



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 5, 2018

TO: The Honorable Senator Josh Green, Chair
Senate Committee on Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 2097 – RELATING TO CHILD SAFETY**

Hearing: Monday, February 5, 2018, 3:45 p.m.
Conference Room 016, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of the bill, but has concerns, and defers to the Department of the Attorney General.

PURPOSE: The purpose of the bill is to authorize the disclosure of child abuse and neglect reports for incidents occurring in group child care homes or group child care centers to parents or guardians of children enrolled in the home or center at the time of the alleged abuse or neglect or to parents considering enrolling their children in the home or center. The bill also seeks to authorize the disclosure of a report involving a finding of a felony or misdemeanor to be disclosed to anyone upon request.

Pursuant to Section 350-1.4, Hawaii Revised Statutes (HRS), "all reports to the department concerning child abuse or neglect made pursuant to this chapter, as well as records of such reports, are confidential."

The department understands parents' concerns about the safety of their children while in child care, particularly when that care is provided by persons unknown to the family, not family, friend, or neighbor care. DHS Child Care Licensing (CCL) conducts background checks upon hires and annually thereafter. Any background check history, including

substantiated finding as a perpetrator of child abuse or neglect, is assessed by CCL to determine if the person is suitable to provide care for children. If the circumstances of the child abuse and neglect investigation indicates the person is not suitable, then CCL will notify the person and the child care facility that the person is not suitable to provide care.

The department's child care licensing and registration standards require that persons providing care to children to be of reputable and responsible character. As authorized by section 346-154, HRS, the CCL conducts comprehensive background checks including state and federal fingerprint checks, state and national sex offender registry checks, child abuse and neglect registry check, and adult abuse perpetrator checks. The CCL staff review a person's background checks to determine whether the person is suitable to provide care at a licensed or registered child care facility or home.

In the situation where CCL receives a new report of allegations of possible child abuse or neglect for a person already working or living at a licensed group child care home or registered family child care home, CCL will suspend the license of a group child care home or registration of a family child care home until the investigation by the DHS Child Welfare Services (CWS) branch is completed, and the determination whether the allegations are confirmed or not. If the person is employed at a group child care center, CCL will request that the center suspend the person until the CWS investigation for child abuse or neglect is completed. Concurrently, CCL staff will conduct its own investigation to determine whether there were any violations of Chapter VIII of 346, HRS, or the licensing or registration requirements by the facility or home.

If the allegations of child abuse or neglect are not confirmed by CWS, the CCL staff will assess whether there were any violations of the Chapter VIII of 346, HRS, or licensing or registration requirements, including whether the person is of suitable to provide care to children. If the person is not suitable to provide care to children, the CCL will request the group child care center terminate the employment of the person otherwise the center's license may be suspended or revoked. If the person operating the group child care home or family child care home is determined not suitable, the home's license or registration will be revoked. The salient issue for parents is that the pending the completion of the CWS and CCL investigations, and the determination that the person is suitable, the person is not

allowed to provide care to children at a group child care center, group child care home, or family child care.

The subject individual's right to due process is currently preserved in that CWS findings are confidential, and reports which end up being unconfirmed by CWS are also not disclosed. The subject person has the right to appeal the CWS confirmation of abuse or neglect. The person also has the right to appeal adverse decisions made by CCL that result in suspension of the license or registration or the suspension or termination from employment at the center.

Furthermore, DHS points out that the CWS investigation does not make a determination of criminal penalties, including felony or misdemeanor convictions. Those criminal penalties would be pursued by police and law enforcement, and prosecuted by the Counties.

Any information regarding criminal convictions may be accessed through the Department of Attorney General's Hawaii Criminal Justice Data Center. Section 846-2.7, HRS, prohibits DHS from releasing the information it receives from criminal history record checks that it is authorized to conduct.

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

SB-2097

Submitted on: 2/4/2018 10:15:09 PM

Testimony for HMS on 2/5/2018 3:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carolyn Golojuch	Rainbow Family 808	Support	Yes

Comments:

Rainbow Family 808 supports SB 2097 because accountability and transparency is of utmost necessity for the safety of all children.

Senate Committee on Human Services

Monday, February 05, 2018

3:45 pm, Room 016

Chair: Senator Josh Green, Vice Chair: Senator Stanley Chang, & Members of the Committee:

RE: Testimony IN SUPPORT of SB 2097, Relating to Child Safety to Increase Disclosure of Child Abuse & Neglect Records

My name is Maribeth G. Toledo-Cabuslay and I support SB 2097 because I am a nurse and a mother of 3. I would like to be aware of any child abuse records if I am in search for childcare for the safety of my children and other children. I am my children's advocate for their safety.

This bill will give me the autonomy to be able to know the records of people who are taking care of my children. I think that as an abiding citizen of the state of Hawaii, I should have this right to know the records of people providing care in a group child care home or center, so please pass this bill.

Sincerely,
Maribeth G. Toledo-Cabuslay
(808)295-8989