



**Office of the Public Defender
State of Hawaii**



**Testimony of the Office of the Public Defender
to the House Committee on Public Safety**

March 13, 2018

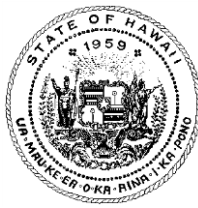
SB 2305, SD1

Chair Gregg Takayama and Members of the Committee:

The Office of the Public Defender strongly supports SB 2305, SD1. We support any effort to maintain and foster the bonds between incarcerated parents and their children. Opportunities for incarcerated parents to have meaningful in-person contact visits with their children are increasingly being restricted. “No contact” visits are now the standard practice at the Halawa Correctional Center and at the Oahu Community Correctional Center. An incarcerated parent with a child can no longer hold, touch or sit with their child. They must speak through glass or clear plastic partitions that restrict healthy and positive communication between an incarcerated parent and their child. This is particularly devastating for incarcerated parents with young children. Our office supports these resolutions as we believe maintaining the parent-child bond and family bonds are in the public interest, in the best interest of the child(ren), in the best interest of incarcerated parents, and in the best interest of families.

For these reasons, we strongly support SB 2305, SD1.

Thank you for the opportunity to provide testimony in this matter.



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 2305, SENATE DRAFT 1
RELATING TO INCARCERATED PARENTS

by

Nolan P. Espinda, Director
Department of Public Safety

House Committee on Public Safety
Representative Gregg Takayama, Chair
Representative Cedric Asuega Gates, Vice Chair

Thursday, March 15, 2018; 10:30 a.m.
State Capitol, Conference Room 312

Chair Takayama, Vice Chair Gates, and Members of the Committee:

The Department of Public Safety (PSD) **supports the intent** of Senate Bill (SB) 2305, Senate Draft (SD) 1 and should the measure pass, looks forward to collaborating with the Department of Human Services Child Welfare Services (DHS-CWS) Division, the family reunification working group, and other entities to develop a viable program that furthers the purposes of the bill.

It should be noted that the Department's current programs, such as, Keiki O Ka Aina (Play and Learn), Read Aloud, Read-to-me, Keala Hou, Family Days at WCCC, etc., provide incarcerated parent(s) with opportunities to learn parenting skills and other child-bonding activities. These individuals also receive support services and family therapy as they transition through to the community, all of which serve to prepare incarcerated parents to participate in a visitation program and maximize the success of the program.

PSD appreciates the impetus of the proposal and offers the following comments.

Research has shown that although the environment in which the visits take place is important, child-parent bonding is better supported by regular visitations and increasing parental skills through proper parenting and cognitive programming, which the incarcerated parent can learn through training in prosocial and proactive parenting, the provision of appropriate support services (inclusive of therapy) for the child(ren), and support resources available to the caretakers of said child(ren).

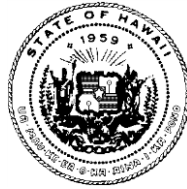
Because the parents are offenders, the Department is concerned that the visitation centers be safe and secure while providing a caring and nurturing environment for all participants. Ideally, this would include wrap-around support services for the child(ren), incarcerated parent(s), and caretaker(s). PSD suggests that consideration be given to placing the Visitation Centers in the community, where children and caretakers have easy access to incarcerated parents, perhaps in close proximity to Work Furlough program sites.

Finally, the Department respectfully requests that the Committee on Public Safety reinstate the original \$300,000 appropriation initially proposed in SB 2305.

PSD looks forward to continuing its work with DHS-CWS and community partners to enhance a sound and effective family reunification process ensuring that Court Order Visits, Special Visits, and available parenting classes are provided to incarcerated parents.

Thank you for the opportunity to present this testimony.

DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96808

March 14, 2018

TO: The Honorable Representative Gregg Takayama, Chair
House Committee on Public Safety

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 2305 SD1 - RELATING TO INCARCERATED PARENTS**

Hearing: Thursday, March 15, 2018, 10:30 am
Conference Room 312, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of the bill to support appropriate child-parent relationships of children of incarcerated parents and provides comments. DHS defers to the Department of Public Safety as the bill involves DPS facilities and oversight, and population of children of incarcerated parents that most likely will be greater than the small number involved with Child Welfare Services.

PURPOSE: The purpose of this bill is to require the establishment of a pilot visitation center or centers for children of incarcerated parents in correctional facilities in the State and a plan for visitation centers at all state operated correctional facilities. The bill also appropriates funds to the DHS to work with other stakeholders to implement this Act.

DHS is open to further discussions and collaboration with the Department of Public Safety (PSD), the Family Reunification Working Group, and other stakeholders to develop a plan for visitation centers at the state's correctional facilities. However, while DHS is an important stakeholder in the conversation, it does not have the authority over PSD, its facilities, its operations, or the population of incarcerated parents. DHS respectfully requests that the Legislature, through the Keiki Caucus, remain the lead entity to further develop a statewide visitation program for children of incarcerated parents.

DHS also requests clarification of Section 4, as to whether the amount appropriated to the DHS is expected to result in both the development of a statewide plan for visitation centers and the establishment of a pilot visitation center.

DHS respectfully requests that this appropriation not supplant department budget priorities identified in the Governor's supplemental budget request.

DHS appreciates the flexibility that the amendments provide to adequately plan and assess the cost for implementation.

Thank you for the opportunity to testify.

