

ASSEMBLY, No. 3979

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 17, 2018

Sponsored by:

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblyman Giblin

SYNOPSIS

“Dignity for Incarcerated Primary Caretaker Parents Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/7/2018)

1 AN ACT concerning incarcerated primary caretaker parents and
2 supplementing Title 30 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the “Dignity for
8 Incarcerated Primary Caretaker Parents Act.”

9

10 2. The Legislature finds and declares:

11 a. A growing segment of the prison population typically is
12 excluded from the criminal justice reform conversation and does not
13 get the attention it deserves: primary caretaker parents behind bars.
14 According to the Sentencing Project, in 2004, 52 percent of inmates
15 in state prisons and 63 percent in federal prisons were parents of
16 minor children. Most parents in prison are fathers, but the rate of
17 female incarceration in America is growing at an alarming rate.
18 While the number of fathers in prison increased 76 percent between
19 1991 and 2007, the number of mothers in prison increased by 122
20 percent during that period.

21 b. Presumably, the considerable growth in incarcerated parents
22 represents a considerable growth in incarcerated primary caretaker
23 parents. This is significant because these parents face unique
24 challenges. Their incarceration is not their burden to alone share; it
25 also greatly impacts their family. Many incarcerated primary
26 caretaker parents also are faced with difficult and competing
27 choices, like whether to use their limited funds to call home to talk
28 with their children or to purchase hygiene products in the
29 commissary.

30 c. It is time for this State to focus on its incarcerated primary
31 caretaker parents and provide them with the protections they
32 deserve.

33

34 3. The Commissioner of Corrections shall:

35 a. place an inmate who has a child in a correctional facility as
36 close as possible to that child’s place of residence;

37 b. establish policies that encourage and promote visitation,
38 particularly for inmates who are primary caretaker parents,
39 including, but not limited to:

40 (1) requiring visitation at least six days per week, including
41 Saturday and Sunday, for at least eight hours per day;

42 (2) prohibiting restrictions on the number of children allowed to
43 visit an inmate;

44 (3) creating an overnight visit pilot program for inmates and
45 their children;

46 (4) authorizing up to five adult visitors; and

47 (5) authorizing contact visits;

48 c. prohibit the solitary confinement of pregnant women;

- 1 d. prohibit the shackling of pregnant women;
 - 2 e. provide parenting classes to inmates who are primary
3 caretaker parents;
 - 4 f. provide trauma informed care to inmates who are primary
5 caretaker parents and train correctional police officers on how to
6 interact with inmates who are victims of trauma;
 - 7 g. allow former inmates who have returned to society to mentor
8 current inmates who are incarcerated primary caretaker parents and
9 assist these inmates with reentry efforts;
 - 10 h. require feminine hygiene products that meet industry
11 standards, including but not limited to, multiple sizes of tampons,
12 sanitary pads, and liners; vaseline, aspirin, ibuprofen, and any other
13 item deemed appropriate by the commissioner, be provided at the
14 request of and free of charge to inmates;
 - 15 i. appoint an ombudsman to monitor allegations by inmates of
16 the following:
 - 17 (1) physical abuse, including but not limited to sexual abuse and
18 sexual assault;
 - 19 (2) abuse in segregated housing;
 - 20 (3) abuse in strip searches;
 - 21 (4) abuse in prisoner transportation;
 - 22 (5) malnutrition; and
 - 23 (6) failure to make available the feminine hygiene products
24 required in subsection h. of this section;
 - 25 j. prohibit charging inmates for telephone calls and make
26 video conferencing available at every facility free of charge;
 - 27 k. restrict corrections officers and other department employees
28 from entering restrooms of inmates of the opposite sex except when
29 deemed necessary by the commissioner; and
 - 30 l. allow all pregnant women and inmates who are primary
31 caretaker parents to enroll in residential drug abuse programs.
32
- 33 4. The chief executive officer of each county correctional
34 facility shall:
- 35 a. place an inmate who has a child in a correctional facility as
36 close as possible to that child's place of residence;
 - 37 b. establish policies that encourage and promote visitation,
38 particularly for inmates who are primary caretaker parents,
39 including, but not limited to:
 - 40 (1) requiring visitation at least six days per week, including
41 Saturday and Sunday, for at least eight hours per day;
 - 42 (2) prohibiting restrictions on the number of children allowed to
43 visit an inmate;
 - 44 (3) creating an overnight visit pilot program for inmates and
45 their children;
 - 46 (4) authorizing up to five adult visitors; and
 - 47 (5) authorizing contact visits;
 - 48 c. prohibit the solitary confinement of pregnant women;

