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**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
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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 JUDICIARY & HAWAIIAN AFFAIRS  
ON  
SENATE BILL NO. 2641, S.D. 2, H.D. 1

**March 22, 2022**  
**2:00 p.m.**  
**Room 325 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.



*The Judiciary, State of Hawaii*

**Testimony to the Thirty-First Legislature  
2022 Regular Session  
House Committee on Judiciary and Hawaiian Affairs  
Representative Mark M. Nakashima, Chair  
Representative Scot Z. Matayoshi, Vice Chair**

Tuesday, March 22, 2022 at 2:00 p.m.  
State Capitol, Conference Room 325 & 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 participating in the program, 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. Effective 7/1/3000 (H.D.1)

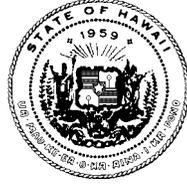
**Judiciary's Position:**

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 limited programs have limited bed space which results in wait lists for mothers seeking treatment. Funding of these programs 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 who 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 Senate Bill No. 2641, S. D. 2, H. D. 1.

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 21, 2022

TO: The Honorable Representative Mark M. Nakashima, Chair  
House Committee on Judiciary & Hawaiian Affairs

FROM: Cathy Betts, Director

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

**HEARING:** March 22, 2022, 02:00 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 the bill is to appropriate funds for residential programs that allow minor children to remain with their mothers while participating in the program, 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. 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.

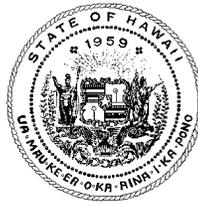
The HD1 amended the measure further by,

- (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 aimed 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 the parent-children relation, 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 provide comments on this measure.



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 1, HOUSE DRAFT 1  
RELATING TO THE JUDICIARY.

by  
Max N. Otani, Director  
Department of Public Safety

House Committee on Judiciary and Hawaiian Affairs  
Representative Mark M. Nakashima, Chair  
Representative Scot Z. Matayoshi, Vice Chair

Tuesday, March 22, 2022; 2:00 p.m.  
State Capitol, Room 325 & Via Videoconference

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

The Department of Public Safety (PSD) has reviewed Senate Bill (SB) 2641, Senate Draft (SD) 1, 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 1, HD 1.



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

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

Tuesday, Mar 22 2022: 2:00: 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.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative Mark Nakashima, Chair

Representative Scot Matayoshi, Vice Chair

Tuesday, March 22, 2022

2:00 PM

### **STRONG SUPPORT - SB 2641 HD1 - RESIDENTIAL PROGRAMS FOR MOM & BABY**

Aloha Chair Nakashima, Vice Chair Matayoshi 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 HD1 of the more than 3,997 Hawai'i individuals living behind bars<sup>1</sup> under the "care and custody" of the Department of Public Safety on any given day. 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 HD1 that keeps Moms and their babies together. The Department of Public Safety reported on March 14, 2022 that there are 383 imprisoned women statewide - 9.6% 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, March 14, 2022.

<https://dps.hawaii.gov/wp-content/uploads/2022/03/Pop-Reports-Weekly-2022-03-14.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.

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS  
Rep. Mark Nakashima, Chair  
Rep. Scott Z. Matayoshi

HEARING DATE: March 22, 2022  
TIME: 2:00 PM, Via Videoconference

**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 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 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.

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 are engaged in treatment 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 RELATING TO THE JUDICIARY.



**SB-2641-HD-1**

Submitted on: 3/21/2022 2:53:10 PM

Testimony for JHA on 3/22/2022 2:00:00 PM

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

Comments:

Aloha Chair Nakashima, Vice Chair Matayoshi and Committee Members:

The ACLU of Hawai'i supports SB 2641 SD2 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 family bonds, work to address pathways into the criminal legal system, and decrease the risk of multi-generational incarceration. Invest in people and community based solutions, not prisons!

Mahalo,  
Carrie Ann Shirota

ACLU of Hawai'i

**SB-2641-HD-1**

Submitted on: 3/18/2022 3:18:30 PM

Testimony for JHA on 3/22/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Support

**To:**

Hawai'i House Committee on Judiciary and Hawaiian Affairs  
Mark M. Nakashima, Chair  
Scot Z. Matayoshi, Vice Chair

**For:**

SB2641 SD2 HD1: RELATING TO THE JUDICIARY.

**Date:**

Thursday, 3-22-22 at 2:00 pm

**Where:**

Hawaii State Capitol, Conference Room 325 & Videoconference

Aloha, Hawai'i House Committee on Judiciary and Hawaiian Affairs, Chair Mark M. Nakashima, Vice Chair Scot Z. Matayoshi, and respective committee members, my name is Creelyn Eisenberg. I am a Maui resident, a community mental health worker with Maui Behavioral Health Resources, and a master of social work student at the University of Hawai'i at Mānoa's School of Social Work and Public Health. However, with appreciation, I submit testimony today on behalf of myself in **strong support of SB2641 SD2 HD1: Relating to the Judiciary.** SB2641 SD2 HD1 brings up something personal for me and provides many benefits for mothers and children.

As the bill mentions allowing minor children to remain with their mothers while participating in programs is beneficial for children. It reduces trauma, substance use in adulthood, and multigenerational incarceration. In addition, these programs are a tool for preventing Adverse Childhood Experiences (ACEs). This bill will fund programs that focus on creating and sustaining safe, stable, and nurturing environments and relationships for families and children, essential for preventing ACEs. Allowing minor children to stay with their mothers has also been beneficial to mothers' treatment and improvement.

As a minor, I was separated from my mother when she was arrested and court-mandated to participate in a residential drug treatment center. I had limited access to visitation and was too young to understand where my mother was. In the care of CWS, I experienced being in a group home and hopping around in foster care. Unfortunately, while in the care of one foster home, I became a victim of child sexual abuse. Funding programs that allow minor children to remain with their mothers prevent experiences like mine. They provide stability and safety and limit further traumatization of children.

I have seen firsthand the benefits of these programs while working with Maui Behavioral Health Resources, and I see how they would have benefited me as a minor child. Thank you for your time and consideration on SB2641 SD2 HD1 and for this opportunity to provide testimony.

Respectfully,

Creelyn Eisenberg

**SB-2641-HD-1**

Submitted on: 3/21/2022 2:12:54 PM

Testimony for JHA on 3/22/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Diana Bethel	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of SB2641 SD2 HD1 which appropriates funds for residential programs that allow minor children to remain with their mothers while participating in the program. Doing so would reduce the risk of trauma to children and break the circle of multigenerational incarceration. The bill also provides for community-based furlough programs, residential drug treatment programs, therapeutic community programs, and mental health programs.

This reimagining of the treatment of offenders takes a constructive and rehabilitative approach to behavior modification and avoids the trauma and destructive consequences of incarceration in a correctional facility that is ill-equipped to address the issues presented by women with minor children.

Please pass SB2641 SD2 HD1.