

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 911

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5 By: Senator Salmon
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For An Act To Be Entitled

8
9 AN ACT TO ESTABLISH THE ARKANSAS KINSHIP CARE
10 SUBSIDY ACT OF 2009; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT TO ESTABLISH THE ARKANSAS KINSHIP
14 CARE SUBSIDY ACT OF 2009.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. The General Assembly finds that:

20 (a) Subsidized guardianship is an option that allows children to live
21 permanently with grandparent or other relative when they cannot live with
22 their own parents and when adoption is not a viable option;

23 (b) The intent of a Preventive Subsidized Guardianship Program is to
24 keep children from unnecessarily entering the Child Welfare System when they
25 are already living safely with grandparents or other relative caregiver;

26 (c) Caring for the child of a relative places additional financial,
27 social, and psychological strain on a grandparent with a fixed income or
28 other relative caregiver;

29 (d) Different parenting skills are necessary for raising a grandchild,
30 and a grandparent caregiver cannot always afford access to the services
31 necessary to obtain the skills; and

32 (e) A grandparent or other relative caregiver, like a nonrelative
33 foster parent, needs a support structure, including information and referrals
34 to resources, counseling both for the child and the grandparent or relative
35 caregiver, respite care, transportation assistance, and childcare.
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1 SECTION 2. Arkansas Code Title 20, Chapter 76, Subchapter 4 is amended
2 to add an additional section to read as follows:

3 20-76-447. Kinship Care Subsidy Program.

4 (a)(1) There is created the Kinship Care Subsidy Program.

5 (2) The purpose of the Kinship Care Subsidy Program is to create
6 a mechanism through the Transitional Employment Assistance Program to support
7 relative caregivers who provide a caring home to related children who do not
8 have appropriate parental protection, guidance, and supervision so that these
9 children are not forced into a foster care placement.

10 (3) The Kinship Care Subsidy Program shall be administered by
11 the Department of Workforce Services and funded through the Temporary
12 Assistance for Needy Families block grant.

13 (4) Eligible applicants to the Kinship Care Subsidy Program
14 shall receive the following:

15 (A) A monthly subsidy in the amount of two hundred dollars
16 (\$200) per eligible dependant child in the home.

17 (B) A referral to other appropriate services to adequately
18 support the child or children in the care and custody of the relative
19 caregiver.

20 (b) Eligibility for assistance under the Kinship Care Subsidy Program
21 is limited to applicants who:

22 (1) Have care and custody of a related minor child under the age
23 of eighteen (18) that is not receiving Supplemental Security Income and that
24 is within the fifth degree of kinship;

25 (2) Have legal guardianship of the dependent child living in his
26 or her home that has been granted by a court and verified through court
27 records or other reliable documents;

28 (3) Have a family income of under one hundred fifty percent
29 (150%) of the federal poverty level;

30 (4) Reside in the State of Arkansas at the time of application
31 for assistance and during the period of assistance;

32 (5) Have neither parent of the dependent child residing in the
33 applicant's household;

34 (6) Have not plead guilty or nolo contendere or been found
35 guilty of or released from incarceration for a felony of possession, use,
36 manufacture or distribution of a controlled substance within the past year;

1 (7) Agrees to pursue enforcement of a child support obligation
2 against the parent of the dependent child unless good cause is established;
3 and

4 (8) Are not concurrently enrolled in the Transitional Employment
5 Assistance Program or Arkansas Work Pays Program and are:

6 (A) Citizens of the United States;

7 (B) Qualified aliens lawfully present in the United States
8 before August 22, 1996, and have been in qualified immigrant status for at
9 least five (5) years; or

10 (C) Aliens to whom benefits under Temporary Assistance for
11 Needy Families must be provided under federal law.

12 (c) Eligibility shall be determined on an annual basis and shall
13 include confirmation that the guardian is still providing care for the child.

14 (d) The Department of Workforce Services shall promulgate rules to
15 implement this program to:

16 (1) Provide for other eligibility requirements that are
17 reasonably necessary to administer the Kinship Care Subsidy Program in
18 accordance with this section and federal requirements;

19 (2) Provide for the safety and well-being of a relative child
20 for whom subsidies are issued; and

21 (3) Establish procedures for reconsideration of eligibility of
22 applicants annually.

23 (e) The subsidy provided under this section is limited to total
24 expenditures of two million five hundred thousand dollars (\$2,500,000) per
25 annum and five million dollars (\$5,000,000) during the 2009-2011 biennium
26 based solely on the availability of federal Temporary Assistance for Needy
27 Families funds as determined by the Department of Workforce Services in
28 consultation with the Temporary Assistance for Needy Families Oversight
29 Board.

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