



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

February 9, 2012

MEMORANDUM

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

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 770 H.D.1 RELATING TO HUMAN SERVICES**

Hearing: Thursday, February 09, 2012; 8:30 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of H.B. 770, H.D.1 is to require the Department of Human Services (DHS) to allow persons to conduct child and vulnerable adult abuse perpetrator checks on the Department's website as part of background checks for employment, volunteer, licensure, or certification purposes.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) respectfully opposes the proposed amendments to Chapters 346 and 350, Hawaii Revised Statutes, as described in H.B. 770, H.D.1.

While DHS recognizes that the public may want to have access to child and vulnerable adult abuse perpetrator information, we have serious concerns about releasing confidential information without consent or court order. All information pertaining to a child abuse or vulnerable adult abuse investigation is entered into the Department's automated information system, the Child Protective Services System (CPSS). The CPSS is not a web-based system. The information it contains is not made part of a public record. Therefore, placing any information about alleged abuse

perpetrators onto a web-based system for the public to view will be a violation of the Department's confidentiality laws and administrative rules, and would be a violation of the Federal mandates governing the administration of the Child Welfare program.

The confidential information entered into the Department's CPSS cannot be compared to a system such as the Adult Criminal Conviction Information (eCrim) Web Site that allows the public to view conviction records. Conviction records are a matter of public record and consent to release such information is not needed. The Department is willing, however, to create a link on its child welfare services and adult protective services websites to the State Adult Criminal Conviction Information (eCRIM) website.

While placing abuse perpetrator information on a web-based system may serve a public interest, the Department will require State funds to research and analyze the appropriate means to allow public access to confidential material in a manner that will not jeopardize federal funding. Additional State funds will be needed to hire or contract computer programmers to develop and maintain such a system on an on-going basis. Given the current economic climate, DHS is not able to justify such an expense.

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



The Judiciary, State of Hawaii

Testimony to the House Committee on Human Services

Representative John M. Mizuno, Chair
Representative Jo Jordan, Vice Chair

Thursday, February 9, 2012, 8:30 a.m.
State Capitol, Conference Room 329

by

R. Mark Browning
Deputy Chief Judge/Senior Judge
Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 770, H.D.1, Relating to Human Services

Purpose: Requires the Department of Human Services to permit access to their website to conduct child and vulnerable adult abuse perpetrator checks for employment, volunteer, licensure, or certification background checks.

Judiciary's Position:

The Judiciary takes no position on the merits of this bill but has the following strong concern about the inclusion of Section 3 in this bill. Child abuse records contain sensitive, confidential information that can be very harmful to victims and innocent family members. Public access to this computerized sensitive information is a grave concern. Even with the supposed protections listed in the bill, there is always a risk that such damaging information might be inadvertently released and/or misused. As everyone knows in this modern technological world, once information has been inappropriately released, very little can be done to either effectively retrieve the information, prevent further dissemination, or to blunt the negative effects of its release.

Thank you for the opportunity to comment on this measure.

Testimony for HUS 2/9/2012 8:30:00 AM HB770

Conference room: 329

Testifier position: Support

Testifier will be present: No

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Organization: Individual

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Submitted on: 2/7/2012

Comments: