

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman John Edmonds at 1:30 P.M. on January 18, 2006 in Room 313-S of the Capitol.

All members were present except:

Representative Don Myers- excused
Representative Kenny Wilk- excused

Committee staff present:

Athena Andaya, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Carol Doel, Committee Secretary

Conferees:

Representative Bonnie Huy
Representative Oletha Faust-Goudeau

Others attending:

See attached list

Chairman Edmonds opened the floor for introduction of bills and recognized Representative Dillmore who requested the introduction of a bill regarding crimes and punishment dealing with sexual activity. With no objections this was accepted for introduction.

Representative Bonnie Huy addressed the committee with a briefing on ***SB 62*** a bill regarding grandparents as foster parents program. Representative Huy submitted a copy of a balloon to ***SB 62*** for committee review. She related that this bill has bipartisan and SRS support and is a bill that is definitely for the children. It lowers the eligible age from 60 to 50, eliminates the requirement to participate in a full blown training program. Representative Huy explained that basically the bill establishes a program to assist grandparents or other qualifying relatives who have ongoing custody of children. The annual household income will be less than 100% of the federal poverty level. The parents of the children may not live in the same household. Representative Huy further explained the requirements for eligibility to the program. (Attachment 1)

The Committee requested that Staff address some of their question regarding this bill such as:

- Do grandparents have standing by virtue of participating in the program? What impact would the program have if parents have named someone other than grandparents as guardians in the event of the parents' deaths?
- Who will decide between maternal and paternal grandparents if there is a conflict?
- Is the \$200 obtained through this program income for tax purposes? What about for purposes of obtaining other benefits such as food stamps, etc?
- What benefits can grandparents rearing grandchildren quality for today without this bill?
- Does a grandparent's health factor enter into a determination of fitness? Is there a threshold? If so, who will decide what is appropriate.?
- Why did the program remove the TANF piece of original legislation?
- Are background checks required?
- Why set the minimum age at 50 years old?
- Eligibility for this program is 100% (reduced from 130%) of poverty level. What are the percentages required to qualify for other programs such as food stamps or Health Wave?

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on January 18, 2006 in Room 313-S of the Capitol.

- What is the cost of a child in foster care? Why doesn't the fiscal note take into consideration the savings, including savings in administrative costs, by placing a child with grandparents?
- How does the current foster care program fit with this bill?
- What effect does this bill have on TANF?

Representative Faust-Goudeau stood before the committee in support of **SB 62**. (No Testimony)

Chairman Edmonds suggested that Representative Huy and Representative Gaust-Goudeau meet outside the committee to discuss that differences and similarities between **HB 2410** and **SB 62** to see if it would be necessary to have a hearing on **HB 2410** or if **SB 62** substantially replaces it with a report back to the Chairman.

Representative Brunk made a motion to adopt the minutes of January 10th and January 12th as read. Representative Siegfried seconded the motion. Minutes were adopted.

With no further business before the committee, the meeting was adjourned.

SENATE BILL No. 62

By Senator Vratil

1-20

10 AN ACT enacting the grandparents as ~~foster parents~~ act; prescribing caregivers
11 powers, duties and functions for the secretary of social and rehabili-
12 tation services.
13
14 *Be it enacted by the Legislature of the State of Kansas:*
15 Section 1. The provisions of sections 1 through 7, and amendments
16 thereto, shall be known and may be cited as the grandparents as ~~foster~~ caregivers
17 ~~parents~~ act. Caregivers
18 Sec. 2. As used in the grandparents as ~~foster parents~~ act: Caregivers
19 (a) "Program" means the grandparents as ~~foster parents~~ program. Caregivers
20 (b) "Secretary" means the secretary of the department of social and
21 rehabilitation services.
22 (c) "Department" means the department of social and rehabilitation
23 services.
24 (d) "~~Maintenance of effort~~" means state funds appropriated for the
25 aid to families with dependent children (AFDC), emergency assistance,
26 AFDC-related child care and the JOBS program.
27 (e) "~~TANF~~" or "~~Temporary assistance for needy families~~" means the
28 federal block grant moneys available to the state for public assistance
29 benefits and programs authorized by the personal responsibility and work
30 opportunity reconciliation act of 1996 (as amended).
31 Sec. 3. (a) In accordance with the provisions of the grandparents as
32 ~~foster parents~~ act and subject to the provisions of appropriation acts, the caregivers
33 secretary shall establish a grandparents as ~~foster parents~~ program within caregivers
34 the department of social and rehabilitation services. The program shall
35 be administered in a manner which recognizes that:
36 (1) The relationship between a child and a parent differs from the
37 relationship between a child and a grandparent acting as a foster parent;
38 (2) society and the demands and needs of the members of society
39 change between the time a person raises a child and the time the same
40 person raises a grandchild as a foster child;
41 (3) caring for a grandchild as a ~~foster child~~ often places additional
42 financial, social and psychological strain on grandparents with fixed
43 incomes;

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

caregivers

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

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

(6)

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

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

50

17 (1) Is ~~50-60~~ years of age or older;

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

21 (3) has an annual household income of less than ~~130%~~ 100% of the
22 federal poverty level; and

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

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

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

30 Sec. 5. If there are no grandparents of a child who are willing to
31 participate in the program, the secretary may include in the program any
32 other close relative who becomes the legal guardian of the child or obtains
33 legal custody of the child, as granted by a court of competent jurisdiction
34 or through placement by the secretary. In order to participate, such rela-
35 tive must meet the eligibility requirements of subsection (a)(1), (a)(3)
36 ~~and (a)(4) of section 4, and amendments thereto.~~ (a)(2)

January 1, 2007

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

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

and who meet eligibility requirements, section 4.
OF

1 child reaches the age of 18 or the age of 21, if such child is in full-time
 2 attendance at a secondary school, postsecondary educational institution
 3 as defined by K.S.A. 74-3201b, and amendments thereto, or an institution
 4 as defined by K.S.A. 74-32,163, and amendments thereto, or is in a state
 5 accredited job training program. Grandparents annually shall submit to
 6 the secretary a sworn statement that the child is living with and receiving
 7 support from the grandparents. A child attending a postsecondary edu-
 8 cational institution or an institution shall be considered as living with the
 9 grandparents. The parent of any child receiving or for which assistance
 10 is received through the program shall remain liable for the support of the
 11 child as required by law;

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

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

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

parenting skills
 trainings, childhood
 immunizations and
 other health screening

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

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

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

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

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

42 (c) ~~The secretary of social and rehabilitation services shall seek~~
 43 ~~a waiver under federal law to allow title IV-E funds from title IV of~~

1 ~~the federal social security act, or acts amendatory thereof or sup-~~
2 ~~plemental thereto as in effect on July 1, 2005, to be used to fund~~
3 ~~the grandparents as foster parents program. The secretary shall re-~~
4 ~~port to the president of the senate and the speaker of the house of~~
5 ~~representatives on or before August 1, 2005 on the status of such~~
6 ~~waiver.~~
7 ~~(b)~~ The provisions of the grandparents as foster parents act shall not caregivers
8 be construed to create an entitlement for participants in the program.
9 Sec. 9. This act shall take effect and be in force from and after its
10 publication in the statute book.