



Senate

File No. 789

General Assembly

January Session, 2001

(Reprint of File No. 372)

Substitute Senate Bill No. 1094
As Amended by Senate Amendment
Schedule "A" and House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 18, 2001

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 Section 17a-114 of the general statutes is repealed and the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. Any criminal records check conducted by the commissioner
11 shall be a criminal records check requested from the State Police
12 Bureau of Identification and the Federal Bureau of Investigation.

13 (b) Notwithstanding the requirements of subsection (a) of this

14 section, the commissioner may place a child with a relative who is not
15 licensed for a period of up to [forty-five] ninety days when such
16 placement is in the best interests of the child, provided a satisfactory
17 home visit is conducted, a basic assessment of the family is completed
18 and such relative attests that such relative and any adult living within
19 the household have not been convicted of a crime or arrested for a
20 felony against a person, for injury or risk of injury to or impairing the
21 morals of a child, or for the possession, use or sale of a controlled
22 substance. [Placements with a relative beyond such forty-five-day
23 period shall be subject to certification by the commissioner.] Any such
24 relative who accepts placement of a child in excess of such ninety-day
25 period shall be subject to licensure by the commissioner, except that
26 any such relative who, prior to July 1, 2001, had been certified by the
27 commissioner to provide care for a related child may continue to
28 maintain such certification if such relative continues to meet the
29 regulatory requirements and the child remains in such relative's care.
30 The commissioner may grant a waiver, for a child placed with a
31 relative, on a case-by-case basis, from such procedure or standard,
32 except any safety standard, based on the home of the relative and the
33 needs and best interests of such child. The reason for any waiver
34 granted shall be documented. The commissioner shall adopt
35 regulations, in accordance with the provisions of chapter 54, to
36 establish certification procedures and standards for a caretaker who is
37 a relative of such child.

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

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 as amended 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 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 these

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 50 are estimated to remain certified yet not licensed as of June 30, 2001.

Senate "A" states that relative caregivers certified before July 1, 2001, can remain certified only as long as the child remains with them and they meet regulatory requirements. No fiscal impact is associated with this change.

House "A" clarifies the bill by stating that waivers from licensing standards may be granted on a case-by-case basis for a child placed with a relative. The original bill allowed for such waivers for any placed child. It further requires the Department of Children and Families to document reasons for the granting of a waiver. No fiscal impact is associated with these changes.

OLR Bill Analysis

sSB 1094 (as amended by Senate "A" and House "A")*

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. If they were previously certified, the bill allows them to maintain this certification as long as the child remains with them and they continue to meet regulatory requirements. The bill also (1) allows the commissioner, on a case-by-case basis for a child placed with a relative, to waive any foster-care licensing procedure or standard, other than a safety standard, based on the home of the relative and the child's needs and best interests and (2) requires documentation of the reason for a waiver.

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.

*Senate Amendment "A" adds the condition that relative caregivers certified before July 1 can maintain the certification only as long as the child remains with them and they meet regulatory requirements.

*House Amendment "A" applies the commissioner's authority to waive licensing procedures only to children placed with relatives instead of to any foster care children, specifies that the waiver can be based on the home of the relative, and requires documentation of the reason for granting the waiver.

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 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, Human Services, Public Safety, and Appropriations committees, 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