

DAVID Y. IGE  
GOVERNOR



CATHY BETTS  
DIRECTOR

JOSEPH CAMPOS II  
DEPUTY DIRECTOR

STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**

P. O. Box 339  
Honolulu, Hawaii 96809-0339

March 29, 2022

TO: The Honorable Representative Sylvia Luke, Chair  
House Committee on Finance

FROM: Cathy Betts, Director

SUBJECT: **SB 2641 SD2 HD1 – RELATING TO THE JUDICIARY.**

Hearing: March 31, 2022, 2:30 p.m.  
Via Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports the intent of this bill, offers comments, and defers to the Judiciary.

**PURPOSE:** The purpose of this measure is to appropriate funds for residential programs that allow minor children to remain with their mothers while participating in the program, including community-based furlough programs, residential drug treatment programs, therapeutic community programs, and mental health programs, to reduce the risk of trauma and multigenerational incarceration. Appropriates funds. Effective 7/1/3000. (HD1)

The SD1 amended the measure by:

- (1) Amending section 1 to include additional findings; and
- (2) Inserting a \$200,000 appropriation amount.

The SD2 amended the measure by:

- (1) Changing the appropriation from \$200,000 to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and

- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

The HD1 amended the measure by:

- (1) Amending its purpose section;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Additional funding for evidence-based programs to support the parent-child relationship while a family is involved in the criminal justice system is necessary to break generational cycles of incarceration and avoidable trauma. In addition, more services are needed statewide; as an island state, justice-involved families are often separated and without contact for extended periods. Parental incarceration is a recognized adverse childhood experience with long-lasting multigenerational impacts, and DHS is committed to reducing those impacts. As the Legislature begins to appropriate more general funds that support evidence-based programs, the Child Welfare Services Branch will work with the Judiciary to explore ways to maximize federal reimbursement of state funds through the Family First Prevention Services Act.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

GLORIA CHANG  
DEPUTY DIRECTOR

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY CRAIG K. HIRAI  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON FINANCE  
ON  
SENATE BILL NO. 2641, S.D. 2, H.D. 1

**March 31, 2022**  
**2:30 p.m.**  
**Room 308 and Videoconference**

RELATING TO THE JUDICIARY

The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill No. 2641, S.D. 2, H.D. 1, makes an unspecified general fund appropriation in FY 23 to the Judiciary for residential programs that allow minor children to remain with their mothers while participating in programs, including community-based furlough, residential drug treatment, therapeutic community, and mental health programs.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and

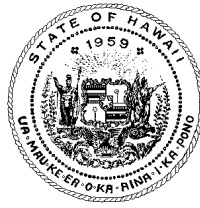
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
1177 Alakea Street, 6th Floor  
Honolulu, Hawaii 96813

**MAX N. OTANI**  
DIRECTOR

**Maria C. Cook**  
Deputy Director  
Administration

**Tommy Johnson**  
Deputy Director  
Corrections

**Jordan Lowe**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 2641, SENATE DRAFT 2, HOUSE DRAFT 1  
RELATING TO THE JUDICIARY.

by  
Max N. Otani, Director  
Department of Public Safety

House Committee on Finance  
Representative Sylvia Luke, Chair  
Representative Kyle T. Yamashita, Vice Chair

March 31, 2022; 2:30 p.m.  
Via Videoconference

Chair Luke, Vice Chair Yamashita, and Members of the Committee:

The Department of Public Safety (PSD) has reviewed Senate Bill (SB) 2641, Senate Draft (SD) 2, House Draft (HD) 1, which seeks to appropriate funds for residential programs, including community-based furlough programs, residential drug treatment programs, and therapeutic community programs, and mental health programs that allow minor children to remain with their mothers, to reduce the risk of trauma and multigenerational incarceration.

The Department offers the following comments regarding this measure. At present, some programs allow for mothers with children to have their children with them while in the program. However, correctional community-based work furlough, residential drug treatment, therapeutic community, and/or mental health programs may not be able to accommodate the presence of minor children. Unfortunately, PSD cannot be responsible for the health, safety, and/or welfare of children of incarcerated individuals while they are participating in programs offered in various locations, as the Department would risk being exposed to potential legal liability and costly litigation that could result from placing minor children in inappropriate settings.

Thank you for the opportunity to present comments regarding SB 2641, SD 2, HD 1.



