

February 20, 2019

The Honorable Rick Wilborn, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 541-E  
Topeka, Kansas 66612

Dear Senator Wilborn:

**SUBJECT:** Fiscal Note for SB 166 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 166 is respectfully submitted to your committee.

SB 166 would amend the Grandparents as Caregivers Act by lowering the age of the grandparent or caregiver from 50 to 40 years old and increasing the annual household income eligibility from 130.0 percent to 300.0 percent of the federal poverty level. The bill would require the Department for Children and Families (DCF) to offer parenting skills training to the grandparent or caregiver. The bill would also deem grandchildren as foster children to be eligible for free and reduced lunches.

Effective July 2009, the Grandparents as Caregiver's program changed from a State General Fund program to a Temporary Assistance for Needy Families (TANF) Cash Assistance program which provides benefits to both grandparents and relatives caring for children. Eligibility for this program is based only on the income of the children being served. DCF assumes grandparent caregivers would continue to receive benefits for these children through TANF Cash Assistance. Based on this assumption, neither the change in the age of the grandparent nor the income limit would have a fiscal effect on expenditures.

The bill would require DCF to offer parenting skills training to grandparents serving as caregivers. The bill contains no provision requiring these individuals to attend this training. Attendance is at the option of the grandparent. Additional expenses would be incurred by DCF to provide this training for those wishing to attend.

Expenses are estimated based on the number of current TANF relative caregiver cases in which the adult is aged 40 or over. The average length of stay for foster care cases in a relative

placement was used to determine the average new cases per month. The agency assumed half of the cases would be with two adults and the other half only one, thus an average of 1.5 adults per case. The bill does not require grandparent caregiver to attend parenting skills training, only that it be provided. It is estimated 50.0 percent of the adults would participate in this training. Expenses in the first year would be highest as all current grandparent caregivers would qualify for the training. Subsequent years would only include new cases. The agency estimates that the fiscal effect on expenditures for FY 2020 would \$159,100 from the State General Fund because this training does not fall under one of the allowed TANF purposes.

The changes related to the School Lunch Program have no fiscal effect on DCF as this program is administered by the Kansas Department of Education. However, the certification of children in the care of grandparents as “foster children” does not comply with state and federal regulations. In Kansas, a child referred to as a “foster child” in the bill would be a child who has been adjudicated as a “child in need of care” pursuant to the Kansas Code for Care of Children (Code). The Code has specific grounds as a basis for determining a child is a child in need of care and the decision is rendered by the appropriate juvenile court. Additionally, federal regulations define a foster child as “a child who is formally placed by a court or an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.). It does not include a child in an informal arrangement that may exist outside of State or court-based systems.” Thus, to term a child a “foster child” in absence of compliance with the child in need of care legal process for one specific purpose such as is outlined in the bill may lead to confusion and noncompliance with the Code. However, for purposes of qualifying for the school lunch program, because these children receive TANF Cash Assistance, they would be categorically eligible. Any fiscal effect associated with SB 166 is not reflected in *The FY 2020 Governor’s Budget Report*.

Sincerely,

A handwritten signature in cursive script that reads "L. L. Campbell". The signature is written in black ink and is positioned above the printed name and title.

Larry L. Campbell  
Director of the Budget

cc: Jackie Aubert, Children & Families