



SB2305
RELATING TO INCARCERATED PARENTS
Senate Committee on Ways and Means

February 28, 2018

11:00 a.m.

Room 211

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SB2305, 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 friendly 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 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.

LATE



Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, members of the Senate Ways & Means Committee,

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

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 on Public Safety, Intergovernmental, and Military Affairs

LATE

Hearing Date/Time: Wednesday, February 28, 2018/11:00 A.M.
Place: Hawaii State Capitol, Rm. 211
Re: Testimony of Matthew Garrido in strong support of S.B. 2305

Dear Chairs Takayama, Mizuno, and Members of the Committees,

My name is Matthew Garrido. I am a Ph.D. Student at the University of Hawaii at Manoa, Myron B. Thompson School of Social Work. I stand in strong support of bill S.B. 2305. In their landmark Adverse Childhood Experience study, Kaiser Permanente identified incarceration is one of ten adverse childhood experiences and a strong risk factor for many adverse outcomes for children in their adult life. The establishment of a visitation center that promotes familial bonds through a neutral family friendly environment can serve as a protective factor as it may promote more positive interactions and emotions during their visitation. Despite this separation from incarceration, the children and parents will be able to look forward to spending time with each other which may further serve to reduce anxieties related to visitations and promote familial bond.

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

Sincerely,

Matthew Garrido

Ph.D. Student,
University of Hawaii at Manoa,
Myron B. Thompson School of Social Work

February 27, 2018

LATE

To: **Committee on Ways and Means**

From: Jenjira Yahirun

Subject: **Testimony in Support of SB 2305: Pertaining to Incarcerated Parents**

My name is Jenjira Yahirun. I am a resident of Honolulu, and employed as a faculty member at the University of Hawaii at Manoa – Center on the Family. I am providing personal testimony in support of SB 2305.

In the United States, data from 2011 found that 5 million children have experienced a parent go to jail or prison. Family researchers find that incarceration creates strained relationships with children and children experience a host of negative outcomes ranging from less school engagement, grade retention, an increase in aggressive, externalizing (fighting, yelling) and internalizing (depression, anxiety) behaviors, especially for boys.

The establishment of a visitation center will help to dampen some of the negative consequences on incarceration by allowing parents and children to maintain contact with one another, without children feeling “prisonized” by being exposed to normal routines associated with prison visits (long waits, body frisks, crowded facilities, etc).

It is important that the visitation center be on site, as to help offenders become model prisoners with continuous contact with children and families, starting from the moment a parent is incarcerated. Building the visitation site in the community, where only offenders who are deemed a lower security risk can engage with family members, is too late in the process.

Given that maintaining close family relationships during incarceration results in lower recidivism rates and therefore less crime, I urge legislators to consider this bill favorably. I thank you for the opportunity to share my support for SB 2305.

Sincerely,
Jenjira Yahirun, PhD

LATE

SB-2305

Submitted on: 2/27/2018 6:22:35 PM

Testimony for WAM on 2/28/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Malia Peters	Individual	Support	No

Comments:

TESTIMONY ON SB 2305, RELATING TO INCARCERATED PARENTS

February 27, 2018

Aloha,

My name is Malia Peters. I am a parent of a child whose father was incarcerated over 20 years ago. I strongly support SB 2305 relating to incarcerated parents.

Just over twenty years ago my life was forever changed when my husband (now ex-husband) committed a horrible crime sentencing him to a 20 year prison sentence, which left my three-year-old son and I very abruptly in a very difficult situation. While we understood the severity of his crime and prison sentence, we've had a long and challenging road ever since. Helping families of prisoners who are left behind has become a passion in my life, encouraging them that they too can overcome these challenging situations. My testimony is simply because I would like to make the road less tough, so that our state and society can have a better chance of decreasing the cycle of incarceration.

