
A BILL FOR AN ACT

RELATING TO JUDICIAL OVERSIGHT OF CHILDREN AND FAMILIES 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 an estimated 2,700,000 children nationwide have at
4 least one parent who 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 generational
11 in some families, and sadly, a reality for many in the State.

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

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

20 In January 2014, the legislature's keiki caucus established
21 the family reunification working group to explore issues



1 surrounding children and families impacted by incarceration.
2 The group comprised representatives from several organizations
3 and service providers, including Blueprint for Change; Hawaii
4 Prisoners Resource Center, dba Holomua Center; the office of
5 Hawaiian affairs; ALU LIKE, Inc.; Queen Liliuokalani Children's
6 Center; Keiki O Ka Aina Learning Centers; Family Programs
7 Hawaii; Adult Friends for Youth; Community Alliance on Prisons;
8 TJ Mahoney/Ka Hale Hoala Hou No Na Wahine; Chaminade
9 University's Native Hawaiian Program; and Makana o Ke Akua Clean
10 and Sober Living. It also included parents of children who have
11 been affected by incarceration. The group established two
12 immediate priorities to work on: a database of children in
13 Hawaii impacted by incarceration and a one-stop resource center
14 for these children and their families.

15 During the 2015 regular session, a bill was passed
16 requiring the department of public safety to begin collecting
17 data at the point of intake on the number of minor children
18 under the age of eighteen from each incarcerated parent. Based
19 on this data, in Hawaii there are approximately four thousand
20 children a year affected by parental incarceration.



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

13 To address problems with visitation and family support, the
14 keiki caucus introduced, and the legislature adopted House
15 Concurrent Resolution No. 205 (2019) and Senate Concurrent
16 Resolution No. 7 (2019). These resolutions requested the
17 department of human services, in consultation with the
18 department of public safety, to work with the family
19 reunification working group and other community stakeholders to
20 develop a plan to establish children-friendly and family-
21 friendly visitation centers at all state correctional facilities



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

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



1 regulations, connect children and families with resources in the
2 community, and facilitate incarcerated parent-child
3 relationships by addressing trauma during the period of
4 incarceration. California's visitation centers serve as a one-
5 stop shop for the children and families, which also helps to
6 alleviate demands on the corrections department.

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

12 The purpose of this Act is to:

13 (1) Acknowledge adverse experiences faced by children of
14 incarcerated parents;

15 (2) Require the department of human services to continue
16 to lead a working group to address visitation and
17 support needs of children and families of incarcerated
18 individuals pursuant to House Concurrent Resolution
19 No. 205 (2019) and Senate Concurrent Resolution No. 7
20 (2019);



1 (3) Task the judiciary with coordinating discussions with
2 the department of human services, the department of
3 public safety, family reunification working group, and
4 other entities serving children and families affected
5 by parental incarceration to establish a pilot
6 visitation and family resource center at Waiawa
7 correctional facility on Oahu;

8 (4) Require the pilot visitation and family resource
9 center to be operated by a nonprofit organization
10 contracted by the department of human services, to
11 include trauma-informed professionals to serve as
12 liaisons and hookele for families affected by
13 incarceration;

14 (5) Require the working group to report to the legislature
15 prior to the regular session of 2023; and

16 (6) Appropriate funds necessary to establish, develop, and
17 implement the pilot visitation and family resource
18 center.

19 SECTION 2. (a) The department of human services shall
20 continue to lead a working group to address visitation and
21 support needs of children and families of incarcerated



1 individuals pursuant to House Concurrent Resolution No. 205
2 (2019) and Senate Concurrent Resolution No. 7 (2019).

3 (b) The working group shall be exempt from chapter 92,
4 Hawaii Revised Statutes.

5 (c) The working group shall submit a report of its
6 findings and recommendations, including any proposed
7 legislation, to the legislature no later than twenty days prior
8 to the convening of the regular session of 2023.

9 (d) The working group shall cease to exist on January 31,
10 2023; provided that the department of human services may
11 continue the work of the working group beyond January 31, 2023,
12 if the department deems it necessary.

13 SECTION 3. (a) Beginning August 1, 2022, the judiciary
14 shall coordinate discussions with the department of human
15 services and shall work with the department of public safety,
16 family reunification working group, and other entities serving
17 children and families affected by parental incarceration to
18 establish a pilot visitation and family resource center at
19 Waiawa correctional facility on Oahu.

20 (b) The visitation and family resource center shall be
21 operated by a non-profit organization contracted by the



1 department of human services, in cooperation with the department
2 of human services, the department of public safety, and other
3 community stakeholders. The pilot visitation and family
4 resource center shall include trauma-informed professionals who
5 shall serve as liaisons and hookele for families affected by
6 incarceration.

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

12 The sum appropriated shall be expended by the judiciary for
13 the purposes of this Act.

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

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



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

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

8 SECTION 7. This Act shall take effect on July 1, 2022.

9
INTRODUCED BY:



JAN 21 2022



H.B. NO. 1887

Report Title:

Incarcerated Parents; Pilot Visitation Center; DHS; DPS;
Judiciary; Appropriations

Description:

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 judiciary to coordinate discussions with the department of human services and 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. Requires the visitation and family resource center to be run by a non-profit. Requires working group to report to the legislature prior to the regular session of 2023. Appropriates funds.

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

