



**Substitute House Bill No. 7037**

**Public Act No. 07-174**

**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:

Section 1. Section 17a-126 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

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

(b) The Commissioner of Children and Families shall establish a program of subsidized guardianship for the benefit of children in the care or custody of the commissioner who are living with relative caregivers and who have been in foster care or certified relative care for not less than eighteen months. The commissioner, within available appropriations, [may] shall establish a program of subsidized guardianship for the benefit of children in the care or custody of the

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commissioner who are living with relative caregivers and who have been in foster care or certified relative care for not less than six but not more than eighteen months. A relative caregiver may request a guardianship subsidy from the commissioner. If adoption of the child by the relative caregiver is an option, the commissioner shall counsel the caregiver about the advantages and disadvantages of adoption and subsidized guardianship so that the decision by the relative caregiver to request a subsidized guardianship may be a fully informed one.

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

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

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

[(d)] (e) The commissioner shall adopt regulations in accordance with chapter 54 implementing the subsidized guardianship program established under this section. Such regulations shall require, as a prerequisite to payment of a guardianship subsidy for the benefit of a minor child, that a home study report be filed with the court having jurisdiction of the case of the minor [within] not later than fifteen days after the date of the request for a subsidy, provided that no such report shall be required to be filed if a report has previously been provided to the court or if the caregiver has been determined to be a certified relative caregiver by the commissioner. The regulations shall also establish a procedure comparable to that for the subsidized adoption program to determine the types and amounts of subsidy to be granted by the commissioner as provided in subsection (c) of this section, for annual review of the subsidy as provided in subsection (e) of this section and for appeal from decisions by the commissioner denying, modifying or terminating such subsidies.

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

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

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[(g)] (h) Payments for guardianship subsidies shall be made from moneys available from any source to the commissioner for child welfare purposes. The commissioner shall develop and implement a plan that: (1) Maximizes use of the subsidized guardianship program to decrease the number of children in the legal custody of the Commissioner of Children and Families and to reduce the number of children who would otherwise be placed into foster care when there is a family member willing to provide care; (2) maximizes federal reimbursement for the costs of the subsidized guardianship program, provided whatever federal maximization method is employed shall not result in the relative caregiver of a child being subject to work requirements as a condition of receipt of benefits for the child or the benefits restricted in time or scope other than as specified in subsection (c) of this section; and (3) ensures necessary transfers of funds between agencies and interagency coordination in program implementation. The Commissioner of Children and Families shall seek all federal waivers as are necessary and appropriate to implement this plan.

Sec. 2. Section 17a-98a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

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

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Commissioner of Children and Families shall, within available appropriations, ensure that information on the array of services available under the kinship navigator program is accessible through the 2-1-1 Infoline program.

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

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

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

Approved July 5, 2007