

Rep. Eddie Day Pashinski
House Children and Youth Committee hearing on Grandfamilies
June 14, 2017

*Data is current as of May 2017

The Definition

Grandfamilies, or kinship families, are families in which children reside with and are being raised by grandparents, other extended family members, and adults with whom they have a close family-like relationship such as godparents and close family friends.

- This definition comes from Families United, an advocacy group working to help grandparents raising grandchildren and other kinship families.

Grandfamilies are fragile families, where grandparents are trying to keep the family together by taking in their grandchildren when the parents are unable to care for them properly.

The Children

2.5 million children are being raised in grandfamilies around the nation.

238,598 (8.8%) Pennsylvania children live in home where householders are grandparents or other relatives.

- 195,216 (7.2%) of these children live with their grandparents.
 - Up from 191,532 in 2010.
- 103,000 (4%) children have no parent present in the home.

More than 40% of children in grandfamilies in 2014 were removed due to parental alcohol/drug use.

The average amount of time children spend in grandfamilies is approximately **five years**.

The Grandparents

88,726 Pennsylvania grandparents are householders responsible for the grandchildren living with them. A 12% increase from 2010.

32.5% care for their grandchildren without the child's parents present in the home.

20.2% live in poverty. Up from 19% in 2010.

34% are over age 60.

41.7% are not in the workforce.

- Nationally 41.3% are not in the workforce.

25.3% have a disability.

- Nationally 24.9% have a disability.

32.1% are unmarried

- Nationally 29.8% are unmarried.

Benefits

Pennsylvania grandparents are saving the state an estimated \$22 million dollars a year by keeping their grandchildren out of the foster care system. That figure might be even higher because many grandfamilies are not on anyone's radar.

- Nationally, grandfamilies save taxpayers an estimated \$4 billion each year.

Children thrive in grandfamilies.

- Living with grandparents provides stability and permanence. For example – fewer school changes.
- Children are more likely to maintain familial connections.

Downsides

Grandfamilies are becoming more common as a result of the increasing heroin and opioid use.

- In 2014, 1/3 of children were removed from homes due to parental alcohol/substance abuse.

It's hard for grandfamilies to get help.

- Less than 50% receive SNAP or Medicaid despite need and eligibility.
- 83% of grandfamilies do not receive child care assistance.
- 85% of low-income grandfamilies do not receive housing assistance.
- Less than 12% receive Temporary Assistance for Needy Families (TANF) support.

Other states' programs

Many other states are providing help to grandparents raising their grandchildren, connecting them to services and supports them through toll free phone numbers and websites:

- Arizona
- California
- Connecticut
- Florida
- New Jersey
- New York,
- Ohio
- South Carolina
- Washington State

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in standby guardianship, providing for
3 temporary guardianship; and, in child protective services,
4 further providing for release of information in confidential
5 reports.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The heading of Chapter 56 of Title 23 of the
9 Pennsylvania Consolidated Statutes is amended to read:

10 CHAPTER 56

11 STANDBY AND TEMPORARY GUARDIANSHIP

12 Subchapter

13 A. Preliminary Provisions

14 B. General Provisions

15 C. Temporary Guardianship

16 Section 2. Chapter 56 of Title 23 is amended by adding a
17 subchapter to read:

18 SUBCHAPTER C

19 TEMPORARY GUARDIANSHIP

- 1 Sec.
2 5630. Grounds for appointment.
3 5631. Standard for appointment.
4 5632. Duration.
5 5633. Hearing required.
6 5634. Mandatory considerations.
7 5635. Investigation required.
8 5636. Limits on temporary guardianship powers.
9 5637. Costs.
10 5638. Termination of temporary guardianship.
11 5639. Onsite assessment.
12 5640. Agreement for temporary guardianship.
13 § 5630. Grounds for appointment.

14 When an individual who is a parent of a minor has entered a
15 rehabilitation facility for treatment of a drug or alcohol
16 addiction, or has been subject to emergency medical intervention
17 due to abuse of drugs or alcohol, a grandparent of the minor or
18 an individual who stands in loco parentis to the minor may file
19 a petition with the court of common pleas for temporary
20 guardianship of that minor.

21 § 5631. Standard for appointment.

22 A court may appoint an individual under section 5630
23 (relating to grounds for appointment) as temporary guardian if,
24 upon petition, it is shown by clear and convincing evidence
25 that:

26 (1) Grounds for appointment have been established under
27 section 5630 or a written agreement for temporary
28 guardianship has been executed by a parent of the minor and
29 an individual listed under section 5630.

30 (2) The other parent of the child:

- 1 (i) is unable or unwilling to assume physical
2 custody or make decisions regarding the child;
3 (ii) consents to the temporary guardianship;
4 (iii) after a good faith effort, cannot be located;
5 or
6 (iv) is deceased.

7 § 5632. Duration.

