

JAN 17 2020

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# A BILL FOR AN ACT

RELATING TO CHILDREN AND FAMILY OF INCARCERATED INDIVIDUALS.

**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, it is  
8 evidenced 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 generational  
11 in some families, and sadly, a reality for many in the State of  
12 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 under "adverse childhood experiences" 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.

8 Over the past ten years, Hawai'i organizations that serve  
9 children and families affected by parental incarceration have  
10 developed a myriad of services aimed at this population;  
11 however, there continue to be major gaps in service,  
12 particularly because funding for these programs has never been  
13 established as a priority. One reason is that data on children  
14 of incarcerated parents has not been available historically.  
15 The absence of data has meant there was insufficient data  
16 available to illustrate and justify the extent of the problem in  
17 Hawai'i. This is especially true for service providers who are  
18 trying to access federal funding that is programmed to assist  
19 children and families and break the cycle of incarceration.

20 In January 2014, the legislature's keiki caucus established  
21 the family reunification working group to explore the issues



1 surrounding children and families impacted by incarceration.  
2 The group was comprised of representatives from several  
3 organizations and service providers, including Blueprint for  
4 Change, Hawaii Prisoners Resource Center, dba Holomua Center,  
5 the Office of Hawaiian Affairs, ALU LIKE, Inc., Queen  
6 Lili'uokalani Children's Center, Keiki O Ka 'Āina Learning  
7 Centers, Family Programs Hawai'i, Adult Friends for Youth,  
8 Community Alliance on Prisons, TJ Mahoney/Ka Hale Ho'āla Hou No  
9 Nā Wāhine, Chaminade University's Native Hawaiian Program, and  
10 Makana o Ke Akua Clean and Sober Living. It also included  
11 parents of children who have been affected by incarceration.  
12 The group established two immediate priorities to work on, a  
13 database of children in Hawai'i impacted by incarceration, and a  
14 one-stop resource center for these children and their families.  
15 During the 2015 legislative session, a bill was passed requiring  
16 the department of public safety to begin collecting data at the  
17 point of intake on the number of minor children under the age of  
18 eighteen from each incarcerated parent. Based on this data, in  
19 Hawai'i there are approximately 4,000 children a year affected by  
20 parental incarceration.



1           Furthermore, the legislature finds that the prison  
2 environment can be frightening and traumatizing for children,  
3 both in the attitudes and behaviors of prison staff and the  
4 harshness of the physical setting of visitation sites. Visits  
5 can include long waits, body frisks, rude treatment, and  
6 exposure to crowded visiting rooms with no activities for  
7 children. Such conditions do not encourage frequent visits  
8 between incarcerated parents and their children. Studies  
9 suggest the maintenance of family ties and parent-child  
10 relationships is linked to post-release success, lower rates of  
11 recidivism, and fewer parole violations; therefore, visitation  
12 should be encouraged.

13           To address problems with visitation and family support, the  
14 Keiki Caucus introduced, and the legislature adopted two  
15 concurrent resolutions during the Regular Session of 2019,  
16 H.C.R. 205 and S.C.R. 7. These resolutions requested the  
17 department of human services, in consultation with the  
18 department of public safety, to work with the family  
19 reunification working group and other stakeholders to develop a  
20 plan to establish children-friendly and family-friendly  
21 visitation centers at all state correctional prisons and jails



1 to ensure the wellbeing of children of incarcerated parents and  
2 their families. A working group was convened in August 2019 and  
3 after several meetings the group developed a proposal calling  
4 for the establishment of a pilot visitation and family resource  
5 project to be located at Waiawa Correctional Facility, in  
6 Waipahu on O'ahu.

7 The working group found that there are working models that  
8 could be emulated and referenced for effectiveness and  
9 applicability. One successful example is the visitation center  
10 program established in California by the non-profit organization  
11 Friends Outside that is funded by the California Department of  
12 Corrections and Rehabilitation under legislative mandate. The  
13 primary purpose of those centers is to remove barriers and  
14 facilitate family visitation to strengthen and reunify families  
15 with an emphasis on the wellbeing of the child. The California  
16 centers are located on prison grounds but outside the prison  
17 walls, and staffed with employees trained to educate children of  
18 their parents' incarceration through age-appropriate means,  
19 inform children and families on prison and jail policies to  
20 ensure they work with their incarcerated loved one to abide by  
21 and uphold state rules and regulations, connect children and



1 families with resources in the community, and facilitate  
2 incarcerated parent-child relationships by addressing trauma  
3 during the period of incarceration. The California centers  
4 serve as a one-stop shop for the children and families, which  
5 also helps to alleviate demands on the corrections department.

6 The legislature finds that the establishment of family  
7 visitation and resource centers is in the best interest and  
8 well-being of the child and as studies suggest, may have many  
9 benefits for the incarcerated parent and other family members,  
10 the community, and the State.

11 The purpose of this Act is to:

- 12 (1) Acknowledge adverse experiences faced by children of  
13 incarcerated parents;
- 14 (2) Encourage continued efforts and engagement between the  
15 department of human services, department of public  
16 safety, the family reunification working group, and  
17 other community stakeholders to find ways to improve  
18 visitation at State correctional facilities;
- 19 (3) Require the establishment of a pilot visitation and  
20 family resource center located at Waiawa Correctional  
21 Facility that shall be operated by a non-profit



1 organization contracted by the department of human  
2 services and include trauma-informed professionals who  
3 shall serve as liaisons and ho'okele for families  
4 affected by incarceration; and

5 (4) Appropriate funds for work necessary to establish,  
6 develop, and implement the pilot visitation and family  
7 resource center.

8 SECTION 2. The department of human services shall continue  
9 to lead a working group to address visitation and support needs  
10 of children and families of incarcerated individuals. Beginning  
11 August 1, 2020, the department of human services shall work  
12 together with the department of public safety, the family  
13 reunification working group, and other entities serving children  
14 and families affected by parental incarceration to establish a  
15 pilot visitation and family resource center at Waiawa  
16 correctional facility on O'ahu. The visitation and family  
17 resource center shall be operated by a non-profit organization  
18 in cooperation with the department of human services, department  
19 of public safety, and other community stakeholders.

20 The working group shall be exempt from chapter 92, Hawaii  
21 Revised Statutes.



1           The working group shall submit a report of its findings and  
2 recommendations, including any proposed legislation, to the  
3 legislature no later than twenty days prior to the convening of  
4 the regular session of 2021.

5           The working group shall cease to exist on January 31, 2021;  
6 provided that the department of human services may continue the  
7 work of the working group beyond January 31, 2021 if the  
8 department deems it necessary.

9           SECTION 3. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$150,000 or so much  
11 thereof as may be necessary for fiscal year 2020-2021 for the  
12 establishment of a pilot visitation and family resource center  
13 at Waiawa correctional center on O'ahu.

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

16           SECTION 4. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$150,000 or so much  
18 thereof as may be necessary for fiscal year 2020-2021 for the  
19 establishment of a pilot visitation and family resource center  
20 at Waiawa correctional center on O'ahu.





1           The sum appropriated shall be expended by the department of  
2 public safety for the purposes of this Act.

3           SECTION 5. This Act shall take effect on July 1, 2020.

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INTRODUCED BY:           Karl Rhoads          

          [Signature]            
          Randy H. Baker          

          [Signature]          

          Amara Mercado-Kiser          



# S.B. NO. 2345

**Report Title:**

Keiki Caucus; Incarcerated Parents; Pilot Visitation Center; Appropriation

**Description:**

Requires the department of human services to work with the department of public safety to establish a pilot visitation and family resource center at Wahiawa correctional facility. Makes an appropriation.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

