



Senate

General Assembly

File No. 372

January Session, 2001

Substitute Senate Bill No. 1094

Senate, April 19, 2001

The Committee on Human Services reported through SEN. HANDLEY of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING LICENSING REQUIREMENTS FOR CERTAIN RELATIVE CAREGIVERS.

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

1 Section 1. Section 17a-114 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) No child in the custody of the Commissioner of Children and
4 Families shall be placed with any person, unless such person is
5 licensed by the department for that purpose. Any person licensed by
6 the department to accept placement of a child is deemed to be licensed
7 to accept placement as a foster family or prospective adoptive family.
8 The commissioner shall adopt regulations, in accordance with the
9 provisions of chapter 54, to establish the licensing procedures and
10 standards. The commissioner may grant a waiver, on a case-by-case
11 basis, from any such procedure or standard, except any safety
12 standard, based on the needs and best interests of a child. Any criminal
13 records check conducted by the commissioner shall be a criminal

14 records check requested from the State Police Bureau of Identification
15 and the Federal Bureau of Investigation.

16 (b) Notwithstanding the requirements of subsection (a) of this
17 section, the commissioner may place a child with a relative who is not
18 licensed for a period of up to [forty-five] ninety days when such
19 placement is in the best interests of the child, provided a satisfactory
20 home visit is conducted, a basic assessment of the family is completed
21 and such relative attests that such relative and any adult living within
22 the household have not been convicted of a crime or arrested for a
23 felony against a person, for injury or risk of injury to or impairing the
24 morals of a child, or for the possession, use or sale of a controlled
25 substance. [Placements with a relative beyond such forty-five-day
26 period shall be subject to certification by the commissioner.] Any such
27 relative who accepts placement of a child in excess of such ninety-day
28 period shall be subject to certification by the commissioner, except that
29 on or after July 1, 2001, any such relative who was not certified prior to
30 July 1, 2001, shall be subject to licensure under the provisions of
31 subsection (a) of this section. The commissioner shall adopt
32 regulations, in accordance with the provisions of chapter 54, to
33 establish certification procedures and standards for a caretaker who is
34 a relative of such child.

35 Sec. 2. This act shall take effect July 1, 2001.

Statement of Legislative Commissioners:

In the third sentence in subsection (b) of section 1, (1) the phrase "subject to certification" was substituted for "certified" for accuracy and clarity, and (2) the phrase "subject to licensure" was substituted for "licensed" for accuracy and clarity.

HS **JOINT FAVORABLE SUBST.**

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Yes

Affected Agencies: Department of Children and Families

Municipal Impact: None

Explanation

State Impact:

This bill conforms statute regarding the licensure of relative foster homes by the Department of Children and Families (DCF) to federal law and precludes challenges to current agency practice, which is consistent with these same federal guidelines.

The federal Administration for Children and Families issued a final ruling in January 2000 requiring states to operate a single system of licensure for all foster homes. Effective September 27, 2000, failure to do so has resulted in the disallowance of child-specific claims for federal financial participation under the Title IV-E (Foster Care) program. Connecticut will receive a projected \$110 - \$115 million in Title IV-E reimbursement in FY 02. A portion of this figure is attributable to claims submitted on behalf of approximately seventy percent of children in relative care (1,395 as of March 2001) who meet Title IV-E eligibility criteria. When a relative foster home remains unlicensed the state experiences an annual revenue loss of approximately \$4,300 per child from disallowance of the claim.

It is anticipated that the agency will be able to comply with the bill's provisions within its anticipated budgetary resources. DCF is currently extending licensure standards to new relative foster families, and of the approximately 1,200 existing relative foster homes only about 100 are estimated to remain certified yet not licensed as of April 2001. The agency anticipates that up to 50 of these homes will achieve full licensure by the end of FY 01.

OLR Bill Analysis

sSB 1094

AN ACT CONCERNING LICENSING REQUIREMENTS FOR CERTAIN RELATIVE CAREGIVERS.**SUMMARY:**

Starting July 1, 2001, this bill requires relatives accepting placement for more than 90 days of a child in the custody of the Department of Children and Families (DCF) to be licensed as foster parents, unless DCF has previously certified them as relative caregivers. The bill also allows the commissioner, on a case-by-case basis, to waive any foster care licensing procedure or standard, other than a safety standard, based on the child's needs and best interests.

Current law allows the commissioner to place a child with a relative who is not licensed for up to 45 days, as long as (1) DCF staff visit the home and complete a basic assessment of the family and (2) the relative attests that neither he nor any adult in the household has been arrested or convicted of specified crimes. The bill increases the maximum length of such a placement, from 45 to 90 days, and allows the placement only when it is in the child's best interests.

EFFECTIVE DATE: July 1, 2001

BACKGROUND***Foster Care Licensing or Relative Caregivers***

Currently, DCF may place children with relative caregivers under more relaxed rules than those required for non-relative foster parents. For example, these relatives are not required to complete the training and evaluation program required of licensees.

Federal law requires a single standard of licensure for foster parents and relative caregivers in order for the state to qualify for federal funding (42 U.S.C. § 671(a)(10)). Since September 27, 2000, when the

federal requirement took effect, the state has been unable to claim federal reimbursement for children in certified relative care.

Related Bill

sHB 6967 (File 240), reported favorably by the Judiciary Committee, requires relative caregivers to get foster care licenses, rather than certificates, unless DCF certifies them before October 1, 2001.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 10 Nay 6