

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Jay Emler at 10:30 a.m. on February 4, 2009, in Room 545-N of the Capitol.

All members were present except:
Senator David Wysong- excused

Committee staff present:
Estelle Montgomery, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Jill Wolters, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Melinda Gaul, Chief of Staff
Shirley Jepson, Committee Assistant

Conferees appearing before the committee:
Don Jordan, Secretary, Department of Social and Rehabilitation Services (SRS)
Irv Hoffmann, President, Kansas Silver Haired Legislature
Kim Strunk, Grandparent & Interested Citizen
Don Youts, Coordinator, Male Focus Coalition, Wichita
Peter Spokes, President & Chief Operating Officer, National Center for Fathering

Others attending:
See attached list.

Introduction of Legislation

Senator Huelskamp appeared before the Committee to request introduction of legislation concerning expansion of the taxpayer transparency act.

Senator Taddiken moved to introduce legislation concerning expansion of the taxpayer transparency act (9rs0574). The motion was seconded by Senator Schodorf. Motion carried on a voice vote.

Senator Vratil moved to introduce legislation concerning the refunding of bonds issued by the state of Kansas (9rs0687). The motion was seconded by Senator Schodorf. Motion carried on a voice vote.

Senator Umbarger moved to introduce legislation concerning cities and municipalities with regard to planning and zoning. The motion was seconded by Senator Kelly. Motion carried on a voice vote.

Senator Umbarger moved to introduce legislation concerning counties with regard to planning and zoning. The motion was seconded by Senator Teichman. Motion carried on a voice vote.

Senator McGinn moved to introduce legislation to abolish the death penalty (9rs0148). The motion was seconded by Senator Kelly. Motion carried.

Hearing on SB 109 - Amending the grandparents as caregivers act.

Hearing on SB 125 - Grandparents as caregivers act; eligibility, legal guardianship not required.

Amy Deckard, Legislative Research Department, briefed the Committee on **SB 109** and **SB 125**. Ms. Deckard noted that although the bills are similar in topic, there are a number of differences between the bills. Ms. Deckard stated that **SB 125** would change current law eliminating the requirement that the grandparent have legal guardianship or legal custody and only requires that the child reside with the grandparent. The fiscal note on **SB 125** estimates an increase of \$1.6 million to the State General Fund (SGF). Because **SB 109** would shift funding for the Grandparents program from the SGF to the Temporary Assistance for Needy Families (TANF) Block Grant, the legislation would decrease expenditures from the SGF by \$1.16 million and all funds by \$352,584.

Ms. Deckard stated that **SB 109** would make amendments to current law including eliminating reference to

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Minutes of the Senate Ways And Means Committee at 10:30 a.m. on February 4, 2009, in Room 545-N of the Capitol.

Temporary Assistance for Families (TAF) Program thus reducing expenditures from the SGF and increasing expenditures from the Temporary Assistance to Needy Families (TANF) Block Grant. It was noted that **SB 109** fulfills recommendations as proposed by the Governor for FY 2009.

Senator Dick Kelsey appeared before the Committee in support of **SB 109**. Senator Kelsey stated that the current statute did not accomplish the goal as the Legislature intended, noting that many grandparents provide a home for their grandchildren because they have no other place to go.

Don Jordan, Secretary, Department of Social and Rehabilitation Services (SRS), provided testimony on **SB 109** and **SB 125** (Attachment 1). The Secretary noted that the grandparent program began on January 1, 2007, as an entirely state funded program. **SB 109** would bring the program under the qualifications of the federal Temporary Assistance for Families (TAF) requirements and could be funded with federal TANF funds rather than SGF.

Responding to a question from the Committee, Secretary Jordan stated that the balance in the TANF fund as the end of last year was \$17 million. The Secretary noted that there are federal legal requirements for how the TANF funds can be used. Secretary Jordan stated that the language in **SB 109** on Lines 32-35 are federal requirements for receiving TANF funds. Because some of the programs funded through TANF also require matching state funds, Secretary Jordan indicated that additional state funding could result in additional TANF funds for the state.

Senator Oletha Faust-Goudeau presented testimony on **SB 109** and **SB 125** (Attachment 2). The Senator noted that the biggest obstacle in the current program has been the requirement that the grandparent had to have legal guardianship of the grandchild, a process that can be costly and time-consuming for the grandparent. Senator Faust-Goudeau stated that she primarily supports **SB 125**.

Irv Hoffmann, President, Kansas Silver Haired Legislature, presented testimony in support of **SB 125** and opposition to **SB 109** (Attachment 3). Mr. Hoffmann noted that the cost of caring for a child in foster care is \$26,000 yearly, compared to the cost of the grandparent program capped at \$200 a month per child, translating to \$2,400 annually. Mr. Hoffmann indicated that he felt the current program lacks proper outreach to grandparents across the state.

Responding to a question from the Committee, Mr. Hoffmann stated that the Silver Haired Legislature would not support legislation to move the Grandparents program to TANF funding. Mr. Hoffmann also stated that the Silver Haired Legislature is concerned with the amount of money allocated for the program and how the funds are being spent.

Kim Strunk, Grandparent and interested party, provided testimony in opposition to **SB 109** (Attachment 4) and in support of **SB 125** (Attachment 5). Ms. Strunk noted that she is a grandparent raising her grandchildren. She requested that verbiage in **SB 125** referring to "custody" be changed to read "resides with".

Written testimony from Ernest Kutzley, Advocacy Director, AARP Kansas, was distributed to the Committee (Attachment 6).

- The Committee requested information to clarify what constitutes a child's unearned income and a child's income; information on federal requirements for use of TANF funds; flexibility in the federal requirements; information on the programs that require state matching funds for receiving federal funding; and the current balance in the TANF Block Grant.

The hearing on **SB 109** and **SB 125** was closed.

Hearing on SB 128 - Fatherhood initiative program; implemented by the department of social and rehabilitative services.

Don Youts, Coordinator, Male Focus Coalition, Wichita, presented testimony in support of **SB 128** (Attachment 7). Mr. Youts stated that research proves that a father's involvement in their child's live has a

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huge impact on the child's success in school and throughout life. Mr. Youts noted that **SB 128** could provide the resources to build a statewide service delivery system for encouraging and strengthening fathers as they build the lives of children.

Peter Spokes, President and Chief Operating Officer, National Center for Fathering in Merriam, Kansas, presented testimony in support of **SB 128** (Attachment 8). Mr. Spokes emphasized the importance of a father in the upbringing of a child. Mr. Spokes noted that **SB 128** is an important step in addressing the crisis by formally establishing a statewide fathering initiative. Mr. Spokes indicated that the program could affect approximately 165,000 children across Kansas who are living without fathers in their lives.

