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TESTIMONY ON SENATE BILL 2345
RELATING TO THE CHILDREN
PARENTS TASK FORCE
by
Clayton A. Frank, Director
Department of Public Safety

Senate Committee on Human Services and Public Housing
Senator Suzanne Chun-Oakland, Chair

Senate Committee on Public Safety
Senator Will Espero, Chair

Tuesday, February 12, 2008; 2:45 p.m.
State Capitol, Conference Room 225

Senator Chun-Oakland and Senator Espero and Members of both Committees:

The Department of Public Safety (PSD) has serious concerns regarding Senate Bill 2345, 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 every child 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.



OFFICE OF HAWAIIAN AFFAIRS
Legislative Testimony

SB 2345 RELATING TO CHILDREN
House Committee on Human Services & Housing

Date: February 12, 2008
Room: 225

Time: 2:45pm

The Office of Hawaiian Affairs supports SB 2345 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 SB 2345 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 SB 2345 with amendments. Mahalo nui loa for the opportunity to present testimony.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON HUMAN SERVICES AND PUBLIC HOUSING

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Sen. Les Ihara, Jr., Vice Chair

COMMITTEE ON PUBLIC SAFETY

Sen. Will Espero, Chair

Sen. Clarence Nishihara, Vice Chair

Tuesday, February 12, 2008

2:45 PM

Room 225

STRONG SUPPORT with Amendment

SB 2345 – BILL OF RIGHTS FOR CHILDREN OF INCARCERATED PARENTS

Aloha Chairs Chun-Oakland and Espero 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.

SB 2345 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 SB 2345 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.

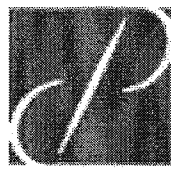
SB 2345 asserts that these children, who have been long ignored, have a voice. These are our children of promise - perhaps some will be our future leaders and perhaps others will find a cure for a long fought disease. Every child is precious.

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 parents 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 SB 2345 to allow these children to reach their full potential by strengthening the parent-child relationship and interaction.

Mahalo for this opportunity to testify.



the
**Drug Policy
Forum**
of hawaii

February 12, 2008

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To: The Committee on Human Services and Public Housing and
The Committee on Public Safety

From: Jeanne Y. Ohta, Executive Director

Re: SB2345 Relating to the Children
Hearing: Tuesday, February 12, 2008, 2:45 p.m., Conf. Room 225

Position: Support

Good afternoon members of the Committee on Human Services and Public Housing and members of the Committee on Public Safety. The Drug Policy Forum of Hawaii testifies today in support of this measure. We suggest an amendment adding "where appropriate" in maintaining a relationship with a parent.

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."

This proposed bill of rights is 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 rights proposed are similar to those of the United Nations Conventions on the Rights of the Child. Other bills of rights are being adopted by other jurisdictions as they consider the importance of providing services to children of incarcerated parents.

This vulnerable population of children needs to be considered in our incarceration policies. We urge you to pass this measure. Thank you for this opportunity to testify.

Testimony
re: SB 2345 Relating to Children
by Ted Sakai, Co-Chair
Task Force on Children of Incarcerated Parents

Senate Committee on Human Services and Public Housing
Senator Suzanne Chun Oakland, Chair

Senate Committee on Public Safety
Senator Will Espero, Chair

Tuesday, February 12, 2008
Conference Room 225
State Capitol

Senator Chun Oakland, Senator Espero, and Members of the Committees:

This testimony is in support of SB 2345, 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.

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 Srvs.

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: Senator Suzanne Chun Oakland, Chair
And members of the Committee on Human Services and Public Housing

Senator Will Espero, Chair
And members of the Committee on Public Safety

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

COMMITTEE ON HUMAN SERVICES AND PUBLIC HOUSING

Sen. Suzanne Chun-Oakland, Chair
Sen. Les Ihara, Jr., Vice Chair

COMMITTEE ON PUBLIC SAFETY

Sen. Will Espero, Chair
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Tuesday, February 12, 2008
2:45 PM
Room 225

**SUPPORT: SB 2345 Relating to Children
Establish Bill of Rights for Children of Incarcerated Parents**

Aloha Chairs Chun-Oakland and Espero, and Members of the Committees:

My name is Carrie Ann Shiota, and I am writing in support of SB 2345 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.

It is said that 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 children's lives and to express their love and concerns. This is especially true when parents are transferred to the American continent and children and their custodial parents are unable to afford to visit.

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 SB 2345!.

Sincerely,

Carrie Ann Shiota, Esq.
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