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# A BILL FOR AN ACT

RELATING TO CHILDREN AND FAMILY OF INCARCERATED INDIVIDUALS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the National  
2 Resource Center on Children and Families of the Incarcerated  
3 reports that an estimated 2,700,000 children nationwide have at  
4 least one parent who is incarcerated. Studies conducted by the  
5 National Fatherhood Initiative show that in terms of negative  
6 impacts on children, incarceration may be worse than the death  
7 of a parent or the divorce of parents. Moreover, it is  
8 evidenced that children of incarcerated parents are more likely  
9 to become incarcerated themselves as teenagers or adults, thus  
10 continuing the cycle of incarceration that becomes generational  
11 in some families and, sadly, a reality for many in the State.

12           The legislature further finds that children of incarcerated  
13 parents are some of the nation's most vulnerable and  
14 marginalized populations. Parental incarceration is noted as  
15 being a strong risk factor and determinant for many adverse  
16 outcomes for children, including antisocial and violent  
17 behavior, mental health problems, failure to graduate from



1 school, and unemployment. Parental incarceration is nationally  
2 recognized under "adverse childhood experiences" by Kaiser  
3 Permanente, the Centers for Disease Control and Prevention, and  
4 the Substance Abuse and Mental Health Services Administration,  
5 and is distinguished from other adverse childhood experiences by  
6 the unique combination of trauma, shame, and stigma.

7 Over the past ten years, Hawaii organizations that serve  
8 children and families affected by parental incarceration have  
9 developed a myriad of services aimed at this population;  
10 however, there continue to be major gaps in service,  
11 particularly because funding for these programs has never been  
12 established as a priority. One reason is that data on children  
13 of incarcerated parents has not been available historically.  
14 The absence of data has meant there is insufficient data  
15 available to illustrate and justify the extent of the problem in  
16 Hawaii. This is especially true for service providers who try  
17 to access federal funding that is programmed to assist children  
18 and families and break the cycle of incarceration.

19 In January 2014, the legislature's keiki caucus established  
20 the family reunification working group to explore issues  
21 surrounding children and families impacted by incarceration.



1 The group comprised representatives from several organizations  
2 and service providers, including Blueprint for Change; Hawaii  
3 Prisoners Resource Center, dba Holomua Center; office of  
4 Hawaiian affairs; ALU LIKE, Inc.; Queen Lili'uokalani Children's  
5 Center; Keiki O Ka 'Āina Learning Centers; Family Programs  
6 Hawai'i; Adult Friends for Youth; Community Alliance on Prisons;  
7 TJ Mahoney/Ka Hale Ho'āla Hou No Nā Wāhine; Chaminade  
8 University's Native Hawaiian Program; and Makana o Ke Akua Clean  
9 and Sober Living. It also included parents of children who have  
10 been affected by incarceration. The group established two  
11 immediate priorities to work on: a database of children in  
12 Hawaii impacted by incarceration and a one-stop resource center  
13 for these children and their families. During the 2015 regular  
14 session, a bill was passed requiring the department of public  
15 safety to begin collecting data at the point of intake on the  
16 number of minor children under the age of eighteen from each  
17 incarcerated parent. Based on this data, in Hawaii, there are  
18 approximately four thousand children a year affected by parental  
19 incarceration.

20 Furthermore, the legislature finds that the prison  
21 environment can be frightening and traumatizing for children,



1 both in the attitudes and behaviors of prison staff and the  
2 harshness of the physical setting of visitation sites. Visits  
3 can include long waits, body frisks, rude treatment, and  
4 exposure to crowded visiting rooms with no activities for  
5 children. Such conditions do not encourage frequent visits  
6 between incarcerated parents and their children. Studies  
7 suggest the maintenance of family ties and parent-child  
8 relationships is linked to post-release success, lower rates of  
9 recidivism, and fewer parole violations; therefore, visitation  
10 should be encouraged.

11 To address problems with visitation and family support, the  
12 Keiki Caucus introduced, and the legislature adopted, H.C.R. No.  
13 205 and S.C.R. No. 7 during the regular session of 2019. These  
14 resolutions requested the department of human services, in  
15 consultation with the department of public safety, to work with  
16 the family reunification working group and other stakeholders to  
17 develop a plan to establish children-friendly and family-  
18 friendly visitation centers at all state correctional prisons  
19 and jails to ensure the well-being of children of incarcerated  
20 parents and their families. A working group was convened in  
21 August 2019, and after several meetings the group developed a



1 proposal calling for the establishment of a pilot visitation and  
2 family resource project to be located at Waiawa correctional  
3 facility in Waipahu on Oahu.

