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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 Hawaii had  
3 children. Previous surveys have shown that many women who are  
4 on parole are also mothers of minor children.

5           The legislature also finds that studies have clearly shown  
6 that when women in the criminal justice system are separated  
7 from their children, the experience has devastating impacts on  
8 the 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 including developmental delays, attention deficit disorder, and  
6 behavioral issues. Incarcerated mothers may suffer depression  
7 and anxiety due to the trauma of separation from their children,  
8 making the mothers less able to benefit from rehabilitative  
9 services.

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

18 Accordingly, the purpose of this Act is to appropriate  
19 moneys for residential programs that allow minor children to  
20 remain with their mothers while the mothers participate in the



1 program, to reduce the risk of trauma and multigenerational  
2 incarceration.

3 SECTION 2. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ or so much  
5 thereof as may be necessary for fiscal year 2022-2023 for  
6 residential programs that allow minor children to remain with  
7 their mothers while the mothers participate in the program,  
8 including:

- 9 (1) Community-based furlough programs;
- 10 (2) Residential drug treatment programs;
- 11 (3) Therapeutic community programs; and
- 12 (4) Mental health programs.

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

15 SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

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 while the mothers participate 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 7/1/2050. (SD2)

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

