HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 9 COMMUNITY LONG-TERM CARE PROGRAMS

CHAPTER 1425

FOSTER GRANDPARENT PROGRAM

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Historical Note: Chapter 17-1425 is substantially based upon chapter 17-900. [Eff 7/19/82; R JUN 29 1992]

§17-1425-1 Definitions. For the purpose of this chapter:

"ACTION" means the federal agency authorized to provide opportunities for individuals to serve communities through volunteer programs administered by the agency.

"Appropriated funds" means funds provided by the federal government, and locally generated funds by the grantee in support of the grant.

"Children" means individuals with special needs, served by foster grandparents, who are chronologically aged twenty or below. In certain circumstances a child also means individuals reaching age twenty-one who are determined to need continued services and are mentally

retarded. The child shall have been receiving service prior to attaining the chronological age of twenty-one.

"Children having exceptional needs" means individuals who are developmentally disabled, such as those who are mentally retarded, autistic, have cerebral palsy or epilepsy, are visually impaired, multi-handicapped, emotionally disturbed or have a language disorder, specific learning disability, or other significant health impairment. Existence of a child's special need shall be verified by an appropriate professional, such as a physician, psychiatrist, psychologist, registered nurse or a licensed practical nurse, speech therapist, or educator before a foster grandparent is assigned to the child.

"Children with special needs" includes those who are abused or neglected, in need of foster care, status offenders, juvenile delinquents, runaway youths, teenage parents and children in need of protective intervention in their homes. Existence of a child's need shall be verified by an appropriate professional before a foster grandparent is assigned to the child.

"Foster grandparents" means persons with low income, aged sixty and over who provide services to children.

"Foster grandparent program" or "program" means a volunteer program which provides part-time opportunities with stipends for low income persons, aged sixty and over, who give person-to-person supportive service in health, education, welfare, and related settings to children having special or exceptional needs.

"Memorandum of understanding" means a written agreement signed by the department of human services, foster grandparent program, and the volunteer station which specifies service hours, and which identifies project requirements, working relationships and responsibilities of the department, the foster grandparent program, and the volunteer station.

"Stipend" means an hourly payment to foster grandparents to enable them to serve without cost to themselves. Stipends are non-taxable and not considered as income.

"Volunteer station" means a public or private nonprofit agency, institution, or organization, or proprietary health care agency or organization qualified and licensed to provide services to children with special or exceptional needs that has entered into

a memorandum of understanding with the program. [Eff 6/29/93] (Auth: HRS §346-56) (Imp: 45 C.F.R. §1208.1-2)

§17-1425-2 Eligibility requirements for foster grandparents. (a) In order to qualify as a foster grandparent, a person shall:

(1) Be sixty years of age or older;

(2) Have a total annual cash income from all resources at or below the income eligibility level established and revised annually by the director of ACTION for the State.

(A) Income eligibility levels shall be reviewed at least once a year;

(B) A foster grandparent shall remain eligible to serve and to receive a stipend as long as the individual's income does not exceed ACTION's income guidelines by twenty percent;

(3) Be physically and mentally able to serve as verified by a physical examination conducted by a licensed physician;

(4) Not be in the regular work force;

(5) Be willing to accept required supervision, and be capable of serving assigned persons with special or exceptional needs on a personalized and regular basis without detriment either to themselves or the individuals served;

(6) Be able to regularly participate in the program, generally four hours a day, for a total of not more than twenty hours a week;

(7) Understand the exceptional needs of children served and have a desire to help the children's individual growth and development; and

(8) Not have a criminal, employment, or other background history which poses a risk to the individuals served by the program.

(A) Applicants and current program participants who have not done so, shall provide the program with information concerning any criminal, employment, and other background history, and consent to history checks by the program. Such information and consent shall be given

on forms provided by the program. Applicants shall include those individuals reapplying to the program more than one year after terminating their participation in the program.

(B) The program shall submit the names of applicants and current program participants to the Hawaii criminal justice data center and the child abuse and neglect registry for background history checks. All information received from the Hawaii criminal justice data center and the child abuse and neglect registry shall be kept confidential.

(C) An application may be denied or a participant terminated from the program when the individual has:

(i) A conviction for a crime involving violence, alcohol or drug abuse, a sex offense, or any other crime, the circumstances of which indicate that the individual may pose a danger to the individuals served by the program;

(ii) Been identified as the perpetrator of child abuse or neglect; or

(iii) An employment history indicating violence, alcohol or drug abuse, and any other violation of employer rule or policy the circumstances of which indicate that the applicant or participant may pose a danger to the individuals served.

(D) The type of offense, when it occurred, and evidence of rehabilitation will be considered in determining whether the individual's criminal or employment history poses a risk to the health, safety, or well-being of the individuals served.

(E) Refusal to sign the consent form for history checks shall be cause for denying an application or terminating a participant.

(F) Applicants and program participants may request to review the information

provided by the Hawaii criminal justice data center and the child abuse and neglect registry and shall have the opportunity to explain, refute, and provide additional information.

