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8 A BILL

9
10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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13 To require, on an emergency basis, due to congressional review, the Mayor to establish a pilot
14 program through which a close relative of a child may be eligible to receive subsidy
15 payments for the care and custody of a child, to establish eligibility requirements for the
16 subsidy, to provide that there is no entitlement to a subsidy and the payment of any
17 subsidy is subject to the availability or appropriations, to authorize the Mayor to issue
18 rules to implement provisions of the act, to require the Mayor to issue a report to Council
19 evaluating the program; and to amend the District of Columbia Public Assistance Act of
20 1982 to make a conforming amendment.

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22 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
23 act may be cited as the “Close Relative Caregiver Subsidy Pilot Program Establishment
24 Congressional Review Emergency Amendment Act of 2019”.

25 **TITLE I. CLOSE RELATIVE CAREGIVER PILOT PROGRAM.**

26 Sec. 101. Definitions.

27 For the purposes of this act, the term:

28 (1) “Agency” means the Child and Family Services Agency established by section 301(a)
29 of the Prevention of Child Abuse and Neglect Act of 1977, effective April 4, 2001 (D.C. Law
30 13-277; D.C. Official Code § 4-1303.01a).

31 (2) “Close relative” means an adult who is a brother, sister, aunt, uncle, nephew, niece, or
32 cousin of the child and related to the child by blood, marriage, domestic partnership, or adoption.

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

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

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

41 Sec. 102. Establishment of a pilot program to provide subsidies for close relative
42 caregivers.

43 (a) By December 31, 2019, the Mayor shall establish a pilot program through which
44 eligible close relative caregivers may receive subsidy payment for the care and custody of a child
45 residing in their home.

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

47 Sec. 103. Eligibility.

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

49 (1) The close relative has been the child’s primary caregiver for at least the
50 previous 6 months;

51 (2) The child has resided in the close relative’s home for at least the previous 6
52 months;

53 (3) The child’s parent has not resided in the close relative’s home for at least the
54 previous 6 months; provided, that a parent may reside in the home without disqualifying the
55 close relative from receiving a subsidy if:

56 (A) The parent has designated the close relative to be the child's standby
57 guardian pursuant to D.C. Official Code § 16-4806;

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

59 (C) The parent is a minor with a medically verifiable disability under
60 criteria that shall be prescribed by the Mayor pursuant to section 106.

61 (4) The close relative and all adults residing in the close relative's home has
62 submitted to a criminal background check;

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

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

68 (7) The close relative has applied for Temporary Assistance for Needy Families
69 benefits for the child;

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

73 (9) The close relative is not currently receiving a guardianship or adoption
74 subsidy for the child;

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

79 (11) The close relative has met any additional requirements prescribed by the
80 Mayor pursuant to rules issued under section 106.

81 (b) The Mayor may waive the eligibility requirements established in subsection (a)(1) and
82 (2) of this section if:

83 (1) The Agency determines that the child is at risk of removal from the parent,
84 guardian, or custodian pursuant to section 107 of the Prevention of Child Abuse and Neglect Act
85 of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.07);

86 (2) The parent, guardian, or custodian permits the close relative to be the child's
87 primary caregiver; and

88 (3) The parent, guardian, or custodian permits the child to reside with the close
89 relative.

90 (c)(1) The Mayor shall recertify the eligibility of each close relative receiving a subsidy
91 on at least an annual basis.

92 (2) For the purposes of the recertification, a close relative may be required to
93 provide a signed statement, sworn under penalty of perjury, that the information provided to
94 establish continued eligibility pursuant to this section, or any rules promulgated pursuant to
95 section 106, remains true and accurate to the best belief of the close relative.

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

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

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

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

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

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

111 (g) Any statement under this section made with knowledge that the information set forth
112 therein is false shall be subject to prosecution as a false statement under section 404(a) of the
113 District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982
114 (D.C. Law 4-164; D.C. Official Code § 22-2405(a)).

115 Sec. 104. Subsidies.

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

119 (b) The amount of subsidy shall be based on the amount of the subsidy that a grandparent
120 caregiver is eligible to receive pursuant to section 104 of the Grandparent Caregivers Pilot
121 Program Establishment Act of 2005, effective March 8, 2006 (D.C. Law 16-69; D.C. Official
122 Code § 4-251.04).

123 (c) The amount of a subsidy a close relative caregiver is eligible to receive under this act
124 shall be offset by any amount a close relative receives as TANF or Supplemental Security
125 Income for the child.

126 (d) The Mayor may give a priority to an application of a close relative if the Agency
127 determines that the child is at risk of removal from the parent, guardian or custodian pursuant to
128 section 107 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23,
129 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.07).

130 Sec. 105. Reports.

131 Beginning February 28, 2021, and on an annual basis thereafter, the Mayor shall issue a
132 report to the Council on the subsidy program established by this act. At a minimum, the report
133 shall include:

- 134 (1) The number of applications filed for the subsidy;
- 135 (2) The number of subsidies awarded;
- 136 (3) The number of families receiving both the subsidy and TANF;
- 137 (4) The number of applications denied for failure to meet eligibility criteria;
- 138 (5) The number of applications denied for lack of appropriated funding;
- 139 (6) An estimate of the number of close relative caregivers whose income is less than 200
140 percent of the federally-defined poverty level but who have not applied for the subsidy;
- 141 (7) The number of subsidies terminated by the Mayor pursuant to section 103 or
142 voluntarily by the close relative caregiver;
- 143 (8) The number of substantiated cases of fraud and a comparison of this figure to the
144 proportion of cases of fraud involving other benefit programs, including TANF, Food Stamps,
145 and Medicaid;

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

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

151 Sec. 106. Rules.

152 The Mayor, pursuant to Title I of the District of Columbia Administrative
153 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*),
154 may issue rules to implement the provisions of this act.

155 Sec. 107. Construction.

156 (a) Nothing in this act shall be construed as relieving the parent of a child from any child
157 support order regarding the child for whom a close relative caregiver is receiving a subsidy under
158 this chapter.

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

161 **TITLE II. CONFORMING AMENDMENT.**

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

165 (a) Paragraph (8) is amended by striking the phrase “and” at the end.

166 (b) Paragraph (9) is amended by striking the period at the end and inserting the
167 phrase “; and” in its place;

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

169 “(10) Disregard any subsidy received under the pilot program established by
170 section 102 of the Close Relative Caregiver Subsidy Pilot Program Establishment Congressional
171 Review Emergency Amendment Act of 2019, passed on emergency basis on October 8, 2019
172 (Enrolled version of Bill 23-XXX).”.

173 **TITLE III. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE.**

174 Sec. 301. Applicability.

175 This act shall apply as of October 14, 2019

176 Sec. 302. Fiscal impact statement.

177 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
178 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
179 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

180 Sec. 303. Effective date.

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