



General Assembly

**Substitute Bill No. 457**

January Session, 2005

\* SB00457KIDHS\_031505 \*

**AN ACT CONCERNING SUBSIDIZED GUARDIANSHIP FOR RELATIVE CAREGIVERS.**

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 Section 17a-126 of the general statutes is repealed and the  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, 2005*):

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 a 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 and custody of the commissioner, a monthly  
44 subsidy that shall be equal to the prevailing foster care rates less the  
45 amount of any benefits for survivors under the Social Security Act,  
46 federal Social Security disability or temporary family assistance that  
47 the child is currently receiving. The commissioner may establish an  
48 asset test for eligibility under the program that shall apply only to the  
49 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] not later than fifteen days  
56 of the request for a subsidy, provided that no such report shall be  
57 required to be filed if a report has previously been provided to the  
58 court or if the caregiver has been determined to be a certified relative  
59 caregiver by the commissioner. The regulations shall also establish a  
60 procedure comparable to that for the subsidized adoption program to  
61 determine the types and amounts of subsidy to be granted by the  
62 commissioner as provided in subsection (c) of this section, for annual  
63 review of the subsidy as provided in subsection (e) of this section and  
64 for appeal 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.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2005	17a-126

**KID**

*Joint Favorable Subst. C/R*

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