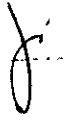


MAR -9 P2:40

SENATE
S. No. 2682

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

AN ACT
TO AUTHORIZE A PROGRAM TO PROVIDE GRANTS TO NONPROFIT
ORGANIZATIONS THAT CARRY OUT CHILD-PARENT VISITATION
PROGRAMS FOR CHILDREN WITH INCARCERATED PARENTS

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 reportedly creates additional challenges for children and families often resulting in:¹

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 child²
2. Instability in family relationships and structure, and residential mobility³
3. School behavior and performance problems⁴; and
4. Shame, social and institutional stigma⁵

Increased visitation between incarcerated parents and their children can allegedly reduce the anxiety and sense of loss children of incarcerated parents experience. This

¹ http://211.idaho.gov/pdf/COIP_Factsheet.pdf.

² 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 A report to the Annie E. Casey Foundation (unpublished); Hairston, C. Finney (2007).

³ *Id.*

⁴ 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.

⁵ Hairston, C. F. (2007).

beneficial, low-cost activity may also contribute to a reduction in future crime committed by, and incarceration of, children of incarcerated parents.⁶

Further, Participation in a comprehensive visitation program supposedly allows children of incarcerated parents to build relationships with caring adults and experience opportunities for meaningful involvement and membership, helping to reduce the negative effects of parent-child separation.⁷

Thus, this bill authorizes the Secretary of the Department of Justice to provide grants to nonprofit organizations that carry out child-parent visitation programs for children with incarcerated parents.⁸


MIRIAM DEFENSOR SANTIAGO
PP

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

⁷ *Id.*


⁸ This bill was originally filed by Reps. Rush, Moore, Jackson, Stark, Grijalva, Hirono, Ellison, Cohen, and Hastings in the U.S. House of Representatives during the 112th Congress, 1st Session.

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



MAR -9 P2:40

SENATE
S. No. 2682

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

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

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

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

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

8 (1) “Eligible Children” means individuals who are not younger than age 5 and are
9 not older than age 18; and have at least one parent who (i) is incarcerated; (ii) during the
10 3-month period preceding participation in the activities carried out by a qualified
11 organization, has displayed exemplary compliance with the disciplinary regulations of the
12 prison, and during such participation, continues to display exemplary compliance with
13 such disciplinary regulations; and (iii) has never been convicted of or pled guilty to any
14 offense involving child abuse or any sex offense against a minor.

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

18 (A) self-awareness and self-management to achieve school and life success,
19 such as identifying and recognizing strengths, needs, emotions, values and self-

1 efficacy, impulse control and stress management, self-motivation and discipline,
2 and goal setting and organizational skills;

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

6 (C) decision-making skills and responsible behaviors in personal, academic
7 and community contexts, such as situational analysis, problem solving, reflection,
8 and personal, social, and ethical responsibility.

9 (3) “Qualified Organization” means an entity that carries out child-parent
10 visitation programs that foster and develop familial ties between eligible children and
11 their incarcerated parents, and that is:

12 (A) a nonprofit organization with the capacity (as determined by the
13 Department of Justice) to carry out such visitation programs nationwide;

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

15 (C) a partnership of two or more organizations or entities described in
16 subparagraphs (A) or (B).

17 (4) “Qualified Program Facilitator” means an individual who:

18 (A) is licensed as a clinical psychologist, psychiatrist, or mental health
19 professional, or is working under the direct supervision of such a licensed
20 individual;

21 (B) is licensed as a social worker or working under the direct supervision of
22 a licensed social worker;

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

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

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

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

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

7 (a) Grant Program Established. –

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

12 (2) Grant Period; Renewability. – A grant awarded under this section shall
13 be for not less than a 3-year period and not more than a 5-year period, and may be
14 renewed.