Responding to a question from the Committee, Mr. Spokes stated that the initiative could have a broad range of programming options.

The hearing on **SB 128** will be continued on Tuesday, February 10, 2009.

Adjournment

The next meeting of the Committee will be held on February 5, 2009.

The meeting was adjourned at 12:15 p.m.

**SENATE WAYS & MEANS COMMITTEE
GUEST LIST**

DATE: February 4, 2009

NAME	REPRESENTING
DON JORDAN	SRS
Doug Farmer	KHPA
Effie Sureson	KHPA
Allyson Melos	Boothby
Mary Tuttle	AARP
Andrea Bozarth	AARP
Barb Cozart	KDOA
Jenni Rod	KCSL
Cheryl Roper	KCSL
Linda Sheppard	KID
Rob Hoffmann	KSHK
Kelly Jones	KU Intern
Kim Strunk	Grandparent
Mike Medeiros	Self
Laura Williams	Self
SHELBY Smith	SELF
Jane Carter	Ks organization of State Employees
Marek Carpenter	KAPP
Rob MEALY	KEARNEY & Assoc.
Dennis Brown	FEAK
Brian Thompson	FEAK
A Therese Banzert	Ho. Cath. Conf.
Woody Moses	KAPA



KANSAS

DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES

Don Jordan, Secretary

Senate Ways and Means Committee
February 4, 2009

SB 109 and SB 125 - Grandparents As Caregivers

For Additional Information Contact:
Patrick Woods, Director of Governmental Affairs
Docking State Office Building, 6th Floor North
(785) 296-3271

Senate Ways & Means Cmte
Date 2-04-2009
Attachment 1

Grandparents as Caregivers

Senate Ways and Means Committee

February 4, 2009

Chairman Emler and members of the committee, thank you for the opportunity to provide information on Senate Bill 109. Senate Bill 109 would rescind the Grandparents as Caregivers Statute. As an alternative way to provide similar benefits to grandparents and other relatives using federal funds, the Governor's budget includes a proposal to continue these services under the federal Temporary Assistance for Families program. The Grandparents as Caregivers program would then be funded by federal TANF funds rather than State General Funds.

The Grandparents as Caregivers program began January 1, 2007 as an entirely state funded program. A grandparent or other qualifying relative is eligible to participate in the program if he or she is at least 50 years old; has physical and legal custody of a grandchild; has an annual income of less than 130 percent of the federal poverty level; the children are not in state custody; and the parent or parents do not reside with them. In SFY 2008, the program served 380 children on 200 cases. The TAF program serves approximately 2,000 families each year. The average benefit for a household in the Grandparents as Caregivers program was \$367. An estimated 249 families would be affected by the integration of the Grandparents as Caregivers program into the TANF program.

Benefits of changing the program would include the following:

- Income of the grandparents will no longer be considered when determining eligibility, significantly increasing the number of caretaker families that could be served
- Legal custody of the child by the grandparent will no longer be required
- There will be no minimum age limit for the grandparent
- Child care assistance would be available for the grandparents who are employed, with no family share deduction
- Parental responsibility is promoted through mandatory referral to and cooperation with Child Support Enforcement
- Child's eligibility would reduce from age 21 to age 18 or up to age 19 if in secondary school

Impact on program benefits would include:

- For one child the average monthly benefit will be reduced from \$200 to \$175
- For two children the average monthly benefit will be reduced from \$400 to \$271
- For three children the average monthly benefit will be reduced from \$600 to \$359
- Thirty six cases will no longer be eligible for any cash assistance due to excess countable resources or income, such as child support, social security, etc. which exceed the benefit standard.

Integrating the Grandparents as Caregivers into TANF will result in a state general fund savings of \$1.165 million in SF 2010. This will allow the state to free up State General Funds to serve other programs where federal funds are not available and ensure a safety net for grandparents raising grandchildren.

**KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
PROGRAM POLICY COMPARING
TEMPORARY ASSISTANCE TO FAMILIES (TAF) AND GRANDPARENTS AS CAREGIVERS (GP as CG) PROGRAMS**

Eligibility Criteria	Grandparents as Caregivers	Temporary Assistance to Families
Child's status	Must live with grandparent or relative who has legal custody	Must live with a relative or legal guardian or custodian. Relative is not required to have legal custody
Minimum age limit for grandparent	Yes (50 and older)	No
Maximum age limit for child	Under 18 years of age or under age 21 if pursuing high school degree or GED, or post secondary education/training.	Under 18 years of age or under age 19 if pursuing high school degree or GED
Income Limit*	Grandparent's and child's income must be less than 130% of federal poverty level. Income is counted for whomever is listed as the custodian/guardian on the court order.	Child's monthly unearned income must typically be less than \$175. Guardian's income is not counted.
Resource/Asset Limit*	None	Child's assets (savings, checking account) must be less than \$2000
Must cooperate with CSE	No	Yes
Must pass home inspection	No	No
Typical monthly cash payment	\$200 one child; \$400 two children; \$600 three children. Maximum monthly benefit for family is \$600	\$175 one child; \$271 two children; \$359 three children with \$61 increase for each additional child. (Varies slightly depending on area within the state)
Child receives Medical Assistance	Can apply for medical assistance.	Yes
Child Care Assistance provided (If caregiver is employed)*	If income is under 185% poverty level. Both adult's and child's income counted. Must cooperate with CSE for child care.	Only child's income is considered. Must cooperate with CSE.

*caregivers also request TAF cash assistance for themselves, the adult's finances must also be considered in determining eligibility for the family.

STATE OF KANSAS

OLETHA FAUST-GOUDEAU

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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

RANKING MINORITY MEMBER: FEDERAL AND STATE AFFAIRS
ETHICS AND ELECTIONS
MEMBER: COMMERCE
LOCAL GOVERNMENT
JOINT COMMITTEE ON ARTS AND
CULTURAL RESOURCES

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February 4, 2009

Senate Ways and Means Committee
Capitol Bldg., Rm.
Topeka, Kansas 66612

Chairman Emler, esteemed colleagues,

The Grandparents as Caregivers program has been a boon to the grandparents who have qualified, but the process of qualification has proved a barrier. The biggest obstacle has been the requirement that the grandparent have legal guardianship of the grandchild. SB 125 and SB 109 both remove that requirement from the program.

You may have difficulty understanding why proving legal guardianship is such a hardship for these grandparents, but then you are probably the product of a relatively traditional and financially comfortable home and cannot imagine what it is like to take care of a child whose mother may be in one state and father in another – if the identity of the father is even known.

