
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: AB 2717 **Hearing Date:** June 28, 2022
Author: Waldron
Version: June 15, 2022
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Prisoners: California Healthy Start Act*

HISTORY

Source: Anti-Recidivism Coalition
California Public Defenders Association

Prior Legislation: AB 1227 (Waldron), held in Assembly Appropriations in 2021

Support: American College of Obstetricians and Gynecologists District IX; California Catholic Conference

Opposition: None known

Assembly Floor Vote: 73 - 0

PURPOSE

The purpose of this bill is to enact the California Healthy Start Act which expands the community prison mother treatment program within the California Department of Corrections and Rehabilitation (CDCR) to individuals regardless of their term of imprisonment and prior convictions, as specified.

Existing law requires that any incarcerated person have the right to summon and receive the services of any physician, nurse practitioner, certified nurse midwife, or physician assistant of their choice in order to determine whether they are pregnant. Provides that the warden may adopt reasonable rules and regulations with regard to the conduct of examinations to effectuate this determination. (Pen. Code, § 3406, subd. (a).)

Existing law provides that if the incarcerated person is found to be pregnant, the person is entitled to a determination of the extent of the medical and surgical services needed and to the receipt of these services from the physician, nurse practitioner, certified nurse midwife, or physician assistant of their choice. (Pen. Code, § 3406, subd. (b).)

Existing law requires that a person incarcerated in the state prison who is identified as possibly pregnant or capable of becoming pregnant during an intake health examination or at any time during incarceration be offered a test upon intake or by request. Provides that pregnancy tests are voluntary and not mandatory, and may only be administered by medical or nursing personnel. (Pen. Code, § 3408, subd. (a).)

Existing law requires that an incarcerated person with a positive pregnancy test result be offered comprehensive and unbiased options counseling that includes information about prenatal health care, adoption, and abortion. Requires this counseling to be furnished by a licensed health care provider or counselor who has been provided with training in reproductive health care and to be non-directive, unbiased, and non-coercive. Prohibits prison staff from urging, forcing, or otherwise influencing a pregnant person's decision. (Pen. Code, § 3408, subd. (b).)

Existing law requires each incarcerated pregnant person to be referred to a social worker who must do all of the following:

- Discuss with the incarcerated person the options available for feeding, placement, and care of the child after birth, including the benefits of lactation;
- Assist the incarcerated pregnant person with access to a phone in order to contact relatives regarding newborn placement; and,
- Oversee the placement of the newborn child. (Pen. Code, § 3408, subd. (k).)

Existing law requires CDCR to establish and implement a community treatment program under which women sentenced to state prison, as specified, who have one or more children under six years old are eligible to participate. (Pen. Code, § 3411.)

Existing law requires that the community treatment program provide for the release of the mother and child or children to a public or private facility in the community suitable to the needs of the mother and child or children, and which will provide the best possible care for the mother and child. (Pen. Code, § 3411.)

Existing law requires the probation department, no later than the day that any woman is sentenced to the state prison, to notify the woman of the community treatment program if her sentence does not exceed six years. (Pen. Code, § 3415, subd. (a).)

Existing law provides that a woman sentenced to state prison, upon the receipt of that notice, may give notice of her desire to be admitted to a community treatment program. Requires the probation department to transmit the notice to CDCR, and to the appropriate local social services agency that conducts investigations for child neglect and dependency hearings. (Pen. Code, § 3415, subd. (b).)

Existing law requires CDCR to establish reasonable rules and regulations concerning the operation of the community treatment program. (Pen. Code, § 3414.)

Existing law requires CDCR to admit to the community treatment program any applicant whose child was born prior to the receipt of the individual by CDCR, whose child was born after the receipt of the individual by CDCR, or who is pregnant, if all of the following requirements are met:

- The applicant has a probable release or parole date with a maximum time to be served of six years, calculated after deduction of any possible good time credit;
- The applicant was the primary caretaker of the infant prior to incarceration; and,
- The applicant had not been found to be an unfit parent in any court proceeding (Pen. Code, § 3417, subd. (a).)

Existing law requires CDCR to deny an individual placement in the community treatment program if it determines that the individual would pose an unreasonable risk to the public, or if the individual has been convicted of a specified sex offense, or violent offense, except in unusual circumstances or if mitigating circumstances exist, including, but not limited to, the remoteness in time of the commission of the offense. (Pen. Code, § 3417, subd. (b).)

Existing law requires the Secretary of CDCR to consider the placement of an individual the community treatment program on a case-by-case basis if the individual was convicted specified drug offenses or if the individual has an ICE enforcement hold. (Pen. Code, § 3417, subd. (c).)

Existing law requires CDCR to create policies and operational practices that are designed to ensure a safe and productive institutional environment for female offenders. (Pen. Code, § 3430, subd. (b).)

Existing law requires CDCR to create a gender responsive female classification system. (Pen. Code, § 3430, subd. (d).)

Existing law requires CDCR to create a gender responsive staffing pattern for female institutions and community-based offender beds. (Pen. Code, § 3430, subd. (e).)

Existing law requires CDCR to create a needs-based case and risk management tool designed specifically for female offenders. Requires this tool to include, but not be limited to, an assessment upon intake, and annually thereafter, that gauges an inmate's educational and vocational needs, including reading, writing, communication, and arithmetic skills, health care needs, mental health needs, substance abuse needs, and trauma-treatment needs. Requires the initial assessment include projections for academic, vocational, health care, mental health, substance abuse, and trauma-treatment needs, and be used to determine appropriate programming and as a measure of progress in subsequent assessments of development. (Pen. Code, § 3430, subd. (f).)

Existing law requires CDCR to implement evidence-based gender specific rehabilitative programs, including "wraparound" educational, health care, mental health, vocational, substance abuse and trauma treatment programs that are designed to reduce female offender recidivism. Requires these programs to include, but not be limited to educational programs that include academic preparation in the areas of verbal communication skills, reading, writing, arithmetic, and the acquisition of high school diplomas and GEDs, and vocational preparation, including counseling and training in marketable skills, and job placement information. (Pen. Code, § 3430, subd. (g).)

Existing law requires CDCR to build and strengthen systems of family support and family involvement during the period of the female's incarceration. (Pen. Code, § 3430, subd. (h).)

Existing law requires CDCR to establish a family service coordinator at each prison that houses only women. (Pen. Code, § 3430, subd. (i).)

This bill requires that each incarcerated pregnant person be referred to a social worker who is required to discuss with the incarcerated person options for parenting classes and other classes relevant to caring for newborns and options for visiting with the newborn.

This bill removes the requirement that an individual have a probable release date with a maximum time to be served of six years to be admitted to the community treatment program.

This bill removes the requirement that an individual be denied placement in the community treatment program if the individual has been convicted of a violent felony, if there is a probability that the individual may abscond from the program, or if it is probable the person's conduct in a community facility will be adverse to herself or other program participants.

This bill allows CDCR to instead deny placement in the community treatment program if the individual has been convicted of a sex offense requiring registration or specified child endangerment offense. Provides that is not the intent of the Legislature to exclude a victim of human trafficking from the community treatment program.

This bill removes the requirement that the Secretary of CDCR consider an individual for placement in the community treatment program on a case-by-case basis if the individual was convicted of specified offenses involving a controlled substance or has a U.S. Immigration and Customs Enforcement hold.

This bill requires existing gender-specific rehabilitation programs within CDCR to include trauma-informed group or individual therapy.

This bill requires CDCR to provide parenting classes, transportation for minor children to visit on a monthly basis in a dedicated child-friendly location on the prison grounds, and overnight family visits.

This bill establishes an additional day of in-person visitation at Central California Women's Facility (CCWF) and California Institution for Women (CIW). Requires this additional visiting day present a family-friendly environment, which includes, but is not limited to, ensuring there are available children-centered books, toys, and games, as well as trauma-informed staff, and would limit visitors to only include incarcerated mothers, their children, and their children's caregivers.

This bill requires that CCWF and CIW ensure that those incarcerated with young children less than 18 years of age are given priority when applying for overnight family visitation if that applicant has not had an overnight family visit with their children in three months.

This bill includes uncodified findings and declarations.

