

A Bill for an Act Relating to the Department of Social Services and Housing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 346-10, Hawaii Revised Statutes, is amended to read as follows:

“§346-10 Protection of records; divulging confidential information prohibited. (a) The department of social services and housing and its agents shall keep such records as may be necessary or proper in accordance with this chapter. All applications and records concerning any applicant or recipient shall be confidential. The use or disclosure of information concerning applicants and recipients shall be limited to:

- (1) Persons duly authorized by the State or the United States in connection with their official duties, when the official duties are directly connected with the administration of any form of public assistance, medical assistance, or food stamps[;], or social services;¹ or
- (2) Purposes directly connected with any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any and all forms of public assistance, food stamps, or medical assistance, or social services, including but not limited to disclosure by the department of information and documents to police departments, [prosecutor's] prosecutors' offices, the attorney general's office, or any other state, county, or federal agency engaged in the detection, investigation, or prosecution of violations of applicable state, county, and federal laws or regulations regarding any and all aspects of theft, fraud, deception, or overpayment in connection with any aspect of public assistance, food stamps, or medical assistance[;];¹ or social services; [further,] provided that disclosure by recipient agencies and personnel is permitted under this section to the extent reasonably necessary to carry out the functions for which the information was provided;
- (3) Disclosure to the extent necessary to provide services for applicants and recipients, to determine eligibility, or to determine the amount of public assistance, such determination to include but not be limited to verification of information provided by the recipient of public assistance, medical assistance, or food stamps[;];¹ or to determine the type, kind, frequency, and amount of social services, including health and mental health related services, needed;
- (4) Disclosure to banks, financial institutions, or any other payor of a public assistance warrant or check of any and all information indicating that a public assistance warrant or check honored by the bank, institution, or payor has been forged or otherwise wrongfully presented for payment;
- (5) Federal agencies responsible for the administration of federally assisted programs, which provide assistance, in cash or in kind for services, directly to individuals on the basis of need; and certification of receipt

of aid to families with dependent children to an employer for purposes of claiming tax credit under Public Law 94-12, the Tax Reduction Act of 1975, shall be permitted; [and]

- (6) Employees acting within the scope and course of their employment of such recognized social welfare organizations as may be approved by the department[.]; and

- (7) Purposes directly connected with any investigation, prosecution, or criminal proceeding conducted in connection with the licensure or operation of an adult boarding home, or adult day care center, including but not limited to disclosure by the department of information and documents to police departments, prosecutors' offices, the attorney general's office, or any other state, county, or federal agency engaged in the detection, investigation, or prosecution of violation of applicable state, county, and federal laws or regulations.

(b) Disclosure to any committee or legislative body (federal, state, or local) of any information that identifies by name and address any such applicant or recipient; and publication of lists or names of applicants and recipients shall be prohibited.

(c) The department shall promulgate and enforce such rules as may be necessary to prevent improper acquisition or use of confidential information. Any information secured pursuant to this section by the officials or employees may be used in connection with their official duties or within the scope and course of their employment but not otherwise, and shall be kept in confidential records or files, which shall not be subject to any other law permitting inspection of public records. The department and its agents shall determine whether or not such inspection is in connection with such official duties or within the scope and course of such employment.

(d) The use of the records, and other communications of the department [of] or² its agents by any other agency or department of government to which they may be furnished, shall be limited to the purposes for which they are furnished.

(e) Confidential information shall be released if requested by specific written waiver of the applicant or recipient concerned.

(f) The identity of foster parents, adoptive parents, and foster care facility staff parents, and the location of the foster home, adoptive home, or foster care facility is confidential but may be released with the consent of the foster parent, adoptive parent, or foster care facility staff. If the department determines it is in the best interest of the child and of the adoptive parents, foster parents or facility, the identity and location of the adoptive parents or foster parents, foster home or facility may be stricken from the individual's case file or withheld from the child's parents, guardians, or other interested persons.

(g) All reports concerning adult abuse or neglect, as well as all records of such reports, are confidential and any unauthorized disclosure of a report or record of a report shall be a violation. The director of social services may adopt, amend, or repeal rules, pursuant to chapter 91, to provide for the confidentiality of reports and records and for the authorized disclosure of reports and records."

SECTION 2. Section 346-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Social services” means crisis intervention, counseling, case management, and support activities such as day care and chore services provided by the department staff, by purchase of service, or by cooperative agreement with other agencies to persons meeting specified eligibility requirements.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.³

SECTION 4. This Act shall take effect upon its approval.

(Approved June 8, 1983)

Notes

1. Underscoring missing.
2. So in original.
3. Edited pursuant to HRS § 23G-16.5.