

HOUSE BILL No. 2410

By Representatives Faust-Goudeau and Yonally

2-9

9 AN ACT enacting the grandparents as foster parents act; prescribing
10 powers, duties and functions for the secretary of social and rehabili-
11 tation services.

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

14 Section 1. The provisions of sections 1 through 7, and amendments
15 thereto, shall be known and may be cited as the grandparents as foster
16 parents act.

17 Sec. 2. As used in the grandparents as foster parents act:

18 (a) "Program" means the grandparents as foster parents program.

19 (b) "Secretary" means the secretary of the department of social and
20 rehabilitation services.

21 (c) "Department" means the department of social and rehabilitation
22 services.

23 (d) "Maintenance of effort" means state funds appropriated for the
24 aid to families with dependent children (AFDC), emergency assistance,
25 AFDC-related child care and the JOBS program.

26 (e) "TANF" or "Temporary assistance for needy families" means the
27 federal block grant moneys available to the state for public assistance
28 benefits and programs authorized by the personal responsibility and work
29 opportunity reconciliation act of 1996 (as amended).

30 Sec. 3. (a) In accordance with the provisions of the grandparents as
31 foster parents act and subject to the provisions of appropriation acts, the
32 secretary shall establish a grandparents as foster parents program within
33 the department of social and rehabilitation services. The program shall
34 be administered in a manner which recognizes that:

35 (1) The relationship between a child and a parent differs from the
36 relationship between a child and a grandparent acting as a foster parent;

37 (2) society and the demands and needs of the members of society
38 change between the time a person raises a child and the time the same
39 person raises a grandchild as a foster child;

40 (3) caring for a grandchild as a foster child often places additional
41 financial, social and psychological strain on grandparents with fixed
42 incomes;

43 (4) different parenting skills are necessary when raising a grandchild

1 as a foster child, and many grandparents do not possess such skills, are
2 not aware of how to obtain such skills and cannot afford access to the
3 services necessary to obtain such skills;

4 (5) grandparents acting as foster parents, like nonrelative foster par-
5 ents, need a support structure, including counseling for both the grand-
6 parent and grandchild, respite care, transportation assistance and child
7 care;

8 (6) the level of care provided by grandparents acting as foster parents
9 does not differ from foster care provided by nonrelatives, but reimburse-
10 ment for such care is substantially less for grandparents; and

11 (7) grandparents are often unaware of medical and other assistance,
12 including cash assistance for which they may be eligible.

13 Sec. 4. (a) If a person meets the financial eligibility requirements
14 developed by the secretary, a grandparent shall be eligible to participate
15 in the program if such grandparent:

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

17 (2) has the grandchild placed in such grandparent's custody by the
18 state, is the legal guardian of the grandchild or has other legal custody of
19 the grandchild;

20 (3) has an annual household income of less than 130% of the federal
21 poverty level; and

22 (4) participates in the training available through the program pursu-
23 ant to section 6, and amendments thereto.

24 (b) A grandparent shall not be eligible to participate in the program
25 if the parent or parents of the child reside with such grandparent.

26 (c) The secretary annually shall review the eligibility of grandparents
27 participating in the program. Grandparents shall be required to meet
28 eligibility requirements each year to continue in the program.

29 Sec. 5. If there are no grandparents of a child who are willing to
30 participate in the program, the secretary may include in the program any
31 other close relative who becomes the legal guardian of the child or obtains
32 legal custody of the child, as granted by a court of competent jurisdiction
33 or through placement by the secretary. In order to participate, such rel-
34 ative must meet the eligibility requirements of subsection (a)(1), (a)(3)
35 and (a)(4) of section 4, and amendments thereto.

36 Sec. 6. By the last quarter of fiscal year 2006 and subject to the pro-
37 visions of appropriation acts, the secretary:

38 (a) Shall reimburse grandparents in the program for the cost of the
39 care of the grandchild in an amount determined by the secretary. The
40 amount of such reimbursement shall not be less than 75% of the amount
41 of the current foster care payment service provider schedule. Grandpar-
42 ents in the program shall continue to receive reimbursement until the
43 child reaches the age of 18 or the age of 21, if such child is in full-time

1 attendance at a secondary school, postsecondary educational institution
2 as defined by K.S.A. 74-3201b, and amendments thereto, or an institution
3 as defined by K.S.A. 74-32,163, and amendments thereto, or is in a state
4 accredited job training program. Grandparents annually shall submit to
5 the secretary a sworn statement that the child is living with and receiving
6 support from the grandparents. A child attending a postsecondary edu-
7 cational institution or an institution shall be considered as living with the
8 grandparents. The parent of any child receiving or for which assistance
9 is received through the program shall remain liable for the support of the
10 child as required by law;

11 (b) shall establish program requirements including, but not limited
12 to, participation in foster parent training, parenting skills training, child-
13 hood immunizations and other health screenings;

14 (c) may provide continuing counseling for the child and grandparent
15 under the program;

16 (d) may provide ancillary or support services including, but not lim-
17 ited to, respite care, child care clothing allowances and transportation
18 assistance. Eligibility for child care services pursuant to the program shall
19 be based on the same eligibility criteria used for other child care benefits
20 provided by the department. Direct financial assistance shall not be made
21 to a participant in the program until after such participant completes the
22 training required by subsection (b);

23 (e) shall provide a medical card and other medical assistance to each
24 child under the program; and

25 (f) shall establish criteria for the reduction in cash benefits received
26 by any grandparent providing care for three or more grandchildren under
27 the program.

28 Sec. 7. The secretary shall adopt any rules and regulations necessary
29 to implement the provisions of this act.

30 Sec. 8. (a) Funding for cash benefits and other assistance provided
31 under this act shall be made from the state maintenance of effort funds.

32 (b) Grandparents who either are under 50 years of age, or are 50
33 years of age or older and refuse to participate in the training pursuant to
34 subsection (b) but who meet the requirements of subsections (1), (2) and
35 (3) of section 4, and amendments thereto, may apply to the department
36 for foster care reimbursement and assistance. Such cash and noncash
37 assistance shall be funded through the TANF funds. Any work partici-
38 pation and time limit requirements pursuant to the personal responsibility
39 and work opportunity reconciliation act of 1996, as amended, shall apply
40 to all such persons.

41 (c) The provisions of the grandparents as foster parents act shall not
42 be construed to create an entitlement for participants in the program.

1 Sec. 9. This act shall take effect and be in force from and after its
2 publication in the statute book.