

SESSION OF 2006

SUPPLEMENTAL NOTE ON SENATE BILL NO. 62

As Amended by House Committee of the Whole

Brief*

SB 62, as amended, would create the Grandparents as Caregivers Act. The Act would direct the Secretary of Social and Rehabilitation Services (SRS) to establish a Grandparents as Caregivers Program. A grandparent would be eligible to participate in the program if he or she is at least 50 years old; has custody of a grandchild through state placement, legal guardianship or other legal means and has an annual income of less than 130.0 percent of the federal poverty level. Grandparents would not be eligible for the program if the parent or parents of the child reside with them. SRS would be required to review the eligibility of program participants annually. If there were no grandparent willing to participate in the program, SRS could allow any other close relative who is the legal guardian or has legal custody of the child to participate who meets the program criteria.

Subject to appropriations, program participants would receive \$200 per grandchild per month not to exceed a total of \$600 a month. The reimbursement would continue until the child reached 18 years old, or 21 years old if the child is in full-time attendance at a secondary school, postsecondary educational institution, or an institution defined by KSA 74-32,163 or is in a state-accredited job training program. The bill would give the Secretary the discretion to provide customary support services, such as respite care, child-care, parenting skills training, childhood immunizations and other health screenings, clothing allowances and transportation assistance. Annually, the grandparent would have to submit a sworn statement that the child is still living with and receiving support from the grandparent. The parent of the child receiving assistance would remain liable for the support of the child.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would require the Secretary to annually report to the Legislature on:

- The number of children participating in the program and the breakdown of where these children were placed, with either a grandparent or other close relative;
- The number of children moved from a foster care placement or other state custody to a grandparent or other close relative;
- An overview of the moneys spent on the program; and
- The cost-savings analysis of implementing the program by having the children placed with a grandparent or other close relative instead of being placed in state custody.

The bill also would amend existing law to permit the grandparents of an unmarried minor child the right to intervene in pending litigation which involves child custody or visitation rights, and to request the court to consider granting the grandparents visitation rights upon a finding that visitation rights would be in the child's best interest and that a substantial relationship between the child and the grandparent has been established.

Background

The Senate Committee on Ways and Means heard testimony in support of the bill from Senator John Vratil, Representative Oletha Faust-Goudeau, representatives from the Silver-Haired Legislature, Kansas Action for Children, AARP Kansas, Kansas Catholic Conference, the Family Friends Program, and several grandparents. The Department of Social and Rehabilitation Services spoke as a neutral party on the bill, and written testimony was submitted by the Kansas Area Agency on Aging.

The Senate Committee on Ways and Means amended the bill to direct the Department of Social and Rehabilitation Services to pursue a Title IV-E (foster care) waiver to fund the program, and to report to the President of the Senate and Speaker of the House before August 1, 2005 on the status of the waiver. The bill was further amended to eliminate references to the use of TANF and maintenance of effort funds, because these sources of funding are not available. The age of eligible participants was increased from 50 years of age or older to

60 years of age or older and the annual household income was reduced from 130.0 percent of the federal poverty level (FPL) to 100.0 percent of FPL. A section relating to grandparents who would be eligible for increased benefits but do not meet the age requirement and do not attend training was eliminated to guarantee that grandparents receiving benefits under the Act participate in such activities as foster parent training and parenting skills training.

The House Committee on Federal and State Affairs amended the bill as follows:

- Changed language in the bill from Grandparents as Foster Parents to Grandparents as Caregivers to clearly delineate this program is separate and distinct from the Foster Care Program;
- Changed the eligibility age to 50 and the annual household income to be less than 130 percent of the federal poverty level;
- Added the clarifying statement that a relative qualifying for the program shall be considered a grandparent for purposes of the Act; and
- Added a limitation on reimbursement to grandparents in the program to \$200 per grandchild per month but not to exceed \$600 per month. The reimbursement received would not be considered income in determining eligibility for public assistance benefits.

Representatives Faust-Goudeau and Powers and the Secretary of SRS presented testimony in favor of the balloon amendments suggested by SRS on SB 62. Twenty-nine other conferees testified in support of the SRS balloon amendments suggested by SRS on SB 62.

The President of the Silver Haired Legislature testified in opposition to the balloon amendments suggested by SRS on SB 62 because the balloon amendment sets the federal poverty level at 100 percent rather than at 130 percent and he believed the permissive language in section 6(d) should be mandatory language.

The House Committee of the Whole adopted two amendments. One amendment made technical amendments and a substantive amendment striking language that would have established criteria for the reduction in cash benefits received by grandparents providing care for three or more grandchildren under the program. The Potorff

amendment amends the language of 2006 HB 2670 into this bill. Grandparents would be permitted to intervene in a pending lawsuit which involves child custody or visitation rights rather than requiring the grandparent to file an independent lawsuit to establish visitation rights. The grandparent would be permitted to request the court to grant grandparent visitation rights upon a finding that visitation rights would be in the child's best interest and that a substantial relationship between the child and the grandparent has been established.

The original fiscal note submitted by the Division of the Budget indicated the cost of the program would be \$4.5 million State General Fund. A revised fiscal note is not available.