

ACT 33

H.B. NO. 2496

A Bill for an Act Relating to Child Care.

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

SECTION 1. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to part VIII to be appropriately designated and to read as follows:

“**§346- Investigation.** Upon receiving a report that a person may be caring for more than two children unrelated to the caregiver by blood, marriage, or adoption, or providing care for a child for more than six hours per week, without a child care license issued by the department, the department may conduct an investigation for the limited purpose of determining the number of children in care who are unrelated to the caregiver by blood, marriage, or adoption, and the number of hours of care provided per week, in accordance with the following provisions:

- (1) The department may request access to the location indicated in the report; or
- (2) The department may file a complaint with the district court in the circuit where the location indicated in the report is; and the district court, upon probable cause, may issue a search warrant, directed to the department and the appropriate county police department, if necessary, to conduct an investigation pursuant to this section between the hours of sunrise and sunset.”

SECTION 2. Section 346-152, Hawaii Revised Statutes, is amended to read as follows:

“**§346-152 Exclusions; exemptions.** (a) Nothing in this part shall be construed to include:

- (1) A person caring for children related to the caregiver by blood, marriage, or adoption;
- (2) A person, group of persons, or facility caring for a child less than six hours a week;
- (3) A kindergarten, school, or program licensed by the department of education;
- (4) A program that provides exclusively for a specialized training or skill development for children, including, but not limited to, programs providing such activities as athletic sports, foreign language, the Hawaiian language, dance, drama, music, or martial arts;
- (5) A multiservice organization or community association, duly incorporated under the laws of the State, which operates for the purpose of promoting recreation, health, safety, or social group functions for eligible pupils in public and private schools through seventeen years of age;
- (6) Programs for children four years of age and older, which operate for no more than two consecutive calendar weeks in a three-month period;

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- (7) A provider agency operating or managing a homeless facility^[;] or any other program for homeless persons authorized under part IV of chapter 201G;
- (8) After-school, weekend, and summer recess programs conducted by the department of education pursuant to section 302A-408;
- (9) Child care programs for children five years of age and older conducted by counties pursuant to section 302A-408; provided that each county adopt rules for ~~[their]~~ its programs; ~~[and]~~
- (10) Any person who enters a home in a child caring capacity and only cares for children who are of that household~~[-];~~ and
- (11) A person caring for two or fewer children unrelated to the caregiver by blood, marriage, or adoption.

(b) Staff members of programs taught solely in Hawaiian ~~[which]~~ that promote fluency in the Hawaiian language shall be exempt from any ~~[regulations]~~ rules requiring academic training or certification.

(c) Minimum health and safety requirements or standards as required by federal law may be imposed on any of the groups listed in this section ~~[which]~~ that provide child care services and are reimbursed with federal funds.

(d) Any person asserting an exemption under this section shall cooperate with the department in investigations relating to unlicensed child care.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

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

(Approved April 23, 2002.)

Note

- 1. Edited pursuant to HRS §23G-16.5.