(b) There shall be no enrollment barriers relating to experience, citizenship, education, race, sex, color, creed, belief, national origin, or political affiliation.

(c) Married couples may serve jointly as foster grandparents when:

(1) The couple marries after enrollment. Under this condition each individual may continue to receive a stipend; or

(2) Either husband or wife serves without receiving a stipend.

(d) Individuals aged sixty or older may be enrolled in the foster grandparent program as volunteers without stipends when:

(1) The individual's income exceeds ACTION's income eligibility guidelines; and

(2) There is no retired senior volunteer program (RSVP) project co-located with the foster grandparent program; or

(3) The RSVP project is unable or unwilling to provide the management role of placing the volunteer at the foster grandparent program's volunteer station.

(e) Volunteers enrolled in the foster grandparent program without stipends shall:

(1) Be encouraged to serve twenty hours a week and, to the extent possible, to serve a minimum of two clients on a regular basis; and

(2) Be entitled to all foster grandparent benefits except for the stipend. No appropriated funds shall be used to pay for the benefits. [Eff 6/29/92; am 8/05/93) (Auth: HRS §346-56; HRS §§346-14) (Imp: 45 C.F.R. §1208.3-5)

§17-1425-3 <u>Eligibility requirements for children.</u> In order to qualify for foster grandparent services, the child shall meet the following conditions:

(1) The child must be chronologically twenty-one years of age or less. Preference is given to

the younger children to facilitate meeting the child's developmental needs. Each foster grandparent shall preferably, but not exclusively, be assigned to two children.

(2) Foster grandparent services to a mentally retarded individual may continue beyond the individual's twenty-first birthday provided that the following criteria are met:

(A) The individual received the service prior to attaining the chronological age of twenty-one;

(B) The volunteer station's professional staff responsible for the individual's care certifies that the continued assignment is in the best interest of

both the foster grandparent and the individual; and

(C) The foster grandparent, sponsor, volunteer station's professional staff, and the individual's parent or legal guardian, whenever possible, mutually agree to the continued assignment.

(3) The child shall be of a size, strength, and behavior which can be managed by the foster grandparent;

(4) The child shall have special or exceptional needs other than needing special attention; and

(5) The child shall be enrolled in an established program or be a client of a public or private nonprofit organization. The foster grandparent may serve a child with special needs in a private home if an appropriate community service organization serves as a volunteer station. [Eff JUN 29 1992] (Auth: HRS §346-56) (Imp: 45 C.F.R. §1208.3-4)

§17-1425-4 <u>Eligibility requirements for volunteer stations.</u> (a) A volunteer station shall preferably be a twelve-month operation and shall meet the following requirements:

(1) Be within project service areas or defined in approved grant application;

(2) Be licensed or otherwise certified by an appropriate state or local licensing authority as required;

(3) Not request or receive any compensation for services of foster grandparents supervised by the organization;

(4) Be a public, private nonprofit organization, or proprietary health care agency organization;

(5) Enter into a memorandum of understanding with the program grantee delineating obligations and responsibilities before foster grandparents are assigned to children; and

(6) Have a consistent number of children enrolled to assure that foster grandparents may serve one or more children without supplanting

staff. The suggested number of children at the volunteer station is as follows:
(A) Thirty or more children at a residential setting; and
(B) Fifteen or more children daily for a non-residential setting.

(b) A private home shall not be a volunteer station, but may receive foster grandparents' services when:
(1) A family or child is a current recipient of services from an agency, program, or organization, and has been identified as needing foster grandparents' service;
(2) A memorandum of understanding is signed by the department and a community service organization functioning as the volunteer station; and
(3) The volunteer station agrees to provide supervision to foster grandparents through regular visits to the individual homes. [Eff JUN 29 1992] (Auth: HRS §346-56) (Imp: 45 C.F.R. §1208.3-4)

§17-1425-5 Program service limitation. Foster grandparents' services and the minimum number of positions available to eligible senior citizens shall be subject to availability of funds. [Eff JUN 29 1992] (Auth: §346-56) (Imp: 45 C.F.R. §1208.2-1)

§17-1425-6 Foster grandparent benefits. The foster grandparent program shall provide to the elderly participants in the program:
(1) An hourly stipend which shall be based on the actual number of hours the foster grandparent serves;
(2) Mileage reimbursements up to a daily maximum per day, as determined by the program, for foster grandparents who drive to the volunteer stations and directly back home. Additional mileage allowance may be provided for travel if foster grandparents are required to travel between assignments during the day;

