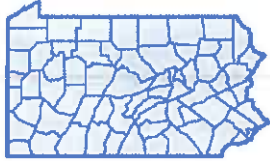


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TESTIMONY REGARDING SUPPORT AVAILABLE TO GRANDPARENTS RAISING GRANDCHILDREN

PRESENTED TO THE HOUSE CHILDREN AND YOUTH COMMITTEE
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BY

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My name is Brian Bornman. I am the Executive Director for the PA Children and Youth Administrators Association, an affiliate of the County Commissioners Association. Our association consists of all 67 counties. I have worked in the field of social work since 1988 in various roles, including those of child therapist, a child welfare caseworker, and legal counsel for a county child welfare agency. I thank you for the opportunity to testify before this body and appreciate the efforts being made here to address the critical issue of grandparents raising their grandchildren.

Throughout history, grandparents have traditionally been a critical safety net for their grandchildren, often intervening before state involvement was necessary. Research has shown time and time again that keeping children with family when they are unable to remain with a parent is best for their physical, emotional, and mental well-being. This reduces the trauma they experience and helps them develop better bonds with those around them.

As this hearing is focusing on the issues surrounding grandparents caring for their grandchildren, I want to address some of the challenges they may experience when working with child welfare. While there are a great many grandparents caring for their grandchildren due to county children and youth agency involvement, I would submit that this is likely only a small percentage of the overall number of grandparents raising grandchildren. There is no mechanism to track how many children are being cared for by their grandparents through informal or formal family arrangements. One could check court orders where grandparents are awarded custody through the PA courts and how many were granted custody through the involvement of a county CYS agency, but many, if not most, of these arrangements are simply the result of parents signed a guardianship agreement with the grandparent or where the grandparent simply provides for all the child's care and needs without anything granting them any custodial rights or guardianship. In my time representing a county CYS agency, it was not uncommon for such situations to continue on unknown to children and youth until something occurred that required the legal authority to sign for a child for education or medical care and the parent being unable to be located or unwilling to sign.

That being said, I will discuss some of the challenges facing grandparents when there is involvement of children and youth. There are a number of laws impacting grandparent involvement in children and youth cases. Primarily, county CYS agencies intervene to take protective custody of children when necessary under the Juvenile Act. There are extensive due process and constitutional protections for parents inherent in this law. A not infrequent theme for grandparents is frustration with the county agency for not intervening to protect their grandchild or not doing so earlier than it does occur. While a grandparent may have intimate knowledge of a parent's behavior or struggles with substance use, this knowledge alone may not be sufficient to allow a county agency to prove that the safety of the child is being endangered by clear and convincing evidence.

This frustration is certainly understandable and the county agencies are not unconcerned. The reality is simply that what someone may know and what can be proven in a court of law can vary greatly. Compounding this situation may be the hesitancy of a relative to testify against a parent as to what they have witnessed. The entire legal process can be extremely frustrating for grandparents and may lead some to believe that parents are given too much latitude or deference, at the expense of the child's well-being.

A bright spot in the child welfare practice in Pennsylvania has been a dramatic increase in what is known as kinship care. When it is determined that a child can no longer safely remain with parent, county agencies are obligated to conduct family finding efforts to locate kin. Pennsylvania has a very liberal definition of what constitutes kin and includes relatives, the more traditional definition, but also persons who have a substantial relationship to the child or the child's parent. The purpose of this is to reduce trauma to a child by allowing them to be cared for by people they know and have an existing relationship with, rather than a foster parent they do not know.

Pennsylvania started a concerted effort to increase levels of kinship care many years ago and the percentage of children placed in kinship care has been steadily increasing over the past decade. It is often at this point that grandparents have their first involvement with the county CYS agencies. Once identified as a potential kinship caregiver, county agencies will assess who among the potential caregivers will be able to best provide for the child. Numerous factors go into this assessment such as the ability of the child to remain in their school, the willingness of the potential caregiver to work with the parents on reunification efforts, past criminal or child welfare involvement, and others. The driving factor is the best interest of the child.

Once identified as a caregiver and the caregiver that will best provide for the child's well-being, there is two possibilities for being a kinship caregiver. There exists informal kinship care, in which the caregiver is not licensed and is unable to receive a subsidy to assist with the care of the child. The more common is to become a formal kinship caregiver. Kinship caregivers may be granted the care of a child with very preliminary clearances and home safety check, but within 60 days, they must complete everything necessary to be licensed as a foster parent. This involves a substantial home study, clearances, and training. It is not uncommon for this to be a second point of consternation for those caregivers, as the process is considered by many to be somewhat intrusive and time consuming. This is all set forth by statute and regulation, however.

