

Finding Alternatives to Mass Incarceration: Lives Improved by Ending Separation Act “FAMILIES Act”

Summary:

Under the FAMILIES Act, federal judges would be able to divert parents and caregivers from incarceration into a comprehensive program that would better serve them, their families, and society by offering resources, services, and training to meet their unique needs.

Creates FAMILIES Diversion Program

- Establishes a collaboration between the Office of Probation and Pretrial Services, Administration of the United States Courts, U.S. Attorney General, and Department of Health and Human Services to work with state and local governmental agencies and nonprofit organizations to offer FAMILIES programming.
- FAMILIES programming includes education, employment services, parenting skills, mental health and substance abuse services. It also addresses basic needs of the individual and their family by connecting them with access to health care, housing assistance, and other potential public benefits.
- During public health emergencies like the COVID-19 pandemic, services, and programming will be offered electronically.
- Appropriates \$100 million for fiscal year 2021 to implement the FAMILIES Diversion Program on the federal level and \$20 million to be available through grants for states to replicate successful parenting sentencing alternative programs.

FAMILIES Program Sentencing

- An eligible individual must be pregnant, a parent of a minor child, a caregiver for a minor child or other minor relative, a caregiver for an individual with disabilities, or a caregiver for an elderly family member.
- Judges will receive training in implementing the FAMILIES program including training on trauma-informed decision making, domestic violence, child abuse and neglect, substance abuse and addiction, and mental health.
- When considering eligibility for the FAMILIES program, courts will take into account the individual’s significant parental or caregiver responsibilities, their history of justice involvement, the safety of their family, and a family impact statement describing the impact that a prison sentence would have on the family of the defendant.
- When diverting an eligible individual to the FAMILIES program, courts will identify appropriate services available on the local level that will meet their individual needs.
- If an individual successfully completes the FAMILIES program, there may be an opportunity for the court to dismiss the proceedings against the individual or to expunge the record.

Contribute to Research Base

- The FAMILIES Act will fund a study to examine the effects of incarceration on children of incarcerated parents and instruct the Government Accountability Office to examine implementation of and access to the FAMILIES Program.