
A BILL FOR AN ACT

RELATING TO CHILD CARE HOMES.

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

- 1 SECTION 1. The purpose of this Act is to:
- 2 (1) Require certification of a group child care home,
- 3 including certain:
- 4 (A) Qualifications for group child care home
- 5 providers; and
- 6 (B) Requirements for the care of preschool aged
- 7 children in a certified group child care home;
- 8 (2) Clarify that in any family child care home or group
- 9 child care home in the State:
- 10 (A) Caregivers are not required to be members of the
- 11 same household; and
- 12 (B) A single sign advertising the name, days of
- 13 operation, and hours of operation of the group
- 14 child care home or family child care home may be
- 15 placed in front of the home, facing the street;
- 16 (3) Increase the maximum number of children in a:



- 1 (A) Family child care home from six to ten; and
- 2 (B) Group child care home from twelve to sixteen; and
- 3 (4) Specify the required caregiver-child ratio in a family
- 4 child care home.

5 SECTION 2. Chapter 346, Hawaii Revised Statutes, is
6 amended by adding a new subpart to part VIII to be appropriately
7 designated and to read as follows:

8 " . Group Child Care Home Certification

9 **§346-A Certification; when required.** (a) No person shall
10 operate, maintain, or conduct a group child care home without a
11 certification from the department.

12 (b) Any person seeking to operate a group child care home
13 may apply for a certification from the department and receive a
14 certification upon meeting certification requirements.

15 **§346-B Qualifications of applicant for certification.** (a)

16 A person applying for certification of a group child care home
17 shall:

- 18 (1) Be at least twenty-one years of age if the facility is
- 19 certified for more than twelve children;
- 20 (2) Agree to be present during all operating hours of the
- 21 certified group child care home; provided that a



1 substitute caregiver may satisfy the requirement of
2 this paragraph in limited reasonable circumstances;
3 and

4 (3) Be responsible for the operation of the certified
5 group child care home, including those duties
6 ordinarily considered to be administrative, including
7 but not limited to financial management, maintaining
8 records, maintenance of the building and grounds, meal
9 planning and preparation, compliance with
10 certification requirements, communication with the
11 department of human services, and correcting any
12 deficiencies.

13 (b) A person applying for certification of a group child
14 care home shall have:

15 (1) Experience that includes:

16 (A) At least one year of qualifying teaching
17 experience in the care of a group of children in
18 an ongoing group setting such as kindergarten,
19 preschool, child care center, day care,
20 registered family child care home, or head start
21 program; or



1 (B) Completion of twenty semester credits or thirty
2 quarter credits of training in a college or
3 university in early childhood education or child
4 development; and

5 (2) No other employment, either in or out of the home,
6 during the hours the person is directly caring for
7 children.

8 (c) A person applying for a certification for a group
9 child care home shall demonstrate to the satisfaction of the
10 department that:

11 (1) The moral character and habits of the person will not
12 endanger the well-being of children for whom the
13 person is to provide care;

14 (2) The attitude of the person toward children and
15 understanding of their needs qualify the person to
16 care for children;

17 (3) The person is physically and mentally capable of
18 caring for children; and

19 (4) The facility and its operation are adequate to protect
20 the health, safety, and physical, moral, and mental



1 well-being of the children to be cared for in the
2 facility, including but not limited to:

3 (A) Adequate staffing by suitable persons qualified
4 by education or experience to meet their
5 respective responsibilities in the care of
6 children;

7 (B) Adequate physical facilities for the care of
8 children, including building construction,
9 sanitation, plumbing, heating, lighting,
10 ventilation, maintenance, indoor and outdoor
11 activity areas, and fire protection;

12 (C) A program of activities conforming to recognized
13 practices in the areas of child welfare,
14 education, physical health, and mental health to
15 provide opportunity for development and
16 recreation; and

17 (D) Exclusion from the facility of individuals whose
18 presence may be detrimental to the welfare of
19 children, including exclusion of any individual
20 with a criminal record indicating conviction of
21 any crime that would bar the individual from



1 operating or being employed in a child care
2 facility pursuant to section 346-154.