Can you imagine caring for a child who has no birth certificate and no social security number, documents you must obtain, sometimes at great cost in time and effort if not in money? Who has no immunization records, which you must produce before the child can be enrolled in school? Who has received no dental care and has a mouth so full of cavities that they affect the child's general health?

Now imagine needing to jump through legal hoops to obtain legal guardianship of that child. This process can cost upwards of \$2,000. Even with the help of legal aid attorneys who volunteer their time, the process can be complicated and time-consuming. Meanwhile, the child has needs that cannot wait. We can't remove every burden from the grandparents' shoulders, but we can make their life easier by removing this requirement and making them eligible for a stipend to help them care for children they love enough to take into their homes.

Whether you choose to support SB 109 or SB 125, I urge you to lift this barrier and give these grandparents what they need to take of their grandchildren.

Sincerely,

A handwritten signature in blue ink, appearing to read "Oletha". The signature is fluid and cursive, written over a white background.

Oletha Faust-Goudeau
Senator, 29th District

Senate Ways & Means Cmte

Date 2-04-2009

Attachment 2

SB 109

Testimony by Irv Hoffmann, President, Kansas Silver Haired Legislature

Thank you, Mr. Chairman and members of the committee for providing the opportunity to speak in opposition to the amendments proposed in SB109.

Before I address the specific objections to the bill; I would like to take a couple of moments to recall the history of the Grandparents as Caregivers Bill.

According to the last census 16.184 children are living with in households headed by grandparents or other relatives and without either parent present. 13.2% live in poverty.

This bill was drafted by KSHL and carried by Senator Vratil. The objective was to save the State money and provide Grandparents (over age 60), whose income was 150% or less of the poverty level, compensation for grandchild care. Compensation was capped at \$200 a month per child but not to exceed \$600 per month. The cost per child in State Foster Care is approximately \$26,000. This is obviously not only a significant cost savings but also when you consider that the child is placed in a true family environment vs. living with strangers. The bill specifically did not require cooperation between the Grandparents and the State in pursuing child support payments. This was considered a deterrent to Grandparents participation.

After receiving testimony from all interested parties the legislature passed the bill which lowered the eligibility age to 50+ and reduced the income level to 130% of poverty.

The Silver Haired Legislature continued to monitor the effectiveness of the program and was shocked when we discovered that there were less than 900 participants. We enlisted the aid of KU Professor Tracy LaPierre to conduct a study of the problem and to develop recommendations that KSHL would present to the Legislature to increase participation and provide considerable cost savings to the state. I have provided each of you a copy of her report.

We suspected that the program lacked proper outreach and began a telephone phone survey of 100 SRS offices throughout the state in November and December of 2008. We asked if they had information on the Grandparents program. Only 25 had any information. 20 did not answer the phone. 55 had no information.

Jim Snyder (Speaker of the KSHL House) and myself attended the budget hearings conducted by SRS Secretary Jordan. In the briefings he specifically stated that the benefit to Grandparents would be reduced to \$170 in FY-09 and that the entire program would be rolled over into the Temporary Assistance to Needy Families

Senate Ways & Means Cmte

Date 2-04-2009

Attachment 3

(TANF) in FY-10. SRS graciously threw us a bone by eliminating the custody requirement **but added the child support provision and the requirement to roll the program into the TANF program.**

The proposed amendments will essentially kill the Grandparents legislation and thwart the intentions of the legislature. In a time when we should be thinking outside the box and embracing ideas and programs that save us money; we find proposed legislation that serves the bureaucracy and is ineffective. Legislation that is disguised as an improvement but essentially kills an effective tool for monetary? Once more the bureaucracy will have triumphed over the people.

The initial changes listed merely does away with the legal custody requirement and the 130% poverty requirement but at a price:

Line 32 Adds: *the Grandparent shall cooperate with the department in establishing the paternity of any child born out of wedlock for whom assistance is claimed, and obtaining support payments for any child for whom assistance is claimed.*

This requirement will discourage any Grandparents from participating. Many are substitute parents while their children are undergoing treatment for addictions or incarcerated - most view this as a temporary solution and do not want to alienate their children.

(a) Shall reimburse grandparents in the program for the cost of the care of the grandchild in the amount (deleted) ***of \$200 per grandchild per month but not to exceed a total of \$600 per month (Added) established under the payment standards in the rules and regulations promulgated by the secretary.*** Such reimbursements shall not be considered income in determining eligibility for public assistance benefits under other state programs and, to the extent allowed by federal law, under federal programs, ***with the exception of temporary assistance for needy families which may not be received for those same grandchildren.***

This change permits the Secretary to set the reimbursement rate (stated to be \$170 by the Secretary).

Grandparents in the program shall continue to receive reimbursement until the child reaches the age of 18 or the age of ***21 19***, if such child is in full-time attendance at a secondary school, ***postsecondary educational institution as defined by K.S.A. 74-3201b, and amendments thereto, or an institution as defined by K.S.A. 74-32,163, and amendments thereto, or is in a state accredited job training program.***

This reduces the age eligibility from 21 to 19 and eliminates the monetary assistance for children who are in a state accredited job training program. This severely restricts the opportunities to acquire the necessary job skills through accredited training programs offered by JOCO etc.

A child attending a postsecondary educational institution or an institution shall be considered as living with the grandparents

We urge you to reject these amendments. They are clearly designed to cripple and eventually eliminate all of the fiscal benefits that the state would gain through the continuation of the Grandparents program within the present framework.

**Grandparents as Caregivers Assistance Program
Report to the Silver Haired Legislature September 30, 2008**

Prepared by Tracey A. LaPierre, Ph.D. Assistant Professor and Assistant Research Scientist,
Department of Sociology and the Gerontology Center, University of Kansas

Source of Data

Data for this report come from the American Community Survey. The American Community Survey is an annual nationwide survey conducted by the Census Bureau. This survey involves a 1-in-100 national random sample of the population that has been weighted to be representative of the population. 2007 data is the most recently available (released September 23, 2008) and the analyses in this report have been restricted to the State of Kansas.

Estimates of Grandparents Raising Grandchildren in Kansas Using 2007 American Community Survey Data

Table 1: Own Grandchildren Living in Household

	Frequency	Percent
No	2,732,706	98.44
Yes	43,291	1.56
Total	2,775,997	100

In 2007 43,291 grandparents had grandchildren that co-resided with them.

Table 2: Primary Responsibility for Co-Resident Grandchildren

	Frequency	Percent
No	23,930	55.28
Yes	19,361	44.72
Total	43,291	100

19,361 grandparents report primary responsibility for the grandchildren they are living with.

Table 3: Households with Primary Responsibility for Co-Resident Grandchildren

Not Married	Married	Households
5,631	13,730	12,496

There were approximately 12,496 households in Kansas in 2007 where grandparents were raising their grandchildren.

Table 4: Number of Grandchildren Being Raised per Household

	Percent
1	61.69
2	21.42
3	10.55
4	3.53
5	2.81
	100.00

In total, approximately 20,538 grandchildren in Kansas were being raised by their grandparents in 2007. There is an average of 1.6 grandchildren per household where a grandparent is raising a grandchild.

Table 5: Time Since Primary Responsibility Began

	% of Households
Less than 6 months	17.74
6 to 11 months	14.85
1 to 2 years	17.67
3 to 4 years	15.15
5 or more years	34.58
	100.00

50% of households where a grandparent is raising a grandchild have been doing so for 3 or more years.

Eligibility Criteria for Grandparents as Caregivers Program

1. Regarding the legal custody requirement (the grandchild is placed in such grandparent's custody by the state, is the legal guardian of the grandchild or has other legal custody of the grandchild):

- According to SRS not having legal custody is one of the main reasons for denial or for not completing an application.
- TAF does not require grandparents to have legal custody to receive benefits.
- Obtaining legal custody can be expensive and time consuming. In addition, both biological parents may not be willing to relinquish legal custody even if they have placed the child in the physical custody of the grandparent(s). See information on legal status here in Kansas prepared by Malissa Walden, Kansas Legal Services.
- No reliable/generalizable estimates of the proportion of grandparent caregivers who have some sort of legal custody versus informal arrangements.
- American Community Survey does not have data on the legal status of grandparent caregivers so the actual number of grandparents who qualify for current program or would qualify with certain revisions is unclear. The estimates provided here can be viewed as an overestimate if this criterion is retained, or an estimate of how many would

be eligible if the Grandparents as Caregivers Assistance Program was revised to eliminate this criteria.

- It is clear that grandparents with grandchildren residing with them make the distinction between having primary caregiving responsibility for them versus not. 44.72% of grandparents with grandchildren living with them report primary responsibility for these grandchildren.

2. Regarding the age requirement (grandparent is 50 years of age or older):

Table 6: Age of Grandparents Raising Grandchildren

Age Groups	Frequency	Percent
Less than 50	6,986	36.08
50-54	3,735	19.29
55-59	3,147	16.25
60-64	2,605	13.45
65-69	931	4.81
70-74	1,309	6.76
75-79	484	2.5
80+	164	0.85
	19,361	100

- Approximately 8,486 of the 12,496 or 67.9% of the households raising a grandchild will meet the age criteria.
- Not all grandparent caregivers age 50 or older will qualify if they have a spouse who is under the age of 50.
- There is some anecdotal evidence that grandparents over the age of 50 who have a spouse under the age of 50 are not applying for the program or being told they do not qualify because of the age requirement. If it is not the intention of the age requirement to exclude these grandparent caregivers the bill may need to be reworded to clarify this.

3. Regarding the requirement that a grandparent shall not be eligible to participate in the program if the parent or parents of the child reside with such grandparent:

Table 7a: Households with Own Children in The Household if GP is Age >=50

	Frequency	Percent
Yes	4,234	49.90
No	4,252	50.10
	8,486	100.00

Table 7b: Households with Own Children Age 18+ in The Household if GP is Age >=50

	Frequency	Percent
Yes	3,589	42.29
No	4,897	57.71
	8,486	100.00

- ACS data does not identify if any of the children in the household are the biological parent of the grandchild. Some of the households with children less than 18 will include in the biological parent of the grandchild and some of the households with children older than 18 in the household will not include the parent of the biological child.

4. Regarding the requirement that the annual household income be less than 130% of the poverty level.

Table 8: Poverty Levels for Grandparent Caregiver Households Where GP is Age \geq 50 and No Minor Children Present

Poverty Level	Frequency	Percent
<130%	1,769.5	36.13
130-149%	382	7.80
150-174%	415.5	8.48
175-199%	285	5.82
200-224%	117.5	2.40
225-249%	84	1.72
250-274%	123	2.51
275-299%	155.5	3.18
300-349%	265.5	5.42
350-399%	318.5	6.50
400-499%	501	10.23
500%+	480	9.80
	4,897	100.00

- According to SRS having income over 130% of the poverty line is another one of the main reasons why grandparents don't apply for the program or are denied.

Table 9: 2008 Federal Poverty Guidelines

Persons in Family or Household	130%	150%	175%	200%	225%	250%
2	18,200	21,000	24,500	28,000	31,500	35,000
3	22,880	26,400	30,800	35,200	39,600	44,000
4	27,560	31,800	37,100	42,400	47,700	53,000
5	32,240	37,200	43,400	49,600	55,800	62,000
6	36,920	42,600	49,700	56,800	63,900	71,000
7	41,600	48,000	56,000	64,000	72,000	80,000
8	46,280	53,400	62,300	71,200	80,100	89,000

SOURCE: Calculated from Poverty Levels Reported in the *Federal Register*, Vol. 73, No. 15, January 23, 2008, pp. 3971-3972

Considerations/Recommendations

If we assume that all grandparents raising their grandchildren have legal custody (a very erroneous assumption) and that non-minor children in the household are the biological parents of the grandchild then only 14.2% of households where a grandparent is raising a grandchild qualify for the Grandparents as Caregivers Assistance Program. Given the weakness of these assumptions a more reasonable estimate is somewhere less than 10%. In order to increase accessibility of this program the following changes should be considered.

1. Eliminate the legal custody requirement.
2. Raise the poverty level requirement.
3. Consider the wording of the age requirement.

KSPS

Kansas Senior Press Service

July 23, 2008

Elder Law

By Malissa Walden

Grandparenting

The phenomenon of grandparents raising their grandchildren is not new, but it is increasingly in the public eye. Since 1980, the number of children living with and being cared for by their grandparents has dramatically increased. Grandparents may assume a parenting role for a variety of reasons, most of which revolve around problems related to the child's parent. The result is a great deal of responsibility for the grandparent who takes on the task.

One common way to categorize grandparent caregivers is to divide them into two types. First are the **custodial grandparents**, who have legal custody of their grandchildren and provide daily care and decision-making. Typically, severe problems existed in the child's nuclear family. The focus of this type of care is giving the grandchild a sense of security.

The second type of grandparent caregivers is "**living with**" **grandparents**, who provide daily care for the children but do not have legal custody. The child's parent may or may not live in the home. These grandparents focus on providing an economically and emotionally stable environment for the child, and often on helping the parent. Because the grandparents do not possess legal custody, they have no way of protecting the child from an unsuitable or dangerous parent.

The legal issues that grandparents raising their grandchildren must cope with depend on the type of care they are providing. Legally recognized relationships open to grandparents are powers of attorney, guardianship, and adoption.

Power of attorney for medical care. If you are a grandparent or other adult providing daily or frequent care for a child to allow a parent to be employed, it would be wise to have a document that allows you to obtain emergency medical care in the event that the parent cannot be immediately available. This is a simple document, signed before a notary public, that authorizes you to obtain medical care for a designated child. It can be limited to emergency care only.

Power of attorney for child care. If you are caring for a child full time, around the clock, while a parent is on active military duty, working away from the child's residence, or absent for extended periods, you may need more extensive authority. A power of attorney may be crafted to allow you to obtain routine as well as emergency medical care, enroll the child in school, authorize consent slips for educational purposes (field trips, discretionary testing, individual educational plans), and apply for public assistance. This document may be amended or revoked.

Guardianship. When parents are truly unable to care for their children in their own homes and extended placement with a relative is considered for more than a few months, guardianship is often the best plan. Guardianship must be determined by the court, to allow the caregiver to step into the shoes of the parent and have the same authority the parent would have.

This may be simpler if both parents consent, because all interested parties must receive notice. If one parent is absent and has had little or no involvement with the child, he or she must be notified and given a chance to "step up to the plate" and care for the child. In many cases, the caregiver and the parent who has been caring for the child do not want to communicate with the absent parent. A contested guardianship would require that the person seeking to be named guardian prove that the opposing parent is "unfit" as defined by case law. Because the right to raise our own children is constitutionally protected, a high standard of proof is required to prevail if both parents do not agree to the guardianship. Guardianship may be voluntarily ended when the parent or parents are able to resume full-time responsibility for the child's care. Guardianship may also be ended by legal action if a parent files a motion to withdraw the letters of guardianship and shows the court that he or she is now ready, willing, and able to resume care.

As a guardian, you may be eligible to receive a monthly cash benefit of \$200 for each grandchild in your care through the Grandparents As Caregivers Act. Contact your local Social and Rehabilitation Services office for information on this program and other state assistance programs available to you and your grandchild.

Adoption. Parents who consent to guardianship because they cannot adequately care for their children will not necessarily consent to adoption of the child by the grandparent-guardian. Adoption effectively terminates the parent-child relationship and should never be lightly undertaken. It is true, however, that young children who have been raised by grandparents for years may need the permanency of adoption to experience security. Psychologists sometimes refer to the long-term caregiver as an "emotional parent." In some cases, the child may experience adequate security simply from having a home with grandparents who are reliable and predictable. But when the caregiver or guardian is constantly challenged by a parent who neither assumes responsibility nor relinquishes it, children sometimes develop emotional problems. Occasionally, adoption is recommended to allow children the security of knowing for sure where they will live and with whom.

Although much research focuses on the difficulties children and grandparents face in these circumstances, there are also benefits. It has been found that children being raised solely by their grandparents have fewer behavioral problems and are better socially adapted. To many grandparents raising their grandchildren, the sacrifices are more than worth it. It is clear that despite the problems, most grandparents derive satisfaction from acting as parents to their grandchildren and simply need the legal tools necessary to secure their abilities.

For a copy of a "Grandparents Raising Grandchildren" brochure, visit the Public Law Library's Elder Law Section of www.kansaslegalservices.org.

Malissa L. Walden, Esq., is an elder law project manager with Kansas Legal Services, Inc.

Good Morning Chairman Emler and Committee:

My name is Kim Strunk and I would like for you to vote No of SB 109 and here's just a few reasons why. In this bill SRS is now wanting to add in the things that the Grandparents as Caregivers bill wanted in the first place. Then in 2010 to only shift it over to TANF to make grandparents recover child support from the children. As you know now the Grandparents law does not make Grandparents go after their children for Child Support.

From my personal experiences of trying to collect Child Support, because we did not have that "legal" custody piece or do our poverty level make the 130% to use the Grandparents funding. We went the TANF route. My daughter has yelled and screamed at me for "exploiting" her children to get money. "How dare us look collect child support and now she has to pay back the state for the TANF." She has been anything but nice to us for raising her children and continues to threaten us on a regular basis. Her daughters love her very much, so how do you tell them they can not see their Mommy. It may sound easy, but it's not. I am sorry the \$174 we got from TANF was hardly exploiting SRS.

After we started receiving TANF and they went after Kaci for Child Support once she got out of Drug Rehab. When she finally got a job over ½ of her pay was collected for Child Support, which left us financially helping Kaci out so that she could continue to have a place to live in the half way house. Then she lost her job, by that time SRS had turned our TANF case over to the Child Support and since her Child Support ruling was more than what we were getting through TANF they closed our case and told us we would just get Child Support. Well she didn't have a job and we lost both.

When it came time to review our Day Care assistance, our new worker ruled that we did not need Child Care assistance, that my husband who works night shift could stay up until Noon to get Mayli off to school and then get back up at 4pm to get her off the bus and stay up until I got home between 5-6 and go to work at 8pm. OR we could leave the girls with Kaci, and I have already explained how that worked out. So now we have no childcare. If Kaci does not want to help out on the days that her dad has to work, I miss work to stay home and get Mayli off on the bus so Danny can get some rest and then he gets up at 4 to get her off the bus.

The reason we got the Grandparents as Caregiver bill in the first place was to keep our grandchildren from going to Foster Care and to give Grandparents a small stipend to help fund what it cost to raise a child in today's economy. In 2007 SRS reported that the cost of keeping one child with their Grandparents, without childcare is \$2,400 per year, a child who ends up in Foster Care will cost the state approx \$25,000 a year.

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I just want to touch on one other issues in this bill. No we didn't spend all of the money allotted to help the Grandparents out there, there is still a big need to get the information out to the families. There are some grandparents in the census numbers taken that do not need assistance and then there are some families who were receiving TANF were not informed about the Grandparents as Caregiver project? There was very little publicity. There are still many Grandparents out there receiving some sort of SRS assistance that do not know anything about the Grandparents As Caregiver project. Also I sat in on one of the first initial SRS trainings with their workers and they were told "not" to tell the people who were already on TANF unless they asked. They were also told not to tell the "Grandparents" about the other small pots of funds like clothing allowance, school supply allowances etc unless they asked. How sad is that?

There is really nothing in this bill that will benefit Grandparents who are keeping their grandchildren out of the Foster Care system.

