

JAN 21 2022

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 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 the children of
13 incarcerated parents are some of the nation's most vulnerable
14 and marginalized populations. Parental incarceration is noted
15 as being a strong risk factor and determinant for many adverse
16 outcomes for children, including antisocial and violent
17 behavior, mental health problems, failure to graduate from



1 school, and unemployment. Parental incarceration is nationally
2 recognized under "adverse childhood experiences" by Kaiser
3 Permanente, the Centers for Disease Control and Prevention, and
4 the Substance Abuse and Mental Health Services Administration
5 and is distinguished from other adverse childhood experiences by
6 the unique combination of trauma, shame, and stigma.

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

19 In January 2014, the legislature's keiki caucus established
20 the family reunification working group to explore the issues
21 surrounding children and families impacted by incarceration.



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

20 Furthermore, the legislature finds that the prison
21 environment can be frightening and traumatizing for children,



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

11 To address problems with visitation and family support, the
12 keiki caucus introduced, and the legislature adopted, two
13 concurrent resolutions during the Regular Session of 2019,
14 Senate Concurrent Resolution No. 7 and House Concurrent
15 Resolution No. 205. These resolutions requested the department
16 of human services, in consultation with the department of public
17 safety, to work with the family reunification working group and
18 other stakeholders to develop a plan to establish children-
19 friendly and family-friendly visitation centers at all state
20 correctional prisons and jails to ensure the well-being of
21 children of incarcerated parents and their families. A working



1 group was convened in August 2019 and after several meetings the
2 group developed a proposal calling for the establishment of a
3 pilot visitation and family resource project to be located at
4 Waiawa correctional facility, in Waipahu on Oahu.

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



1 during the period of incarceration. The California centers
2 serve as a one-stop shop for the children and families, which
3 also helps to alleviate demands on the corrections department.

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

9 The purpose of this Act is to:

- 10 (1) Acknowledge adverse experiences faced by children of
11 incarcerated parents;
- 12 (2) Encourage continued efforts and engagement between the
13 department of human services, department of public
14 safety, the family reunification working group, and
15 other community stakeholders to find ways to improve
16 visitation at state correctional facilities;
- 17 (3) Require the establishment of a pilot visitation and
18 family resource center located at Waiawa correctional
19 facility that shall be operated by a nonprofit
20 organization contracted by the department of human
21 services and include trauma-informed professionals who



1 shall serve as liaisons and hookele for families
2 affected by incarceration; and

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

6 SECTION 2. (a) The department of human services shall
7 continue to lead the family reunification working group to
8 address visitation and support needs of children and families of
9 incarcerated individuals pursuant to House Concurrent Resolution
10 No. 205 (2019) and Senate Concurrent Resolution No. 7 (2019).

11 (b) Beginning August 1, 2022, the department of human
12 services shall continue to work with the department of public
13 safety, the family reunification working group, and other
14 community stakeholders serving children and families affected by
15 parental incarceration to establish a pilot visitation and
16 family resource center at Waiawa correctional facility on Oahu.

17 (c) The visitation and family resource center shall be
18 operated by a nonprofit organization contracted by the
19 department of human services and in cooperation with the
20 department of human services, department of public safety, and
21 other community stakeholders. The pilot visitation and family



1 resource center shall include trauma-informed professionals who
2 shall serve as liaisons and hookele for families affected by
3 incarceration.

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

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

10 (f) The department of human services shall continue to
11 lead the family reunification working group until the pilot
12 visitation and family resource center is constructed and
13 operational.

14 SECTION 3. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$150,000 or so much
16 thereof as may be necessary for fiscal year 2022-2023 for the
17 establishment of a pilot visitation and family resource center
18 at Waiawa correctional center on Oahu.

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

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1 SECTION 4. This Act shall take effect on July 1, 2022.

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INTRODUCED BY: Clarence Ishihara



S.B. NO. 2306

Report Title:

Keiki Caucus; Incarcerated Parents; Pilot Visitation Center;
Waiawa Correctional Facility; Department of Human Services;
Department of Public Safety; Appropriation

Description:

Requires the Department of Human Services to work with the
Department of Public Safety to establish a pilot visitation and
family resource center at Waiawa correctional facility.
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.*

