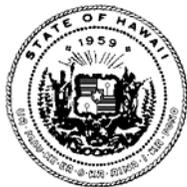


JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



CATHY BETTS  
DIRECTOR  
KA LUNA HO'OKELE

JOSEPH CAMPOS II  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF HUMAN SERVICES**  
KA 'OIHANA MĀLAMA LAWELAWE KANAKA  
Office of the Director  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

TRISTA SPEER  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

February 15, 2024

TO: The Honorable Representative David A. Tarnas, Chair  
House Committee on Judiciary & Hawaiian Affairs

FROM: Cathy Betts, Director

SUBJECT: **HB 2227 HD1 – RELATING TO CHILD CARE.**

Hearing: February 16, 2024, 2:00 p.m.  
Conference Room 325, State Capitol & Video Conference

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of the measure, provides comments, and respectfully requests technical amendments.

**PURPOSE:** This bill expands the existing state exemption for United States Department of Defense-certified child care providers to those operating off federal property. Requires those Department of Defense-certified child care facilities with clients who are not children of enlisted families or who receive a child care subsidy from the Department of Human Services to have a memorandum of agreement with the Department of Human Services. Effective 7/1/3000. (HD1)

The Committees on Human Services and Corrections, Military, & Veterans amended the measure by:

- (1) Requiring a child care facility with clients who are not children of enlisted families or who receive child subsidies from the Department of Human Services to have memorandums of understanding with the Department regarding the operation of the facility;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and

- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

The Department of Human Services (DHS) supports the proposed language in HB 2227 HD1 for a memorandum of agreement (MOA) to be established between the Department of Defense (DoD) and DHS regarding the operation of the child care facility when non-affiliated DoD families who receive a child care subsidy from DHS are enrolled with DoD-certified providers. DHS is in discussions with the DoD and will provide the Legislature with updates as the session progresses.

However, DHS respectfully requests a technical amendment in Section 2 to add the new paragraphs (4) and (5) in section 346-152(a) to the end of the list as (13) and (14) instead of inserting them and renumbering the existing list. Adding the new paragraphs to the end of the list will assist workers who are trained and rely upon the current numbering in response to inquiries.

DHS requests an extended effective date to give DHS and DoD program administrators time to compare and analyze each others' child care standards and requirements to form the basis of the MOA and to work out other health and safety protocols.

Thank you for the opportunity to provide testimony on this measure.



## OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

1500 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-1500

MANPOWER AND  
RESERVE AFFAIRS

February 15, 2024

The Honorable Representative David A. Tarnas  
Chair, Committee on Judiciary & Hawaiian Affairs  
Hawaii House of Representatives  
415 S Beretania Street  
Honolulu, HI 96813

### **RE: Letter of Support – HB 2227 HD1 (Relating to Child Care)**

Dear Chair Tarnas, Vice Chair Takayama, and Members of the Committees:

On behalf of United States Department of Defense (DoD) and military families stationed in Hawaii, I am writing in support of the policy changes expressed in House Bill (HB) 2227, a measure to expand the existing state exemption for DoD-certified providers to those operating off federal property.

Taking care of our people remains the top priority of DoD and is at the center of our National Defense Strategy.<sup>1</sup> The Department established the Family Child Care program to expand child care availability and to assist in meeting the diverse needs of military families. Family Child Care providers offer military families reliable and personalized care on and off installations.

DoD Family Child Care providers are certified via the military departments and are the largest contributor to the military services' ability to deliver 24-hour and emergency child care needs.<sup>2</sup> Additionally, some Family Child Care providers offer specialized care for unique mission-related needs in homes both on and off the installation.<sup>3</sup>

Once certified, Family Child Care providers must complete annual training and a competency based comprehensive professional development program similar to installation child development program personnel.<sup>4</sup> When moving with their service member, Family Child Care providers do not have to complete additional training or another background check when they arrive at their new installation, unless their certification is due for renewal.<sup>5</sup> Local citizens are also eligible to apply for certification as a DoD Family Child Care provider.

