



LATE
Testimony

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

January 27, 2011

MEMORANDUM

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

FROM: Patricia McManaman, Interim Director

SUBJECT: **H.B. 26 - RELATING TO INFANT AND TODDLER CHILD CARE
CENTERS**

Hearing: Thursday, January 27, 2011; 9:00 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of H.B. 26 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 Department of Human Services (DHS) respectfully opposes this bill. The Department already has existing processes in place for complaints filed against a licensed child care provider, which includes licensed infant and toddler centers, preschools, child care programs for school-aged children, group child care homes, and family child care homes.

The Hawaii Administrative Rules (HAR) §17-895-6, requires licensed child care providers to have written operation policies in place. These policies are required to be available to parents or guardians who enroll their children with the licensed child care provider. HAR §17-895-6(a)(17) states that the operation policies should include a

statement regarding the facility's grievance policy. The written grievance policy must inform parents of the facility's procedure on addressing concerns and complaints that are brought to the facility staff's attention.

By necessity, every licensed child care provider's grievance or complaint policy is driven by the size of the provider, its staffing and management structure. There is no "one size fits all" approach that will readily allow for the standardization the proponents of this bill seek.

This bill also seeks to repeal HAR §17-895-6(a)(17) upon adoption of this bill. It would be more prudent to keep the rule section intact as it requires that the licensed infant and toddler center include information about filing complaints and grievances in their operational policies which is available to every parent.

DHS conducts complaint investigations in accordance with the Hawaii Revised Statutes §346-153. The DHS receives complaints about child care providers from the public (i.e. parents, staff in child care facilities, neighbors of child care providers, employees of the facility, 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 when there is an allegation of a law or administrative rule violation, and it also includes information about the complaint and investigation process.

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