or working under the direct supervision of a licensed  
19 social worker;
- 20 (C) is a licensed or certified counselor of mental health, including an individual,  
21 school, or family counselor or therapist;
- 22 (D) is an otherwise licensed or certified mental health professional qualified to  
23 provide services to children and adolescents;
- 24 (E) has five (5) or more years of experience working with children in a counseling  
25 capacity; or
- 26 (F) has undergone a criminal background check, and has completed an orientation  
27 and all in-service training that is provided by a grantee for facilitators of a child-  
28 parent visitation program for eligible children.

1 SECTION 3. *Beyond Bars Grant Program.* –

2 (1) Grant Program Established. –

3 (A) Grants Authorized. – The Department of Justice is authorized to award grants to  
4 qualified organizations to carry out, directly or through subgrants to other entities,  
5 child-parent visitation programs that foster and develop familial ties between  
6 eligible children and their incarcerated parents.

7 (B) Grant Period; Renewability. – A grant awarded under this section shall be for not  
8 less than a three-year period and not more than a five-year period, and may be  
9 renewed.

10 (2) Grant Uses. – Grants awarded under this section may be used by a qualified  
11 organization to--

12 (A) organize and lead group meetings, in accordance with subsection (3);

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

14 (C) select one or more qualified program facilitators to--

15 (i) organize and lead group meetings, in accordance with subsection (3); and

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

17 (D) provide to one or more such qualified program facilitators a monthly stipend in  
18 accordance with subsection (4);

19 (E) provide transportation for eligible children to attend such group meetings, and  
20 provide volunteer support to assist in such transportation;

21 (F) provide security for eligible children during such group meetings, and comply  
22 with applicable security procedures required by the facility at which the eligible  
23 children's parents are incarcerated;

24 (G) provide enrichment activities for incarcerated parents of eligible children during  
25 incarceration and pre-release, including parenting classes and transition programs;

26 (H) provide connections to and coordination with community and social services and  
27 other support to eligible children, incarcerated parents, and individuals who serve  
28 as guardians of eligible children while the eligible children's parents are  
29 incarcerated;

- 1 (I) obtain program materials and other supplies necessary to carry out other grant  
2 activities required or permitted under this subsection;
- 3 (J) conduct periodic evaluations of the activities carried out with a grant under this  
4 section, including volunteer recruitment, parental support and development,  
5 measurement of children's opportunities to build meaningful relationships with  
6 caring adults, and measurement of children's opportunities for meaningful  
7 involvement and membership;
- 8 (K) develop best practices regarding child-parent visitation programs for eligible  
9 children and their incarcerated parents, based on the evaluations conducted under  
10 paragraph (J);
- 11 (L) provide age-appropriate enrichment activities for children, including activities  
12 related to basic life skills, hygiene, healthy and drug-free habits, social skills, and  
13 building self-esteem and confidence;
- 14 (M) coordinate the logistics of the child-parent visitation program with the  
15 correctional facility at which the eligible children's parents are incarcerated;
- 16 (N) supervise adult volunteers who are assisting with the child-parent visitation  
17 program, whether such volunteers are working as individuals or as part of a team;  
18 and
- 19 (O) conduct outreach activities to recruit eligible children.
- 20 (3) Group Meetings. – The group meetings organized and led by a qualified  
21 organization with a grant under this section shall be supervised and facilitated by a qualified  
22 program facilitator in accordance with the provisions of this section, and –
- 23 (A) may include meetings for parents that provide an opportunity for incarcerated  
24 parents of eligible children to obtain and improve parenting skills to ensure strong  
25 family foundations upon release, which may include evidence-based programs  
26 and emerging best practices; and
- 27 (B) shall include the following:
- 28 (i) Child-Parent Meetings. – At least one day each month, a meeting that  
29 provides an opportunity for eligible children to visit their incarcerated

1 parents in the prison facility in which their parents are incarcerated, and to  
2 take part in child-parent activities based on evidence-based programs and  
3 emerging best practices that foster and develop familial ties. Such meeting  
4 shall provide a supportive environment for child-parent interaction, and  
5 may include arts and crafts, games, community service projects, and  
6 informal group mentoring sessions.

7 (ii) Meetings for Children. – At least one day each month, on a day other than  
8 the day described in subparagraph (i), a meeting in a location other than a  
9 prison facility that provides an opportunity for eligible children to build  
10 interpersonal problem-solving skills, character, self-confidence, and self-  
11 esteem by:

12 (a) taking part in:

13 (I) activities based on evidence-based programs and emerging  
14 best practices;

15 (II) community service projects; and

16 (III) recreational activities; and

17 (b) holding planning meetings.

18 (4) Stipend for Qualified Program Facilitators. – Not more than 45 percent of the  
19 grant funds provided to a qualified organization under this section may be used to provide a  
20 monthly stipend to qualified program facilitators. To be eligible to receive such a stipend, a  
21 qualified program facilitator shall enter into an agreement with a qualified organization to  
22 facilitate and supervise group meetings in accordance with the provisions of this section for not  
23 less than a one-year period, in exchange for such stipend. Such agreement may be renewable, at  
24 the discretion of the qualified organization, for additional one-year periods.

25 (5) Applications; Priority. –

26 (A) Applications. – A qualified organization interested in receiving a grant under this  
27 section shall submit an application to the Department of Justice at such time, in  
28 such manner, and containing such information as the Secretary of Justice may  
29 require.

1 (B) Priority. – In awarding grants under this section, the Secretary of Justice may give  
2 priority as follows:

3 (i) First, to qualified organizations that, before and on the date of enactment  
4 of this Act, are carrying out a child-parent visitation program for eligible  
5 children.

6 (ii) Second, to qualified organizations which have a track record of providing  
7 research-based, evaluated, and effective leadership development  
8 programming.

9 (iii) Third, to qualified organizations based on the quality of the organization's  
10 plan for measuring and assessing success of the program to be carried out  
11 with such a grant.

12 (iv) Fourth, to qualified organizations based on the likelihood that the  
13 objectives of the program will be achieved by the organization.

14 (6) Regulations; Reports. –

15 (A) Regulations. – The Secretary of Justice is authorized to issue such regulations as  
16 may be necessary to carry out this section.

17 (B) Reports by Organizations. – Each qualified organization receiving a grant under  
18 this section shall submit to the Secretary of Justice an annual report relating to the  
19 activities carried out with a grant under this section. Each such report shall  
20 include:

21 (i) the evaluations conducted under this Act and the best practices developed,  
22 if any;

23 (ii) demographic information about the eligible children served by the  
24 qualified organization;

25 (iii) demographic information about any eligible children who applied to  
26 participate in the activities carried out with a grant under this section by  
27 the qualified organization, but who were not accepted for participation;  
28 and



1 (iv) an evaluation of the effect of leadership development programming on the  
2 social and emotional learning of the eligible children served by the  
3 qualified organization.

4 (C) Reports by the Secretary of Justice. – Not later than one year after the date of  
5 effectivity of this Act, and annually thereafter, the Secretary of Justice shall  
6 submit to Congress a report summarizing the annual reports submitted to the  
7 Secretary of Justice.

8 SECTION 4. *Authorization of Appropriations.* – The amount necessary to carry out the  
9 provisions of this Act is hereby authorized to be appropriated in the General Appropriations Act  
10 of the year following the enactment of this law and every year thereafter.

11 SECTION 5. *Separability Clause.* – If any provision of this Act shall be declared  
12 unconstitutional, any other provision not affected thereby shall remain in full force and effect.

13 SECTION 6. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, or  
14 parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

15 SECTION 7. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication  
16 in at least two (2) newspapers of general circulation.

Approved,

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