

ACT 152

H.B. NO. 1115

A Bill for an Act Relating to Foster Boarding Homes.

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

SECTION 1. Section 346-16, Hawaii Revised Statutes, is amended by amending the definitions of “criminal history record check” and “foster boarding home” in subsection (a) to read as follows:

““Criminal history record check” means an examination of an individual’s criminal history record through:

- (1) An initial fingerprint analysis and name inquiry into state and national criminal history record files;
- (2) Subsequent fingerprint analyses for new hires and rehires; and
- (3) [An annual] A name inquiry into the state criminal history record files.

“Foster boarding home” means any boarding home in which [one];

- (1) One or more, but fewer than six, minor children are received; and
- (2) Six or more minor siblings are placed together in the best interests of the children.<sup>1</sup>

for care and maintenance apart from their parents or guardians on a twenty-four hour basis for fee or charge.”

SECTION 2. Section 346-19.6, Hawaii Revised Statutes, is amended to read as follows:

**“[[§346-19.6]] Criminal history record checks.** The department shall develop standards to assure the reputable and responsible character of operators and employees of child caring institutions, child placing organizations and foster boarding homes as defined in this chapter which shall include but not be limited to criminal history record checks.

An applicant for a certificate of approval shall submit statements signed under penalty of perjury by the operators, employees and new employees of the facility, indicating whether the operators, employees or new employees were ever convicted of a crime other than a minor traffic violation involving a fine of fifty dollars or less and providing consent to the department to conduct a criminal history record check and to obtain other criminal history record information for verification. The operators and employees of the facility shall be fingerprinted for the purpose of complying with the criminal history record check. New employees of the facility shall be fingerprinted within five working days of employment for the purpose of complying with the criminal history record check.

The department shall obtain criminal history record information through the Hawaii criminal justice data center on all operators, employees, and new employees of child care facilities subject to licensure pursuant to this section. The Hawaii criminal justice data center may assess the operators, employees or new employees a reasonable fee for each criminal history record check conducted. The information obtained shall be used exclusively for the stated purpose for which it was obtained,

and shall be subject to such federal laws and [federal] regulations as may be now or hereafter adopted.

The department may deny a certificate of approval if an operator, employee, or new employee of the facility was convicted of a crime other than a minor traffic violation involving a fine of fifty dollars or less and if the department finds that the criminal history record of an operator, employee, or new employee poses a risk to the health, safety or well-being of the children in care.

The department shall make a name inquiry into the criminal history records for the first two years of certification of a foster boarding home and annually or biennially thereafter depending on the certification status of the home.”

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

SECTION 4. This Act shall take effect on July 1, 1999.

(Approved June 28, 1999.)

**Note**

1. Comma should be underscored.