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# A BILL FOR AN ACT

RELATING TO CHILD CARE.

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

1           SECTION 1. The legislature finds that access to safe,  
2 affordable, and nurturing child care is a critical need for  
3 Hawaii's children and working parents.

4           The purpose of this Act is to:

- 5           (1) Improve the safety of children in Hawaii's regulated  
6           and legally exempt child care settings by requiring  
7           criminal history checks of 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) Allow the department of human services to take both  
11          administrative and judicial action to enforce child  
12          care licensing provisions of chapter 346, Hawaii  
13          Revised Statutes, and increase penalties by making  
14          them apply on a daily basis; and
- 15          (3) Clarify that when the child care licensing program  
16          receives a report of death or injury of a child in a  
17          child care setting, the program shall share



1 information it receives with, and cooperate with,  
2 child welfare services and law enforcement.

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

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

9 (1) A criminal history record check, a sex offender  
10 registry check, a child abuse record check, and an  
11 adult abuse perpetrator check in the same manner as a  
12 prospective applicant or licensed provider in  
13 accordance with section 346-154; [~~provided that the~~  
14 ~~criminal history record check shall be limited to a~~  
15 ~~criminal history record check conducted through files~~  
16 ~~maintained by the Hawaii criminal justice data center~~  
17 ~~for the following relatives of the child who requires~~  
18 ~~care: grandparents, great grandparents, aunts, uncles,~~  
19 ~~and siblings aged eighteen or older living in a~~  
20 ~~separate residence;~~]



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

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

13 **"§346-153 Records of deficiencies and complaints; release**  
14 **to public. (a)** For every child care facility, the department  
15 shall maintain records for the current and previous two years  
16 of: results of its inspections; notifications to providers of  
17 deficiencies; corrective action taken; complaints of violations  
18 of rules adopted under this part; results of its investigations;  
19 resolution of complaints; and suspensions, revocations,  
20 reinstatements, restorations, and reissuances of licenses,  
21 temporary permits, and registrations issued under this part.



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

17        (c) The department may withhold information on a complaint  
18 for which an investigation is being conducted for not more than  
19 ten working days following the date of filing of the complaint;  
20 provided that if an investigation relates to an alleged criminal  
21 offense, no information shall be released until the



1 investigation has been completed and the director has determined  
2 that no legal proceeding will be jeopardized by its release."

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

5 "§346-156 Penalty~~(-)~~; remedies. (a) Any person, entity,  
6 agency, or organization violating any provision of this  
7 ~~[chapter]~~ part or any rule made pursuant thereto shall be ~~[fined~~  
8 ~~as follows:~~

9 ~~(1) Up]~~ subject to penalties including a fine of up to  
10 \$1,000 for [the first] each day of violation; [and

11 ~~(2) Up]~~ provided that the fine may be up to \$3,000 for  
12 ~~[the second violation and each succeeding violation.]~~ each day  
13 for a violation of section 346-161 or 346-171.

14 (b) The department may enforce this part in either  
15 administrative or judicial proceedings or both."

16 SECTION 5. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect on January 1, 2059.



**Report Title:**

DHS; Child Care Providers; Criminal History; Enforcement

**Description:**

Requires criminal history checks of adult relatives who provide care for a child whose family receives a child care subsidy from the DHS. Clarifies information sharing duties and limitations. Increases penalties. Allows DHS to take both administrative and judicial action to enforce child care licensing provisions.  
(HB1000 HD2)

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

