
A BILL FOR AN ACT

RELATING TO CHILDREN.

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

1 SECTION 1. The legislature finds that a growing prison
2 population has raised serious concerns regarding the collateral
3 effects of incarceration on the children and families of
4 incarcerated persons and the communities from which they came.
5 According to the federal Bureau of Justice Statistics' most
6 recent study on incarcerated parents in the United States, more
7 than 1,700,000 minors, representing 2.3 per cent of the
8 population, have at least one incarcerated parent.

9 The legislature further finds that the incarceration of a
10 parent is a traumatic event for children. Studies show that a
11 substantial number of incarcerated parents were deeply involved
12 in their children's lives before imprisonment by providing daily
13 care, as well as financial and emotional support. Studies also
14 show that the incarceration of a parent is likely to result in
15 unstable family relationships, poor academic performance,
16 financial instability, material hardship, and social stigma.



1 Providing social services and programs for children who
2 have a parent in the prison system supports the children's
3 emotional and behavioral well-being. Furthermore, providing
4 support to incarcerated parents and their children preserves and
5 strengthens family connections, which yield positive societal
6 benefits in the form of reduced recidivism, less
7 intergenerational criminal justice system involvement, and
8 improved healthy child development.

9 The purpose of this Act is to appropriate funds for
10 programs and services for children of incarcerated parents and
11 to assist with family reunification.

12 SECTION 2. 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 2021-2022 for
15 funding programs and services for children of incarcerated
16 parents and assisting with family reunification.

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

19 SECTION 3. Section 571-46, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



1 "(a) In actions for divorce, separation, annulment,
2 separate maintenance, or any other proceeding where there is at
3 issue a dispute as to the custody of a minor child, the court,
4 during the pendency of the action, at the final hearing, or any
5 time during the minority of the child, may make an order for the
6 custody of the minor child as may seem necessary or proper. In
7 awarding the custody, the court shall be guided by the following
8 standards, considerations, and procedures[+] in the best
9 interests of the child:

10 (1) [~~Custody~~] Where the parents are unable to agree and
11 unless the court finds that it is not in the best
12 interests of the child, based upon clear and
13 convincing evidence, custody should be awarded to
14 [either parent or to] ensure the inclusion of both
15 parents [according to the best interests] in the
16 raising of the child[, and the court also may consider
17 frequent, continuing,] and equal continuing physical,
18 emotional, and meaningful contact [of each parent with
19 the child unless the court finds that a parent is
20 unable to act in the best interest of the child;] with
21 both parents;"



1 SECTION 4. This Act shall take effect on July 1, 2020.

INTRODUCED BY:


JAN 27 2021



H.B. NO. 1395

Report Title:

Incarcerated Parents; Children; Programs and Services;
Appropriation; Best Interest of the Child

Description:

Makes an appropriation to the department of public safety for programs and services for children of incarcerated parents and to assist with family reunification. Requires parental parity in divorce actions.

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