



Senate

General Assembly

January Session, 2003

File No. 324

Senate Bill No. 727

Senate, April 14, 2003

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 bill ought to pass.

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 Section 17a-126 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

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 [. The commissioner, within available appropriations, may establish a
15 program of subsidized guardianship for the benefit of children in the
16 care or custody of the commissioner who are living with relative
17 caregivers and who have been in foster care or certified relative care
18 for not less than twelve but not more than eighteen months] or who is
19 living with a relative caregiver who has been appointed guardian or
20 coguardian of the child by any court of competent jurisdiction because
21 the parent of the child has died or is terminally ill and the child is at
22 risk of foster placement and the income of the relative caregiver is less
23 than three hundred per cent of the federal poverty level. A relative
24 caregiver may request a guardianship subsidy from the commissioner.
25 If adoption of the child by the relative caregiver is an option, the
26 commissioner shall counsel the caregiver about the advantages and
27 disadvantages of adoption and subsidized guardianship so that the
28 decision by the relative caregiver to request a subsidized guardianship
29 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 currently receiving. The commissioner may establish an asset test for

48 eligibility 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

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:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Children & Families, Dept.	GF - Cost	Significant	Significant
Social Services, Dept.	GF - Cost	\$75,000 - \$100,000	\$75,000 - \$100,000
Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	\$30,850	\$32,975
Children & Families, Dept.	GF - Revenue Loss	Significant	Significant

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill shortens the time period after which a child is eligible for the subsidized guardianship program operated by the Department of Children and Families (DCF), establishes a similar new benefit for certain children living with relative guardians or co-guardians who have been orphaned or have a terminally ill parent, and establishes a Grandparents-as-Parents program under the Department of Social Services (DSS). A total of 1,107 children were receiving DCF subsidized guardianship benefits as of April 2003.

Modify Subsidized Guardianship Program

An estimated 200 - 300 additional children will be deemed eligible for DCF's subsidized guardianship program due to shortening from eighteen to twelve months the length of time that a child must have been in relative foster care prior to being eligible for consideration for a guardianship benefit. Under current law the commissioner may provide this benefit to those who have been in relative care at least twelve months, but this authority is discretionary.

Federal financial participation ceases for Title IV-E eligible foster children when they are accepted into the subsidized guardianship program. This will result in an estimated annual revenue loss of between \$305,000 - \$455,000, based upon an anticipated average benefit of \$9,237 annually and Title IV-E eligibility of thirty three percent. The actual FY 04 revenue loss would be expected to be less than the annualized amount as a phase-in period for enrollment would be expected.

Establish Subsidy for Certain Children Living with Relative Guardians

The bill extends eligibility for a guardianship subsidy to a child living with a relative guardian or co-guardian because the child's parent has died and the child's relative caregiver's income is at or below 300 percent of the federal poverty level. This will result in financial payments to families who are not currently receiving foster care benefits.

It is estimated that 600 - 800 children who experienced the death of a parent would be found eligible. Assuming average offsetting income to the child of \$350 monthly, the annual cost to the DCF to support benefit payments would fall between \$3 - \$4 million. These costs would be supplemented to the extent that subsidies are requested on behalf of children living with relative guardians due to the terminal illness of a parent. The number of such children cannot be determined at this time. The actual FY 04 cost would be expected to be less than the annualized amount as a phase-in period for enrollment would be expected.

The DCF will incur an FY 04 cost of approximately \$175,000 for staff support and associated other expenses needed to process applications and verify relative caregiver income statements. In FY 05 and subsequent fiscal years this cost would fall to about \$82,000, to reflect continuing support of two staff persons, as only children entering guardianship placements would require assistance in seeking benefits. Associated fringe benefits costs of approximately \$30,850 in FY 04 and

\$32,975 in FY 05 would be incurred under miscellaneous accounts administered by the Comptroller.

Grandparents-as-Parents

Lastly, the bill requires the Department of Social Services (DSS) to institute a Grandparents-as-Parents program to provide support for grandparents who raise a grandchild. This program will provide training and information regarding existing services. The bill specifies that this program is to operate both within available appropriations and within existing DSS staff. No specific appropriation is anticipated to be available for this program in either FY 04 or FY 05, and as the department is expected to lose a significant portion of its staff through the December 2002 layoffs and the 2003 Early Retirement Incentive Program, it is unlikely that any existing resources will be available to operate this program. The cost of retaining a private entity to provide comparable services would be estimated to be between \$75,000 - \$100,000 annually.

