

**Evaluation of the Grandparent Caretaker Law
(Substitute House Bill 130)
Final Report**

June 30, 2007

**Conducted By
the Center for Healthy Communities,
Wright State University
in Collaboration with the Ohio Department of Job and Family Services**

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I. Executive Summary

In 2004, Ohio enacted a law which allows grandparents to obtain authorization to enroll their dependent grandchildren in school and consent to medical care for them. This legislation, known as the Grandparent Caretaker Law (Substitute House Bill 130), became effective on July 20, 2004. The law permits grandparents to file either a Power of Attorney (POA) or a Caregiver Authorization Affidavit (CAA).

Overview of the Study

Policy makers are interested in evaluating the effectiveness of the legislation, including its impact on families where grandparents have primary responsibility for the care of their grandchildren, and its impact on the courts, schools, and Public Children's Service Agencies (PCSAs). While the Grandparent Caretaker Law is expected to facilitate functions for grandparents, such as enrolling children in school and authorizing health care, there are also a number of concerns. One major concern expressed by the courts is that the law does not require judicial oversight during the first year that a POA/CAA is in force. It is argued that this lack of oversight could interfere with the ability of the courts to ensure that actions being taken are in a child's best interest. Prior to the legislation, Ohio school districts expressed a concern that the law might be used to get around residency requirements and allow children to be enrolled in schools that are deemed more "desirable," either academically or athletically.

This evaluation of the Grandparent Caretaker Law was undertaken to address these concerns and to evaluate the overall impact of the law by answering the following five questions:

1. What is the level of utilization of the provisions in the Grandparent Caretaker Law across the state?
2. What factors contributed to higher vs. lower levels of POA/CAA filings in counties?
3. What was the impact of utilization on the courts, the schools, and the grandparent's ability to obtain medical care for their grandchildren?
4. In families where grandparent caregivers were granted POA/CAA, what was the impact on the children in the areas of child abuse and neglect?

5. As grandparent caregivers who had been granted POA/CAA came to the end of the first twelve month period, how many renewed their POA/CAAs and with what levels of judicial oversight?

How the Study was Conducted

The Center for Healthy Communities, Wright State University, in collaboration with the Ohio Department of Job and Family Services (ODJFS), was asked to conduct a preliminary evaluation of the law’s implementation and early outcomes. This report on the implementation of the Grandparent Caregiver Law (HB 130) presents information collected from all stakeholders likely to be affected by the law including grandparent caregivers, the courts, Public Children Services Agencies (PCSAs), and school principals. The evaluation was designed to obtain a geographic and population representation of Ohio counties by selecting Appalachian, non-Appalachian rural, suburban, and urban counties, and by looking at counties in which the POA/CAA was highly used and those in which it was not. Twelve counties were selected for this study.

Grandparents in the twelve counties for whom court records indicated a POA/CAA filing since the law became effective were mailed questionnaires with a stamped self-addressed envelope for return (confidentiality was protected by asking the courts to address and mail the envelopes containing the questionnaires to the grandparents). A smaller number of grandparents who returned questionnaires consented to be interviewed by phone. Judges were asked to complete and return a written questionnaire. Principals of schools in each of the counties were contacted and asked to complete a questionnaire by e-mail, if they had an e-mail address. PCSA representatives were contacted and interviewed by phone. Table 1. summarizes the data collection results.

Table 1. Data Collection Results				
Target Population	Data Collection Type	Number of Questionnaires Sent	Number of Completions	Response Rate
Grandparents	Self-Administered Questionnaires	237	30	13%
	Follow-up Telephone Interview	11	9	82%
Children Services Board	Telephone Interview of Staff	12	12	100%
Judges	Self-Administered Questionnaires	12	8	67%
School Principals	E-mail Questionnaires	435	33	8%

Summary of Results

While stakeholders differed in their opinions about many aspects of the Grandparent Caretaker Law, the majority agreed that the law has provided a convenient method for grandparent caregivers to obtain a legal way to enroll children in school and provide them with medical care.

Results are discussed in terms of the five questions outlined above, followed by study conclusions.

1. What Are the Levels of Utilization of the Provisions in the Grandparent Caretaker

Law? The use of the POA/CAA process varied widely from county to county. While the highest usage rates in the twelve study counties occurred in rural and Appalachian counties, this pattern did not hold across all the counties in the state.

2. What Factors Contributed to Higher vs. Lower Levels of POA and CAA Filings in

Counties? We hypothesized that public education about the law, the courts' attitudes toward the law, and the presence of a Kinship Navigator or another advocacy group would affect utilization rates. Each of these factors appeared to play a role, but there was not a clear one-to-one correlation in all cases.

3. What Was The Impact of Utilization on the Courts, Schools, and Grandparents?

Courts. Based on the response from the courts and PCSAs, the Grandparent Caregiver Law, as adopted, does not place any significant additional workload on the courts. One concern expressed by the courts was on the lack of judicial oversight, with little or no assurance that grandparents filing POA/CAAs are complying with the conditions required by the affidavits. Judges did not provide any specific incidences of this, and we did not specifically ask grandparents how or if they were complying with these conditions. Therefore, there is insufficient evidence to show whether this is a valid concern.

Schools. This study indicates that enrolling children in schools inappropriately may not be as large an issue as feared; however, principals remain concerned about the possibility. From the school's perspective, use of the POA/CAA does not appear to be increasing with time. Only one school reported that more children enrolled with a POA/CAA in the current year than in the past.

Grandparents. The law's advantage for grandparents is that they can obtain this remedy without involvement with children services and without having to pay for legal representation. Grandparents were pleased with the limited authority provided by HB 130. The most common reservation was about the 12 month limitation—they would have preferred a longer initial period.

4. What Was the Impact of a POA/CAA on Grandchildren in the Areas of Child Abuse and Neglect? Many of the grandparents responding to the questionnaire indicated that they were caring for their grandchildren because of family situations that implied neglect or abuse (i.e., mother was too young, involved with drugs, homeless, or married to a man who was abusive to the children). To the extent that HB 130 supports children's removal from these situations into the care of their relatives, the impact on the children could be considered positive. This evaluation noted few specific instances of risk to children because of abuse or neglect as a result of how the POA/CAA process is carried out. However, more exploration will be necessary to definitively answer the impact of the POA/CAA upon child abuse and neglect.

5. What Was the Extent of POA/CAA Renewal and Judicial Oversight on the Renewals? The Grandparent Caregiver Law provides for a POA/CAA for up to twelve months, unless the parent revokes it before that time. The courts reported relatively few renewal filings and that the PCSAs are rarely asked to do any investigation or review. Judges felt that the lack of legal/PCSA involvement in the law represents a drawback to the process. Although problems and situations contrary to a child's interest were rarely reported by the courts, most judges still appeared uncomfortable with the Grandparent Caretaker Law.

Conclusions

The following statements summarize the key points from this evaluation.

1. HB 130 has been successful in supporting informal caregiving relationships by removing problems with school enrollment and obtaining medical care for grandchildren. Generally, grandparents liked the program.
2. HB 130 has not added substantial time and cost burdens to the courts who responded to our questionnaire.
3. While there were reports of using POA/CAAs to enroll students in school inappropriately, it does not appear that this is a widespread problem.
4. Neither the courts nor the PCSAs reported any incidents of abuse and/or neglect of the children affected by the POA/CAA program.

5. Grandparents would like the POA/CAA to remain in effect for longer than one year without having to go through a renewal process.
6. The reaction to allowing other relatives to obtain a POA/CAA was mixed. Overwhelmingly, the grandparents and PCSAs favored such an expansion, while almost half of the judges and school principals did not.
7. Judges remain concerned about having limited oversight.
8. The law is not uniformly implemented or widely known. Courts will have to make decisions about how the law is to be implemented. More education and outreach is needed for grandparents, the public, and other stakeholders.

The sample for this study was necessarily limited, the response rate was low, and we were unable to find any prior research on the topic so that it could be compared to other findings. All these conditions lead to the conclusion that the results cannot be applied to a larger population without further research.

II. Introduction

Grandparents who are raising their grandchildren often face a number of barriers and stressors related to providing care for their grandchildren. The majority of grandparent caregivers have the children under an informal arrangement, without a legal relationship such as guardianship, legal custody, or a formal foster care arrangement (Beltran, 2000). One complaint of grandparents in informal caregiving relationships is that they lack the formal authority to enroll their grandchildren in school, make health care decisions, and obtain immunizations (Wallace, 2001).

In 2004, Ohio joined the states that have tried to eliminate these barriers by enacting a law that allows grandparents to obtain authorization to enroll their dependent grandchildren in school and to consent to medical care for them. This legislation, known as the Grandparent Caretaker Law, Substitute House Bill 130¹, became effective on July 20, 2004. The main provisions of the law are listed below.²

- The law permits a grandparent to obtain either a power of attorney (POA) or caretaker authorization affidavit (CAA).
- The POA is created by the parent, guardian, or custodian of a child, granting a grandparent the authority to make decisions regarding education and medical care for a resident grandchild.
- A CAA is created by a grandparent who has been unable to locate the child's parents/guardians, in order to obtain authority to make education and medical decisions.
- Court filing fee(s) are waived.
- As part of the information provided upon filing, a grandparent is required to report whether he/she has been convicted of, or pleaded guilty to, abuse or neglect of a child.
- Upon initial filing, no action is required by the court except that a court may send information to a public children services agency (PCSA) if neglect or abuse is suspected or if the judge does not feel the situation is in the child's best interests. The PCSA is required to investigate this information and provide a report to the court.
- A POA/CAA terminates after one year. The grandparent may file for renewal of the POA/CAA for an additional twelve months.
- Unlike the initial filing, once the renewal is filed, the courts are required to hold a hearing.

¹ Substitute House Bill 130 of the 125th Ohio General Assembly is also called HB 130 throughout this study.

² The full text of the law is provided at URL http://www.legislature.state.oh.us/bills.cfm?ID=125_HB_130

- Schools and medical providers must accept the POA/CAA as proof of legal authority. They are provided immunity for any harm resulting from their acceptance of a POA/CAA.
- It is a misdemeanor to file a POA/CAA solely for the purpose of enrolling a child in another school district.

Policy makers are interested in evaluating the effectiveness of the legislation, including its impact on families where grandparents have primary responsibility for the care of their grandchildren, and its impact on the courts, schools, and PCSAs. While the Grandparent Caretaker Law is expected to make it easier for grandparents to enroll their children in school and authorize their health care, there are also a number of concerns. One major concern expressed by the courts is that the law does not require judicial oversight during the first year that a POA/CAA is in force. It is argued that this lack of oversight could interfere with the ability of the courts to ensure that actions being taken are in a child's best interest. Prior to the legislation, Ohio school districts expressed a concern that the law might be used to circumvent residency requirements and allow children to be enrolled in schools that are deemed more "desirable," either academically or athletically.

This evaluation of the Grandparent Caretaker Law was undertaken to address these concerns and to evaluate the overall impact of the law by answering the following five questions:

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4. In families where grandparent caregivers were granted POA/CAA, what was the impact on the children in the areas of child abuse and neglect?
5. As grandparent caregivers who had been granted POA/CAA came to the end of the first twelve month period, how many renewed their POA/CAAs and with what levels of judicial oversight?

III. Methods

In performing this evaluation of the implementation of the Grandparent Caretaker Law, information was collected from the stakeholders most likely to be affected by the law: grandparent caregivers, courts, PCSAs, and schools. The evaluation was designed to obtain a geographic and population representation of Ohio counties by selecting Appalachian, non-Appalachian rural,

suburban, and urban counties, and by looking at counties in which the POA/CAA option was highly used and those in which it was not.