8 Temporary guardianship under this section shall be limited in
9 duration to not more than 60 days from entry of the order of
10 temporary guardianship but, upon petition or by written
11 agreement of the temporary guardian and the parent who has
12 entered a rehabilitation facility, may be extended for periods
13 of up to 60 additional days. The total period of guardianship
14 under this section may not exceed 365 days.

15 § 5633. Hearing required.

16 Upon petition for temporary guardianship of a minor, the
17 court shall hold a hearing, at which one or both parents and the
18 minor has the right to be present. The court may not hold a
19 hearing absent proof of personal service upon the parent or
20 documentary evidence that after a good faith effort the other
21 parent cannot be located.

22 § 5634. Mandatory considerations.

23 Before granting a petition under this section, the court
24 shall consider whether granting temporary guardianship is in the
25 best interest of a minor. When determining whether to grant or
26 extend temporary guardianship the court shall also consider the
27 following:

28 (1) The existence of feasible alternatives to temporary
29 guardianship.

30 (2) The effect on the emotional, social and educational

1 development of the minor.

2 (3) Whether the temporary guardianship will have an
3 adverse effect on the minor's relationship with the parent.

4 (4) The wishes of either parent regarding the temporary
5 guardianship.

6 (5) The expressed preference of an age-appropriate
7 minor.

8 (6) The physical and behavioral health of the temporary
9 guardian and any treatment rendered to the temporary guardian
10 by health care providers.

11 (7) Other relevant factors regarding the effect of the
12 temporary guardianship.

13 § 5635. Investigation required.

14 A court may not enter or extend an order of temporary
15 guardianship unless:

16 (1) A search of the ChildLine database maintained by the
17 Department of Human Services indicates no record of the
18 temporary guardian or a person who resides in the same
19 household as the temporary guardian as being a perpetrator of
20 child abuse or neglect.

21 (2) A search of criminal history records in this
22 Commonwealth and criminal history records maintained by
23 Federal agencies indicates no record of the temporary
24 guardian or a person who resides in the same household as the
25 temporary guardian as being convicted of a crime of violence,
26 as defined in 42 Pa.C.S. § 9714(q) (relating to sentences for
27 second and subsequent offenses).

28 § 5636. Limits on temporary guardianship powers.

29 In addition to any other restrictions on the power of a
30 guardian or temporary guardian, a temporary guardian may not

1 have the power to:

2 (1) Remove the minor from the United States either
3 permanently or temporarily or permit the minor to be removed
4 from the United States either permanently or temporarily.

5 (2) Remove the minor from this Commonwealth absent a
6 court order, which may only be issued after a hearing at
7 which both parents and the child shall have the right to be
8 present.

9 § 5637. Costs.

10 A court may waive filing fees and other costs upon
11 application when the temporary guardian demonstrates the fees
12 and other costs would constitute a financial burden upon the
13 temporary guardian and the family of the temporary guardian.
14 There shall be a presumption of a financial burden if the income
15 from all sources of the temporary guardian is less than 300% of
16 the poverty level set by the Federal Government.

17 § 5638. Termination of temporary guardianship.

18 A court may terminate a temporary guardianship upon a showing
19 that the basis for the temporary guardianship no longer exists
20 or that the parent and temporary guardian agree upon
21 termination. A party to the temporary guardianship may file a
22 petition with the court seeking termination.

23 § 5639. Onsite assessment.

24 Within 15 days of termination of a temporary guardianship,
25 the court shall direct a county children and youth agency to do
26 an onsite assessment of the home of the parent of the minor.

27 § 5640. Agreement for temporary guardianship.

28 A parent and a temporary guardian may agree on a temporary
29 guardianship. In the case of more than one agreement for
30 temporary guardianship, the last executed agreement shall be

1 given effect. A designation of temporary guardianship may, but
2 need not, be in the following form:

3
4 (Insert name of designator) do hereby appoint
5
6 (Insert name, address and telephone number of temporary
7 guardian) as the temporary guardian of
8
9 (Insert name(s) of minor(s) to take effect upon
10 (Date).

11 I am the mother/father/other to.....
12
13 (Insert name(s) of minor(s)).

14
15 (Insert name(s) of other parent(s) of minor(s)) is the
16 father/mother/other of
17
18 (Insert name(s) of minor(s)).

19 By this designation, I am granting
20 (insert name of temporary guardian) the authority to act for
21 45 days following the occurrence of
22 as a coguardian with me or as guardian of my minor
23 child(ren).

24 It is my intention to retain full parental rights to the
25 extent consistent with my condition and to retain the
26 authority to revoke the temporary guardianship if I so
27 choose.

28 This designation is made after careful reflection, while I am
29 of sound mind.

30

1 (Date) (Designator's signature)

2

3 (Witness's signature) (Witness's signature)

4

5 (Number and Street) (Number and Street)

6

7 (City, State and Zip Code) (City, State and Zip Code)

8 If applicable: I,

9 (Insert name of other parent)

10 hereby consent to this designation.

