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

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

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

(1) Is 50 years of age or older;

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

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

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

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

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

(a) Shall reimburse grandparents in the program for the cost of the care of the grandchild in the amount of $200 per grandchild per month but not to exceed a total of $600 per month. Such reimbursements shall not be considered income in determining eligibility for public assistance benefits under other state programs and, to the extent allowed by federal law, under federal programs, with the exception of temporary assistance for needy families which may not be received for those same grandchildren. Grandparents in the program shall continue to receive reimbursement until the child reaches the age of 18 or the age of 21, if such child is in full-time attendance at a secondary school, postsecondary educational institution as defined by K.S.A. 74-3201b, and amendments thereto, or an institution as defined by K.S.A. 74-32,163, and amendments thereto, or is in a state
accredited job training program. Grandparents annually shall submit to the
secretary a sworn statement that the child is living with and receiving
support from the grandparents. A child attending a postsecondary
educational institution or an institution shall be considered as living with
the grandparents. The parent of any child receiving or for which assistance
is received through the program shall remain liable for the support of the
child as required by law;
(b) shall offer parenting skills training to grandparents in the
program at no charge;
(c) may provide continuing counseling for the child and grandparent
under the program;
(d) may provide ancillary or support services including, but not
limited to, respite care, child care, clothing allowances, parenting skills
training, childhood immunizations and other health screening and
transportation assistance. Eligibility for services pursuant to the program
shall be based on the same eligibility criteria used for other benefits
provided by the department; and
(e) may provide a medical card and other medical assistance to
each child under the program.
New Sec. 3. (a) Children cared for under the grandparents as
caregivers act are deemed and shall be certified as foster children for the
purpose of receiving free and reduced-priced school lunches.
(b) This section shall be part of and supplemental to the grandparents
as caregivers act.
Sec. 4. K.S.A. 2018 Supp. 38-145 and 38-147 are hereby repealed.
Sec. 5. This act shall take effect and be in force from and after its
publication in the statute book.