Selection of Counties

In order to select a sample of Ohio counties from which to collect data, we documented the number of grandparent headed families for each county³; the number of POA/CAA filings in each county during the period of July 1, 2004 – June 20, 2005⁴, and the classification of each county as Appalachian, non-Appalachian rural, suburban, and urban.⁵

Only 64 of Ohio’s 88 courts reported any filings. Of these, high and low use counties were categorized by determining the rate of filings per 1,000 grandparent headed households in each county. For suburban and urban counties, we selected the highest use county and the lowest use county from each classification. Because rural and Appalachian counties make up about two-thirds of all Ohio counties, we selected two counties with the highest use and two counties with the lowest use for each of these classifications. A total of 12 of the 64 counties with POA/CAA filings were selected for the study.⁶ Since one high and one low-use county was selected each time, high and low usage was evenly split among the county classifications; six of the twelve counties were high-use and six of the twelve were low-use counties. The characteristics of the selected counties are summarized in Table 3.1.

County classification	Number of counties in study	Highest rate	Lowest rate
Appalachian	4	90.0	6.2
Rural	4	85.4	9.5
Suburban	2	59.4	7.6
Urban	2	41.4	9.9

N = 12 Counties

³ Based on Census 2000 estimates.

⁴ The number of filings was obtained from a questionnaire of judges with juvenile jurisdictions conducted in 2005 by the Ohio Judicial Conference for the time period of July 2004 – June 2005. Counties with zero filings, and counties for whom we had no information about the number of filings, were excluded from our sampling frame.

⁵ This classification was developed for the Ohio Family Health Survey 1998 and 2004. Appalachian counties were identified from Section 403 of the U. S. Code. Metropolitan counties were defined as non-Appalachian counties containing at least one city with 50,000 or more inhabitants as of the 1990 census. Suburban counties were non-metropolitan, non-Appalachian counties that met the criteria of an urbanized area as defined by the U.S. Census Bureau for the 1990 census. The 30 counties that were not Appalachian, Metropolitan, or Suburban were classified as Rural Non-Appalachian.

⁶ Three of the counties selected in this manner declined to participate in data collection, and in each case we substituted a county in the same classification with the next highest or lowest utilization rate.

Data Collection

Both quantitative and qualitative data were collected through written questionnaires and/or interviews of four relevant groups in each of the twelve study counties.

1. Grandparents who had filed a POA/CAA during July 2004 – June 2006
2. Judges with juvenile jurisdictions
3. Directors of the PCSAs
4. School principals

We obtained approval for the data collection instruments and methods from the Institutional Review Board of Wright State University prior to beginning data collection. Copies of the instruments are included in Appendix 2. The details of data collection from each group are described below.

Grandparent Questionnaire

Because there is no official database of these grandparents, court records are the only data source of POA/CAA filings. To protect the confidentiality of grandparents, we requested that courts mail the questionnaires to grandparents whom records indicated had filed POA/CAAs⁷. Stamped envelopes containing the questionnaire, a cover letter explaining the evaluation project, and a stamped return envelope addressed to the Center for Healthy Communities were sent to each of the courts. The courts then addressed the envelopes and mailed them to grandparents who had filed a POA/CAA during the period between July 2004 and June 2006. The courts were asked to return a form to the Center for Healthy Communities stating the number of questionnaires they had mailed out and the date of mailing. A stamped self-addressed envelope was included for this purpose.

Nine of the twelve courts returned the form. The number of questionnaires mailed to grandparents and their return rates are given in Table 3.2. We added one question to the end of the questionnaires asking grandparents to provide contact information if they were willing to be interviewed further on the telephone about their experiences with POA/CAAs. Eleven grandparents consented to be interviewed. We completed nine interviews; one grandparent refused after being contacted, and we were not able to reach another after numerous attempts.

As shown in Table 3.2, the response rate for the questionnaire was extremely low. Such a low response rate may affect the interpretation of the data and the ability to generalize the results discussed later in this report.

⁷ HB 130 facilitates informal caregiving arrangements. Since such arrangements are outside the normal bureaucratic institutions, the identities of those involved are known only to the relevant courts, schools, and health care providers.

Target Populations	Data Collection Type	Number of Questionnaires Sent	Number of Completions	Response Rate
Grandparents	Self-Administered Questionnaires	237	30	13%
	Follow-up Telephone Interview	11	9	82%

Judges Questionnaire

A written questionnaire was mailed to juvenile court judges in each of the twelve counties,⁸ which asked for the number of initial and subsequent POA/CAA filings from July 2005 - July 2006, the impact on the court's workload, any problems that had been noted with the forms or process, and the impact on the best interests of the children. Several telephone follow-ups were made to encourage return of the questionnaire. Eight of the twelve courts returned a completed questionnaire (Table 3.3).

Target Populations	Data Collection Type	Number of Questionnaires Sent	Number of Completions	Response Rate
Judges	Self-Administered Questionnaires	12	8	67%

Only half of the high-use county judges returned their questionnaires while five out of six of the low-use county judges returned theirs. Therefore, the findings reported in the results section could be more representative of courts with a low number of filings than courts who had a higher number of filings.

School Principal Questionnaire

A list of all schools, public and private, in each district in each of the twelve counties was obtained from the Ohio Department of Education. A questionnaire was distributed to the principal of each school by e-mail, if the principal's e-mail address was provided. There were e-mail addresses for

⁸ This questionnaire was based on the questionnaire conducted by the Ohio Judicial Conference in 2005 which was also used to determine the number of filings per county as noted in the Sampling section above.

435, or 85 percent of the principals. Principals with no e-mail addresses were dropped from the sample. Lack of an e-mail address for principals did not appear to be correlated with school size or county location. We requested that the principals respond to the questionnaire by hitting the “reply to” button on the e-mail to answer the questions. An extremely low response rate led us to suspect that spam filters were causing our e-mails to be filtered out. We re-sent the e-mail several times, finally asking principals to respond by clicking on a link to a web-based questionnaire site where we had put the questionnaire. We were able to increase the number of responses slightly by this method. However, the principals’ response rate remained very low, as shown in Table 3.4. Such a low response rate may affect the interpretation and ability to generalize the results discussed later in this report.

Target Populations	Data Collection Type	Number of Questionnaires Sent	Number of Completions	Response Rate
School Principals	E-mail Questionnaires	435	33	8%

PCSA Telephone Interviews

We contacted and interviewed the directors of the PCSAs in the twelve counties by telephone. All these interviews were completed (Table 3.5). We asked the interviewees if there was anyone else in their county who had worked on the implementation of the Grandparent Caretaker Law with whom we should speak. Two directors provided the names of others to interview, and we conducted telephone interviews with these contacts as well. Both were Kinship Navigators, and their comments are included in the discussion of the PCSA interviews.

Target Populations	Data Collection Type	Number of Interviews	Number of Completions	Response Rate
PCSA	Telephone Interview of Staff	12	12	100%

Limitations of the Study

A limitation of this study is the particularly low response rates from the grandparents and school principals. Mail questionnaires typically tend to have low response rates, a disadvantage that can be partially overcome by multiple mailings and reminders. We asked the courts to mail the

questionnaires to grandparents whose records indicated that they had filed POA/CAAs in the first two years that the Grandparent Caretaker Law was in effect. This was done in order to preserve grandparent confidentiality. However, this method made it impossible for us to know who had received a questionnaire and who had returned one. Consequently, we were unable to follow-up with multiple mailings.⁹

We decided to use e-mail to question the school principals as an economical method of reaching over 400 subjects. In the future, we probably will use another method, as it seems likely that spam filters may have prevented the message from being delivered to many of the addressees.

Table 3.6 summarizes the final data collection results.

Table 3.6. Data Collection Results				
Target Population	Data Collection Type	Number of Questionnaires Sent	Number of Completions	Response Rate
Grandparents	Self-Administered Questionnaires	237	30	13%
	Follow-up Telephone Interviews	11	9	82%
Children Services Board	Telephone Interview of Staff	12	12	100%
Judges	Self-Administered Questionnaires	12	8	67%
School Principals	E-mailed Questionnaires	435	33	8%

IV. Results

Grandparents - Questionnaires and Interviews

Of the 237 grandparents contacted, 30 completed and returned the written questionnaire. Nine of these respondents also completed an in-depth telephone interview.

HB 130 was intended to provide grandparents with a means of obtaining medical care and enrolling grandchildren in school. The number of children in the grandparent’s care, the length of time

⁹ Due to time constraints and concerns about burdening the courts, we did not ask the courts to do a second mailing.

children live with their grandparents, and the grandchildren’s ages will influence the need for access to medical care and schools. Very young children need frequent interaction with medical providers while older children need to be enrolled in school. Tables 4.1 through 4.3 provide summaries of the grandchildren’s demographics at the time their grandparents were providing primary care.

Demographics of the Grandchildren

Collectively, respondents were providing care for 43 grandchildren. Most (65 percent) were caring for one grandchild, six had two grandchildren, and four were caring for three.

Table 4.1 Number of Grandchildren in Grandparents’ Care		
Number of Grandchildren	Frequency	Percent
1 Child	19	65%
2 Children	6	21%
3 Children	4	14%
Total	29 ¹⁰	100%

N = 29 grandparents

Grandchildren ranged in age from less than 1 year to 18 years. Approximately 68 percent of the children were six years or older, which is Ohio’s compulsory school age (provided the children are of age on or before a school district’s entrance date). The median age was 10 years old.

Table 4.2 Age of Grandchildren		
Age of Grandchild	Frequency	Percent
1-5	13	32%
6-10	8	19%
11-18	20	49%
Total	41	100%

N = 41 grandchildren

For the most part, the grandparents who responded did not have the child(ren) for very long before applying for a POA/CAA. Fifty-eight percent had the child less than one year (the median time was 6 months) before they obtained a POA/CAA. This indicates that most of the grandparents who

¹⁰ One grandparent did not report the number of children in his/her care.

responded to the questionnaire began caring for their grandchildren after the Grandparent Caretaker Law went into effect.

Table 4.3 Time with Grandparents		
Length of Time w/ Grandparent	Frequency	Percent
Under 1 year	16	61%
1-10 years	8	31%
Over 10 years	2	8%
Total	26	100%

N= 26 children

Provision of Information on HB 130

Grandparents said that they learned about the existence of POA/CAAs through public agencies, family and friends, grandparent assistance programs such as the Kinship Navigator Program, and miscellaneous sources such as newspapers and medical organizations. The table below highlights the various information sources that provided grandparents with HB 130 information.

Table 4.4 Sources of POA/CAA Information		
Source	Frequency of Reported Use	Percent of Total Usage
School/Daycare	8	21%
PCSA	6	16%
Other Family/Friend	6	16%
Juvenile Court	6	16%
Child's Parent	4	11%
Kinship Navigator	3	8%
Newspaper/TV	1	3%
Doctor or Hospital	1	3%
Internet	1	3%
Legal Aid	1	3%
Other	1	3%
Total	38	100%

N = 38 total number of sources used to obtain HB 130 information as reported by grandparents

Several grandparents received information from more than one source. Grandparents reported receiving information most often from the schools, followed by the PCSAs, courts, and social networks (excluding their grandchildren's parents).

Provision of Assistance on HB 130

Table 4.5 below highlights the assistance that grandparents did or did not receive in obtaining a POA/CAA, and the sources of that assistance.

Table 4.5 Sources of Assistance in Obtaining a POA/CAA		
Source	Frequency of Assistance to Grandparents	Percent Assistance Received
No assistance	15	52%
Court Staff	4	14%
Child's Parent	3	11%
PCSA	2	7%
Other	2	7%
Family/Friend	1	3%
Legal Aid	1	3%
Kinship Navigator	1	3%
Total	29	100%

N = 29 total number of information sources used as reported by grandparents.

Approximately half of the grandparents reported that they had completed the paperwork for a POA/CAA by themselves, while the other half received some assistance. Several grandparents received assistance from more than one source. Court personnel were mentioned as the most common source of aid, followed by assistance from parents. Grandparents also reported that they were helped by family and friends, legal aid, and the Kinship Navigator program.

Reasons for Initially Filing POA/CAA

When asked why they sought a POA/CAA, 14 grandparents answered with reasons related to enrolling the child into school and/or getting medical care.

While one-third of grandparents said that school enrollment did not apply to their grandchild, the majority responded that the school would not allow them to enroll their grandchildren in school before obtaining a POA/CAA or other legal custody. In many cases, as shown in Table 4.4 above, it

was school personnel who informed the grandparent about the POA/CAA option. After they obtained a POA/CAA, all grandparents reported that registering for school was no problem.

Grandparents had less difficulty in obtaining medical care for their grandchildren without a POA/CAA. Of the 23 respondents who reported that they had tried to obtain medical care prior to obtaining a POA/CAA, 16 reported that they had no problems. Others reported delays and difficulty in getting medical care because the child’s parent would have to be located to give permission for treatment. While most grandparents reported that they had no trouble obtaining care after getting a POA/CAA, one stated that an urgent care facility would not treat her grandchild because she didn’t have the POA/CAA with her. Of interest, some grandparents complained that they could not afford to put the children on their insurance.

Instead of stating specifically what triggered a POA/CAA filing, several grandparents shared the reasons why they were taking care of their grandchild. Some mentioned problems that the grandchild’s parents were experiencing, such as parental drug usage. One grandparent mentioned that the mother was in the National Guard and that the father could not care for the child alone. A few grandparents stated that they applied for a POA/CAA in order to get some form of financial assistance.

Renewal of POA/CAA

The Grandparent Caretaker Law allows grandparents to obtain a POA/CAA for twelve months. Grandparents may renew their POA/CAAs for an additional twelve-month period. HB 130 requires the applicable court to conduct a hearing upon application for a renewal. Grandparents who responded to the questionnaire were asked what happened after their POA/CAA expired. Their answers are summarized in Table 4.6.

Table 4.6 Actions Taken Upon Expiration of the POA/CAA		
Type Action	Frequency	Percent
POA/CAA less than 12 months	9	30%
Child with me - no action	6	20%
POA/CAA renewed	5	17%
Child with parent, other caregiver	4	13%
No response	3	10%
Received legal custody	2	7%
Other	1	3%
Total	30	100%

N = 30 actions

Of the 18 grandparents whose responses indicated that the initial twelve months had expired, fewer than one-third reported that they had renewed their POA/CAA. The rest of these grandparents reported that various other remedies had occurred including six reports of ‘no action’, although the child was still with the grandparent.

The nine grandparents who were interviewed provided additional data on action taken after the initial POA/CAA expired. Two of the nine grandparents reported that the child was no longer living with them after the POA/CAA had expired. One child had returned to his parent, and the other child moved to another state with godparents. Eight of nine grandparents still had a child living with them. Four of the grandparents either intended to pursue custody or guardianship, or were in the process of obtaining custody. One grandparent wanted custody but couldn’t afford an attorney. One grandchild turned 18, so custody was not an issue and the POA expired when the child turned 18. One mentioned that he/she was advised to obtain a POA/CAA as a quick way to gain the legal ability to care for the child, but the grandparent was interested in a more permanent arrangement to provide protection and stability for their grandchild.

Grandparent Opinion of the Grandparent Caretaker Law

When asked for comments concerning the effect of a POA/CAA on their ability to care for their grandchildren, 13 of the 30 grandparents responded, as shown in Table 4.7 below.

Table 4.7 Grandparent Comments on Effect of POA/CAA		
Grandparent Comment Type	Frequency	Percent
Positive Comments HB 130	5	38%
Positive and Negative Comments	1	8%
Negative Comments HB 130	4	31%
Comments unrelated to HB 130 provisions	3	23%
Total	13	100%

N = 13 comments

Six grandparents provided positive remarks on their questionnaires. One noted, “This was a wonderful thing for me at the time. I could not afford an attorney nor had the time to get it resolved before I had to put him in school. I think this should be published harder so that more people know it is

available.” Most of the negative comments expressed dissatisfaction that the POA/CAA expires after twelve months and that a court hearing is required for renewal. “I feel that renewal time should be longer than 12 months unless something changes in (the) child’s life or renewal by mail . . . since it is difficult to get people together from distant areas.” Others commented that the grandparents did not have sufficient information about the process. Several grandparents stated that it would be helpful if the law was better known in the community, so that grandparent caregivers would be more aware of this option. One stated, “I have talked to one grandparent who is raising a grandchild and hasn’t had any help. I told her to check into this [POA/CAA].”

The grandparents we interviewed did not feel that the process for obtaining a POA/CAA was difficult or time-consuming. One stated that it would have been easier if the school had the forms available, but another commented that the school her grandchild went to was helpful and very familiar with the process. Another grandparent mentioned that the PCSA was a big help in completing the paperwork.

Extension to Other Relatives

The nine grandparents who participated in the in-depth telephone interviews were asked if they thought family members other than grandparents should be eligible to obtain a POA/CAA.¹¹ All stated that they should be able to, if other relatives are better able to care for the child than the parents. The main reason given was to keep the child with family instead of being with strangers in foster care. One grandmother stated that the child’s uncle would have been willing and able to care for the child had the grandmother been unable to do so. She felt that the POA/CAA option should have been available for him, too. Another grandparent commented that if other relatives are able to obtain a POA/CAA then responsibility for care would not be only on the grandparent.

Courts

Eight of the twelve courts contacted completed and returned the questionnaire. A breakout by county classification is summarized in Table 4.8. Each county classification is missing one court questionnaire as also shown in Table 4.8. Of the eight responding courts, three were in high-use counties and five were in low-use counties. Therefore, these findings could be more representative of courts with a low number of filings than courts who had a higher number of filings.

¹¹ This question was not asked on the grandparent questionnaire, only in the telephone interviews.

Table 4.8 Number of Completed Court Questionnaires by County Classification				
County classification	Number of counties in study	Number of Completed Questionnaires	Number of High-Use Counties	Number of Low-Use Counties
Appalachian	4	3	1	2
Rural	4	3	1	2
Suburban	2	1	--	1
Urban	2	1	1	--
Total	12	8	3	5

N = 12 Counties

POA/CAA Initial and Renewal Filings

The eight courts reported on the number of initial filings and renewals for the time period July 2005 – June 2006. Table 4.9 shows the results of their answers.

Table 4.9 POA/CAA Filings		
Form Type	Initial Filing	Renewals Filed
POAs	131	8
CAAs	34	3
Total	165	11

POAs were filed more frequently than CAAs. The courts reported that the number of filings for initial POAs ranged from 3 to 67 documents, depending upon the county. The CAA range of filings was between 1 and 17 documents in each county.

If a grandparent files for renewal, the court is required to conduct a hearing. Within these counties, only eleven renewals were filed as compared to 165 initial filings. However, the law does not require the courts to take any action when the POA/CAA expires, and apart from conducting the required hearings for renewals, all the courts reported that they do not take any action when the POA/CAA expires

Court-Ordered Reviews of Filings

The Grandparent Caretaker Law requires grandparents to file the POA/CAA in the juvenile court in the county in which they reside. For the first filing of a POA/CAA, the law does not require any oversight by the court prior to or after the filing. Only one court reported that they routinely ask the PCSA to review the filings; the others reported that they rarely do so. If the courts do review the POA/CAA and determine the action is not in a child's best interest, they provide this information to the PCSA. The PCSA is then required to investigate and file a report with the court. In cases where the judge does request an inquiry, only two courts reported that they received a report from the PCSA; one court stated they would receive a report only if there is a problem; and one court stated they had never received a report. The other four courts did not respond to this question.

Child Safety Related to the POA/CAA

When the courts were asked if they were aware of cases where the child's interest was not safeguarded, only two of the eight courts reported that any problems were identified. One of the courts reported that in one case, the grandparent executing the CAA had previously had children removed from her in a neglect proceeding, and was still involved with the PCSA when she filed the CAA. This came to light only because the clerk handling the filing recognized the grandparent's name. The other court did not mention a specific case but noted that the POA/CAA can be an avenue for fraud, and that since parents can revoke the POA/CAAs, children can continue to be at risk. None of the other six courts reported cases detrimental to children.

When asked if any initial POA/CAAs were terminated due to a later complaint or concern related to the safety of a child, one court reported two instances when the POA/CAA was terminated prior to its expiration. No courts reported terminations of POA/CAAs that had been renewed.

Effects on Staff Time and Court Expenses

Overall, the courts reported minimal extra demands on staff time or additional expenses to the court as a result of the provisions of the Grandparent Caretaker Law.

Seven courts reported almost no impact, although one judge stated that after the law went into effect, the magistrate spent a significant amount of time examining the legislation in order to prepare procedures and design staff training. The same court reported that the legislation was designed to require minimal judicial oversight, and said it generally accepts the initial POA/CAA for filing unless

there are clear and obvious omissions. One judge stated that these filings take less time than the filing of custody. One judge did identify that additional staff time was required for filing, as well as for sending and receiving reports from the PCSA.

Courts require more time for POA/CAA renewal requests because of the required hearing. Court staff have to schedule the hearing, send notices to the appropriate parties, prepare the decision after the hearing, and mail copies of the decision to the parties. Also, additional staff time is required from the hearing officer, bailiff, and court reporter.

Only two courts itemized additional expenses as a result of initial or renewed filings; these were split between clerical and “other” expenses and were minimal.

Court Opinion of the Grandparent Caretaker Law

Table 4.10 provides a breakout of the court’s opinion of the law by outlining positive and negative comments.

Table 4.10 Benefits and Drawbacks of HB 130	
Stated Benefit / Positive Aspects	Frequency of Comment
1. Simplifies access to the legal system for grandparents	3
2. Expedites school enrollment	1
Stated Drawbacks / Negative Aspects	Frequency of Comment
1. Lack of supervision over child’s best interests	2
2. The filing party may not be a grandparent	1
3. Cannot tell if grounds for a POA/CAA as stated in the law are actually present	1
4. No follow up after one year to determine if grandparent still has the child	1
5. No follow up at termination to determine if notice requirements are being met	2

Several of the judges responding to the questionnaire made positive comments about the Grandparent Caretaker Law, saying that the law simplifies access to the legal system for grandparents caring for grandchildren and expedites school enrollment. The drawbacks mentioned by the judges centered on the lack of judicial oversight and concern about whether the law was being followed as

written. On two occasions, a judge reported that non-grandparents had filed for POA/CAAs. Two county courts reported problems or expressed specific reservations about the forms and the process. One was particularly concerned that most POAs were filed by pro se litigants who do not know their rights and remedies.

Extension to Other Relatives

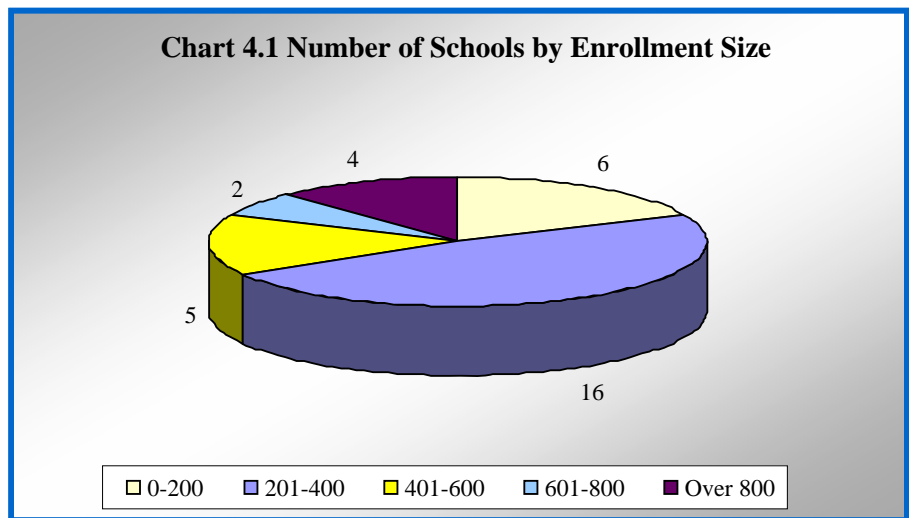
Only three of the eight judges agreed that the provisions of the Grandparent Caretaker Law should be extended to other relatives without mentioning qualifications to their position. They cited that in their counties, many children are now being cared for by relatives other than their grandparents. Several other judges were opposed to the expansion of the law, unless the court can require a sufficient deposit to pay for a home study or can require the PCSA to conduct a home study. The concern that children might be moved from home to home with no oversight by the court was mentioned. Another judge felt that the law might be expanded if there were more attorney involvement with preparation of the filings and explanation of responsibilities.

School Principals

Of the 435 questionnaires sent, only 33 responses were received from school principals in nine of the twelve counties.

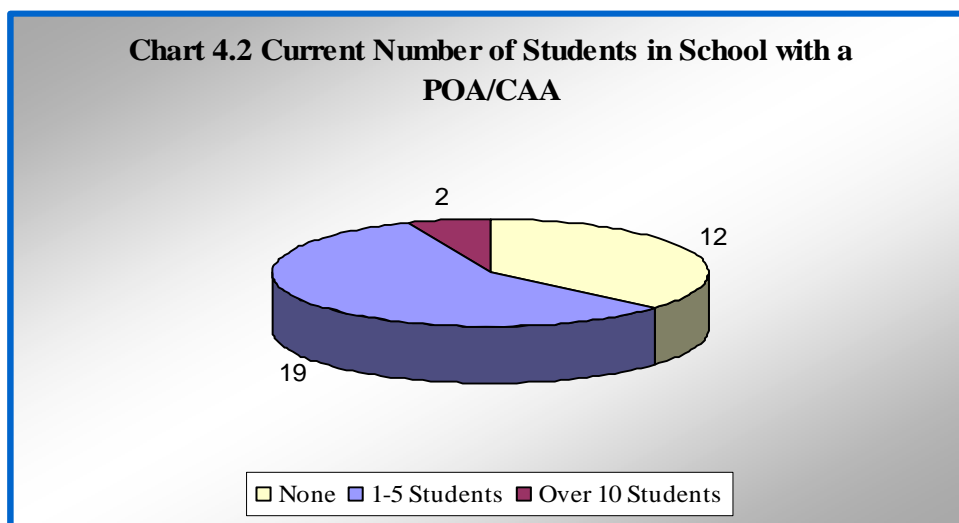
School Demographics

Almost half of the schools had 200-400 students.



N = 33

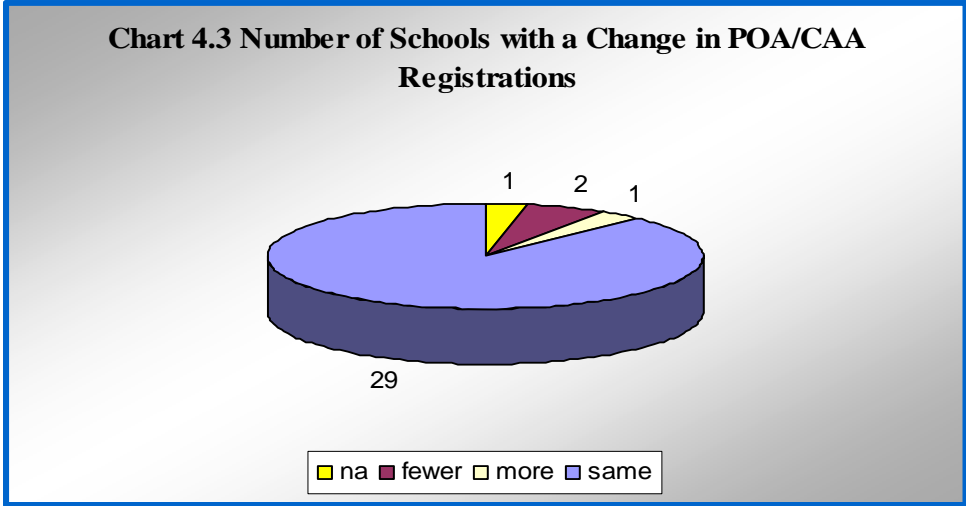
As shown in Chart 4.2, 58 percent of the school principals who responded reported that their school had between one and five students registered by grandparents using a POA/CAA. Thirty-six percent of principals reported that their school currently had no students registered by grandparents using POA/CAA. Six percent reported that they had more than ten children enrolled with POA/CAA in the current school year.¹² No principal reported that a child was denied enrollment using a POA/CAA.



N=33

From the principals' perspective, the use of POA/CAAs does not appear to be increasing with time. Most principals (88 percent) reported that the number of children enrolled with a POA/CAA had not increased or decreased in the current year compared with last year. Two principals (6 percent) reported that there were fewer students this year, and one reported that there were more.

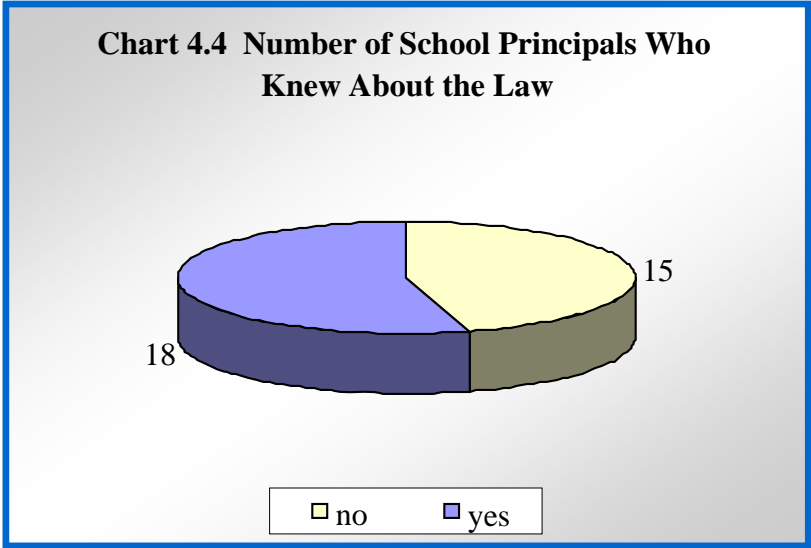
¹² No principals reported 6 through 10 registrations by grandparents using the POA/CAA.



N = 33

Knowledge of HB 130

Nearly half (45 percent) of those principals who responded to the questionnaire stated that they were unaware of the provisions of the Grandparent Caretaker Law before the law went into effect. Several reported that they initially found out about the law through the e-mail accompanying our questionnaire. Principals who did know of the law before it took effect most often learned about it through their professional associations, school district personnel, or legal updates.



N=33

Principals’ Opinion of the Grandparent Caretaker Law

The vast majority of principals who responded to the questionnaire (94 percent) stated that to their knowledge, no families had used a POA/CAA inappropriately to gain admission to their school. Two principals reported that they suspected the POA/CAAs were being used inappropriately. One of the principals stated, “We are the top school academically in our district. Several students live in other areas but claim grandparents as caregivers because of the address.” Another principal noted, “We live by an urban center and they can use the POA to register in a suburban school.”

From the principals’ point of view, the Grandparent Caretaker Law has several benefits and drawbacks. Table 4.11 summarizes their opinions.

Table 4.11 Benefits and Drawbacks of HB 130	
Stated Benefit / Positive Aspects	Frequency of Comment
1. When the grandparents are better able to care for the children than the parents, they provide a stable force in the children’s lives.	8
2. Children can be empowered when Grandparents become involved with their education.	2
3. The law is a means of legalizing something that is already taking place. It protects grandparents who intercede on the grandchild’s behalf when parents cannot or will not fulfill their responsibilities.	3
Stated Drawbacks / Negative Aspects	Frequency of Comment
1. There is the potential for misuse by using the POA/CAA to enroll a child in a more “desirable” school because of academics or sports programs.	3
2. Sometimes it is harder to track down who the student is living with.	1
3. Since the POA/CAA can be revoked by the parent at any time, grandparents do not have sufficient control to keep the child in the school they prefer if the parents reassert their authority.	1
4. It’s too easy.	1

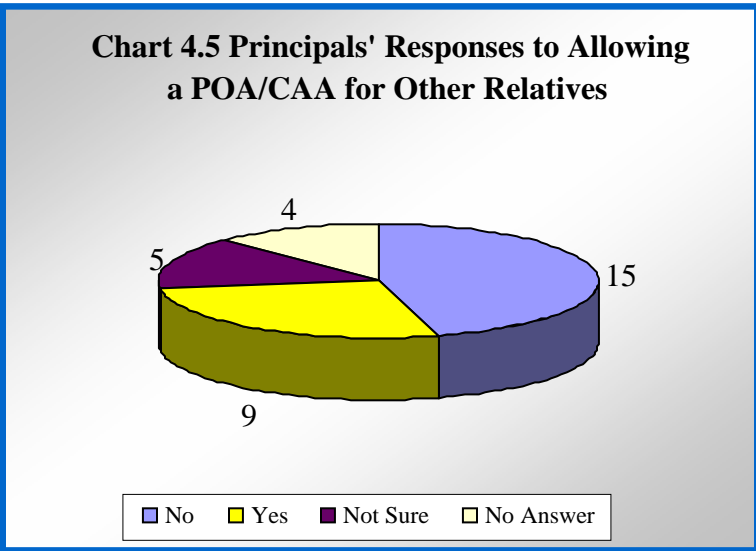
Twelve principals (36 percent) provided no response, indicated no drawbacks, or said that the benefits and drawbacks would depend upon the individual situation.

Several principals responding to the questionnaire noted that POA/CAAs may increase the safety and security of the child, if POA/CAAs encourage grandparent involvement when parents

cannot provide care for their children. The principals noted that grandparents often provide a more stable home and more involvement with the child’s education than parents can at the time. The most common concern, stated here and in other sections of the questionnaire, was misuse of the POA/CAA to get around residential requirements for schools with better academic or sports programs.

Extension to Other Relatives

Twenty-seven percent of responding principals stated that the ability to file a POA/CAA should be extended to other relatives caring for dependent children. Fifteen percent answered “not sure”. Few of the principals who supported the extension did so without qualification. Most commented that the circumstances of each case would need to be examined before allowing other relatives to obtain a POA/CAA, to ensure that it was in the best interest of the child.



N = 33

Public Children’s Service Agency (PCSA) Interviews

Representatives from the PCSA in twelve counties were interviewed about the impact of HB 130 in areas such as investigation workload, related abuse or neglect cases, provision of assistance and education on the law, and usefulness and drawbacks to the affected grandparents. Two counties also referred us to Kinship Navigators who worked closely with the PCSA and kinship families in implementing HB 130, and we interviewed them as well.

Court-Requested Reviews of Filings

Three of the twelve PCSA representatives stated that the court routinely makes a request for a review by the PCSA. While the other nine representatives reported that the court does not routinely require an investigation before a POA/CAA is filed, several said that a review had been requested occasionally. The reviews may consist of a background check, a home inspection, and/or an assessment to determine the grandparents' financial ability to care for the child. None of the PCSAs said that court requests related to the Grandparent Caretaker Law have increased their workload. One PCSA representative believed their agency's workload had decreased as a result of the law, because the number of calls from grandparents had decreased.

Concern for Child Safety Related to POA/CAA

PCSA representatives in eleven of twelve counties were not aware that any grandparents who had filed a POA/CAA since 2004 and had been subsequently reported to a PCSA for child abuse or neglect. Only one PCSA reported that there had been two cases where this happened. One case was identified by the PCSA and the other by the court. A second PCSA representative did not have any POA/CAA related abuse cases, but was skeptical on the lack of oversight in the law because of a notorious case within the county in the past, involving kinship foster care.

The mechanisms for finding out about abuse differed widely among the counties. One respondent noted that they would know about abuse cases, because as a small county, they are familiar with most of the families. Another county relied on its case managers to check. Some PCSAs stated that they would not necessarily know about problem grandparents, since they would only find out about abuse or neglect histories if a grandparent self-reported. This response refers to the provision of HB 130 that requires grandparents to state on the filing form whether they had ever been found guilty of abusing or neglecting a child. Other PCSAs said that they would find out only during an investigation of any allegations.

Provision of Information on HB 130

PCSAs reported very few systematic efforts within the counties to inform grandfamilies about the Grandparent Caretaker Law. The various information resources identified by the PCSAs are presented in Table 4.12.

Table 4.12 Information Resources Provided to Grandparents As Reported by PCSAs	
Information Resource for Grandparents	# Counties Providing Resource
None	5
Kinship Navigator	4
Legal Aid Clinic	1
Newspaper	2
Pamphlet	1

The most common educational effort appears to be through the Kinship Navigator Program, an information and referral service that operates in participating counties. One of the Kinship Navigators stated that their program includes information about the law in an information booklet available to kinship families, and the other Navigator provided personal one-to-one information to her clients.

In addition to information provided specifically to grandparents, PCSAs reported on training and information provided internally by county agencies. In one county, a staff attorney conducted trainings about the law for courts and attorneys, while in another the PCSA director educated the courts. One of the Kinship Navigators reported that she learned about the law from the judge in her county. One PCSA respondent reported education about the law to teachers and school administrators.

Provision of Assistance on HB 130

The PCSAs provided various levels of assistance to grandfamilies, as illustrated in Table 4.13. Assistance ranged from referrals only to provision of forms and assistance.

Table 4.13 POA/CAA Assistance Provided to Grandparents by PCSA	
Level of Assistance on POA/CAA	# Counties
Do not know	1
Referral only to information sites	2
Provide forms only at agency	3
Provide forms and assistance at agency	4
Provide forms and referral to assistance at agency	2

Nine PCSAs make the POA/CAA forms available to grandparents at their agency, and also referred grandparents to other locations where they could obtain the forms (i.e., internet, library, juvenile court). However, only four PCSAs reported assisting grandparents in completing the forms, although one PCSA stated they have only filled out one in the agency to date.

One PCSA representative explicitly stated that their staff cannot assist in filling out the forms, and one stated that they only provide information and forms when they are specifically requested by caregivers. Another PCSA reported that POA/CAAs are not promoted or used very much in their county, as the courts and PCSA prefer that caregivers obtain custody. All of these counties were found to be low utilization counties, based on the number of POA/CAAs reportedly filed.

PCSA Opinion of the Grandparent Caretaker Law

Overall, nine PCSAs saw the law as beneficial with no drawbacks, both when asked specifically about positive and negative aspects of the law and when providing general comments on the law. Three PCSAs believed the law had several drawbacks; one of the PCSA representatives had both positive and negative remarks. Table 4.14 lists the generalized benefits and drawbacks provided in the interviews.

Table 4.14 Benefit and Drawbacks of HB 130	
Stated Benefit / Positive Aspects	Frequency of Comment
1. Helps keeps children with family members	4
2. Provides needed support and authority to grandparents	2
3. Helps enroll children in school	2
4. Lessens grandparent expense	1
5. All aspects of the law considered beneficial	1
Stated Drawbacks / Negative Aspects	Frequency of Comment
1. Filing fee is too high and is barrier to low income families *	2
2. May create conflict between parent and grandparent	1
3. Parents can revoke POA/CAA anytime	2
4. Time is limited to one year	1
5. Leaves the PCSA out of the decision	1
6. The process is too loose	1
7. Lawyers are misrepresenting the law and charging for POA/CAAs	1

* Filing fees must be waived under the law.

The chief benefit of the Grandparent Caretaker Law from the point of view of the PCSAs is that the law allows grandparents to obtain some authority in caring for their grandchildren without PCSA involvement. One PCSA representative stated that, “It keeps kids in families. The process is quicker than if the PCSA gets custody and must find living arrangements.” The authority the law provides is seen by many of the PCSAs as a benefit to families who don’t want custody because they feel that the arrangement will only be temporary, and it is much less expensive than the process to obtain custody.

Several drawbacks mentioned by PCSA representatives, such as filing fees or grandparents paying lawyers to generate POAs, are not in accordance with the law.

Extension to Other Relatives

All but one of the PCSA representatives thought that the provisions of the Grandparent Caretaker Law should be extended to other relatives. Respondents pointed out that many relatives other than grandparents are caring for children. The one PCSA representative who did not want to expand the law was definitely in opposition, but did not provide any explanation.

V. Discussion

This report on the implementation of the Grandparent Caretaker Law (HB 130) presents information collected from all stakeholders likely to be affected by the law, including grandparent caregivers, the courts, PCSAs, and school principals. Indirectly, we hoped to determine the effect on children being cared for by grandparents in terms of their safety and ability to obtain medical care and register for school. While results of this study are not generalizable to all Ohio counties, our selection of urban, suburban, Appalachian, and non-Appalachian counties, and both high and low use counties, allows geographic and utilization rate comparisons among counties. However, the results in general must be read with caution. Low response rates, especially from the courts and schools; the disparity in the numbers of questionnaires returned by courts in low-use and high-use counties; and the lack of uniform implementation among counties can make any comparisons problematic. The results of our evaluation are discussed in terms of the five questions outlined in the introduction, with some additional comments summarizing other findings.

1. What Are the Levels of Utilization of the Provisions in the Grandparent Caretaker Law?

The use of the POA/CAA process varied widely from county to county. We standardized utilization, as explained in Section III, Methods, as a rate per 1,000 grandparent-headed households to obviate differences in county populations. Rates varied from a low of 6.2/1000 to a high of 90.0/1000. While the highest usage rates in the twelve study counties occurred in rural and Appalachian counties, this pattern did not hold across all the counties in the state. The average rate of use for the 64 Ohio counties for which a rate could be calculated was 30.4/1000. The average rate of use in Appalachian and suburban counties was below this average (27.4/1000 for each county type) and above the average for non-Appalachian rural counties (33.8/1000) and urban counties (34.9/1,000).

2. What Factors Contributed to Higher vs. Lower Levels of POA and CAA Filings in Counties?

In general, discrete factors that may have contributed to higher use did not clearly emerge. We hypothesized that public education about the law, the courts' attitudes toward the law, and the presence of a Kinship Navigator or another advocacy group would affect utilization rates.

Although each of these factors appeared to play a role, there was not a clear one-to-one correlation in all cases. For instance, we expected that a positive attitude by the courts to the law would correlate with higher use, and vice versa. While four of the six counties where the judge expressed reservations about the law exhibited low utilization rates, two had high rates. In the two counties in which the judge was very positive about the law, one had a high utilization rate, while one had a low rate. In three of the four counties in which efforts had been made to educate the public about the law, use was high; however only three of eight counties in which no education of the public had taken place had high utilization rates. Five of the studied counties have Kinship Navigator programs; three of these were high use counties. Of the seven counties without a Kinship Navigator program, three are high use counties.

3. What Was The Impact of Utilization on the Courts, Schools, and Grandparents?

Courts

Based on the response from the courts and PCSAs, the Grandparent Caretaker Law, as adopted, does not place any significant additional workload on the courts. The law requires no judicial oversight

for initial filings; the juvenile courts are required to accept the POA/CAAs as filed unless there is a reason for concern about the ‘best interests of the child’ (3109.74 (C) (3)). In such cases, HB 130 directs the court to refer the case to their PCSA. It does appear that in some cases, the courts have requested some form of review by their PCSA. While only one court reported that they routinely ask for a review by children’s services, the others reported that they ‘rarely’ do. This seems to be borne out by interviews with PCSA directors, only three of whom reported that the court routinely requests a review when the POA/CAA is filed. Four reported that they are asked to provide a review only if the court suspects some problem. There were two cases, both reported by the same court, in which a POA/CAA was revoked by the court before its expiration because of later complaints.

Seven of the eight judges completing the questionnaire reported that the Grandparent Caretaker Law has had minimal impact overall on demands for staff time or additional expenses to the court. In the counties which had scheduled hearings on subsequent requests for renewal of POA/CAAs, some additional staff time is reported to notify parties, hear the case, prepare the decision, and mail the decision to the parties. However, the reported number of renewed filings is low (11 reported), so impact on the court’s workload due to renewals has not been as great as originally feared.

One concern expressed by the courts was on the lack of judicial oversight. The concern was that there exists little or no assurance that grandparents filing POA/CAAs are complying with the conditions required by the affidavits, such as the notice to non-custodial parents and/or the notice to affected stakeholders upon expiration. Judges did not provide any specific incidences of this, and we did not specifically ask grandparents how or if they were complying with these conditions. Therefore, there is insufficient evidence to show whether this is a valid concern. One judge did assert that non-grandparents have tried to file POA/CAAs; hence he/she saw them as a possible avenue for fraud.

Schools

A concern with the Grandparent Caretaker Law expressed by the school districts prior to its enactment was the potential that the law could be used to enroll children in schools solely to take advantage of superior academic or athletic programs. While the low response rate to the principals’ questionnaire makes it difficult to draw firm conclusions, the responses did not highlight this as a frequent occurrence. Only one principal stated that this had happened at his/her school, although others mentioned that they continue to be aware of the possibility. One grandparent of the 30 who responded to the questionnaire specifically mentioned that she had obtained a POA so that her grandchild could

attend school in her county. This study indicates that enrolling children in schools inappropriately may not be as large an issue as feared; however, principals remain concerned about the possibility.

From the schools' perspective, use of the POA/CAA does not appear to be increasing with time. Over one third of the schools (12 of 33) who responded reported that they had no students currently enrolled under the provisions of the law. Only one school reported that more children enrolled with a POA/CAA in the current year than in the past.

Grandparents

It appears that the Grandparent Caretaker Law has been effective in providing a legal means for grandparents to enroll their grandchildren in school and consent to medical care. Fourteen grandparents who responded to the questionnaire gave school enrollment and/or medical care as the reason they filed for a POA/CAA. Twelve stated that they had had trouble in the past in enrolling their grandchildren in school. After obtaining the POA/CAA, all but one were able to enroll their grandchildren with no problems. Seven grandparents reported having had problems in getting medical care for the children without a POA/CAA, with several stating that care was delayed until they had the proper paperwork or permission was obtained from the parent. Once grandparents had a POA/CAA, only three reported problems in obtaining medical care, and these problems were related to not having insurance or forgetting to bring their POA with them, rather than to authorization issues. Several grandparents commented that having the POA/CAA had made it much easier for them to care for their grandchildren.

While grandparents saw many benefits to the POA/CAA process, there were also some reservations. A few thought that the POA/CAA should be good for longer than 12 months, especially if the parent consented. One grandparent stated, "I think it is not a good idea to keep renewing and going through all the drama of paperwork and court dates....One good POA/CAA in court with the parent there giving the okay for the grandparent to have the POA until the parent changes and goes back to court should be just about enough." Anecdotally, many times grandparents choose the POA/CAA over other options in order to avoid court battles with their children: "This allowed us to take immediate action and get our granddaughter in school and counseling and was less intrusive to our daughter than a drawn out court battle."

At the same time, grandparents recognize that the provisions of POA/CAA do not preclude parents from revoking it and taking their child back at any time, which in many cases is not desirable:

“It’s hard knowing that if the parent ever gets upset with the caregiver they can just yank the grandchild out of their home and disrupt the child’s life again with the caregiver not being able to protect the grandchild’s best interests.” This particular concern was also shared by one of the judges, one of the principals, and the PCSA staff of some counties.

Although stakeholders differed in their opinions about many aspects of the Grandparent Caretaker Law, the majority agreed that the law has provided a convenient method for grandparent caregivers to obtain a legal way to enroll children in school and provide them with medical care. The law’s advantage is that a grandparent can obtain this remedy without involvement with children’s services and without having to pay for legal representation.

4. What Was the Impact of a POA/CAA on Grandchildren in the Areas of Child Abuse and Neglect?

This evaluation noted few specific instances of risk to children because of abuse or neglect as a result of how the POA/CAA process is carried out.

Many of the grandparents responding to the questionnaire indicated that they were caring for their grandchildren because of family situations that implied neglect or abuse (i.e., mother was too young, involved with drugs, homeless, or married to a man who was abusive to the children). To the extent that children are removed from these situations into the care of their relatives, the impact on the children could be considered positive. However, the POA/CAA process does not call for a systematic review of the grandparent’s home to determine if children are at risk for neglect or abuse by the grandparent.

While nine of twelve PCSAs confirmed that an investigation is not routinely requested when an initial POA/CAA is filed, in some of these counties, reviews are occasionally requested. Three PCSAs reported that their court routinely makes a request for a review by the PCSA (although only one of eight courts responded that they do so).

The courts estimate that a very low number of initial filings in their counties resulted in problems being identified through inquiry by the PCSA. While danger to the child’s safety was a stated concern of judges, only two judges reported being aware of cases in which the child’s safety was not safeguarded. (Although two additional cases were reported by a PCSA, there was no response from the judge in that county). One judge reported that a grandmother executing the POA/CAA had previously had children removed from her care for negligence and was still involved with the PCSA at the time of the filing. This was discovered because the court clerk recognized the name, not because of

a formal investigation. Another court reported that in two instances, the POA/CAA was revoked prior to its expiration due to a later complaint or concern related to the safety of the child.

More exploration will be necessary to definitively answer the impact of the POA/CAA upon child abuse and neglect.

5. What Was the Extent of POA/CAA Renewal and What Was Judicial Oversight on the Renewals?

The Grandparent Caretaker Law provides for a POA/CAA for up to twelve months, unless the parent revokes it before that time. The courts reported only eleven renewal filings. Judges felt that the lack of legal/PCSA involvement in the law represents a drawback to the process. They feel that there is no systematic oversight on the fitness of the grandparents to be caregivers and no oversight on whether the POA/CAAs are filled out correctly and used appropriately. Although problems and situations contrary to a child's interest were rarely reported by the courts, many judges still appeared uncomfortable with the oversight of the Grandparent Caretaker Law.

Out of 18 grandparents who stated that their POA/CAA had expired, six had taken no action but the child was still with them. In seven cases, the POA/CAA was either renewed or grandparents had obtained legal custody. In four cases the child had returned to the parent or was living with another caregiver. Several grandparents, when interviewed further, stated that while their POA/CAAs were current, they were in the process of seeking a more permanent arrangement such as custody or guardianship.

Additional Comments

Extension to Other Relatives

Stakeholders were divided about whether the provisions of the law should be extended to relatives other than grandparents. A majority of judges and school principals were opposed to this. However, some of them stated that extending the law would be helpful, since they were aware of many relatives caring for children. Eleven of twelve PCSA representatives were in favor of extending the law. Two of these respondents also noted that they see a large number of other relatives who are caregivers and who could benefit from being able to obtain a POA/CAA.

Need for Education

This study revealed the need for better education about the Grandparent Caretaker Law for the general public as well as for schools, courts, and other professional staff. Several PCSAs mentioned that Kinship Navigators were very helpful in informing caregivers about the law and helping them to take advantage of it, but not all counties currently have this program. Many grandparents stated they learned about the law from school staff, but not all schools were informed about the law. Nearly half (46 percent) of the principals who responded to the questionnaire reported that they did not know about the law before it went into effect, and some stated that they were unaware of the law until they received our questionnaire. Several grandparents recommended that the law should be more widely publicized. In addition, there seems to be some confusion about the role of POAs and CAAs. Several respondents in each of the categories seemed to view these instruments as authorization for a new care arrangement rather than assistance with an existing one.

This study also revealed a need for generally educating kinship care families about what benefits may be available to them. Several grandparents mentioned in the questionnaire that they applied for a POA/CAA because they needed financial assistance. Without the ability to follow up, it is hard to know exactly to what they were referring, since a POA/CAA does not confer any financial benefits and is not required to obtain benefits under Ohio Works First (OWF). Several grandparents mentioned the difficulty and expense in getting their grandchildren on their own medical policies or in paying for medical care that is not covered by insurance. This leads us to suspect that many grandparents are unaware that they could access OWF child-only cash benefits for their grandchildren, and that the children's medical care could, in that case, be covered under Medicaid. Some grandparents also mentioned that they have not pursued custody because they cannot afford legal representation, indicating that they may be unfamiliar with the pro se process. There were also references to costs associated with filing a POA/CAA, suggesting that grandparents who were aware of the Grandparent Caretaker Law did not have complete information, i.e., that court filing fees are to be waived.

VI. Conclusions

Qualitative studies are, by their nature, limited in their ability to be applied to a population larger than that sampled. Before applying findings from such studies, it is usual to replicate the results from repeating the study with additional populations or to look for similar results from other forms of research. This is commonly referred to as triangulation. Our sample was necessarily limited, the response rate was low, and since we were unable to find any prior research on the topic it cannot be

compared to other findings. All these conditions lead to the conclusion that the results cannot be applied to a larger population without further research

In addition, since the Grandparent Caretaker Law has been in effect for only two years, the findings of this evaluation are only early measures of the law's implementation and effects. These findings indicate that the law is not implemented uniformly from court to court and many stakeholders do not seem to be aware of the provisions of the law. There appears to be confusion among grandparents and others as to eligibility, processes, fees, and what POA/CAAs allow. The responses to the questionnaires indicate that many think the law creates a new relationship between grandparents, parents, children, and the courts. But the law only regularizes informal relationships that already exist, and removes barriers that previously made caretaking within these relationships more difficult. More evaluations in the future can add to our knowledge of the effects.

The following statements summarize the key points from this evaluation.

9. HB 130 has been successful in removing problems with school enrollment and obtaining medical care for grandchildren. Generally, grandparents like the program.
10. HB 130 has not added substantial time and/or cost burdens to the courts who responded to our questionnaire.
11. While there were reports of using POA/CAAs to enroll students in school inappropriately, it does not appear that this is a widespread problem.
12. Neither the courts nor the PCSAs reported any incidents of abuse and/or neglect of the children affected by the POA/CAA program.
13. Grandparents would like the POA/CAA to remain in effect for longer than one year without having to go through a renewal process.
14. The reaction to allowing other relatives to obtain a POA/CAA was mixed. Overwhelmingly, the grandparents and PCSAs favored such an expansion, while almost half of the judges and school principals did not.

15. Judges remain concerned about having limited oversight.
16. This law is not yet uniformly implemented or widely known. Courts will have to make decisions about how the law should be implemented. More education and outreach are needed for grandparents, the public, and other stakeholders.

APPENDIX 1 – Literature Review - Evaluation of the Implementation of Sub. House Bill 130 (Grandparent Caregiver Authorization Act) A Review of the Literature

Grandparents and other relatives who are raising their grandchildren often face a number of barriers and stressors related to providing the sole care for the children. The majority of grandparent caregivers have the children under an informal arrangement, without a legal relationship such as guardianship, legal custody, or a formal foster care arrangement (Beltran, 2000). One complaint of grandparents in informal caregiving relationships is a lack of formal authority to enroll their charges in school, make health care decisions, and obtain immunizations (Wallace, 2001).

In 2004, Ohio joined the states that have tried to eliminate this barrier by enacting a law that defines a process whereby grandparents can obtain authorization to enroll their dependent grandchildren in school and consent to medical care for the grandchild. The Grandparent Caretaker Law (Substitute House Bill 130) became effective July 20, 2004. In preparation for an evaluation of the implementation of this act in Ohio, a literature review of implementation and evaluation processes completed in other jurisdictions was undertaken.

Using the terms “grandparent,” “caregiver,” “kinship caregiver,” “kinship,” “power of attorney,” and “grandparent caregiver affidavit,” we searched traditional print media including peer reviewed journals using databases Lexis-Nexis Academic and Legal Collection, Medline, and Social Citation Index. Using the same search terms, we looked for reports of implementation and/or evaluation of similar state policies on the World Wide Web using on-line search engines Google and Vivisimo. We reviewed the web sites of AARP and Generations United, organizations that advocate for kinship care issues, and we also searched individual states’ web sites through the National Conference of State Legislatures search engine for any issue reports or evaluations of similar policies in other states.

While there have been evaluations of other types of programs designed to support grandparent or kinship caregivers, i.e., a Kinship Caregiver Navigator Pilot project (Triwest Group, 2005) and Kinship Support Services in California (Schlonsky et al., 2004), we could find no descriptions of how states implemented their caregiver authorizations for medical care and/or school enrollments. Similarly, we located no reports of evaluations of the effects of these policies, either in print media or on the web. More generally, a recent study by the Social Work Research Center of the University of Colorado (Winokur, Crawford, & Longobardi, 2006) reported that children in kinship families fared better on several outcomes than children in non-relative foster care. Children in kinship families were more likely to be in guardianship, had fewer placements in different homes, were less likely to have a new institutional allegation of abuse and neglect, and were less likely to be involved with the Division of Youth Corrections than children in foster care. However, the study found that

children in foster care were twice as likely to be reunited with their birth family (Winokur, Crawford, & Longobardi, 2006).

We reviewed all available information about how states may be implementing programs to support caregivers in areas such as school registration and accessing health care. A total of 34 states have some mechanism for allowing caregivers without legal custody to enroll children in school and/or consent to medical care. Sixteen states (CA, DE, HI, ID, IN, IA, LA, MD, MO, NM, NY, NC, OH, OK, UT, WY) have statutes allowing both medical care and education consent by caregivers, often as separate laws and requiring separate application forms. Thirteen states (AR, CO, DC, FL, GA, KS, MS, NV, ND, PA, TX, VA, WA) have made provision for consent to medical care only, while five states (CT, NJ, RI, SC, VT) allow caregivers to enroll children in school and receive information from the schools about their child. In a few states (i.e., CO, NY) medical consent is limited to consent for immunizations and/or emergency care. All of the states, with the exception of Ohio, extend the ability to obtain caregiver authorization to other qualified relatives (defined by the state) as well as to grandparents. (National Conference of State Legislatures, 2006; AARP, 2006)

States vary in their prescribed procedures for obtaining caregiver authorizations, but most require a notarized affidavit. Most states which permit both medical and educational consent require a separate form for each. Delaware requires both proof of relationship and proof of caregiving, but most other states whose authorization forms we were able to find require only the minor's name and birth date, caregiver's name and address, caregiver's date of birth, and driver's license or other ID number. Typically, there is a provision that the caregiver has either notified the child's parent(s) of their intent, or affirms that they were unable to contact the parent(s). Most states limit the amount of time for which the authorization can be in effect (usually 6 months or 12 months), and state prominently that the affidavit does not affect the rights of the minor's parents or legal guardian and does not mean the caregiver has legal custody of the minor. There is usually also a statement that holds harmless anyone (school official or medical care provider) who acts in good faith reliance upon a caregiver authorization affidavit.

California was one of the first states to enact an educational consent law, in 1994 (Beltran, 2000). States that have most recently enacted some form of caregiver authorization for education and/or medical care are Hawaii (2005, 2004), New York (2004) and Ohio (2004) (National Conference of State Legislatures, 2006). We were unable to find any data on the extent of use of caregiver authorization affidavits by grandparents or other kinship caregivers.

In conclusion, while a majority of states have instituted processes that allow kinship caregivers without legal custody or guardianship to consent to medical care and/or school enrollment for the children in their care, to date there have been no published studies of the effect of these policies. The extent to which relative caregivers make use of the authorization policies is unknown, as is the impact of caregiver authorization policies

on school enrollment, ability to access medical care for children, and child safety. The evaluation of the implementation of Ohio's Grandparent Caretaker Law will address some of these unanswered questions.

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APPENDIX 2 – Data Collection Instruments

Grandparent Questionnaire

1. What county do you live in? _____
2. Do you **currently** have a Power of Attorney (POA) or Caregiver Authorization Affidavit (CAA) for a grandchild or grandchildren?
_____ YES
_____ NO
3. If you do not **currently** have a Power of Attorney or Caregiver Authorization Affidavit, what is the reason?
_____ I do have a current POA/CAA
_____ The POA/CAA expired
_____ The POA/CAA was revoked by the child(ren)'s parent
_____ Other: _____
_____ I have never had a POA/CAA for my grandchild(ren) [**STOP HERE AND RETURN SURVEY**]
4. For how many grandchildren do or did you have a POA/CAA? _____
5. How old are the grandchildren for whom you have or had a POA/CAA at this time?
Child 1 age: _____ Child 5 age: _____
Child 2 age: _____ Child 6 age: _____
Child 3 age: _____ Child 7 age: _____
Child 4 age: _____ Child 8 age: _____
6. How long have you been the caregiver of the child before you obtained a POA/CAA? (If different periods for different grandchildren, please indicate the child that lived with you **longest** before obtaining a POA/CAA)
_____ Years _____ Months
7. Why did you decide to apply for a POA/CAA?
8. How did you find out about the POA/CAA for grandparents caring for grandchildren? (please check all that apply):
_____ Children Services
_____ Juvenile Court
_____ Family Court
_____ Newspaper/television/radio
_____ Child's parent
_____ Other family member or friend
_____ School/day care provider
_____ Doctor or hospital
_____ Internet
_____ Legal aid
_____ Kinship Navigator
_____ Other, please specify: _____

9. Did anyone help you fill out the POA/CAA forms? (please check all that apply):
- | | |
|--|---|
| <input type="checkbox"/> No one helped me | <input type="checkbox"/> Legal aid |
| <input type="checkbox"/> Children Services staff | <input type="checkbox"/> Kinship Navigator |
| <input type="checkbox"/> Court staff | <input type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> Child's parent | |
| <input type="checkbox"/> Friend or family member | _____ |

10. Did you have to pay a fee to file the POA/CAA?
- NO
- YES Amount _____

11. Ohio law states that POA/CAAs are valid for only 12 months. If it has been more than 12 months since you obtained a POA/CAA for a grandchild, what happened at the end of the 12 months?
- Child is still with me; no action taken
- Child returned to parent/ another caregiver
- The POA/CAA was renewed
- I obtained legal custody of the child
- It has been less than 12 months since I obtained a POA/CAA
- Other, please specify:

Please answer the following questions about your experience with a POA or CAA for your grandchild. If you have (or had) a CAA or POA for more than one grandchild, please answer the following questions thinking only of the OLDEST child.

12. BEFORE you obtained a POA/CAA, did you have trouble registering your grandchild in school?
- NO
- YES
- Doesn't Apply

If yes, please briefly describe the experience:

13. BEFORE you obtained a POA/CAA, did you have trouble getting medical care for your grandchild
- NO
- YES
- Doesn't Apply

If yes, please briefly describe the experience:

14. AFTER you obtained a POA/CAA, did you have trouble registering your grandchild in school?

NO

YES

Doesn't Apply

If yes, please briefly describe the experience:

15. AFTER you obtained a POA/CAA, did you have trouble getting medical care for your grandchild?

NO

YES

Doesn't Apply

If yes, please briefly describe the experience:

16. Do you have any other comments, positive or negative, about the effect that POA/CAAs have had on your ability to take care of your grandchild?

Thank you for your time in answering these questions. Please return the completed questionnaire in the stamped, self-addressed envelope provided.

Complete the following page if you would like to take part in a more in-depth telephone interview at a later time.

Telephone Interview Permission Form

If we may contact you by telephone for a more in-depth discussion of your experiences with POA/CAA, please provide your name and contact information below. (Please note: Your name will be kept separately from the survey, and will not be connected with your answers.)

_____ **YES, I am willing to be contacted for a more in-depth interview about my experiences with the Caregiver Authorization Affidavit and/or the Caregiver Power of Attorney.**

NAME _____

PHONE NUMBER (_____) _____

The best time to call me is (check all that apply):

Morning _____

Afternoon _____

Evening _____

Mon ___ **Tues** ___ **Wed** ___ **Thurs** ___ **Fri** ___ **Sat** ___ **Sun** ___

Grandparent Interview

HB 130 Statewide Evaluation

Grandparent Telephone Interview

Script: “Hello, I’m _____ with the Center for Healthy Communities at Wright State University. We recently asked you to fill out and return a survey about your experience with getting a Power of Attorney or Caretaker Authorization Affidavit for your grandchild or grandchildren. You indicated that it would be all right for us to call you and talk to you a little more about this program, so we would like to expand on the questions we asked in the survey, as well as discuss some additional areas. Is this a good time to talk? [If yes, continue. If not, find out if and when you can call back.]

Time: _____

“As we mentioned in the letter we sent to you, the Center is conducting a statewide evaluation of House Bill 130, also known as the Grandparent Caretaker Law, which became effective in July 2004. This research evaluation is being done with the support of the Ohio Department of Job and Family Services. We are conducting this study to assess the impact that the Grandparent Caretaker Law (HB 130) has had on grandparents and grandchildren.

“Some of the questions we will ask you now are similar to the questions you answered on the survey you returned. This is necessary because your name was separated from the survey you returned, so we don’t know how you answered the questions. Your participation in this interview is voluntary, and you can choose to end the interview at any time. The interview will take about 30 minutes. Your responses will be kept confidential. If we quote you in the report, your name and where you live will not be mentioned. Do you have any questions before we begin?

“Is it all right if we proceed with the questions?” (Go to next page for questions)

(After the interview is concluded: “Thank you for your time. The evaluation report will be available by August 31, 2007. Please contact the ODJFS Office of Communications at (614) 466-6650, if you would like a copy of the report.”)

HB 130 Statewide Evaluation

**Grandparent telephone interview
FACT SHEET**

Grandparent name: _____ Phone: _____

1st attempt: date _____ time _____

2nd attempt: date _____ time _____

3rd attempt: date _____ time _____

4th attempt: date _____ time _____

5th attempt: date _____ time _____

_____ Unable to contact

_____ Refused

Interviewer: _____ Date: _____

Note to interviewers: Say “power of attorney” or “caregiver authorization affidavit,” even if they are abbreviated in the questions.

1. What county do you live in? _____

2. How many grandchildren are you caring for?

Number of Children _____

(Beginning with the oldest child, ask questions 3-19. Repeat this question series for each additional affected grandchild.)

3. Do you currently have either a (POA or CAA) for your grandchild?

____ Yes *(If yes)* Is it a POA or a CAA? ____ POA ____ CAA

____ No *(Skip to Question 7)*

(The next set of questions are only for current POA/CAAs.)

4. Ohio law states that POA/CAAs are valid for only 12 months and that any renewals must go through the courts. Is this an original or a renewal POA/CAA?

____ Original

____ Renewal *(Skip to Question 6)*

5. What do you plan to do when the 12 months are up for this (POA or CAA), and why? *(Record then skip to Question 12 – will code later)*

6. If you renewed your (POA or CAA), tell us about the process including:

a) What were the steps in the process you had to perform?

b) How long did the process take?

c) How long did it take to get a court date?

d) Did you retain legal counsel?

e) What documents were you required to provide?

f) Other issues, problems or observations you had on the renewal process.

(Record, then skip to Question 12)

(The next set of questions deal with POA/CAA that are no longer current due to expiration, revocation or other.)

7. Did you have a POA/CAA for this child at one time?

____ Yes *(Continue with Question 8)* *(If yes)* Was it a POA or a CAA? ____ POA ____ CAA

____ No *(Find out at this point if the grandparent has any children with a POA/CAA and if not probe: You are on the court's list of people who have or have had a POA/CAA. Can you suggest a reason you are on the list? Then, end survey after any discussion.*

8. Why do you not currently have the POA/CAA? *(Read if necessary)*

a. Did it expire?

_____Yes (*Go to Question 9*)
_____No

b. Did the child's parents revoke it?

_____Yes (*Go to Question 10*)
_____No

c. Was there another reason - (*record and go to Question 10*)

9. Why did you not renew the POA/CAA when it expired?

10. Have you had difficulty getting school or medical support for your grandchild since you have not had a POA/CAA, and if so what was the difficulty?

_____Yes - (*Record difficulty and skip to Question 12*)
_____No

11. If you did not have any difficulty, do you anticipate problems in the future? If so, what kind of problems do you anticipate?

(The next set of questions are general questions that apply regardless of POA/CAA currency).

12. How did you come to have the child with you? (*Record – will code later*)

13. How long did you have the child before you obtained a POA/CAA?

“The next set of questions asks about what effect having a POA /CAA had on your experiences in taking care of your grandchild.”

14. Why did you decide to apply for a POA/CAA?

15. Why did you decide to get a POA rather than a CAA? (*or vice versa if grandparent has a CAA for this child*)

16. Before you had a POA/CAA, did you try to get medical care for your grandchild? Were you able to do so? (*ask only if these reasons were not mentioned in the answer to question 14.*)

17. Before you had a POA/CAA, did you try to register your grandchild in school? Were you able to do so? (*ask only if these reasons were not mentioned in the answer to question 14.*)

18. After you obtained a POA/CAA, did you try to get medical care for your grandchild? What was your experience?

19. After you obtained a POA/CAA, did you try to register your grandchild in school? What was your experience?

“We want to know how people found out about the Power of Attorney or Caregiver Authorization Affidavit, and the process they went through to get it. The next set of questions asks about your experiences with getting the (POA or CAA).”

20. How did you find out that you could apply for a POA/CAA? (*Record – will code later*)

21. What was the process of getting the POA/CAA like?

- a) *What were the steps you had to perform?*
- b) *How did you get the forms?*
- c) *Did anyone help you in filling out the forms or filing?*
- d) *How long did the process take?*
- e) *Other*

22. Is there anything you can think of that would make the process easier?

The next set of questions asks your general opinion about the Grandparent Caretaker Law.”

23. As the law now stands, only grandparents can apply for POA/CAA. Do you think relatives other than grandparents who are raising children should be able to get a POA/CAA? Why or why not?

24. Do you have any other comments about the Grandparent Caretaker Law?

Judges Questionnaire

**HB 130 (Grandparent Caretaker Law) Evaluation
Survey for Judges**

Please answer the following questions on initial Power of Attorney (POA) forms and Caregiver Authorization Affidavits (CAA) filed in your court.

1. How many initial POAs have been filed in your court from July 1, 2005 – June 30, 2006? _____
2. How many initial CAAs have been filed in your court from July 1, 2005 – June 30, 2006? _____
3. Upon receipt of an initial POA or CAA, does the court do any checks or issue any orders? *Please describe:*
4. How often do you request the Children Services Board/PCSA to conduct an inquiry on an initial filing of a POA/CAA?
_____A. Routinely
_____B. Occasionally (percentage) _____
_____C. Rarely or never
5. If you request an inquiry from the Children Services Board/PCSA, do they provide a:
_____A. Report
_____B. Report only if there is a problem noted
_____C. No report
_____D. Other – Specify: _____
6. If a problem is identified through the Children Services Board/PCSA inquiry, what happens as a result?
7. Please estimate the number of initial POA/CAA filings that have resulted in a problem being identified through an inquiry. _____
8. Has the court had to revoke a POA/CAA(s) prior to its expiration due to a later complaint or concern related to the safety of the child?
_____A. No
_____B. Yes – How many times? _____
9. Please describe additional demands on staff time (training, clerical time, other staff time, judge time), if any, that your court has incurred as a result of initial filings under the current POA/CAA law.
10. What additional expenses have you noted for initial filings?
\$ _____ Average cost per case. Components are:
 \$ _____ Investigation \$ _____ Clerical expenses
 \$ _____ Assigned counsel \$ _____ Training
 \$ _____ Guardian Ad Litem \$ _____ Other
 \$ _____ Service

Please answer the following question on expired POAs or CAAs.

