

FIRST REGULAR SESSION

SENATE BILL NO. 139

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLAND.

Pre-filed December 1, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0134S.011

AN ACT

To repeal section 453.325, RSMo, relating to the grandparents as foster parents program, and to enact in lieu thereof one new section relating to the same subject.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 453.325, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 453.325, to read as follows:

453.325. 1. The division of family services in the department of social services shall[, subject to appropriations,] establish the "Grandparents as Foster Parents Program". The grandparents as foster parents program recognizes that:

- (1) Raising a grandchild differs from when the grandparents raised their own children;
- (2) Caring for a grandchild often places additional financial, social and psychological strain on grandparents with fixed incomes;
- (3) Different parenting skills are necessary when raising a grandchild and many grandparents do not possess such skills, are not aware of how to obtain such skills and cannot afford access to the services necessary to obtain such skills;
- (4) Grandparents, like nonrelative foster parents, need a support structure, including counseling for the grandchild and caretaker, respite care and transportation assistance and child care;
- (5) The level of care provided by grandparents does not differ from nonrelative foster care, but reimbursement for such care is substantially less for grandparents; and
- (6) Grandparents are often unaware of the cash assistance alternatives to the federal TANF block grant funds which are available to support the grandchildren placed in their care.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

2. A grandparent shall be eligible to participate in the grandparents as foster parents program if such grandparent:

- (1) Is fifty years of age or older;
- (2) Is the legal guardian of a grandchild placed in such grandparent's custody; **and**
- (3) [Has an annual household income of less than two hundred percent of the federal poverty level; and
- (4)] Participates in the training available through the division pursuant to subsection 4 of this section.

[The division shall annually review the eligibility of grandparents participating in the program.]

3. If there are no grandparents of a child who are willing to participate in the grandparents as foster parents program, the division may include in the program any other close relative who becomes the legal guardian of the child or obtains legal custody of the child, as granted by a court of competent jurisdiction if such relative also meets the requirements of subdivisions (1)[,] **and** (3) [and (4)]of subsection 2 of this section.

4. [Subject to appropriations,] The grandparents as foster parents program **shall**:

(1) [Shall] Provide reimbursement [up to seventy-five percent of] **based on** the current foster care payment schedule to eligible grandparents, as defined in subsection 2 of this section, for the care of a grandchild;

(2) [Shall] Establish program requirements, including, but not limited to, participation in foster parent training, parenting skills training, childhood immunizations and other similar health screens;

(3) [Shall] Provide continuing counseling for the child and grandparent;

(4) [May] Provide support services, including, but not limited to, respite care, child care and transportation assistance[. Eligibility for child-care services pursuant to this program shall be based on the same eligibility criteria used for other child-care benefits provided by the division of family services];

(5) [Shall] Provide Medicaid services to such child;

(6) [May] Provide ancillary services, such as child care, respite care, transportation assistance and clothing allowances, but not direct financial payments to the participants in the program after such participants complete the training required in subdivision (2) of this subsection[; and

(7) Shall establish criteria for the reduction in cash benefits received by any grandparent providing care for three or more grandchildren pursuant to the grandparents as foster parents program].

5. Funding for cash benefits and other assistance provided to eligible grandparents shall be made from the state maintenance of effort funds. [The provisions of this section shall not be construed to create an entitlement for participants in the program.]

6. Grandparents who are either under fifty years of age, or are fifty years of age or older and refuse to participate in the training pursuant to subsection 2 of this section [but who meet the requirements of subdivisions (1), (2) and (3) of subsection 2 of this section], may apply to the division for foster care reimbursement and assistance. Such cash and noncash assistance shall be funded through the TANF funds. Any work participation and time limit requirements pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, shall apply to all such persons.

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