



ILLINOIS
DEPARTMENT
OF
CORRECTIONS

Kenneth L. McGinnis, Director

WOMEN AND CHILDREN RESIDENTIAL PROGRAM FEASIBILITY STUDY

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Women and Children Residential Program Feasibility Study

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ILLINOIS
DEPARTMENT
OF
CORRECTIONS

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January 16, 1990

Honorable Members of the General Assembly
State House
Springfield, Illinois 62702

Dear Members of the General Assembly:

In response to House Resolution No. 729 the Department of Corrections renewed its study of child and parent residential programming and its feasibility for development in Illinois. This report highlights the results of this study and makes recommendations regarding its implementation.

This program concept has previously been examined and considered because of its benefits. The program recognizes both the long-term effects of a parent's incarceration and subsequent separation on a child, as well as the need to address the factors which contributed to the parent's incarceration. However, as in the past, the immediate need for housing an ever-increasing prison population has taken budgetary precedence to the implementation of such specialized programming.

The Department of Corrections is committed to providing inmates who want to change their lives with the means to do so. While the concept of this particular program is laudable, successful implementation is contingent upon available funding, the financial and programmatic cooperation of other state agencies, and the resolution of legal issues related to its implementation.

Please contact the Intergovernmental Relations Office at extension 2104 if you have any questions or require clarification.

Sincerely,


Kenneth L. McGinnis
Director

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EXECUTIVE SUMMARY

House Resolution No. 729, adopted by the House of Representatives on June 24, 1989, directed the Department of Corrections to develop a plan for the implementation of child and parent residential programming. The resolution outlined specific criteria for program design in that it serve female inmates convicted of nonviolent crimes, who have two years or less to serve on their sentence and who are pregnant or are the primary caretaker parent of one or more children under the age of six prior to incarceration. The resolution also specified that the plan address designated areas of concern, among them cost, site, program design, and legal implications.

The concept of providing a model residential program for parent and child is not new to the Department. The need for such a program has been discussed for several years, but the immediate, critical problems facing the Department as a result of dramatic increases in the prison population coupled with the increased cost and legal concerns of providing this specialized program have deferred its implementation.

The Department recognizes and is sensitive to the cycle of crime, poverty and poor parenting that often characterizes the lives and life styles of women offenders and subsequently impacts the lives of their children. Viable efforts to break this cycle present an opportunity to make a positive impact on the lives of both the parent and child. Such a program would provide women offenders with the opportunity to become more self-sufficient thus decreasing their involvement in the criminal justice and welfare systems.

In response to the mandate of House Resolution No. 729, the Department, with the assistance of the National Institute of Corrections, secured a consultant to research this concept and the feasibility of implementation in Illinois. Ms. Anne McDiarmid's findings and recommendations are based on her study of Illinois' female prison population, site visits to IDOC facilities and interaction with administrators of current programs for female offenders, and current trends in programming initiatives nationwide for the female offender and her children. In addition, several site visits were made to existing programs for women and their children in other states.

The very nature of this program, by involving children, presents some unique, meaningful opportunities as well as some programmatic and legal challenges. To be successful, it cannot be considered as an isolated corrections program. It requires the initial and continuing commitment and support of cooperating agencies, the Legislature, and society.

This report briefly outlines the issues inherent to implementation of this type of model program.

PROFILE OF THE FEMALE OFFENDER IN ILLINOIS

On November 30, 1989, there were 1,036 women in the custody of the Department of Corrections.

A statistical profile of those women reveals the following:

- 83.3% were unmarried or separated,
- 64.1% have children,
- 47.7% were 30 years of age or less,
- 63.5% were women of color (e.g. non-white),
- 52.8% were from Cook County,
- 56.7% were incarcerated for nonviolent offenses, and
- 10.8% have less than an eighth grade education.

Approximately one-third of the women met most of the criteria suggested for inclusion in the proposed program. That is, they were within two years of release, are incarcerated for nonviolent offenses, and have an average of 2.5 children each. There are no statistics available to determine what percentage of these women have children under the age of six; however, based on the fact that nearly 50% are 30 years of age or younger, it may be estimated that over half would have children in this age group.