15 (b) Grant Uses. – Grants awarded under this section may be used by a qualified
16 organization to--

17 (1) organize and lead group meetings, in accordance with subsection (c);

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

19 (3) select one or more qualified program facilitators to--

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

21 (c); and

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

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

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

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

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

9 (8) provide connections to and coordination with community and social
10 services and other support to eligible children, incarcerated parents, and
11 individuals who serve as guardians of eligible children while the eligible children's
12 parents are incarcerated;

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

15 (10) conduct periodic evaluations of the activities carried out with a grant
16 under this section, including volunteer recruitment, parental support and
17 development, measurement of children's opportunities to build meaningful
18 relationships with caring adults, and measurement of children's opportunities for
19 meaningful involvement and membership;

20 (11) develop best practices regarding child-parent visitation programs for
21 eligible children and their incarcerated parents, based on the evaluations
22 conducted under paragraph (10);

23 (12) provide age-appropriate enrichment activities for children, including
24 activities related to basic life skills, hygiene, healthy and drug-free habits, social
25 skills, and building self-esteem and confidence;

1 (13) coordinate the logistics of the child-parent visitation program with the
2 correctional facility at which the eligible children's parents are incarcerated;

3 (14) supervise adult volunteers who are assisting with the child-parent
4 visitation program, whether such volunteers are working as individuals or as part
5 of a team; and

6 (15) conduct outreach activities to recruit eligible children.

7 (c) Group Meetings. – The group meetings organized and led by a qualified
8 organization with a grant under this section shall be supervised and facilitated by a
9 qualified program facilitator in accordance with the provisions of this section, and –

10 (1) may include meetings for parents that provide an opportunity for
11 incarcerated parents of eligible children to obtain and improve parenting skills to
12 ensure strong family foundations upon release, which may include evidence-based
13 programs and emerging best practices; and

14 (2) shall include the following:

15 (A) Child-Parent Meetings. – At least one day each month, a
16 meeting that provides an opportunity for eligible children to visit their
17 incarcerated parents in the prison facility in which their parents are
18 incarcerated, and to take part in child-parent activities based on evidence-
19 based programs and emerging best practices that foster and develop familial
20 ties. Such meeting shall provide a supportive environment for child-parent
21 interaction, and may include arts and crafts, games, community service
22 projects, and informal group mentoring sessions.

23 (B) Meetings for Children. – At least one day each month, on a day
24 other than the day described in subparagraph (A), a meeting in a location
25 other than a prison facility that provides an opportunity for eligible children

1 to build interpersonal problem-solving skills, character, self-confidence,
2 and self-esteem by:

3 (i) taking part in:

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

6 (II) community service projects; and

7 (III) recreational activities; and

8 (ii) holding planning meetings.

9 (d) Stipend for Qualified Program Facilitators. – Not more than 45 percent of the
10 grant funds provided to a qualified organization under this section may be used to provide
11 a monthly stipend to qualified program facilitators. To be eligible to receive such a
12 stipend, a qualified program facilitator shall enter into an agreement with a qualified
13 organization to facilitate and supervise group meetings in accordance with the provisions
14 of this section for not less than a one-year period, in exchange for such stipend. Such
15 agreement may be renewable, at the discretion of the qualified organization, for
16 additional one-year periods.

17 (e) Applications; Priority. –

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

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

24 (A) First, to qualified organizations that, before and on the date of
25 enactment of this Act, are carrying out a child-parent visitation program for
26 eligible children.

1 (B) Second, to qualified organizations which have a track record of
2 providing research-based, evaluated, and effective leadership development
3 programming.

4 (C) Third, to qualified organizations based on the quality of the
5 organization's plan for measuring and assessing success of the program to
6 be carried out with such a grant.

7 (D) Fourth, to qualified organizations based on the likelihood that
8 the objectives of the program will be achieved by the organization.

9 (f) Regulations; Reports-

10 (1) Regulations. – The Attorney General is authorized to issue such
11 regulations as may be necessary to carry out this section.

12 (2) Reports by Organizations. – Each qualified organization receiving a
13 grant under this section shall submit to the Secretary of Justice an annual report
14 relating to the activities carried out with a grant under this section. Each such
15 report shall include:

16 (A) the evaluations conducted under this Act and the best practices
17 developed, if any;

18 (B) demographic information about the eligible children served by
19 the qualified organization;

20 (C) demographic information about any eligible children who
21 applied to participate in the activities carried out with a grant under this
22 section by the qualified organization, but who were not accepted for
23 participation; and

24 (D) an evaluation of the effect of leadership development
25 programming on the social and emotional learning of the eligible children
26 served by the qualified organization.

1 (3) Reports by the Attorney General. – Not later than one year after the date
2 of effectivity of this Act, and annually thereafter, the Secretary of Justice
3 shall submit to Congress a report summarizing the annual reports submitted
4 to the Secretary of Justice.

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

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

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

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

Approved,

/fldp27feb2015