

SUBJECT: Young offender parenting and infant care program

COMMITTEE: Corrections — committee substitute recommended

VOTE: 8 ayes — Haggerty, Staples, Allen, Culberson, Ellis, Farrar, Gray, Lengefeld

0 nays

1 absent — Longoria

WITNESSES: For — Lois A. Robison, Families of Prisoners; Linda Reeves, Texas Inmate Families Association; Stella Wilson

Against — None

On — Judy Briscoe, Texas Youth Commission

DIGEST: CSHB 3250 would amend the Human Resources Code to allow the Texas Youth Commission (TYC) to establish an infant care and parenting program for young incarcerated mothers. Under the program, TYC could permit a child who was the mother of an infant younger than 36 months to keep her infant in a residential TYC program until the infant reached 36 months.

Before the infant was placed with the infant's mother, the infant's father or another relative or guardian would have to agree to assume possession of the infant immediately on notice by TYC. The infant's parents and any other person having a duty to support the infant would have to acknowledge that TYC assumed no responsibility for the infant's care beyond the care that was normally due the mother. Also, those individuals responsible for the infant would have to indemnify TYC for any claims that might be made against the commission for the infant's support, including medical support. Placement of the child with the mother also would depend on TYC's determination that it would be in the best interest of both the child and her infant.

The bill would take effect September 1, 1999.

**SUPPORTERS
SAY:**

CSHB 3250 would allow TYC to create a pilot program for girls who are incarcerated and give birth while in jail or who have a child under three years old. Currently, young mothers in TYC facilities may not keep their child or children with them. This bill would give young mothers in TYC facilities the chance to bond with their infants and to learn how to parent. These young offenders would learn greater responsibility and life skills, and when a mother left the TYC facility, she could take with her the skills she had learned. This bill would help keep families together.

Not every young mother in a TYC correction facility would participate in the program. Only mothers who had progressed through the rehabilitation process could participate, and all responsible parties would have to agree to the arrangement, including the father. The mother and infant probably would live in a contracted residential home under TYC supervision. The bill would limit TYC's liability for the infant's care.

**OPPONENTS
SAY:**

It may not be appropriate for infants to be raised in a correctional environment. This program might allow a young mother to raise her child for three years only to be forced to give the child up. Typically, a young incarcerated mother gives her child to someone else, usually a relative, after birth. Girls participating in this program would have to be chosen carefully so that they did not have to part with their infants after three years but rather would be out of the correctional system by then.

The mother's rights supersede those of all other parties with a valid interest, even if she is only a child herself and a criminal. A grandparent who wanted to raise the child would have to go to court to voice his or her interest.

NOTES:

The committee substitute amended the original bill by adding liability protection for TYC. It would condition the placement of the infant with the mother on TYC's being indemnified and held harmless for any claims made against the commission for the infant's medical or other support.

The companion bill, SB 1607 by Whitmire, passed the Senate on the Local and Uncontested Calendar on April 29 and was reported favorably, without amendment, by the House Corrections Committee on May 3, making it eligible to be considered in lieu of HB 3250.