



House of Representatives

File No. 911

General Assembly

January Session, 2007

(Reprint of File No. 774)

Substitute House Bill No. 7037
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
June 1, 2007

AN ACT EXPANDING THE SUBSIDIZED GUARDIANSHIP PROGRAM TO SIBLINGS OF CHILDREN LIVING WITH RELATIVE CAREGIVERS, AND THE RIGHT OF FOSTER PARENTS, PROSPECTIVE ADOPTIVE PARENTS AND RELATIVE CAREGIVERS TO BE HEARD IN CERTAIN LEGAL PROCEEDINGS.

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 Section 17a-126 of the general statutes is repealed and the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 October 1, 2007*):

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 in the
11 care or custody of the commissioner who are living with relative
12 caregivers and who have been in foster care or certified relative care

13 for not less than eighteen months. The commissioner, within available
14 appropriations, [may] shall establish a program of subsidized
15 guardianship for the benefit of children in the care or custody of the
16 commissioner who are living with relative caregivers and who have
17 been in foster care or certified relative care for not less than six but not
18 more than eighteen months. A relative caregiver may request a
19 guardianship subsidy from the commissioner. If adoption of the child
20 by the relative caregiver is an option, the commissioner shall counsel
21 the caregiver about the advantages and disadvantages of adoption and
22 subsidized guardianship so that the decision by the relative caregiver
23 to request a subsidized guardianship may be a fully informed one.

24 (c) If a relative caregiver who is receiving a guardianship subsidy
25 for a related child is also caring for the child's sibling who is not
26 related to the caregiver, (1) the commissioner shall provide a
27 guardianship subsidy to such relative caregiver if the sibling has been
28 in foster care for not less than eighteen months, and (2) the
29 commissioner shall, within available appropriations, provide a
30 guardianship subsidy to such relative caregiver if the sibling has been
31 in foster care for not less than six months but not more than eighteen
32 months. For purposes of this subsection, "child's sibling" includes a
33 stepbrother, stepsister, a half-brother or a half-sister.

34 [(c)] (d) The [subsidized guardianship program] commissioner shall
35 provide the following subsidies [for the benefit of any child in the care
36 of a relative caregiver who has been appointed the guardian or
37 coguardian of the child by any court of competent jurisdiction] under
38 the subsidized guardianship program in accordance with this section
39 and the regulations adopted pursuant to subsection (e) of this section:
40 (1) A special-need subsidy, which shall be a lump sum payment for
41 one-time expenses resulting from the assumption of care of the child
42 when no other resource is available to pay for such expense; and (2) a
43 medical subsidy comparable to the medical subsidy to children in the
44 subsidized adoption program if the child lacks private health
45 insurance. The subsidized guardianship program shall also provide a
46 monthly subsidy on behalf of the child payable to the relative caregiver

47 that shall be equal to the prevailing foster care rate. The commissioner
48 may establish an asset test for eligibility under the program.

49 [(d)] (e) The commissioner shall adopt regulations in accordance
50 with 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] not later than fifteen days
55 after the date of the request for a subsidy, provided that no such report
56 shall be required to be filed if a report has previously been provided to
57 the court or if the caregiver has been determined to be a certified
58 relative caregiver by the commissioner. The regulations shall also
59 establish a procedure comparable to that for the subsidized adoption
60 program to determine the types and amounts of subsidy to be granted
61 by the commissioner as provided in subsection (c) of this section, for
62 annual review of the subsidy as provided in subsection (e) of this
63 section and for appeal from decisions by the commissioner denying,
64 modifying or terminating such subsidies.