*The Judiciary, State of Hawaii*

**Testimony to the Thirty First Legislature, 2022 Regular Session  
House Committee on Finance**

Representative Sylvia Luke, Chair  
Representative Kyle T. Yamashita, Vice Chair

Thursday, March 31, 2022 at 2:30 p.m. – Agenda #2  
Via Videoconference

by  
Brook M. Mamizuka  
Probation Administrator, First Circuit Court

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** Senate Bill No. 2641, S.D. 2, H.D.1, Relating to the Judiciary.

**Purpose:** Appropriates moneys for residential programs that allow minor children to remain with their mothers, to reduce the risk of trauma and multigenerational incarceration, including community-based furlough programs, residential drug treatment programs, therapeutic community programs and mental health programs.

**Judiciary's Position:**

The Judiciary supports this bill as it would appropriate monies to support mothers who are engaged in treatment. Although the number of programs that allow minors to remain with their mothers while in treatment is limited, there is a need for these programs. These programs have limited bed space which result in wait lists for mothers seeking treatment. The funding provided by this measure will provide a resource for these programs to increase operations and bed space, which will in turn result in a greater number of mothers that can be served.

Additionally, the availability of funding may encourage existing programs which do not allow minors to remain with their mothers in treatment, to expand and include this component to their program.

Thank you for the opportunity to testify on SB 2641, S.D.2, H.D.1.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON FINANCE

Representative Sylvia Luke, Chair

Representative Kyle Yamashita, Vice Chair

Thursday, March 31, 2022

2:30 PM

## **STRONG SUPPORT FOR SB 2641 – PROGRAMS FOR MOMS AND BABIES**

Aloha Chair Luke, Vice Chair Yamashita and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the 3,993 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety or the corporate vendor as of March 21, 2022<sup>1</sup>. We are always mindful that 1,110 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Mahalo for this opportunity for Community Alliance on Prisons to share our strong support for SB 2641 that keeps Moms and their babies together. The Department of Public Safety reported on March 21, 2022 that there are 396 imprisoned women statewide – 10% of the incarcerated population. As the bill states, most of women are mothers, yet much of the available programming doesn't address their needs.

Community Alliance on Prisons hopes that the funding to the Judiciary for these programs is about addressing the needs of women and families. We are unclear if the appropriation is tied to Drug Court or any other court or if it is a general initiative to compel judges to NOT send women with minor children to jail, but to treatment instead.

For the health of our families, we sincerely hope this bill is about DECARCERATION!

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<sup>1</sup> Department of Public Safety Weekly Population Report.

<https://dps.hawaii.gov/wp-content/uploads/2022/03/Pop-Reports-Weekly-2022-03-21.pdf>

The Salvation Army's Women's Way program is a wonderful example of a program for Moms and their keiki. Keeping people out of the correctional system should be a goal that Hawai'i embraces. Creating policies that focus on the health of families and communities would go a long way toward the healthy, safe, and just communities we all want.

The impact of Mom's incarceration leads to many challenges as the children try to cope with the separation of losing their parent. Visitation has been halted during COVID and that has caused lots of worries, anger, and other emotional responses in addition to the children's pain of separation from their mothers. Keeping children with Mom's in their formative years reaps many benefits for both of them, their families, and for the whole community.

Community Alliance on Prisons asks the committee to support this measure so that Hawai'i can fund more community-based programs where children can bond with their Moms as Hawai'i moves toward DECARCERATION and more effective strategies to address the needs of women and their children.

Helping families thrive is the pathway to peaceful communities.





## **SB2641 SD2 HD1 Funding for Women and Babies programs for Women Offenders**

### COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Kyle T. Yamashita, Vice Chair

Thursday, Mar 31 2022: 2:30: Videoconference

### **Hawaii Substance Abuse Coalition Strongly Supports SB2641 SD2 HD1:**

*ALOHA CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies.*

**Drug Treatment coupled with work furlough** programs helps women and their children to stop the intergenerational cycle of alcohol and drug dependency:

- **Women have special needs** that are more relationship oriented and that includes supporting their children,
- Counseling helps **women and children in recovery by rebuilding relationships** with their children and loved ones,
- **Residential and outpatient programs have gender responsive treatment** approaches within an environment that addresses their spiritual, physical, cultural and emotional needs,
- Recovery includes **supporting self-sufficiency by establishing work** or educational goals,
- Following treatment, housing and furlough programs can help women and their children by practicing recovery, rebuilding family connections, and transitioning into independent housing through **learning about daily living skills, educational classes on parenting and health as well as vocational training.**

**Mental Health treatments are crucial** because co-occurring disorders that include mental health issues with substance abuse are common.

