



SENTENCING CHECKLIST

- Discuss client's involvement with family at first client meeting.
 - Is the client a primary caregiver?
 - Does he or she provide financial support to the family?
 - What impact would the client's incarceration have on the client's family?

- Determine whether there are grounds for a dispositional departure based on the client's family relationships and responsibilities. Consider whether the client's relationship with family would make the client particularly amenable to probation.

- Prepare the client to discuss his or her relationship with family members during the PSI.

- Consider interviewing family members, neighbors, social workers, teachers, and others who can provide information about the client's involvement with his or her children.

- Obtain written statements if appropriate.

- Gather family photos demonstrating the client's involvement with his or her children and or showing other family relationships supporting a claim that the client is particularly amenable to probation.

- Consider whether a sentencing video or Power Point presentation would be persuasive.

- File a motion and memorandum for a dispositional departure.

- Include studies on the harms of parental incarceration and the benefits of community-based alternatives.

- Identify and suggest a specific alternative to incarceration.

- Inform the sentencing court of any difficulties that family members will have maintaining contact with the client if the client is incarcerated.

- Advise the client and the sentencing court that under the Adoption and Safe Families Act, a lengthy period of incarceration creates a presumption of abandonment, increasing the possibility that the client's parental rights may be terminated.

- If the client is ultimately sentenced to a period of incarceration, advise the client of the possibility of transferring legal authority to a family member or other guardian.