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## FISCAL IMPACT REPORT

SPONSOR Lopez DATE TYPED 1/28/04 HB \_\_\_\_\_

SHORT TITLE Children of Incarcerated Parents Task Force SB SJM 16

ANALYST Maloy

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
	NFI		See Narrative	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates SJM 31.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Health  
 Human Services Department  
 New Mexico Public Education Department

#### No Response Received From

Children, Youth and Families Department

### SUMMARY

#### Synopsis of Bill

Senate Joint Memorial (SJM) 16 requires the Children, Youth and Families Department (CYFD) and the Human Services Department (HSD) to continue the work of the Children of Incarcerated Parents Task Force created through SJM 15 of 2003. The task force would include representatives from the Department of Health, Public Education Department (PED), Corrections Department, State Agency on Aging, Public Defender Department, a statewide association of district court judges, a state law enforcement agency, a local law enforcement agency, a statewide association of district attorneys, an entity that provides caregiver services for children and families, an entity that is an advocate for children and families and a representative from the law enforcement advisory committee. The charge of the task force would be to develop a plan for identifying children of incarcerated parents and an interdepartmental plan to address their needs.

Significant Issues

**The Public Education Department notes:**

- The Federal Resource Center for Children of Prisoners publication stated: “Until recently, children of incarcerated parents have not received attention as a special population with unique needs. Many factors have combined to hide them from view...Children and their families tended to suffer in silence because of the shame and stigma associated with incarceration.”
- If the task force efforts are successful in improved identification of children of incarcerated parents, those children already enrolled in Medicaid could utilize more services. This could have fiscal implications related to the costs for Medicaid services in the long term.
- The interdepartmental plan recommended a pilot project in Albuquerque in order to meet the needs of these children. The goal of the pilot program is to demonstrate the feasibility of a statewide model.
- Programs to be utilized in the pilot project include Medicaid Managed Care, Project Soar, New Mexico Alliance for Children with Traumatic Stress and the Fatherhood Program. All are already in existence, thereby allowing the pilot project to not require new resources other than interagency coordination and collaboration.
- In 2003, PED was identified as a needed participant in order to investigate:
  - How to ensure consistent compliance with the McKinney-Vento Act, which requires school districts to revise policies and practices that act as barriers to the enrollment of children and youth not living with a parent or legal guardian.
  - Investigating Health Insurance Portability and Accountability Act of 1996 (HIPPA)-related issues regarding confidentiality issues.
- This memorial continues the work initiated by the 2003 task force through:
  - Identifying and inventorying needs and services and the barriers to address those services.
  - Developing an integrated plan of service delivery, budget, performance measures and accountability.
- The task force would report its recommendations to the Interim Corrections Oversight and Justice Committee and the Interim Legislative Health and Human Services Committee no later than November 1, 2004.

**The Department of Health adds:**

- At least five thousand New Mexico children have a parent or parents in prison annually. These children are six to eight times more likely to be incarcerated themselves in later life. Many of these children have serious behavioral problems that are seldom identified and are rarely addressed through appropriate services. The majority of families caring for these children are living below the federal poverty guidelines, they qualify for benefits but rarely receive them or the appropriate services for their children, therefore the children are often left in a state of neglect.
- The second year of a partnership project between DOH and PED to pilot in three school districts student assistance programs to improve drop out rates will generate state data that may provide strategies to support the study. Cuba, Belen and Espanola School Districts were selected to participate in the Positive Assistance for Student Success Project (PASS).
- In 1998, Peanut Butter and Jelly Family Services, Inc. surveyed women in New Mexico's prisons to obtain factual information on which to base policy decisions in prison facilities. They found that in New Mexico 94% of all incarcerated women were mothers, 56% had two children or more of whom 81% were under 18 years of age; and 52% of these women did not see their children while in prison. Over half of these children were in the sole custody of their mothers.
- There are immediate and long-lasting effects for children of incarcerated parents. A 1993 report by the National Council on Crime and Delinquency warned that children traumatized by their parent's arrest and subsequent separation suffer psychological problems including trauma, anxiety, guilt, shame and fear. These problems frequently manifest themselves in poor academic achievement, truancy, dropping out of school, gang involvement, early pregnancy, drug abuse and delinquency.
- The problems attributed to separation of children from incarcerated parent(s) are further exacerbated by low literacy rates that make writing letters nearly impossible, the lack of allowable phone calls and substantial distances between the prisons and the residences of the children.
- At arrest, women who are often the sole caregivers of their children need information and support to plan for the care of their children. Incarcerated women need help identifying and accessing the multiple health and mental health services available to children in New Mexico. Task force representatives should include programs already providing services to incarcerated parents and their children.

**FISCAL IMPLICATIONS**

The memorial does not include an appropriation. All responding agencies will have costs associated with staff and operational resources. However, the agencies expressly noted their desire to continue this project and the ability to absorb any staff and operational costs into existing budgeted resources.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

The Department of Health notes:

- Children with incarcerated parents will continue to experience stress and manifest behaviors contributing to problems in school and in their community. There will not be an interdepartmental plan to develop a system for these children that includes identification of needs and inventory of services for all children, and a systematic protocol for every incarcerated parent to ensure the best possible planning for their children. The present barriers to access services will continue, and there will not be an integrated plan of service delivery, budgeting, performance measures and accountability for state agencies. The harm to children with incarcerated parents will not be mitigated and taxpayers may bear the increased risk of increasing the future prison population from these families.

All responding agencies expressed concern that the work and progress made to date would be lost.

**SJM/lg:dm**