
A BILL FOR AN ACT

RELATING TO CHILD CARE.

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

1 SECTION 1. The legislature finds that because of the
2 state's high cost of living, there are many households where
3 both parents work to make ends meet. This economic reality for
4 most families means that children, some as young as three months
5 old, are placed with child care providers. Parents rely on
6 these child care providers to provide quality care with the
7 attention that their child needs on a daily basis.

8 The legislature further finds that misrepresentations made
9 to parents by child care providers could lead to disaster. In
10 Albany, New York, a couple left their three-month-old daughter
11 in the care of a licensed in-home day care provider. The
12 provider lied about the number of children for whom she cared on
13 a daily basis. She told the child's parents that she was caring
14 for four children when an investigation later showed she was
15 actually caring for eight children. The provider placed the
16 infant in a swing and left her unattended for twenty minutes.
17 During that time, the infant threw up her food and choked on her



1 own vomit. She was rushed to a local hospital, placed on life
2 support, and was tragically diagnosed as brain dead.

3 In a similar Florida case, the parents of a three-month-old
4 boy left him with a child care professional for two hours. It
5 was a trial run; they were deciding if this day care
6 professional was one they could trust. When the parents
7 returned, they found their son face down in a crib, in a pool of
8 his own vomit, dead. The state of Florida had licensed this
9 facility to care for six children, but the provider had taken in
10 thirteen children that day. On the day the infant died, all
11 thirteen children were left at the mercy of a poorly trained
12 staff person who was not CPR-certified, while the owner ran
13 errands.

14 These two cases reflect the nightmares that parents go
15 through in losing a child from a preventable disaster. While
16 the department of human services has the authority to
17 investigate and penalize providers for misrepresenting the
18 number of children they care for, additional deterrence is
19 necessary.

20 The purpose of this Act is to criminalize false
21 representations made by child care providers.



1 SECTION 2. Chapter 346, Hawaii Revised Statutes, is
2 amended by adding a new section to part VIII to be appropriately
3 designated and to read as follows:

4 "§346- Misrepresentation by a provider of a child care
5 facility. (a) A person commits the offense of
6 misrepresentation by a provider of a child care facility if, as
7 a provider of a child care facility, the person makes any wilful
8 and intentional misrepresentation, by act or omission, to a
9 parent or guardian of a child either placed in the care of the
10 facility or being considered for such placement, any employee of
11 the department of human services, or any law enforcement
12 officer, including but not limited to:

- 13 (1) The number of children in the child care facility in
14 violation of a license or registration required under
15 chapter 346;
16 (2) The area of the home or facility used to provide child
17 care; or
18 (3) The credentials and qualifications of any child care
19 provider, assistant, employee, or volunteer of the
20 child care facility.



1 For the purposes of this section, "provider" means an
2 individual, organization, or agency that maintains or operates a
3 child care facility.

4 (b) Misrepresentation by a child care provider is a
5 misdemeanor."

6 SECTION 3. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun, before its effective date.

9 SECTION 4. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on January 1, 2050.



Report Title:

Child Care; Misrepresentation by Providers

Description:

Creates penalties for child care facility providers who misrepresent material information about their child care center operations to the guardians or parents of a prospective or current child at the center, an employee of the department of human services, or any law enforcement officer. (HB441 HD1)

