

A Bill for an Act Relating to Adult Abuse Perpetrator Checks for Child Care Providers.

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

SECTION 1. Section 346-152.5, Hawaii Revised Statutes, is amended to read as follows:

**“[§346-152.5]] Criminal history [and] record checks, child abuse record checks, and adult abuse perpetrator checks for persons exempt pursuant to section 346-152.** To be eligible to provide child care and to receive a child care subsidy from the department, persons exempt pursuant to section 346-152 shall be required to agree to a criminal history record check [and], a child abuse record check, and an adult abuse perpetrator check in the same manner as a prospective applicant or licensed provider in accordance with section 346-154; provided that the following relatives of the child who requires care: grandparents, great-grandparents, aunts, uncles, and siblings aged eighteen or older living in a separate residence shall be required to agree to a criminal history record check conducted through files maintained by the Hawaii criminal justice data center [and], a child abuse record check[-], and an adult abuse perpetrator check.

For the purposes of this section, “adult abuse perpetrator check” means a search to determine whether an individual is known to the department as a perpetrator of abuse as defined in section 346-222, by means of a search of the individual’s name and birth date in the department’s adult protective services file.”

SECTION 2. Section 346-154, Hawaii Revised Statutes is amended to read as follows:

**“§346-154 Criminal history [and] checks, child abuse record checks[-], and adult abuse perpetrator checks.** (a) The department shall develop standards to ensure the reputable and responsible character of an applicant to operate a child care facility, prospective employees of the applicant, and new employees of the provider after registration or licensure, which shall include criminal history record checks in accordance with section 846-2.7 [and], child abuse record checks[-], and adult abuse perpetrator checks.

For the purposes of this section, “adult abuse perpetrator check” means a search to determine whether an individual is known to the department as a per-

petrator of abuse as defined in section 346-222, by means of a search of the individual's name and birth date in the department's adult protective services file.

- (b) An applicant to operate a child care facility shall:
- (1) Be subject to criminal history record checks in accordance with section 846-2.7;
- (2) Submit to the department under penalty of law, statements signed by the applicant and prospective employees of the applicant indicating whether the applicant or any of the prospective employees has ever been confirmed to have abused or neglected a child~~[;]~~ or vulnerable adult, including threatened harm; and
- (3) Provide consent to the department to conduct a criminal history record check in accordance with section 846-2.7 ~~[and]~~, a child abuse record check, and an adult abuse perpetrator check, and to obtain criminal history ~~[and]~~ information, child abuse record information, and adult abuse perpetrator information for verification.

(c) A provider shall:

- (1) Be subject to criminal history record checks in accordance with section 846-2.7;
- (2) Submit to the department a statement signed by any employee hired after the initial licensure or registration that requires the employee to indicate under penalty of law, whether the employee has ever been confirmed to have abused or neglected a child~~[;]~~ or vulnerable adult, including threatened harm; and
- (3) Provide consent to the department or its designee to conduct a criminal history record check in accordance with section 846-2.7 ~~[and]~~, a child abuse record check, and an adult abuse perpetrator check, and to obtain criminal history ~~[and]~~ information, child abuse record information and adult abuse perpetrator check information for verification.

(d) The department or its designee shall obtain criminal history record information through the Hawaii criminal justice data center in accordance with section 846-2.7, and child abuse record information and adult abuse perpetrator check information from the department in accordance with departmental procedures on the applicant and any prospective employee of the applicant, including any new employee retained after the applicant is issued a registration or license under this part, which shall include an annual name inquiry into the state criminal history record files.

(e) The department may deny an application for a license or registration to operate a child care facility if:

- (1) The applicant or any prospective employee has been convicted of a crime other than a minor traffic violation involving a fine of \$50 or less, or ever been confirmed to have abused or neglected a child~~[;]~~ or vulnerable adult, including threatened harm; and
- (2) The department finds that the criminal history or child abuse record or adult abuse perpetrator check record of that applicant or prospective employee indicates that the applicant or prospective employee may pose a risk to the health, safety, or well-being of children.

(f) The department may request the provider to terminate the employment of a new employee or may suspend or revoke the license or registration of the provider who employs a new employee if:

- (1) The employee has been convicted of a crime other than a minor traffic violation involving a fine of \$50 or less, or ever been confirmed to have abused or neglected a child or vulnerable adult, including threatened harm; and

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- (2) The department finds that the criminal history or child abuse record or adult abuse perpetrator check record of the new employee indicates that the new employee may pose a risk to the health, safety, or well-being of children.”

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

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

(Approved April 20, 2012.)