

STAND. COM. REP. NO.

2758

Honolulu, Hawaii

MAR 02 2018

RE: S.B. No. 2097
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2097 entitled:

"A BILL FOR AN ACT RELATING TO CHILD SAFETY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize child abuse and neglect investigation findings for incidents occurring in licensed group child care homes or group child care centers to be disclosed to parents or guardians of children enrolled in the home or center at the time of the alleged abuse or neglect or to parents or guardians considering enrolling their children in the home or center; and
- (2) Authorize the disclosure of an investigation involving a finding of a felony or misdemeanor to any person upon request.

Your Committee received testimony in support of this measure from The Queen's Health Systems; Hawaii Nurses Association, OPEIU, Local 50; Sounds of Success Preschool; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and fourteen individuals. Your Committee received comments on this measure from the Department of the Attorney General, Department of Human Services, and Parents and Children Together.



Your Committee finds that child care facilities play an important role in the development and growth of a child. The disclosure of child abuse or neglect that takes place at a child care facility will allow parents to be better informed and to better ensure the safety of their child or children. Your Committee notes that the disclosure of unfounded allegations can result in unwarranted fear and is not conducive to ensuring the safety of children at a child care facility where no child abuse or neglect is in fact occurring.

Your Committee notes that section 350-1.4, Hawaii Revised Statutes, already contains a confidentiality requirement for all reports of child abuse or neglect and corresponding records prepared pursuant to chapter 350, Hawaii Revised Statutes.

Accordingly, your Committee has amended this measure by:


- (1) Requiring the Department of Human Services to confirm that an allegation or report of child abuse or neglect did occur within a group child care home or group child care center before disclosure of an assessment from an investigation;
- (2) Authorizing disclosure in cases in which the child abuse or neglect was perpetrated by an agent, employee, or independent contractor of the group child care home or group child care center;
- (3) Deleting language authorizing disclosure to parents who are considering placing a child into a group child care home or group child care center and inserting language authorizing disclosure to parents who have submitted an application or request to place a child into a group child care home or group child care center;
- (4) Clarifying that disclosed information shall not contain names or other identifying information of any individual whose name or other information is otherwise protected from disclosure;



- (5) Deleting language authorizing disclosure upon request of any investigation involving a finding of a felony or misdemeanor; and
- (6) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2097, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2097, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



BRIAN T. TANIGUCHI, Chair