3 **§346-C Certification; programs.** (a) A certified group
4 child care home shall provide a written program of activities
5 appropriate to the ages, interests, and abilities of any
6 children cared for in the certified group child care home.

7 (b) A certified group child care home providing care to a
8 preschool aged child shall provide opportunities on a daily
9 basis for the child to choose from a variety of activities and
10 experiences, including creative expression through the arts,
11 dramatic play, gross motor development, fine motor development,
12 music and movement, opportunities to listen and speak, concept
13 development, appropriate sensory play, and a supervised nap or
14 rest period. For purposes of this section, "preschool aged
15 child" means any child aged thirty-six months or older who has
16 not reached the age of eligibility for kindergarten.

17 **§346-D Rules; certification.** The department shall adopt
18 rules pursuant to chapter 91 to effectuate the purposes of this
19 part. The rules shall include specifications relating to:



- 1 (1) Standards for certification of a group child care home
2 that can be met without significant architectural
3 modification of a typical home;
- 4 (2) Limitations for a group child care home that consider
5 factors such as the age of children, the ambulatory
6 ability of children, the number of provider's children
7 present, the length of time a particular child is
8 continuously cared for, and the total amount of time a
9 particular child is cared for within a given unit of
10 time;
- 11 (3) Substitute caregivers; and
- 12 (4) Additional training requirements for a person applying
13 for certification for a group child care home, which
14 shall include rules regarding first aid and child
15 cardiopulmonary resuscitation, food handling, and
16 child abuse and neglect training.
- 17 **§346-E Application for certification.** (a) Application
18 for certification or for the annual renewal thereof shall be
19 made to the department on forms provided by the department and
20 accompanied by a nonrefundable fee.



1 (b) Any certification issued pursuant to this subpart
2 shall authorize the operation of only:

3 (1) The group child care home described in the
4 certification; and

5 (2) The group child care home operated by the person named
6 in the certification.

7 **§346-F Issuance of certification.** (a) Upon receipt of an
8 application for a certification, including payment of any
9 required nonrefundable fee, the department shall issue a
10 certification if the department finds that the group child care
11 home and its operations are in compliance with this part.

12 (b) The department may issue a temporary certification,
13 subject to reasonable terms or conditions, to a group child care
14 home that does not comply with the requirements and rules if the
15 department finds that the health and safety of any child will
16 not be endangered. Temporary certification shall remain valid
17 for a period not longer than one hundred eighty days. Not more
18 than one temporary certification shall be issued for the same
19 group child care home in any twelve month period.



1 (c) The department shall adopt rules pursuant to chapter
2 91 to establish any reasonable fees required for the issuance or
3 renewal of certification of a group child care home.

4 §346-G Denial, revocation, or suspension of
5 certification; reissuance; hearing. (a) Any initial
6 application or renewal application made pursuant to this
7 subpart, or any certification issued pursuant to this subpart,
8 may be suspended or revoked by the department after due notice
9 and hearing, the provisions for which shall be made by rules
10 adopted by the department pursuant to chapter 91.

11 (b) Upon a determination by the department that conditions
12 exist that constitute an imminent danger to the health, welfare,
13 or safety of the children cared for, a certification may be
14 immediately suspended pending a hearing by the department. The
15 department, in its discretion, may reissue a license or
16 temporary permit that has been suspended or revoked upon
17 satisfying itself that minimum standards have been or will be
18 met."

19 SECTION 3. Section 46-15.35, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§46-15.35 Family child care homes and group child care
2 homes; permitted use in residential areas and agriculturally
3 designated districts. (a) For the purposes of zoning, family
4 child care homes and group child care homes shall be:

5 (1) Considered a residential use of property and shall be
6 a permitted use in all residentially designated zones,
7 including but not limited to zones for single-family
8 dwellings; and

9 (2) Considered a permitted use in all agriculturally
10 designated districts; provided that the family child
11 care home is located in a farm dwelling,
12 notwithstanding sections 205-2 and 205-4.5.

