

## Minutes of Grandparents Raising Grandchildren Task Force Meeting

November 07, 2008

11:30 am.

Hawaii State Capitol, Room 229

### ATTENDANCE

#### Members Present:

Helen Wagner, Grandparent Raising Grandchild; Loriena Yancura and Erin Ibisu from UH-CTAHR; Pat Urieff, QLCC; Wes Lum, UH-CARE; Sandra Morishige and Colin Fukunaga, DHS; Noemi Pendleton, EOA; Lawrence Sousie, Child Support Enforcement Agency; May Fujii Foo, Honolulu EAD; Sally Wehrsig, Hawaii Office on Aging; Dianne Stowell, PABEA; Nalani Fujimori, Legal Aid Society of Hawaii; Emma Gardner, Volunteer Legal Services of Hawaii; and Steven Shiraki, DOE, reporting for Daniel Hamada.

#### Members Absent:

Daniel Hamada, DOE; Frank Lopez, Department of Public Safety; Robert Brady, Judiciary; Josephine Reyes, Maui Office on Aging; Charlyn Nakamine, Kauai Elderly Affairs; Jackie Chong, Na Tu Tu.

#### Guests:

Valerie Taylor, CFS Gerontology; Regan Krantz, Alu Like; Tracy Yadao, DHS Licensing Unit; Dana Apo, Family Programs Hawaii; and Tom Marzec, SR10 Task Force.

### Committee Reports on Housing Issues in Public Senior Housing Operations.

- Hawaii County (Big Island). Financially eligible senior citizens live in Hawaii State Kupuna Housing, but if a grandparent gets a grandchild in crisis, then Housing Management say the grandparent has two weeks then must move out. [Attorney Nalani Fujimori said that is in violation of Hawaii Law.]  
The grandparent raising grandchild (GRG) stays and the manager asks for proof such as *Power of Attorney*. The GRG knows she/he must look for a plan to leave but stay because can't find a place to move to. Housing Managers refer GRG to complete paperwork for a Public Housing Family Unit, but the Wait List has persons who have waited for years.
- `Oahu County, eleven Senior Housing managed by Prudential. Hawaii State Law makes 55+ the requirement to be considered a senior, required is that all members of a household meet the same criteria. Anyone under 55 is not eligible to reside at the property. A grandchild can stay overnight for only a maximum of 30 days per year.
- Regarding Federal Law that results in Rules for Senior Housing. Three out of four Hawaii Representatives to Congress sent letters (during 2006 and 2007) showing awareness that Federal Rules result in eligible seniors becoming ineligible when the grandparent cares for a grandchild in crisis in Senior Housing. Task Force Question followed, "What are Hawaii Representatives to Congress doing to track this issue toward changing the rules?" Plan: send letter to representatives.

### Report from Hawaii State Executive Office on Aging

- Noemi Pendleton gave assurances: (1) that the next Hawaii State 4-Year Plan on Aging will show in writing/mention of Grandparents Raising Grandchildren and identify supports for GRG that the state plans. (2) The current written 4-Year Plan may be updated earlier than in four years. Noemi confirmed that EOA will continue

to collect data from four *All Area Agencies on Aging*, (Hawaii, Kaua'i, Maui, and Honolulu AAA) about what they do for grandparents raising grandchildren. She assured that AAA will continue to track calls from GRG and the types of help they need.

- Noemi clarified that the Title 3-E, Federal Older American's Act [that includes *grandparents raising grandchildren 17 years and younger or a handicapped grandchild 18 years and older*] says "state to distribute to counties"; that *Area Agencies on Aging* "may not spend more than 10% of their budget on grandparents raising grandchildren if there is a need"; and EOA interprets that to mean that AAA may not spend more than 10%, and is not obligated to spend any of their budget on GRG. Noemi said she meets regularly with four AAA, she will discuss services to GRG, and mention that their written resource materials should show the words *Grandparents Raising Grandchildren* so that any reader will learn/know that GRG are included, invited, and welcomed to contact the county's elderly services to ask for help.
- Noemi acknowledged (1) that EOA funded the *2007 Needs Assessment of Grandparent Raising Grandchildren's Needs* and educational workshops for GRG during 2008. Lori Yancura mentioned that EOA funded the Grandparent Raising Grandchildren Surveys that the Department of Education is sending out.

#### **Area Agencies on Aging Responded to Questions.**

What do they do for GRG? Do they spend 10% of their budget on supports for GRG? What are their plans for supports for GRG? Do they plan support groups as recommended in the *2007 Needs Assessment of Grandparents Raising Grandchildren*?

Summary.

- *Honolulu Elderly Affairs* provides funds to *Hawaii Family Services-Waianae* that has an ongoing Support Group and respite for GRG; gives presentations to various groups; does *Health Fairs* and an annual conference with written materials; 13 Community Aids are in communities where GRG gather and they refer seniors to CFS, Kalihi Palama Settlement, and Alu Like. Honolulu AAA provides *Kahuku Hospital* with a Social Worker that GRG can access; and has a website [www.elderlyaffairs.com](http://www.elderlyaffairs.com) that provides materials: *Family Caregivers Guide 2008* and *Senior Information & Assistance Handbook 2007-2009*.
- *Kaua'i Elderly Affairs* has been partnering with Queen Lili'uokalani Children's Center and Child & Family Services to have three Support Groups for GRG with childcare so they consider that respite for the grandparents. They partnered with EOA and QLCC to have a 2008 Educational Workshop for GRG. They partnered with QLCC to have a November 2008 Conference for `ohana caregivers; and they collect data at those activities about what GRG reported as needs. The Kaua'i Information & Resource Directory does not mention *Grandparents Raising Grandchildren*. They are going to talk about putting the directory on the Kaua'i County website.
- *Hawaii (Big Island) Office on Aging* reported that none of their budget was spent on supports for GRG considered not an emphasis. Their entire budget is needed for responding to requests from frail/handicapped home-bound elders whose requests have been greater than the budget for responding. The state has not