LATE



SB2305 SD1
RELATING TO INCARCERATED PARENTS
House Committee on Public Safety

March 15, 2018

10:30 a.m.

Room 312

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SB2305 SD1, which would provide for the establishment of a pilot visitation center for children whose parents are incarcerated in a state correctional facility, to serve as a model for similar centers at other facilities in the future.

A growing body of national research demonstrates that children whose parents are incarcerated may experience great trauma as a result of their parents' incarceration. For example, such children may face separation from their families, displacement from their homes, social stigmas, emotional isolation, and a lack of financial and other resources. Consequently, children with incarcerated parents often suffer from emotional distress, developmental challenges, poor academic performance, aggressive behavior, and truancy. These children are three times more likely to suffer from depression or behavioral problems and twice as likely to suffer from learning disabilities and anxiety than the average American child.¹ Moreover, in the long term, these children may also be much more likely to enter the criminal justice system themselves.

Addressing the unique needs of children with incarcerated parents is of particular concern to the Native Hawaiian community. In 2010, OHA produced a comprehensive report detailing the overrepresentation and disparate treatment of Native Hawaiians in the criminal justice system. This report found that Native Hawaiians comprise 39 percent of the adult incarcerated population, while they account for just 24 percent of the general population.² Native Hawaiians are also more likely to have children in their households than other state households.³ Such data strongly indicate that Native Hawaiian children may be significantly impacted by parental incarceration; therefore, addressing the needs of this very vulnerable population is a key concern within the Hawaiian community. The Native Hawaiian Criminal Justice Task Force noted this concern in its 2012 report,

¹ Kristin Turney, *Stress Proliferation Across Generations? Examining the Relationship Between Parental Incarceration and Childhood Health*, JOURNAL OF HEALTH AND SOC. BEHAVIOR, vol. 55 no. 3 (2014).

² THE OFFICE OF HAWAIIAN AFFAIRS, THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM 36 (2010), https://www.oha.org/wp-content/uploads/2014/12/ir_final_web_rev.pdf

³ THE OFFICE OF HAWAIIAN AFFAIRS DATA BOOK, Table 1.31, <http://www.ohadatabook.com/T01-31-13.pdf> (2013).

recommending that resources specifically be directed toward children of incarcerated parents to reduce intergenerational incarceration.⁴

Family visitation centers can offer a safe space conducive to the continuation of a parent-child relationship, notwithstanding the separation imposed by incarceration. This relationship is critical for the health and well-being of the child, and for reducing the traumatic and long-lasting impacts of having one or both parents incarcerated. Notably, the maintenance of a parent-child relationship also contributes to the emotional stability of the parent while incarcerated, facilitating their eventual rehabilitation. Moreover, research has shown that the preservation of these relationships will benefit ‘ohana and the larger community by facilitating the successful reintegration of ex-pa‘ahao, ensuring easier reunification with their families, and reducing recidivism rates. Additionally, a dedicated family visitation center may be able to offer families valuable information about resources and services to help sustain them in the absence of their incarcerated family member.

The pilot project proposed in this measure is a first step in realizing the potential benefits of family visitation centers in improving our criminal justice system, and mitigating the impacts of incarceration on our children, their families, and the larger community.

Mahalo for the opportunity to testify on this measure.

⁴ 2012 NATIVE HAWAIIAN JUSTICE TASK FORCE REPORT sec.A at 27, sec. C at 28, http://lrhawaii.info/reports/legrpts/oha/2013/act170_slh11.pdf.

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Rick Collins, President

Judith F. Clark, Executive
Director

Bay Clinic

Big Brothers Big Sisters of
Hawaii

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of
West Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action
Network

Hawaii Student Television

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Maui Youth and Family Services

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

Parents and Children Together
(PACT)

Planned Parenthood of the
Great Northwest and
Hawaiian Islands

PHOCUSED

Salvation Army Family
Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community
Center

The Catalyst Group

March 13, 2018

To: Representative Gregg Takayama, Chair
And members of the Committee on Public Safety

TESTIMONY IN SUPPORT OF SB 2305 SD 1 RELATING TO INCARCERATED PARENTS

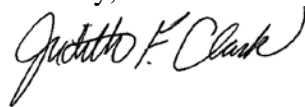
Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports SB 2305 SD 1 Relating to Incarcerated Parents.

Children of incarcerated parents experience grief and loss, similar to the experience of divorce or the death of a parent. Studies show that children of incarcerated parents are at increased risk of abuse or neglect, and more likely to have mental problems, and difficulty in school. Children of incarcerated parents are seven times more likely to enter the juvenile or adult correctional systems themselves. Regular visitation provides opportunities to sustain the parent-child bond while a parent is incarcerated, which can alleviate many of these problems.

Prisoners who have regular contact with their children benefit as well. They are less likely to violate prison rules and create trouble for prison authorities. They are more likely to take advantage of rehabilitation and educational opportunities while in prison. Regular contact with children increases the chances of successful reintegration into the community when a parent is released from prison.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director



BEFORE THE HOUSE COMMITTEE ON PUBLIC SAFETY

Hawaii State Legislature
March 15, 2018

Senate Bill 2305 SD1
Family Visitation Center Pilot Project

Aloha Chair Takayama, Vice Chair Asuega, and Members of the Committees,

The Ka Lāhui Hawaii Political Action Committee (KPAC) supports Senate Bill 2305 SD1 which establishes a pilot visitation center for the children of incarcerated parents in conjunction with the family reunification working group and other entities serving children and families affected by parental incarceration.

