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February 9, 2022

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

FROM: Cathy Betts, Director

SUBJECT: **SB 3112 – RELATING TO BACKGROUND CHECKS**

HEARING: Thursday, February 10, 2022, 3:45 pm
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this administration measure.

PURPOSE: The purpose of this measure is to authorize State and national criminal history checks for current and prospective employees, volunteers, and contractors and their employees, agents, and volunteers, and contractors 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; and makes non-substantial conforming amendments to sections 345-2.5 and 846-2.7 of the Hawaii Revised Statutes (HRS).

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, non-substantive 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. 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.

Thank you for the opportunity to testify on this measure.

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TESTIMONY TO THE
SENATE COMMITTEE ON HUMAN SERVICES

For Hearing on Thursday, February 10, 2022
3:45 p.m., Via Videoconference

BY

RYKER WADA
DIRECTOR

Senate Bill No. 3112
Relating to Background Checks

TO CHAIR SAN BUENAVENTURA, VICE CHAIR IHARA AND MEMBERS OF THE
COMMITTEE:

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

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.