

LINDA LINGLE
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February 06, 2008

MEMORANDUM

TO: The Honorable Maile S.L. Shimabukuro, Chair
Committee on Human Services and Housing

FROM: Lillian B. Koller, Director

SUBJECT: **H.B. 3400 RELATING TO PUBLIC ASSISTANCE**

Hearing: Thursday, February 7, 2008; 9; 15 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of this legislation is to make the guardian or caretaker of an eligible ward or minor, respectively, eligible for financial assistance as follows; a caretaker may receive assistance from the Temporary Assistance for Needy Families (TANF) and Temporary Assistance for Other Needy Families (TAONF) programs and a guardian may receive financial assistance only from the TANF program.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) cannot support this bill if its passage replaces or adversely impacts the priorities in the Executive Supplemental Budget. Adding this bill's proposed new financial assistance population will require an increase in State funds above the current Maintenance of Effort (MOE) funds as these monies have all been committed.

The new mandatory population proposed by this bill would not be eligible for Federal Temporary Assistance for Needy Families (TANF) funds as the Federal

program requires relationship through blood or marriage for eligibility. We are unable to provide a cost estimate on the amount of State funds needed as we have no information on the number of legal guardians wanting assistance who are not currently eligible; therefore, we cannot support this bill as it is tantamount to signing a blank check.

As currently written, we have the following concerns on this bill. This bill would make any child, living with any caretaker who is not a parent, eligible for assistance. We would recommend that expanding access to assistance should be limited to nonrelative legal guardians. The Department could then recognize all of those currently eligible and legal guardians who are not related to the child as eligible. To do this, the legal guardian can be added to the definition of a specified relative for the purpose of determining eligibility for State funded family assistance. This would not impact any of the other eligibility factors and would clearly define access to the program. We also recommend that these changes be made through Hawaii Administrative Rules (HAR) rather than in statute as eligibility criteria for all our financial assistance programs currently exist only in Administrative Rules.

Thank you for the opportunity to provide comments on this bill.

TESTIMONY IN SUPPORT OF
HB3400 - RELATING TO PUBLIC ASSISTANCE

February 7, 2008 at 9:15 a.m.

The Legal Aid Society of Hawaii hereby provides testimony to the House Committee on Human Services & Housing on HB3400 – Relating to Public Assistance in support of this bill.

Founded in 1950, the Legal Aid Society of Hawaii is the oldest provider of legal services in the state. We provided civil legal assistance to those in need through nine offices located in Lihue, Waianae, Honolulu, Kaneohe, Kaunakakai, Lanai City, Wailuku, Kona and Hilo. Over the years we have provided leadership around public benefits issues and on an annual basis update our public benefits manual and provide a two-day training on public benefits. Our staff has also participated in national trainings on TANF and understands the complexity of this program.

This bill would make available public benefits for non-related guardians of children. Currently, a family that takes a non-relative child into their family who faces a financial cannot seek public assistance for that child. This bill would allow non-related guardians of children to receive public assistance on behalf of the child.

We believe that the availability of public assistance should not be limited to only related guardians to children. Many children are sometimes taken in by family friends and others who keep these children out of the child welfare system. To not allow these guardians to be eligible for public assistance when relative guardians regardless of income are seems incongruous to the states interest in maintaining homes for children outside of the foster care system. As guardianship does not require the guardian to take financial responsibility for that child – the parent still has that responsibility – eligibility for financial assistance should be available if the guardian qualifies.

Thank you for this opportunity to testify.

Sincerely,

Nalani Fujimori
Deputy Director
527-8014