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DEPARTMENT OF HUMAN SERVICES  
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February 5, 2008

**TO:** The Honorable Susanne Chun Oakland, Chair  
Senate Committee on Human Services and Public Housing

**FROM:** Martha T. Torney, Executive Director

**SUBJECT: SB 3051, RELATING TO CRIMINAL HISTORY BACKGROUND  
CHECKS FOR SOCIAL SERVICES PROGRAMS**

Hearing: Tuesday, February 5, 2008, 1:15 pm  
State Capitol, Conference Room 016

The Office of Youth Services (OYS) strongly supports the passage of SB 3051, an Administration bill, relating to Criminal History Background Checks for Social Services Programs, which authorizes the Department of Human Services (DHS) or its designee to conduct criminal history record checks.

Act 131, SLH 2006, mandates OYS to conduct criminal history records checks on employees, prospective employees, and volunteers of contracted providers or subcontractors in positions that place them in close proximity to youth when providing services on behalf of the office. Our intention was to have a contractor conduct the criminal history checks for us, but discovered through working with other DHS divisions that the contractor could not have access to arrest information. Yet, section 846-2.7, HRS, requires arrest information be collected for the initial check in order to be in compliance with our mandate.

Section 846-2.7, HRS, reads:

The criminal history record check shall include the submission of fingerprints to:

- (1) The Federal Bureau of Investigation for a national criminal history record check; and
- (2) The Hawaii criminal justice data center for a state criminal history record check that shall include nonconviction data.

In addition, OYS must conduct annual name inquiries in the state criminal records files for those who have completed the initial check. We estimate that 800 initial checks have to be completed just to cover our current providers and at least 200 new initial checks per year, plus about 800 name checks a year. We do not have the staff or expertise to collect and analyze the FBI and State data.

We urge the passage of SB 3051 as it provides OYS the method to comply with Act 131 and protect the children and youth we provide services to.

Thank you for the opportunity to present this testimony.

SB 3051

To the Honorable Members of the Senate Committee and Health and Public Housing and the Senate Committee on Judiciary and Labor, who are holding a public hearing on Tuesday, Feb. 5, 2008, @ 1:15 p.m. in Rm. 016

Aloha Kakou,

I am in support of this bill, that authorizes the Department of Humans Services or tis designee to condcut criminal history recoard checks for those providing services to vulnerable adults and children. I believe this widens the "safety net" of government which helps protect us all, in a society that is becoming more impersonal.

Me ka mahalo pono,

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