



General Assembly

Substitute Bill No. 5298

February Session, 2000

***An Act Concerning Grandparents Caring For Grandchildren
And Foster Care Subsidies.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-126 of the general statutes, as amended by
2 public act 99-251, is repealed and the following is substituted in lieu
3 thereof:

4 (a) As used in this section, "relative caregiver" means a person who
5 is caring for a child related to such person because the parent of the
6 child has died or become otherwise unable to care for the child for
7 reasons that make reunification with the parent not a viable option
8 within the foreseeable future and "commissioner" means the
9 Commissioner of Children and Families.

10 (b) The Commissioner of Children and Families shall establish a
11 program of subsidized guardianship for the benefit of [children] any
12 child in the care or custody of the commissioner who [are] is living
13 with a relative [caregivers] caregiver and who [have] has been in foster
14 care or certified relative care for not less than [eighteen] twelve months
15 [. The commissioner, within available appropriations, may establish a
16 program of subsidized guardianship for the benefit of children in the
17 care or custody of the commissioner who are living with relative
18 caregivers and who have been in foster care or certified relative care
19 for not less than twelve but not more than eighteen months.] or who is

20 living with a relative caregiver who has been appointed guardian or
21 coguardian of the child by any court of competent jurisdiction because
22 the parent of the child has died or is terminally ill and the child is at
23 risk of foster placement and the income of the relative caregiver is less
24 than three hundred per cent of the federal poverty level. A relative
25 caregiver may request a guardianship subsidy from the commissioner.
26 If adoption of the child by the relative caregiver is an option, the
27 commissioner shall counsel the caregiver about the advantages and
28 disadvantages of adoption and subsidized guardianship so that the
29 decision by the relative caregiver to request a subsidized guardianship
30 may be a fully informed one.

31 (c) The subsidized guardianship program shall provide the
32 following subsidies for the benefit of any child in the care of a relative
33 caregiver who has been appointed the guardian or coguardian of the
34 child by any court of competent jurisdiction: (1) A special-need
35 subsidy, which shall be a lump sum payment for one-time expenses
36 resulting from the assumption of care of the child when no other
37 resource is available to pay for such expense; and (2) a medical subsidy
38 comparable to the medical subsidy to children in the subsidized
39 adoption program if the child lacks private health insurance. The
40 subsidized guardianship program shall also provide a monthly
41 subsidy on behalf of the child payable to the relative caregiver that
42 shall be equal to the prevailing foster care rate for children who have
43 been in the care or custody of the commissioner, and for children who
44 are not in the care or custody of the commissioner, a monthly subsidy
45 that shall be equal to the prevailing foster care rate less the amount of
46 any benefits for survivors under the Social Security Act, federal Social
47 Security disability or temporary family assistance that the child is
48 currently receiving. The commissioner may establish an asset test for
49 eligibility under the program that shall apply only to the child's assets.

50 (d) The commissioner shall adopt regulations in accordance with
51 chapter 54 implementing the subsidized guardianship program
52 established under this section. Such regulations shall require, as a
53 prerequisite to payment of a guardianship subsidy for the benefit of a

54 minor child, that a home study report be filed with the court having
55 jurisdiction of the case of the minor within fifteen days of the request
56 for a subsidy, provided that no such report shall be required to be filed
57 if a report has previously been provided to the court or if the caregiver
58 has been determined to be a certified relative caregiver by the
59 commissioner. The regulations shall also establish a procedure
60 comparable to that for the subsidized adoption program to determine
61 the types and amounts of subsidy to be granted by the commissioner
62 as provided in subsection (c) of this section, for annual review of the
63 subsidy as provided in subsection (e) of this section and for appeal
64 from decisions by the commissioner denying, modifying or
65 terminating such subsidies.

66 (e) The guardianship subsidy provided under this section shall
67 continue until the child reaches the age of eighteen or the age of
68 twenty-one if such child is in full time attendance at a secondary
69 school, technical school or college or is in a state accredited job training
70 program. Annually, the subsidized guardian shall submit to the
71 commissioner a sworn statement that the child is still living with and
72 receiving support from the guardian. The parent of any child receiving
73 assistance through the subsidized guardianship program shall remain
74 liable for the support of the child as required by the general statutes.

75 (f) A guardianship subsidy shall not be included in the calculation
76 of household income in determining eligibility for benefits of the
77 relative caregiver of the subsidized child or other persons living within
78 the household of the relative caregiver.

79 (g) Payments for guardianship subsidies shall be made from
80 moneys available from any source to the commissioner for child
81 welfare purposes. The commissioner shall develop and implement a
82 plan that: (1) Maximizes use of the subsidized guardianship program
83 to decrease the number of children in the legal custody of the
84 Commissioner of Children and Families and to reduce the number of
85 children who would otherwise be placed into foster care when there is
86 a family member willing to provide care; (2) maximizes federal

87 reimbursement for the costs of the subsidized guardianship program,
88 provided whatever federal maximization method is employed shall
89 not result in the relative caregiver of a child being subject to work
90 requirements as a condition of receipt of benefits for the child or the
91 benefits restricted in time or scope other than as specified in subsection
92 (c) of this section; and (3) ensures necessary transfers of funds between
93 agencies and interagency coordination in program implementation.
94 The Commissioner of Children and Families shall seek all federal
95 waivers as are necessary and appropriate to implement this plan.

96 (h) There is established a grandparents-as-parents program within
97 the Department of Social Services to provide support for grandparents
98 who raise a grandchild. The program shall provide a clearinghouse of
99 information regarding services available in the state for relative
100 caregivers. The grandparents-as-parents program shall also provide
101 training on the needs of relative caregivers and available services. The
102 training shall be offered to relevant professionals, including, but not
103 limited to, case workers within the Department of Children and
104 Families and the Department of Social Services and staff of any court
105 of competent jurisdiction.

106 Sec. 2. This act shall take effect July 1, 2000.

Statement of Legislative Commissioners:

In subsection (h) "as defined in subsection (a) of this section" was deleted as redundant.

AGE Committee Vote: Yea 11 Nay 0 JFS C/R HS

HS Committee Vote: Yea 14 Nay 4 JF C/R APP

APP Committee Vote: Yea 47 Nay 0 JFS-LCO