

---

# A BILL FOR AN ACT

---

RELATING TO CHILDREN.

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

1       SECTION 1. The legislature finds that a growing prison  
2 population has raised serious concerns regarding the collateral  
3 effects of incarceration on the children and families of  
4 incarcerated persons and the communities from which they came.  
5 According to the federal Bureau of Justice Statistics' most  
6 recent study on incarcerated parents in the United States, more  
7 than 1,700,000 minors, representing 2.3 per cent of the  
8 population, have at least one incarcerated parent.

9       The legislature further finds that the incarceration of a  
10 parent is a traumatic event for children. Studies show that a  
11 substantial number of incarcerated parents were deeply involved  
12 in their children's lives before imprisonment by providing daily  
13 care, as well as financial and emotional support. Studies also  
14 show that the incarceration of a parent is likely to result in  
15 unstable family relationships, poor academic performance,  
16 financial instability, material hardship, and social stigma.



1 Providing social services and programs for children who  
2 have a parent in the prison system supports the children's  
3 emotional and behavioral well-being. Furthermore, providing  
4 support to incarcerated parents and their children preserves and  
5 strengthens family connections, which yield positive societal  
6 benefits in the form of reduced recidivism, less  
7 intergenerational criminal justice system involvement, and  
8 improved healthy child development.

9 The purpose of this Act is to appropriate funds for  
10 programs and services for children of incarcerated parents and  
11 to assist with family reunification.

12 SECTION 2. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$ or so much  
14 thereof as may be necessary for fiscal year 2021-2022 for  
15 funding programs and services for children of incarcerated  
16 parents and assisting with family reunification.

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

19 SECTION 3. Section 571-46, Hawaii Revised Statutes, is  
20 amended by amending subsection (a) to read as follows:



1       "(a) In actions for divorce, separation, annulment,  
2       separate maintenance, or any other proceeding where there is at  
3       issue a dispute as to the custody of a minor child, the court,  
4       during the pendency of the action, at the final hearing, or any  
5       time during the minority of the child, may make an order for the  
6       custody of the minor child as may seem necessary or proper. In  
7       awarding the custody, the court shall be guided by the following  
8       standards, considerations, and procedures[÷] in the best  
9       interests of the child:

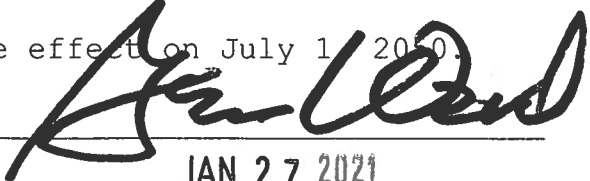
10       (1) ~~[Custody]~~ Where the parents are unable to agree and  
11       unless the court finds that it is not in the best  
12       interests of the child, based upon clear and  
13       convincing evidence, custody should be awarded to  
14       ~~[either parent or to]~~ ensure the inclusion of both  
15       parents ~~[according to the best interests]~~ in the  
16       raising of the child[, and the court also may consider  
17       ~~frequent, continuing,]~~ and equal continuing physical,  
18       emotional, and meaningful contact ~~[of each parent with~~  
19       ~~the child unless the court finds that a parent is~~  
20       ~~unable to act in the best interest of the child;]~~ with  
21       both parents;"



H.B. NO. 1395

1 SECTION 4. This Act shall take effect on July 1, 2050.

INTRODUCED BY:

  
JAN 27 2021



# H.B. NO. 1398

**Report Title:**

Incarcerated Parents; Children; Programs and Services;  
Appropriation; Best Interest of the Child

**Description:**

Makes an appropriation to the department of public safety for programs and services for children of incarcerated parents and to assist with family reunification. Requires parental parity in divorce actions.

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

