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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 on any given day, an estimated 2,700,000 children  
4 in America have at least one parent in prison or jail. A 2014  
5 study by the University of California - Irvine shows that  
6 significant health problems and behavioral issues were  
7 associated with children of incarcerated parents, and that  
8 parental incarceration may be more harmful to children's health  
9 than divorce or death of a parent. Furthermore, it is evidenced  
10 that children of incarcerated parents are more likely to become  
11 incarcerated themselves as teenagers or adults, thus continuing  
12 the cycle of incarceration that becomes generational in some  
13 families, and sadly, a reality for many in the State.

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



1 outcomes for children, including antisocial and violent  
2 behavior, mental health problems, failure to graduate from  
3 school, and unemployment. Parental incarceration is nationally  
4 recognized under "adverse childhood experiences" by Kaiser  
5 Permanente, the Centers for Disease Control and Prevention, and  
6 the Substance Abuse and Mental Health Services Administration  
7 and is distinguished from other adverse childhood experiences by  
8 the unique combination of trauma, shame, and stigma.

9       The legislature finds that Hawaii organizations that serve  
10 children and families affected by parental incarceration have  
11 developed a myriad of services aimed at this population;  
12 however, there continue to be major gaps in service,  
13 particularly because funding for these programs has never been  
14 established as a priority. One reason is that data on children  
15 of incarcerated parents have not been available. The absence of  
16 data means that there is insufficient evidence available to  
17 illustrate and justify the extent of the problem in Hawaii.  
18 This is especially true for service providers who receive  
19 federal funding to assist children and families to break the  
20 cycle of incarceration.



1 In January 2014, the legislature's keiki caucus established  
2 the family reunification working group to explore issues  
3 surrounding children and families impacted by incarceration.  
4 The group comprised representatives from several organizations  
5 and service providers, including Blueprint for Change; Hawaii  
6 Prisoners Resource Center, dba Holomua Center; the office of  
7 Hawaiian affairs; ALU LIKE, Inc.; Queen Liliuokalani Children's  
8 Center; Keiki O Ka Aina Learning Centers; Family Programs  
9 Hawaii; Adult Friends for Youth; Community Alliance on Prisons;  
10 TJ Mahoney/Ka Hale Hoala Hou No Na Wahine; Chaminade  
11 University's Native Hawaiian Program; and Makana o Ke Akua Clean  
12 and Sober Living. It also included parents of children who have  
13 been affected by incarceration. The group established two  
14 immediate priorities to work on: a database of children in  
15 Hawaii impacted by incarceration and a one-stop resource center  
16 for these children and their families. Act 16, Session Laws of  
17 Hawaii 2015, required the department of public safety to begin  
18 collecting data at the point of intake on the number of minor  
19 children under the age of eighteen from each incarcerated  
20 parent. Based on this data, in Hawaii there are approximately



1 four thousand children a year affected by parental  
2 incarceration.

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

15 To address problems with visitation and family support, the  
16 keiki caucus introduced, and the legislature adopted, House  
17 Concurrent Resolution No. 205 (2019) and Senate Concurrent  
18 Resolution No. 7, S.D. 1 (2019). These resolutions requested  
19 the department of human services, in consultation with the  
20 department of public safety, to work with the family  
21 reunification working group and other stakeholders to develop a



1 plan to establish children-friendly and family-friendly  
2 visitation centers at all state correctional facilities to  
3 ensure the well-being of children of incarcerated parents and  
4 their families. A working group was convened in August 2019 and  
5 after several meetings the group developed a proposal calling  
6 for the establishment of a pilot visitation and family resource  
7 project to be located at Waiawa correctional facility in Waipahu  
8 on Oahu.

