



House Children and Seniors Committee:

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## **HB 2108: Grandparents as Caregivers**

Testimony by:

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**Testimony of:**

Sandra Kimmons, Director of Economic & Employment Services  
Kansas Department for Children and Families

**Testimony on:**

HB 2108, Grandparents as Caregivers Act

**Chairman Alford, Vice Chair Gallagher, Ranking Member Ousley and Members of the Committee:**

Thank you for the opportunity to provide neutral testimony regarding HB 2108.

The Kansas Department for Children and Families (DCF) administers the TANF cash assistance program. The Temporary Assistance for Needy Families (TANF) program is a result of the 1996 Welfare to Work legislation authorized by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The agency had a Grandparents as Caregivers program that began Jan. 1, 2007 and ran through June 30, 2009. Effective July 1, 2009, the State-funded Grandparents as Caregivers program was rolled into the federally-funded TANF/Grandparents as Caregivers Program.

HB 2108 amends the Grandparents as Caregivers Act by lowering the eligible age for grandparents and other relative caregivers, from 50 to 40 years of age. The bill adds a new section deeming children cared for under this act to be certified as children in foster care for the purposes of being eligible for free and reduced school lunches.

This bill has no fiscal impact on DCF. The bill's intention is to expand services to low-income grandparents and relatives caring for children by lowering the caregiver's age from 50 to 40. However, children in these homes are currently eligible for assistance under the TANF program. Because the TANF program has no age restriction for relative caregivers, it is assumed the families in the intended expansion are currently receiving TANF benefits.

The free and reduced lunch program is administered through the Kansas State Department of Education (KSDE). Information provided by KSDE indicates children in households who participate in the TANF program are eligible for the free and reduced lunch program.

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" (CINC) pursuant to the Kansas Code for Care of Children (CINC Code). The CINC Code has specific grounds as a basis for determining a child as a child in need of care, and the decision is rendered by the appropriate juvenile court. Additionally, federal regulations (7CFR Part 245.2) 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 CINC

legal process for one specific purpose, such as is outlined in the bill, may lead to confusion and noncompliance with federal and State statutes and regulations.

Thank you for the opportunity to address this important issue, and I am happy to answer any questions the committee may have.