



February 19, 2019

Chairman Wilborn and members of the Senate Judiciary Committee,

I write you as the Executive Director of a local non-profit with a 40-year history of working to eliminate child abuse. CAPS' mission is to improve children's lives and strengthen families through education, advocacy and support. Our six prevention programs and two intervention served just under 9,000 children, parents and teachers last year. I extend my thanks to Sen. Hardy for submitting this bill for consideration on behalf of grandparents across our state and my apologies for being overcommitted and unable to present this information in person.

Today, I am sharing testimony on behalf of a support group formed five years ago to meet the needs of grandparents raising their grandchildren. This support group meets monthly to address common issues and concerns that come from this unexpected place in life. From it, participants can access one three-hour session of respite childcare, free parenting education and weekly, in-home visitation from staff with our Family Mentoring Program. The professional staff at CAPS use evidence-based curriculum, *Incredible Years*, *Strengthening Families*, *Nurturing Parenting*, and *Conscious Discipline* to teach parents and grandparents best-practices to overcome challenging circumstances that arise from addiction, incarceration, medical crises, unemployment which are often results of unmanaged mental health concerns or trauma. Family Mentors also connect their clients with resources they are eligible for and make referrals to access therapy to process their personal circumstances.

The grandparents we support have taken the responsibility to parent their grandchildren in order to keep them from entering a broken foster care system. They do so with little to no support and many times this choice lands them in a place with inadequate financial resources. They are frustrated because they cannot access assistance with school lunches, child care and health insurance while the state pays for all of these things on top of housing, transportation, tuition, community activities for children in foster care. These grandparents are saving the state significant immediate costs and preventing future expense by providing their grandchildren with safe, stable homes with people who love them.

We are supportive of SB 166, so these grandparents who have assumed the roles of mom and dad can access supports easing the financial challenges of raising their grandchildren. Two grandparents have shared individual testimonies about their personal perspective, and they are attached for you to review.

In addition to changes recommended to K.S.A. 2018 Supp. 38-145 and 38-147, there are other issues to bring to your attention for consideration. This is best demonstrated through three scenarios which summarize cases we see routinely in both the Family Mentoring Program and the Saline/Ottawa County CASA Program under our umbrella.

"Improving children's lives and strengthening families through education, family support and advocacy."

Scenario 1: Parents are unavailable and unreliable due to their transient lifestyle and sometimes substance use/abuse. Parents have moved the children from school to school and the children have had problems remaining at grade level due to the number of moves and frequent absences. And then finally, a grandparent steps in and offers to allow the children to reside with them to attend school on a consistent and regular basis. The children attend the neighborhood school where the grandparents reside. The grandparents often have no paperwork giving them the legal authority to enroll the kids in school or seek medical attention on behalf of the children as there was merely a verbal agreement for the grandparents to care for the children.

Sometimes, the parents will sign a Power of Attorney for Healthcare decisions so that the grandparents can take them for medical or dental care. Sometimes they have a handwritten note authorizing the grandparents to care for the children. For these grandparents to acquire the legal right to enroll them in school, communicate with the teachers and administrators and provide dental and medical care, the grandparents must obtain a Guardianship of the children. Generally, the parents must agree to this process and must be served legal process to initiate these proceedings. This legal process requires an attorney and the fees can range from \$1,000-\$3,000 depending on where the matter is brought up in the State of Kansas. If the parents decide to contest the Guardianship, the costs will be higher.

The other options grandparents have is to turn their own children in to the Department of Children and Families for neglect or abuse. There is no guarantee that the children will be removed from the home unless the agency can find substantial evidence that the children have been abused or neglected. Truancy alone will generally not suffice to remove the children. Meanwhile, the children suffer and fall farther and farther behind in their education. DCF is required to make substantial efforts including Family Preservation Services before a child is ever removed from a home. Additionally, there is no guarantee that the grandparents will be the home where the children are placed.

Grandparents often must work longer and have costs for their grandchildren that they never expected to have at this stage in their life including, but not limited to, enrollment fees, clothing, school lunches, child care, educational tutoring, and medical care for the children. Almost all assistance programs are based on the household income and often the grandparents' income is too high to be eligible for TANF. However, their own costs are more as they pay the aforementioned legal fees, their own increasing healthcare and medication expenses, often, are paying out of pocket for therapy for the entire family.

Scenario 2: Parents are unavailable due to incarceration or addiction. The grandparents have essentially all of the responsibilities of Scenario 1, but, are also trying to assist with the legal bills and/or substance abuse treatment of their adult children. Additionally, the grandparents are placed in the antagonistic role of gatekeeper to the children which strains their relationship with their adult children and grandchildren. This often makes it difficult to proceed with an uncontested guardianship as the grandparents are seen by the parents as interfering or impeding in their relationship with the children. The costs of a contested guardianship increase substantially, both emotionally and financially.

Scenario 3: The children are brought by the parents to stay with the grandparents for a visit and the parents either don't return to pick up the children or leave them for long periods of time without clear communication about when they plan to return. This Scenario has all of the difficulties of Scenario 1 & 2 with the added ambiguity of what should happen next for the children. Often the children are not enrolled in the neighborhood school of the grandparents, so the grandparents must figure out transportation to the other school. The grandparents also have no legal authority to communicate



Child Advocacy & Parenting Services, Inc.

155 N. Oakdale Ave., Suite 200, Salina, Kansas 67401
(785) 825-4493 www.capsosalina.org (785) 825-4736 fax

with the school if it is the parents that enrolled the children originally. This results in going through the costs already mentioned to obtain a legal guardianship.

If in any of these scenarios, the children were taken into DCF custody and placed in a foster home or group home, the State of Kansas would automatically issue the children a Medical Card that would cover all medical, dental and mental health services. In foster care, the foster family or group home receives a per day rate for keeping the children and has access to State funds to pay for children's needs including school fees that are waived, school lunches, child care, activity fees and clothing stipends if necessary. Grandparents that step in before the foster care process begins saves the State of Kansas countless dollars by avoiding court costs and the costs of the Child Welfare process. Developmentally, it is almost always best for children to maintain their family bond with caring adults which often helps them deal with the uncertainty of their situation. While often it is grandparents who do what is best for the grandchildren by stepping in, they are doing this to their own financial, emotional and physical detriment.

Stepping into the role of parent is never an easy task and many grandparents are doing this at an advanced age for children that have experienced stress, trauma and/or instability. Additionally, they are dealing with their own grief, disappointment, and guilt for their adult children that they hoped would be successful parents. They are placed in the position of making extremely difficult choices. Passage of SB 166 and consideration of revision to encompass greater grandparent rights/benefits as mentioned above would alleviate these burdens and prevent more children from unnecessarily entering the foster care system.

Thank you for your attention to this critical need. If there are questions, please do not hesitate to reach out by cell, 785-822-4677, or email lori@capsosalina.org.

With hope,

Lori Blake
Executive Director