

JAN 19 2018

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, 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
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 traumatizing for children,
9 both in the attitudes and behaviors of prison staff as well as
10 the 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, with studies suggesting the
15 maintenance of family ties and parent-child relationships is
16 linked to post-release success, lower rates of recidivism, and
17 fewer parole 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 that is programmed to assist children and
9 families and break the cycle of incarceration. In January 2014,
10 the legislative keiki caucus established a working group to
11 explore the issues surrounding children and families impacted by
12 incarceration. Called the family reunification working group,
13 the group was comprised of representatives from several
14 organizations and service providers, including Blueprint for
15 Change, Hawaii Prisoners Resource Center, dba Holomua Center,
16 the office of Hawaiian affairs, ALU LIKE, Inc., Queen
17 Liliuokalani Children's Center, Keiki O Ka Aina Learning
18 Centers, Family Programs Hawai'i, Adult Friends for Youth,
19 Community Alliance on Prisons, TJ Mahoney, Chaminade
20 University's Native Hawaiian Program, and Makana O Ke Akua Clean
21 and Sober Living. It also included parents of children who have



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

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

18 While acknowledging concerns about funding, effectiveness,
19 and public safety, there are working models that could be
20 emulated and referenced for effectiveness and applicability.
21 One successful example is the visitation centers established in



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



S.B. NO. 2305

1 and the women's community correctional center. The visitation
 2 center or centers are to be operated by a non-profit
 3 organization in cooperation with the department of human
 4 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 \$300,000 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.

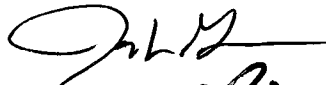

18 SECTION 5. This Act shall take effect on July 1, 2018.

19

INTRODUCED BY:







S.B. NO. 2305

Breene Hunt
Anne Mareski



S.B. NO. 2305

Report Title:

Keiki Caucus; Incarcerated Parents; Pilot Visitation Centers; 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.

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