13 No conditional use permit, variance, or special exception shall
14 be required for residences used as family child care homes.

15 (b) Notwithstanding subsection (a), a family child care
16 home or a group child care home shall not be restricted from:

17 (1) Placing one small sign advertising the family child
18 care home or group child care home name and days and
19 hours of operation in front of the house, facing the
20 street; or



1 (2) Employing any caregiver irrespective of their status
2 as a member of the household of the residence in which
3 a family child care home or group child care home
4 operates.

5 [~~b~~] (c) For the purposes of this section, "family child
6 care home" means a private residence, including an apartment,
7 unit, or townhouse, as those terms are defined in section 502C-
8 1, at which care may be provided for [~~one~~] three to no more than
9 [~~six~~] ten children who are unrelated to the caregiver by blood,
10 marriage, or adoption at any given time."

11 SECTION 4. Section 346-151, Hawaii Revised Statutes, is
12 amended as follows:

13 1. By adding a new definition to be appropriately
14 inserted and to read:

15 ""Certified group child care home" means a group child care
16 home that has been issued a certification by the department of
17 human services pursuant to this part."

18 2. By amending the definitions of "family child care
19 home" and "group child care home" to read:



1 "Family child care home" means a private residence,
 2 including a home, apartment, unit, or townhouse, as those terms
 3 are defined in section 502C-1, at which care may be provided for
 4 three to no more than [~~six~~] ten children who are unrelated to
 5 the caregiver by blood, marriage, or adoption, at any given
 6 time[-]; provided that the caregiver-child ratio of a family
 7 child care home shall be as follows:

- 8 (1) One full-time caregiver for no more than six children;
- 9 (2) One full-time caregiver and one part-time caregiver
 10 for seven to eight children; and
- 11 (3) Two full-time caregivers for nine to ten children.

12 "Group child care home" means a facility, which may be an
 13 extended or modified private home[-] certified pursuant to part
 14 VIII, subpart _____, of this chapter, at which care is provided
 15 for seven to [~~twelve~~] sixteen children."

16 SECTION 5. Section 501-231, Hawaii Revised Statutes, is
 17 amended by amending subsection (c) to read as follows:

18 "(c) For the purposes of this section "family child care
 19 home" means a private residence, including an apartment, unit,
 20 or townhouse, as those terms are defined in section 502C-1, at
 21 which care may be provided for three to no more than [~~six~~] ten



1 children who are unrelated to the caregiver by blood, marriage,
2 or adoption at any given time."

3 SECTION 6. Section 502-111, Hawaii Revised Statutes, is
4 amended by amending subsection (c) to read as follows:

5 "(c) For the purposes of the section, "family child care
6 home" means a private residence, including an apartment, unit,
7 or townhouse, as defined in section 502C-1, at which care may be
8 provided for three to no more than [~~six~~] ten children who are
9 unrelated to the caregiver by blood, marriage, or adoption at
10 any given time."

11 SECTION 7. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 8. In codifying the new sections added by section
15 2 of this Act, the revisor of statutes shall substitute
16 appropriate section numbers for the letters used in designating
17 the new sections in this Act.

18 SECTION 9. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



H.B. NO. 1225

1 SECTION 10. This Act shall take effect upon its approval;
2 provided that certification of group child care homes shall
3 begin no later than January 1, 2020.

4

INTRODUCED BY:

James S. Kay

John M. Meyer

JAN 23 2019



H.B. NO. 1225

Report Title:

DHS; Child Care Homes; Maximum Capacity; Children;
Certification; Caregivers;

Description:

Requires the Department of Human Services to provide certification of group child care homes that meet certain qualifications and requirements, including programming for preschool aged children. Clarifies that caregivers in any family child care home or group child care home in the State are not required to be members of the same household. Allows any family child care home or group child care home to have a single, street-fronting sign with information regarding its name and days and hours of operation. Increases the maximum number of children that may be cared for in a family child care home or group child care home. Specifies the minimum required caregiver-child ratio in a family child care home.

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

