



# **Family Sentencing Alternative Pilot Program**

## **Report to the Senate and House Committees on Judiciary**

*January 23, 2019*

# Family Sentencing Alternative Pilot Program

## Executive Summary

House Bill 3503 (2015) established the Family Sentencing Alternative Pilot Program (FSAPP) as a community program for eligible non-violent primary parents facing prison sentences. These individuals are able to continue their parenting role by being diverted from prison and participating in intensive supervision, treatment, and programs geared toward parenting and families. The program promotes the unification of families, prevents children from entering the foster care system, and reduces the chances individuals and their children will become involved in the criminal justice system in the future. Five counties are participating in the pilot: Deschutes, Jackson, Marion, Multnomah, and Washington.

Since the inception of the pilot in January 2016, 168 individuals have participated in the program. Together, these participants are the primary caregivers to 311 minor children who would otherwise likely be involved in the foster system.

Now that the program has been in existence for three years, and participation has increased, the focus is now on further outcome measures. Additionally, this year's report includes Department of Human Services (DHS) research on the length of stay for children in the foster care system when the custodial parent is involved with FSAPP.

To date, the relationship between the Oregon Department of Corrections (DOC) and DHS in the development and oversight of the program has been effective. The two agencies closely partner in the sharing of pertinent information about enrolled individuals and data tracking. Collaboration is taking place at the local level as well – participating counties are meeting regularly with their local DHS offices, district attorneys, and treatment providers.

This report will provide you with the program's history and participation numbers to date, as well as preliminary DHS findings.

## **Family Sentencing Alternative Pilot Program**

### **Eligibility**

In order to qualify for FSAPP, the individual must:

- Be pregnant or the custodial parent or legal guardian of a minor child;
- Receive a downward departure sentence for a non-person or non-sex crime; and
- Agree to participate in the program.

### **Determination**

If the individual meets the eligibility requirements and receives a downward dispositional departure under the rules of the Criminal Justice Commission, the court may order the individual to sign a release authorizing DHS to provide the county community corrections agency with written confirmation of, and consultation concerning, any open or current juvenile dependency proceedings. This includes any prior substantiated allegations of abuse or neglect involving the individual and a minor child.

After reviewing information, the county community corrections agency, in consultation with DHS, will determine if FSAPP is an appropriate option for the individual.

### **Program Participation**

If it is determined that diversion is warranted, the individual will be allowed to participate in the program. In addition to the terms of probation, the individual may be required to comply with additional conditions such as:

- Geographical restrictions, including house arrest and electronic surveillance; and
- Participation in vocational training and completion of:
  - Parenting skills classes;
  - Drug and/or alcohol treatment;
  - Mental health treatment; and
  - Life skills classes.

### **Program Compliance**

The program requires county community corrections agencies to provide quarterly progress reports to the court concerning participant's progress in the FSAPP.

At any time during participation in FSAPP, the court may order an individual to appear to evaluate his or her progress. The court may adjust the conditions of probation if the modifications help the individual in successfully completing the program.

In addition, the court may revoke an individual's participation in the program and sentence the individual to a term of imprisonment if the court finds him or her in willful violation of the conditions of probation.

## Appropriations

The 2017-19 fiscal impact of the bill was \$2,144,698 General Fund to be appropriated as follows:

- A Probation Officer (PO) in each of the five participating counties to cover the additional, specialized caseload, starting January 1, 2016;
- Increased probation caseload costs to the community corrections system in the participating counties;
- Additional treatment and housing costs associated with the program; and
- An administrative specialist within DOC, to track, monitor, train, and provide technical assistance to the counties, effective December 1, 2015.

## Data and Outcomes

The partnership between DOC and DHS in the development and oversight of the program has been effective. The two agencies have been working closely and collaboratively in the sharing of pertinent information about enrolled individuals and data tracking. At the local level, a majority of participating counties have established regular monthly check-in meetings with their local DHS offices, district attorney's office, and treatment providers. A Listserv was also developed to facilitate and enhance information sharing. Counties report these efforts have helped to develop a workable process and strengthen overall working relationships between affected agencies.

Since the inception of the pilot in January 2016, 168 individuals have participated in the program. In addition, these participants have a total of 311 children who have been impacted by the program. DHS data from 2018 shows 85 percent of program participants had a child welfare referral/history, and 37 percent had a current open case with child welfare.

