

SENATE BILL No. 166

By Committee on Judiciary

2-13

1 AN ACT concerning children and minors; relating to the grandparents as
2 caregivers act; age and income requirements; deeming children under
3 the act as foster children; amending K.S.A. 2018 Supp. 38-145 and 38-
4 147 and repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2018 Supp. 38-145 is hereby amended to read as
8 follows: 38-145. (a) If a person meets the financial eligibility requirements
9 developed by the secretary, a grandparent shall be eligible to participate in
10 the program if such grandparent:

11 (1) Is ~~50~~ 40 years of age or older;

12 (2) has the grandchild placed in such grandparent's custody by the
13 state, is the legal guardian of the grandchild or has other legal custody of
14 the grandchild; and

15 (3) has an annual household income of less than ~~130%~~ 300% of the
16 federal poverty level.

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

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

22 Sec. 2. K.S.A. 2018 Supp. 38-147 is hereby amended to read as
23 follows: 38-147. By January 1, 2007, and subject to the provisions of
24 appropriation acts, the secretary:

25 (a) Shall reimburse grandparents in the program for the cost of the
26 care of the grandchild in the amount of \$200 per grandchild per month but
27 not to exceed a total of \$600 per month. Such reimbursements shall not be
28 considered income in determining eligibility for public assistance benefits
29 under other state programs and, to the extent allowed by federal law, under
30 federal programs, with the exception of temporary assistance for needy
31 families which may not be received for those same grandchildren.
32 Grandparents in the program shall continue to receive reimbursement until
33 the child reaches the age of 18 or the age of 21, if such child is in full-time
34 attendance at a secondary school, postsecondary educational institution as
35 defined by K.S.A. 74-3201b, and amendments thereto, or an institution as
36 defined by K.S.A. 74-32,163, and amendments thereto, or is in a state

1 accredited job training program. Grandparents annually shall submit to the
2 secretary a sworn statement that the child is living with and receiving
3 support from the grandparents. A child attending a postsecondary
4 educational institution or an institution shall be considered as living with
5 the grandparents. The parent of any child receiving or for which assistance
6 is received through the program shall remain liable for the support of the
7 child as required by law;

8 (b) *shall offer parenting skills training to grandparents in the*
9 *program at no charge;*

10 (c) may provide continuing counseling for the child and grandparent
11 under the program;

12 ~~(e)~~(d) may provide ancillary or support services including, but not
13 limited to, respite care, child care, clothing allowances, ~~parenting skills~~
14 ~~training~~, childhood immunizations and other health screening and
15 transportation assistance. Eligibility for services pursuant to the program
16 shall be based on the same eligibility criteria used for other benefits
17 provided by the department; and

18 ~~(d)~~(e) may provide a medical card and other medical assistance to
19 each child under the program.

20 New Sec. 3. (a) Children cared for under the grandparents as
21 caregivers act are deemed and shall be certified as foster children for the
22 purpose of receiving free and reduced-priced school lunches.

23 (b) This section shall be part of and supplemental to the grandparents
24 as caregivers act.

25 Sec. 4. K.S.A. 2018 Supp. 38-145 and 38-147 are hereby repealed.

26 Sec. 5. This act shall take effect and be in force from and after its
27 publication in the statute book.