(3) Reimbursements for bus fare or bus pass costs to individuals using mass transit who do not qualify for free bus fare;
(4) A pre-entry physical examination and annual physical examination up to the maximum cost as determined by the program and as allowed by the ACTION agency guidelines;
(5) One meal per day where provided by the volunteer station, or a meal reimbursement or allowance as determined by the program if the volunteer station is unable to provide meals;
(6) Two or more of the following types of minimum levels of insurance purchased from any source, as specified by ACTION:
(A) Accident insurance;
(B) Personal liability insurance; or
(C) Excess automobile liability insurance;
(7) Annual recognition of seniors;
(8) Program uniforms for all foster grandparents who are actively serving in the program;
(9) Forty hours of orientation prior to assignment and monthly in-service training;
(10) Information and referral to community services;
(11) Counseling and guidance relative to work or non-work related problems; and
(12) Vacation and sick leaves which are computed from first day of service and are not cumulative. A maximum of forty hours of sick leave may be carried from year to year if the sick leave is unused. A doctor's statement shall be required verifying illness and ability to return to the program in the event a foster grandparent is absent for five consecutive working days. [Eff JUN 29 1992] (Auth: HRS §346-56) (Imp: 45 C.F.R. §1208.3-5)

§17-1425-7 <u>Scope of foster grandparent services.</u> (a) Foster grandparents' services to children/youth shall include, but are not limited to:
(1) Providing personal care, such as feeding and dressing the child, assisting in self-care, motor skills, and learning experiences, and helping children to achieve independent living;

(2) Providing children with emotional support, counseling assistance in developing basic learning skills, and helping to delay or prevent institutionalization;
(3) Helping youth to mitigate the effects of institutionalization, acting as a community link, and assisting in learning situations or therapy; or
(4) Helping children regain stability through contact with older adults and providing these children with emotional support and empathy.

(b) Foster grandparents shall not be permitted to:
(1) Serve in staff roles such as aides in recreation, teaching, nursing, or in the kitchen, or act as teacher substitutes;
(2) Perform household or custodial functions not covered specifically in the memorandum of understanding;
(3) Serve as a baby sitter;
(4) Provide respite care for the parent or guardian;
(5) Supervise other foster grandparents; or
(6) Perform other services for which the volunteer station is receiving compensation from other sources. [Eff JUN 29 1992] (Auth: HRS §346-56) (Imp: 45 C.F.R. §§1208.3-6, 1208.3-7)

§17-1425-8 Authorization for service. The foster grandparent program and its services shall be authorized for adults and children meeting eligibility criteria specified in sections 17-1425-2 and 17-1425-3, subject to availability of funds. [Eff JUN 29 1992] (Auth: HRS §346-56) (Imp: HRS §346-56)

§17-1425-9 Termination of services. (a) Foster grandparents' services to children shall be terminated when:
(1) Any physical, emotional or psychological abuse occurs in the relationship between foster grandparent and child;

(2) The relationship is no longer meaningful or satisfying for the foster grandparent or child;
(3) The child no longer shows progress in personal behavior and development as determined by the volunteer station's professional staff, and the child's needs for individual attention or person-to-person relationship diminish, as determined by the volunteer station's professional staff and in concurrence with the foster grandparent program staff;
(4) Child becomes unmanageable in terms of size, strength or behavior;
(5) The child nears or reaches the age of twenty-one. Separation may be delayed temporarily when the child is adjudged professionally to have capacity for improvement and the child was receiving foster grandparent's service prior to attaining the chronological age of twenty-one;
(6) There is a conflict between the foster grandparent and the child's parent;
(7) The foster grandparent leaves the program; or
(8) The child leaves the volunteer station's program.

(b) A foster grandparent may be terminated from the program when:
(1) The foster grandparent no longer wishes to continue in the program;
(2) The foster grandparent is found to be abusive to the individuals served;
(3) The foster grandparent's personal physician determines that the foster grandparent's health condition may interfere with the foster grandparent's performance;
(4) The foster grandparent's cash income level, excluding the stipend, exceeds twenty per cent above the applicable income level as specified by ACTION's income guidelines;
(5) The foster grandparent has frequent and unexcused absences;
(6) The foster grandparent fails to comply with requirements of the volunteer station;
(7) The foster grandparent fails to cooperate with the volunteer station and program staff

by disregarding instructions or directions; or

(8) The foster grandparent is in violation of prohibitions imposed by the requirements of the Domestic Volunteer Services Act of 1973, (42 U.S.C. §4951-5085), and ACTION guidelines relative to political activities and church-related organizations or activities.

(c) Upon termination the foster grandparent shall have the right to appeal. [Eff JUN 29 1992] (Auth: HRS §346-56) (Imp: 45 C.F.R. §§1208.3-5, 1208.5-1)

§17-1425-10 Appeal process. An appeal by the foster grandparent shall be submitted in writing to the director of the department within sixty calendar days from the date of the termination letter. When no written appeal is received within the specified time period, the termination shall be final and binding.

(1) The department shall acknowledge receipt of the appeal within fifteen calendar days from the date of receipt of the written appeal.

(2) The director of the department shall review and consider the facts for the termination of the foster grandparent from the program and shall make a final administrative decision within ninety calendar days from the date of receipt of the written appeal. [Eff JUN 29 1992] (Auth: HRS §346-56) (Imp: HRS §346-56; 45 C.F.R. §1208.3-3)