



OLR RESEARCH REPORT

December 5, 2011

2011-R-0371

FEDERAL MONEY FOR CONNECTICUT'S SUBSIDIZED GUARDIANSHIP PROGRAM

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You asked if the state is taking full advantage of funding available under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, specifically as the act permits states to use federal funds in their subsidized guardianship programs.

SUMMARY

The state has just recently received federal approval to use Title IV-E (foster care and adoption services) money for its relative guardianship program. While it has run this program since 1997, it could not use IV-E funds until the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 authorized it. The legislature amended its guardianship law to comport with the 2008 act.

The 2008 act also requires states to notify adult relatives when children are removed from their homes due to suspected abuse or neglect; Connecticut law satisfies this requirement as well.

FEDERAL ACT AND CONNECTICUT'S SUBSIDIZED GUARDIANSHIP PROGRAM

According to Josh Howroyd, legislative liaison for the Department of Children and Families (DCF), with the exception of a few states that had obtained federal waivers (Connecticut applied for one but the request was

not granted), Title IV-E money could not be used to fund states' relative guardianship programs until 2008, when P. L. 110-351 authorized it. Before this change in federal law, Connecticut's program, which the legislature established in 1997, was entirely state-funded. Under the 2008 federal act, states can now use IV-E funds in subsidized guardianship programs that comply with federal requirements.

Federal Act

The 2008 federal act authorizes kinship guardianship assistance payments for children living with relative guardians, essentially giving states the option of using Title IV-E money for relative care that traditionally was used for non-relative foster care.

Specifically, the law gave states the option to enter into kinship guardianship assistance agreements that pay grandparents and other relatives who have assumed legal guardianship of a child for whom they (1) have cared as licensed foster parents and (2) commit to care for permanently. These relatives are subject to criminal background checks and other DCF requirements.

Children on behalf of whom these payments are made must (1) be eligible for federal foster care maintenance payments while living with the relative, (2) have lived with the relative for at least six consecutive months, (3) be unlikely to return home or be adopted before they age out of the foster care system, and (4) demonstrate a strong attachment to the relative.

The act requires that children who are at least age 14 be consulted about the proposed kinship arrangement.

The guardianship payments cannot exceed the foster care maintenance payments that would have been paid had the child been placed with a foster family. Children in these kinship arrangements automatically qualify for Medicaid (Section 101 of P. L. 110-351, codified in 42 USC § 671(a)(28)).

Connecticut's Subsidized Guardianship Program

The legislature established the state's subsidized guardianship program in 1997 (CGS § [17a-126](#)). DCF's Howroyd reports that the federal government recently approved the state's subsidized guardianship plan. The state expects to be able to go back two years to seek reimbursement for state guardianship payments in cases that met the federal eligibility criteria.

RELATED PROVISION

Notifying Relatives When Child is Removed From the Home

The 2008 federal act also requires state child welfare agencies to exercise due diligence to identify and provide notice to grandparents and other adult relatives, including those the parents suggest, within 30 days after a child is removed from his or her home because of suspected abuse or neglect. This allows relatives to become licensed foster parents and care for the child, possibly preventing them from being placed in non-relative foster care.

The commissioner has 30 days to provide the relatives with notice that:

1. the child has been or is being removed from his or her parent's or guardian's custody;
2. explains the option that the relative has under the law to participate in the child's care and placement;
3. describes the requirements (A) to obtain a foster care license and (B) for additional services and supports available to children placed with them; and
4. describes the subsidized guardianship program, including program eligibility, the process for applying and the financial assistance it offers.

The legislature adopted these in 2009 (P.L. 110-351, § 103, codified in 42 USC § 671(a)(29); PA 09-185, codified in CGS § [17a-101m](#)).

OTHER RESOURCES

Grandparents Raising Grandchildren, OLR Report [2008-R-0048](#)

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