

SENATE BILL No. 109

By Committee on Ways and Means

1-27

9 AN ACT amending the grandparents as caregivers act; amending K.S.A.
10 2008 Supp. 38-145, 38-146 and 38-147 and repealing the existing
11 sections.

12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2008 Supp. 38-145 is hereby amended to read as
15 follows: 38-145. (a) If a person meets the financial eligibility requirements
16 developed by the secretary, a grandparent shall be eligible to participate
17 in the program if ~~such grandparent:~~

18 (1) ~~is 50 years of age or older;~~ *Such grandparent has the grandchild*
19 *living in the grandparent's home; and*

20 (2) ~~has the grandchild placed in such grandparent's custody by the~~
21 ~~state, is the legal guardian of the grandchild or has other legal custody of~~
22 ~~the grandchild; and~~

23 ~~—(3)— has an annual household income of less than 130% of the federal~~
24 ~~poverty level the child's income is below the income limit for the household~~
25 ~~size according to the payment standards contained in the rules and reg-~~
26 ~~ulations promulgated by the secretary.~~

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

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

32 (d) *The grandparent shall cooperate with the department in estab-*
33 *lishing the paternity of any child born out of wedlock for whom assistance*
34 *is claimed, and in obtaining support payments for any child for whom*
35 *assistance is claimed.*

36 Sec. 2. K.S.A. 2008 Supp. 38-146 is hereby amended to read as fol-
37 lows: 38-146. If there are no grandparents of a child who are willing to
38 participate in the program, the secretary may include in the program any
39 other close relative ~~who becomes the legal guardian of the child or obtains~~
40 ~~legal custody of the child, as granted by a court of competent jurisdiction~~
41 ~~or through placement by the secretary~~ *with whom there is a relationship*
42 *of legal responsibility or a care taker within the fifth degree of kinship to*
43 *the child.* In order to participate, such relative must meet the eligibility

1 requirements of subsections (a)(1); *and* (a)(2) ~~and (a)(3)~~ of K.S.A. 2008
2 Supp. 38-145, and amendments thereto. A relative qualifying for the pro-
3 gram pursuant to this section shall be considered a grandparent for pur-
4 poses of this act.

5 Sec. 3. K.S.A. 2008 Supp. 38-147 is hereby amended to read as fol-
6 lows: 38-147. By January 1, 2007, and subject to the provisions of appro-
7 priation acts, the secretary:

8 (a) Shall reimburse grandparents in the program for the cost of the
9 care of the grandchild in the amount of ~~\$200 per grandchild per month~~
10 ~~but not to exceed a total of \$600 per month~~ *established under the payment*
11 *standards in the rules and regulations promulgated by the secretary.* Such
12 reimbursements shall not be considered income in determining eligibility
13 for public assistance benefits under other state programs and, to the ex-
14 tent allowed by federal law, under federal programs, ~~with the exception~~
15 ~~of temporary assistance for needy families which may not be received for~~
16 ~~those same grandchildren.~~ Grandparents in the program shall continue
17 to receive reimbursement until the child reaches the age of 18 or the age
18 of ~~21~~ 19, if such child is in full-time attendance at a secondary school;
19 ~~postsecondary educational institution as defined by K.S.A. 74-3201b, and~~
20 ~~amendments thereto, or an institution as defined by K.S.A. 74-32,163,~~
21 ~~and amendments thereto, or is in a state accredited job training program.~~
22 Grandparents annually shall submit to the secretary a sworn statement
23 that the child is living with and receiving support from the grandparents.
24 ~~A child attending a postsecondary educational institution or an institution~~
25 ~~shall be considered as living with the grandparents.~~ The parent of any
26 child receiving or for which assistance is received through the program
27 shall remain liable for the support of the child as required by law;

28 (b) may provide continuing counseling for the child and grandparent
29 under the program;

30 (c) may provide ancillary or support services including, but not lim-
31 ited to, respite care, child care, clothing allowances, parenting skills train-
32 ing, childhood immunizations and other health screening and transpor-
33 tation assistance. Eligibility for services pursuant to the program shall be
34 based on the same eligibility criteria used for other benefits provided by
35 the department; and

36 (d) may provide a medical card and other medical assistance to each
37 child under the program.

38 Sec. 4. K.S.A. 2008 Supp. 38-145, 38-146 and 38-147 are hereby
39 repealed.

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