11

12 (Date) (Signature of other parent)

13

14 (Address of other parent)

15 I,

16 (Insert name of temporary guardian) hereby accept my

17 nomination as temporary guardian of

18

19 (Insert minor(s)'s name(s)). I understand that my rights and

20 responsibilities toward the minor child(ren) named above will

21 become effective upon (Date)

22 I further understand that in order to continue as temporary

23 guardian for the child(ren), I must file a petition with the

24 court of common pleas within 30 days of the order granting

25 the petition for temporary guardianship.

26

27 (Date) (Signature of temporary guardian)

28 NOTARY SEAL

29 I hereby revoke the above temporary guardianship agreement.

30 (Parent signature)

1 (Date)

2 NOTARY SEAL

3 Section 3. Section 6340(a)(5.1) of Title 23 is amended to
4 read:

5 § 6340. Release of information in confidential reports.

6 (a) General rule.--Reports specified in section 6339
7 (relating to confidentiality of reports) shall only be made
8 available to:

9 * * *

10 (5.1) A court of common pleas in connection with any
11 matter involving custody of a child as set forth in sections
12 5328 (relating to factors to consider when awarding custody)
13 and 5329.1 (relating to consideration of child abuse and
14 involvement with protective services) or temporary
15 guardianship of a child under Chapter 56 (relating to standby
16 and temporary guardianship).

17 * * *

18 Section 4. This act shall take effect in 60 days.

A RESOLUTION

1 Directing the Joint State Government Commission to study the
2 trend of grandfamilies in Pennsylvania and report its
3 findings and recommendations to the General Assembly.

4 WHEREAS, Grandfamilies, or kinship families, are families in
5 which children reside with and are being raised by grandparents,
6 other extended family members and adults with whom they have a
7 close family-like relationship, including godparents and close
8 family friends; and

9 WHEREAS, In Pennsylvania, more than 195,000 children are
10 living with their grandparents; and

11 WHEREAS, More than 88,000 Pennsylvania grandparents are
12 householders responsible for their grandchildren who live with
13 them, and of these households nearly 29,000 do not have the
14 child's parents present in the home; and

15 WHEREAS, Nearly one-third of grandparents raising
16 grandchildren are 60 years of age or older, nearly 60% are in
17 the work force and nearly 20% are living in poverty; and

18 WHEREAS, For every child in foster care with relatives, there

1 are 20 children being raised in grandfamilies outside of the
2 foster care system; and

3 WHEREAS, Grandfamilies provide the State with significant
4 savings by keeping children out of the foster care system; and

5 WHEREAS, Forty percent of children in foster care with
6 relatives are there because of parental drug or alcohol abuse;
7 and

8 WHEREAS, Grandparents face unique emotional, legal, health
9 and economic challenges when they unexpectedly find themselves
10 in the position of raising a second family, yet they find little
11 support; therefore be it

12 RESOLVED, That the House of Representatives direct the Joint
13 State Government Commission to submit a report on grandfamilies
14 that identifies:

15 (1) The number of children being raised in grandfamilies
16 from 2011 through 2016 and a comparison with the number of
17 children being placed in foster care.

18 (2) The average length of time children remain in
19 grandfamilies.

20 (3) The reasons children are placed in the care of
21 grandparents and great-grandparents.

22 (4) The impact parental drug or alcohol abuse has on
23 children being raised in grandfamilies.

24 (5) The economic impact raising children has on
25 grandfamilies, including how it affects the earning ability
26 and retirement savings of grandparents.

27 (6) The impact of grandfamilies on the Commonwealth's
28 foster care system, including how much grandfamilies save the
29 Commonwealth in foster care costs.

30 (7) Emotional, social and legal challenges facing

1 grandfamilies.

2 (8) The behavioral and emotional outcomes of children
3 placed with grandparents or great-grandparents.

4 (9) The number of parents successfully reunited with
5 their children after placement with grandparents or great-
6 grandparents as compared with the number of parents
7 successfully reunited with their children after placement
8 with foster families;

9 and be it further

10 RESOLVED, That the report include recommendations on how to
11 connect grandfamilies with services and information, including
12 the creation of a Statewide website within an appropriate State
13 agency; and be it further

14 RESOLVED, That the Joint State Government Commission develop
15 the report in collaboration with all of the following:

16 (1) Residents who have raised their grandchildren or
17 other minor relatives.

18 (2) Residents who have been raised by their
19 grandparents.

20 (3) The NEPA Intergenerational Coalition.

21 (4) A family law expert;

22 and be it further

23 RESOLVED, That the commission report its findings and
24 recommendations, including proposed legislation and programs, to
25 the General Assembly within one year of the adoption of this
26 resolution.