- 1 d. prohibit the shackling of pregnant women;
- 2 e. provide parenting classes to inmates who are primary
3 caretaker parents;
- 4 f. provide trauma informed care to inmates who are primary
5 caretaker parents and train correctional police officers on how to
6 interact with inmates who are victims of trauma;
- 7 g. allow former inmates who have returned to society to mentor
8 current inmates who are incarcerated primary caretaker parents and
9 assist these inmates with reentry efforts;
- 10 h. require feminine hygiene products that meet industry
11 standards, including but not limited to, multiple sizes of tampons,
12 sanitary pads, and liners; vaseline, aspirin, ibuprofen, and any other
13 item deemed appropriate by the commissioner, be provided at the
14 request of and free of charge to inmates;
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18 sexual assault;
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24 required in subsection h. of this section;
- 25 j. prohibit charging inmates for telephone calls and make
26 video conferencing available at every facility free of charge;
- 27 k. restrict corrections officers and other department employees
28 from entering restrooms of inmates of the opposite sex except when
29 deemed necessary by the commissioner; and
- 30 l. allow all pregnant women and inmates who are primary
31 caretaker parents to enroll in residential drug abuse programs.

32
33 5. This act shall take effect on the first day of the seventh
34 month next following enactment.
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37 STATEMENT

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39 This bill establishes the “Dignity for Incarcerated Primary
40 Caretaker Parents Act” to focus on incarcerated parents in State and
41 county correctional facilities who are primary caretakers of children
42 and provide these parents with the protections they deserve.

43 The bill requires the Commissioner of Corrections and the chief
44 executive officer of each county correctional facility in this State to
45 adopt various policies concerning primary caretakers of children.
46 An inmate who has a child is to be placed in a facility as close to
47 that child as possible. A pilot program for overnight visits with
48 children is to be established. Visitation is to be encouraged and

1 promoted by: requiring visitation at least six days a week, including
2 Saturday and Sunday, for at least eight hours a day; not restricting
3 the number of children allowed to visit; allowing five adult visitors;
4 and providing for contact visits. Solitary confinement and
5 shackling of pregnant inmates is to be prohibited. Parenting classes
6 and trauma informed care is to be provided to inmates and
7 corrections offices are to be trained in how to interact with victims
8 of trauma. Former inmates also are to be allowed to mentor
9 incarcerated parents and assist them with reentry.

10 The bill further requires that an ombudsman be appointed to
11 monitor inmate allegations of physical abuse including, but not
12 limited to, sexual abuse and sexual assault; abuse in segregated
13 housing; abusive strip searches; abuse occurring during prisoner
14 transport; malnutrition; and failure to provide, free of charge,
15 requested feminine hygiene products that meet industry standards,
16 including, but not limited to, multiple sizes of tampons, sanitary
17 pads and liners, as well as moisturizing soap, vaseline, aspirin,
18 ibuprofen and any other items deemed appropriate by the
19 commissioner. Telephone calls and video conferencing are to be
20 made available at every facility free of charge. Corrections officers
21 and other employees are to be prohibited from entering restrooms of
22 inmates of the opposite sex except when necessary. Finally, all
23 pregnant women and inmates who are primary caretaker parents are
24 to be allowed to enroll in residential drug abuse programs.

25 A growing segment of the prison population typically is
26 excluded from the criminal justice reform conversation and does not
27 get the attention it deserves: primary caretaker parents behind bars.
28 According to the Sentencing Project, in 2004, 52 percent of inmates
29 in state prisons and 63 percent in federal prisons were parents of
30 minor children. Most parents in prison are fathers, but the rate of
31 female incarceration in America is growing at an alarming rate.
32 While the number of fathers in prison increased 76 percent between
33 1991 and 2007, the number of mothers in prison increased by 122
34 percent during that period.

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38 challenges. Their incarceration is not their burden to alone share; it
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40 caretaker parents also are faced with difficult and competing
41 choices, like whether to use their limited funds to call home to talk
42 with their children or to purchase hygiene products in the
43 commissary.