

# HAWAII YOUTH SERVICES NETWORK

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Joseph Fichter, President

Judith F. Clark, Executive Director

Adolescent Services Program, Kaiser  
Permanente Medical Care System

Aloha Pride Center

American Civil Liberties Union of Hawaii

Assistive Technology Resource Ctrs. of HI  
Bay Clinic, Inc.

Big Brothers Big Sisters of Honolulu

Big Island Substance Abuse Council

Blueprint for Change

Bobby Benson Center

Catholic Charities Hawaii

Central Oahu Youth Services Assn.

Child and Family Service

Coalition for a Drug Free Hawaii

Community Assistance Center

Domestic Violence Action Center

EPIC, Inc.

Family Support Services of West Hawaii

Foster Family Programs of Hawaii

Friends of the Missing Child Center of HI

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Behavioral Health

Hawaii Foster Parent Association

Hawaii Student Television

Healthy Mothers Healthy Babies Coalition

Hina Mauka Teen Care

Kahi Mohala Behavioral Health

Kama'aina Kids, Inc.

KEY (Kualoa-Heeiea Ecumenical Youth)

Project

Kids Behavioral Health

Kids Hurt Too

Life Foundation

Marimed Foundation

The Maui Farm, Inc.

Maui Youth and Family Services

Palama Settlement

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

Planned Parenthood of Hawaii

Salvation Army Family Intervention Srvs.

Salvation Army Family Treatment Srv.s.

Sex Abuse Treatment Center

Susannah Wesley Community Center

Turning Point for Families

Waikiki Health Center

Women Helping Women

World Healing Institute

YWCA of Kauai

February 11, 2008

To: Representative Cindy Evans, Chair  
And members of the Committee on Public Safety and Military Affairs

Representative Maile Shimabukuro, Chair  
And members of the Committee on Human Services and Housing

## Testimony in Support of HB 2764 Relating to Children

Hawaii Youth Services Network (HYSN), a statewide coalition of more than fifty youth-serving organizations, supports HB 2764 Relating to Children.

More than 6,000 children in Hawaii have a parent who is incarcerated. These children are seven times more likely to enter juvenile or adult prisons. They experience problems in school, are at high risk for substance abuse, and suffer emotional trauma, grief, and loss.

The proposed bill of rights will help to alleviate the trauma experienced by children of incarcerated parents and supports the continuation of the parent/child relationship when that is in the best interests of the child. This bill gives children to be safe and informed when the parent is arrested and incarcerated. It assures that the child's interests and needs will be considered when decisions are made about the parent (for example, about transferring an involved and loving parent to an out-of-state prison). It gives children the right to speak to and see the incarcerated parent and sustain the parent/child bond.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark, MPH  
Executive Director

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON HUMAN SERVICES & MILITARY AFFAIRS

Rep. Cindy Evans, Chair  
Rep. Sharon Har, Vice Chair

## COMMITTEE ON HUMAN SERVICES & HOUSING

Rep. Maile Shimabukuro, Chair  
Rep. Karl Rhoads, Vice Chair

Thursday, February 14, 2008

8:50 AM

Room 309

### **STRONG SUPPORT HB 2764 – CHILDREN OF INCARCERATED PARENTS** **BILL OF RIGHTS**

Aloha Chairs Evans and Shimabukuro and Members of the Committees!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working on prison reform and criminal justice issues in Hawai'i for a decade. I respectfully offer our testimony, always being mindful that Hawai'i has more than 6,000 people behind bars with more than 2,000 individuals serving their sentences abroad, thousands of miles away from their homes and their loved ones.

HB 2764 establishes a Bill of Rights for children of incarcerated parents. Community Alliance on Prisons strongly supports the rights of children. We suggest an amendment to HB 2764 in Section 2. (5) and (8), adding 'where deemed appropriate', in regard to parent-child interaction to ensure that the safety and best interests of the child are primary.

