

DAVID Y. IGE
GOVERNOR



RYKER WADA
DIRECTOR

ANDREW T. GARRETT
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

TESTIMONY TO THE
SENATE COMMITTEE ON JUDICIARY

For Hearing on Friday, March 4, 2022
10:30 a.m., Via Videoconference

BY

RYKER WADA
DIRECTOR

Senate Bill No. 3112 S.D. 1
Relating to Background Checks

CHAIR RHOADS, VICE CHAIR KEOHOKALOLE AND MEMBERS OF THE COMMITTEE:

Senate Bill 3112 SD1 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 2, 2022

TO: The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

FROM: Cathy Betts, Director

SUBJECT: SB 3112 SD1 – RELATING TO BACKGROUND CHECKS.

HEARING: March 4, 2022, 10:30 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 suggests these "housekeeping" amendments be included in the revision bills SB3309 or HB2049.

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.

Lastly, 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.

Thank you for the opportunity to testify on this measure.

LATE

SB-3112-SD-1

Submitted on: 3/3/2022 9:47:21 PM

Testimony for JDC on 3/4/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
David Hogan	Individual	Support	Written Testimony Only

Comments:

TO: The Honorable Joy A. San Buenaventura, Chair Senate Committee on Human Services

From: David Hogan Student at UH manoa and concerned citizen

Subject: SB 3112 – RELATING TO BACKGROUND CHECKS

HEARING: Friday March 10, 2022, 10:30am

I am writing this testimony in support of this administration measure, senate bill 3112 relating to background checks. I am writing as a concerned citizen and as a student of UH at Manoa. I am in the Masters of Social Work program at the University of Hawaii at Manoa. As someone who works in the social work field, I am very much in support of this measure that I believe will better protect the vulnerable populations here in our community. I take this work very seriously and believe that it is healing work, as such, I believe we must protect the vulnerable at all costs. I have worked with agencies where people with a criminal history of abuse have been able to work and have even picked up new charges while on the job. This is not acceptable and we must do more to help those who are vulnerable.

I support this measure which requires 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. I 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.

Though I believe that people with a past criminal history can change their lives around in certain situations, I do not believe it is in the best interest of children, young adults, or vulnerable adults receiving child welfare services, social services, or certain other benefits/services from the department, to be around people with past sexual assault charges or people on the sex offender registry. We must not risk retraumatizing vulnerable populations. We must protect them at all costs.

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

Sincerely,

David Hogan BA

LATE

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Committee on Judiciary

Friday March 4, 2022

Support for S.B. No. 3112, S.D. 1, Relating to Background Checks

As a school social worker who works with children who have dealt with trauma, I feel that it is of the utmost importance that we pay close attention to the people we allow access to victims of abuse and neglect. For victims, it is in the individuals that care for them that they seek refuge. It is paramount that we avoid situations where more trauma may occur. A criminal background check for current and prospective employees/volunteers working in close proximity to minors, young adults, or vulnerable adults will be a significant step in the right direction. The prevention of future abuse or neglect of the youth is the highest priority of those that work and are responsible for them. Often, it is tough for victims to open up and trust again, so there is peace of mind in knowing that employees are hired without prior arrests or run-ins with the law. Where victims of abuse have been betrayed by those they felt safest in their homes, we must do better as a society to take the necessary precautions to ensure they are safe within the community and system.

Mahalo for taking the time to read this testimony.
Kaileilani N. San Miguel, MSW
knsn@hawaii.edu