Another theme of grandparent frustration is that of the requirement for county agencies to seek permanency for a child. This is set out in the Juvenile Act and reinforced in regulation and caselaw. Under the Adoption and Safe Families Act, county agencies having custody of a child are required

to file a petition to terminate parental right, barring a compelling reason, if the child has been in placement for 15 of the preceding 22 months. The goals for permanency are a hierarchy that starts with reunification and works down less desirable outcomes through adoption, placement with a fit and willing relative, permanent custodianship, to the least desirable outcome of Another Planned Permanent Living Arrangement, which is only available for children over the age of 16 and is being sought to be eliminated altogether.

This can sometimes put caregiving grandparents in a difficult position when a parent is unable to remedy the situation that brought the child into care within that time frame. While agencies are legally required to find an adoptive resource for a child, grandparents may feel uncomfortable in adopting a grandchild as it may seem to be a legal fiction. Often, there is an ongoing hope that the parent will resolve their struggles and be able to resume parenting safely at some unknown point in the future. This will sometimes create a conflict between a grandparent's desire to simply be a grandparent and the county agencies legal obligation to provide the child with permanency.

Lastly, there can be serious emotional challenges for grandparent caregivers. The love and compassion grandparents feel for their grandchildren cannot be underestimated, but this often comes hand in hand with frustration, a sense of loss, anger, and embarrassment that they are needed to provide care for their grandchild due to the inability of the parent, possibly their own child, to do so. Thankfully, there has been more focus in recent years to provide support to caregivers through the post-permanency services through the Statewide Adoption Network (SWAN).

The benefit of grandparents providing care for their grandchildren should not be underestimated. Some studies have put the financial benefit to public welfare at between \$23 and 39 billion a year nationwide due to these children not coming into the care of child welfare. Even more important is that millions of children each year are spared the trauma of being separated from their families through the efforts of grandparents who intervene to provide what is often the last critical safety net before the intervention of child welfare. They truly deserve our thanks and admiration.

What is frequently discussed, both in Pennsylvania and across the nation, are ways that grandparents raising their grandchildren can be assisted, both financially and through support. Essentially, there are two sources of financial assistance that grandparents can access. The first is the funding available through the kinship care program with child welfare. In this process, grandparents must undergo a home study and be subject to the regulations regarding foster care. While this provides substantial support, the same as foster parents can receive, they are also subject to what many consider to be uncomfortable intrusion into their lives, with caseworkers checking in on the home regularly. There may also be limitations on what may be permitted regarding the children's activities, although this particular issue has been reduced drastically with the passage of the reasonable and prudent parent standard.


The other mechanism for financial support is through county assistance offices. Grandparents may be eligible for cash assistance, food stamps, and subsidized childcare. What is often found to be unpalatable to grandparent caregivers is that, in order to qualify for these benefits, there is a requirement to first seek contribution from the responsible parent by way of seeking child support. For a variety of reasons, many grandparents are uncomfortable with being in a position to sue their child for support, and may forego benefits to which they are entitled in order to avoid this

uncomfortable situation.

Many states have considered this issue and one program that is frequently implemented or discussed is that of a Kinship Navigator. When a grandparent, or any relative, is suddenly thrust into the role of caretaker unexpectedly, there may have many questions. They are unsure what rights they have to the child, what rights the parents may still exercise, and how they are to go about such actions as enrolling a child in school or seeking medical care. To assist with this, some states have implemented Kinship Navigator Programs. These programs are essentially information and referral centers. Caregivers can contact them and have a myriad of questions answered, can be directed to available resources, and may be able to access legal assistance to help explain their rights. At least one state has established a fund to pay for legal fees connected to kinship caregivers, although this is not widespread nationwide. Generally, it is difficult for a grandparent to access legal services due to their client limitations.

Lastly, I want to thank this body for holding this hearing to address this important issue and all the grandparents in the Commonwealth who are caring for their grandchildren in whatever fashion. Their struggles are not in vain for the children in their care and their efforts will allow these children to be healthier, both physically and emotionally. Lastly, I want to thank all the professionals in Pennsylvania who have committed their lives to protecting and caring for the at-risk and abused children in the state

Thank you.

 6/9/17
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