
A BILL FOR AN ACT

RELATING TO CHILD CARE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Access to safe, affordable, and nurturing child
2 care is a critical need for Hawaii's children and working
3 parents. The purpose of this Act is to amend provisions of
4 chapter 346, Hawaii Revised Statutes, to:

5 (1) Improve the safety of children in Hawaii's regulated
6 and legally exempt child care settings by repealing
7 certain limitations placed on criminal history record
8 checks of adult relatives who provide care for a child
9 whose family receives a child care subsidy from the
10 department of human services;

11 (2) Clarify that when the child care licensing program
12 receives a report of death or injury of a child in a
13 child care setting, the program is not prohibited from
14 sharing information and cooperating with child welfare
15 services and law enforcement;

16 (3) Clarify when investigation information will be
17 released to the public; and



1 (4) Clarify that the department of human services may take
2 both administrative and judicial action to enforce
3 child care licensing requirements and increase
4 penalties by making the penalties apply on a daily
5 basis.

6 SECTION 2. Section 346-152.5, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) [~~To be eligible~~] In order to provide child care for a
9 child whose family receives a child care subsidy from the
10 department, persons exempt pursuant to section 346-152 shall be
11 required to agree to:

12 (1) A criminal history record check, a sex offender
13 registry check, a child abuse record check, and an
14 adult abuse perpetrator check in the same manner as a
15 prospective applicant or licensed provider in
16 accordance with section 346-154; [~~provided that the~~
17 ~~criminal history record check shall be limited to a~~
18 ~~criminal history record check conducted through files~~
19 ~~maintained by the Hawaii criminal justice data center~~
20 ~~for the following relatives of the child who requires~~
21 ~~care: grandparents, great grandparents, aunts, uncles,~~



1 ~~and siblings aged eighteen or older living in a~~
2 ~~separate residence,]~~

3 (2) Completion of a pre-service or orientation training
4 and ongoing training in health and safety topics; and

5 (3) Any monitoring inspection visits by the department or
6 its designee to determine compliance with minimum
7 health and safety standards at the location where
8 child care is being provided for a child whose family
9 receives a child care subsidy from the department,
10 including investigations by the department when the
11 department has received a report of health and safety
12 concerns."

13 SECTION 3. Section 346-153, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§346-153 Records of deficiencies and complaints; release**
16 **to public.** (a) For every child care facility, the department
17 shall maintain records for the current and previous two years
18 of: results of its inspections; notifications to providers of
19 deficiencies; corrective action taken; complaints of violations
20 of rules adopted under this part; results of its investigations;
21 resolution of complaints; and suspensions, revocations,



1 reinstatements, restorations, and reissuances of licenses,
2 temporary permits, and registrations issued under this part.

3 **(b)** Notwithstanding any other law to the contrary, the
4 records described in this section shall be available for
5 inspection in the manner set forth in chapter 92F and may be
6 posted by the department on a public website; provided that with
7 respect to records of family child care homes and group child
8 care homes, sensitive personal information, including home
9 addresses, or information provided to the department with the
10 understanding that it would not be publicly divulged shall be
11 deleted or obliterated prior to making the records available to
12 the public. Nothing in this section shall authorize the
13 department to release to the public the names of or any other
14 identifying information on complainants. Nothing in this
15 section shall prohibit the department's child care licensing
16 program from sharing information and cooperating with the
17 department's child protective services and law enforcement on
18 investigations.

19 **(c)** The department may withhold information [~~en-a~~]
20 regarding an investigation of a complaint [~~for which an~~
21 ~~investigation is being conducted~~] of a violation for not more



1 than ten working days [~~following the date of filing of the~~
2 ~~complaint,~~] after the date the investigation report is
3 completed; provided that if an investigation relates to an
4 alleged criminal offense, no information shall be released until
5 the criminal investigation has been completed and the director
6 has determined that no legal proceeding will be jeopardized by
7 its release."

8 SECTION 4. Section 346-156, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§346-156 Penalty[-]; remedies. (a) Any person, entity,
11 agency, or organization violating any provision of this
12 [~~chapter~~] part or any rule made pursuant thereto shall be fined
13 [~~as follows:~~

14 ~~(1) Up]~~ up to \$1,000 for [the first] each day of
15 violation; [and

16 ~~(2) Up]~~ provided that the fine may be up to \$3,000 for
17 [the second violation and each succeeding violation.] each day
18 for a violation of section 346-161 or 346-171.

19 (b) The department may enforce this part in either
20 administrative proceedings or judicial proceedings, or both."



- 1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Child Care; Criminal History Record Checks; Records; Deficiencies and Complaints; Reports of Death or Injury; Release of Information; Penalties; Administrative and Judicial Action

Description:

Requires criminal history record checks of adult relatives who provide care for a child whose family receives a child care subsidy from the Department of Human Services. Clarifies the role and response of the child care licensing program when it receives a report of death or injury of a child in a child care setting. Addresses the release of information pending an investigation. Increases penalties and clarifies that the Department of Human Services may take administrative and judicial action to enforce child care licensing requirements. (CD1)

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