According to Dr. RaeDeen Keahiolalo-Karasuda, in her doctoral dissertation, *The Colonial Carceral and Prison Politics in Hawai‘i*, Kanaka Maoli make up more than 60% of inmates in Hawai‘i, however, they only make up 24% of Hawai‘i’s population. The OHA study on the Disparate Treatment of Native Hawaiians in the Criminal Justice System (2010) found that, “time spent away from community and family while in prison can make transition back to the community difficult, potentially increasing the likelihood of returning to prison.” Family contact is the imperative to the ‘rehabilitation’ of Kanaka Maoli inmates and a start to reforming Hawai‘i’s criminal justice system that have historically and systematically targeted the indigenous peoples of this land starting with the criminalization of our traditional beliefs and practices till today where Kanaka Maoli are more likely to serve prison time and receive longer sentences than any other ethnic group in Hawai‘i. In “The Effects of Prison Visits From Family Members on Prisoners’ Well-Being, Prison Rule Breaking, and Recidivism *A Review of Research Since 1991*” (De Claire & Dixon 2005) visitations were found to reduce depression, increase good behavior, reduce recidivism, and increase chances of survival when reentering the community.

KPAC also supports State Correctional facilities working with community organizations like Keiki O Ka ‘Āina Family Learning Centers whose program (KOKA-FLC), Families Affected by Incarceration (SFAI), serves children and youth with a parent or parents in prison, family members who are taking care of the children and youth and the incarcerated parent. By strengthening family bonds through educational and Hawaiian culturally based activities and interactions, KOKA-FLC are helping to build resiliency in the child, incarcerated parent and family members reducing the child’s chances of incarceration significantly.

Senate Bill 2305 is a great first step toward Criminal Justice Reform. Currently the State of Hawai‘i spends \$50,000 a year per inmate. Reform that starts with visitation centers not only saves money but helps save Kanaka Maoli lives, families and communities.

Respectfully submitted,

M. Healani Sonoda-Pale
Chair, KPAC

eliminating racism
empowering women

ywca

O'ahu

Fernhurst YWCA
1566 Wilder Avenue
Honolulu, Hawai'i 96822
808.941.2231

Kokokahi YWCA
45-035 Kāne'ohe Bay Drive
Kāne'ohe, Hawai'i 96744
808.247.2124

Laniākea YWCA
1040 Richards Street
Honolulu, Hawai'i 96813
808.538.7061

ywcaoahu.org

To: Hawaii State House Committee on Public Safety

Hearing Date/Time: Thursday, March 15, 2018, 10:30AM

Place: Hawaii State Capitol, Rm. 312

Position Statement Supporting Senate Bill 2305 SD1

Thank you, Chair Takayama, Vice Chair Gates, and Committee members, for the opportunity to testify in strong support of Senate Bill 2305 SD1, relating to incarcerated parents.

YWCA O'ahu operates the only community-based work furlough program for women in the state. Over 75% of the women we serve are mothers, with roughly half becoming mothers before the age of 18. Reunification with their children is often their primary goal and motivation. However, the reunification process typically begins towards the end of a person's sentence. If they had the opportunity for ongoing, regular structured and supported visits with children and caregivers from the beginning of their incarceration, parents would be better able to have a strong, healthy relationship with their children and reduce the negative impact of parental incarceration. Additionally, national data shows that incarcerated parents have lower recidivism rates if they had regular contact with their children and families.

Children and caregivers experience more trauma with parental incarceration than other families. The trauma is different from other forms of parental loss, like death, divorce, or military deployment. Parental incarceration is often associated with social stigma and uncertainty. The trauma can manifest in a variety of ways, like¹:

- Depression
- Anxiety
- Irritability
- Aggression
- Social isolation
- Difficulty sleeping

These children represent the most vulnerable in our community.

The proposed legislation makes several recommendations about how the program should be structured. One recommendation to note is that the program should be located within the facility and operated by a non-profit organization. It is essential that the visitation center be located at the correctional facility. Reunification should be part of the person's reentry plan from the moment they arrive at a facility; it should not wait until the end of their time. Additionally, there be separation between the staff of the visitation centers and those of the correctional facility. The type of relationship building needed to address the issues associated with parental incarceration would best be served by an outside entity. This also mirror the best practices provided by the National Institute of Corrections and reaffirmed through multiple research papers².

¹ Cramer, L., Goff, M., Peterson, B., and Sandstrom, H. (2017) *Parent-child visiting practices in prisons and jails*.
https://www.urban.org/sites/default/files/publication/89601/parent-child_visiting_practices_in_prisons_and_jails_0.pdf

² <https://nicic.gov/children-of-incarcerated-parents>

YWCA IS ON A MISSION

eliminating racism
empowering women

ywca

O'ahu

Fernhurst YWCA
1566 Wilder Avenue
Honolulu, Hawai'i 96822
808.941.2231

Kokokahi YWCA
45-035 Kāne'ohe Bay Drive
Kāne'ohe, Hawai'i 96744
808.247.2124

Laniākea YWCA
1040 Richards Street
Honolulu, Hawai'i 96813
808.538.7061

ywcaoahu.org

Senate bill 2305 SD1 provides all stakeholders with the opportunity to begin breaking the intergenerational cycle of incarceration. This bill builds off the work by the Children of Incarcerated Parents Task Force (2005). Our state has studied the issue long enough, it is time to act. I respectfully urge you to pass Senate bill 2305 and protect the most-vulnerable children in our state.

