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# A BILL FOR AN ACT

RELATING TO THE JUDICIARY.

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

1           SECTION 1. The legislature finds that, as of 2018,  
2 seventy-five per cent of incarcerated women in Hawai'i had  
3 children. Previous surveys have shown that many women who are  
4 on parole are also mothers of minor children.

5           The legislature finds that studies have clearly shown that  
6 when women in the criminal justice system are separated from  
7 their children, the experience has devastating impacts on the  
8 children's mental health and development. These impacts can  
9 increase the risk of multigenerational incarceration. The  
10 separation also has a destructive and traumatic impact on  
11 mothers.

12           The legislature further finds that incarceration of mothers  
13 that results in separation from their children has been well  
14 documented to have negative developmental and emotional effects  
15 on children. Early and secure attachment to a primary caregiver  
16 is the foundation of infant mental health and is essential for  
17 the development of the capacity to form healthy relationships.



1 Children of incarcerated mothers often enter the foster care  
2 system, which is costly to the State and often traumatic for  
3 children. Research indicates that children of incarcerated  
4 mothers are at high risk for increased health problems,  
5 developmental delays, attention deficit disorder and for problem  
6 behaviors. Incarcerated mothers may suffer depression and  
7 anxiety due to the trauma of separation from their children,  
8 making them less able to benefit from rehabilitative services.

9 The legislature also finds that the number of programs that  
10 allow minors to remain with their mothers while in treatment is  
11 limited and these programs have limited bed space, which results  
12 in wait lists for mothers seeking treatment. Funding of these  
13 programs will provide a resource for these programs to increase  
14 operations and bed space, which will in turn result in a greater  
15 number of mothers that can be served.

16 Accordingly, the purpose of this Act is to appropriate  
17 moneys for residential programs that allow minor children to  
18 remain with their mother while participating in the program, to  
19 reduce the risk of trauma and multigenerational incarceration.

20 SECTION 2. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$200,000 or so much



1 thereof as may be necessary for fiscal year 2022-2023 for  
2 residential programs that allow minor children to remain with  
3 their mothers while participating in the program, including:

- 4 (1) Community-based furlough programs;
- 5 (2) Residential drug treatment programs;
- 6 (3) Therapeutic community programs; and
- 7 (4) Mental health programs.

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

10 SECTION 3. This Act shall take effect on July 1, 2022.



**Report Title:**

Women's Legislative Caucus; Judiciary; Budget; Community-Based Furlough Programs; Residential Drug Treatment; Appropriation

**Description:**

Appropriates moneys for residential programs that allow minor children to remain with their mothers, 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. (SD1)

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