

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend on an emergency basis, the Grandparent Caregivers Pilot Program Establishment Act of 2005, to allow the Grandparent Caregivers Program subsidy to be transferred to a relative caregiver when a grandparent 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 Emergency 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) The relative caregiver files an application for a subsidy within thirty (30) days of becoming the child’s primary caregiver.

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

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

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

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

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

9 “(4) The relative caregiver and all adults residing in the relative caregiver’s home
10 have submitted to criminal background checks;

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

12 “(6) The relative caregiver has applied for Temporary Assistance for Needy
13 Families benefits for the child;

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

17 “(8) The relative caregiver is not currently receiving a guardianship or adoption
18 subsidy for the child;

19 “(9) The relative caregiver has provided a signed statement, sworn under penalty
20 of perjury, that the information provided to establish eligibility pursuant to this section or rules
21 promulgated pursuant to § 4-251.06 is true and accurate to the best belief of the relative
22 caregiver applicant; and

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

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

3 “(2) For the purposes of the recertification, a relative caregiver may be required to
4 provide a signed statement, sworn under penalty of perjury, that the information provided to
5 establish continued eligibility pursuant to this section or any rules promulgated pursuant to § 4-
6 251.06 remains true and accurate to the best belief of the relative caregiver.

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

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

10 “(B) There is a substantiated finding of child abuse or neglect against the
11 relative caregiver resulting in the removal of the child from the relative caregiver’s home.

12 “(2) A relative caregiver whose subsidy payments are terminated as a result of the
13 removal of the child from the relative caregiver’s home may reapply if the child has been
14 returned to the relative caregiver’s home.

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

17 “(e) The determination of whether to transfer a subsidy is solely within the discretion of
18 the Mayor.

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

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

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

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

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

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

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

11 “(11) The number of subsidies transferred to a relative caregiver pursuant to § 4-
12 251.03a.”.

13 Sec. 6 Fiscal Impact Statement.

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

17 Sec. 5. Effective date.

18 This act shall take effect following approval by the Mayor (or in the event of a veto by
19 the Mayor, action by the Council to override the veto), and shall remain in effect for no longer
20 than 90 days, as provided for emergency acts of the Council of the District of Columbia in
21 section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87
22 Stat. 788; D.C. Official Code § 1-204.12(a)).