9 The working group found that there are working models that  
10 can be emulated and referenced for effectiveness and  
11 applicability. One successful example is the visitation center  
12 program established in California by the non-profit organization  
13 Friends Outside that is funded by the California department of  
14 corrections and rehabilitation under legislative mandate. The  
15 primary purpose of those visitation centers is to remove  
16 barriers and facilitate family visitation to strengthen and  
17 reunify families with an emphasis on the well-being of the  
18 child. California's visitation centers are located on prison  
19 grounds but outside the prison walls and staffed with employees  
20 trained to educate children on their parents' incarceration  
21 through age-appropriate means, inform children and families of



1 prison and jail policies to ensure they work with their  
2 incarcerated loved ones to abide by and uphold state rules and  
3 regulations, connect children and families with resources in the  
4 community, and facilitate incarcerated parent-child  
5 relationships by addressing trauma during the period of  
6 incarceration. California's visitation centers serve as a one-  
7 stop shop for the children and families, which also help to  
8 alleviate demands on the corrections department.

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

14 The purpose of this Act is to:

- 15 (1) Acknowledge adverse experiences faced by children of  
16 incarcerated parents;
- 17 (2) Encourage continued efforts and engagement between the  
18 department of human services, department of public  
19 safety, family reunification working group, and other  
20 community stakeholders to find ways to improve  
21 visitation at state correctional facilities;



(3) Require the department of human services to work with the department of public safety, family reunification working group, and other entities serving children and families affected by parental incarceration to establish a pilot visitation and family resource center at Waiawa correctional facility on Oahu that has trauma-informed professionals on its staff who serve as liaisons and hookele for families affected by incarceration; and

(4) Appropriate funds necessary to establish, develop, and implement the pilot visitation and family resource center.

SECTION 2. (a) The department of human services shall continue to lead a working group to address visitation and support needs of children and families of incarcerated individuals pursuant to House Concurrent Resolution No. 205 (2019) and Senate Concurrent Resolution No. 7, S.D. 1 (2019).

(b) The working group shall determine the anticipated initial and annual costs to run a sustainable pilot visitation and family resource center at Waiawa correctional facility on Oahu.



1 (c) Beginning August 1, 2022, the department of human  
2 services shall work with the department of public safety, family  
3 reunification working group, and other entities serving children  
4 and families affected by parental incarceration to establish a  
5 pilot visitation and family resource center at Waiawa  
6 correctional facility on Oahu.

7 (d) The pilot visitation and family resource center shall  
8 be operated by a non-profit organization contracted by the  
9 department of human services in cooperation with the department  
10 of public safety and other community stakeholders. The staff of  
11 the pilot visitation and family resource center shall include  
12 trauma-informed professionals who shall serve as liaisons and  
13 hookele for families affected by incarceration.

14 (e) The working group shall be exempt from part I of  
15 chapter 92, Hawaii Revised Statutes.

16 (f) The working group shall submit a report of its  
17 findings and recommendations, including any proposed legislation  
18 and the estimated costs under subsection (b), to the legislature  
19 no later than twenty days prior to the convening of the regular  
20 session of 2023.





1 (g) The working group shall cease to exist on January 31,  
2 2023; provided that the department of human services may  
3 continue the work of the working group beyond January 31, 2023,  
4 if the department deems it necessary.

5 SECTION 3. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$305,000 or so much  
7 thereof as may be necessary for fiscal year 2022-2023 for the  
8 establishment of a pilot visitation and family resource center  
9 at Waiawa correctional facility on Oahu.

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

12 SECTION 4. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$115,000 or so much  
14 thereof as may be necessary for fiscal year 2022-2023 for the  
15 establishment of a pilot visitation and family resource center  
16 at Waiawa correctional facility on Oahu.

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

19 SECTION 5. This Act shall take effect on July 1, 2022.



**Report Title:**

Pilot Visitation and Family Resource Center; Waiawa Correctional Facility; PSD; DHS; Report; Appropriation

**Description:**

Requires the department of human services to work with the department of public safety, family reunification working group, and other entities serving children and families affected by parental incarceration to establish a pilot visitation and family resource center at Waiawa correctional facility on Oahu whose staff includes trauma-informed professionals who serve as liaisons and hookele for families affected by incarceration. Requires the department of human services to continue to lead a working group to address visitation and support needs of children and families of incarcerated individuals. Requires the working group to submit a report to the legislature before the regular session of 2023. Appropriates funds to the department of human services and department of public safety for the establishment of the pilot visitation and family resource center at Waiawa correctional facility. (CD1)

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