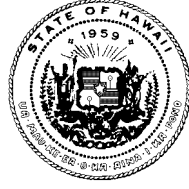


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February 2, 2022

TO: The Honorable Representative Ryan I. Yamane, Chair
House Committee on Health, Human Services, & Homelessness

FROM: Cathy Betts, Director

SUBJECT: **HB 2393 – RELATING TO BACKGROUND CHECKS.**

Hearing: Thursday, February 3, 2022, 9:00 a.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of the measure and provides comments. DHS respectfully prefers administration measure HB2144/SB3112 that authorizes DHS to establish procedures to conduct comprehensive background checks. The department's proposal focuses on current and prospective employees, volunteers, contractors, and contractors' employees, agents, and volunteers, for those individuals in positions that require proximity to minors, young adults, or vulnerable adults who are receiving child welfare services, social services, or other benefits or services intended to prevent abuse or neglect or assist youth aging out of foster care with obtaining and maintaining independent living skills, from DHS.

PURPOSE: The purpose of the bill requires the scope of the background checks for certain individuals to include acts that the individuals committed during the age of majority and applies to certain individuals under the scope of contractual or employment obligations relating to minors and vulnerable adults.

DHS appreciates the intent of this measure that is partially aligned with the purpose of the administration measures HB2144/SB3112. DHS prefers the administration measure as it

includes a broader scope by requiring background checks of employees and contractors that also serve young adults aging out of foster care and continue to receive support and services to obtain and maintain independent living skills.

In addition, section 7 of this measure seeks to amend section 346-97, Hawaii Revised Statutes (HRS), which currently authorizes DHS to conduct comprehensive background checks on service providers by expanding the authority to department employees who have direct contact with vulnerable adults in the DHS social services division. However, this proposed amendment is unclear regarding the department's authority to terminate or deny employment based on the background check findings. The proposal does not require the same notifications and appeal rights to these impacted employees that are afforded to other department employees subject to similar comprehensive background checks.

Furthermore, section 10 of this measure seeks to provide DHS with authority to subject Hawaii Youth Correctional Facility (HYCF) contractors and subcontractors to comprehensive background checks by amending section 352-5.5, HRS. However, section 352D-4.3, HRS, already authorizes DHS to conduct comprehensive background checks of the Office of Youth Services (OYS) contractors and subcontractors that provide services to youth participating in OYS programs, including HYCF programs.

Thank you for the opportunity to testify on this measure.