Kathleen Algire
Director, Public Policy and Advocacy

YWCA IS ON A MISSION

To: Hawaii State House of Representatives Committee on Public Safety
Hearing Date/Time: Thursday, Mar. 15, 2018, 10:30 a.m.
Place: Hawaii State Capitol, Rm. 312
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in strong support of S.B. 2305, SD1

Dear Chair Takayama and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in strong support of S.B. 2305, SD1.

Planned Parenthood is firmly committed to creating a world in which all women and families can decide when, if, and in what manner they decide to have children. Further, we are committed to reproductive justice, which means we must also work to create a world in which those children are born into communities that are safe, healthy, and just. S.B. 2305 promotes reproductive justice by improving visitation programs between incarcerated individuals and their families, helping them to heal, rehabilitate and break the cycle of incarceration.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,

Laurie Field
Hawaii Legislative Director

SB-2305-SD-1

Submitted on: 3/13/2018 9:32:37 PM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omanapono Political Action Committee (HPAC)	Support	Yes

Comments:

We continue to STRONGLY SUPPORT this bill. Mahalo.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY

Rep. Gregg Takayama, Chair

Rep. Cedric Gates, Vice Chair

Thursday, March 15, 2018

10:30 am

Room 312

STRONG SUPPORT FOR SB 2305 SD1 - FAMILY VISITATION CENTERS

Aloha Chair Takayama, Vice Chair Gates and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of all the people who have died in our facilities including, JESSICA FORTSON, JOEY O'MALLEY, DAISY KASITATI, ASHLEY GREY. and the approximately 5,500 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that approximately 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons notes that the legislative website does not have any versions of the bill or any committee reports available for this measure.

Community Alliance on Prisons is in strong support of this measure. The importance of maintaining connections with loved ones is a vital element of successful reintegration and the research is very clear on the importance of maintaining contact with loved ones.

The justification for Family Visitation Centers is buried in the appendices of the Draft Environmental Impact Statement for the Replacement of OCCC.

2.0 Visitation Located partially outside of security, this area will include facilities for video visitation as well as limited court functions. Various technologies will be considered for this function. **Persons visiting an inmate will enter this area from the lobby and use designated video provided; inmates will be using the video visitation booths in their respective housing units. The only contact visits allowed will be with attorneys.** Additionally, a noncontact visit area is provided for limited use. Visits will be scheduled; the hours of operation for visitation may be adjusted from time to time as needed.

Community Alliance on Prisons urges the committee to pass this measure and support funding. Mahalo for this opportunity to testify.

The power of a simple touch is an amazing thing. As humans, we're designed to connect with other people. We need to be touched in order to feel loved, safe and even healthy. Research has shown that people who connect with others more often in a physical way, tend to be mentally and physically healthier than those who fly solo.

SB-2305-SD-1

Submitted on: 3/14/2018 10:17:42 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

Good morning, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **SB2305 SD1**, relating to the Keiki Caucus; Incarcerated Parents; Pilot Visitation Centers; DHS; and an appropriation.

The OCC Legislative Priorities Committee is in favor of **SB2305 SD1** and support its passage.

SB2305 SD1, is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requires the establishment of a pilot visitation center or centers for children of incarcerated parents in correctional facilities in the State and a plan for visitation centers at all state operated correctional facilities, and appropriates funds to the Department of Human Services to work with other stakeholders to implement this Act.

Specifically, the DPH Platform provides, "We support restorative justice that repairs the harm caused by criminal behaviors and reintegrates the offenders as contributing members of society. Likewise we support opportunities for those who have been incarcerated to effect a smooth transition back into the community . . ." (Platform of the DPH, P. 5, Lines 273-275 (2016)).

"We believe that all families should have an equal opportunity to build their assets and become self-sufficient; and we support a strong safety net of programs that will afford them the opportunity to do so. We must protect our children, our future, from violence and neglect and provide them with a safe and healthy environment in which to grow and thrive." (Platform of the DPH, P. 4, Lines 184-187(2016)).

Given that **SB2305 SD1** requires the establishment of a pilot visitation center or centers for children of incarcerated parents in correctional facilities in the State and a plan for visitation centers at all state operated correctional facilities, and appropriates funds to the Department of Human Services to work with other stakeholders to implement this Act, it is the position of the OCC Legislative Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Text/Tel.: (808) 258-8889

March 15, 2018

To: Representative Gregg Takayama, Chair
Representative Cedric Asuega Gates, Vice Chair
House Committee on Public Safety

From: Mandy Finlay, Director of Public Policy
Hawaii Children's Action Network

Re: **SB 2305, SD1 – Relating to Incarcerated Parents**
Hawaii State Capitol, Room 312, March 15, 2018, 10:30 AM

On behalf of Hawaii Children's Action Network (HCAN), we are writing to support SB 2305, SD1 – Relating to Incarcerated Parents. It is conservatively estimated that five percent (5%) of Hawaii's children have had a parent in jail or prison.¹ As Native Hawaiians are overrepresented in our state's prison and jail population, this issue disproportionately impacts Native Hawaiian children. Nationally, more than 20 percent of children with parents in state prison are under the age of five.² Additionally, having an incarcerated parent is considered an Adverse Childhood Experience (ACE) by the Centers for Disease Control. ACEs have been linked to poor health outcomes, risky health behaviors, and even early death.

