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February 4, 2018

TO: The Honorable Senator Josh Green, Chair
Senate Committee on Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 2605 – RELATING TO CHILD CARE**

Hearing: Monday, February 5, 2018, 3:45 p.m.
Conference Room 016, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the efforts of the Legislature and community advocates to ensure the health and safety of children in child care. DHS offers the following concerns:

- Enacting child care specific criminal penalties, will further discourage current child care providers from remaining, or individuals interested in becoming, regulated child care providers, opting instead to become unregulated providers; this would leave parents with less choices for regulated care, particularly for infants and toddlers since center-based regulated infant and toddler care can be cost-prohibitive; and
- DHS Child Care Licensing investigations that carry potential penalties of denial, suspension, or revocation of licenses, may be impeded or delayed by the presence of potential criminal sanctions as child care providers will likely seek legal representation in any situation where a child is injured in child care.

DHS respectfully defers to the Department of the Attorney General, County police, and the respective County Prosecutors, Public Defenders, and the Judiciary, regarding law enforcement and the criminal justice response.

PURPOSE: The purpose of the bill is to establish a criminal offense of assault against a child in a child care facility.

The primary focus of the DHS Child Care Licensing program is on the health and safety of all children in child care. Having enough safeguards in place to ensure children's health and safety in different child care settings, while maintaining a sufficient statewide inventory of quality affordable child care is a difficult balance. Access to affordable, quality child care supports parents' and caregivers' ability to work and increase family resources, and quality child care provides children with positive experiences that support a child's social emotional development to be successful in school and in life.

The State does not have institutional child care: Hawaii's regulated child care is provided by private businesses, large and small. Hawaii's families rely on unregulated child care, friends, family, or neighbors caring for children, as the regulated market does not have the capacity to meet the needs of all working families with young children.

DHS is concerned that the definition of "injury" is so broad, that potentially a scrape on the knee with some broken skin could fit this definition of "injury." Establishing criminal penalties for "at least ___ incidents of injury to any child or children occur while in the care of the person" may likely impact those who are currently or who are willing to be child care providers, further decreasing the state's capacity of licensed and registered child care for Hawai'i's families and children.

As of the end of December 2017, Hawaii has about 350 independent home-based child care providers which is a decrease of 12% of the number of homes that were regulated at the end of December 2016. This is a national trend as well.

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

SB-2605

Submitted on: 2/4/2018 10:38:49 PM

Testimony for HMS on 2/5/2018 3:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:

SB-2605

Submitted on: 2/5/2018 12:25:12 PM

Testimony for HMS on 2/5/2018 3:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Rainbow Family 808	Support	No

Comments: