

ACT 7

S.B. NO. 2345

A Bill for an Act Relating to Children.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that an estimated six thousand children in the State of Hawaii have a parent in prison. Many children of incarcerated parents experience grief, guilt, shame, fear, depression, and have difficulty sleeping or concentrating. Although children need to maintain contact with their parent, visits at correctional facilities can be frightening for some children.

The purpose of this Act is to help maintain the well-being of children of incarcerated parents and support their needs.

SECTION 2. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§346- Guiding principles to be used by state agencies when dealing with children of incarcerated parents. The guiding principles to be used by the state agencies when dealing with children of incarcerated parents shall be as follows:

- (1) Children should be treated with respect and dignity at all times;
- (2) The children’s safety and care should be of paramount importance to all involved;
- (3) If the children so choose, communication avenues should be made available such that the children should have opportunities to see, speak to, or visit parents, where appropriate;
- (4) State support for the children should be provided as resources permit;
- (5) The children should be kept safe and informed at the time of the parent’s arrest;
- (6) The children’s wishes should be taken into consideration regarding any decisions made concerning their welfare;
- (7) The children’s wishes should be taken into consideration when decisions are made about their incarcerated parent;
- (8) Children should be well cared for in the absence of an incarcerated parent;
- (9) Children should receive proper support during any struggles with the parent’s incarceration;
- (10) Children should not be judged, blamed, or labeled because of a parent’s incarceration; and
- (11) Children should receive support for the desire to retain a relationship with an incarcerated parent, where appropriate.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Vetoed by Governor and veto overridden by Legislature on July 8, 2008.)

Note

1. Edited pursuant to HRS §23G-16.5.