Isolating children from their incarcerated parent is not the answer. Most parents in prison or jail will be eventually be released, which means that their children will be reunited with their parent. In-person visitation during the parent's period of incarceration is critical for the continuation of the child-parent relationship. Providing continuous and generous visitation between children and their incarcerated parent benefits both parent and child as well as society; research shows that preserving this relationship during a period of incarceration reduces children's mental health issues and anxiety, facilitates a smoother reentry for the parent upon release, and reduces recidivism rates.³

This Legislature has a history of prioritizing the well-being of children with incarcerated parents. In 2007, Hawaii passed a law requiring the Director of the Department of Public Safety to establish policies to place incarcerated parents in facilities that would promote the best interest of the family, rather than relying purely on administrative or economic factors. This law also requires PSD to consider the availability of parent-child contact when making placements.

¹ Child Trends' analysis of the 2011–12 National Survey of Children's Health for the Annie E. Casey Foundation. This number only reflects children whose incarcerated parent lived with them at some point.

² See Glaze, L., E., & Maruschak, L. M., *Parents in Prison and Their Minor Children* (August 2008); Hairston, C.F., *Focus on Children with Incarcerated Parents* (October 2007).

³ See La Vigne, N. G., Davies, E., & Brazzell, D., *Broken Bonds: Understanding and Addressing the Needs of Children with Incarcerated Parents* (February 2008); Shanahan, R., & Agudelo, S. V., *The Family and Recidivism*, AMERICANJails (September/October 2012).

SB 2305 reaffirms the State's commitment to public safety and the well-being of children with parents in jail or prison. This bill would provide an opportunity to begin breaking the cycle of multigenerational incarceration and promote positive outcomes for our keiki.

For these reasons, HCAN respectfully requests the Committee to support this measure.

HCAN is committed to building a unified voice advocating for Hawaii's children by improving their safety, health, and education.

TESTIMONY ON SB 2305, SD 1 RELATING TO INCARCERATED PARENTS BEFORE
THE HOUSE COMMITTEE ON PUBLIC SAFETY

LATE

March 15, 2018
10:30 am
Conference Rm. 312

Aloha Chair Takayama, Vice-Chair Asuega Gates, and members of the House Committee on Public Safety, **my name is Stephen Morse. I am the Executive Director of Blueprint for Change (BFC) and am here today to support SB 2305, SD 1 Relating to Incarcerated Parents.**

Members, for the record, BFC is the fiscal, technical, and administrative support entity for seven Neighborhood Place centers statewide that provide support and strengthening services to families at risk of child abuse and neglect under a POS contract with the Department of Human Services. Historically, our work has focused on traditional risk factors for child abuse, including homelessness or unstable housing, unemployment and low incomes, substance abuse, chronic health problems, and physical disabilities. However, in 2014, after much research and analysis, BFC determined that one of the most severe risk factors for child neglect in the families we serve is that there is at least one parent who is incarcerated.

An estimated 2.7 million children nationwide have at least one parent that is incarcerated, and studies conducted by the National Fatherhood Initiative show that in terms of negative impacts on children, incarceration may be worse than the death of a parent or the divorce of parents. Even more disheartening is the evidence that children of incarcerated parents are more likely to become incarcerated themselves as teenagers or adults, thus continuing the “cycle of incarceration” that sadly becomes generational in some families.

Because of these alarming statistics, BFC, in January 2014, helped organize and convene a working group to explore the issues surrounding children and families impacted by parental incarceration and to come up with solutions. Called the Family Reunification Working Group (FRWG), the group is comprised of representatives from several child and family serving organizations and service providers. Besides ourselves, it includes, Hawaii Prisoners Resource Center, dba Holomua Center, the Office of Hawaiian Affairs, ALU LIKE, Inc., Lili`uokalani Trust, Keiki O Ka Aina, Family Programs Hawaii, Adult Friends for Youth, Community Alliance on Prisons, the Ka Hale Ho`ola No Na Wahine Program at the Fernhurst YWCA, Hawaii Technology Institute, Grandparents Raising Grandchildren, Pacific Alliance to Stop Slavery, Makana O Ke Akua Clean and Sober Living, Holomua Pu`uhonua, and the University of Hawai`i Center on the Family. It also includes parents of children who have been affected by incarceration, adults who were former children of incarcerated parents, ex-offenders, and Native Hawaiian cultural practitioners. The group established two immediate priorities to work on, one of which was to develop a database of children in Hawaii impacted by incarceration. During the 2015 State Legislature, the group was successful in getting a measure passed and signed into law (Act 16, SLH 2015) that requires the Hawaii Department of Public Safety’s Corrections Division to collect data at the point of intake on the number of minor children under the age of 18 that offenders entering the Hawaii corrections system have.

We now have three years of data collected from Public Safety, and although there remains some reliability issues relating to the collection, a problem we are working with Public Safety on to

fix, we feel safe in saying two things: (1) of the inmates being processed through intake during this period of time, at least 30% identified themselves as parents; and (2) approximately 4,000 children under the age of 18 are annually affected by parental incarceration. Again, this is based only on the intake data and does not include the number of minor children of parents who have been in the correctional system for several years.

The other main issue the FRWG identified in its discussions was the lack of resources to assist the affected children and families from becoming victimized themselves. Parental incarceration has been identified nationally as one of the top five Adverse Childhood Experiences (ACES) for children in the country. Studies have concluded that it contributes to low educational attainment, deviant behavior, and delinquency that eventually lead to incarceration itself.

The families left behind often struggle to sustain themselves financially and socially after the incarceration of one or more parents. Many are left without adequate health care and other supports and are plunged into a deadly spiral of despair and hopelessness.

The passage of SB 2305 is important for several reasons, most importantly, however, are the following: (1) visitation centers will provide a friendly environment that will encourage families to visit their significant others more often, and national criminal justice data shows that incarcerated individuals who have maintained positive relationships, particularly with their children and families, throughout their incarceration are less likely to recidivate when they re-enter society; (2) having visitation centers staffed by social service professionals will provide families with opportunities to receive information and referral and resource linkage services, guidance and counseling, and wrap around services to address issues relating to poverty; (3) visitation centers could also be staffed with kupuna and Hawaiian cultural practitioners who could provide Native Hawaiian families with more relevant cultural counseling and problem-solving practices; (4) the bill provides an opportunity to begin breaking the cycle of incarceration that is generational in some families by bringing all stakeholders together to begin the conversation about a system-wide approach to problem-solving; and (5) the State can begin saving millions of dollars in the future by reducing our prison population and welfare costs.

In previous hearings, we have heard two positions that concern us regarding this bill. First, is that the Department of Human Services, the designated administrative entity in the bill, is supporting the intent but deferring all jurisdiction relating to this bill to the Department of Public Safety. Our response to this position is that at its core, the visitation centers will operate like a social service program and therefore, should be placed under the administrative umbrella of DHS.

Secondly, Public Safety has testified that they also support the intent of the bill but would prefer that the visitation centers be located off the grounds of the correctional facilities and in a community setting, such as transitional centers like the Fernhurst YWCA Ka Hale Ho`ola No Na Wahine program. Its position is that offenders need to go through a process by which they become lower risk before being eligible for the type of visitation being proposed. Moving the visitation centers out in the community defeats the very purpose of the legislation to keep continuous family contact with the offenders. The national data shows that we can help offenders become model prisoners with continuous contact with children and families throughout their entire incarceration period. Waiting for offenders to reach a point where they are at lower risk is too late in the process, and transitional facilities like Fernhurst already have family friendly visitation schedules. Public Safety claims that they have had situations occur during visitation where families bring contraband into the prison hidden in the children's clothing. My response is that the social workers staffing the

visitation centers can mitigate this from happening by mediating with the family and offender prior to the visit. The State of Maryland already does this with a program called, "Reentry Mediation." However, if it does occur while a social worker is on duty, the social worker is mandated to file a report to CWS for child endangerment. This may seem harsh, but it is an important first response to the safety of the child. If the child's caregiver is brazen enough to use the child as a courier for contraband, can you imagine the environment the child is being exposed to at home. Yes, a child abuse and neglect report to CWS is harsh, but it also provides the opportunity for CWS to focus services on the children, caregivers, and family.

Finally, if Hawaii is looking at a model for these visitation centers, it can also explore the statutes and system in the State of California. California has successfully operated visitation centers like those being proposed by the bill for over thirty years. These centers are operated by a non-profit, social service organization called, Friends Outside.

Mahalo for allowing us to share this testimony with the Committee.

LATE



Aloha Chair Takayama, Vice Chair Gates, members of the House Committee on Public Safety,

On behalf of the nearly 600 registered members of the Young Progressives Demanding Action – Hawai‘i, I would like to express **strong support** for SB2305 SD1. The incarceration of a parent does great damage the children of those who are put behind bars and cut off from their communities. The trauma that these kids experience builds up over years of separation and pain; it is constant ache that can have profound consequences, leading to a cycle of generational trauma and contact with the criminal justice system.

According to *Focus on Children with Incarcerated Parents: An Overview of the Research Literature* (Baltimore: Annie E. Casey Foundation, 2007), children of incarcerated parents can be as much as six times as likely as other children to be incarcerated as adults. Among Hawai‘i’s incarcerated population, the Native Hawaiian Justice Task Force report echos these findings, reporting a definite connection between kids with at least one incarcerated parent having an elevated chance of coming into contact with the criminal justice system themselves.

Parental incarceration can affect many aspects of a child’s life, including emotional and behavioral well-being, family stability and financial circumstances. Determining the precise nature of the effects is difficult: One major challenge confronting researchers lies in disentangling the effects of parental incarceration from the effects of other factors that could have existed long before incarceration, such as child maltreatment, parental use of alcohol or drugs, parental mental illness and domestic violence. The effects of parental incarceration on children are subject to a host of variables, including pre-incarceration living arrangements; the quality of the parent-child relationship; the degree to which inmate parents participated in daily care and financial support of their children prior to confinement; children’s current living arrangements; the amount of contact children have with their incarcerated parents; and children’s age, temperament, gender and coping skills, among other factors. There is, however, consensus that these children are more likely to be exposed to many risk factors when their household is disrupted through parental incarceration.

As a Court Appointed Special Advocate (CASA) for foster youth with Family Court, I can attest that many of the cases that CASAs see involve children with at least one parent who is currently incarcerated, has been incarcerated, or is on probation or parole. There is no doubt that the incarceration of a parent is both a major trauma and a major risk factor for foster youth entering the criminal justice system themselves.