released money to refund the county budget; Hawaii County's priority is to respond to the requests from frail/handicapped elders. They partnered with EOA to have a December 2008 Educational Workshop for GRG at the current AAA Facility. They are planning to partner regarding a 2009 Kona Breakfast Group. In the process of planning activities, they are going to look at/discuss supports for GRG. Soon they will have a new and larger facility for activities.

- *Maui Office on Aging* did not provide a report on November 7, 2008.

### **Department of Human Services**

- Colin Fukunaga said he did research on the WEB regarding what other states are doing to support GRG and he made a list. He provided explanation of items on the list of services that other states provide for GRG.
- DHS provides funds for *Volunteer Legal Services* and for *Legal Aid Society of Hawaii* where eligibility is based upon the family category of *250% of the Federal Poverty Level*.
- DHS was not aware of the Affidavit, *Caregiver's Consent for Minors full participation at school*.
- **DHS will look for data related to "what happened to the child when released from grandparent's care back to the parent".**

Tracy Yadao, DHS Licensing Unit, and Dana Apo, from Family Programs Hawaii provided information: the two agencies are partnering to draft a pilot project for respite for foster parents for the purpose of *preventing re-entry of children into the state foster care system*; they plan to apply for a grant; and they plan to ask local agencies to partner to carry out the project.

### **Department of Education**

Steven Shiraki reviewed issues listed in a November 06, 2008 letter from Daniel Hamada (to Representative Marilyn Lee and Senator Les Ihara, Jr.) and answered questions from the Task Force.

1. DOE acknowledges that they need to send their schools an internal memo to clarify the intent and guidelines for Act 99 *Caregiver's Consent for minor's full participation at school* to inform and increase DOE staff awareness that caregivers should be able to easily access a copy of the Affidavit, *Caregiver's Consent*, from the Principal's Office at every one of the 257 school statewide.  
\* DOE will send a copy of the planned DOE Internal Memo to Senator Les Ihara Jr.'s Office for the Task Force to track this.
2. Given that there are two laws, (1) *Caregiver's Consent* (for minor's full participation at school) and (2) *Caregiver's Consent for Minor's Health Care*, DOE in collaboration with DOH is researching making a new Affidavit that combines the two consents. DOE will provide a report of the outcome of current and on-going collaboration with the Department of Health and their Attorney General toward having combination of two consents in one planned affidavit. Expectation is that this report will be made late during 2009.  
\* DOE will send written information to Senator Les Ihara, Jr.'s Office for the Task Force.
3. DOE Data Base does not identify grandparents and relatives raising children when the caregivers do not have legal status. In the revised Electronic Student Information

System (eSIS) database, now in use by all of 257 DOE schools statewide (with the exception of Niihau), there are two fields, “Custody” and “Living With”, both of which include grandparents and other types of caregivers. DOE is currently working with DOE Information Resource Management Branch to determine how these parameters are defined.

\* Task Force needs to track to learn *how DOE parameters are defined for grandparents (and relatives) raising grandchildren 24/7 when the caregivers do not have legal status.*

4. **DOE wants GRG to communicate to give information about the students’ living situation so that the student can be linked to helpful resources.**
5. Children with SPECIAL NEEDS living with a caregiver who provides 24/7 care and caregiver does not have legal status. DOE does not accept the *Affidavit for Caregiver’s Consent* for special needs minors with an *Individual Education Plan* and does not notify the caregiver (about diagnosis, the IEP, or IEP Meetings). The DOE letter dated 11/08/08 states the DOE position: “..Caregivers without legal status do not have legal rights to the information”; ..that type of caregiver may initiate to contact the DOE to find out if they meet DOE criteria to be involved; and this DOE Policy is based on a federal law.

**The Task Force decided that research is needed to complete on answers to pending questions; and legislation is not needed as of 11/07/08.**

1. Research through Senator Inouye’s Office planned (by Pat) to clarify a federal interpretation of IDEA Sec. 300.30 defining *caregiver of the child*.
2. Needed are letters to four Hawaii Representatives to Congress from the Task Force to request changing the rules that result in an eligible senior living in Public Senior Housing becoming ineligible when the senior is a grandparent who gets a grandchild in crisis and needs care beyond 30 days.

**Outline of Planned December 2008 Report to the Legislature.**

Lori Yancura, Ph. D. drafted an outline of issues and provided copies to members of the Task Force. Meeting time had expired so Task Force Members were assured that the outline will be emailed to them for their review and preparation of feedback for a discussion planned for the next meeting on December 05, 2008.

**Grandparent Visitation.**

Tom Marzec, SR10 Task Force, provided very brief information and handouts for Task Force review and to prepare feedback for December 5, 2008

**Pending is answer to question, “What does Hawaii State Department of Public Housing do to prepare incarcerated parents for exit from the system?”**

Respectfully Submitted: Pat Urieff