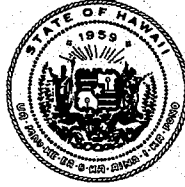


LINDA LINGLE
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LILLIAN B. KOLLER, ESQ.
DIRECTOR

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DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

February 5, 2008

MEMORANDUM

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

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 3051 - RELATING TO CRIMINAL HISTORY BACKGROUND
CHECKS FOR SOCIAL SERVICES PROGRAMS

Hearing: Tuesday, February 5, 2008, 1:15 p.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of this bill is to authorize the Department or its designee to conduct criminal history record checks for service providers. This bill will correct omissions in Acts 131 and 220, SLH 2006, as well as the various statutes authorizing the Department to conduct criminal history background checks. It will also add the authorization for a new program to conduct criminal history record checks.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) strongly supports the passage of this Administration bill. Criminal history record checks are required for various Department programs to ensure the safety of clients. Acts 131 and 220, SLH 2006, increased the number of programs requiring criminal history record checks. However, in order

for the Department to fully operationalize the required increase in record checks, amendments are needed to correct omissions in Acts 131 and 220, SLH 2006, as well as the various statutes authorizing the Department to conduct criminal history background checks.

The statutory amendments being proposed will clarify that the Department or its designee is authorized to conduct the criminal history record checks for the Department and its service providers, including arrest records, as specified in chapter 846, Hawaii Revised Statutes (HRS).

Currently, such background checks may only be conducted by Department staff, except for one of the Department's programs, i.e., community care foster family homes, for which sections 346-335, HRS, specifies that the Department's "designee" may perform these functions for the Department.

The increase of requests for background checks resulting from Acts 131 and 220, SLH 2006, is greater than current Department staff can process on a timely basis. Authorizing the Department or its designee to conduct the necessary background checks will enable the Department to contract for such services in all of the programs for which the Department, or its administratively attached agencies, are required to do background checks, to ensure that the required background checks are processed timely.

This will enable service providers to receive and provide to the Department, the background check information

necessary to meet the licensing or other requirements of the Department's programs resulting in more timely services to vulnerable adults and children and will free up Department staff to provide other necessary social services.

This bill also proposes to amend sections 346-97 and 846-2.7, HRS, to add a new program, the Retired and Senior Volunteer Program (new per Federal program awarded competitively to DHS last year), to the list of programs that require criminal history record checks and adult abuse perpetrator checks. Additionally, it adds clarifying language that will continue to allow home and community-based programs to require these checks, regardless of the type of Medicaid waiver that is administering the program.

These proposed amendments will clarify that the designee of the Department, and its administratively attached agencies, may conduct the criminal history record checks on behalf of the Department, pursuant to chapter 846, HRS.

Thank you for this opportunity to testify.

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