

SB 2869

Measure Title: RELATING TO CRIMINAL HISTORY RECORDS CHECKS UNDER THE CHILD PROTECTIVE ACT.

Report Title: Child Protective Act; Criminal History Records Checks

Description: Amends the Child Protective Act to allow the Department of Human Services to access criminal history records without consent of individuals identified as alleged perpetrators of harm or threatened harm to a child, and individuals identified as adult household members living in the family home with the alleged victim child.

Companion: [HB2340](#)

Package: Governor

Current Referral: HMS, JDL

Introducer(s): KOUCHI (Introduced by request of another party)

DAVID Y. IGE
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January 30, 2016

TO: The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services

FROM: Rachael Wong, DrPH, Director

SUBJECT: **SB 2869 – RELATING TO CRIMINAL HISTORY RECORDS CHECKS UNDER THE
CHILD PROTECTIVE ACT**

Hearing: Tuesday, February 02, 2016, 1:15 p.m.
Conference Room 016, State Capitol

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

PURPOSE: The purpose of the bill is to add a new section and amend the Child Protective Act to allow the Department of Human (DHS) to access criminal history records without consent of individuals identified as alleged perpetrators of harm or threatened harm to a child, and individuals identified as adult household members living in the family home with the alleged child victim.

There is a compelling State interest to protect children from potential harm. Under current law, DHS does not have clear authority to complete criminal background checks without the individual's consent. This ambiguity limits the ability of DHS to assess the safety risks for the children, and risk for its own staff required to intervene and provide services to families.

Federal best practice guidelines from the U.S. Department of Health & Human Services, Administration on Children and Families, include Child Welfare Services (CWS) staff performing criminal
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record checks on all adults residing in the child's home. Florida, New Jersey, New York, and Delaware have state laws which allow Child Welfare Services staff to conduct criminal background checks on all adult household members without consent.

Immediate identification of potential risks is critical to ensure child safety. Access to criminal history information assists CWS workers in assessing safety and risk of abuse and neglect. This safety assessment helps determine the appropriate level of response to keep children safe.

Specifically, the criminal history information assists CWS to identify: the behavioral patterns of the caregivers of the child and all the adults living in the family home, conditions or activities in the home environment, and potential factors which may place children at imminent risk of harm.

Ongoing safety assessment is critical to ensure the child's safety throughout the duration of the CWS case, and is important when referring family members to appropriate services. The criminal history check on the alleged perpetrator and all adults living in the household is critical when allowing a child victim to remain in the home with a safety plan in place, and when returning a child victim to the family home from foster care.

In addition, section 587A-7(a), Hawaii Revised Statutes, requires CWS to have access to a criminal history record check "to fully consider when determining whether a child's family is willing and able to provide the child with a safe family home; ... (6) Whether there is a history of abuse or assaultive conduct by the child's family member or others who have access to the family home; (7) Whether there is a history of substance abuse by the child's family or others who have access to the family home[.]"

Thank you for the opportunity to testify.

The Honorable Suzanne Chun Oakland, Chair

Senate Committee on Human Services

FROM: Paulette Martinez Bethel, PhD, MPA

SUBJECT: SB 2869 – RELATING TO CRIMINAL HISTORY RECORDS CHECKS UNDER THE CHILD PROTECTIVE ACT

Hearing: Tuesday, February 02, 2016, 1:15 p.m.

Conference Room 016, State Capitol

POSITION: Family Programs Hawaii supports this bill.

PURPOSE: The purpose of the bill is to add a new section and amend the Child Protective Act to allow the Department of Human (DHS) to access criminal history records without consent of individuals identified as alleged perpetrators of harm or threatened harm to a child, and individuals identified as adult household members living in the family home with the alleged child victim.

There is a compelling State interest to protect children from potential harm. Under current law, DHS does not have clear authority to complete criminal background checks without the individual's consent. This ambiguity limits the ability of DHS to assess the safety risks for the children, and risk for its own staff required to intervene and provide services to families. Federal best practice guidelines from the U.S. Department of Health & Human Services, Administration on Children and Families, include Child Welfare Services (CWS) staff performing criminal record checks on all adults residing in the child's home. Florida, New Jersey, New York, and Delaware have state laws which allow Child Welfare Services staff to conduct criminal background checks on all adult household members without consent.

In order to ensure the safety of children in the state of Hawaii, Immediate ID of potential risks is a critical must.

Access to criminal history information will help to assist CWS workers in their ability to assess the environment of the child to ensure their safety and reduce the potential risk of abuse and neglect. This requisite safety assessment helps determine the most appropriate level of response to ensure safety of the child(ren) throughout the duration of the CWS case.

The criminal history check on the alleged perpetrator and all adults living in the household is critical when allowing a child victim to remain in the home with a safety plan in place, and when returning a child victim to the family home from foster care.

Thank you for the opportunity to testify;.