The effects this trauma has on them is heart-breaking. Between the ages of 2 and 6, these children often experience separation anxiety, traumatic stress and even survivor's guilt. Children between the ages of 7 and 10 may experience developmental regressions, negative self-perspective, acute traumatic stress reactions, and an impaired ability to overcome future trauma. Between the ages of 11 and 14, children can experience rejection on limits of behavior and trauma-reactive and risk-prone behaviors. Children from the ages of 15 and 18 may experience a premature termination of dependency relationship with their parent, which can sometimes lead them to crime and intergenerational incarceration.

According to *Broken Bonds: Understanding and Addressing the Needs of Children with Incarcerated Parents* (La Vigne, Nancy, Elizabeth Davies, and Diana Brazzell. Urban Institute Justice Policy Center, 2008), younger children tend to experience "disorganized feelings and behaviors upon their parent's incarceration [with] older children displaying more antisocial behavior, conduct disorders, and signs of depression."

Traditionally, it has been believed that males suffer more intensely from a parent being put behind bars, but research from that same study has shown that males and females just have different reactions to a parent's incarceration, "with boys of fathers behind bars displaying more delinquency and aggression and girls exhibiting more internalized, negative behaviors and attention problems."

Additionally, children with a parent in jail or prison are teased more often at school and "may internalize the stigma and experience lower self-esteem, especially if they identify with the incarcerated parent ... Others may react with anger, defiance, and a desire for retaliation against those who reject and taunt them."

The 2008 Bureau of Justice Statistics report found that a substantial number of incarcerated parents were deeply involved in their children's lives before imprisonment—living with them, providing daily care and supporting them financially. The data also indicate that mothers are far more likely than fathers to care for their children in single-parent households, increasing the risk that their children will experience disruption in their living arrangements following maternal incarceration. At the same time, because many more men than women are imprisoned, the number of single-parent male households is almost five times higher than that of single parent female households.

In America today, 2.7 million children under the age of 18 currently have a parent behind bars. That's one in 28 kids. More than 5 million children (7 percent of all U.S. children) have had a parent incarcerated at some point in their lives. Researchers believe these numbers are very low due to the social stigma that makes families reluctant to report parental incarceration.

Maintaining family contact during incarceration can be beneficial to both children and their parents. Some research indicates that visiting is important in maintaining parent-child relationships and increases the likelihood of successful reunification after release. With regard to prisoners themselves, several studies found that maintenance of family ties during incarceration is linked to post-release success, defined as lower rates of recidivism and fewer parole violations.

But there are many barriers to contact. In theory, corrections officials encourage visiting and maintenance of family ties. In practice, however, prison rules to ensure safety and security often impede such visits. As Creasey Finney Hairston notes in *Kinship Care When Parents Are Incarcerated: What We Know, What We Can Do* (2009), “[c]orrectional institutions commonly require children’s custodial parents to escort them on visits, require child visitors to produce birth certificates listing the prisoner as the biological parent, and house prisoners in locations hundreds or thousands of miles from their homes—all policies that create obstacles for healthy parent-child relationships.” Prisons also commonly charge excessive fees for telephone calls to subsidize their operations, so incarcerated parents cannot afford to maintain regular contact with their children.

The prison environment can be frightening and traumatic for children, both in the attitudes and behavior of prison staff and the physical setting. Visits can include long waits; body frisks; rude treatment; and hot, dirty and crowded visiting rooms with no activities for children. These conditions do not encourage frequent visits between incarcerated parents and their children.

Whatever one’s views about the appropriate role of incarceration in the criminal justice system, it is clear that imprisonment disrupts positive, nurturing relationships between many parents—particularly mothers—and their children. In addition, many families with children suffer economic strain and instability when a parent is imprisoned. Research suggests that intervening in the lives of incarcerated parents and their children to preserve and strengthen positive family connections can yield positive societal benefits in the form of reduced recidivism, less intergenerational criminal justice system involvement, and promotion of healthy child development. For these reasons, we ask that you pass this bill. Establishing an appropriate visitation center, or centers, to facilitate healthy interaction between children and their incarcerated parents is not only good policy that can reduce recidivism and limit intergenerational contact with the criminal justice system, it is also the pono thing to do. Please pass this bill.

Mahalo,

Will Caron
Social Justice Action Committee Chair
Young Progressives Demanding Action – Hawai‘i

LATE

SB-2305-SD-1

Submitted on: 3/14/2018 10:27:02 PM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carrie Ann Shirota	Hawai'i Justice Coalition	Support	No

Comments:

Hawai'i Justice Coalition strongly supports this measure.

SB-2305-SD-1

Submitted on: 3/13/2018 9:17:51 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

Comments:

In STRONG SUPPORT.

SB-2305-SD-1

Submitted on: 3/14/2018 3:55:51 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi	Individual	Support	No

Comments:

SB-2305-SD-1

Submitted on: 3/14/2018 7:46:30 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	Individual	Support	No

Comments:

SB-2305-SD-1

Submitted on: 3/14/2018 10:05:03 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Polk	Individual	Support	No

Comments:

Chair Takayama, Vice Chair Gates, Members of the committee:

I strongly support SB2305 that would require the establishment of a family visitation center at a minimum security facility and plans for family visitation centers at all jails and prisons statewide. **I encourage the committee to add deadlines for these measures, to be sure that they are implemented by the Department of Public Safety in a timely manner.**

Maintaining family relationships has been shown to be the single most important factor in preventing recidivism. In addition, for the family and children of incarcerated persons, maintaining contact with the incarcerated person is important for their mental health and social stability.