**"§346- Bill of rights for children of incarcerated parents. Children of incarcerated parents shall be afforded rights, which shall include the right:**

- (1) To be kept safe and informed at the time of the parent's arrest;**
- (2) To be heard when decisions are made about the child;**
- (3) To be considered when decisions are made about the child's incarcerated parent;**
- (4) To be well cared for in the incarcerated parent's absence;**
- (5) To speak with, see, and touch their incarcerated parent, where deemed appropriate;**
- (6) To be supported as the child struggles with the parent's incarceration;**
- (7) To not be judged, blamed, or labeled because of the parent's incarceration; and**
- (8) To have a lifelong relationship with the parent, where deemed appropriate.**

All of these issues reverberated at the community gatherings across Hawai'i nei when the participants were asked about the impacts on children when their parents were arrested and incarcerated. We heard loud and clear that children want to be included in what's happening and that many harbor feelings that the parent's arrest was their fault when the truth is kept from them.

At visitation, our facilities generally allow one short hug upon entering and leaving – this is difficult for children, as well as for parents, who in many cases don't see each other very much – especially if it is a Mom or Dad on O'ahu with children living in Hilo.

Adding to our existing dearth of services, we now we have a generation of children with parents they have not seen for years since Mom or Dad is serving time in Kentucky or Arizona. What are these children going through? How can we help them? Research supports strengthening parent-child relationships, where appropriate.

Community Alliance on Prisons knows that if we can provide and make available appropriate services to address the needs of these children, our whole community will benefit.

HB 2764 asserts that these children, who have been long ignored, have a voice. These are our children of promise – perhaps some will be our future leaders and perhaps others will find a cure for a long fought disease. Every child is precious.

This bill is a shout out from those children who have hidden in the shadows in shame and fear because of their parent's incarceration, those children who have carried the burden of their parent's sentence in silence, those children who have been the object of ridicule and abuse. Those children who have been forgotten in the process.

We hope that this committee believes that these children must have a voice. We hope that you too believe that every child is precious and deserves a chance to be his or her own person.

Community Alliance on Prisons, therefore, urges the committee to make this minor amendment and pass HB 2764 to allow these children to reach their full potential by strengthening the parent-child relationship and interaction.

Mahalo for this opportunity to testify.

Good afternoon,

I am here to support strongly the children of incarcerated parent's bill. As a former inmate the experience I needed as a mother I forfeited by being a criminal. I take responsibility for that however; when the time came to be a mother to my child, I was dumbfounded. I in constant disarray about being a member of society with work and living skills I was also learning how to be a mother. I had no idea how to connect, nurture or be the supportive parent my son needed.

I am one of the fortunate ones; I have been crime free and a mother to my son for seven years now. I am a productive member of society that is the voice for women that cannot be here today because they are incarcerated.

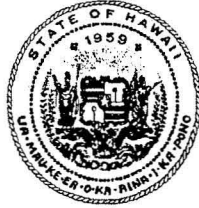
We must build the bond between children and parents because the cycle of abandonment effects our younger generation when they become adults.

Thank you

Tara Berry

294-4172

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
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Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 2764  
RELATING TO CHILDREN  
by  
Clayton A. Frank, Director  
Department of Public Safety

House Committee on Public Safety & Military Affairs  
Representative Cindy Evans, Chair

House Committee on Human Services & Housing  
Representative Maile S. L. Shimabukuro, Chair

Thursday, February 14, 2008; 8:50 a.m.  
State Capitol, Conference Room 309

Representative Evans, Representative Shimabukuro, and Members of both  
Committees:

The Department of Public Safety (PSD) has serious concerns regarding  
House Bill 2764, a measure that seeks to establish a bill of rights for the children  
of incarcerated parents.

The passage of this measure would have the effect of establishing in  
statute a set of guidelines that seeks to guarantee certain children mandatory  
rights without specifying who is responsible for the enforcement of these rights.  
Moreover, this measure promotes rights that conflict with existing regulations or  
policies.

For example, the measure seeks to permit children of an incarcerated  
parent to see and touch their parent. There are sometimes correctional security  
and safety concerns that would prohibit this act. In addition, there are many

provisions that most parents would like to be able to guarantee for their children, but are realistically unable to perform.

This measure doesn't specify who is responsible for ensuring the enumerated rights, but if this measure is passed, the duty could clearly be imputed to the State. It is unclear what the overall impact of passing this measure would be, especially if someone attempts to enforce the measure in a court of law.

Thank you for this opportunity to testify.

**COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS**

Rep. Cindy Evans, Chair

Rep. Sharon E. Har, Vice Chair

**COMMITTEE ON HUMAN SERVICES & HOUSING**

Rep. Maile S. L. Shimabukuro, Chair

Rep. Karl Rhoads, Vice Chair

Thursday, February 14, 2008

Room 309 at 8:50am

**SUPPORT: HB 2764 Relating to Children  
Establish Bill of Rights for Children of Incarcerated Parents**

Aloha Chairs Evans and Shimabukuro, and Members of the Committees:

My name is Carrie Ann Shirota, and I am writing in support of HB 2764 Relating to Children. My experiences as a former Civil Rights Enforcement Attorney and Public Defender, and current staff of a reentry program on Maui have shaped my advocacy efforts to promote accountability and transparency within our correctional system, and better prepare incarcerated persons for their return home as law-abiding, contributing members of their `ohana and our community.

Children of Incarcerated parents "die a social death" as a result of the inhumane restrictions placed on their ability to interact with their imprisoned mothers and fathers. Sadly, too many children whose parents are incarcerated under Hawai'i criminal system are denied the opportunity to have their parents involved in their lives and to express their love and concerns. This is especially true when parents are transferred to the American continent and their children and custodial parents are unable to afford to visit and talk over the phone frequently.

I support the enactment of a bill of rights for children of incarcerated parents because it would improve the lives of thousands of keiki in Hawai'i. This Bill of Rights should be prominently displayed and upheld in every police department, every prison, and the offices of all people whose work involves criminal justice issues, including judges, parole and probation officers. School counselors and teachers should also be familiar with this bill of rights.

Mahalo for the opportunity to submit written comments in strong support of HB 2764!.

Sincerely,

Carrie Ann Shirota, Esq.

Kahului, Hawaii

(808) 269-3858

cashirota@aol.com

To: Representative Cindy Evans, Chair  
Representative Sharon E. Har, Vice Chair  
Committee on Public Safety and Military Affairs

Representative Maile S.L. Shimabukuro, Chair  
Representative Karl Rhoads, Vice Chair  
Committee on Human Services and Housing

From: Heidi R. Hoekema  
MSW Student  
360-305-7973

Date: Thursday, February 14, 2008  
State Capitol, Conference Room 309, 8:50 a.m.

Subject: Support of HB 2764, Relating to Children

The purpose of this bill is to provide a Bill of Rights for children of incarcerated parents. I support this bill because it seeks to empower a very vulnerable population of children. Moreover, supporting HB 2764 not only acknowledges the vulnerability of these children, but it also gives the children of incarcerated parents a voice protected and supported by law.

We need the voices of these children to help us understand how to adequately protect and provide for children of incarcerated parents. In my opinion, some aspects of Hawaii's prison system strongly support the right for children of incarcerated parents to have a voice in matters pertaining to themselves and their incarcerated parents. For example, the placement of prisoners on the mainland and throughout the Hawaiian Islands makes it difficult and costly for children and their incarcerated parents to maintain relationships. Moreover, in Hawaii there are few programs to provide for visitation to adequately insure children have the opportunity to see their incarcerated parents. These two aspects alone greatly impact children of incarcerated parents, and these children need to be able to speak to the issues that affect them.

These children suffer several devastating consequences, beginning with separation from their mothers and/or fathers, and there is nothing they can do to reverse the consequences of choices they were not responsible for in the first place. I support HB 2764 because it empowers children of incarcerated parents to authoritatively speak to future decisions regarding their incarcerated parents and themselves; HB 2764 is a step towards appropriate self-determination for these children.





OFFICE OF HAWAIIAN AFFAIRS  
Legislative Testimony

**HB 2764 RELATING TO CHILDREN**  
House Committee on Human Services & Housing

Date: February 14, 2008  
Room: 225

Time: 2:45pm

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The Office of Hawaiian Affairs supports HB 2764 with amendments. In 2007, Hawai'i's inmate population accounted for more than 6,000 individuals. Twenty years ago, in 1987, Hawai'i's inmate population was just a third of that amount of 2,259 individuals. The unprecedented rates of incarceration has greatly impacted effected every possible system attached to an individual, ranging to judicial system to family system.

When an incarcerated parent is removed from society, in the eyes of a child, it is someone that they feel a strong attachment, a sense of identity and kinship. An individual who is incarcerated continues to be a parent, even behind bars.

In the recent Hawai'i County's Children of Incarcerated Parents: A Needs Assessment of Parents, Children and Caregivers Report, 75% of the inmates were parents to children. These parents reported an average of 2-3 children.