The Family Child Care program is designed to ensure the highest standards of quality and safety are met in family child care homes. The certification process is widely recognized as one of the most stringent in the country.<sup>6</sup> Standards set by the Department and the military services ensure strict oversight of service

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<sup>1</sup> Terri Moon Cronk, "Austin Outlines His Top Three Priorities on Defense, People, Teamwork," *United States Department of Defense*, March 5, 2021, <https://www.defense.gov/News/News-Stories/Article/Article/2526532/austin-outlines-his-top-three-priorities-on-defense-people-teamwork/>

<sup>2</sup> Report to the Committee on Armed Services of the House of Representatives on In-Home Child Care Licensures, *United States Department of Defense*, 2022

<sup>3</sup> In both the Air Force and the Army, these programs are designed to provide overnight, weekend, and holiday child care for those members assigned to work for more than 24 hours in the field.

<sup>4</sup> DODI 6060.02, "Child Development Programs (CDPs)," *United States Department of Defense*, September 20, 2020.

<sup>5</sup> "Licensure Exemptions for Military Family Child Care Providers," *United States Department of Defense*, 2023, <https://statepolicy.militaryonesource.mil/key-issue/licensure-exemptions-for-military-family-child-care-providers>

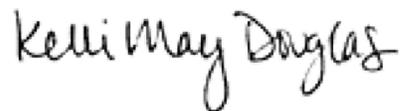
<sup>6</sup> GAO-23-105518, "Military Child Care: DOD Efforts to Provide Affordable, Quality Care for Families," *Government Accountability Office*, February 2, 2023, <https://www.gao.gov/products/gao-23-105518>.

providers, to include background checks, monthly inspections, and unannounced visits.<sup>7</sup> Monitoring of Family Child Care providers is conducted on a regular basis, during all hours of operation, and providers are required to maintain information as it relates to their background checks, inspections, insurance, training records, and visitation logs.<sup>8</sup>

By exempting Family Child Care providers from licensure and registration that is duplicative of the certification they receive from the military services, Hawaii has the opportunity to enhance the quality of life and economic security of both the providers and military families seeking qualified child care options.<sup>9</sup> If permitted by their service's regulations, under SB 2880, this approach would allow them to work immediately after being certified, inspected and approved by the new installation commander, to provide care to the children of military families, pursuant to Department of Defense Instruction 6060.02.<sup>10</sup>

In closing, the Department is grateful for the tremendous support that Hawaii has previously made and is currently making to support our military members and their families. We appreciate the opportunity to support the policy reflected in HB 2227 and would especially like to thank the bill's sponsors for spearheading this effort.

Sincerely,



Kelli May Douglas  
Pacific and Southwest Regional Liaison  
Defense-State Liaison Office  
DoD, Military Community & Family Policy  
571-265-0075

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<sup>7</sup> See *supra* at 6.

<sup>8</sup> Family Child Care Providers are also required complete 40 hours of training and orientation, which occurs prior to working with children. Stated orientation, upon completion, is then documented for each provider, and includes: developmentally appropriate activities and environmental observations; age-appropriate guidance and discipline techniques; applicable regulations, policies, and procedures; child safety and fire prevention; child abuse prevention, identification, and reporting; nutrition; health and sanitation; and parent and family relations.

<sup>9</sup> The military services' Family Child Care programs are intended to support the mission requirements of the installation and are for use only by active-duty military personnel, DoD civilians, reserve component military personnel on active duty or inactive duty training status, combat related wounded warriors, surviving spouses of military members who died from a combat related incident, those acting in loco parentis for the dependent child of an otherwise eligible member, eligible employees of DoD contractors, and others as authorized on a space available basis.

<sup>10</sup> If a Family Child Care provider wanted to expand their scope of business beyond military dependents and outside the scope of the Department of Defense Instruction, the provider would subsequently obtain a state license.