OLR Bill Analysis

SB 727

AN ACT CONCERNING GRANDPARENTS CARING FOR GRANDCHILDREN AND FOSTER CARE SUBSIDIES**SUMMARY:**

This bill extends the Department of Children and Families' (DCF) subsidized guardianship program to children:

1. in the care or custody of the DCF commissioner who are living with relative caregivers and have been in foster or DCF-certified relative care for between 12 and 18 months (currently, they must be in such care for at least 18 months) and
2. who are living with relative caregivers who have been appointed their guardians or coguardians by a court because their parents have died or are terminally ill and the children are at risk of foster placement, if the relative caregivers' incomes are below 300% of the federal poverty level.

The bill establishes a two-tier subsidy level in which the subsidy for children who were in DCF custody is the same as for foster children while the subsidy for those with court-appointed guardians is adjusted for specific government payments. But because existing DCF regulations contain an asset test that enables it to adjust subsidies for children formerly in DCF custody to account for government and other payments they receive, it appears that the subsidies for both groups could be treated essentially in the same way. The bill specifies that the asset test applies only to the child's assets.

The bill also establishes a Grandparents As Parents program in the Department of Social Services (DSS), within available appropriations, to provide support and information for grandparents raising grandchildren and training for relevant professionals, such as DCF and DSS case workers and court staff. It requires the program to use existing DSS staff and to provide a clearinghouse of information about services available in the state for relative caregivers. (DSS's Elderly Services Division started such a program with a two-year grant from the Brookdale Foundation. That funding expired on June 30, 2000.)

EFFECTIVE DATE: July 1, 2003

SUBSIDIZED GUARDIANSHIP ELIGIBILITY

The bill reduces, from 18 to 12 months, the time a child must be in foster care or DCF-supervised relative care before a court appoints a relative as their guardian and the child is eligible for a guardianship subsidy. Under current law, a child must be in foster or relative care for at least 18 months, but the DCF commissioner can create a program to subsidize guardianships for children who have been in her custody for between 12 and 18 months, if funds are available. The bill eliminates this option. (Although both current law and the bill apply to children in "certified" relative care, PA 01-70 requires relatives who care for children for more than 90 days to be licensed as foster parents unless, under certain conditions, they were previously certified as relative caregivers.)

The bill makes children who have not been in DCF custody and for whom a court has appointed a relative as guardian eligible for guardianship subsidies as long as the relative's family income is 300% or less of the federal poverty level (300% is currently \$45,780 for a family of three). The child must be an orphan or his parent(s) must be terminally ill.

SUBSIDY LEVELS

The bill sets the subsidy for children in DCF custody for 12 to 18 months equal to the rate DCF pays foster parents, which is the same level as the current subsidy for children in DCF custody for 18 or more months. For the children not previously in DCF custody, it sets the subsidy at the foster care rate minus (1) Social Security survivors' or disability benefits and (2) temporary family assistance (TFA) paid for the child.

The law allows DCF to establish an asset test for program eligibility. The bill specifies that this test applies only to the child's assets. DCF regulations governing the asset test that applies to the current subsidy program allow it to reduce the subsidy amount to reflect the child's own income from other sources, including Social Security, TFA, child support, life insurance or other death benefits from or through a parent, and all other federal and state assistance and benefit

programs.

BACKGROUND

Subsidized Guardianship Program

The DCF subsidized guardianship program provides (1) a lump-sum payment for one-time expenses a guardian experiences in assuming the child's care, (2) medical benefits if the child is not otherwise covered by health insurance, and (3) a monthly payment. The monthly payment continues until the child turns age 18, unless he is attending high school, technical school, college, or a state-accredited job-training program, in which case it continues until age 21.

The monthly subsidy is the same as that for unrelated foster parents (currently about \$687 per month for a child under five years old, \$703 for one between six and 11, and \$772 for one 12 or older).

The law allows DCF to adopt regulations requiring a home study of the guardian to be filed with the appropriate court within 15 days after the request for a subsidy. Current DCF regulations require it to assess the relative caregiver and others living in the household, including their health, intellectual and emotional capacity to care for the child, and criminal record (*Conn. Agency Regs.* 17a-126-1 to -23).

COMMITTEE ACTION

Select Committee on Aging

Joint Favorable Change of Reference

Yea 12 Nay 0

Human Services Committee

Joint Favorable Report

Yea 16 Nay 2