4       The working group found that there are working models that  
5 can be emulated and referenced for effectiveness and  
6 applicability. One successful example is the visitation center  
7 program established in California by the non-profit organization  
8 Friends Outside that is funded by the California department of  
9 corrections and rehabilitation under legislative mandate. The  
10 primary purpose of those centers is to remove barriers and  
11 facilitate family visitation to strengthen and reunify families  
12 with an emphasis on the well-being of the child. The California  
13 centers are located on prison grounds but outside the prison  
14 walls and staffed with employees trained to educate children of  
15 their parents' incarceration through age-appropriate means,  
16 inform children and families on prison and jail policies to  
17 ensure they work with their incarcerated loved one to abide by  
18 and uphold state rules and regulations, connect children and  
19 families with resources in the community, and facilitate  
20 incarcerated parent-child relationships by addressing trauma  
21 during the period of incarceration. The California centers



1 serve as a one-stop shop for the children and families, which  
2 also helps to alleviate demands on the corrections department.

3 The legislature finds that the establishment of family  
4 visitation and resource centers is in the best interest and  
5 well-being of children and, as studies suggest, may have many  
6 benefits for the incarcerated parent and other family members,  
7 the community, and the State.

8 The purpose of this Act is to:

- 9 (1) Acknowledge adverse experiences faced by children of  
10 incarcerated parents;
- 11 (2) Encourage continued efforts and engagement between the  
12 department of human services, department of public  
13 safety, family reunification working group, and other  
14 community stakeholders to find ways to improve  
15 visitation at state correctional facilities;
- 16 (3) Require the establishment of a pilot visitation and  
17 family resource center located at Waiawa correctional  
18 facility to be operated by a nonprofit organization  
19 contracted by the department of human services and  
20 include trauma-informed professionals who shall serve



1 as liaisons and ho'okele for families affected by  
2 incarceration; and

3 (4) Appropriate funds necessary to establish, develop, and  
4 implement the pilot visitation and family resource  
5 center.

6 SECTION 2. (a) The department of human services shall  
7 continue to lead a working group to address visitation and  
8 support needs of children and families of incarcerated  
9 individuals.

10 (b) Beginning August 1, 2020, the department of human  
11 services shall work with the department of public safety, family  
12 reunification working group, and other entities serving children  
13 and families affected by parental incarceration to establish a  
14 pilot visitation and family resource center at Waiawa  
15 correctional facility on Oahu.

16 (c) The visitation and family resource center shall be  
17 operated by a nonprofit organization in cooperation with the  
18 department of human services, department of public safety, and  
19 other community stakeholders.

20 (d) The working group shall be exempt from chapter 92,  
21 Hawaii Revised Statutes.



1 (e) The working group shall submit a report of its  
2 findings and recommendations, including any proposed  
3 legislation, to the legislature no later than twenty days prior  
4 to the convening of the regular session of 2021.

5 (f) The working group shall cease to exist on January 31,  
6 2021; provided that the department of human services may  
7 continue the work of the working group beyond January 31, 2021,  
8 if the department deems it necessary.

9 SECTION 3. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$ or so  
11 much thereof as may be necessary for fiscal year 2020-2021 for  
12 the establishment of a pilot visitation and family resource  
13 center at Waiawa correctional center on Oahu.

14 The sum appropriated shall be expended by the department of  
15 human services for the purposes of this Act.

16 SECTION 4. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$ or so  
18 much thereof as may be necessary for fiscal year 2020-2021 for  
19 the establishment of a pilot visitation and family resource  
20 center at Waiawa correctional center on Oahu.





1           The sum appropriated shall be expended by the department of  
2 public safety for the purposes of this Act.

3           SECTION 5. This Act shall take effect on December 31,  
4 2059.



**Report Title:**

Keiki Caucus; Incarcerated Parents; Pilot Visitation Center;  
Appropriation

**Description:**

Requires the department of human services to work with the department of public safety to establish a pilot visitation and family resource center at Waiawa correctional facility. Makes an appropriation. Effective 12/31/2059. (HD1)

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