



General Assembly

January Session, 2001

Raised Bill No. 6591

LCO No. 3224

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING SUBSIDIZED GUARDIANSHIP.

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

1 Section 1. Section 17a-126 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

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

9 (b) The Commissioner of Children and Families shall establish a
10 program of subsidized guardianship for the benefit of [children] any
11 child in the care or custody of the commissioner who [are] is living
12 with a relative [caregivers] caregiver and who [have] has been in foster
13 care or certified relative care for not less than [eighteen] twelve months
14 or is living with a relative caregiver who has been appointed guardian
15 of the child by any court of competent jurisdiction because the parent
16 of the child has died, is terminally ill, mentally incapacitated,

17 physically debilitated or is otherwise unable to care for the child, and
18 the income of the relative caregiver is less than three hundred per cent
19 of the federal poverty level. The commissioner, within available
20 appropriations, may establish a program of subsidized guardianship
21 for the benefit of children in the care or custody of the commissioner
22 who are living with relative caregivers and who have been in foster
23 care or certified relative care for not less than twelve but not more
24 than eighteen months. A relative caregiver may request a guardianship
25 subsidy from the commissioner. If adoption of the child by the relative
26 caregiver is an option, the commissioner shall counsel the caregiver
27 about the advantages and disadvantages of adoption and subsidized
28 guardianship so that the decision by the relative caregiver to request a
29 subsidized guardianship may be a fully informed one.

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

49 (d) The commissioner shall adopt regulations in accordance with

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

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

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

78 (g) Payments for guardianship subsidies shall be made from
79 moneys available from any source to the commissioner for child
80 welfare purposes. The commissioner shall develop and implement a
81 plan that: (1) Maximizes use of the subsidized guardianship program

82 to decrease the number of children in the legal custody of the
83 Commissioner of Children and Families and to reduce the number of
84 children who would otherwise be placed into foster care when there is
85 a family member willing to provide care; (2) maximizes federal
86 reimbursement for the costs of the subsidized guardianship program,
87 provided whatever federal maximization method is employed shall
88 not result in the relative caregiver of a child being subject to work
89 requirements as a condition of receipt of benefits for the child or the
90 benefits restricted in time or scope other than as specified in subsection
91 (c) of this section; and (3) ensures necessary transfers of funds between
92 agencies and interagency coordination in program implementation.
93 The Commissioner of Children and Families shall seek all federal
94 waivers as are necessary and appropriate to implement this plan.

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

Statement of Purpose:

To recognize the importance of guardians in the foster care system, with the payment rate based on the Department of Agriculture's calculation of the cost to raise a child, and to address the disparity that now exists between the temporary family assistance grant and foster care subsidized guardianship which now creates an incentive to place children in the foster system unnecessarily and places an economic burden on relative caregivers.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]