This bill is important because according to the 2017 National Institute of Justice report<sup>1</sup>, **children of offenders are the “hidden victims”** facing a host of challenges and difficulties, stresses, and strains:

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<sup>1</sup> National Institute for Justice: 2017: Hidden Consequences: The Impact of Incarceration on Dependent Children: <https://nij.ojp.gov/topics/articles/hidden-consequences-impact-incarceration-dependent-children>

- Research demonstrates that the **strength of the parent-child bond** in healthy ways can play significant roles in the child's ability to overcome these challenges.
- **About 11% of children** have a parent who was or is involved with criminal justice,
- Moreover, on the average, the mother is the primary support for the child,
- Children of incarcerated parents are **6 times more likely to be incarcerated** themselves.

It is critical for our families that we ensure **a safety net for the child** and successful re-entry for the incarcerated mother.

We appreciate the opportunity to provide testimony and are available for further questions.

**SB-2641-HD-1**

Submitted on: 3/30/2022 1:55:39 PM

Testimony for FIN on 3/31/2022 2:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Linda Rich	Women?s Prison Project	Support	Remotely Via Zoom

Comments:

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Kyle T. Yamashita, Vice Chair

HEARING DATE: March 31, 2022

TIME: 2:00 PM,

PLACE: Via Videoconference

CONFERENCE ROOM 308

STATE CAPITOL

**SUPPORT FOR SB2641,SD2,HD1 RELATING TO THE JUDICIARY**

The Women’s Prison Project **STRONGLY SUPPORTS SB2641,SD2,HD1** which would appropriate moneys for residential rehabilitation programs that allow minor children to remain with their mothers while participating in the program. This is in keeping with the recommendations from the HCR Task Force report to the Legislature in 2019 to transition to a more effective and sustainable correctional system that focuses on rehabilitation and to expand community-based treatment programs as an alternative to incarceration.

In a recent review of women in the state’s prisons and jails, the Judiciary’s Criminal Justice Research Institute (CJRI) found that women comprise a higher percentage of the state’s incarcerated population than in any other state. Also, approximately 75% of women in Hawaii’s

correctional facilities are mothers, and approximately 60% had minor children living with them prior to incarceration.

Incarceration of mothers that results in separation from their children has been well-documented to have negative developmental and emotional effects on children. Early and secure attachment to a primary caregiver is the foundation of infant mental health and is essential for the development of the capacity to form healthy relationships. Children of incarcerated mothers often enter the foster care system, which is costly to the State and often traumatic for children. Research indicates that children of incarcerated mothers are at high risk for increased health problems, developmental delays, attention deficit disorder and for problem behaviors. Incarcerated mothers may suffer depression and anxiety due to the trauma of separation from their children, making them less able to benefit from rehabilitative services.

Meeting the Needs of Women in California's County Justice Systems: A Toolkit for Policymakers and Practitioners (B. Bloom, 2015) reported that “By the nature of their lower-level offenses, women pose less of a threat to public safety than men and they often are more amenable to community-based programming than men.” Data from CJRI indicates that only a small percentage of Hawaii’s incarcerated women have been convicted of a violent felony. The majority are low risk offenders in need substance abuse and mental health treatment, as well as life skills and job skills training.

The majority of incarcerated women in Hawaii are incarcerated for drug offenses, including property crimes that were drug related, and may be more effectively rehabilitated through community-based programs that address women’s common pathways to crime and recidivism, including addiction, childhood trauma and abuse, poverty, interpersonal abuse, lack of job skills and employment, low levels of education, and lack of access to safe affordable housing, mental health care, addiction treatment and physical healthcare.

The courts can continue to hold women accountable while they participate in needed community-based services that allow them to keep their minor children with them. This would reduce trauma for children and mothers, lower risk of recidivism and help break the intergenerational cycle of incarceration. It would prevent many children from being forced into foster care in the Child Welfare system. We would point out that there are both residential drug treatment programs and therapeutic living programs (“clean and sober” half way houses) in the state where young children may live with their mothers. There are existing models that could be expanded or replicated.

The Women’s Prison Project strongly supports the state’s investment in programs that would allow women to be diverted or released from prison into programs that could preserve the parent-child bond while engaging women in therapeutic and rehabilitative programs. Ideally these programs will also provide parenting support and identify and address any developmental needs of the children. The appropriation should also include funds for childcare while women in the programs are engaged in treatment, education, or work activities.

Implementation of this bill will result in decreased rates of incarcerated women and reduced recidivism. It would also reduce trauma and its costly consequences for women, children, and our communities.

Thank you for considering our thoughts related to the Women's Prison Project's strong support for SB2641,SD2,HD1 RELATING TO THE JUDICIARY.



