
A BILL FOR AN ACT

RELATING TO CAREGIVING.

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

1 PART I

2 JOINT LEGISLATIVE COMMITTEE ON FAMILY CAREGIVING

3 SECTION 1. The legislature finds that, due to a shortage
4 of care providers in Hawaii, family caregiving has become a
5 critical element of our health and long-term care system. By
6 2020, more than one in four individuals is expected to be sixty
7 years old or older. The need for personal care assistance due
8 to physical, sensory, cognitive, and self-care disabilities
9 increases with age. As Hawaii's population ages, many more
10 families will be providing higher levels of long-term care to
11 frail and disabled older adults at home.

12 A comprehensive public policy to strengthen support for
13 family caregivers is essential. The joint legislative committee
14 on family caregiving was established under Act 285, Session Laws
15 of Hawaii 2006, to develop a comprehensive public policy to
16 strengthen support for family caregivers in Hawaii.



1 The committee held numerous meetings during the fall of
2 2006 and submitted a special committee report to the legislature
3 outlining its proposal for the establishment of a comprehensive
4 and sustainable, community-based family caregiver support system
5 that will maximize resources in all communities. However, more
6 information must be gathered on this subject to enable the State
7 to apply resources and services in a more efficacious manner.
8 The committee should continue its work on its proposal for the
9 establishment of a comprehensive and sustainable, community-
10 based family caregiver support system.

11 A crucial element in the design and implementation of a
12 comprehensive and sustainable, community-based family caregiver
13 support system is an assessment of the needs of family
14 caregivers and the care recipients. A thorough needs assessment
15 is imperative to appropriately encourage, support, and
16 strengthen family caregiving.

17 Family caregivers who provide care to recipients with
18 chronic or disabling conditions are themselves at risk for
19 physical, emotional, and financial problems. The daily
20 challenges and health risks that a family caregiver faces can
21 impede the family caregiver's ability to provide care, lead to



1 higher health care costs, and affect the family caregiver's
2 quality of life and the quality of life of the care recipient.

3 For many, their role as family caregiver arises as suddenly
4 as the care recipient's health declines, leaving the family
5 caregiver with an immediate need for services, but little
6 preparation or knowledge regarding who to contact for assistance
7 or what services are available to them. Family caregivers
8 themselves need support services, including respite services and
9 training, education, and counseling in areas such as caregiving
10 and dealing with end-of-life issues.

11 Kupuna care is a statewide long-term care program,
12 administered by the executive office on aging, which was
13 developed in partnership with the county area agencies on aging
14 to address the growing number of elders with long-term care
15 needs. Services provided by kupuna care are intended to help
16 meet the needs of older adults who cannot live at home without
17 adequate help from family or formal caregiving services, and
18 include services such as adult day care, respite care, assisted
19 transportation, attendant care, case management, homemaker, ^{services} home
20 delivered meals, transportation, and personal care. ✓

21 In addition to the services provided to the elderly, the
22 family caregiver support program, also administered by the



1 executive office on aging, offers services for the family
2 caregivers of their elderly clients. This program can be
3 expanded to provide additional services to family caregivers to
4 educate and assist them in coping with their roles as a
5 caregiver.

6 The purpose of this part is to strengthen support of family
7 caregiving by:

- 8 (1) Authorizing the joint legislative committee on family
9 caregiving to continue its work until June 30, 2008;
- 10 (2) Adding an additional responsibility for the joint
11 legislative committee to explore establishing a paid
12 family leave program under the state temporary
13 disability insurance law; and
- 14 (3) Providing a broader definition of "family caregiver".

15 SECTION 2. Act 285, Session Laws of Hawaii 2006, is
16 amended by amending section 2 to read as follows:

17 "SECTION 2. (a) There is established a joint legislative
18 committee on family caregiving. The committee shall be composed
19 of eight members as follows:

- 20 (1) Four members of the house of representatives,
21 consisting of three members from the majority party
22 and one member from the minority party, who shall be



1 appointed by the speaker of the house of
2 representatives; and

3 (2) Four members of the senate, consisting of three
4 members from the majority party and one member from
5 the minority party, who shall be appointed by the
6 president of the senate.

