
A BILL FOR AN ACT

RELATING TO INCARCERATED PARENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the National
2 Resource Center on Children and Families of the Incarcerated
3 reports that an estimated 2,700,000 children nationwide have at
4 least one parent that is incarcerated. Studies conducted by the
5 National Fatherhood Initiative show that in terms of negative
6 impacts on children, incarceration may be worse than the death
7 of a parent or the divorce of parents. Moreover, there is
8 evidence that children of incarcerated parents are more likely
9 to become incarcerated themselves as teenagers or adults, thus
10 continuing the "cycle of incarceration" that becomes
11 generational in some families, and sadly, a reality for many in
12 the State of Hawai'i.

13 The legislature further finds that the children of
14 incarcerated parents are some of the nation's most vulnerable
15 and marginalized populations. Parental incarceration is noted
16 as being a strong risk factor and determinant for many adverse
17 outcomes for children, including antisocial and violent



1 behavior, mental health problems, failure to graduate from
2 school, and unemployment. Parental incarceration is nationally
3 recognized as an "adverse childhood experience" by Kaiser
4 Permanente, the Centers for Disease Control and Prevention, and
5 the Substance Abuse and Mental Health Services Administration
6 and is distinguished from other adverse childhood experiences by
7 the unique combination of trauma, shame, and stigma. The prison
8 environment can be frightening and traumatic for children, both
9 in the attitudes and behaviors of prison staff as well as the
10 physical setting of approved visitation sites. Visits can
11 include long waits, body frisks, rude treatment, and exposure to
12 crowded visiting rooms with no activities for children. Such
13 conditions do not encourage frequent visits between incarcerated
14 parents and their children, and studies suggest that maintenance
15 of family ties and parent-child relationships is linked to post-
16 release success, lower rates of recidivism, and fewer parole
17 violations.

18 Despite the efforts by Hawai'i organizations serving
19 children and families with an incarcerated parent, including
20 development of mentoring and other types of social services
21 aimed at this population of children, there continue to be major



1 gaps in service, particularly because funding for these programs
2 has never been established as a priority. One reason is that
3 data on children of incarcerated parents was just recently made
4 available, and this was only due to legislative action in 2015.
5 The absence of data has meant there was not data to illustrate
6 and justify the extent of the problem in Hawai'i. This is
7 especially true for service providers who are trying to access
8 federal funding for programs to assist children and families and
9 break the cycle of incarceration. In January 2014, the
10 legislative keiki caucus established the family reunification
11 working group to explore the issues surrounding children and
12 families impacted by incarceration. The working group comprised
13 representatives from several organizations and service
14 providers, including Blueprint for Change, Hawaii Prisoners
15 Resource Center, dba Holomua Center, the office of Hawaiian
16 affairs, ALU LIKE, Inc., Queen Liliuokalani Children's Center,
17 Keiki O Ka Aina Learning Centers, Family Programs Hawai'i, Adult
18 Friends for Youth, Community Alliance on Prisons, TJ Mahoney,
19 Chaminade University's Native Hawaiian Program, and Makana O Ke
20 Akua Clean and Sober Living. It also included parents of
21 children who have been affected by incarceration. The group



1 established two immediate priorities, one of which was to
2 develop a database of children in Hawai'i impacted by
3 incarceration, and during the past year the group explored
4 various ways to collect the data needed to identify the number
5 and basic demographics of these children. Through this advocacy
6 effort, data is now available detailing the number of children
7 affected by parental incarceration in the State.

8 The legislature believes that establishing a place of
9 family visitation known as a visitation center is in the best
10 interest and well-being of children of incarcerated parents and,
11 as studies suggest, may have many benefits for the incarcerated
12 parent, the community, and the State. The State's correctional
13 system will benefit from visitation centers at all local
14 correctional prisons and jails with the hope to strengthen,
15 rebuild, and reunify children with their incarcerated parents
16 and ensure the welfare and well-being of these children.

17 While acknowledging concerns about funding, effectiveness,
18 and public safety, there are working models that could be
19 emulated and referenced for effectiveness and applicability.
20 One successful example is the visitation centers established in
21 California by a non-profit organization that is funded by the



1 California department of corrections and rehabilitation under
2 legislative mandate. The primary purpose of the visitation
3 centers is to remove barriers and facilitate family visitation
4 to strengthen and reunify families with an emphasis on the well-
5 being of the child. The California visitation centers are
6 located on prison grounds but outside of the prison walls. They
7 are staffed with employees trained to educate and inform
8 children of their parents' incarceration through age-appropriate
9 means, educate children and families on prison and jail policies
10 to ensure they work with their incarcerated loved ones to abide
11 by and uphold state rules and regulations, connect children and
12 families to resources in the community, and facilitate
13 incarcerated parent-child relationships by addressing the trauma
14 experienced during the period of incarceration. The California
15 visitation centers serve as a "one-stop shop", which in most
16 cases alleviates the demands put on that state's corrections
17 department.

18 The purpose of this Act is to:

19 (1) Acknowledge adverse experiences faced by children of
20 incarcerated parents;



1 (2) Encourage continued efforts and engagement between the
2 department of human services, department of public
3 safety, the family reunification working group, and
4 other community stakeholders;

5 (3) Require the establishment of visitation centers, with
6 trauma-informed staff to serve as a liaison for
7 incarcerated parents and their minor children, which
8 are to be operated by a non-profit organization in
9 cooperation with the department of human services and
10 department of public safety and a plan for visitation
11 centers at all state operated correctional facilities;
12 and

13 (4) Appropriate funds for work necessary to establish,
14 develop, and implement the visitation centers.

15 SECTION 2. Beginning July 1, 2018, the department of human
16 services shall work with the department of public safety, the
17 family reunification working group, and other entities serving
18 children and families affected by parental incarceration to
19 establish a pilot visitation center at one or more of the
20 minimum security correctional facilities located in the State,
21 including Waiawa correctional center, O'ahu community



1 correctional center, and the women's community correctional
2 center. The visitation center or centers are to be operated by
3 a non-profit organization in cooperation with the department of
4 human services, department of public safety, and other community
5 stakeholders.

6 SECTION 3. By July 1, 2019, the department of human
7 services and the department of public safety, in conjunction
8 with the family reunification working group and other entities
9 serving children and families affected by parental
10 incarceration, shall develop a plan for visitation centers at
11 all state operated correctional facilities.

12 SECTION 4. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so much
14 thereof as may be necessary for fiscal year 2018-2019 for work
15 necessary to establish, develop, and implement this Act.

16 The sum appropriated shall be expended by the department of
17 human services for the purposes of this Act.

18 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Keiki Caucus; Incarcerated Parents; Pilot Visitation Centers;
DHS; Appropriation

Description:

Requires the establishment of a pilot visitation center or centers for children of incarcerated parents in correctional facilities in the State and a plan for visitation centers at all state operated correctional facilities. Appropriates funds to the Department of Human Services to work with other stakeholders to implement this Act. Effective 7/1/2050. (SD1)

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