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*As Amended by Senate Committee*

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*Session of 2004*

**SENATE BILL No. 320**

By Senator Vratil

1-20

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11 AN ACT concerning the department of social and rehabilitation services;  
12 enacting the grandparents as foster parents act; prescribing powers,  
13 duties and functions for the secretary of social and rehabilitation serv-  
14 ices; prescribing certain guidelines and other criteria therefor.  
15

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

17 Section 1. (a) The provisions of sections 1 through ~~5~~ **6**, and amend-  
18 ments thereto, shall be known and may be cited as the grandparents as  
19 foster parents act.

20 (b) In accordance with the provisions of the grandparents as foster  
21 parents act and subject to the provisions of appropriation acts, the sec-  
22 retary of social and rehabilitation services shall establish a grandparents  
23 as foster parents program within the department of social and rehabili-  
24 tation services. The grandparents as foster parents program shall be es-  
25 tablished and shall be administered in a manner that recognizes that:

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

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

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

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

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

40 (6) grandparents are often unaware of medical and other assistance,  
41 including cash assistance, which they may be eligible to receive to support  
42 the grandchildren placed in their care.

43 Sec. 2. (a) ~~A~~ ***Pursuant to meeting financial eligibility as devel-***

1 **oped by the secretary, a** grandparent shall be eligible to participate in  
 2 the grandparents as foster parents program if such grandparent:

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

4 (2) ~~has actual custody of a grandchild whether or not the grandparent~~  
 5 ~~is the legal guardian of the grandchild,~~ has the grandchild placed in such  
 6 grandparent's custody by the state, **is the legal guardian of the grand-**  
 7 **child** or has other legal custody of the grandchild;

8 (3) has an annual household income of less than ~~200%~~ **130%** of the  
 9 federal poverty level; and

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

12 **(b) A grandparent shall not be eligible to participate in the**  
 13 **grandparents as foster parents program if the parent or parents of**  
 14 **the grandchild reside with the grandparents.**

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

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

25 Sec. 4. ~~Subject~~ **By the last quarter of fiscal year 2005 and sub-**  
 26 **ject** to the provisions of appropriation acts, the secretary of social and  
 27 rehabilitation services:

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

42 (b) shall establish program requirements for the grandparents as fos-  
 43 ter parents program, including, but not limited to, participation in foster

1 parent training, parenting skills training, childhood immunizations and  
2 other health screenings;

3 (c) ~~shall~~ **may** provide continuing counseling for the child and grand-  
4 parent under the grandparents as foster parents program;

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

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

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

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

20 ***Sec. 5. The secretary may adopt rules and regulations to im-***  
21 ***plement the provisions of this act.***

22 ~~Sec. 5.~~ **6.** The provisions of the grandparents as foster parents act  
23 shall not be construed to create an entitlement for participants in the  
24 grandparents as foster parents program ***and under no circumstances***  
25 ***shall the program exceed the amount appropriated each year.***

26 ~~Sec. 6.~~ **7.** This act shall take effect and be in force from and after its  
27 publication in the statute book.