7 The committee shall select a chairperson from its
8 membership.

9 (b) The joint legislative committee shall develop
10 comprehensive public policy to strengthen support for family
11 caregivers who provide unpaid, informal assistance to persons
12 ~~[age sixty and older]~~ with physical or cognitive disabilities.
13 For purposes of this Act, "family caregivers" includes persons
14 with no blood relationship with the care recipient, and
15 grandparents who are caregivers for their grandchildren,
16 including those eighteen years and older with physical or
17 cognitive disabilities.

18 (c) The joint legislative committee shall ~~[consider]~~:

19 (1) Consider providing support in categories, including
20 ~~[but not limited to]:~~

21 ~~[(1)]~~ (A) Coordinated services and policies;

22 ~~[(2)]~~ (B) Training and education;



1 ~~[(3)]~~ (C) Respite services;

2 ~~[(4)]~~ (D) Financial incentives; and

3 ~~[(5)]~~ (E) Balancing work and caregiving~~[-]~~;

4 and

5 (2) Explore establishing a paid family leave program under
6 the state temporary disability insurance law, similar
7 to the California Paid Family Leave Program, to
8 provide wage replacement benefits to employees who
9 take time off from work to care for a seriously ill
10 family member.

11 (d) The joint legislative committee shall seek input from
12 the department of health, the department of human services, the
13 department of taxation, the University of Hawaii, the executive
14 office on aging, and the elderly, disability, business, and
15 faith-based communities.

16 (e) The joint legislative committee shall submit its
17 findings and recommendations to the legislature no later than
18 twenty days prior to the convening of the regular ~~[session]~~
19 sessions of 2007~~[-]~~ and 2008.

20 (f) The joint legislative committee shall cease to exist
21 on ~~[June 30, 2007.]~~ June 30, 2008."



1 PART II

2 NEEDS ASSESSMENT

3 SECTION 3. (a) The executive office on aging shall
4 conduct a comprehensive assessment of the needs of care
5 recipients who are age sixty and older with physical or
6 cognitive disabilities and the needs of their family caregivers.

7 The needs assessment shall include an evaluation of:

8 (1) The extent of the unmet caregiving needs of persons
9 age sixty and older with physical or cognitive
10 disabilities;

11 (2) The size of the current family caregiver population;

12 (3) The percentage of care recipients' needs being met by
13 paid versus unpaid caregivers; and

14 (4) The impact of caregiving on family caregivers'
15 employment and income.

16 (b) In conducting the needs assessment, the executive
17 office on aging shall identify and review past surveys, such as
18 the *2003 Hawaii Health Survey*, include focus groups, and develop
19 policy questions to guide the focus of the needs assessment.

20 (c) In conducting the needs assessment, the executive
21 office on aging may use telephone surveys or other methods of
22 gathering reliable data regarding care recipients' needs and the



1 needs of their family caregivers, including purchasing
2 additional questions for the upcoming *Hawaii Health Survey*.

3 (d) The executive office on aging shall submit the
4 completed needs assessment to the joint legislative committee on
5 family caregiving no later than twenty days prior to the
6 convening of the regular session of 2008 to facilitate the
7 development of a comprehensive, sustainable, and community-based
8 family caregiver support system.

9 (e) For purposes of this part, "family caregiver" means a
10 person, including a non-relative such as a friend or neighbor,
11 who provides free and continuing day-to-day care in the home to
12 a care recipient.

13 SECTION 4. The executive office on aging shall submit a
14 report, including the completed needs assessment and any
15 proposed legislation, to the legislature no later than twenty
16 days prior to the convening of the regular session of 2008.

17 SECTION 5. There is appropriated out of the general
18 revenues of the State of Hawaii the following sums, or so much
19 thereof as may be necessary for fiscal year 2007-2008, for the
20 executive office on aging to conduct a comprehensive needs
21 assessment pursuant to section 3:



1 Senate \$
2 House of representatives \$

3 The sums appropriated shall be expended by the senate and
4 the house of representatives, respectively, for the purposes of
5 this part.

