

JAN 16 2008

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# 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, expanded  
2 the mandate of the joint legislative committee on family  
3 caregiving by including grandparents of children age eighteen  
4 years and younger, or nineteen 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 The Act also required the committee to examine the issues facing  
9 this population of grandparents raising grandchildren.

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



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

15           The legislature finds that the needs assessment provides  
16 critical demographic information and feedback regarding what  
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 a 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; and
- 10          (14) Hawaii Volunteer Legal Services.
- 11          (b) In accessing the needs of and issues facing
- 12 grandparents, the task force shall, among other things:
- 13           (1) Review the 2007 *Needs Assessment of Grandparents*
- 14               *Raising Grandchildren in the State of Hawaii*, prepared
- 15               by the University of Hawaii, department of family and
- 16               consumer science;
- 17           (2) Review the most recent *Four Year State Plan on Aging*
- 18               to the United States Administration on Aging by the
- 19               executive office on aging and the area agencies on
- 20               aging;
- 21           (3) Review the testimony of the various agencies submitted
- 22               to the joint legislative committee on family



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



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



1           (12) Identify legal needs and whether these needs are being  
2                   adequately addressed.

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

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

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

14           (3) A discussion of identifiable barriers that prevent  
15                   grandparents from accessing services;

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

19           (5) Recommendations, including possible legislation.

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



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

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INTRODUCED BY:

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[Signature]





**Report Title:**

JLCFC; Grandparents Raising Grandchildren

**Description:**

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