Thank You

Good Morning Chairman Emler and Committee:

My name is Kim Strunk and I am a Grandparent raising my Granddaughters. I know we haven't seen each other in a year or so, so a quick update. Juliana is now 6, soon to turn 7 and in the first grade. Mayli is 5 and is in her 2nd year of Preschool at Jay Shilder Child Find project. There mother has completed Drug rehab and is clean from Cocaine, but is still losing at her addiction to pain medication. It's one day at a time. She has married and had another baby in December. The girls tried living with their mother from August until November, Mayli gained 25 pounds and Juliana was late getting to school 25 times in the first semester and had 8 absents. The girls are now back with us, their "parents" still do not have the skills needed to be responsible parents. Now Danny and I's fear is sooner or later we will be getting a little boy to raise also. When the new wears off and he requires more attention than his parents care to give. I am sure Kahler will be dropped off at our house to be cared for, and we will step up to the plate as families should. Juliana told me in November "Mammaw, all my mommy does is yell at me, I want to move back home." Two weeks ago as I was getting Juliana ready for school, she said "Mammaw can I call you Mommy?" Enough said!!

Once again these little girls did not come with any type of Custody papers, and we do not want to have to let them end up with SRS as CINC (Children in need of care) Children, to be able to raise them or have "legal" custody. This is the story of many grandparents who are raising their grandchildren. I do not know of any grandparent who truly wants to have legal custody or adopt their grandchildren, unless that is the last step. We would all like for our children to grow up and be responsible for their own children, so please do not make us have to take the legal steps. Please support SB 125 and change the wording of "resides with" not Custody.

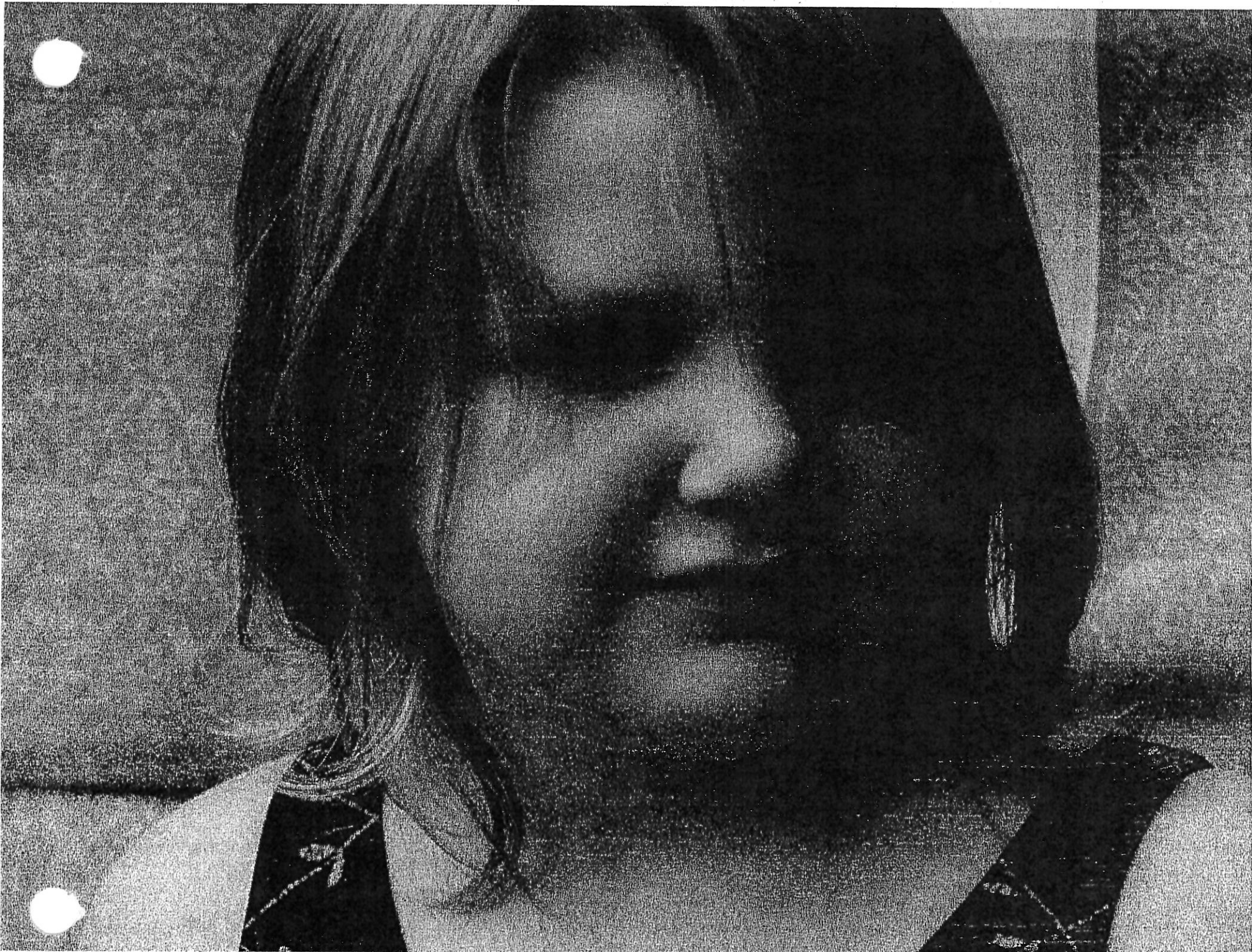
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February 4, 2009

The Honorable Jay Scott Emler, Chairman
Senate Ways and Means Committee

Reference – SB 125

Good morning Chairman Emler and Members of the Senate Ways and Means Committee. My name is Ernest Kutzley and I am the Advocacy Director for AARP Kansas. We represent the views of our over 375,000 members in the state of Kansas. Thank you for allowing us to present our written comments in support of expansion of the "Grandparents as Caregivers" program. AARP Kansas supports SB 125.

Grandparents and other relative caregivers play an increasingly important role in family well-being, especially in low-income families. In Kansas 17,873 grandparents report they are responsible for their grandchildren living with them. Thirty eight percent of these grandparents live in households without the children's parents present. Over thirteen-percent of these families live in poverty.

Grandparent caregiver households are likely to need help in meeting the significant costs of child care, health coverage, housing, food, clothing and other expenses for their grandchildren, but very few of them now receive any such financial assistance.

AARP Kansas greatly appreciates the past work of the Kansas Legislature in creating the "Grandparents as Caregivers Act" which assists some Kansas grandparents with resources that can help provide for the children in their care.

We believe that public benefit programs should maximize the support given to these families headed by grandparents and that regulations should assist the grandparents and other caregiver relatives in keeping families intact whenever possible.