Studies confirm that family relationships, particularly incarcerated parents with children have a greater percentage of successful re-entry. Children who want to visit their parents are unable for reasons of shame, stigma, or feelings of being unsafe. This is why the passage of HB 2764 is so important.

The essence of this bill and the impact that it will hold for parent and child is worthwhile. We would like section (5) to be clarified further to ensure safety of the child's interaction with their parent.

The Office of Hawaiian Affairs supports HB 2764 with amendments. Mahalo nui loa for the opportunity to present testimony.

LINDA LINGLE  
GOVERNOR



LILLIAN B. KOLLER, ESQ.  
DIRECTOR

HENRY OLIVA  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809

February 14, 2008

MEMORANDUM

TO: Honorable Cindy Evans, Chair  
House Committee on Public Safety and Military Affairs  
  
Honorable Maile S.L. Shimabukuro, Chair  
House Committee on Human Services and Housing

FROM: Lillian B. Koller, Director

SUBJECT: H.B. 2764 - RELATING TO CHILDREN  
Hearing: Thursday, February 14, 2008, 8:50 a.m.  
Conference Room 309, State Capitol

**PURPOSE:** The purpose of H.B. 2764 is to make amendments to chapter 346, Hawaii Revised Statutes, relating to a "Bill of Rights" for children of incarcerated parents.

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of this bill but cannot support this bill for the following reasons:

This bill:

- 1) Does not provide the resources that will be needed to comply with the requirements of the bill.
- 2) Requires DHS to guarantee the "bill of rights" listed, and other unspecified rights that are included, but not listed.

- 3) Will result in State liability if DHS is unable to provide a child the listed or unspecified rights included in this bill since the bill specifies "shall" and not "may" and includes other rights that are not specified.
- 4) Includes all children of incarcerated parents, regardless of whether or not they are under the jurisdiction of DHS and the Family Court pursuant to chapter 587, Hawaii Revised Statutes (HRS) or not. We are not the appropriate or best agency to coordinate or promote the provisions of this bill due to the small percentage of children of incarcerated parents who are under the jurisdiction of the Department compared to the much larger number of children who are not known to DHS.
- 5) As written, attempts to address too many issues under one umbrella by inappropriately expanding the DHS mandate and responsibility for compliance of the statute beyond our authority to ensure compliance by other agencies with oversight of incarcerated parents, such as the Department of Public Safety, the Hawaii Paroling Authority, the Department of Labor and the Family Court.
- 6) Does not place responsibility for ensuring compliance with the provisions of the bill with any agency or entity besides DHS.

We agree that children of incarcerated parents have needs that should be met, but the Department is not the "best fit" for

this bill and, absent the proper authority and resources, we cannot meet the requirements of this bill.

Thank you for the opportunity to testify.

Testimony  
re: HB 2764 Relating to Children  
by Ted Sakai, Co-Chair  
Task Force on Children of Incarcerated Parents

House Committee on Public Safety and Military Affairs  
Representative Cindy Evans, Chair

House Committee on Human Services and Housing  
Representative Maile Shimabukuro, Chair

Thursday, February 14, 2008  
Conference Room 309, 8:50 a.m.  
State Capitol

Representative Evans, Representative Shimabukuro, and Members of the Committees:

This testimony is in support of HB 2764, relating to Children. The Task Force on Children of Incarcerated Parents was established in Act 8, SLH 2006, with an ambitious set of responsibilities including:

- (1) Develop a system to identify children of incarcerated parents in Hawaii and to make referrals as appropriate;
- (2) Determine the impact that parental incarceration has on children of incarcerated parents;
- (3) Identify the needs of children of incarcerated parents and develop responsive programs;
- (4) Identify local programs and models, including neighbor island programs and models; and
- (5) Review other jurisdictions' activities, policies, directives, and laws relating to children of incarcerated parents and derive best practices models there from.

As noted in our comments on SB 2211, the Task Force was not able to complete its work by December 31, 2007, its sunset date. However, we have been able to compile enough information to conclude that the issue of children of incarcerated parents is real, and that the children of Hawaii's inmates deserve and require recognition. These children are virtually invisible in our society, despite the serious challenges they face. They are truly victimized by the acts of their parents. They deserve better from our justice, social, health and educational systems. The rights specified in SB 2345 would be a big step toward affording these children the attention they need.

We urge you to pass SB 2345 – for the children.