# Hawai'i Psychological Association

*For a Healthy Hawai'i*

P.O. Box 833  
Honolulu, HI 96808

[www.hawaiiopsychology.org](http://www.hawaiiopsychology.org)

Phone: (808) 521-8995

COMMITTEE ON FINANCE  
Rep. Sylvia Luke, Chair  
Rep. Kyle T. Yamashita, Vice Chair

DATE: March 31, 2022 2:30 P.M. - VIA VIDEO CONFERENCE; Rm 308

Testimony in support of SB2641 SD2 HD1.

The Hawai'i Psychological Association supports this bill and its purpose of decreasing the negative impact of parental incarceration on children as much as possible. Providing rehabilitation programs in settings that allow women to continue living with and caring for their young children is a good way to ensure children are able to develop and maintain healthy attachment relationships, and that the trauma of separation is minimized.

Thank you for the opportunity to provide input in support of this important bill.

Sincerely,

Raymond A Folen, Ph.D., ABPP.  
Executive Director

**SB-2641-HD-1**

Submitted on: 3/31/2022 11:32:41 AM

Testimony for FIN on 3/31/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Carrie Ann Shirota	ACLU of Hawai'i	Support	Written Testimony Only

Comments:

Aloha Chair Luke, Vice Chair Yamashita and Committee Members:

The ACLU of Hawai'i supports SB 2641 SD2 HD1 that would appropriate funding for residential programs that allow children to remain with their mothers while the mothers participate in community-based furlough programs, residential drug treatment programs, therapeutic community programs and mental health programs.

**While these programs will benefit all women, it will particularly impact Native Hawaiian women who are disparately represented in the criminal legal system. in 2019, Native Hawaiian women were 19% of the female general population in Hawai'i. However, they comprise 44% of the female incarcerated population in Hawai'i.**

Please continue to invest in community based residential programs for mothers and their keiki that will strengthen familial bonds, contribute to health and wellness and reduce multigenerational incarceration and racial disparities within our criminal legal system.

Mahalo,  
Carrie Ann Shirota

ACLU of Hawai'i

**SB-2641-HD-1**

Submitted on: 3/29/2022 1:04:17 PM

Testimony for FIN on 3/31/2022 2:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lea Minton	Individual	Support	Written Testimony Only

Comments:

Dear Chair Luke and Finance Committee Members:

I stand in strong support of SB2641 SD2 HD1 and call on the Finance committee to enter appropriate funding for this bill as well as amend the effective date to July 1, 2022. It is imperative that we take action now to bolster the support to community programs that facilitate keeping mothers and children together to reduce intergenerational trauma while mothers learn skills to participate in community that are sustainable for them and their families. The focus of our penal system truly should be investing in opportunities that heal our community, acknowledge the systemic barriers people within our community face, and providing supportive measures that reduce recidivism. There is much success when mothers and their children are kept together.

Thank you for this opportunity to testify in strong support of SB2641SD2HD1.

Respectfully,

Le'a Minton, CNM



**SB-2641-HD-1**

Submitted on: 3/29/2022 10:15:13 PM

Testimony for FIN on 3/31/2022 2:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Wendy Gibson-Viviani	Individual	Support	Written Testimony Only

Comments:

TO: COMMITTEE ON FINANCE

FROM: Wendy Gibson-Viviani RN/BSN

RE: SB2641 SD2 HD1 (**In Support**)

Hearing: March 31, 2022 at 2:30 p.m.

Dear Chair Rep. Sylvia Luke, Vice-Chair Rep. Kyle T. Yamashita, and Members of the Committee,

I am Wendy Gibson-Viviani, a healthcare professional (RN) who has lived and worked in Hawaii for 29 years. I support SB2641 because:

- Currently only a limited number of programs exist that allow minors to remain with their mothers while in treatment and MORE are needed
- Funding is needed to ensure that programs can increase operations and bed space, so that more mothers that can be with their children.
- It would appropriate monies to support mothers who are engaged in treatment
- It may be instrumental in reducing the risk of trauma and multigenerational incarceration

Thank you for the opportunity to testify on Senate Bill No. 2641,

Wendy Gibson-Viviani RN/BSN

Kailua

**SB-2641-HD-1**

Submitted on: 3/30/2022 9:41:11 AM

Testimony for FIN on 3/31/2022 2:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Barbara Polk	Individual	Support	Written Testimony Only

Comments:

I urge you to pass this important bill that would allow children to stay with their mothers who are in residential programs. Doing so will substantially reduce the trauma to children and help maintain the parental relationship with the child. It would likely also help with the success of the parent.

Please pass SB2641 SD2 HD1.