COMMENTS

1. Need For This Bill

According to the author:

AB 2717 seeks to protect incarcerated women who are pregnant or immediately postpartum in California State Prisons by ensuring they have access to appropriate medical treatment, parenting classes, and self-help therapy services. This bill would prioritize the mother-child bond by establishing enhanced visitation schedules including the addition of family visiting days, overnight family visits,

as well as ensuring transportation for minor children to participate on a monthly basis.

2. Community Prisoner Mother Program

The community prison mother program is a treatment program within CDCR's Female Offender Programs and Services. According to CDCR:

The California Department of Corrections and Rehabilitation pursuant to California Penal Code Sections 3410 through 3424 established the Community Prisoner Mother Program (CPMP). The CPMP provides an opportunity for pregnant individuals and mothers with one or more children, six years of age or younger, the opportunity to be housed with their children in a supervised facility away from the prison setting. The CPMP facility is set on a beautifully landscaped start of the art child friendly campus located in the city of Santa Fe Springs, CA. The primary focus of the CPMP is to reunite mothers with their children and re-integrate them back into society as productive citizens by providing a safe, stable, wholesome and stimulating environment. CPMP also looks to establish stability in the parent-child relationship, provide the opportunity for mothers who are incarcerated individuals to bond with their children, and strengthen the family unit. (<https://www.cdcr.ca.gov/rehabilitation/pre-release-community-programs/community-prisoner-mother-program/>)

The basic program components are as follows:

- Pregnant and/or parenting mothers and their children under six years of age are provided programs and support services to assist in developing the skills necessary to become a functioning, self-sufficient family that positively contributes to society.
- Individual Treatment Plans are developed for both the mother and child to foster development and personal growth. Program services focus on trauma-informed substance abuse prevention, parenting and educational skills.
- The program provides a safe, stable, and stimulating environment for both the mother and the child, utilizing the least restrictive alternative to incarceration consistent with the needs for public safety.
- Program goals facilitate the mother/child bond, reunite the family, enhance community reintegration, foster successful independent living, and enhance self-reliance and self-esteem. The resultant mission is to break the inter-generational chain of crime and social services dependency.

The program's specific goals are:

- To promote reintegration, independent living and self-reliance;
- To reduce the use of alcohol and drugs, involvement in criminal behavior, the rate of recidivism, Factors which result in trauma to children of incarcerated parents and ultimately long-term costs to the state;
- To increase parenting skills, emotional stability, and educational and vocational opportunities;

- To address substance abuse issues, behavioral and psychological factors which impact emotional stability, self-esteem, self-reliance, parent-child relationship and appropriate child development;
- To provide pre-release planning, employment skills, educational, vocational and parenting skills.

3. What This Bill Does

This bill eliminates the requirement that only women with a probable release date with a maximum time to be served of six years can be admitted to the CPMP. This bill also removes the requirement that an individual be denied placement in the community treatment program if the individual has been convicted of a violent offense and instead only allows CDCR to deny placement in the program if the individual has been convicted of specified child endangerment offenses or a sex offense requiring sex offender registration. Under existing law, CDCR can deny an individual placement in the program for a number of reasons, including if they have a conviction for specified drug offenses, or have an ICE hold. This bill prohibits CDCR from denying an individual placement in the program based on those grounds.

This bill also requires that each incarcerated pregnant person is referred to a social worker who must discuss with the person options for parenting classes and other classes relevant to caring for newborns and options for visiting with the newborn. This bill requires CDCR to provide parenting classes, transportation for minor children to visit on a monthly basis in a dedicated child-friendly location on the prison grounds, and overnight family visits, and establishes an additional family visiting day and an additional family visiting opportunity for mothers with children. Additionally, this bill establishes an additional day of in-person visitation at CCWF and CIW, and requires this additional visiting day present a family-friendly environment, which includes, but is not limited to, ensuring there are available children-centered books, toys, and games, as well as trauma-informed staff, and would limit visitors to only include incarcerated mothers, their children, and their children's caregivers. Finally, this bill requires that CCWF and CIW ensure that those incarcerated with young children less than 18 years of age are given priority when applying for overnight family visitation if that applicant has not had an overnight family visit with their children in three months.

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