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

TESTIMONY ON SENATE BILL 2345, SD1, HD1  
RELATING TO CHILDREN

by  
Clayton A. Frank, Director  
Department of Public Safety

House Committee on Judiciary  
Representative Tommy Waters, Chair  
Representative Blake K. Oshiro, Vice Chair

Friday, March 28, 2008, 2:00 p.m.  
State Capitol, Conference Room 325

Representative Waters, Representative Oshiro, and Members of the Committee:

The Department of Public Safety (PSD) strongly opposes Senate Bill 2345, SD1, HD1, a measure that seeks to establish a bill of rights for the children of incarcerated parents. PSD is concerned about the effect of establishing in statute a set of guidelines that seeks to guarantee certain children seemingly mandatory rights without specifying who is responsible for the enforcement. PSD is also strongly opposed to establishing children's rights that could conflict with existing regulations or policies regarding the safety and security of correctional facilities. For example, this measure seeks to guarantee every child of an incarcerated parent the right to see and touch their parent. However, there are times when correctional security, safety concerns, and other factors would prohibit this act. For example, the

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custody level of the inmate, facility security measures and emergencies, the inmate's medical conditions, and/or the location of incarceration would prohibit compliance with this measure. PSD's primary concern is the protection of the public, the staff, and the inmates. In addition, this measure contains many edicts 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 not clear what the overall effect of passage of this measure would be. However, what is clear is that passage of it as written will expose the State to liability that would not exist if this measure were held.

Based on the foregoing, PSD is strongly opposed to this measure and recommends that it be held.

Thank you for this opportunity to testify.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON JUDICIARY

Rep. Tommy Waters, Chair

Rep. Blake Oshiro, Vice Chair

Friday, March 28, 2008

2:00 PM

Room 325

## **STRONG SUPPORT - SB 2345 SD1,HD1 – CHILDREN OF INCARCERATED PARENTS BILL OF RIGHTS**

Aloha Chair Waters, Vice Chair Oshiro and Members of the Committee!

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.

SB 2345 SD1,HD1 establishes the children's bill of rights to be used by state agencies when dealing with children of incarcerated parents.

Community Alliance on Prisons stands in strong support of this measure. We believe that placing it as a new section in Chapter 577, the statute that relates to children is a good place for the children of incarcerated parents bill of rights because it should apply across the criminal processing system – from arrest to incarceration, if necessary. Where appropriate, keeping families connected is a goal of the state – strengthening families.

These children suffer the effects of incarceration – they are denied access to their parent - they are the innocents who are invisibly incarcerated. The data show that these children are six to seven times more likely than their peers to be incarcerated. We know this. Now we must do something to stop the generational incarceration that plagues Hawai'i.

Just the other week a gentleman told me that he knew whole families. He said when he was first incarcerated he was serving time with a man, and then the man's son, and then the man's grandson. This is, sadly, not an unusual story. Men have said that they knew, when they were four years old, that they would be incarcerated. How did they know that? They knew it because every male in their family was or had been incarcerated.

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All of these issues reverberated at the community gatherings hosted by the Children of Incarcerated Parents Task Force when participants were asked about the impact 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 children harbor feelings of guilt 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. How does this help anyone?

I have been told by families over the last several months that visitation has been repeatedly cancelled at Kulani Prison on Hawai'i Island. How does this strengthen families and help children?

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.

SB 2345 SD1, HD1 asserts that these children, who have been too 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 perhaps 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 pass SB 2345 SD1,HD1 to allow these children to reach their full potential by strengthening the parent-child relationship and interaction and asserting the rights of these children to be part of the decision process that affects their lives.

Mahalo for this opportunity to testify.

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the  
**Drug Policy  
Forum**  
of hawaii

March 28, 2008

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To: Representative Tommy Waters, Chair  
Representative Blake Oshiro, Vice Chair  
And Members of the Committee on Judiciary

From: Jeanne Y. Ohta  
Executive Director

Re: SB2345 SD1 HD1 Relating to Children  
Hearing: March 28, 2008, 2:00 p.m., Room 325

Position: Support

The Drug Policy Forum of Hawaii testifies today in support of this measure which provides a children's bill of rights to be used by state agencies when dealing with children of incarcerated parents.

It is anecdotally estimated that there are 6,000 children in Hawaii with incarcerated parents. These children are six to seven times more likely than other children to become incarcerated themselves.

When parents are incarcerated, their children serve their own form of incarceration. They are often ridiculed at school and in the community where there is a stigma attached to having a parent who is "serving time."

These proposed rights are important because the needs of a child to maintain a relationship with their incarcerated parent will be taken into consideration in situations where that relationship would be appropriate. The children would also be kept informed about what is happening to their parent.

Other similar bills are being adopted by other jurisdictions as they consider the importance of providing services to children of incarcerated parents.

If we are to reduce the rate of incarceration and reduce our prison costs, we must address the well-being of these children. This vulnerable population needs to be considered in our incarceration policies. We urge you to pass this measure. Thank you for this opportunity to testify.

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# 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-Heeia 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 Svcs.

Salvation Army Family Treatment Svcs.

Sex Abuse Treatment Center

Susannah Wesley Community Center

Turning Point for Families

Waikiki Health Center

Women Helping Women

World Healing Institute

YWCA of Kauai

March 27, 2008

To: Representative Tommy Waters, Chair  
And members of the Committee on Judiciary

## Testimony in Support of SB 2345 Relating to Children

Hawaii Youth Services Network (HYSN), a statewide coalition of more than fifty youth-serving organizations, supports SB 2345 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

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**COMMITTEE ON JUDICIARY**

Rep. Tommy Waters, Chair  
Rep. Blake K. Oshiro, Vice Chair  
Friday, March 28, 2008  
Room 325 at 2:00pm

**SUPPORT: SB 2345 SD1, HD1 (HSCR 1315-08) Relating to Children  
Establish Bill of Rights for Children of Incarcerated Parents**

Aloha Chair Waters, Vice Chair Oshiro, and Members of the Committee:

My name is Carrie Ann Shirota, and I am writing in support of SB 2345, SD1, HD1 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 keep in touch by telephone.

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 this bill.

Sincerely,

Carrie Ann Shirota, Esq.  
Kahului, Hawaii

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**WRITTEN TESTIMONY OF  
ERICA STODDARD  
FULL-TIME HONOLULU COMMUNITY COLLEGE STUDENT**

**BEFORE THE COMMITTEE ON JUDICIARY  
SB2345 HD 1 SD 1  
MARCH 28, 2008**

March 27, 2008

I agree to the terms in the bill SB2345 HD1 SD1 relating to children. The bill regarding the relationship between children and their incarcerated parents is an important bill. The relationship of the children belonging to an incarcerated parent is already damaged by the limitation of that parent in the child's life.

A child should not be punished for a mistake the parent has made. The children of incarcerated parents are merely bystanders in the situation and can only have limited control of the actions being taken upon them. By allowing children the visitation they wish and to be involved in the decision making process that involves them, allows the child an opinion in his or her life.

The child should never have to feel that it is his or her fault a parent was taken from them or that the reason his or her parent is not there is because something a child did. The first priority should always be the safety and well-being of the child. The child has the right to live a happy, safe, and supported life.

No matter what a parent has done wrong, the bond of child and parent is a strong one. As long as the child accepts that parent, that bond cannot be broken. It would be wrong to put a barrier on that bond more than there already is. That parent is already absent in everyday living, it would be wrong to take the parent away all together.

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