
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 National Fatherhood Initiative 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 has 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 access federal
19 funding to assist children and families to break the cycle of
20 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 (2019). These resolutions requested the
19 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 helps 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 establishment of a pilot visitation and family resource center located at Waiawa correctional facility to be operated by a nonprofit organization contracted by the department of human services and include trauma-informed professionals to 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 (2019).

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

(c) Beginning August 1, 2022, the department of human services shall work with the department of public safety, family



1 reunification working group, and other entities serving children
2 and families affected by parental incarceration to establish a
3 pilot visitation and family resource center at Waiawa
4 correctional facility on Oahu.

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

13 (e) The working group shall be exempt from chapter 92,
14 Hawaii Revised Statutes.

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

20 (g) The working group shall cease to exist on January 31,
21 2023; provided that the department of human services may



1 continue the work of the working group beyond January 31, 2023,
2 if the department deems it necessary.

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

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

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

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

17 SECTION 5. This Act shall take effect on July 1, 3000;
18 provided that sections 3 and 4 shall take effect on July 1,
19 2022.

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Report Title:

Pilot Visitation and Family Resource Center; Waiawa Correctional Facility; Department of Public Safety; Department of Human Services; Report; Appropriation

Description:

Requires the department of human services to work with the department of public safety and other entities to establish a pilot visitation and family resource center at Waiawa correctional facility on Oahu. 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 2023 regular session. Appropriates funds. Effective 7/1/3000. (HD1)

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