_____

Councilmember Brianne K. Nadeau

A BILL

_____

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

_____

To require, on a temporary basis, the Mayor to establish a pilot program through which a close
relative of a child 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 subsidy is subject to the availability or
appropriations, to authorize the Mayor to issue rules to implement provisions of the act,
to require the Mayor to issue a report to Council evaluating the program; and to amend
the District of Columbia Public Assistance Act of 1982 to make a conforming
amendment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

act may be cited as the "Close Relative Caregiver Subsidy Pilot Program Establishment

Temporary Amendment Act of 2019."

TITLE I. CLOSE RELATIVE CAREGIVER PILOT PROGRAM.

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "Agency" means the Child and Family Services Agency established by section 301(a)

of the Prevention of Child Abuse and Neglect Act of 1977, effective April 4, 2001 (D.C. Law

13-277; D.C. Official Code § 4-1303.01a).

(2) "Close relative" means an adult who is a brother, sister, aunt, uncle, nephew, niece, or

cousin of the child and related to the child by blood, marriage, domestic partnership, or adoption.

32   (3) "Criminal background check" means the investigation of an individual's criminal

33   history through the record systems of the Federal Bureau of Investigation and the Metropolitan

34   Police Department.

35   (4) "Mayor" means the Mayor or a designee of the Mayor.

36   (5) "Temporary Assistance for Needy Families" or "TANF" means the Temporary

37   Assistance for Needy Families program established by section 201 of the District of Columbia

38   Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C.

39   Official Code § 4-202.01).

40   Sec. 102. Establishment of a pilot program to provide subsidies for close relative

41   caregivers.

42   (a) By December 31, 2019, the Mayor shall establish a pilot program through which

43   eligible close relative caregivers may receive subsidy payment for the care and custody of a child

44   residing in their home.

45   (b) The pilot program shall continue through September 30, 2023.

46   Sec. 103. Eligibility.

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

48   (1) The close relative has been the child's primary caregiver for at least the

49   previous 6 months;

50   (2) The child has resided in the close relative's home for at least the previous 6

51   months;

52   (3) The child's parent has not resided in the close relative's home for at least the

53   previous 6 months; provided, that a parent may reside in the home without disqualifying the

54   close relative from receiving a subsidy if:

55   (A) The parent has designated the close relative to be the child's standby

56 guardian pursuant to D.C. Official Code § 16-4806;

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

58   (C) The parent is a minor with a medically verifiable disability under

59 criteria that shall be prescribed by the Mayor pursuant to section106.

60   (4) The close relative, and all adults residing in the close relative's home, has

61 submitted to a criminal background check;

62   (5) The close relative's household income is under 200 percent of the federally-

63 defined poverty level;

64   (6) The close relative is a resident of the District as defined by section 503 of the

65 District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101;

66 D.C. Official Code § 4-205.03);

67   (7) The close relative has applied for Temporary Assistance for Needy Families

68 benefits for the child;

69   (8) The close relative has entered into a subsidy agreement that includes a

70 provision that no payments received under the agreement shall inure to the benefit of the child's

71 parent but shall be solely for the benefit of the child;

72   (9) The close relative is not currently receiving a guardianship or adoption

73   subsidy for the child;

74   (10) The close relative has provided a signed statement, sworn under penalty of

75 perjury, that the information provided to establish eligibility pursuant to this section, or any rules

76 promulgated pursuant to section 106, is true and accurate to the best belief of the close relative

77 applicant; and

78   (11) The close relative has met any additional requirements prescribed by the

79   Mayor pursuant to rules issued under section 106.

80   (b) The Mayor may waive the eligibility requirements established in subsection (a)(1) and

81   (2) of this section if:

82   (1) The Agency determines that the child is at risk of removal from the parent,

83   guardian, or custodian pursuant to section 107 of the Prevention of Child Abuse and Neglect Act

84   of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.07);

85   (2) The parent, guardian, or custodian permits the close relative to be the child's

86   primary caregiver; and

87   (3) The parent, guardian, or custodian permits the child to reside with the close

88   relative.

89   (c)(1) The Mayor shall recertify the eligibility of each close relative receiving a subsidy

90   on at least an annual basis.

91   (2) For the purposes of the recertification, a close relative may be required to

92   provide a signed statement, sworn under penalty of perjury, that the information provided to

93   establish continued eligibility pursuant to this section, or any rules promulgated pursuant to

94   section 106, remains true and accurate to the best belief of the close relative.

95   (d)(1) The Mayor shall terminate subsidy payments to a close relative at any time if:

96   (A) The Mayor determines the close relative no longer meets the

97   eligibility requirements established by this section, or by rules issued under section 106; or

98   (B) There is a substantiated finding of child abuse or neglect against the

99   close relative caregiver resulting in the removal of the child from the close relative's home.

