

103D CONGRESS  
1ST SESSION

# H. R. 569

To authorize the National Institute of Corrections to make grants to States to carry out family unity demonstration projects; and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 1993

Mr. WASHINGTON introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To authorize the National Institute of Corrections to make grants to States to carry out family unity demonstration projects; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 TITLE I—GENERAL PROVISIONS

4 **SEC. 101. SHORT TITLE.**

5 This Act may be cited as the “Family Unity Dem-  
6 onstration Project Act of 1993”.

7 **SEC. 102. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) An increasing number of children are be-  
10 coming separated from their primary caretaker par-

1       ents due to the incarceration of such parents in pris-  
2       ons and jails.

3           (2) This separation of children from their pri-  
4       mary caretaker parents can cause irreparable harm  
5       to the children's psychological well-being and hinder  
6       their growth and development.

7           (3) A significant number of children are born  
8       shortly before or during the incarceration of their  
9       mothers and are then quickly separated from their  
10      mothers, preventing the parent-child bonding that is  
11      crucial to developing in children a sense of security  
12      and trust.

13          (4) Maintaining close relationships with their  
14      children provides a powerful incentive for prisoners  
15      to participate in and successfully benefit from reha-  
16      bitative programs.

17          (5) Maintaining strong family ties during im-  
18      prisonment has been shown to decrease recidivism,  
19      thereby reducing prison costs.

20      (b) PURPOSES.—The purposes of this Act are—

21          (1) to create demonstration projects designed to  
22      alleviate the harm to children and primary caretaker  
23      parents caused by separation due to the incarcer-  
24      ation of such parents,

1           (2) to promote development of policies to assign  
2 prisoners whenever possible to correctional facilities  
3 for which they qualify closest to their family homes,

4           (3) to reduce prison populations,

5           (4) to reduce recidivism rates of prisoners by  
6 encouraging strong and supportive family relation-  
7 ships, and

8           (5) to reduce the cost of providing correctional  
9 services and maintaining traditional correctional fa-  
10 cilities by decreasing recidivism and maintaining  
11 community correctional facilities at lower cost.

12 **SEC. 103. DEFINITIONS.**

13 For purposes of this Act:

14           (1) ATTORNEY GENERAL.—The term “Attorney  
15 General” means the Attorney General of the United  
16 States.

17           (2) CHILD.—The term “child” means an indi-  
18 vidual who is less than 6 years of age.

19           (3) COMMUNITY CORRECTIONAL FACILITY.—  
20 The term “community correctional facility” means a  
21 residential facility that—

22                   (A) is used only for eligible prisoners and  
23 their children,

24                   (B) is neither physically part of, nor in the  
25 vicinity of, a jail or prison,

- 1 (C) is located in a nonrural area,
- 2 (D) has a maximum capacity of 25 pris-
- 3 oners in addition to their children, and
- 4 (E) provides to residents—
- 5 (i) a safe, wholesome, stable, caring,
- 6 and stimulating environment for children,
- 7 under the supervision of child development
- 8 professionals,
- 9 (ii) pediatric and adult medical care
- 10 consistent with medical standards,
- 11 (iii) culturally sensitive programs to
- 12 improve the stability of the parent-child re-
- 13 lationship, including educating parents re-
- 14 garding—
- 15 (I) child development, and
- 16 (II) household management,
- 17 (iv) alcoholism and drug addiction
- 18 treatment for prisoners and age-appro-
- 19 priate substance abuse education for their
- 20 children,
- 21 (v) programs and support services to
- 22 help residents—
- 23 (I) to improve and maintain men-
- 24 tal and physical health, including ac-

1                   cess to counseling and other commu-  
2                   nity services,

3                   (II) to obtain adequate housing  
4                   upon release from State incarceration,

5                   (III) to obtain suitable education,  
6                   employment, or training for employ-  
7                   ment, and

8                   (IV) to obtain suitable child care.

