

S.B. NO. 2799

JAN 25 2012

A BILL FOR AN ACT

RELATING TO DISCLOSURE OF RECORDS CONCERNING APPLICANTS AND
RECIPIENTS OF HUMAN SERVICES AFTER AN IN CAMERA REVIEW BY
THE COURT.

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

1 SECTION 1. Section 346-10, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The department and its agents shall keep records that
4 may be necessary or proper in accordance with this chapter. All
5 applications and records concerning any applicant or recipient
6 shall be confidential. The use or disclosure of information
7 concerning applicants and recipients shall be limited to:

8 (1) Persons duly authorized by the State or the United
9 States in connection with their official duties, when
10 the official duties are directly connected with the
11 administration of any form of public assistance,
12 medical assistance, food stamps, or social services;

13 (2) Purposes directly connected with any investigation,
14 prosecution, or criminal or civil proceeding conducted
15 in connection with the administration of any form of
16 public assistance, food stamps, medical assistance, or
17 social services, including disclosure by the

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1 department, of information and documents to police
2 departments, prosecutors' offices, the attorney
3 general's office, or any other state, county, or
4 federal agency engaged in the detection,
5 investigation, or prosecution of violations of
6 applicable state, county, and federal laws or
7 regulations regarding any aspect of theft, fraud,
8 deception, or overpayment in connection with any
9 aspect of public assistance, food stamps, medical
10 assistance, or social services; provided that
11 disclosure by recipient agencies and personnel shall
12 be permitted under this section to the extent
13 reasonably necessary to carry out the functions for
14 which the information was provided;

15 (3) Disclosure to the extent necessary to provide services
16 for applicants and recipients, to determine
17 eligibility, or to determine the amount of public
18 assistance, including verification of information
19 provided by the recipient of public assistance,
20 medical assistance, or food stamps, or to determine
21 the type, kind, frequency, and amount of social

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- 1 services, including health and mental health related
2 services needed;
- 3 (4) Disclosure to banks, financial institutions, or any
4 other payor of a public assistance warrant or check of
5 any information indicating that a public assistance
6 warrant or check honored by the bank, institution, or
7 payor has been forged or otherwise wrongfully
8 presented for payment;
- 9 (5) Federal agencies responsible for the administration of
10 federally assisted programs, that provide assistance
11 in cash or in kind for services directly to
12 individuals on the basis of need; and certification of
13 receipt of assistance to needy families with minor
14 dependents to an employer for purposes of claiming tax
15 credit under Public Law 94-12, the Tax Reduction Act
16 of 1975, shall be permitted;
- 17 (6) Employees acting within the scope and course of their
18 employment of recognized social welfare organizations
19 as may be approved by the department;
- 20 (7) Purposes directly connected with any investigation,
21 prosecution, or criminal proceeding conducted in
22 connection with the licensure or operation of an adult

1 day care center, including disclosure by the
2 department, of information and documents to police
3 departments, prosecutors' offices, the attorney
4 general's office, or any other state, county, or
5 federal agency engaged in the detection,
6 investigation, or prosecution of violations of
7 applicable state, county, and federal laws or
8 regulations;

9 (8) Disclosure to the child support enforcement agency for
10 obtaining or enforcing a child support order under
11 chapter 576D;

12 (9) Purposes directly connected to and necessary for the
13 career planning, job training, education, job
14 placement, or employment of participants in the
15 workfare program under part IX;

16 (10) Disclosure of a recipient's residence and business
17 address to law enforcement officers who request
18 information if the information is needed for an
19 official administrative, civil, or criminal law
20 enforcement purpose to identify a recipient as a
21 fugitive felon or parole violator, and in cases where
22 the information is needed for an official purpose and

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1 where the department has informed the recipient of the
2 circumstances in which the recipient's address may be
3 released under section 92F-19(a)(1), (3), or (4);

4 [and]

5 (11) Disclosure of reports and records relating to child
6 abuse or neglect to the extent allowed by rules
7 adopted under section 350-1.4[-]; and

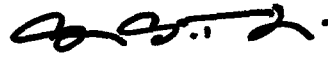
8 (12) Disclosure pursuant to a court order, after an in
9 camera review of the records by the court, upon a
10 showing of good cause by the party seeking the release
11 of the records."

12 SECTION 2. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 

17

BY REQUEST

18

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Report Title:

Records; Protection of

Description:

Allows the Department of Human Services to disclose confidential records pursuant to a court order, after an in camera review of the records by the court, upon a showing of good cause by the party seeking the release of the records.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO DISCLOSURE OF RECORDS CONCERNING APPLICANTS AND RECIPIENTS OF HUMAN SERVICES AFTER AN IN CAMERA REVIEW BY THE COURT.

PURPOSE: To allow the Department of Human Services to disclose records pursuant to a court order, after an in camera review of the records, upon a showing of good cause by the party seeking the release of the records.

MEANS: Amend section 346-10(a), Hawaii Revised Statutes.

JUSTIFICATION: Section 346-10, Hawaii Revised Statutes, prohibits the Department of Human Services from disclosing confidential records and information except to specified persons or entities for specified purposes.

The amendment proposed will allow the Department to disclose confidential information to parties showing good cause if determined by the court after an in camera review and issuance of a court order.

Impact on the public: Parties needing the information requested have a means of receiving the confidential information if the court determines there is good cause.

Impact on the department and other agencies: Gives the department the specific authority to provide that information upon receipt of a court order.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION:

All HMS administered by the Department of
Human Services.

OTHER AFFECTED
AGENCIES:

Judiciary; Department of the Attorney
General.

EFFECTIVE DATE:

Upon approval.