
A BILL FOR AN ACT

RELATING TO CAREGIVING.

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

1 SECTION 1. Act 204, Session Laws of Hawaii 2007 (Act 204),
2 expanded the mandate of the joint legislative committee on
3 family caregiving (JLCFC) by including grandparents of children
4 age 18 years and younger, or 19 years of age or older with
5 physical or cognitive limitations, in the Act's definition of
6 family caregiver. The revised definition is now more consistent
7 with the scope of the National Family Caregiver Support Program.
8 Act 204 also required JLCFC to examine the issues facing the
9 population of grandparents raising grandchildren.

10 Numerous government agencies testified before JLCFC
11 regarding how the agencies identify and address the needs of
12 grandparents raising grandchildren. In addition, the executive
13 office on aging presented the 2007 *Needs Assessment of*
14 *Grandparents Raising Grandchildren in the State of Hawaii*,
15 prepared by the University of Hawaii, department of family and
16 consumer science.



1 The needs assessment indicates that over 14,000
2 grandparents are primary caregivers for over 33,000
3 grandchildren in Hawaii and that these numbers are expected to
4 grow. While there is a wide range of service needs, the most
5 often-cited relate to children's programs, financial assistance,
6 respite, and grandparents' rights. Many of these services are
7 available, but barriers prevent grandparents from using them.
8 These barriers include a lack of information regarding the
9 availability of services, a lack of services in a particular
10 county, or legal or financial impediments. For instance, in
11 focus groups, some grandparents expressed a fear of losing their
12 grandchildren. Others identified a need for an advocate or case
13 worker to help guide them to the services and through the
14 various systems.

15 The legislature finds that the needs assessment provides
16 critical demographic information and feedback regarding the
17 programs and services grandparents require to care for their
18 grandchildren. The findings indicate that the population of
19 grandparents raising grandchildren faces particular challenges,
20 different in some ways from the general caregiver population,
21 and should have a focused task force to specifically address



1 those concerns. The legislature further finds that the next
2 step is a comprehensive, coordinated effort to identify:

- 3 (1) The services that exist to meet the identified needs;
- 4 (2) Any service deficiencies;
- 5 (3) Barriers that prevent grandparents from accessing
6 services; and
- 7 (4) What can be done to facilitate the provision of
8 services to grandparents raising grandchildren.

9 The purpose of this Act is to establish a task force to
10 specifically focus on the needs of and issues facing
11 grandparents raising grandchildren.

12 SECTION 2. (a) There is established the grandparents
13 raising grandchildren task force to focus on the needs of and
14 issues facing grandparents raising grandchildren. The task
15 force shall consist of a representative of:

- 16 (1) The University of Hawaii, center on aging, to serve as
17 co-chair;
- 18 (2) The University of Hawaii, college of tropical
19 agriculture and human resources, to serve as co-chair;
- 20 (3) The department of education;
- 21 (4) The department of human services;
- 22 (5) The department of health, executive office on aging;



- 1 (6) The department of public safety;
- 2 (7) The judiciary;
- 3 (8) The department of the attorney general, child support
4 enforcement agency;
- 5 (9) Each area office on aging;
- 6 (10) The policy advisory board for elder affairs;
- 7 (11) Na Tutu Coalition;
- 8 (12) Queen Lili'uokalani Children's Center;
- 9 (13) Legal Aid Society of Hawaii;
- 10 (14) Volunteer Legal Services Hawaii; and
- 11 (15) Other agencies or organizations that work closely with
12 kupuna or grandparents, as determined by the co-chairs
13 of the task force.
- 14 (b) In assessing the needs of and issues facing
15 grandparents, the task force shall, among other things:
- 16 (1) Review the 2007 *Needs Assessment of Grandparents*
17 *Raising Grandchildren in the State of Hawaii*, prepared
18 by the University of Hawaii, department of family and
19 consumer science;
- 20 (2) Review the most recent *Four Year State Plan on Aging*
21 to the United States Administration on Aging by the



- 1 executive office on aging and the area agencies on
2 aging;
- 3 (3) Review the testimony of the various agencies submitted
4 to the joint legislative committee on family
5 caregiving at its hearing on August 16, 2007,
6 regarding issues facing grandparents raising
7 grandchildren;
- 8 (4) Review laws relating to issues facing grandparents
9 raising grandchildren, including:
- 10 (A) Section 302A-482, Hawaii Revised Statutes,
11 regarding the affidavit for caregiver consent,
12 which permits a caregiver, under certain
13 circumstances, to enroll a minor in school and
14 consent to participation in curricular and
15 co-curricular activities;
- 16 (B) Chapter 571, Hawaii Revised Statutes, regarding
17 child custody and support; and
- 18 (C) Chapter 587, Hawaii Revised Statutes, regarding
19 child protective services;
- 20 (5) The memorandum prepared by the department of education
21 to guide school personnel when enrolling students who
22 reside with caregivers;



- 1 (6) Review the support and services offered to caregivers
2 by the department of education through its
3 comprehensive student support system;
- 4 (7) Investigate whether a need arises when a minor
5 residing, formally or informally, with a grandparent
6 requires consent for medical service, including when a
7 student needs consent for programs and services under
8 the Individuals with Disabilities Act or Section 504
9 of the Rehabilitation Act of 1973;
- 10 (8) Investigate the issues that arise when a minor
11 residing, formally or informally, with a grandparent
12 is returned to the custody of a parent;
- 13 (9) Investigate housing issues that may arise when a
14 grandparent is raising a grandchild, particularly when
15 the grandparent resides in senior housing, and
16 identify any state or federal laws that prohibit or
17 prevent a grandchild from residing with a grandparent;
- 18 (10) Review how each area office on aging allocates the
19 federal funds it receives under the National Family
20 Caregiver Support Program for grandparent programs;
- 21 (11) Identify the agencies that collect data relating to
22 grandparents raising grandchildren and whether the



1 data can be more comprehensive, uniform, and readily
2 available or exchanged; and

3 (12) Identify legal needs and whether these needs are being
4 adequately addressed.

5 (c) The task force on grandparents raising grandchildren
6 shall submit an interim report to the legislature and the joint
7 legislative committee on family caregiving no later than twenty
8 days prior to the convening of the regular session of 2009 and a
9 final report to the legislature and the joint legislative
10 committee on family caregiving no later than twenty days prior
11 to June 30, 2009. The final report shall include, to the
12 greatest extent possible:

13 (1) A list of the services that exist in each county to
14 meet grandparents' identified needs;

15 (2) A discussion of service deficiencies in each county;

16 (3) A discussion of identifiable barriers that prevent
17 grandparents from accessing services;

18 (4) A synopsis of the task force's work and any findings
19 regarding the task force's responsibilities as
20 detailed in section 2(b) of this Act; and

21 (5) Recommendations, including possible legislation.



1 (d) The task force shall cease to exist on June 30, 2009.

2 SECTION 3. This Act shall take effect upon its approval.



Report Title:

JLCFC; Grandparents Raising Grandchildren

Description:

Establishes a task force to focus on the needs of and issues facing grandparents raising grandchildren. (HB2198 HD1)

