

SESSION OF 2004

SUPPLEMENTAL NOTE ON SENATE BILL NO. 320

As Amended by Senate Committee on
Ways and Means

Brief*

SB 320 creates the Grandparents and Foster Parents Act. The Act would direct the Secretary of Social and Rehabilitation Services (SRS) to establish a Grandparents as Foster Parents Program to be implemented by the last quarter of FY 2005. A grandparent would be eligible to participate in the program if he or she is at least 50 years old, is the legal guardian of a grandchild, has an annual income of less than 130.0 percent of the federal poverty level, and participates in training provided through the new program. Grandparents would be ineligible if the child's parents 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.

Subject to appropriations, program participants would receive not less than 75.0 percent of the reimbursement received by regular foster care providers. 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, technical school or college, or is in a state-accredited job training program. The Department must establish requirements for the foster parents, such as foster parent training and parenting skills. In addition to the foster care reimbursement, the bill authorizes customary support services, such as respite care, child-care, 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>

Background

SB 320 was introduced by Senator Vratil, who spoke in favor of the bill. A representative from the American Association for Retired Persons (AARP) and the Silver Haired Legislature, as well as several grandparents, spoke in support of the bill. The Department of Social and Rehabilitation Services expressed neutrality on the bill and noted some issues with the bill.

The Senate Committee on Ways and Means amended the bill to make grandparent eligibility pursuant to meeting financial eligibility as developed by the Secretary and reduced the household income level from 200.0 percent of poverty to 130.0 percent, as well as making grandparents ineligible for the program if the child's parents reside with them. In addition, custody of the grandchild was changed from actual custody to legal guardianship.

The Committee also added the requirement that implementation should occur by the last quarter of FY 2005. Language requiring counseling for the child and grandparent was made optional and a new section was added allowing the Secretary to adopt regulations to implement the act. Finally, expenditures for the program were limited to the amount appropriated to the program each fiscal year.

The Budget Division indicates the cost of the program would be \$4.5 million State General Fund; however, the bill as amended would be subject to appropriations.