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OFFICE OF THE
CITY CLERK

VINCENT C. GRAY
MAYOR

November 14, 2014

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W., Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed please find the "*Grandparent Caregivers Program Subsidy Transfer Emergency Amendment Act of 2014*" and accompanying declaration and temporary legislation. This legislation, if enacted on an emergency basis, would allow the District to provide grandparent caregiver subsidies to a grandparent who is assuming the care of a grandchild who is at risk of being removed from the care of his or her parents because of abuse or neglect.

The current eligibility requirements for the subsidy program provide that a grandparent must have been the child's primary caretaker and physical custodian for the previous six months. These requirements prevent the program from immediately assisting a grandparent who is willing but financially unable to care for a grandchild who has come to the attention of CFSA and is likely to be removed. The legislation by permitting a waiver of these eligibility requirements when there is a risk of removal will help ensure that children are cared for by relatives and provide an alternative to foster care.

I urge Council to enact the *Grandparent Caregivers Program Subsidy Transfer Emergency Amendment Act of 2014*. Thank you for your consideration.

Sincerely,


Vincent C. Gray

Enclosure

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Chairman Mendelson
at the Request of the Mayor

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Mendelson at the request of the Mayor introduced the following bill, which was referred to the Committee on _____.

To amend on a temporary basis the Grandparent Caregivers Pilot Program Establishment Act of 2005 to allow a subsidy to be transferred to a relative caregiver when a grandparent who is a child's primary caregiver is no longer able to care for the child.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Grandparent Caregivers Program Subsidy Transfer Temporary Amendment Act of 2014."

Sec. 2. The Grandparent Caregivers Pilot Program Establishment Act of 2005, effective March 8, 2006 (D.C. Law 16-69; D.C. Official Code § 4-251.01 *et seq.*), is amended as follows:

(a) Section 101 is amended by adding a new paragraph (5) to read as follows:

"(5) "Relative" means an individual who is related to the child by blood, marriage, domestic partnership, adoption or is a godparent of the child."

(b) A new section 103a is added to read as follows:

"Sec. 103a. Transfer of Subsidy.

(a) The Mayor may transfer subsidy payments to a relative caregiver upon the death or mental or physical incapacity of a grandparent if:

1 (1) The relative caregiver files an application for a subsidy within thirty (30)
2 days of becoming the child's primary caregiver.

3 (2) The relative caregiver has a strong commitment to caring for the child.

4 (3) The child's parent does not reside in the relative caregiver's home;
5 provided that a parent may reside in the home without disqualifying the relative caregiver from
6 receiving a subsidy if:

7 (A) The parent has designated the relative caregiver to be the child's
8 standby guardian pursuant to Chapter 48 of Title 16;

9 (B) The parent is a minor enrolled in school; or

10 (C) The parent is a minor with a medically verifiable disability under
11 criteria prescribed by the Mayor pursuant to § 4-251.06.

12 (4) The relative caregiver and all adults residing in the relative caregiver's
13 home have submitted to criminal background checks;

14 (5) The relative caregiver is a resident of the District as defined by § 4-
15 205.03;

16 (6) The relative caregiver has applied for Temporary Assistance for Needy
17 Families benefits for the child;

18 (7) The relative caregiver has entered into a subsidy agreement that includes a
19 provision that no payments received under the agreement shall inure to the benefit of the child's
20 parent but shall be solely for the benefit of the child;

21 (8) The relative caregiver is not currently receiving a guardianship or adoption
22 subsidy for the child;

23 (9) The relative caregiver has provided a signed statement, sworn under
24 penalty of perjury, that the information provided to establish eligibility pursuant to this section or

1 rules promulgated pursuant to § 4-251.06 is true and accurate to the best belief of the relative
2 caregiver applicant; and

3 (10) The relative caregiver has met any additional requirements of rules
4 promulgated pursuant to § 4-251.06.

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

7 (2) For the purposes of the recertification, a relative caregiver may be required to
8 provide a signed statement, sworn under penalty of perjury, that the information provided to
9 establish continued eligibility pursuant to this section or any rules promulgated pursuant to § 4-
10 251.06 remains true and accurate to the best belief of the relative caregiver.

