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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. 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 legally exempt child care settings by requiring  
7 criminal history record checks of adult relatives who  
8 provide care for a child whose family receives a child  
9 care subsidy from the department of human services;

10          (2) Clarify that when the child care licensing program  
11 receives a report of death or injury of a child in a  
12 child care setting, the program is not prohibited from  
13 sharing information and cooperating with child welfare  
14 services and law enforcement;

15          (3) Clarify when investigation information will be  
16 released to the public; and



1           (4) Clarify that the department of human services may take  
2           both administrative and judicial action to enforce  
3           child care licensing requirements and increase  
4           penalties by making the penalties apply on a daily  
5           basis.

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

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

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



1 ~~and siblings aged eighteen or older living in a~~  
2 ~~separate residence,]~~

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

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

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



1 reinstatements, restorations, and reissuances of licenses,  
2 temporary permits, and registrations issued under this part.

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

19 (c) The department may withhold information [~~en a~~] about  
20 an investigation of a complaint [~~for which an investigation is~~  
21 ~~being conducted~~] of a violation for not more than ten working



1 days ~~[following the date of filing of the complaint,]~~ after the  
2 date the investigation report is completed; provided that if an  
3 investigation relates to an alleged criminal offense, no  
4 information shall be released until the criminal investigation  
5 has been completed and the director has determined that no legal  
6 proceeding will be jeopardized by its release."

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

9 "§346-156 Penalty~~[-]~~; remedies. (a) Any person, entity,  
10 agency, or organization violating any provision of this  
11 ~~[chapter]~~ part or any rule made pursuant thereto shall be ~~[fined~~  
12 ~~as follows:~~

13 ~~(1) Up]~~ subject to penalties including a fine of up to  
14 \$1,000 for [the first] each day of violation; [and

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

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

20 SECTION 5. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect on July 1, 2050.



**Report Title:**

Child Care; Criminal History Record Checks; Records; Deficiencies and Complaints; Reports of Death or Injury; Release of Information; Penalties; Administrative and Judicial Action

**Description:**

Requires criminal history record checks of adult relatives who provide care for a child whose family receives a child care subsidy from the Department of Human Services. 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. Addresses the release of information pending an investigation. Increases penalties and clarifies that the Department of Human Services may take administrative and judicial action to enforce child care licensing requirements. Takes effect 7/1/2050. (SD2)

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