

1 **Amendment in the Nature of a Substitute**

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5
6 A BILL

7 B20-0992

8 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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11 To amend, on an emergency basis, the Grandparent Caregivers Pilot Program Establishment Act
12 of 2005; to allow the Grandparent Caregivers Program subsidy to be transferred to a
13 relative caregiver when a grandparent is no longer able to care for the child.
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15 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
16 act may be cited as the “Grandparent Caregivers Program Subsidy Transfer Emergency
17 Amendment Act of 2014.”

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

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

21 “(5(1) A new paragraph (1A) is added to read as follows:

22 “(1A) “Godparent” means an individual identified by a relative of the child by blood,
23 marriage, domestic partnership, or adoption, in a sworn affidavit, to have close personal or
24 emotional ties with the child or the child’s family, which pre-dated the child’s placement with
25 the individual.”.

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

27 “(3A) “Relative” means an individual who is related to the child by blood,
28 marriage, domestic partnership, or adoption or is a godparent of the child.”.

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

1 | "Sec. 103a. Transfer of Ssubsidy.

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

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

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

7 | "(3) The child's parent does not reside in the relative caregiver's home; provided
8 | that a parent may reside in the home without disqualifying the relative caregiver from receiving a
9 | subsidy if:

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

12 | "(B) The parent is a minor enrolled in school; or

13 | "(C) The parent is a minor with a medically verifiable disability under
14 | criteria prescribed by the Mayor pursuant to ~~§ 4-251.06~~section 106.

15 | "(4) The relative caregiver and all adults residing in the relative caregiver's home
16 | have submitted to criminal background checks;

17 | "(5) The relative caregiver is a resident of the District as defined by ~~§ 4-~~
18 | ~~205.03;~~section 503 of the District of Columbia Public Assistance Act of 1982, effective April 6,
19 | 1982 (D.C. Law 4-101; D.C. Official Code § 4-503);

20 | "(6) The relative caregiver has applied for Temporary Assistance for Needy
21 | Families benefits for the child;

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

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

3 “(9) The relative caregiver has provided a signed statement, sworn under penalty
4 of perjury, that the information provided to establish eligibility pursuant to this section or rules
5 promulgated pursuant to ~~§ 4-251.06~~section 106 is true and accurate to the best belief of the
6 relative caregiver applicant; and

7 “(10) The relative caregiver has met any additional requirements of rules
8 promulgated pursuant to ~~§ 4-251.06~~section 106.

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

11 “(2) For the purposes of the recertification, a relative caregiver may be required to
12 provide a signed statement, sworn under penalty of perjury, that the information provided to
13 establish continued eligibility pursuant to this section or any rules ~~promulgated~~issued pursuant to
14 ~~§ 4-251.06~~section 106 remains true and accurate to the best belief of the relative caregiver.

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

16 “(A) The Mayor determines the relative caregiver no longer meets the
17 eligibility requirements established by this section or by rules issued ~~under § 4-251.06~~pursuant to
18 section 106; or

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

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

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

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

5 “(f) An applicant whose application for a subsidy transfer has been denied shall not be
6 entitled to a hearing under ~~Chapter 5 of Title 2;~~the District of Columbia Administrative
7 Procedure Act of 1975, effective October 8, 1975 (D.C. Law 1-19; D.C. Official Code § 2-501,
8 et seq.).

9 “(g) An applicant whose subsidy has been terminated shall be entitled to a fair hearing
10 under the applicable provisions of ~~Chapter 5 of Title 2;~~the District of Columbia Administrative
11 Procedure Act of 1975, effective October 8, 1975 (D.C. Law 1-19; D.C. Official Code § 2-501,
12 et seq.); provided that an applicant shall not be entitled to a hearing if the termination of a
13 subsidy is based upon the unavailability of appropriated funds.

14 “(h) Any statement under this section made with knowledge that the information set forth
15 ~~therein in the statement~~ is false shall be subject to prosecution as a false statement under section
16 405(a) of the District of Columbia Theft and White Collar Crimes Act of 1982, effective
17 December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405(a).”.)”.

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

19 (1) Subsection (b) is amended by striking the phrase ~~“the amount of a subsidy a~~
20 word “grandparent” and inserting the phrase ~~“the amount of a subsidy a-grandparent or a-relative~~
21 caregiver” in its place.

22 (2) Subsection (c) is amended by striking the phrase ~~“the amount of a subsidy a~~
23 word “grandparent” and inserting the phrase ~~“the amount of a subsidy a-grandparent or a-relative~~
24 caregiver” in its place.

1 (d) Section 105 is amended by adding a new paragraph (~~4~~5A) to read as follows:

2 “(11) The number of subsidies transferred to a relative caregiver pursuant to §~~4~~
3 ~~251.03~~section 103a.”

4 Sec. ~~63~~. ~~Fiscal Impact Statement~~impact statement.

5 The Council adopts the fiscal impact statement ~~in~~of the ~~committee report~~Budget Director
6 as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
7 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-~~233~~206.02(c)(3)).

8 Sec. ~~54~~. Effective date.

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