

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, 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 Congressional Review Emergency Amendment Act of 2015”.

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 (D.C. Official Code § 4-251.01) is amended as follows:

(1) A new paragraph (1A) is added to read as follows:

“(1A) “Godparent” means an individual identified by a relative of the child by blood, marriage, domestic partnership, or adoption, in a sworn affidavit, to have close personal or emotional ties with the child or the child’s family, which pre-dated the child’s placement with the individual.”.

(2) A new paragraph (3A) is added to read as follows:

“(3A) “Relative” means an individual who is related to the child by blood, marriage, domestic partnership, or 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 30 days of becoming the child’s primary caregiver;

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

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

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

47 “(B) The parent is a minor enrolled in school; or
48 “(C) The parent is a minor with a medically verifiable disability under
49 criteria prescribed by the Mayor pursuant to section 106;
50 “(4) The relative caregiver and all adults residing in the relative caregiver’s home
51 have submitted to criminal background checks;
52 “(5) The relative caregiver is a resident of the District as defined by section 503 of
53 the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-
54 101; D.C. Official Code § 4-205.03);
55 “(6) The relative caregiver has applied for Temporary Assistance for Needy
56 Families benefits for the child;
57 “(7) The relative caregiver has entered into a subsidy agreement that includes a
58 provision that no payments received under the agreement shall inure to the benefit of the child’s
59 parent but shall be solely for the benefit of the child;
60 “(8) The relative caregiver is not currently receiving a guardianship or adoption
61 subsidy for the child;
62 “(9) The relative caregiver has provided a signed statement, sworn under penalty
63 of perjury, that the information provided to establish eligibility pursuant to this section or rules
64 promulgated pursuant to section 106 is true and accurate to the best belief of the relative
65 caregiver applicant; and
66 “(10) The relative caregiver has met any additional requirements of rules
67 promulgated pursuant to section 106.
68 “(b)(1) The Mayor shall recertify the eligibility of each relative caregiver receiving a
69 subsidy on at least an annual basis.
70 “(2) For the purposes of the recertification, a relative caregiver may be required to
71 provide a signed statement, sworn under penalty of perjury, that the information provided to
72 establish continued eligibility pursuant to this section or any rules issued pursuant to section 106
73 remains true and accurate to the best belief of the relative caregiver.
74 “(c)(1) The Mayor shall terminate subsidy payments to a relative caregiver at any time if:
75 “(A) The Mayor determines the relative caregiver no longer meets the
76 eligibility requirements established by this section or by rules issued pursuant to section 106; or
77 “(B) There is a substantiated finding of child abuse or neglect against the
78 relative caregiver resulting in the removal of the child from the relative caregiver’s home.
79 “(2) A relative caregiver whose subsidy payments are terminated as a result of the
80 removal of the child from the relative caregiver’s home may reapply if the child has been
81 returned to the relative caregiver’s home.
82 “(d) Eligibility for subsidy payments under this section may continue until the child
83 reaches 18 years of age.
84 “(e) The determination of whether to transfer a subsidy is solely within the discretion of
85 the Mayor.
86 “(f) An applicant whose application for a subsidy transfer has been denied shall not be
87 entitled to a hearing under Title I of the District of Columbia Administrative Procedure Act,
88 approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).
89 “(g) A relative caregiver whose subsidy has been terminated shall be entitled to a fair
90 hearing under the applicable provisions of Title I of the District of Columbia Administrative
91 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*);

92 provided, that a relative caregiver shall not be entitled to a hearing if the termination of a subsidy
93 is based upon the unavailability of appropriated funds.

94 “(h) Any statement under this section made with knowledge that the information set forth
95 in the statement is false shall be subject to prosecution as a false statement under section 404(a)
96 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1,
97 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405(a)).”

98 (c) Section 104 (D.C. Official Code § 4-251.04) is amended as follows:

99 (1) Subsection (b) is amended by striking the word “grandparent” and inserting
100 the phrase “grandparent or relative caregiver” in its place.

101 (2) Subsection (c) is amended by striking the word “grandparent” and inserting
102 the phrase “grandparent or relative caregiver” in its place.

103 (d) Section 105 (D.C. Official Code § 4-251.05) is amended by adding a new paragraph
104 (5A) to read as follows:

105 “(5A) The number of subsidies transferred to a relative caregiver pursuant to
106 section 103a.”

107
108 Sec. 3. Fiscal impact statement.

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

112
113 Sec. 4. Effective date.

114 This act shall take effect following approval by the Mayor, (or in the event of veto by the
115 Mayor, action by the Council of the District of Columbia to override the veto), and shall remain
116 in effect for no longer than 90 days, as provided for emergency acts of the Council of the District
117 of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December
118 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204(a)).