100   (2) A close relative whose subsidy payments are terminated as a result of the

101   removal of the child from the close relative's home may reapply if the child has been returned to

102   the close relative's home.

103   (e) Eligibility for subsidy payments under this section may continue until the child

104   reaches 18 years of age.

105   (f) An applicant whose application for a subsidy has been denied or whose subsidy has

106   been terminated shall be entitled to a hearing under the applicable provisions of the District of

107   Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C.

108   Official Code § 2-501 *et seq.*); provided, that a close relative shall not be entitled to a hearing if

109   the denial or termination of a subsidy is based upon the unavailability of appropriated funds.

110   (g) Any statement under this section made with knowledge that the information set forth

111   therein is false shall be subject to prosecution as a false statement under section 404(a) of the

112   District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982

113   (D.C. Law 4-164; D.C. Official Code § 22-2405(a)).

114   Sec. 104. Subsidies.

115   (a) All subsidies established under this act shall be subject to the availability of

116   appropriations. Nothing in this act shall be construed as creating an entitlement to a subsidy for

117   any person.

118   (b) The amount of subsidy shall be based on the amount of the subsidy that a grandparent

119   caregiver is eligible to receive pursuant to section 104 of the Grandparent Caregivers Pilot

120   Program Establishment Act of 2005, effective March 8, 2006 (D.C. Law 16-69; D.C. Official

121   Code § 4-251.04).

122   (c) The amount of a subsidy a close relative caregiver is eligible to receive under this act

123 shall be offset by any amount a close relative receives as TANF or Supplemental Security

124 Income for the child.

125   (d) The Mayor may give a priority to an application of a close relative if the Agency

126 determines that the child is at risk of removal from the parent, guardian or custodian pursuant to

127 section 107 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23,

128 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.07).

129   Sec. 105. Reports.

130   Beginning February 28, 2021, and on an annual basis thereafter, the Mayor shall issue a

131 report to the Council on the subsidy program established by this act. At a minimum, the report

132 shall include:

133   (1) The number of applications filed for the subsidy;

134   (2) The number of subsidies awarded;

135   (3) The number of families receiving both the subsidy and TANF;

136   (4) The number of applications denied for failure to meet eligibility criteria;

137   (5) The number of applications denied for lack of appropriated funding;

138   (6) An estimate of the number of close relative caregivers whose income is less than 200

139 percent of the federally-defined poverty level but who have not applied for the subsidy;

140   (7) The number of subsidies terminated by the Mayor pursuant to section 103 or

141 voluntarily by the close relative caregiver;

142   (8) The number of substantiated cases of fraud and a comparison of this figure to the

143 proportion of cases of fraud involving other benefit programs, including TANF, Food Stamps,

144 and Medicaid;

145   (9) The number of children removed from households receiving a subsidy under the

146   program established by this act due to a substantiated allegation of child abuse or neglect; and

147   (10) Any legislative, policy, or administrative recommendations of the Family Court of

148   the Superior Court of the District of Columbia or of agencies designated by the Mayor to execute

149   the provisions of this act that are intended to enhance the effectiveness of the program.

150   Sec. 106. Rules.

151   The Mayor, pursuant to pursuant to Title I of the District of Columbia Administrative

152   Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*),

153   may issue rules to implement the provisions of this act.

154   Sec. 107. Construction.

155   (a) Nothing in this act shall be construed as relieving the parent of a child from any child

156   support order regarding the child for whom a close relative caregiver is receiving a subsidy under

157   this chapter.

158   (b) Nothing in this act shall be construed to create a new cause of action or to limit the

159   rights or remedies available to parents in custody or guardianship actions.

160   **TITLE II. CONFORMING AMENDMENT.**

161   Sec. 201. Section 511(a) of the District of Columbia Public Assistance Act of 1982,

162   effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.11(a)), is amended as

163   follows:

164   (a) Paragraph (8) is amended by striking the phrase "and" at the end.

165   (b) Paragraph (9) is amended by striking the period at the end and inserting the

166   phrase "; and" in its place;

167   (c) A new paragraph (10) is added to read as follows:

168   "(10) Disregard any subsidy received under the pilot program established by

169   section of the Close Relative Caregiver Subsidy Pilot Program Establishment Temporary

170   Amendment Act of 2019, passed on 2nd reading on July XX, 2019 (Enrolled version of Bill 23-

171   XXX).".

172   **TITLE III. FISCAL IMPACT; EFFECTIVE DATE.**

173   Sec. 301. Fiscal impact statement.

174   The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact

175   statement required by section 4a of the General Legislative Procedures Act of 1975, approved

176   October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

177   Sec. 302. Effective date.

178   (a) This act shall take effect after approval by the Mayor (or in the event of veto by the

179   Mayor, action by the Council to override the veto), a 30-day period of congressional review as

180   provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

181   24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of

182   Columbia Register.

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