
A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

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

- 1 SECTION 1. Access to safe, affordable, and nurturing child
2 care is a critical need for Hawaii's children and working
3 parents. The purpose of this Act is to amend provisions of
4 chapter 346, Hawaii Revised Statutes, to:
- 5 (1) Improve the safety of children in Hawaii's regulated
6 and licensure-exempt child care settings by requiring
7 criminal history checks on adult relatives who provide
8 care for a child whose family receives a child care
9 subsidy from the department of human services;
- 10 (2) Clarify the timing of release of investigation
11 information to the public;
- 12 (3) Specify that section 346-153, Hawaii Revised Statutes,
13 does not authorize the department of human services to
14 release identifying information of complainants but
15 clarify that section 346-153, Hawaii Revised Statutes,
16 does not prohibit the child care licensing program
17 from sharing information with child protective



1 services and law enforcement in the course of
2 investigations; and

3 (4) Clarify that the department of human services may take
4 both administrative and judicial action to enforce
5 child care licensing provisions of chapter 346, Hawaii
6 Revised Statutes, and increase penalties by making
7 them apply on a daily basis.

8 SECTION 2. Section 346-152.5, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) [~~To be eligible~~] In order to provide child care for a
11 child whose family receives a child care subsidy from the
12 department, persons exempt pursuant to section 346-152 shall be
13 required to agree to:

14 (1) A criminal history record check, a sex offender
15 registry check, a child abuse record check, and an
16 adult abuse perpetrator check in the same manner as a
17 prospective applicant or licensed provider in
18 accordance with section 346-154; [~~provided that the~~
19 ~~criminal history record check shall be limited to a~~
20 ~~criminal history record check conducted through files~~
21 ~~maintained by the Hawaii criminal justice data center~~



~~for the following relatives of the child who requires
care: grandparents, great grandparents, aunts, uncles,
and siblings aged eighteen or older living in a
separate residence;]~~

- (2) Completion of a pre-service or orientation training and ongoing training in health and safety topics; and
- (3) Any monitoring inspection visits by the department or its designee to determine compliance with minimum health and safety standards at the location where child care is being provided for a child whose family receives a child care subsidy from the department, including investigations by the department when the department has received a report of health and safety concerns."

SECTION 3. Section 346-153, Hawaii Revised Statutes, is amended to read as follows:

"§346-153 Records of deficiencies and complaints; release to public. (a) For every child care facility, the department shall maintain records for the current and previous two years of: results of its inspections; notifications to providers of deficiencies; corrective action taken; complaints of violations



1 of rules adopted under this part; results of its investigations;
2 resolution of complaints; and suspensions, revocations,
3 reinstatements, restorations, and reissuances of licenses,
4 temporary permits, and registrations issued under this part.

5 (b) Notwithstanding any other law to the contrary, the
6 records described in this section shall be available for
7 inspection in the manner set forth in chapter 92F and may be
8 posted by the department on a public website; provided that with
9 respect to records of family child care homes and group child
10 care homes, sensitive personal information, including home
11 addresses, or information provided to the department with the
12 understanding that it would not be publicly divulged shall be
13 deleted or obliterated prior to making the records available to
14 the public. Nothing in this section shall authorize the
15 department to release to the public the names of or any other
16 identifying information on complainants. Nothing in this
17 section shall prohibit the department's child care licensing
18 program from sharing information and cooperating with the
19 department's child protective services and law enforcement on
20 investigations.



1 (c) The department may withhold information [~~en-a~~] about
2 an investigation of a complaint [~~for which an investigation is~~
3 ~~being conducted~~] of a violation for not more than ten working
4 days [~~following the date of filing of the complaint;~~] from the
5 date the investigation report is completed; provided that if an
6 investigation relates to an alleged criminal offense, no
7 information shall be released until the criminal investigation
8 has been completed and the director has determined that no legal
9 proceeding will be jeopardized by its release."

10 SECTION 4. Section 346-156, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§346-156 Penalty[-]; remedies. (a) Any person, entity,
13 agency, or organization violating any provision of this
14 [~~chapter~~] part or any rule made pursuant thereto shall be [~~fined~~
15 ~~as follows~~:-

16 ~~(1)~~ Up] subject to penalties including a fine of up to
17 \$1,000 for [~~the first~~] each day of violation; [~~and~~
18 ~~(2)~~ Up] provided that the fine may be up to \$3,000 for
19 [~~the second violation and each succeeding violation.~~]
20 each day for a violation of section 346-161 or
21 346-171.



1 (b) The department may enforce this part in administrative
2 proceedings, judicial proceedings, or both."

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on July 1, 2525.



Report Title:

Improve Safety of Children in Care; Criminal History Checks; Records of Deficiencies and Complaints; Role and Response to Reports of Death or Injury in a Child Care Setting; Release of Information for Purposes of Investigation; Penalties, Administrative and Judicial Action

Description:

Requires criminal history checks of adult relatives who provide care for a child whose family receives a child care subsidy from the Department of Human Services. Clarifies that the Department of Human Services may take administrative and judicial action to enforce child care licensing provisions of Chapter 346, Hawaii Revised Statutes. Clarifies the role and response of the Child Care Licensing Program when it receives a report of death or injury of a child in a child care setting, and addresses the release of information pending an investigation. Takes effect 7/1/2525. (SD1)

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

