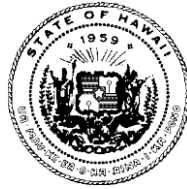


DAVID Y. IGE  
GOVERNOR



PANKAJ BHANOT  
DIRECTOR

CATHY BETTS  
DEPUTY DIRECTOR

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

February 2, 2018

TO: The Honorable Josh Green, Chair  
Senate Committee on Human Services

The Honorable Clarence K. Nishihara, Chair  
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

FROM: Pankaj Bhanot, Director

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

Hearing: Monday, February 5, 2018, 2:45 pm  
Conference Room 16, 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.

**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. Appropriates funds to the department of human services to work with other stakeholders to implement this Act.

DHS is open to further discussions and collaboration with the Department of Public Safety (DPS), the Family Reunification Working Group, and other stakeholders to develop a plan to develop visitation centers at the state's correctional facilities.

DHS requests clarification of Section 4, as to the expectation that the funds appropriated would result in a state wide plan, as well as a pilot visitation center.

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

Thank you for the opportunity to testify.

AN EQUAL OPPORTUNITY AGENCY

February 5, 2018

To: Senator Josh Green, Chair  
Senator Stanley Chang, Vice Chair  
Senate Committee on Human Services

Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair  
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

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

Re: **SB 2305 – Relating to Incarcerated Parents**  
**Hawaii State Capitol, Room 16, February 5, 2018, 2:45 PM**

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**On behalf of Hawaii Children's Action Network (HCAN), we are writing to support SB 2305 – Relating to Incarcerated Parents.** It is conservatively estimated that five percent (5%) of Hawaii's children have had a parent in jail or prison.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

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

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<sup>1</sup> 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.

<sup>2</sup> 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).

<sup>3</sup> 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).

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.

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.*

**SB-2305**

Submitted on: 2/4/2018 10:43:01 PM

Testimony for HMS on 2/5/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:



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Aloha Chairs Green and Nishihara, members of the HMS/PSD committees,

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. 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

**SB-2305**

Submitted on: 2/5/2018 9:16:35 AM

Testimony for HMS on 2/5/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Les Estrella	Going Home Hawaii	Support	No

Comments:

Aloha Chair and Committee Members,

Going Home Hawaii is a nonprofit organization based in Hawai'i County since 2004. Our mission is to assist Hawai'i men, women and youth released from correctional institutions with reintegration into community life through employment, training and appropriate services.

We strongly support SB 2305. We are in dire need of family visitation centers on all islands where providers can wrap services and break the cycle of generational incarceration.

Mahalo,

Les Estrella



**Senator Clarence K. Nishihara, Chair**  
**Senator Glenn Wakai, Vice Chair**  
**Committee on Public Safety, Intergovernmental, and Military Affairs**

**Senator Josh Green, Chair**  
**Senator Stanley Chang, Vice Chair**  
**Committee on Human Services**

Blueprint for Change  
Family Reunification Working Group  
Holomua Pu‘uhonua  
HCR85 - Native Hawaiian Sub-committee

**STRONG Support for S.B. No. 2305, Relating to Children of Incarcerated Parents**

Blueprint for Change is a non-profit organization with a strong track record for innovating and implementing effective support services that address the unique challenges facing Hawai‘i’s ‘ohana. The organization’s roots date back to 1994 when in response to a growingly overburdened Child Welfare System, the Hawai‘i State Legislature created the Child Welfare Services Reform Task Force for the purpose of developing a “Blueprint for reform in child protective services.”

After several years of rigorous evaluation, the Committee finalized the core elements of the Neighborhood Place model, and in 2000, Blueprint for Change (BFC) was formed and incorporated as a nonprofit organization to serve as the Department of Human Services, master contractor for Neighborhood Place services and to continue the Committee’s effort to improve the responsiveness of the State of Hawai‘i – Child Welfare System.

By maintaining fluid relationships between state agencies, local service providers and community advocates, Blueprint for Change and the Neighborhood Place Partnership is able to significantly improve the responsiveness of the state’s Child Welfare System while reducing instances of child abuse and neglect.

As part of the oversight of the (7) NP across the state, BFC collects Quarterly Activity Reports (QAR), which is designed to inform services, procedures, and practices moving forward. In 2013 the QAR were showing a significant increase in services delivered to families impacted by incarceration. This led BFC to exploring this issue further. Thus, the creation of the Family Reunification Working Group (FRWG). The FRWG gained support and interest through the Legislative Keiki Caucus, and began meeting regularly to explore and advocate for solutions to problems encountered by children and families in the State who are affected by incarceration.

**The following are reasons for STRONG SUPPORT OF S.B. No. 2305:**

- Family friendly visitation centers will encourage families to stay in frequent contact with their significant others who are incarcerated;
- National data shows that incarcerated individuals who maintain regular contact with their children and families are less likely to recidivate when they reenter society;
- Having the visitation centers staffed by social service professionals will provide families with opportunities to receive information and referral and resource linkage services, guidance and counseling, wrap around services to address issues relating to poverty, etc;
- 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;
- The bill provides an opportunity to begin breaking the cycle of incarceration that is generational in some families;
- The bill provides all stakeholders with the opportunity to begin the conversation about how we break the cycle of incarceration and not only help families sustain themselves but also save the State millions of dollars in the future by reducing our prison population and welfare costs; and
- The State of 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.

**SB-2305**

Submitted on: 2/5/2018 10:31:01 AM

Testimony for HMS on 2/5/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Erica Yamauchi	Hawaii Children's Action Network	Support	No

Comments:

I write in strong support of this bill. Family-friendly visitation centers will encourage families to stay in frequent contact with their significant others who are incarcerated. National data shows that incarcerated individuals who maintain regular contact with their children and families are less likely to recidivate when they reenter society.

There is also a lot of opportunity here. The State of California has successfully operated visitation centers like those being proposed by the bill for over 30 years.

Having the 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 other services to address other issues they may face. 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.

The bill provides an opportunity to begin breaking the cycle of incarceration that is generational in some families due to decades and decades of cultural and historical trauma.

Nikos A. Leverenz  
Senate Committee on Human Services  
Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
05 February 2018 -- 2:45PM  
SB 2305 -- SUPPORT

Senator Green and Members of the Committee on Human Services:  
Senator Nishihara and Members of the Committee on Public Safety, Intergovernmental,  
and Military Affairs:

SB 2305 would require the establishment of visitation centers, with trauma-informed staff to serve as a liaison for incarcerated parents and their minor children, which are to be operated by a non-profit organization in cooperation with the department of human services and department of public safety 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. ACE 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



BEFORE THE COMMITTEES ON HUMAN SERVICES AND PUBLIC SAFETY,  
INTERGOVERNMENTAL AND MILITARY AFFAIRS

Hawaii State Legislature  
February 5, 2018

Senate Bill 2305  
Family Visitation Center Pilot Project

Aloha Chair Green, Vice-Chair Chang, Chair Nishihara, Vice-Chair Wakai and Members of the Committees,

The Ka Lāhui Hawaii Political Action Committee (KPAC) supports Senate Bill 2305 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