



General Assembly

Substitute Bill No. 1069

January Session, 2007

* SB01069KIDHS_030607 *

AN ACT CONCERNING EXPANSION OF THE DEPARTMENT OF CHILDREN AND FAMILIES' SUBSIDIZED GUARDIANSHIP PROGRAM.

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 Section 17a-126 of the general statutes is repealed and the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, 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 program for the benefit of
11 [children] any child in the care or custody of the commissioner who
12 [are] is living with a relative [caregivers] caregiver and who [have] has
13 been in foster care or certified relative care for not less than eighteen
14 months. The commissioner, within available appropriations, [may]
15 shall also establish a [program of] subsidized guardianship program
16 (1) for the benefit of [children] any child in the care or custody of the
17 commissioner who [are] is living with a relative [caregivers] caregiver
18 and who [have] has been in foster care or certified relative care for not

19 less than six but not more than eighteen months, and (2) for the benefit
20 of any child who is living with a relative caregiver who has been
21 appointed guardian or co-guardian of the child by any court of
22 competent jurisdiction because the parent of the child has died or is
23 terminally ill and the child would have been at risk of foster care
24 placement but for the guardianship and the household income of the
25 relative caregiver is less than three hundred per cent of the federal
26 poverty level. The commissioner may establish an asset test for
27 eligibility under the program that shall apply only to the child's assets.

28 (c) A relative caregiver may request a guardianship subsidy from
29 the commissioner, on such form as the commissioner prescribes, in
30 accordance with this section. If adoption of the child by the relative
31 caregiver is an option, the commissioner shall counsel the caregiver
32 about the advantages and disadvantages of adoption and subsidized
33 guardianship so that the decision by the relative caregiver to request a
34 subsidized guardianship may be a fully informed one.

35 [(c)] (d) The subsidized guardianship program shall provide the
36 following subsidies for the benefit of any child [in the care of a relative
37 caregiver who has been appointed the guardian or coguardian of the
38 child by any court of competent jurisdiction] described in subsection
39 (b) of this section: (1) A special-need subsidy, which shall be a lump
40 sum payment for one-time expenses resulting from the assumption of
41 care of the child when no other resource is available to pay for such
42 expense; [and] (2) a medical subsidy comparable to the medical
43 subsidy to children in the subsidized adoption program if the child
44 lacks private health insurance; [. The subsidized guardianship
45 program shall also provide] and (3) a monthly subsidy [on behalf of
46 the child] payable to the relative caregiver that [shall be] is equal to the
47 prevailing foster care rate. [The commissioner may establish an asset
48 test for eligibility under the program.]

49 [(d)] (e) The commissioner shall adopt regulations in accordance
50 with chapter 54 [implementing] to implement the subsidized
51 guardianship program established under this section. Such regulations

52 shall require, as a prerequisite to payment of a guardianship subsidy
53 for the benefit of a minor child, that a home study report be filed with
54 the court having jurisdiction of the case of the minor within fifteen
55 days of the request for a subsidy, provided that no such report shall be
56 required to be filed if a report has previously been provided to the
57 court or if the caregiver has been determined to be a certified relative
58 caregiver by the commissioner. The regulations shall also establish a
59 procedure comparable to that for the subsidized adoption program to
60 determine the [types and] amounts for each type of subsidy to be
61 granted by the commissioner as provided in subsection [(c)] (d) of this
62 section, for annual review of the subsidy as provided in subsection
63 [(e)] (f) of this section and for appeal from decisions by the
64 commissioner denying, 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)] (d) of this section; and (3) ensures necessary transfers of funds
92 between agencies and interagency coordination in program
93 implementation. The Commissioner of Children and Families shall
94 seek all federal waivers as are necessary and appropriate to implement
95 [this] the plan.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	17a-126

KID

Joint Favorable Subst. C/R

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