Therefore, AARP Kansas supports SB 125 which will provide an opportunity for more families to participate in the "Grandparents as Caregivers" program.

We thank you for your support of SB 125. We appreciate the opportunity to provide this testimony.

Thank you.
Ernest Kutzley

Don Youts
Coordinator, Male Focus Coalition
Wichita, KS

According to research presented by the Children’s Literacy Initiative, a former Indiana governor has stated that determining the number of new prisons to build is based, in part, on the number of second graders not reading at second-grade level.

In California they plan how many jail cells they will build in the future by how many children are not reading on grade level by third grade.

“Based on this year’s fourth-grade reading scores,” observes Paul Schwartz, a Coalition principal in residence at the U. S. Department of Education, “California is already planning the number of new prison cells it will need in the next century.”

Why is this relevant to the issues of fatherhood?

Let’s follow a simple logic model to see what might be leading to this incredibly devastating piece of our communities’ puzzle:

What is the single most significant milestone in a child’s successful transition to adulthood?

Graduation from high school.

What is the single highest predictor of a child’s failure to graduate from high school?

Illiteracy. Very simply, if he can’t read, he cannot succeed. If he has no chance of success, he will not continue doing something he already knows he’ll fail. (This is especially true for males.)

What is the single highest predictor for a child’s literacy?

Fathers reading to their pre-school children. (Pruett, Fatherneed, 2000)
Obviously, children benefit from their mothers reading to them, but research found that fathers reading to their children consistently had a far greater impact.

I don’t think it takes great analysis of these facts to discover that the absence of fathers is driving the ever-increasing demand for jails and prisons in our communities. However, I would add that the positive impact of fathering is only recently emerging in the social sciences. Research is now revealing that fathers impact virtually every social issue we face. The presence of father-care:

- Reduces teen pregnancy by 75%
- Reduces incarceration is reduced by 80%

- Reduces child abuse is reduced by 50%
- Reduces drug abuse is reduced by 50%

For daughters, father-care is the single greatest influence in delaying puberty and the absence of father-care is tied to higher incidence of breast cancer, unhealthy weight gain, alcohol consumption, and sexual promiscuity. (Dr Bruce Ellis, "Daddy's Girl,) Report Newsmagazine, 2002, p 46)

Overall, from prenatal care and low birth weight to lifetime income, fathers are identified as one of the most critical factors for positive outcomes for our children's lives. **The absence/presence of father-care is more important in predicting a child's success as an adult than economic status, social class, gender, or birth order.**

I tell you all of this as the cold, hard facts of what research is revealing on the importance of fathers. I also tell you this as one who lives and works in a community struggling to find the appropriate foundation to better serve our families.

As the former Director of Community Planning at United Way of the Plains, I worked with many community groups, businesses, and both secular and faith-based organizations on a wide array of social issues. It was in that position that I began working with the Male Focus Coalition over 11 years ago and it is one of the few issues that I have continued to champion even since retirement.

As a Native American grandfather raising a grandson (now age 13), I have had a multi-cultural, multi-generational perspective on the critical issues of fatherhood. I am convinced that no other single issue has as broad and deep an impact on the array of social issues every Kansas community faces.

I have seen the face of this issue as I counsel an angry man on his rights as a father. I have worked with teen fathers in the Juvenile Detention Facility to help them discover who they are as men and as fathers. I have trained social service providers and child care staff on the importance of fathers and how to better serve them.

As the coordinator for the Male Focus Coalition, I have created opportunities to inform, educate and train fathers to engage more extensively in their children's lives. In one venue, the Downtown Dads Luncheon Series, we hold training sessions around a noon meal in downtown Wichita. This "men-only" event has educated dads on issues such as literacy, academic success, how to have a "sex talk," setting good boundaries for technology in their children's lives, discipline, importance of play, etc. I consistently find that men get excited when they discover how valuable they are to their children and are eager to learn more about fathering. In fact, in their enthusiasm to learn more, they become quite open and candid with their questions and dialogues continue after the training sessions with cluster of dads discussing various issues.

I have done similar faith-based sessions at Gander Mountain Sporting Goods store in downtown. By holding evening sessions with a meal provided, we are able to reach an entirely different segment of the population.

We also support dads by creating opportunities for positive, fun interaction with their children. "Camp Dad" is becoming an annual event in partnership with the local YMCA Camp Hyde facility. As a Saturday event, dads have a whole day with their kids for swimming, horseback riding, canoeing, archery, tower climbing, fishing, and picnicking. I have watched the dads and their children enjoying the fun of the activities and I have also seen them spending time in quiet conversations. I've seen the contentment as they climbed the hill at the end of the day to return to the parking lot and their schedules of work and school, enriched with the memories of their time together.

I speak of these specific activities because I know them firsthand as effective strategies for strengthening fathers of every race, culture, religion, and socio-economic group. We have accomplished something in our local community in spite of critical limitation because of the lack of funding to support staffing and programs. We are not a separate 501(c)3 organization. We are a coalition so we must constantly struggle to provide these opportunities for the fathers and their families without significant resources.

Senate Bill 128 could provide the resources to build a statewide service delivery system for encouraging and strengthening fathers as they build the lives of our children. It could also be the "tipping point" to help what has already begun in our community as well as others. As is evidenced in emerging research, the tide of committed fathers is rising and Senate Bill 128 would hasten the critical grassroots efforts across the State of Kansas.

Thank you for your efforts in this exciting work and I am confident that you are also committed to supporting Kansas fathers and their families. I respect the difficult task you face in the budget crisis but obviously I would urge you to apply all diligence to legislatively support our fathers.

Thank you.

Don Youts

Senate Ways and Means Committee
February 4, 2009
Testimony of Peter J. Spokes
President and Chief Operating Officer
National Center for Kansas
Merriam, Kansas

My name is Peter Spokes and I have the privilege of serving as the President and Chief Operating Officer of the National Center for Fathering in Merriam, Kansas. Prior to joining the Center in 1994, I worked for General Mills for 14 years in marketing and general management, holding positions that included President of its Yoplait USA yogurt subsidiary and Vice President of Corporate Communications. I have also served on the Washington DC staff of Representative Bill Frenzel from Minnesota, as a fellow of the George H. Gallup International Institute, and as a member of the National Conference of State Legislatures' Advisory Committee on Responsible Fatherhood.

Senators, Ladies and Gentlemen, we are facing a crisis of historic proportions. But I am not speaking of the current economic crisis. Those of us who have been around awhile or study history know that the economy will come back. It has in the past—even after the Great Depression.