I have been startled to learn that DPS has ended all in-person visitations at OCCC and prisons and, in planning the replacement of OCCC, intends to have NO in-person visits except by lawyers. This is an extremely regressive policy that flies in the face of all contemporary research on rehabilitation and reintegration. It appears to encourage recidivism, as well as maximizing damage to children and other family members.

This bill is very important to making clear that DPS proposed and actual measures are inappropriate at any correctional facility, and especially in Hawaii or for Hawaii inmates elsewhere.

Please pass SB2305 SD1, and I encourage you to add an amendment setting a timetable for implementation.

Thank you for the opportunity to testify in SUPPORT OF SB2305 SD1.

SB-2305-SD-1

Submitted on: 3/14/2018 10:30:55 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Raelyn Reyno Yeomans	Individual	Support	No

Comments:

LATE

SB-2305-SD-1

Submitted on: 3/14/2018 1:27:37 PM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Sue Haglund	Individual	Support	No

Comments:

There is a need for full support in providing Visitation Centers with Trauma-Informed staff to serve as a liaison for Family re-unification of incarcerated parents and their children. Appropriate funds (taxpayer dollars) is an investment for this area of family needs and reunification that often are torn apart by the prison industrial complex system. Appropriating funds for visitation centers is necessary and must be established, developed and implemented.

I fully support this measure.

Many thanks,

Dr. Sue Haglund

LATE

Nikos A. Leverenz
House Committee on Public Safety
15 March 2018 -- 10:30AM
SB 2305, SD 1 -- SUPPORT

Rep. Takayama, Rep. Asegua Gates, & Members of the Committee:

SB 2305 would require the establishment of a pilot visitation center or centers for children of incarcerated parents in correctional facilities and a plan for visitation centers at all state operated correctional facilities.

With the state contemplating a new correctional facility at a cost of over \$500 million, it is imperative that current and future correctional resources are dedicated to help maintain familial connections, including physical proximity, that will help ameliorate the harm to children and families and also increase the likelihood of successful post-release reentry and reintegration.

Any period of incarceration has a dramatic impact on children and families. For children, the incarceration of a parent is an “adverse childhood experience” (ACE) that can have lasting consequences. Incarceration is “distinguished from other adverse childhood experiences by the unique combination of trauma, shame, and stigma.” (National Resource Center on Children & Families of the Incarcerated (2014). [Children and Families of the Incarcerated Fact Sheet.](#))

Researchers have noted that incarceration of individuals for nonviolent offenses or technical violations of parole have more direct negative impacts on the well-being of children, and that these impacts reach into adulthood:

The incarceration of a household member affects children's welfare in many ways. [There] is strong evidence that the net effect of incarceration on children is harmful. [citation] This is especially evident in light of the extensive incarceration of people for nonviolent offenses or technical violations such as missing a parole meeting. [citation] In such cases, parental incarceration has been linked to increased aggression, depression, and anxiety in their children. [citations] Children's well-being can be affected through multiple pathways, including reduced economic

resources, traumatic removal of the family member, and stigmatization....
[citations]

Incarceration's strains on households appear to have enduring associations with health into adulthood [and] children exposed to incarceration during its peak will continue to reach adulthood with the accompanying health consequences for many years to come. (Gjelsvik, Dumont, Nunn, and Rosen (June 2016). [Adverse childhood events: incarceration of household members and health-related quality of life in adulthood](#). *J Health Care Poor Underserved*. 2014 August ; 25(3): 1169–1182.)

The Annie E. Casey Foundation underscores the importance of maintaining familial connections during incarceration:

State and federal criminal justice systems should preserve family connections during incarceration by encouraging judges and other key players to consider the impact on kids and families when making sentencing and prison-assignment decisions. These systems should require courts to inform local social service agencies and community-based organizations when a parent is incarcerated so that they can make contact with families. Prisons and jails also should develop visitation policies that allow children to maintain their parental relationships, such as providing transportation and family-friendly visiting centers in their facilities or offering other means of communication... (Annie E. Casey Foundation (April 2016). [A Shared Sentence: The Devastating Toll of Parental Incarceration on Kids, Families and Communities](#), at 9.)

The foundation also noted the compelling need for government policymakers to reexamine current correctional practices:

Taking this step means reexamining our nation's decades-old policies on sentencing, bail, probation and parole, exploring shorter sentences and alternatives to jail and prison for nonviolent crimes, which represent the majority of offenses among people serving time. [citation] It also means curbing the use of jails to hold people awaiting trial who can't afford bail and, consequently, end up losing jobs, child care or homes — even if they are absolved of wrongdoing. These fundamental changes to America's

criminal justice system would dramatically decrease the number of people — and, therefore, parents — behind bars, the amount of time they stay there and the effects of their absence on their children, families and neighborhoods. Though some states have already moved in this direction, it is time that we as a nation revisit our notion of criminal justice and eliminate flawed policies and practices that unnecessarily and unfairly emphasize stringent approaches to meting out punishment. (*Id.*, at 8.)

While the reform contemplated by SB 2305 is a salutary one, it also provides an occasion to reassess and reevaluate this state's current sentencing policies, including the unusual role played by the Hawaii Paroling Authority, as well as its parole and probation practices. Maintaining a disproportionately high number of individuals under correctional supervision comes at great expense to the public--and with even greater costs borne by impacted families over decades.

Sincerely,
Nikos A. Leverenz

LATE

LATE

SB-2305-SD-1

Submitted on: 3/15/2018 10:59:44 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments: