

Foster parent to sue over low payment - Hawaii News - Honolulu

Star-Advertiser

StarAdvertiser.com

Foster parent to sue over low payment

The suit is on behalf of more than 1,000 isle parents, whose reimbursements have stayed flat since 1990

By Timothy Hurley

POSTED: 01:30 a.m. HST, Dec 03, 2013 LAST UPDATED: 02:30 a.m. HST, Dec 03, 2013



[Ads by Google](#)

[Hawaii PV Solar Panels](#) Photovoltaic Solar Electric Systems 65% back on Tax Credits & Financing
www.AlternateEnergyHawaii.com

A class-action lawsuit is expected to be filed today against the state, alleging it has failed to pay foster parents enough to adequately care for their foster children.

The suit will be filed by a sole foster parent, Raynette Nalani Ah Chong of Kaha-luu, on behalf of more than 1,000 Hawaii foster parents, who haven't had their reimbursement payments increased since 1990.

The federal Child Welfare Act requires that reimbursements cover the expenses of children in foster care, but the \$529 monthly payment does not come close, said Victor Gemi-ni-ani, executive director of Hawaii Appleseed Center for Law and Economic Justice.

Even though Hawaii has the highest cost of living in the country, it is one of the stingiest as far as taking care of foster children, Gemi-ni-ani said. Had the payment been adjusted for inflation, he said, it would be more than \$950.

Ah Chong is represented by Hawaii Appleseed, a nonprofit that advocates for low-income residents, and local law firm Alston Hunt Floyd & Ing, along with Morrison Foer-ster, which won a similar case for foster parents in California.

The state Legislature has considered raising foster care payments since 2009, but each time the state Department of Human Services has opposed an increase as too expensive.

"It costs too much to not increase the payment," Gemi-ni-ani said. "Foster children are suffering because the state is not providing sufficient support. The consequences can last a lifetime in terms of the children's broken lives and the expensive state services required to support them down the road."

Department of Human Services Director Patricia Mc-Mana-man testified before the House finance committee in February that while she supported the intent of a bill to raise the payment, she was concerned about its fiscal impact, requiring an additional \$5.3 million to raise the program's "board rate"

by \$75 a month.

She pledged to work with "stakeholders" to further assess the feasibility of boosting the reimbursement, and the department is now working on a report to the Legislature, DHS spokes-woman Susan Yama-moto said.

Linda Santos, president and CEO of the social service agency Family Programs Hawaii, said she expects the state to recommend to lawmakers an increase in the foster payment.

"I have all the confidence that the payment will be raised," Santos said.

Ah Chong, husband Edward Ah Chong and their five children have cared for more than 100 foster children during their 19-plus years in the program. Her specialty is drug babies.

"They need lots of attention, nurturing, love and understanding and extra care," she said in an interview.

To try to cut costs, she said, she clips coupons and visits as many as four different grocery stores in a day to look for deals. But it is difficult to provide for the children using only the \$529 from the state, she said.

Ah Chong said it breaks her heart when she can't afford to give the proper care to her young charges, so she and her husband, a policeman, dig deep in their wallets and work a little extra.

"My husband and I figure out ways to make ends meet and give these kids extra. But it's hard."

Geminiani said the DHS expects foster parents to cover, at a minimum, the following expenses on about \$17 per day: food, shelter, utilities, household furnishings and supplies, sundries, nonprescription medication, school supplies, transportation, haircuts, allowances and more.

A study published six years ago found that Hawaii's reimbursement rate for teenagers was 49 percent below what would be required to adequately cover "the real costs of providing care for children," he said.

Honolulu attorney Paul Alston said the state must significantly increase the payments to comply with the law.

"DHS seems to think it has a choice about whether to increase the payments," he said in a statement. "It doesn't. The payment hasn't been adjusted for nearly a quarter-century. An increase is long overdue."

Two years ago foster parents in California won a victory in federal court on the same issue, forcing their state to increase reimbursement rates. They went up from a range of \$446 to \$627, depending on the child's age, to \$609 to \$761.

Hawaii pays one rate regardless of age.

Under its own rules, DHS is responsible for setting the amount of the foster care payment, and it has the authority to increase the payment on its own, Gemi-ni-ani said. He said the department is supposed to review the payment at least every five years "to assure its continued appropriateness."

Hawaii Appleseed sent multiple public-records requests for information about the reviews, but DHS never responded, he said.

