

Minutes of the Grandparents Raising Grandchildren Task Force Meeting
Friday, September 5, 2008
11:30am
Hawaii State Capitol, Room 224

ATTENDANCE

Members Present:

Lori Yancura, Co-chair (UH-CTAHR), Pat Urieff, Co-chair (QLCC), Sally Wehrsig for Alan Parker (HCOA), Jackie Chong (Na Tu Tu Coalition), May Fujii Foo (EAD), Lawrence Sousie (AG/CSEA), Barbara Bishop for Moya Gray (VLSH), Sandy Morishige (DHS), Nalani Fujimori (LASH), Diane Stowell (PABEA), Helen Wagner (Grandparent Member), and Wes Lum (UH CARE).

Members Absent:

Frank Lopez (DPS), Colin Fukunaga (DHS), Carol Morimoto (Partners in Development), Daniel Hamada (DOE), Noemi Pendleton (EOA), Robert Brady (Judiciary), Jo Reyes (MCOA), and Charlyn Nakamine (KAEA).

Guests:

Maryann Crowell (grandparent), Valorie Taylor (Child & Family Services), and Stan Michaels (DOH – Injury Prevention).

REVIEW THE 2007 NEEDS ASSESSMENT OF GRG IN HAWAII

Lori distributed copies of a PowerPoint presentation to summarize the study. Below please find the Executive Summary.

Over 14,000 grandparents are primary caregivers for over 33,000 grandchildren in the state of Hawai'i. These grandparents raising grandchildren (GRG) are playing an important part in ensuring the well-being of the children of Hawai'i. They are also saving the state approximately 17 million dollars per month by caring for their grandchildren outside of the foster care system. Some have extensive needs for services, but many do not receive or seek assistance from formal agencies and service providers because the system is not currently set up to meet these needs. This report contains a preliminary needs assessment of GRG in the state of Hawai'i.

Assessing the needs of GRG is a difficult task because they are not an organized entity and many public and private agencies that serve them do not keep specific records on their service use. This assessment used a multi method approach to gain an understanding of the needs of GRG. Data were gathered from five sources: the Hawai'i Health Survey (HHS), existing grandparent surveys conducted in some counties, a survey of public and private agencies offering services that GRG might use, a questionnaire survey of GRG, and in-depth focus groups with GRG. Each data source has its own strengths and weaknesses. Taken together – they give a comprehensive picture of the prevalence and needs of GRG in Hawai'i.

Although there were differences in findings between these sources, some clear commonalities emerged. The average GRG is female and between the ages of 55 and 65. Although GRG are of many different ethnicities, Native Hawaiian, or Part Native Hawaiian are disproportionately represented as GRG (about 40%, according to data from the Hawai'i Health Survey). Most GRG have very low household incomes and live in rural areas; some already receive public assistance. Many are taking care of their grandchildren because of hardships faced by the children's parents (i.e., drug addiction, incarceration, or divorce).

The services most needed by GRG are children's programs, financial assistance, respite, and grandparent rights. Many of these services are already in place, but GRG don't know that they are eligible for them and/or they don't know how to access them. There is a need for coordination of services for GRG. The service needs of GRG vary by county and island. GRG are more likely to use services that come from a trusted source, many said that they would use a call-in or walk-in resource center.

Recommended actions include the formation of a legislative committee to explore intergenerational issues. The committee should prioritize objectives and collect data on grandparent-headed families from schools and public agencies. Actions also include raising public, agency, and legislative awareness of the needs of GRG and organizing an infrastructure for providing assistance to GRG. Programs or policies designed to assist GRG should consider that service use of GRG depends upon awareness and access. They should also consider that the issues faced by GRG affect entire families (grandparents, parents, and children) and occur within multiple contexts (schools, poverty, justice system). Emphasis should be placed on programs and policies that assist GRG who are sole providers for their grandchildren.

It was mentioned that it was unfortunate that the assigned staff from the Department of Public Safety (DPS) was absent from the Task Force Meeting because findings from the *2007 Needs Assessment of GRG* show that a significant number of grandparents reported that drugs are the main cause of why they must raise their grandchildren; this finding indicates that the department that incarcerates based upon drug convictions is a department that has an important role on the GRG Task Force. That is, DPS can increase awareness that many incarcerated parents have children who are frequently being raised by grandparents. Grandparents report that they don't want parents to interfere (in the way the grandparents are raising the grandchildren) or to undermine the rules for children (growing up in the grandparent-head-of-household). Questions arose as whether DPS's program for the soon-to-be-released includes information about how to slowly re-enter the family in supportive ways until they are able to accept full responsibility for being a parent.

REVIEW THE MOST RECENT FOUR YEAR STATE PLAN ON AGING

Wes distributed a PowerPoint presentation and summarized the 4-year State Plan on Aging on behalf of Executive Office on Aging (EOA) who could not be in attendance. Na Tu Tu requests that there be follow-up to assure that Grandparents Raising Grandchildren will be mentioned in writing (in the EOA 4-Year State Plan) as eligible for 10% of Federal Funds provided (to EOA) under the *Older American's Act*. Questions arose as to why

GRG are not already mentioned in the plan and when will GRGs be recognized in writing in the Plan? There was a discussion about (1) what *Area Agencies on Aging (AAA)* do for GRG, (2) how do they notify GRGs that there are resources/services available to GRGs, and how do they spend their 10% GRG designated portion from the National Family Caregiver Support Program? May Fujii Foo from the Elderly Affairs Division shared information and that they produce a senior directory; members expressed appreciation for the information and wanted to know where GRG can get the senior directory.