Individual county participation rates are as follows:

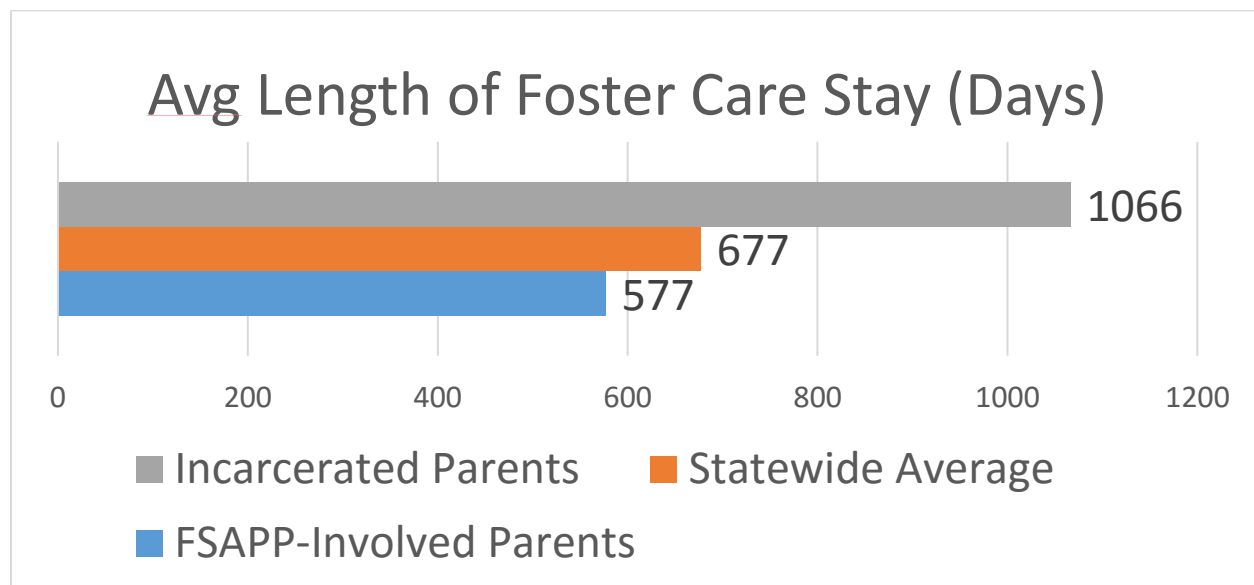
County	Participants	Children
Washington	36 Females, 7 Males	83
Jackson	19 Females, 1 Male	36
Deschutes	16 Females, 8 Males	50
Marion	23 Females, 18 Males	67
Multnomah	29 Females, 11 Males	75
<b>Total</b>	<b>123 Females, 45 Males</b>	<b>311</b>

Beginning January 2016, DOC reports the following data:

- 95 participants are still in the program.
- 27 participants have been revoked and sentenced to prison.
- 9 participants have a warrant due to absconding from supervision.
- 46 participants have successfully completed the program.

POs report positive changes in clients involved with the program. Observations include: increased client patience with their children, increased engagement and motivation to be successful while on supervision, and increased enthusiasm about the future. POs involved in FSAPP attribute these changes to both more intensive supervision and client interaction, and increased resources and programs geared specifically towards parenting and families. More time is needed to assess completion rates, recidivism, and housing and employment stability.

During 2018, DHS completed a progress report on FSAPP. Although no firm conclusions can be drawn at this time due to the small sample size of participants, preliminary data indicates that children of parents who are involved with FSAPP have had a shorter average length of stay in foster care (577 days) than the statewide average for children in foster care (677 days).



During prior reporting periods, this report contained examples of family successes that have occurred since the inception of the program. Moving forward, DOC is developing a research study to encompass client and system feedback with examples of what has been working well and areas for improvement. In addition, the Criminal Justice Commission is working on an outcome study to compare recidivism rates between FSAPP clients and non-participants.

### Conclusion

The continuation of effective interagency collaboration, ongoing program advocacy and education, and the adoption of recommended statutory changes has increased the number of Oregon families benefitting from the unique opportunities, services, and support FSAPP provides. The resulting increase in overall impact of the program will help ensure FSAPP achieves the stated goals of promoting the reunification of families, preventing children from entering the foster care system, and reducing the chances the individual or their children will become further involved in the criminal justice system in the future.