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March 13, 2008

LATE

MEMORANDUM

TO: Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services and Public Housing

FROM: Lillian B. Koller, Director

SUBJECT: **H.B. 3399, H.D. 2 - RELATING TO CHAPTER 346, HAWAII
REVISED STATUTES**

Hearing: Thursday, March 13, 2008; 1:15 p.m.
Conference Room 016, State Capitol

PURPOSE: The bill clarifies exemptions to Hawaii's child care licensing laws.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this bill to clarify the Hawaii Revised Statutes §346-152(a)(11) that exempts "a person caring for two or fewer children unrelated to the caregiver by blood, marriage, or adoption" and provides the following comments.

When child care licensing staff investigate allegations of illegal child care being conducted in a home setting, they conduct unannounced home visits to determine the number of children being cared for, and who is the caregiver providing the child care. Although this bill will allow two caregivers within a home, each caring for two or fewer unrelated children in a private residence, should licensing staff find only one caregiver in the home caring for more than two unrelated children at the time of the visit, and that one caregiver present states that another household member, who is not physically

present, is actually the caregiver for some of the children, the Department in such situations will still have no choice but to cite the caregiver who is physically present for exceeding the two-child limit.

Thank you for the opportunity to provide comments on this bill.