**SUPPORT OF HB 2227, HD1  
RELATING TO CHILD CARE**

House Committee on Judiciary & Hawaiian Affairs  
The Honorable David A. Tarnas, Chair  
The Honorable Gregg Takayama, Vice Chair

Friday, February 16, 2024 at 2:00 p.m.  
Conference Room 325 & Videoconference  
Hawaii State Capitol; 415 South Beretania Street

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Hawaii Military Affairs Council ("MAC") wishes to offer our support of HB 2227, HD1 which expands the existing state exemption for United States Department of Defense-certified child care providers to those operating off federal property and requires those Department of Defense-certified child care facilities with clients who are not children of enlisted families or who receive a child care subsidy from the Department of Human Services to have a memorandum of agreement with the Department of Human Services.

The MAC was established in 1985 when the Chamber was appointed by the State to serve as the liaison to the military. The MAC advocates on behalf of Hawaii's military, and is comprised of business leaders, academic institutions, State and County officials, members of the CODEL, community leaders, labor unions and organizations and retired U.S. flag and general officers. The MAC works to support Hawaii's location as a strategic U.S. headquarters in the Indo-Asia-Pacific region which is crucial for U.S. national and homeland security.

The MAC and the U.S. Department of Defense recognize the value of military child care certification. Providers already certified through the U.S. Department of Defense have demonstrated their commitment to quality child care. By exempting these providers from the lengthy registration process, states can expedite the availability of qualified child care options, thereby enhancing the quality of life and economic security for both providers and families.

However, the current exemption applies only to providers operating on federal property. This limitation restricts the number of certified providers available to families in our communities



in need. Expanding this exemption to include providers operating off federal property would significantly increase access to quality child care.

HB 2227, HD1 is not just about improving the efficiency of the registration process. It's about recognizing the value of military child care certification and leveraging it to improve the quality of life and economic security for both providers and families on and off federal property. It's about ensuring that families have access to qualified child care options when they need them most.

The MAC appreciates the continued discussions with the Department of Human Services, and requests the Committee on Judiciary & Hawaiian Affairs to keep HB 2227, HD1 moving as we align statutory language with child care practices to ensure child care health and safety.

Thank you for the opportunity to testify in support.



# Chamber of Commerce HAWAII

*The Voice of Business*

**Testimony to the House Committee on Judiciary and Hawaiian Affairs**  
**Friday, February 16, 2024, 2:00PM**  
**Conference Room 325 & Videoconference**

**RE: HB2227 HD1 Relating to Child Care**

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **supports HB2227 HD1**, which expands the existing state exemption for United States Department of Defense-certified providers to those operating off federal property. **We support the committee's amendments to HB2227**, as they align with our mission to increase the availability and quality of childcare services to support Hawaii's workforce.

The Chamber recognizes the value of military child care certification and emphasizes the need for increasing the availability of child care to address the needs of our state's workforce. Providers already certified through the U.S. Department of Defense have demonstrated their commitment to quality child care, and by exempting these providers from the lengthy registration process, we can expedite the availability of qualified child care options and enhance the quality of life and economic security for both providers and Hawaii's families. However, the current exemption applies only to providers operating on federal property. This limitation restricts the number of certified providers available to families in our communities in need. Expanding this exemption to include providers operating off federal property would significantly increase access to quality child care. HB2227 HD1 does not simply improve the efficiency of the registration process, but also recognizes the value of military childcare certification and leverages it to improve the quality of life and economic security for both providers and families alike, on and off federal property. This measure ensures families have access to qualified child care options when they, and our state's workforce, is in critical need. This bill not only addresses immediate child care needs but also establishes a framework for sustained quality and reliability in childcare provision throughout our communities.

In discussions with our members, increasing the availability of childcare is a high priority. Accessibility to such child care services is needed for the viability of our workforce. Our business community cannot increase their capacity without such support.

Limited access to childcare is one of the challenges that our local workforce faces today and a significant reason for Hawaii's overall workforce shortage. Low wages and a high cost of living make it difficult for childcare facilities to retain and grow the workforce. This bill would help retain and expand the local childcare workforce which is critical to ensure a thriving future for all of Hawaii businesses.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

Thank you for the opportunity to testify.