A suggestion was made to send a letter from the Task Force to the Director of EOA and to the AAA staff assigned to participate on the Task Force to request their attendance at GRG Task Force Meetings. The members supported this recommendation.

REVIEW OF LAWS RELATING TO GRG ISSUES

Review of laws relating to issues facing GRG and other kinship caregivers.

Chapter 587: Kinship Preference: SB2730 added new provisions for kinship preference in the placement of children.

- Requires placement preference for relatives up until temporary foster custody.
- Relative is defined as blood, adoptive or hanai relatives.
- Hanai relatives defined as adult who performs or has performed a substantial role in the upbringing or material support of a child, as attested to by the written or oral designation of the child or of another person, including other relatives of the child, as deemed credible by the court or the department.
- Requires DHS to provide an application to any relative seeking foster custody within 15 days on the inquiry. If the relative is denied, DHS must provide the specific reason for denial and the procedures for administrative appeal.
- Requires DHS to make reasonable efforts to identify all relatives within six months of assuming foster custody of child.
- Requires DHS to report in their safe family home report the efforts made to identify extended family and friends.

HRS §302A-482: Affidavit of Caregiver Consent: Passed in 2003, provides ability for caregiver to enroll minor in school.

- Can be signed by parent, guardian or legal custodian. If not available states that caregiver could not get signature and documentation of attempts to obtain signature.
- Cannot be used to:
 - Attend particular school
 - Circumvent district exemption process
 - Participate in athletics at particular school
 - Take advantage of programs at a particular school
- Notice to DHS by caregiver if child is living with them due to abuse or neglect.
- Does not affect rights of minor's parent, guardian, or legal custodian and can be rescinded by parent, guardian or legal custodian.
- Not applicable to IDEA or 504 of the Rehabilitation Act.
- School can require additional evidence that caregiver lives at address provided.

HRS §577-28: Affidavit of Caregiver Consent for Minor's Health Care: Passed in 2005, provides ability for caregiver to get health care: primary and preventive medical and dental care and diagnostic testing and other medically necessary health care and treatment.

- Can be signed by parent, guardian or legal custodian. If not available states that caregiver could not get signature and documentation of attempts to obtain signature.
- Caregiver must be over eighteen and either:
 - Related by blood, marriage, or adoption, including person entitled to award of custody, but who is not the legal custodian or guardian; or
 - Has resided with the minor continuously during the immediately preceding period of six months or more.
- Not applicable to IDEA or 504 of the Rehabilitation Act.

Chapters 571, HRS, regarding child custody and support. Lawrence Sousie provided materials and a summary:

- Parents have a statutory duty to support their child. HRS § 577-7 Parents' control and duties provides in relevant part: "all parents and guardians shall provide, to the best of their abilities, for the discipline, support, and education of their children."
- Custody if a child is governed by HRS §571, while guardianship of a child is governed by HRS § 560:5-201. For practical purposes, custody and guardianship are very similar concepts. Both carry with them privileges and obligations of decision making and the daily care of the child.
- HRS § 571-46 explains the criteria and procedure in awarding custody and visitation.
- HRS § 571-46.3 explains grandparents' visitation rights, petition, notice, and order.
- In Hawaii, in determining the best interest of the child in court (guardianship/custody) proceedings, the court considers the preference given to parents in HRS 571-46, which is subject to rebuttal.
- Child support statutes includes HRS § 576D and 576E. There are essentially 2 types of child support cases where a grandparent has assumed the custody/guardianship of a child: (1) establishing a child support obligation where there is no existing child support order, and (2) modifying an existing child support order.

REVIEW OF TESTIMONY FROM THE AUGUST 16, 2007 MEETING OF THE JOINT LEGISLATIVE COMMITTEE ON FAMILY CAREGIVING

Wes provided testimony that was submitted by various agencies to the JLCFC at its hearing on August 16, 2007. Since the electronic copies were not received prior to the meeting, this discussion was tabled to the next meeting to give everyone a chance to read the testimony.

Sandy Morishige, DHS Income Maintenance, provided copies of a *List of Needs of Grandparents Raising Grandchildren* drafted by Colin Fukunaga, DHS (who wasn't

present). Questions arose. It was mentioned that in the future the Task Force plan to review the list when Colin could answer questions.

IDENTIFY ISSUES THAT MAY NEED TO BE ADDRESSED BY LEGISLATION

This topic was tabled to the next meeting because we ran out of time.

SET THE AGENDA FOR THE NEXT MEETING ON OCTOBER 10, 2008

The agenda for the next meeting will include:

1. Review the testimony of the various agencies submitted to the Joint Legislative Committee on Family Caregiving (JLCFC) at its hearing on August 16, 2007, regarding issues facing GRG.
2. Identify issues that may need to be addressed by legislation.
3. Create subcommittees, if appropriate.

The upcoming meeting dates for the GRG Task Force are:

- Friday, October 10, 2008 from 11:30am – 1:00pm at the State Capitol, Room 229.
- Friday, November 7, 2008 from 11:30am – 1:00pm at the State Capitol, Room 229.
- Friday, December 5, 2008 from 11:30 am – 1:00pm at the State Capitol, Room 229.