



**House Families, Aging and Human Services Committee
May 6, 2021
Proponent Testimony – HB 83**

Submitted by Susan Brown, Esq., Director
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Franklin County Board of Commissioners
Kevin L. Boyce, President Marilyn Brown John O'Grady

Chair Manchester, Vice Chair Cutrona, Ranking Member Liston and members of the committee, thank you for the opportunity to provide testimony today in support of House Bill 83 on behalf of the Franklin County Board of Commissioners and Franklin County Child Support Enforcement Agency. My name is Susan Brown, and I am the Director of the Franklin County Child Support Enforcement Agency. I am an attorney with a domestic relations background, and I have witnessed firsthand the changing landscape for parents and caretakers over my twenty-four years in the child support program.

More grandparents than ever are being put in a position of becoming full-time parents again, often with fewer resources and more health problems than they had the first time around. According to the Centers for Disease Control, the proportion of children living in “grandfamilies” has doubled in the U.S. since 1970 and has gone up seven percent (7%) in the past five (5) years alone—an increase many attribute to the opioid epidemic.¹

About three percent (3%) of children nationwide live apart from their parents, and of those, nearly two-thirds are being raised by grandparents or other caretakers, who are most often relatives. Some 2.6 million grandparents are raising their grandchildren, either because of a temporary change in circumstance for the parents, such as military deployment or joblessness, or something more lasting and difficult: mental illness, divorce, incarceration, death, or, as what seems most often occurs, substance abuse. Grandparents and caretakers offer stability and consistency to children whose previous lives might have been chaotic.²

In Franklin County, of our 73,003 cases, there are approximately 6,681 cases where a third-party caretaker is providing primary care for a child. This caretaker universe is broad and includes those with legal custody as well as those with only physical custody of a child. Most of these cases occur outside of the child welfare system and kinship care is a sub-category of the broader caretaker population.

¹ Robin Marantz Henig, *The Age of Grandparents Is Made of Many Tragedies*, The Atlantic (June 1, 2018), <https://www.theatlantic.com/family/archive/2018/06/this-is-the-age-of-grandparents/561527/>

² Id.

As mentioned, caretakers are often on limited or fixed income and need resources in their household. There is a disproportionately high rate of poverty among grandparents raising grandchildren. Child support can be a resource for these households when it is paid. Not all county child support agencies can provide services to caretakers due to appellate case law or local practice and caretakers are treated differently county to county—some get all services, some get none.

In Franklin County, if the caretaker has legal custody, Franklin County Child Support Enforcement Agency can set an order for child support. If the caretaker has physical custody of the child and they are receiving public assistance benefits, our Courts will allow us to set an order. However, if the caretaker does not receive public assistance benefits and they have temporary custody or no custody, the Court will not set an order. This leaves the caretaker with having to go through the expense and red tape to make a legal relationship with these children, when these children are already family.

HB83 creates a consistent path for caretakers to obtain services from child support enforcement agencies across the state regarding paternity, establishment of support and redirection of support. This bill will give caretakers standing, or the right to bring an action, to seek the establishment of paternity and/or the establishment of support orders. The intent is for child support to follow the child and reach the household that is caring for the child.

This bill will provide child support agencies a consistent process to use for investigations and recommendations. The bill assures that due process rights are afforded to both parents and the caretaker. The process will also allow for termination of redirection orders if the child returns to the former custodial parent.

Many caretakers and grandparents raising grandchildren are currently left to make their way as best they can. This bill will go far to eliminate many long-standing barriers that caretakers face in trying to financially support the children who are entrusted to their care.

We thank Representatives Russo and Manchester for their work on this important legislation, and thanks to Chair Manchester and members of this committee for the opportunity to support this bill.