

ACT 125

H.B. NO. 1741

A Bill for an Act Relating to Children and Family of Incarcerated Individuals.

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

SECTION 1. The legislature finds that the National Resource Center on Children and Families of the Incarcerated reports that on any given day, an estimated 2,700,000 children in America have at least one parent in prison or jail. A 2014 study by the University of California - Irvine shows that significant health problems and behavioral issues were associated with children of incarcerated parents, and that parental incarceration may be more harmful to children's health than divorce or death of a parent. Furthermore, it is evidenced that children of incarcerated parents are more likely to become incarcerated themselves as teenagers or adults, thus continuing the cycle of incarceration that becomes generational in some families, and sadly, a reality for many in the State.

The legislature further finds that children of incarcerated parents are some of the nation's most vulnerable and marginalized populations. Parental incarceration is noted as being a strong risk factor and determinant for many adverse outcomes for children, including antisocial and violent behavior, mental health problems, failure to graduate from school, and unemployment. Parental incarceration is nationally recognized under "adverse childhood experiences" by Kaiser Permanente, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration and is distinguished from other adverse childhood experiences by the unique combination of trauma, shame, and stigma.

The legislature finds that Hawaii organizations that serve children and families affected by parental incarceration have developed a myriad of services aimed at this population; however, there continue to be major gaps in service, particularly because funding for these programs has never been established as a priority. One reason is that data on children of incarcerated parents have not been available. The absence of data means that there is insufficient evidence available to illustrate and justify the extent of the problem in Hawaii. This is especially true for service providers who receive federal funding to assist children and families to break the cycle of incarceration.

In January 2014, the legislature's keiki caucus established the family reunification working group to explore issues surrounding children and families impacted by incarceration. The group comprised representatives from several organizations and service providers, including Blueprint for Change; Hawaii

Prisoners Resource Center, dba Holomua Center; the office of Hawaiian affairs; ALU LIKE, Inc.; Queen Liliuokalani Children's Center; Keiki O Ka Aina Learning Centers; Family Programs Hawaii; Adult Friends for Youth; Community Alliance on Prisons; TJ Mahoney/Ka Hale Hoala Hou No Na Wahine; Chaminade University's Native Hawaiian Program; and Makana o Ke Akua Clean and Sober Living. It also included parents of children who have been affected by incarceration. The group established two immediate priorities to work on: a database of children in Hawaii impacted by incarceration and a one-stop resource center for these children and their families. Act 16, Session Laws of Hawaii 2015, required the department of public safety to begin collecting data at the point of intake on the number of minor children under the age of eighteen from each incarcerated parent. Based on this data, in Hawaii there are approximately four thousand children a year affected by parental incarceration.

Furthermore, the legislature finds that the prison environment can be frightening and traumatizing for children, both in the attitudes and behaviors of prison staff and the harshness of the physical setting of visitation sites. Visits can include long waits, body frisks, rude treatment, and exposure to crowded visiting rooms with no activities for children. Those conditions do not encourage frequent visits between incarcerated parents and their children. Studies suggest the maintenance of family ties and parent-child relationships is linked to post-release success, lower rates of recidivism, and fewer parole violations; therefore, visitation should be encouraged.

To address problems with visitation and family support, the keiki caucus introduced, and the legislature adopted, House Concurrent Resolution No. 205 (2019) and Senate Concurrent Resolution No. 7, S.D. 1 (2019). These resolutions requested the department of human services, in consultation with the department of public safety, to work with the family reunification working group and other stakeholders to develop a plan to establish children-friendly and family-friendly visitation centers at all state correctional facilities to ensure the well-being of children of incarcerated parents and their families. A working group was convened in August 2019 and after several meetings the group developed a proposal calling for the establishment of a pilot visitation and family resource project to be located at Waiawa correctional facility in Waipahu on Oahu.

The working group found that there are working models that can be emulated and referenced for effectiveness and applicability. One successful example is the visitation center program established in California by the non-profit organization Friends Outside that is funded by the California department of corrections and rehabilitation under legislative mandate. The primary purpose of those visitation centers is to remove barriers and facilitate family visitation to strengthen and reunify families with an emphasis on the well-being of the child. California's visitation centers are located on prison grounds but outside the prison walls and staffed with employees trained to educate children on their parents' incarceration through age-appropriate means, inform children and families of prison and jail policies to ensure they work with their incarcerated loved ones to abide by and uphold state rules and regulations, connect children and families with resources in the community, and facilitate incarcerated parent-child relationships by addressing trauma during the period of incarceration. California's visitation centers serve as a one-stop shop for the children and families, which also help to alleviate demands on the corrections department.

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

The purpose of this Act is to:

- (1) Acknowledge adverse experiences faced by children of incarcerated parents;
- (2) Encourage continued efforts and engagement between the department of human services, department of public safety, family reunification working group, and other community stakeholders to find ways to improve visitation at state correctional facilities;
- (3) Require the department of human services to work with the department of public safety, family reunification working group, and other entities serving children and families affected by parental incarceration to establish a pilot visitation and family resource center at Waiawa correctional facility on Oahu that has trauma-informed professionals on its staff who serve as liaisons and hookele for families affected by incarceration; and
- (4) Appropriate funds necessary to establish, develop, and implement the pilot visitation and family resource center.

SECTION 2. (a) The department of human services shall continue to lead a working group to address visitation and support needs of children and families of incarcerated individuals pursuant to House Concurrent Resolution No. 205 (2019) and Senate Concurrent Resolution No. 7, S.D. 1 (2019).

(b) The working group shall determine the anticipated initial and annual costs to run a sustainable pilot visitation and family resource center at Waiawa correctional facility on Oahu.

(c) Beginning August 1, 2022, the department of human services shall work with the department of public safety, family reunification working group, and other entities serving children and families affected by parental incarceration to establish a pilot visitation and family resource center at Waiawa correctional facility on Oahu.

(d) The pilot visitation and family resource center shall be operated by a non-profit organization contracted by the department of human services in cooperation with the department of public safety and other community stakeholders. The staff of the pilot visitation and family resource center shall include trauma-informed professionals who shall serve as liaisons and hookele for families affected by incarceration.

(e) The working group shall be exempt from part I of chapter 92, Hawaii Revised Statutes.

(f) The working group shall submit a report of its findings and recommendations, including any proposed legislation and the estimated costs under subsection (b), to the legislature no later than twenty days prior to the convening of the regular session of 2023.

(g) The working group shall cease to exist on January 31, 2023; provided that the department of human services may continue the work of the working group beyond January 31, 2023, if the department deems it necessary.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$305,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the establishment of a pilot visitation and family resource center at Waiawa correctional facility on Oahu.

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

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$115,000 or so much thereof as may be necessary

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for fiscal year 2022-2023 for the establishment of a pilot visitation and family resource center at Waiawa correctional facility on Oahu.

The sum appropriated shall be expended by the department of public safety for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)