No, I speak of the fathering crisis in America. The crisis that results in more than a third of America's children—more than 24 million—living apart from their biological fathers. Millions more live in homes with their father, but he is uninvolved in their lives.

The spread of this epidemic is frightening. The percentage of children growing up in homes with only their mother nearly tripled from 8% in 1960 to 23.4% in 1995. For African American children, the rate grew from 19.1% to 58.3% between 1960 and 1995.

The impact of this crisis is devastating—on our children, families, and yes, the economy. Children growing up in fatherless homes are five times more likely to be living in poverty. They are more likely to do poorly in school and fail to graduate. They are more likely to abuse drugs and alcohol. They are more likely to commit crimes and end up in prison. Girls are three times more likely to become pregnant as teenagers. Children in fatherless homes are more likely to suffer from depression and commit suicide. In short, growing up without a dad makes a child more likely to face nearly every challenge or social ill imaginable.

Think of it this way: if a disease or medical challenge affected one-third of our children with consequences this severe, how much attention would it be receiving in the media, in our universities and state houses?

Let's look at the crisis of fatherlessness another way: economically. University professor Christopher J. Einolf and his late colleague, Professor Steven L. Nock recently published a study that quantified the direct cost to taxpayers for father absence. More precisely, it estimated the annual expenditures made by the federal government to s

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homes. These federal expenditures include those made on thirteen means-tested antipoverty programs and child support enforcement. These programs include the Earned Income Tax Credit, Temporary Assistance for Needy Families (TANF), child support enforcement, food and nutrition programs, housing programs, Medicaid, and the State Children's Health Insurance Plan (SCHIP), but excluded hard-to measure costs like programs that benefit communities or the indirect costs of higher incarceration rates. The total expenditures add up to a shocking \$99.8 billion annually—and that's before any additions from the Economic Recovery Act now being debated in Congress.

In short, no matter how you look at it, we are facing a crisis of fathering in America and the State of Kansas. You have before you today Senate Bill Number 128 which offers an important step to address this crisis by formally establishing a statewide fathering initiative. Now I know, the temptation will be to say that we're in the midst of a fiscal crisis and we can't afford another initiative at this time. But the fact is, ladies and gentlemen, that you can't afford NOT to do something about this. Think about it this way: you're a coach and your team is losing. You can continue to play with the players and plays that got you where you are—losing—or, you can put one of your star players into the game, the one who has been sitting on the bench.

Getting dads off the bench and into the game is how to win. It's how to bring about better outcomes for children, helping them succeed in school, obtain jobs, and become contributing members of society. It's how to reduce the cost of anti-poverty programs, child support enforcement—all those programs with a \$100 billion dollar annual price tag I mentioned above. There's just one problem, how do you get dads off the bench and into the game?

That's where the National Center for Fathering and other fathering organizations can help. The National Center for Fathering was founded here in Kansas in 1990, and, thanks to our founder, a K-State Ph.D. named Ken Canfield, we know more about fathers than you may care to know. For example, any of you dads here could complete our 138-question survey and we could provide you with a twelve-page Personal Fathering Profile that outlines your strengths and weaknesses on 20+ fathering practices compared to a sample of several thousand other dads.

More importantly, we have developed programming that gets dads off the bench and into the game. I will mention just two:

Fathering Court – The National Center for Fathering partners with the Jackson County Missouri Prosecutor and Family Court and several other community-based organizations to address the issue of child support arrearages. In the past, dads who were in arrears on their child support were prosecuted and many of them jailed—a solution which was no help to their children, the moms, the state, or the father himself. In fact, that practice significantly reduced his employability due to the conviction and jail time. In Fathering Court, the Prosecutor agrees to defer prosecution of the father as long as he cooperates with his case manager and a team of community-based organizations. The team helps him resolve any substance abuse problems and improve his employability through education or job training. Most importantly, the dads participate in a 12-week *Quenching the Father Thirst* fathering program that helps them understand and fulfill their role as a father. The program works! We started in 1998 on a very small scale and have had 429 participants to date, men who were not seeing their children and who were not paying child support. At last count, these

men had contributed more than \$2.7 million in child support. Using pre and post assessments, we've also seen significant gains in father-child interaction—and importantly—father-mother interaction about the child. One of our dads, LeOtis, who had eight children by four women and a severe alcohol problem, is now reconnected to all eight children and the four moms. In fact, he is married to one of the moms and now works at the Salvation Army where he helps dads with similar challenges.

WATCH D.O.G.S. (Dads Of Great Students) is the safe-school initiative of the National Center for Fathering that involves dads as an unobtrusive security presence and as adult male role models in their children's schools. Currently with active programs in over 1000 schools, of which 117 are in Kansas, WATCH D.O.G.S. has been recognized by the Bush White House, by then Education Secretary Margaret Spellings and more recently by ABC Evening News. The program provides a simple, yet powerful way to increase a father's involvement in his child's education, something that has been proven to be a unique and significant contributor to a child's academic success. At the beginning of each semester, school children invite their father, grandfather or father figure to a launch event—usually a Pizza Night. They are guided through several fun, interactive exercises and then the dads hear an inspiring message about how important they are to their children's educational success. They are challenged to line-up and sign-up to serve just one day during the coming year as a WatchDOG. During their day as a WatchDOG, they follow a schedule given to them by the principal which may include greeting the children on the bus ramp, making the daily announcements, visiting their child's class room, spending time with a fatherless or special needs child, conducting security rounds, and eating lunch with their child and spending time at recess. (They are exhausted by the end of the day.) An independent evaluation that surveyed dads about their involvement in their child's life before and after their WATCH D.O.G.S. experience showed significant increases on every measure, both school-related and not. Nationally, more than 65,000 dads will serve as WatchDOGS in the current school year, 7,600 in the State of Kansas.

Again, my purpose in offering these two examples is to demonstrate that proven, practical solutions are available that will help get fathers off the bench and into the game.

With respect to the legislation, I reiterate that Senate Bill Number 128 offers an important step toward addressing the crisis of fatherlessness that affects an estimated 160,000+ Kansas children directly—and literally every child indirectly. Focusing on fathers is a winning strategy, one that will improve outcomes for children *and* resolve many of the fiscal issues we face. This legislation is only one step, however. In addition to investing in programming that involves fathers, we must also identify and amend policies and practices that create barriers to father involvement.

At the National Center for Fathering, we believe that every child needs a father, grandfather or father figure involved in their life and we stand ready to assist this Committee, the Secretary or others responsible for implementation of a formal statewide fatherhood initiative in Kansas.

This concludes my testimony. I would be glad to answer any questions the Committee may have.