While there are various estimates of the number of children nationwide who have at least one parent that is incarcerated (over 2 million), we are still working to grasp the number of families affected here in our State of Hawaii. Studies have shown that in terms of negative impacts on children, incarceration may be worse than the death of a parent or the divorce of parents. When a parent passes away or when parents divorce, families receive a lot of sympathy, love, compassion, and financial support. In Hawaii, to make a divorce official, families are required to attend "Kids First", a program to help families survive divorce. However, when a parent is sentenced to prison, there is no "program" or "class" to attend, and very often there is no sympathy, but instead a "stigma" that is attached to these children/spouses/families. Many family members witnessed or were the victim of the crime, and there is often no emotional or financial assistance. The surviving spouse, significant other, or grandparent is often the sole provider putting physical, emotional, mental, and financial strain on families.

Something more concerning is the evidence that children who have a parent in prison are more likely to become incarcerated themselves as teenagers or adults, thus continuing the “cycle of incarceration” that sadly becomes generational in some families.

Having been through this personally, I can tell you first-hand how difficult this experience was for my son and I. I never wanted to ask for help for fear that I would minimize the horrible crime that my husband had committed, and/or offend the victim and their family. I also didn't ask for help because I was embarrassed to share why my husband was incarcerated. I was afraid that what he did would be a reflection on me and my own character. When I became desperate enough to seek assistance, I didn't know where to turn, and when I did try to apply for various types of assistance, we didn't qualify because I was working. My single income however was not sustainable to support my son and I, which forced me to take a second job. My son now lost both his parents, had emotional anxieties, became mute, and we had no medical coverage to get him the emotional support he needed. It was a horrible thing to go through and it is only by the grace of God, the family I was blessed with, that I am able to stand strong today, with my son grown and by my side, sharing my story with each of you.

I cannot emphasize enough how much support at the **initial time of** and throughout incarceration could have made a tremendous difference for us. Waiting until they are about to be released to try to re-engage them with their families is too late. The time of incarceration was the most difficult. Countless hours are spent wastefully getting to the prison early to get your place in line and then waiting to be processed and granted entrance for our visit. It would be so productive to have a Visitation Center that could provide counseling services, resources to direct assistance, in addition to an area that provides educational toys, books, ipads etc. so that adults and children of various ages can pass the time in a positive, productive way with both receiving comfort and support simultaneously in a very intentional environment.

I would oppose any fear or concern that something like this would give an impression that prison is a “fun” place. There will need to be a firm reminder of the situation at hand, however, I still dream of the amazing difference this could have made for us when we were lost, alone, and feeling despair and hopelessness.

Without these basic wrap-around services and support that a Visitation Center could provide, we will not be able to provide hope and opportunity to implement something new to work toward and hopefully decrease this unique population. We need to reduce the cycle of incarceration and we should do whatever we can to seek out new opportunities to do so.

Mahalo nui to each of you for your service, and for your consideration of this letter of support.

With much aloha and blessings,

Malia Peters

LATE

SB-2305

Submitted on: 2/27/2018 7:19:38 PM

Testimony for WAM on 2/28/2018 11:00:00 AM

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

Comments:

Hawai'i Justice Coalition is comprised of organizations and individuals united in our work to reduce the number of people incarcerated in Hawai'i's jails and prisons. We seek to shift the state's spending priorities away from mass criminalization and incarceration towards rehabilitation, education, restorative justice, health and human services. We believe that comprehensive criminal justice reform promotes public safety, makes responsible use of our resources, and builds healthy communities.

SB2305 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. In addition, this bill would appropriate funds to the department of human services to work with other stakeholders to implement this Act.

Hawai'i Justice Coalition supports policies and pilot programs that strengthens bonds between incarcerated persons and their loved ones, and provides a healthy, safe and supportive family friendly visitation environment. A plethora of research confirms that visitation decreases recidivism rates. Since the vast majority of men and women in jails and prisons will return to our community, it behooves us to support policies that help individuals transform their lives, and become contributing members of our communities.

Please support SB2305.