9                   (4) ELIGIBLE PRISONER.—The term “eligible  
10                  prisoner” means a primary caretaker parent who—

11                  (A) is sentenced to a term of imprisonment  
12                  of not more than 10 years,

13                  (B) is incarcerated currently to serve such  
14                  sentence,

15                  (C) is not eligible currently for probation  
16                  or parole until the expiration of a period ex-  
17                  ceeding 180 days, and

18                  (D) has never been convicted of—

19                          (i) homicide,

20                          (ii) inflicting, or threatening to inflict,  
21                          serious bodily injury on another individual,  
22                          for which the term of imprisonment ex-  
23                          ceeds 1 year,

24                          (iii) kidnapping,

1 (iv) child neglect or mental, physical,  
2 or sexual abuse of a child,

3 (v) forcible rape, or

4 (vi) sodomy or oral copulation, by  
5 force.

6 (5) INSTITUTE.—The term “Institute” means  
7 the National Institute of Corrections.

8 (6) PRIMARY CARETAKER PARENT.—The term  
9 “primary caretaker parent” means—

10 (A) a parent who—

11 (i) has exclusive legal custody of a  
12 child, and

13 (ii) before incarceration, assumed re-  
14 sponsibility for the housing (including tem-  
15 porary placement in the home of a respon-  
16 sible adult), health, and safety of such par-  
17 ent’s child, or

18 (B) a woman who gives birth to a child  
19 during, or in the 1-year period preceding, the  
20 term for which such woman is currently incar-  
21 cerated.

22 (7) STATE.—The term “State” means any of  
23 the several States or the District of Columbia.

1 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) AUTHORIZATION.—There is authorized to be ap-  
3 propriated \$8,000,000 for each of the fiscal years 1993,  
4 1994, 1995, 1996, and 1997 to carry out this Act.

5 (b) AVAILABILITY OF APPROPRIATIONS.—Of the  
6 amount appropriated under subsection (a) for any fiscal  
7 year—

8 (1) 80 percent shall be available to carry out  
9 title II, and

10 (2) 20 percent shall be available to carry out  
11 title III.

12 TITLE II—GRANTS TO STATES

13 **SEC. 201. AUTHORITY TO MAKE GRANTS.**

14 (a) GENERAL AUTHORITY.—The Director of the In-  
15 stitute is authorized to make grants, on a competitive  
16 basis, to States to carry out in accordance with this title  
17 family unity demonstration projects that enable eligible  
18 prisoners to live in community correctional facilities with  
19 their children.

20 (b) PREFERENCE.—For the purpose of making  
21 grants under subsection (a), the Institute shall give pref-  
22 erence to any eligible State that includes in the application  
23 required by section 202 assurances that if such State re-  
24 ceives such a grant—

25 (1) both the State corrections agency and the  
26 State health and human services agency will partici-

1       pate substantially in, and cooperate closely in all as-  
2       pects of, the development and operation of the fam-  
3       ily unity demonstration project for which such a  
4       grant is requested,

5               (2) public and nonprofit private community-  
6       based organizations will be integrally involved in car-  
7       rying out such project, both in an advisory capacity  
8       and as contractors,

9               (3) boards made up of community residents,  
10      local businesses, corrections officials, former pris-  
11      oners, child development professionals, educators,  
12      and maternal and child health professionals will be  
13      established to advise the State regarding the oper-  
14      ation of such project,

15              (4) the State will show a commitment to using  
16      community placement as an alternative to traditional  
17      incarceration, to decrease the prison population and  
18      not as an alternative to placement in halfway  
19      houses,

20              (5) the State will target economically disadvan-  
21      taged, incarcerated prisoners and their children for  
22      participation in such project,

23              (6) the State has in effect a policy that provides  
24      for the placement of all prisoners, whenever possible,



1 in correctional facilities for which they qualify that  
2 are located closest to their respective family homes,

3 (7) the State will implement such project not  
4 later than 180 days after receiving a grant under  
5 subsection (a) and will expend all of such grant dur-  
6 ing a 1-year period, and

7 (8) for the purpose of selecting eligible pris-  
8 oners to participate in such project, the State will—

9 (A) give written notice to a prisoner, not  
10 later than 30 days after the State first receives  
11 a grant under subsection (a) or 30 days after  
12 such prisoner is sentenced to a term of impris-  
13 onment of not more than 10 years (whichever  
14 is later), of the proposed or current operation  
15 of such project, as the case may be,

16 (B) accept at any time such project is in  
17 operation an application by such prisoner to  
18 participate in such project if, at the time of ap-  
19 plication, the remainder of the sentence of such  
20 prisoner exceeds 180 days,

21 (C) review applications by prisoners in the  
22 sequence in which the State receives such appli-  
23 cations,

24 (D) not less than 10 days before reviewing  
25 a particular application to participate in such

1 project, the State will give to the prisoner who  
2 submitted such application and to each care-  
3 taker, custodian, or guardian of the child of  
4 such prisoner written notice that—

5 (i) the State will review such applica-  
6 tion,

7 (ii) for the purpose of such review,  
8 there is a rebuttable presumption that it is  
9 in the best interest of such child to resume  
10 living with such prisoner if such applica-  
11 tion is approved, and

12 (iii) the State will accept from the re-  
13 cipients of such notice comments with re-  
14 spect to such application, and

15 (E) not more than 40 days after giving  
16 such notice—

17 (i) approve or disapprove such appli-  
18 cation, and

19 (ii) give such prisoner and such care-  
20 taker, custodian, or guardian written no-  
21 tice of, and a statement of the reasons for,  
22 the approval or disapproval of such appli-  
23 cation.

24 (c) SELECTION OF GRANTEES.—The Institute shall  
25 make grants under subsection (a) on a competitive basis,

1 based on such criteria as the Institute shall issue by rule  
2 and taking into account the preference required by sub-  
3 section (b).

4 (d) NUMBER OF GRANTS.—In any fiscal year for  
5 which funds are available to carry out this title, the Insti-  
6 tute shall make grants to 5 eligible States geographically  
7 dispersed throughout all regions of the United States.

8 **SEC. 202. ELIGIBILITY TO RECEIVE GRANTS.**

9 To be eligible to receive a grant under section 201(a),  
10 a State shall submit to the Institute an application at such  
11 time, in such form, and containing such information, as  
12 the Institute reasonably may require by rule.

13 **SEC. 203. REPORT.**

14 Each State that receives a grant under this title shall  
15 submit a report to the Institute regarding the family unity  
16 demonstration project for which such grant is expended.  
17 Such report shall be submitted not later than 90 days  
18 after the 1-year period in which such grant is required  
19 to be expended. Such report shall—

20 (1) specify the number of prisoners who submit-  
21 ted, in such 1-year period, applications to participate  
22 in such project and the number of prisoners who  
23 were placed in such project,

1           (2) specify, with respect to prisoners placed in  
2           such project, the number of prisoners who returned  
3           from such project to prison or jail,

4           (3) a description of the nature and scope of  
5           educational and training activities provided to pris-  
6           oners participating in such project, and

7           (4) specify the number, and describe the scope  
8           of, contracts made with public and nonprofit private  
9           community-based organizations to carry out such  
10          project.

11        **TITLE III—FAMILY UNITY DEMONSTRATION**

12                **PROJECT FOR FEDERAL PRISONERS**

13        **SEC. 301. AUTHORITY OF THE ATTORNEY GENERAL.**

14           With funds available to carry out this title for the  
15          benefit of federal prisoners and acting through the Bureau  
16          of Prisons, the Attorney General shall carry out a family  
17          unity demonstration project that enables eligible prisoners  
18          to live in community correctional facilities with their  
19          children.

20        **SEC. 302. REQUIREMENTS.**

21           For the purpose of carrying out a family unity dem-  
22          onstration project under section 301, the Attorney General  
23          shall—

24           (1) comply with the requirements specified in  
25          paragraphs (2), (3), (4), (5), (7), and (8) of section

1 201(b) to the extent a recipient of a grant under  
2 section 201(a) is required to comply with such  
3 requirements,

4 (2) consult with the Secretary of Health and  
5 Human Services regarding the development and op-  
6 eration of such project, and

7 (3) submit to the National Institute of Correc-  
8 tions a report of the kind described, and at the time  
9 specified, in section 203 regarding the operation of  
10 such project.

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