

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.

West Group
Publisher

To require the Mayor to establish a pilot program through which a grandparent may be eligible to receive subsidy payments for the care and custody of a child, to establish eligibility requirements for the subsidy, to provide that there is no entitlement to a subsidy and the payment of any subsidies is subject to the availability of appropriations, to authorize the Mayor to issue rules to implement the provisions of the act, and to require the Mayor to issue a report to the Council evaluating the program; and to amend the District of Columbia Public Assistance Act of 1982 to provide that a subsidy received by a grandparent under the program established by this act shall be disregarded in determining financial eligibility for Temporary Assistance for Needy Families.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Grandparent Caregivers Pilot Program Establishment Act of 2005”.

TITLE I

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) “Criminal background check” means the investigation of an individual’s criminal history through the record systems of the Federal Bureau of Investigation and the Metropolitan Police Department.

(2) “Grandparent” means a grandparent, great-grandparent, great-aunt, and great-uncle of a child.

(3) “Mayor” means the Mayor or a designee of the Mayor.

(4) “Temporary Assistance for Needy Families” or “TANF” means the Temporary Assistance for Needy Families program established by section 201 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-202.01).

Sec. 102. Establishment of pilot program to provide subsidies for grandparent caregivers.

(a) No later than March 1, 2006, the Mayor shall establish a pilot program through which eligible grandparents may receive subsidy payments for the care and custody of a child residing in their home.

(b) The pilot program shall continue through September 30, 2009.

Sec. 103. Eligibility.

(a) A grandparent may be eligible to receive subsidy payments under this section if:

(1) The grandparent has an order granting him or her legal custody or standby guardianship pursuant to D.C. Official Code § 16-4806 of the child;

(2) The child has resided in the grandparent's home for at least the previous 6 months;

(3) The child's parent has not resided in the grandparent's home for at least the previous 6 months; provided, that a parent who has designated the grandparent to be the child's standby guardian pursuant to Chapter 48 of Title 16 may reside in the home without disqualifying the grandparent from receiving a subsidy;

(4) The grandparent, and all adults residing in the grandparent's home, has submitted to a criminal background check;

(5) The grandparent's household income is under 200 percent of the federally-defined poverty level;

(6) The grandparent is a resident of the District as defined by section 503 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.03);

(7) The grandparent has applied for Temporary Assistance for Needy Families benefits for the child;

(8) The grandparent has entered into a subsidy agreement that includes a provision that no payments received under the agreement shall inure to the benefit of the child's parent but shall be solely for the benefit of the child;

(9) The grandparent has provided a signed statement, sworn under penalty of perjury, that the information provided to establish eligibility pursuant to this section, or any rules promulgated pursuant to section 106, is true and accurate to the best belief of the grandparent applicant; and

(10) The grandparent has met any additional requirements prescribed by the Mayor pursuant to rules issued under section 106.

(b)(1) The Mayor shall recertify the eligibility of each grandparent receiving a subsidy on at least an annual basis.

(2) For the purposes of the recertification, a grandparent may be required to provide a signed statement, sworn under penalty of perjury, that the information provided to establish continued eligibility pursuant to this section, or any rules promulgated pursuant to

section 106, remains true and accurate to the best belief of the grandparent.

(c)(1) The Mayor shall terminate subsidy payments to a grandparent at any time if:

(A) The Mayor determines the grandparent no longer meets the eligibility requirements established by this section, or by rules issued under section 106; or

(B) There is a substantiated finding of child abuse or neglect against the grandparent caregiver resulting in the removal of the child from the grandparent's home.

(2) A grandparent whose subsidy payments are terminated as a result of the removal of the child from the grandparent's home may reapply if the child has been returned to the grandparent's home.

(d) Eligibility for subsidy payments under this section may continue until the child reaches 18 years of age.

(e) An applicant whose application for a subsidy has been denied or whose subsidy has been terminated shall be entitled to a hearing under the applicable provisions of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*); provided, that a grandparent shall not be entitled to a hearing if the denial or termination of a subsidy is based upon the unavailability of appropriated funds.

Sec. 104. Subsidies.

(a) All subsidies established under this act shall be subject to the availability of appropriations. Nothing in this act shall be construed as creating an entitlement to a subsidy for any person.

(b) Pursuant to section 106, the Mayor shall establish by rule the amount of a subsidy a grandparent is eligible to receive under this act; provided, that the subsidy shall be no less than the regular daily rate of the subsidy for a long-term permanent guardianship established under section 29-6103.3 of the District of Columbia Municipal Regulations.

(c) The amount of a subsidy a grandparent is eligible to receive under this act shall be offset by any amount a grandparent receives from TANF for the child.

Sec. 105. Reports.

No later than January 1 of each year, beginning in 2007, the Mayor shall issue a report to the Council on the subsidy program established by this act. At a minimum, the report shall include:

- (1) The number of applications filed for the subsidy;
- (2) The number of subsidies awarded;
- (3) The number of families receiving both the subsidy and TANF;
- (4) The number of applications denied for failure to meet eligibility criteria;
- (5) The number of applications denied for lack of appropriated funding;
- (6) An estimate of the number of grandparent caregivers whose income is less than 200 percent of the federally-defined poverty level but who have not applied for the subsidy;
- (7) The number of subsidies terminated by the Mayor pursuant to section 103(c)

or voluntarily by the grandparent caregiver;

(8) The number of substantiated cases of fraud and a comparison of this figure to the proportion of cases of fraud involving other benefit programs, including TANF, Food Stamps, and Medicaid;

(9) The number of children removed from households receiving a subsidy under the program established by this act due to a substantiated allegation of child abuse or neglect; and

(10) Any legislative, policy, or administrative recommendations of the Family Court of the Superior Court of the District of Columbia or of agencies designated by the Mayor to execute the provisions of this act that are intended to enhance the effectiveness of the program.

Sec. 106. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 30-day review period, the proposed rules shall be deemed approved.

Sec. 107. Construction.

(a) Nothing in this act shall be construed as relieving the parent of a child from any child support order regarding the child for whom a grandparent is receiving a subsidy under this act.

(b) Nothing in this act shall be construed to create a new cause of action or to limit the rights or remedies available to parents in custody or guardianship actions.

Title II

Sec. 201. Section 511(a) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.11(a)), is amended as follows:

(a) Paragraph (6)(D) is amended by striking the word “and” at the end.

(b) Paragraph (8) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(c) A new paragraph (9) is added to read as follows:

“(9) Disregard any subsidy received under the program established by Title I of the Grandparent Caregivers Pilot Program Establishment Act of 2005, passed on 2nd reading on December 6, 2005 (Enrolled version of Bill 16-180).”.

Title III

Sec. 301. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 302. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia