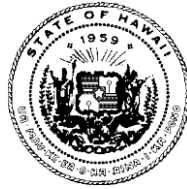


DAVID Y. IGE  
GOVERNOR



RACHAEL WONG, DrPH  
DIRECTOR

PANKAJ BHANOT  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96808

March 2, 2016

TO: The Honorable Karl Rhoads, Chair  
House Committee on Judiciary

FROM: Rachael Wong, DrPH, Director

SUBJECT: **HB 2340 – RELATING TO CRIMINAL HISTORY RECORDS CHECKS UNDER THE CHILD PROTECTIVE ACT**

Hearing: Thursday, March 3, 2016, 2:00 p.m.  
Conference Room 325, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports this administration bill.

**PURPOSE:** The purpose of the bill is to add a new section and amend the Child Protective Act to allow the Department of Human Services (DHS) to access criminal history records without consent of individuals identified as alleged perpetrators of harm or threatened harm to a child, and individuals identified as adult household members living in the family home with the alleged child victim.

There is a compelling State interest to protect children from potential harm. Under current law, DHS does not have clear authority to complete criminal background checks without the individual's consent. This ambiguity limits the ability of DHS to assess the safety risks for children and for its own staff, who are required to intervene and provide services to families.

Federal best practice guidelines from the U.S. Department of Health & Human Services, Administration on Children and Families, include child welfare staff performing criminal record checks on all adults residing in the child's home. Several states—Florida, New Jersey, New York, and Delaware—enacted laws that allow child welfare staff to conduct criminal background checks

on all adult household members without consent to more efficiently assess safety risks for children.

Child abuse assessment requires immediate identification of potential risks. Access to criminal history information is essential to assess safety and risk and to determine the appropriate level of response. In SFY 2015, more than 38% of Hawai'i Child Welfare Services (CWS) cases involved parents with relevant criminal history (e.g., sexual assault, assault, abuse of a family or household member, terroristic threatening, and driving under the influence of an intoxicant).

Specifically, the criminal history information assists CWS to identify: the behavioral patterns of the caregivers of the child and all the adults living in the family home, conditions or activities in the home environment, and potential factors that may place children at imminent risk of harm.

Ongoing safety assessment is vital to provide for the child's safety throughout the duration of the CWS case and is important when referring family members to appropriate services. The criminal history check on the alleged perpetrator and all adults living in the household is critical when allowing a child victim to remain in the home with a safety plan in place and also when returning a child victim to the family home from foster care.

In addition, section 587A-7(a), Hawaii Revised Statutes, requires CWS "to fully consider when determining whether a child's family is willing and able to provide the child with a safe family home; ... (6) Whether there is a history of abuse or assaultive conduct by the child's family member or others who have access to the family home; [and] (7) Whether there is a history of substance abuse by the child's family or others who have access to the family home[.]" Although CWS is currently able to request criminal history checks from law enforcement, the response may not be immediate. Providing CWS staff the ability to immediately conduct necessary criminal background checks will expedite appropriate responses to children in danger and inform critical assessments to keep them safe and well.

Thank you for the opportunity to testify.



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TO: Rep. Karl Rhoads, Chair  
Rep. Joy A. San Buenaventura, Vice Chair  
Committee on Judiciary

HEARING: Thursday, March 03, 2016  
2:00 PM  
Conference Room 325

FROM: Judith Wilhoite  
Family Advocate  
It Takes An Ohana

RE: HB2340 - Relating to Criminal History Records Checks

Thank you for this opportunity to testify. I am the Family Advocate for Family Program Hawaii's It Takes An Ohana (ITAO) program and a resource caregiver. The ITAO Advisory Committee, made up of resource caregivers (formerly called foster parents) and adoptive parents, supports HB2340.

This bill will give the Department of Human Services (DHS) an important tool to help keep Hawaii's children safe. It allows DHS to conduct a criminal history check of an alleged perpetrator and all adults living in the family home where children may be at risk.

As resource caregivers, we regularly see DHS social workers give their all to keep children safe. These brave souls have embarked on a career that is often thankless, yet they provide a very valuable contribution to our community. Thus, we strongly support giving DHS all the tools they need to keep children in our community safe.

Thank you for this opportunity to support HB2340.

We help kids



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DATE: March 3, 2016

TO: The Honorable Karl Rhoads, Chair  
The Honorable Joy San Buenaventura, Vice Chair  
House Committee on Judiciary

FROM: The Kapi'olani Child Protection Center  
A Program of Kapi'olani Medical Center for Women and Children

RE: Testimony in Strong Support of H.B. 2340  
Relating to Criminal History Records Checks Under the Child Protective Act

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Good morning Chair Rhoads, Vice Chair San Buenaventura, and members of the House Committee on Judiciary.

The Kapiolani Child Protection Center (KCPC) strongly supports H.B. 2340, which amends the Child Protective Act to allow the Department of Human Services (the Department), when investigating a report that a child is subject to imminent harm, to conduct criminal history records checks without the consent of the alleged perpetrator(s), and any adult household members living in the family home with the child.

Child abuse and neglect remain serious threats to the safety, health and wellbeing of children and young people in the State of Hawai'i. The Department's "A Statistical Report on Child Abuse and Neglect in Hawai'i" reflects that 3,681 cases of abuse and neglect were reported in 2014 involving 3,494 children. This is especially concerning as child maltreatment is vastly underreported.

The Kapi'olani Child Protection Center is contracted as part of the Department's multidisciplinary professional team for the review of reported cases of child abuse and neglect. In this capacity, we help the Department to evaluate whether a child has experienced past harm due to maltreatment and the extent to which they remain at risk in the future. The focus of such assessments is to prevent the child from coming to further harm and to develop an appropriate response in each case.

The success of each review and the resulting plan to keep the child safe, is premised on the availability of accurate and complete information concerning the circumstances that gave rise to the report of maltreatment, including whether the alleged perpetrator(s) of abuse and neglect, and the adults who live with the child, have relevant criminal histories. In particular, episodes of violence, substance abuse, and criminally reckless or negligent behaviors are highly predictive of child maltreatment.

Moreover, it is important that the Department be able to re-check criminal records throughout the duration of child abuse and neglect cases, in the event that new arrests or criminal convictions occur that may require that the plan to protect the child be amended.

H.B. 2340 would aid Hawai'i's effort to effectively combat child abuse and neglect by clarifying the Department's authority to timely access to the criminal records of alleged perpetrators, and any adults living with the child, that are necessary to assess and plan for the safety of child victims of maltreatment.

Therefore, we respectfully urge you to join us in strongly supporting H.B. 2340.



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**LATE**

House Committee on Judiciary  
March 3, 2016, 2:00 PM  
Hawai'i State Capitol, Room 325

HB 2340 – Relating to Criminal History Records Checks Under the Child Protective Act

Hawai'i Association for the Education of Young Children (HAEYC) has more than 800 members statewide. Our mission is to promote, support, and expand quality and professionalism in early childhood programs and services for Hawaii's children (0-8) and their families.

HAEYC **supports** HB 2340 which amends the Child Protective Act to allow the Department of Human Services to access criminal history records without consent of individuals identified as alleged perpetrators of harm or threatened harm to a child, and individuals identified as adult household members living in the family home with the alleged victim child.

This measure is an important step to help assure that all keiki and their 'ohana have equitable access to important early childhood services, care, and education.

Thank you for the opportunity to testify.