

HOUSE BILL No. 2826

By Representatives Patterson and Rehorn, Ballard, Barbieri-Lightner, Bethell, Boyer, Burroughs, Carlin, Cox, Crow, DeCastro, Flaharty, Gattewood, Gilbert, Gordon, Grant, Hayzlett, Horst, Huff, Hutchins, Huy, Kirk, Klein, Kuether, Loganbill, Mays, McKinney, Merrick, Jim Morrison, Judy Morrison, Neighbor, Ostmeyer, Pauls, Phelps, Ruff, S. Sharp, Showalter, Sloan, Swenson, Toelkes, Ward, Yonally

2-11

AN ACT concerning the department of social and rehabilitation services; enacting the grandparents as foster parents act; prescribing powers, duties and functions for the secretary of social and rehabilitation services; prescribing certain guidelines and other criteria therefor.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) The provisions of sections 1 through 5, and amendments thereto, shall be known and may be cited as the grandparents as foster parents act.

(b) In accordance with the provisions of the grandparents as foster parents act and subject to the provisions of appropriation acts, the secretary of social and rehabilitation services shall establish a grandparents as foster parents program within the department of social and rehabilitation services. The grandparents as foster parents program shall be established and shall be administered in a manner that recognizes that:

(1) Raising a grandchild differs from when the grandparents raised their own children;

(2) caring for a grandchild often places additional financial, social and psychological strain on grandparents with fixed incomes;

(3) different parenting skills are necessary when raising a grandchild and many grandparents do not possess such skills, are not aware of how to obtain such skills and cannot afford access to the services necessary to obtain such skills;

(4) grandparents, like nonrelative foster parents, need a support structure, including counseling for the grandchild and caretaker, respite care and transportation assistance and child care;

(5) the level of care provided by grandparents does not differ from nonrelative foster care, but reimbursement for such care is substantially less for grandparents; and

(6) grandparents are often unaware of the medical and other assis-

1 tance, including cash assistance, which they may be eligible to receive to
2 support the grandchildren placed in their care.

3 Sec. 2. (a) A grandparent shall be eligible to participate in the grand-
4 parents as foster parents program if such grandparent:

5 (1) Is 50 years of age or older;

6 (2) has actual custody of a grandchild whether or not the grandparent
7 is the legal guardian of the grandchild, has the grandchild placed in such
8 grandparent's custody by the state or has other legal custody of the
9 grandchild;

10 (3) has an annual household income of less than 200% of the federal
11 poverty level; and

12 (4) participates in the training available through the grandparents as
13 foster parents program pursuant to section 4, and amendments thereto.

14 (b) The secretary of social and rehabilitation services shall review an-
15 nually the eligibility of grandparents participating in the program.

16 Sec. 3. If there are no grandparents of a child who are willing to
17 participate in the grandparents as foster parents program, the secretary
18 of social and rehabilitation services may include in the program any other
19 close relative who becomes the legal guardian of the child or obtains legal
20 custody of the child, as granted by a court of competent jurisdiction or
21 through placement by the secretary of social and rehabilitation services,
22 if such relative also meets the eligibility requirements of subsection (a)(1),
23 (a)(3) and (a)(4) of section 2, and amendments thereto.

24 Sec. 4. Subject to the provisions of appropriation acts, the secretary
25 of social and rehabilitation services:

26 (a) Shall provide for reimbursement through the grandparents as fos-
27 ter parents program to eligible grandparents of not less than 75% of the
28 current foster care payment service provider schedule otherwise appli-
29 cable for the care of the grandchild, as determined by the secretary of
30 social and rehabilitation services and shall continue the reimbursement
31 through the grandparents as foster parents program to eligible grandpar-
32 ents until the child reaches the age of 18 or the age of 21, if such child
33 is in full time attendance at a secondary school, technical school or college
34 or is in a state accredited job training program. Annually, the grandparents
35 shall submit to the secretary of social and rehabilitation services a sworn
36 statement that the child is still living with and receiving support from the
37 grandparents. The parent of any child receiving assistance through the
38 grandparents as foster parents program shall remain liable for the support
39 of the child as required by the general statutes;

40 (b) shall establish program requirements for the grandparents as fos-
41 ter parents program, including, but not limited to, participation in foster
42 parent training, parenting skills training, childhood immunizations and
43 other health screenings;

1 (c) shall provide continuing counseling for the child and grandparent
2 under the grandparents as foster parents program;

3 (d) may provide support services, including, but not limited to, res-
4 pite care, child care and transportation assistance, except that eligibility
5 for child care services pursuant to the grandparents as foster parents
6 program shall be based on the same eligibility criteria used for other child
7 care benefits provided by the department of social and rehabilitation
8 services;

9 (e) shall provide a medical card and other medical assistance to each
10 child under the grandparents as foster parents program;

11 (f) may provide ancillary services, including but not limited to, cloth-
12 ing allowances, but not direct financial payments to the participants in
13 the grandparents as foster parents program after such participants com-
14 plete the training required pursuant to subsection (b); and

15 (g) shall establish criteria for the reduction in cash benefits received
16 by any grandparent providing care for three or more grandchildren pur-
17 suant to the grandparents as foster parents program.

18 Sec. 5. The provisions of the grandparents as foster parents act shall
19 not be construed to create an entitlement for participants in the grand-
20 parents as foster parents program.

21 Sec. 6. This act shall take effect and be in force from and after its
22 publication in the statute book.

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