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# A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Access to safe, affordable, and nurturing child  
2 care is a critical need for Hawaii's children and working  
3 parents. The purpose of this Act is to amend provisions of  
4 chapter 346, Hawaii Revised Statutes, to: (1) improve the safety  
5 of children in Hawaii's regulated and legally exempt child care  
6 settings by requiring criminal history checks of adult relatives  
7 who provide care for a child whose family receives a child care  
8 subsidy from the department of human services; (2) clarify that  
9 the department of human services may take both administrative  
10 and judicial action to enforce child care licensing provisions  
11 of chapter 346, Hawaii Revised Statutes, and increase penalties  
12 by making them apply on a daily basis; (3) explain when  
13 investigation information will be released to the public; and  
14 (4) clarify that when the child care licensing program receives  
15 a report of death or injury of a child in a child care setting,  
16 the program will share information it receives with, and  
17 cooperate with, child welfare services and law enforcement.



1 SECTION 2. Section 346-152.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) [~~To be eligible~~] In order to provide child care for a  
4 child whose family receives a child care subsidy from the  
5 department, persons exempt pursuant to section 346-152 shall be  
6 required to agree to:

7 (1) A criminal history record check, a sex offender  
8 registry check, a child abuse record check, and an adult abuse  
9 perpetrator check in the same manner as a prospective applicant  
10 or licensed provider in accordance with section 346-154;  
11 [~~provided that the criminal history record check shall be~~  
12 ~~limited to a criminal history record check conducted through~~  
13 ~~files maintained by the Hawaii criminal justice data center for~~  
14 ~~the following relatives of the child who requires care:~~  
15 ~~grandparents, great-grandparents, aunts, uncles, and siblings~~  
16 ~~aged eighteen or older living in a separate residence;]~~

17 (2) Completion of a pre-service or orientation training  
18 and ongoing training in health and safety topics;

19 (3) Any monitoring inspection visits by the department or  
20 its designee to determine compliance with minimum  
21 health and safety standards at the location where



1 child care is being provided for a child whose family  
2 receives a child care subsidy from the department,  
3 including investigations by the department when the  
4 department has received a report of health and safety  
5 concerns."

6

7 SECTION 3. Section 346-153, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 **"§346-153 Records of deficiencies and complaints; release**  
10 **to public.** (a) For every child care facility, the department  
11 shall maintain records for the current and previous two years  
12 of: results of its inspections; notifications to providers of  
13 deficiencies; corrective action taken; complaints of violations  
14 of rules adopted under this part; results of its investigations;  
15 resolution of complaints; and suspensions, revocations,  
16 reinstatements, restorations, and reissuances of licenses,  
17 temporary permits, and registrations issued under this part.

18 (b) Notwithstanding any other law to the contrary, the  
19 records described in this section shall be available for  
20 inspection in the manner set forth in chapter 92F and may be  
21 posted by the department on a public website; provided that with



1 respect to records of family child care homes and group child  
2 care homes, sensitive personal information, including home  
3 addresses, or information provided to the department with the  
4 understanding that it would not be publicly divulged shall be  
5 deleted or obliterated prior to making the records available to  
6 the public. Nothing in this section shall authorize the  
7 department to release to the public the names of or any other  
8 identifying information on complainants. Nothing in this  
9 section shall prohibit the department's child care licensing  
10 program from sharing information and cooperating with the  
11 department's child protective services and law enforcement on  
12 investigations.

13 (c) The department may withhold information [~~on a~~] about  
14 an investigation of a complaint [~~for which an investigation is~~  
15 ~~being conducted~~] of a violation for not more than ten working  
16 days [~~following the date of filing of the complaint;~~] from the  
17 date the investigation report is completed; provided that if an  
18 investigation relates to an alleged criminal offense, no  
19 information shall be released until the criminal investigation  
20 has been completed and the director has determined that no legal  
21 proceeding will be jeopardized by its release."



1 SECTION 4. Section 346-156, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "~~§346-156~~ **Penalty**~~[-];~~ remedies. (a) Any person, entity,  
4 agency, or organization violating any provision of this  
5 [~~chapter~~] part or any rule made pursuant thereto shall be [~~fin~~  
6 ~~as follows:~~

7 (1) ~~Up]~~ subject to penalties including a fine of up to  
8 \$1,000 for [~~the first~~] each day of violation; [~~and~~

9 (2) ~~Up]~~ provided that the fine may be up to \$3,000 for  
10 [~~the second violation and each succeeding violation.~~] each day  
11 for a violation of section 346-161 or 346-171.

12 (b) The department may enforce this part in either  
13 administrative or judicial proceedings or both."

14 SECTION 5. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

Improve Safety of Children in Care; Criminal History Checks; Records of Deficiencies and Complaints; Role and Response to Reports of Death or Injury in a Child Care Setting; Release of Information for Purposes of Investigation; Penalties, Administrative and judicial action

**Description:**

Requires criminal history checks of adult relatives who provide care for a child whose family receives a child care subsidy from the Department of Human Services, clarifies that the Department of Human Services may take both administrative and judicial action to enforce child care licensing provisions of chapter 346, Hawaii Revised Statutes, clarifies the role and response of the child care licensing program when it receives a report of death or injury of a child in a child care setting, and addresses the release of information pending an investigation.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

