

## Foster parents' raises fail to stop lawsuit - Hawaii News - Honolulu

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### Foster parents' raises fail to stop lawsuit

Those behind the legal action say the payments remain "woefully inadequate"

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Hawaii foster parents this month received their first pay raise since 1990, but the increase is far from enough for those who filed a class-action lawsuit claiming foster parents are underpaid.

"It's still woefully inadequate," Hono-lulu attorney Paul Alston said Tuesday.

A motion to dismiss the lawsuit, filed against the state in December, was rejected by Judge Leslie Koba-ya-shi in U.S. District Court on Thursday, and attorneys are expected to move soon for class-action certification representing more than 1,000 Hawaii foster parents.

The monthly \$529-per-child payments, effective July 1, rose to \$575 for 5-year-olds and younger, \$650 for 6- to 11-year-olds and \$676 for children 12 and over.

The state Department of Human Services requested a legislative appropriation of \$8.5 million that was approved as part of Gov. Neil Abercrombie's 2014 executive budget package. Foster families will receive their first increased payment in August.

"The bill is a huge step forward to help support the foster families that are integral members of our communities," Rep. Mele Carroll, chairwoman of the House Committee on Human Services, said in a statement.

DHS Director Patricia Mc-Mana-man said the size of the rate increase is based on a review of foster care rates and practices in 46 states as well as considering the benefits that foster families receive.

In a statement released Tuesday, the department said, "In developing its plan to increase payments, the DHS collaborated with and sought input from foster families, foster youth and community partners. The DHS staff also engaged research resources at the University of Hawaii to review national best practices around foster board payment structures and the costs of raising children in different regions."

The new age-tiered system is indexed to documented costs contained in the U.S. Department of Agriculture's Expenditures on Children by Families annual report, according to the department.

But Alston said that however the department conducted its research, it continues to get it wrong. He described the practice of making payments comparable to the mainland as "a fraud" because it fails to

consider that Hawaii has the highest cost of living in the country.

"They were supposed to adjust it annually but never did," he said. "With inflation the rate should have nearly doubled by now."

## BY THE NUMBERS

*The state was paying foster parents \$529 per child per month, but increased payments are now based on a child's age:*

>> **\$575:** 5 and younger

>> **\$650:** 6 to 11 years

>> **\$676:** 12 and older

**1,156:** The number of foster children in June

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

Victor Gemi-ni-ani, executive director of Hawai'i Appleseed Center for Law and Economic Justice, said Hawaii's new payment remains well below the rate where it should be if federal guidelines were followed.

"We're absolutely going forward" with the suit, he said.

The lawsuit was filed for Raynette Nalani Ah Chong of Kaha--luu on behalf of the state's foster parents. 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.

In an earlier interview, Ah Chong said her specialty is drug babies who need extra care and attention. She said she and her husband, a police officer, have struggled to properly care for their charges, and they have been forced to dig deep in their pockets at times and work for extra pay to get the job done.

Ah Chong and other foster parents are represented by the nonprofit Hawai'i Appleseed Center, the Hono-lulu law firm of Alston Hunt Floyd & Ing and global law firm Morrison & Foer-ster LLP, which was involved in the Cali-for-nia suit.

State officials argue that there are various other financial sources foster parents can tap into for child care, including difficulty-of-care payments — up to \$570 per month — to cover children with special needs.

Families also receive an annual \$600 clothing allowance; free health care coverage for foster children in their care; reimbursement for designated transportation, A+ and other after-school care; and special-activity costs.

Children enter and exit the foster care system throughout the year. They can remain in foster homes for days, months or years in some cases. While siblings are often placed together, foster families also may care for two or more unrelated children.

In 2013 the average number of children per month in Hawaii foster homes was 1,096. In June 2014 there were 1,156 children in foster care.

