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February 5, 2009

MEMORANDUM

TO: The Honorable John M. Mizuno, Chair
House Committee on Human Services

FROM: Lillian B. Koller, Director

SUBJECT: **H.B. 155 - RELATING TO INFANT AND TODDLER CHILD CARE
CENTERS**

Hearing: Thursday, February 5, 2009; 8:15 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of H.B. 155 is to require the Department of Human Services (DHS) to adopt rules to implement a standardized set of procedures to accommodate complaints and grievances against infant and toddler child care centers and to publicize those procedures on the DHS website.

DEPARTMENT'S POSITION: The DHS acknowledges that this measure has merit, however, given the current fiscal difficulties, it would not be prudent to pursue enactment at this time if the intent regarding publication of the procedures entails utilizing other types of information dissemination, other than posting it on the DHS website, that would incur a cost to the Department.

In clarifying Section 1 of H.B. 155, the Hawaii Administrative Rules (HAR) §17-895-6 requires the facility to have written operation policies on various issues that need to be made available to parents or guardians who enroll their children at the facility.

HAR §17-895-6(a)(17) states that the operation policies should include a statement

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about the facility's grievance policy. This grievance policy is to inform parents of the facility's procedure on how concerns and complaints that are brought to the facility staff's attention will be addressed.

The DHS conducts complaint investigations in accordance with the Hawaii Revised Statutes §346-153, Records of deficiencies and complaints; release to public. The DHS receives complaints about child care providers from the public (i.e. parents, staff in child care facilities, neighbors of child care providers, other agency personnel, etc.) and conducts an investigation if there is an alleged law or administrative rule violation. The complaint report is made a part of the licensed facility's record and is considered public information. When looking for a child care provider, parents are encouraged by the Child Care Resource & Referral Service, operated through a DHS contract with PATCH (People Attentive To Children), to contact DHS to inquire about whether the child care provider is licensed, the status of the provider's license, and whether there are any complaint reports on file.

Currently, there is information available on the DHS website that states that the DHS Child Care Licensing Units conduct complaint investigations on all child care providers. However, the DHS is willing to expand the information that is already on the website to include the complaint and investigation process.

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