6 PART III
7 SERVICES

8 SECTION 6. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$, or so much
10 thereof as may be necessary for fiscal year 2007-2008, and the
11 same sum, or so much thereof as may be necessary for fiscal year
12 2008-2009, to expand the kupuna care program's in-home and
13 access services to qualified care recipients.

14 The sums appropriated shall be expended by the executive
15 office on aging for the purposes of this section.

16 SECTION 7. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$, or so much
18 thereof as may be necessary for fiscal year 2007-2008, and the
19 same sum, or so much thereof as may be necessary for fiscal year
20 2008-2009, for the direct services to family caregivers.

21 The sums appropriated shall be expended by the executive
22 office on aging for the purposes of this section.



1 PART IV

2 GRANDPARENTS CARING FOR GRANDCHILDREN

3 SECTION 8. The number of grandparents raising

4 grandchildren is growing rapidly, both statewide and nationwide.

5 According to the United States Census Bureau, between 1990 and

6 2000, there was an over thirty per cent increase in the number

7 of children under age eighteen living in grandparent-headed

8 households in Hawaii. Of the fourteen thousand twenty-nine

9 grandparents in Hawaii who report that they are responsible for

10 their resident grandchildren, over one-fifth also report that

11 the children's parents are not present in the household.

12 The rapid increase in the number of grandparents raising

13 grandchildren is attributed to both demographic trends and

14 social issues. Grandparents today have an increased life

15 expectancy and relative good health compared to previous

16 generations. As a result, they are better able to assume the

17 responsibilities of custodial caregiving. Broad social issues

18 such as divorce, substance abuse, incarceration, mental illness,

19 and abuse or neglect of the grandchildren are among the reasons

20 that grandparents take the role of primary caregivers from their

21 children.



1 Custodial grandparenting has emotional, physical, and
2 financial costs. Grandparents often report feeling guilt or
3 shame resulting from the situations that lead to them acquiring
4 custody of their grandchildren. They report more anxiety,
5 depression, and physical health problems than their non-
6 caregiving peers. Many of these grandparents are single,
7 female, and living in poverty. Their problems are often
8 exacerbated if they do not have legal custody of their
9 grandchildren, as they may not receive financial or educational
10 support or health care for their grandchildren.

11 Custodial grandparents need accurate and accessible
12 information on a myriad of issues, including legal aid for
13 custody or guardianship, financial assistance, counseling,
14 respite care, housing, health care, and education regarding
15 parenting for the second time.

16 It is important to have a clear understanding of the issues
17 facing and the needs of grandparents raising grandchildren in
18 Hawaii to formulate policies and programs to better assist this
19 population.

20 SECTION 9. There is appropriated out of the general
21 revenues of the State of Hawaii the following sums, or so much
22 thereof as may be necessary for fiscal year 2007-2008, for the



1 executive office on aging to conduct an assessment of the issues
2 facing, and the needs of, grandparents raising grandchildren in
3 Hawaii:

4 Senate \$12,000

5 House of representatives \$12,000

6 The sums appropriated shall be expended by the senate and
7 the house of representatives, respectively, for the purposes of
8 this part.

9 SECTION 10. The executive office on aging shall submit a
10 report to the legislature on the actions taken pursuant to this
11 part no later than twenty days prior to the convening of the
12 2008 regular session.

13 PART V

14 MISCELLANEOUS PROVISIONS

15 SECTION 11. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 12. This Act shall take effect upon its approval;
18 provided that sections 5, 6, 7, and 9 shall take effect on July
19 1, 2007.



Report Title:

Family Caregivers; Omnibus Package

Description:

Strengthens support of family caregivers by, among other things: extending the joint legislative committee on family caregiving; requiring the executive office on aging to conduct a comprehensive assessment of care recipients' needs and the needs of their family caregivers; and appropriating funds to expand services for care recipients and their family caregivers.

(SB1916 HD2)

