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TESTIMONY TO THE
HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND HOMELESSNESS

For Hearing on Tuesday, March 22, 2022
9:30 a.m., Via Videoconference

BY

RYKER WADA
DIRECTOR

Senate Bill No. 3112 SD 1
Relating to Background Checks

CHAIR YAMANE, VICE CHAIR TAM AND MEMBERS OF THE COMMITTEE:

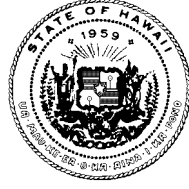
Senate Bill No. 3112 SD 1 authorizes state and national criminal history checks for current and prospective employees, volunteers, and contractors and their employees, agents, and volunteers who are in positions that require close proximity to children, young adults, or vulnerable adults receiving child welfare services, social services, or certain other benefits and services from the department.

The Department of Human Resources Development **supports** this administration measure.

We believe that a comprehensive national and state fingerprint-based criminal history record check is more appropriate than the current State of Hawaii name-based criminal history record check. This comprehensive criminal history record check will better ensure that the vulnerable population is being served by individuals with reputable and responsible characters.

Thank you very much for the opportunity to testify in support of this measure.

DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

March 20, 2022

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

FROM: Cathy Betts, Director

SUBJECT: SB 3112 SD1 – RELATING TO BACKGROUND CHECKS.

HEARING: March 22, 2022, 9:30 a.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this administration measure. However, DHS respectfully requests that Part II, added by the SD1 to conform sections 321-11.2(d) and 571-32.1, Hawaii Revised Statutes, be deleted from this measure. While these amendments are "housekeeping" in nature, correcting these sections in this bill may be confusing as the subject of this measure does not apply to either the Department of Health or the Judiciary. Instead, DHS respectfully suggests these "housekeeping" amendments be included in the revision bills SB3309 or HB2049. The Department also requests that the effective date be amended to be effective upon approval.

PURPOSE: The purpose of this measure is to authorize the Department of Human Services to conduct comprehensive background checks on current and prospective employees, volunteers, and contractors, and a contractor's employees, agents, or volunteers, in positions that require them to be in close proximity to minors, young adults, or vulnerable adults who are receiving child welfare services, social services, or other benefits and services from the Department of Human Services intended to prevent abuse or neglect or assist youth aging out of foster care with obtaining and maintaining independent living skills. Replaces the term

"foster boarding home" in sections 321-11.2(d), 571-32.1, and 846 2.7(b)(8), Hawaii Revised Statutes, with "resource family homes", to conform to Act 133, Session Laws of Hawaii 2016. Effective 12/31/2050. (SD1) The SD1 amended the measure by,

- (1) Replacing "foster boarding homes" in sections 321-11.2(d), 571-32.1, Hawaii Revised Statutes, with "resource family homes", to conform to Act 133, Session Laws of Hawaii 2016;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

The bill authorizes DHS to establish procedures in its hiring and contracting processes to ensure the reputable and responsible characters of current and prospective employees, volunteers, contractors, contractors' employees, agents, and volunteers. The authority will apply to those individuals who will be in direct contact with minors, young adults, or vulnerable adults, who are receiving child welfare services, social services, or other benefits and services intended to prevent abuse or neglect or assist youth aging out of foster care with obtaining and maintaining independent living skills from DHS. In addition, the bill will require certain individuals to provide signed consent to DHS to obtain criminal history record information from national and State records, the State's adult abuse registry, and the State's child abuse and neglect registry.

The proposed amendments to section 846-2.7, HRS, will provide DHS the authority to conduct criminal history record checks that include the submission of fingerprints to the Federal Bureau of Investigation and the Hawaii Criminal Justice Data Center for national and State criminal history record checks. Also, section 846-2.7(b)(8), HRS, will be revised to conform to Act 133 by replacing "foster boarding homes" with "resource family homes."

The current pre-employment background clearance process includes a State of Hawaii name-based criminal history record check and relies on prospective new hires to self-report any convictions that occurred outside of the State of Hawaii. Having the statutory authority to conduct comprehensive national and State fingerprint-based criminal history record checks and periodic rechecks will allow DHS to obtain information directly from the Federal Bureau of Investigations and the Hawaii Criminal Justice Data Center.

The public will benefit from DHS's ability to conduct State and national background checks as an added measure to ensure the health, safety, and well-being of minors, young adults, and vulnerable adults receiving child welfare, child protective, social services, and adult protective or community services from DHS. In addition, nonsubstantive changes will provide more clarity to the applicable laws.

The proposed amendments will impact the Department's human resources and social services division staff to conduct additional State and national background checks and periodic rechecks of the current and prospective employees, volunteers, contractors, and their employees, agents, and volunteers. Notably, DHS includes a request to add one permanent FTE to conduct background checks in its executive budget. These additional procedures may cause a delay in hiring prospective employees. Also, the Hawaii Criminal Justice Data Center may experience an increased demand for services by individuals. Additional national criminal history checks may impact potential employees, contracted providers, and those who volunteer with these organizations.

DHS respectfully requests that Part II, added by the SD1 to conform sections 321-11.2(d) and 571-32.1, Hawaii Revised Statutes, be deleted from this measure. While these amendments are "housekeeping" in nature, correcting these sections in this bill may be confusing as the subject of this measure does not apply to either the Department of Health or the Judiciary. Instead, DHS suggests these "housekeeping" amendments be included in the revision bills SB3309 or HB049.

Lastly, DHS requests that the effective date be amended to be effective upon approval.

Thank you for the opportunity to testify on this measure.

SB-3112-SD-1

Submitted on: 3/19/2022 1:37:47 PM

Testimony for HHH on 3/22/2022 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|--------------------------------|---------------------------|---------------------------|
| Marilyn Yamamoto | Hawaii Family Advocacy Team | Support | Written Testimony Only |

Comments:

I support this bill.