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

12 (A) The Mayor determines the relative caregiver no longer meets the
13 eligibility requirements established by this section or by rules issued under § 4-251.06; or

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

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

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

21 (e) The determination of whether to transfer a subsidy is solely within the discretion of
22 the Mayor.

23 (f) An applicant whose application for a subsidy transfer has been denied shall not be
24 entitled to a hearing under Chapter 5 of Title 2;

1 (g) An applicant whose subsidy has been terminated shall be entitled to a fair hearing
2 under the applicable provisions of Chapter 5 of Title 2; provided that an applicant shall not be
3 entitled to a hearing if the termination of a subsidy is based upon the unavailability of
4 appropriated funds.

5 (h) Any statement under this section made with knowledge that the information set forth
6 therein is false shall be subject to prosecution as a false statement under § 22-2405(a).”.

7 (c) Section 104(b) is amended as follows:

8 (1) Subsection (b) is amended by striking the phrase “the amount of a subsidy a
9 grandparent” and inserting the phrase “the amount of a subsidy a grandparent or a
10 relative caregiver” in its place.

11 (2) Subsection (c) is amended by striking the phrase “the amount of a subsidy a
12 grandparent” and inserting the phrase “the amount of a subsidy a grandparent or a
13 relative caregiver” in its place.

14 (d) Section 105 is amended by adding a new paragraph (11) to read as follows:

15 (11) The number of subsidies transferred to a relative caregiver pursuant to § 4-251.03a.”.

16 Sec. 6 Fiscal Impact Statement.

17 The Council adopts the fiscal impact statement in the committee report as the fiscal
18 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
19 approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

20 Sec. 5. Effective date.

21 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
22 the Mayor, action by the Council to override the veto), a 30-day period of Congressional review
23 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

1 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
2 Columbia Register.

3 (b) This act shall expire after 225 days of its having taken effect.

Government of the District of Columbia
Office of the Chief Financial Officer



Jeff DeWitt
Chief Financial Officer

MEMORANDUM

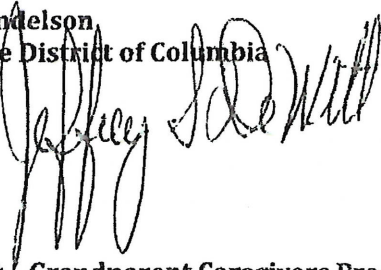
TO: The Honorable Phil Mendelson,
Chairman, Council of the District of Columbia

FROM: Jeff DeWitt
Chief Financial Officer

DATE: June 3, 2014

SUBJECT: Fiscal Impact Statement - Grandparent Caregivers Program Subsidy
Transfer Amendment Act of 2014

REFERENCE: Draft bill as shared with the Office of Revenue Analysis on May 6, 2014



Conclusion

Funds are sufficient in the proposed FY 2014 supplemental budget and the proposed FY 2015 through FY 2018 budget and financial plan to implement the bill.

Background

The bill amends the Grandparent Caregivers Pilot Program Establishment Act of 2005¹ to allow the Child of Family Services Agency (CFSA) to transfer the subsidy it provides to a grandparent to care for a child when a grandparent is no longer able to care for the child.

Financial Plan Impact

Funds are sufficient in the proposed FY 2014 supplemental budget and the proposed FY 2015 through FY 2018 budget and financial plan to implement the bill. Allowing CFSA to transfer the grandparent subsidy to another relative will not have a negative impact on the District's budget and financial plan.

¹ Effective March 8, 2006 (D.C. Law 16-69; D.C. Official Code §4-251.01 *et seq.*)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Legal Counsel Division

MEMORANDUM

TO: Rashmi Jain
Deputy General Counsel
Children and Family Services Agency

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: May 15, 2014

SUBJECT: Legal Sufficiency Review of Draft Bill, the "Grandparent Caregivers
Program Subsidy Transfer Amendment Act of 2014"
(AE-14-271)

This is to Certify that this Office has reviewed the above-referenced Draft Bill and found it to be legally unobjectionable. If you have any questions in this regard, please do not hesitate to call me at 724-5524.


Janet M. Robins