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

78 [(g)] (h) 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. Section 17a-98a of the general statutes is repealed and the
96 following is substituted in lieu thereof (*Effective October 1, 2007*):

97 (a) The Department of Children and Families, in consultation with
98 the Departments of Social Services, Mental Health and Addiction
99 Services and Mental Retardation, shall establish, within available
100 appropriations, a kinship navigator program. Such program shall
101 ensure that: (1) When the Department of Children and Families
102 determines that it is in the best interest of the child to be placed with a
103 relative for foster care, the department informs the relative regarding
104 procedures to become licensed as a foster parent, and (2) grandparents
105 and other relatives caring for a minor child [related to such persons]
106 are provided with information on the array of state services and
107 benefits for which they may be eligible, including the subsidy program
108 established pursuant to section 17a-126, as amended by this act. The
109 Commissioner of Children and Families shall, within available
110 appropriations, ensure that information on the array of services
111 available under the kinship navigator program is accessible through
112 the 2-1-1 Infoline program.

113 (b) Not later than January 1, 2008, and annually thereafter, the
 114 Commissioner of Children and Families shall report, in accordance
 115 with section 11-4a, on the implementation of the kinship navigator
 116 program to the joint standing committee of the General Assembly
 117 having cognizance of matters relating to human services.

118 Sec. 3. Subsection (o) of section 46b-129 of the general statutes is
 119 repealed and the following is substituted in lieu thereof (*Effective*
 120 *October 1, 2007*):

121 (o) A foster parent, prospective adoptive parent or relative caregiver
 122 shall receive notice and have the right to be heard for the purposes of
 123 this section in Superior Court [on a motion for review of a permanency
 124 plan and in matters concerning the placement or revocation of
 125 commitment of] in any proceeding concerning a foster child living
 126 with such [parent. A foster parent shall receive notice of any motion
 127 for review of a permanency plan or a motion to revoke commitment or
 128 any hearing on such motion] foster parent, prospective adoptive
 129 parent or relative caregiver. A foster parent, prospective adoptive
 130 parent or relative caregiver who has cared for a child or youth [for not
 131 less than six months] shall have the right to be heard and comment on
 132 the best interests of such child or youth in any [matter] proceeding
 133 under this section which is brought not more than one year after the
 134 last day the foster parent, prospective adoptive parent or relative
 135 caregiver provided such care.

| | | |
|---|------------------------|------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2007</i> | 17a-126 |
| Sec. 2 | <i>October 1, 2007</i> | 17a-98a |
| Sec. 3 | <i>October 1, 2007</i> | 46b-129(o) |

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 08 \$ | FY 09 \$ |
|----------------------------|----------------------|----------------------|----------------------|
| Children & Families, Dept. | GF - Cost | Potential Minimal | Potential Minimal |
| Children & Families, Dept. | GF - Revenue Loss | Potential Minimal | Potential Minimal |
| Social Services, Dept. | GF - Savings | Potential Minimal | Potential Minimal |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes several modifications to the subsidized guardianship program administered by the Department of Children and Families (DCF). There are presently approximately 1,640 children receiving subsidized guardianship payments.

Under current law, the commissioner has the discretion to operate a subsidized guardianship program under which a child who has spent at least six months in foster care may be transitioned to guardianship status. Under the bill, the commissioner is instead required to operate such a program; however it continues to be restricted to operating within available appropriations. It should be noted that the agency does currently allow children who have been in foster care for at least six months to be transitioned to guardianship settings when it is deemed to be in their best interest.

The bill further expands eligibility for the subsidized guardianship program to a sibling (including a step-sibling or half-sibling) of a related child who is in a subsidized guardianship placement when the sibling (a) has been in foster care for not less than eighteen months, or

(b) when the sibling has been in foster care for not less than six months or more than eighteen months, subject to available appropriations. It is anticipated that a small, but indeterminate, number of additional children would be deemed eligible for the subsidized guardianship program.

In those situations in which the sibling's foster care experience does not immediately precede the transition to the relative caregiver's home, the DCF will experience average costs of approximately \$815 per month (\$9,780 per year). In some of these cases, the Department of Social Services may have been providing a TNF payment, and would experience savings of \$330 per month (\$3,960 a year) when the child enters subsidized guardianship.

However, the vast majority of children are transitioned into the subsidized guardianship program directly from foster homes. Since foster care payments are equivalent to subsidized guardianship payments, no additional costs would be incurred when the foster care period immediately precedes transition to guardianship. The state will incur a revenue loss, however, to the extent that additional Title IV-E eligible children are transitioned from foster care, as the federal government does not reimburse guardianship payments.

No fiscal impact is anticipated in response to passage of Section 2, which extends the kinship navigator program to grandparents and other relatives caring for unrelated children.

The bill also makes changes concerning the rights of certain prospective adoptive parents, relative caregivers and foster parents to be heard in proceedings involving a foster child. These changes conform with current practice and will result in no fiscal impact to either the Department of Children and Families or the Judicial Department.

House "A" adds provisions regarding rights of certain parties to be heard in proceedings involving a foster child, which results in no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 7037 (as amended by House "A")******AN ACT EXPANDING THE SUBSIDIZED GUARDIANSHIP PROGRAM TO SIBLINGS OF CHILDREN LIVING WITH RELATIVE CAREGIVERS.*****SUMMARY:**

This bill makes more guardians eligible for cash and medical assistance through the Department of Children and Families (DCF's) Subsidized Guardianship Program. The program is currently restricted to relatives taking care of foster children whose parents are either dead or unlikely to be able to care for them within the foreseeable future. Under the bill, caregivers qualify for additional subsidies when they assume guardianship of the child's half- or step-siblings to whom they are not related.

Under current law, DCF's Kinship Navigator program must provide relative caregivers with information about state services and benefits for which they may be eligible. The bill specifies that the information relates to services and benefits for households with children under age 18.

The bill also gives foster parents, prospective adoptive parents, and relative caregivers the right to be heard at all proceedings concerning an abused or neglected child they are caring for or who was under their care in the last year. Current law gives only some foster parents the right to be heard in some types of proceedings.

*House Amendment "A" adds the notice and hearing provisions.

EFFECTIVE DATE: October 1, 2007

SUBSIDIZED GUARDIANSHIP

The subsidized guardianship program currently subsidizes DCF-approved relatives who have (1) foster care licenses, (2) been taking care of the child for at least six months, and (3) a probate court order naming them the child's guardian. The subsidy includes a (1) one-time payment of up to \$500 for expenses associated with taking the child in, unless the costs can be paid from another source; (2) HUSKY A medical insurance, unless the child has private coverage; and (3) a monthly cash payment that equals the prevailing foster care rate.

The bill provides the same subsidy for each step- and half-sibling over whom they assume guardianship. By law, subsidies generally end on the child's 18th birthday, but continue through age 20 when he or she is enrolled full-time in college, technical school, or a state-accredited job training program.

The law currently requires DCF to provide the subsidy after the child has been living in an approved household for at least 18 months, but permits subsidies, within appropriations, after six months. The bill requires that approved caregivers become eligible for subsidies after six months, but retains the limitation that subsidies for care given between six and 18 months be made within the department's available appropriations.

PARTICIPATING IN ABUSE AND NEGLECT HEARINGS

Current law requires courts to notify a child's foster parents when it schedules a hearing concerning DCF's permanency plan or revoking its commitment. They must be permitted to be heard. Courts must also permit former foster parents to be heard on these matters and on requests to change the child's placement if they cared for the child in the last year, so long as the child lived with them for at least six months.

The bill extends the notice and hearing requirements to prospective adoptive parents and relative caregivers. It modifies the restriction on recent foster parents, eliminating the requirement that the child have

lived with them for at least six months. It permits recent prospective adoptive parents and relative caregivers to be heard in the same manner.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Change of Reference

Yea 10 Nay 0 (03/06/2007)

Human Services Committee

Joint Favorable Substitute Change of Reference

Yea 17 Nay 0 (03/20/2007)

Appropriations Committee

Joint Favorable Substitute

Yea 48 Nay 0 (04/19/2007)