11. When a POA or CAA expires at the end of a year, what actions do you initiate?
_____A. No action

- B. Notify the grandparent and parent that the documents have expired.
- C. Other: _____

12. In your county, can a caregiver file a second POA/CAA for an additional 12 month period for the same child?
- A. No – [PLEASE SKIP TO QUESTION # 23]
 - B. Yes – [PLEASE CONTINUE AT QUESTION #13]

Please answer the following questions on POAs and CAAs filed in your court that are renewals of previous filings.

13. How many renewed POAs have been filed in your court from July 1, 2005 – June 30, 2006? _____
14. How many renewed CAAs have been filed in your court from July 1, 2005 – June 30, 2006? _____

15. Upon receipt of a renewal POA or CAA, does the court do any checks or issue any orders? *Please describe:*

16. How often do you request the Children Services Board/PCSA to conduct an inquiry on a renewal of a POA/CAA?
- A. Routinely
 - B. Occasionally (percentage) _____
 - C. Rarely or never

17. If you request an inquiry from the Children Services Board/PCSA, do they provide a:
- A. Report
 - B. Report only if there is a problem noted
 - C. No report
 - D. Other – Specify: _____

18. If a problem is identified through the Children Services Board/PCSA inquiry, what happens as a result?

19. Please estimate the number of renewals that have resulted in a problem being identified through an inquiry. _____

20. Has the court had to revoke a renewed POA/CAA(s) prior to its expiration due to a later complaint or concern related to the safety of the child?
- A. No
 - B. Yes – How many times? _____

21. Please describe additional demands on staff time (training, clerical time, other staff time, judge time), if any, that your court has incurred as a result of renewals under the current POA/CAA law.

22. What additional expenses have you noted for renewals?
- \$ _____ Average cost per case. Components are:
- | | |
|----------------------------|----------------------------|
| \$ _____ Investigation | \$ _____ Clerical expenses |
| \$ _____ Assigned counsel | \$ _____ Training |
| \$ _____ Guardian Ad Litem | \$ _____ Other |
| \$ _____ Service | |

Please answer the following general questions concerning all POAs and CAAs filed in your court.

23. Have you come across any problems with the use of the forms?

- _____A. No
- _____B. Yes. Please explain.

24. Are you aware of any attempts to circumvent court orders through a POA/CAA?

- _____A. No
- _____B. Yes. Please explain.

25. Are you aware of any cases where you feel the child's interests were not safeguarded?

- _____A. No
- _____B. Yes. Please explain.

26. HB 130 has been in effect for over two years. What benefits and drawbacks do you see to allowing grandparents to obtain a POA/CAA for children they are caring for?

27. Should the provisions of HB 130 be extended to allow relatives other than grandparents to obtain POA/CAAs? Why or why not?

Please feel free to attach additional comments and specific anecdotes that will provide insights into the implementation of the current POA/CAA process.

Judge: _____ Phone: _____

County/court: _____

Person to contact for more information: _____

Phone: _____ E-mail: _____

Please have this form completed and returned by _____ DATE _____

**You may return the form by mail in the enclosed envelope or
FAX to (937) 775-1110**

PCSA Interview

HB 130 Statewide Evaluation

PCSA Telephone Interview

Script: “Hello, I’m _____ with the Center for Healthy Communities at Wright State University. The Center is conducting a statewide evaluation of the implementation of House Bill 130, also known as the Grandparent Caretaker Law, which became effective in July 2004. This research evaluation is being done with the support of the Ohio Department of Job and Family Services. The Grandparent Caretaker Law allows grandparents who are raising their grandchildren but who don’t have legal custody to obtain either a Power of Attorney or a Caregiver Authorization Affidavit that allows the grandparent to register the child in school and consent to medical treatment for the child.

“We are conducting this study to assess the impact that the Grandparent Caretaker Law (HB 130) has had on grandparents, grandchildren, the courts, schools, and Children Services agencies. As part of the evaluation, we are talking to Children Services Boards in Ohio to find out their assessment of what the impact of HB 130 has been. The questions will take about 30 minutes to answer. Responses will be kept confidential and all results will be reported in the aggregate, and not by individual or individual counties. We will not be asking you to give us any names or identifying information about CSB clients.

“Is it all right if we proceed with the questions?” (Go to next page for questions)

(After the interview is concluded: “Thank you for your time. The evaluation report will be available by August 31, 2007. Please contact the ODJFS Office of Communications at (614) 466-6650, if you would like a copy of the report.”)

Answers to questions interviewee might ask:

Q: How was I selected?

A: We chose counties that reported either a higher or lower number of POA/CAAs than the average of all the counties in Ohio. We stratified counties according to whether they are urban, suburban, rural, or Appalachian so that we would have a sample from each county type. We are contacting you specifically because we were informed that you would be the person most likely to be able to answer the questions we are asking.

Q: Who is sponsoring this survey/evaluation?

A: The Ohio Department of Job and Family Services hired the Center for Healthy Communities to do the evaluation.

Q: What are you trying to find out?

A: We want to know what the impact of HB 130 has been. Specifically, we want to know the level of utilization of the provisions in HB130 across the state, what factors contributed to higher vs. lower levels of POA and CAA filings, the impact of utilization on the courts, health care system, schools, and the impact on children in terms of their safety.

Q: What will you do with the results?

A: The results will be reported first to ODJFS. The legislature is considering extending the Grandparent Caretaker Law to other relatives raising children. The results of this evaluation will help them to decide if the law should be continued and/or extended.

HB 130 Statewide Evaluation

PCSA Telephone Interview

Interview date: _____

Interviewer: _____

County: _____

Agency: _____

Interviewee name: _____

1. In your county, does the court ask CSB to do an investigation or a review of a grandparent before a Power of Attorney or Caregiver Authorization Affidavit is granted?
2. *If yes to q. 1:* What does the investigation or review consist of? Who is responsible for doing the investigation or review? What happens to the report? What happens if the review or investigation turns up a problem with the grandparent? About how many requests per month do you receive from the court? How has it affected the workload at Children Services?
3. To your knowledge, have any of the grandparents who have been granted a Power of Attorney or Caregiver Authorization since July 2004 been reported to CSB or had a case opened for abuse, neglect, or dependency? How would you know, if you receive a report, whether it is a grandparent who had a POA/CAA?
4. Were or are there any educational efforts in your county to inform grandparents, schools, children services agencies, or the general public about the Grandparent Caretaker Law? *Prompt: Was there any kind of task force or committee?*
5. *If yes to q. 4:* Who are the other people we should talk to about these educational efforts? (*get names and contact information*)
6. What, if anything, does your agency do to assist grandparents in obtaining POA/CAA? *Prompts: inform them about it, make forms available, assist in filling out the forms*
7. What benefits or drawbacks do you see to allowing grandparents to get a POA/CAA?
8. Do you think POA/CAA should be extended to allow caregivers other than grandparents to obtain POA/CAA?

Group Interview
HB 130 Evaluation
Group Interview questions

Script: “Hello, I’m _____ with the Center for Healthy Communities at Wright State University. The Center is conducting a statewide evaluation of House Bill 130, also known as the Grandparent Caretaker Law, which became effective in July 2004. This research evaluation is being done with the support of the Ohio Department of Job and Family Services.

“This study will assess the impact that the Grandparent Caretaker Law (HB 130) has had on grandparents, grandchildren, the courts, schools, and Children Services agencies. We also want to know how counties implemented the law. You have all been identified as working together in your county to implement HB 130, and we want to find out how it went. We have several questions that will take about 30-45 minutes to discuss. Your responses will be kept confidential and your name will not appear in any report. Your county will not be identified by name.

“Your participation in this research is voluntary. You may stop participating at any time. I would ask you also to please respect the confidentiality of the other persons in the room/on the call. The report of this evaluation will be available by August 31, 2007. Please contact the ODJFS Office of Communications at (614) 466-6650 if you would like a copy of the report.

“Do you have any questions about what I’ve said so far?”

“Is it all right if we proceed with the questions?” (Go to next page for questions)

(After the interview is concluded: “Thank you very much for your time.)

HB 130 Evaluation
Group Interview questions

County: _____

1. What organizations are represented by the people in the group/on the committee and what role do they play in kinship care (*If not known*)?
2. What is/was the role of each person and his/her organization in the group/on the committee?
3. Please describe how HB 130 was implemented in your county. (*probes – were there any educational efforts directed at schools, courts, grandparents, Kinship Navigators, etc.? Protocols developed?*)
4. What has worked well in the implementation – best practices.
5. What challenges have you seen as HB 130 was implemented? How were these challenges met or not met?
6. Do you think your working together in implementing had an impact in implementing this law? If so, how? How do you think implementation would have been different if you hadn't been working together as a group? Do you think your implementation process had any effect on the utilization rate of the POA/CAA by grandparents? Why or why not?
7. Could you share an anecdote or story with us that is relevant to the implementation.
8. What recommendations, if any, do you have for changes to how the policy is implemented?
9. Do you think the provisions of HB 130 should be extended to relatives other than grandparents who are raising children? Why or why not?

School Principal Questionnaire

School Survey

Dear Principal,

The Grandparent Caretaker Law went into effect on July 1, 2004. This bill allows grandparents who are raising their grandchild(ren) but who don't have legal custody to obtain either a Power of Attorney (POA) or a Caregiver Authorization Affidavit (CAA), which allows them to register the child(ren) in school and consent to medical care.

The Center for Healthy Communities at Wright State University is conducting a statewide evaluation of the implementation of the Grandparent Caretaker Law for the Ohio Department of Job and Family Services (ODJFS). We are interested in the effects, if any, that implementation has had on schools. Therefore, we are inviting you to answer the following questions that will help us understand the impact of the Grandparent Caretaker Law on schools.

Your participation in this survey is voluntary. The survey will take approximately 20 minutes to complete. Your answers will be held confidentially, and results will be reported in the aggregate and not tied to individuals or specific schools. If you agree to participate, please complete the survey by hitting "reply" to this e-mail and answering the questions directly in the body of the e-mail.

If there is someone else at your school who you feel would be better able to answer these questions, please pass the survey on to that person. We request that the survey be returned by __DATE__.

If you have questions about this study, please contact me at the Center for Healthy Communities, carla.clasen@wright.edu, (937) 775-1119. A report of the results of our evaluation of the implementation of the Grandparent Caretaker Law will be available by August 31, 2007. Please contact the ODJFS Office of Communications at (614) 466-6650, if you would like a copy of the report.

Thank you for your help.

Sincerely,

Carla Clasen

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1. In what county is your school located?
 2. How many students in all are enrolled in your school?
 3. Were you aware of the provisions of the Grandparent Caretaker Law before it went into effect?
 4. How did you learn about the Grandparent Caretaker Law?
 5. In the current (2006-2007) school year, about how many students in your school have been registered by grandparents with a Power of Attorney/Caregiver Authorization Affidavit (POA/CAA)?
 none
 1-5
 6-10
 more than 10
 6. Is the number of students you report in question 5 fewer, more, or about the same as were enrolled with a POA/CAA in the 2005 – 2006 school year?
 fewer
 more
 about the same
 7. Has any student attempting to enroll with a Power of Attorney or Caregiver Authorization been denied enrollment in your school, and if so, why?
 8. Do you suspect anyone is using a POA/CAA inappropriately, i.e, using them to register a child in your school to take advantage of an academic or sports program?
 No Yes – please explain:
 9. What benefits or drawbacks do you see to allowing grandparents to get a POA/CAA?
 10. Should the provisions of the Grandparent Authorization Act be extended to allow relatives other than grandparents to obtain POA/CAA?