
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 continues 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 means that 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
17 access federal funding to assist children and families and break
18 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; the Office of
4 Hawaiian Affairs; ALU LIKE, Inc.; Queen Liliuokalani Children's
5 Center; Keiki O Ka Aina Learning Centers; Family Programs
6 Hawaii; Adult Friends for Youth; Community Alliance on Prisons;
7 TJ Mahoney/Ka Hale Hoala Hou No Na Wahine; 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. Those 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 House
13 Concurrent Resolution No. 205 (2019) and Senate Concurrent
14 Resolution No. 7 (2019). These resolutions requested the
15 department of human services, in consultation with the
16 department of public safety, to work with the family
17 reunification working group and other stakeholders to develop a
18 plan to establish children-friendly and family-friendly
19 visitation centers at all state correctional facilities to
20 ensure the well-being of children of incarcerated parents and
21 their families. A working group was convened in August 2019 and



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

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



1 relationships by addressing trauma during the period of
2 incarceration. California's visitation centers serve as a one-
3 stop shop for the children and families, which also helps to
4 alleviate demands on the corrections department.

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

10 The purpose of this Act is to:

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



1 include trauma-informed professionals to serve as
2 liaisons and hookele for families affected by
3 incarceration; and

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

7 SECTION 2. (a) The department of human services shall
8 continue to lead a working group to address visitation and
9 support needs of children and families of incarcerated
10 individuals pursuant to House Concurrent Resolution No. 205
11 (2019) and Senate Concurrent Resolution No. 7 (2019).

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

18 (c) The visitation and family resource center shall be
19 operated by a non-profit organization contracted by the
20 department of human services and in cooperation with the
21 department of human services, the department of public safety,



1 and other community stakeholders. The pilot visitation and
2 family resource center shall include trauma-informed
3 professionals who shall serve as liaisons and hookele for
4 families affected by incarceration.

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

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

11 (f) The working group shall cease to exist on January 31,
12 2021; provided that the department of human services may
13 continue the work of the working group beyond January 31, 2021,
14 if the department deems it necessary.

15 SECTION 3. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so
17 much thereof as may be necessary for fiscal year 2020-2021 for
18 the establishment of a pilot visitation and family resource
19 center at Waiawa correctional facility on Oahu.

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



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

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

8 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Keiki Caucus; DHS; 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. Appropriates funds. Effective 7/1/2050. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

