

ENGROSSED ORIGINAL

1 A BILL

2 23-358

3 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

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17 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
18 act may be cited as the “Close Relative Caregiver Subsidy Pilot Program Establishment  
19 Temporary Amendment Act of 2019.”

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

21 Sec. 101. Definitions.

22 For the purposes of this act, the term:

23 (1) “Agency” means the Child and Family Services Agency established by section  
24 301(a) of the Prevention of Child Abuse and Neglect Act of 1977, effective April 4, 2001 (D.C.  
25 Law 13-277; D.C. Official Code § 4-1303.01a).

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

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

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

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

37                   Sec. 102. Establishment of a pilot program to provide subsidies for close relative  
38 caregivers.

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

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

43                   Sec. 103. Eligibility.

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

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

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47 (2) The child has resided in the close relative's home for at least the previous 6  
48 months;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

111 Sec. 104. Subsidies.

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

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

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

122 (d) The Mayor may give a priority to an application of a close relative if the Agency  
123 determines that the child is at risk of removal from the parent, guardian or custodian pursuant to  
124 section 107 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23,  
125 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.07).

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128           Sec. 105. Reports.

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

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

133                   (2) The number of subsidies awarded;

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

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

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

137                   (6) An estimate of the number of close relative caregivers whose income is less  
138 than 200 percent of the federally-defined poverty level but who have not applied for the subsidy;

139                   (7) The number of subsidies terminated by the Mayor pursuant to section 103 or  
140 voluntarily by the close relative caregiver;

141                   (8) The number of substantiated cases of fraud and a comparison of this figure to  
142 the proportion of cases of fraud involving other benefit programs, including TANF, Food  
143 Stamps, and Medicaid;

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

147                   (10) Any legislative, policy, or administrative recommendations of the Family  
148 Court of the Superior Court of the District of Columbia or of agencies designated by the Mayor

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

151           Sec. 106. Rules.

152           The Mayor, pursuant to 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 phrase “;  
167 and” in its place;

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



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169                   “(10) Disregard any subsidy received under the pilot program established by  
170 section of the Close Relative Caregiver Subsidy Pilot Program Establishment Temporary  
171 Amendment Act of 2019, passed on 2nd reading on July XX, 2019 (Enrolled version of Bill 23-  
172 XXX).”.

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

174                   Sec. 301. Fiscal impact statement.

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

178                   Sec. 302. Effective date.

179                   (a) This act shall take effect after approval by the Mayor (or in the event of veto by the  
180 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
181 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
182 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
183 Columbia Register.

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