Medical staff at Dwight Correctional Center report that there have been 49 women admitted to Dwight since January 1, 1989 who were pregnant at admission.

PROGRAM DESIGN

It is recommended that the program be operated as a Department of Corrections program with participant criteria and selection determined by DOC.

Population

Three profiles of the female offender who could benefit from the program have been identified: the inmate who is pregnant at the time of incarceration; the inmate currently at Dwight, Logan or Dixon Correctional Centers, or one of the Department's Community Correctional Centers, who is within two years of release and seeks to make the commitment to reunify her family upon release; and the newly incarcerated inmate sentenced for a short term who already has a unified family.

Goals/Programming

The program should provide housing and programming for women offenders and their children in a correctional setting which offers supervision and support.

Opportunities for mother and child to bond and develop healthy relationships should be provided.

Programming opportunities should address the varied needs of female offenders and their children including: parenting assistance/education; employment/vocational training/career planning and other positive programming that will prepare women for independent living; education; independent living skills; assistance in dealing with other agencies; communication skills, conflict resolution; group/individual and family counseling; medical assistance and attention to health and nutrition.

As chemical dependency and substance abuse problems are oftentimes a factor in the offender's incarceration, particular attention should be focused on efforts to maintain a drug and alcohol-free life style.

The issue of an on-site day care facility remains undetermined at this time. Some similar programs in other states provide on-site care while others prefer the mother utilize existing licensed day care facilities. Providing day care at the facility would impact the costs of the program and require additional licensing.

The fact that children are directly involved and affected makes flexibility a key component of program design. A balance of accountability and support as well as education is important. This program is not to be considered as an extension of the institution nor as a traditional work release program, but rather as a separate, different model for community correctional services.

Facility/Grounds/Location

Apartment-style living for the women and their families is recommended with 24 hour per day, seven days per week supervision. The residence should be home-like, warm and comfortable, with space for day-care, community recreation, play space and areas for key programming within the facility.

An alternative would be similar to a boarding house in which each woman would have a room for herself and her children but would share restroom, kitchen and living areas.

An average stay of 12 months is anticipated. This would allow sufficient time for programming and minimal disruption to the child's life.

The Cook County area is recommended for the initial program site based on the fact that more than 50 percent of the female offender population is from Cook County.

COOPERATING AGENCIES

The inclusion of children presents questions of funding responsibilities as well as issues concerning the interfacing of services and requirements of other cooperating agencies. Direct involvement and funding of the Departments of Public Aid, Children and Family Services, Public Health and Alcoholism and Substance Abuse is necessary if the program is to be a success. Linkage agreements specific to this program are recommended as opposed to modifying existing programs.

While IDOC is responsible for costs of incarcerating offenders, DCFS and Public Aid resources would be required to provide children's programming, room and board, transportation and medical care much as these departments would support the child if he/she were in foster care or in the care of a relative.

It is anticipated that some if not most of these mothers and children would already be under the care and guidance of DCFS; therefore, that agency would also play a vital role in continuing involvement in the woman's programming plan and case review.

It should be noted that often women are fearful and/or unknowledgeable about the assistance available to them from various agencies and organizations. Education as to what is available and the presentation of that information in a non-threatening environment has proven to be helpful in other programs for female offenders.

It is recommended that the Department of Corrections contract for the residential program with an organization already affiliated with the various service agencies. This would benefit both the mother and child because such organizations already have a working knowledge and relationship with the agencies involved thus facilitating implementation, reducing the number of possible "glitches" in the delivery of service, and ensuring the needs of the child are addressed.

PROGRAM COSTS AND FUNDING

The average cost of incarceration for a woman at Dwight during FY'89 was \$16,075.

The maintenance or day to day cost of contracting for services as outlined in this proposal is estimated to be at least \$45 to \$50 per day per inmate or \$16,425 to \$18,250 per fiscal year, excluding children. This does not include start-up costs and/or costs to site the project. Provisions for on-site day care would also increase costs. Implementation of the program would require additional funding by the General Assembly.

Again, the involvement of Public Aid and DCFS would be crucial to determining final costs of this program particularly as it pertains to children. Both departments have existing programs which may provide some opportunities for funding. An example would be Project CHANCE, a Public Aid program for job training and career planning.

The Department of Corrections continues to explore possibilities for state and federal supplementary funding. In the past, DOC has received some federal drug money through Federal Drug Enforcement and Treatment grants as well as Title XX Funding. Other monies may also be available such as McKinney money for the homeless through the Department of Housing and Urban Development.

Funding opportunities pertaining to children may also be explored. Although these funds would not have previously been utilized by DOC to a great extent, cooperating agencies which are familiar with funding opportunities for young children may be able to assist in pursuing options such as the WIC federal food program for mothers with infants.

LEGAL ISSUES

Implementation of a residential program for women and children would require expansion of current legislation. Currently, the Code of Corrections permits a child under one year to remain in custody of its mother upon a determination of special reasons for this arrangement. ILL. REV. STAT. Ch. 38, par. 1003-6-4(g).

Legislative amendments may also be necessary to the extent that any funding is sought from the Department of Public Aid for the care of the children involved in the program. State law currently prohibits residents of penal institutions from receiving public assistance. In order to receive assistance for children, federal law requires that the child must live in a specified relative's home. To the extent that a child may be a ward of the Department of Children and Family Services, licensing standards may be applicable.

As the children under the residential program would likely be considered to have a custodial relationship with the State, a duty to provide basic services and reasonable safety would arise under the due process clause with attendant liability if certain services or care were not provided. Among other legal matters, constitutional issues may also arise regarding security searches of the children; advance consent should be required from the guardian or parent prior to placement in the program.

.SUMMARY

Few programs exist in this country which work to serve the needs of women offenders and their children through residential programming. The program opportunities outlined in this report represent a positive effort toward addressing these needs and working to break the cycle of crime, poverty, and dependence.

There are, however, significant obstacles to implementation that must be removed. These include funding, interagency cooperation, legal and liability issues. Each issue is sensitive and complicated, requiring time to resolve. Implementation should not occur prior to the successful resolution of these issues.

STATE OF ILLINOIS
EIGHTY-SIXTH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

House Resolution No. 729

Offered by Representative Lou Jones

WHEREAS, The children of incarcerated mothers are often condemned to serving their own sentences of loneliness and isolation; and

WHEREAS, These children are at extreme risk of the full range of adolescent ills: suicide, pregnancy, school problems and delinquency; and

WHEREAS, These children too often end up themselves in the criminal justice system; and

WHEREAS, The preservation of the family unit is in the best interest of the child and the community at large; and

WHEREAS, Residential programs designed to serve nonviolent, nonabusive female offenders and their children have been proven to be a viable alternative to the destruction of the family unit and all the problems that accompany it; and

WHEREAS, Many questions must be answered before Illinois policy makers can make an informed decision about the establishment of such a program; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we direct the Department of Corrections to develop a plan for the implementation of child and parent residential programming which is designed to serve female inmates convicted of nonviolent crimes, who have 2 years or less to serve on their sentence and who are pregnant or are the primary caretaker parent of one or more children under the age of 6 prior to incarceration; and that the plan shall include the following:

(1) review of potential funding sources: grants, foundations and programs of State and federal agencies;

(2) the present cost of incarceration in the Department's facilities;

(3) the legal implications of establishing such a program; (4) an estimate of the number of female offenders and children eligible for such a program; (5) proposed sites; (6) a list of appropriate community-based organizations to operate such a facility; (7) the cost of establishing and operating such a facility indicating which costs can be met by existing State, local and federal funds and which costs could only be met by additional appropriations from the General Assembly; and (8) the advisability of operating such a facility as a community correctional center, correctional institution, sentencing alternative programs or a combination of any of the 3; and be it further

RESOLVED, That the Department shall make available its findings and report such findings to the General Assembly on or before January 1, 1990.

Adopted by the House of Representatives on June 24, 1989.

Michael J. Madigan

Michael J. Madigan, Speaker of the House

John F. O'Brien

John F. O'Brien, Clerk of the House