

BENEFITS FOR
RELATIVE CAREGIVERS
IN THE DISTRICT OF COLUMBIA



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RELATIVE CAREGIVERS OF DC CHILDREN ARE:

- Heroes who step up in times of crisis to care for children whose parents cannot
- Sometimes related to the children by blood or marriage, but not always (e.g., godparents)
- Overwhelmingly female, Black, and low income
- Frequently residents of DC Wards 7 and 8

WHEN YOU HAVE A CASE WITH RELATIVE CAREGIVERS

AND YOU THINK THEY MIGHT NEED LEGAL ADVICE
ABOUT CUSTODY OR BENEFITS, PLEASE REFER THEM
TO THE DC KINCARE ALLIANCE HELPLINE:

202-505-5803

BENEFITS AVAILABLE TO RELATIVE CAREGIVERS OF CHILDREN LIVING IN DC

- Temporary Assistance for Needy Families (TANF)
- Supplemental Nutrition Assistance Program (SNAP) *aka* Food Stamps
- Medical Assistance (DC Healthy Families *aka* Medicaid, DC Health Care Alliance, or DC Immigrant Children's Program)
- Child Care Subsidy Program
- Grandparent Caregiver Program (GCP)
- Close Relative Caregiver Program (CRCP)

BENEFITS AVAILABLE TO RELATIVE CAREGIVERS OF CHILDREN LIVING IN DC (CONTINUED)

- Foster Care subsidy
- Supplemental Security Income (SSI) for Children
- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
- DC Public School Free or Reduced-Price Meal Program (FARM)
- Child Support

DC TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

- You must be a DC resident. (If reside in MD, you must apply in MD, even if custodian of a DC child.)
- You must be **living with** and responsible for a child under age 18, or under 19 who is enrolled in school full-time.
- You must be **a relative** of the child (any relative, including one who is of half-blood, who is within the sixth degree of relationship). See ESA Policy Manual p. 124 (ESA Policy Manual can be located at: <https://dhs.dc.gov/sites/default/files/dc/sites/dhs/publication/attachments/ESA-Policy-Manual-Combined-Revised-2.pdf>).
- Have income well below the Federal Poverty Level (FPL). FPL chart available at <https://aspe.hhs.gov/poverty-guidelines>.
- Meet asset limits of \$2,000, or \$3,000 if person 60 or older or disabled lives in household.
- Be under-employed, unemployed, or about to become unemployed.

TANF (CONTINUED)

- You can apply for the entire household or just the child. If applying for the child only, the caregiver's income and assets are NOT counted in determining eligibility and TANF work requirements are waived.
 - You can apply for TANF using the combined benefits application on paper and submit by mail or in person at an Economic Security Administration (ESA) service center, or on-line using the benefits portal at <https://dcbenefits.dhs.dc.gov/>, or using the DC Access mobile app.
- * During public health emergency, ESA Service Centers are closed other than 3 locations for pick-up/drop-off of applications. Recertifications have been waived during public health emergency.
- ** Caregivers may have difficulty proving “living with” and “relatedness.”



PROVING TANF “LIVING WITH” REQUIREMENT

Documents accepted to prove “living with” are:

- School records (for school age children)
- **OR** at least **two** of the following:
 - hospital, clinic, or health department records
 - statement from child care provider
 - court support order
 - juvenile court records
 - child welfare agency records
 - statement from clergy
 - social services agency records
 - statement from non-relative
 - statement from non-relative landlord

(See ESA Policy Manual p. 128)

* Practice Tip: Although “court custody order” is not on the list, it is often accepted and frequently used to prove “living with.”

PROVING TANF “RELATEDNESS” REQUIREMENT

Provide one of the following documents:

- birth certificates
- adoption records
- marriage license/certificate
- divorce papers
- hospital records of birth
- vital statistics records
- court records of parentage
- baptismal records
- juvenile court records
- child support records
- SSA records indicating relationship

If the previous sources are not available, use two of the following:

- statement from a priest, minister, or rabbi
- family bible
- health records maintained by a hospital, clinic, or physician
- child care records
- social services agency records
- insurance records
- school records
- Census records

* Practice Tip: Most of the documents on the first list either will not help relatives prove relatedness to the child or are not accessible to relatives. For instance, unless relative has his or her birth certificate, birth certificate of parents, and birth certificate of child, he/she cannot prove relatedness. If paternal family, father may not even be listed on birth certificate.

TANF PROVING “RELATEDNESS” CONTINUED

- Note that although court custody orders *may be* accepted to prove “living with,” they are usually *not* accepted to prove “relatedness.”
- Practice Tip #1: Have court state the relationship between the caregiver and the child in the custody order so that caregiver can attempt to use when applying for TANF.
- Practice Tip #2: Paternal relatives have a particularly hard time proving relatedness because father often not on the birth certificate. If father is involved in case and seeks to acknowledge paternity, have the court recognize same on the record and set forth in an order that the caregiver can use. Otherwise, mother and father can sign an Acknowledgement of Paternity form.
- If cannot prove “relatedness,” caregiver can apply for General Assistance (GA) for child. Same amount of cash assistance as child only TANF but requires home study.

DC SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

- If everyone in Assistance Unit (AU) receives TANF or SSI, they will qualify for SNAP.
 - Assistance Unit is generally everyone in household who prepares and eats food together, whether or not related. No age requirement.
 - If no TANF or SSI, need to meet income limits as well as an asset test (\$2,250 unless elderly or disabled person is part of AU, in which case limit is \$3,500).
 - Apply same way as for TANF.
 - Our experience is that caregivers generally have an easier time getting SNAP for children than TANF. No need to prove relatedness and proof of “living with” seems less strict.
- * SNAP recertifications are waived through August, due to the public health emergency, but after that families will need to recertify per new guidance from the USDA.

DC MEDICAL ASSISTANCE

- DC Healthy Families is DC's version of Medicaid.
 - In order to apply, you must be a DC resident and a US Citizen or eligible immigrant as well as meet income requirements and asset limits.
 - For application information, go to: www.dchealthlink.com or call 855 532-5465.
 - DC Health Care Alliance and the DC Immigrant Children's Program are for DC residents who are not eligible for DC Healthy Families, usually due to the citizenship/legal residency requirement.
 - In our experience DC children, even infants, are generally already enrolled in DC Healthy Families when they come to caregivers. It is more a matter of the caregiver accessing the child's Medicaid card or number to get the child medical care. ***This is especially important when caregivers need to provide up to date health records and immunizations to enroll a child in school.***
- *Practice Tip: Ask the Court to include in the temporary custody order that the parent must provide the child's Medicaid card to the caregiver. If you meet resistance regarding turning over the card itself, ask the judge to order the parent take a clear photo of the front and back of the Medicaid card and provide that to the caregiver.

DC CHILD CARE SUBSIDY

- Children are eligible from 6 months old to 12 years old, unless the child has a disability, then may be eligible to 19 years old.
- Covers all or part of child care costs and is paid directly to licensed provider.
- Family must be receiving TANF or be income eligible—not more than 250% FPL.
- For more information call 202 727-0284 or go to <https://dhs.dc.gov/node/120852>.

* Caregiver must have custody order to apply.

** Caregiver must have current, up-to-date immunization records, which may be difficult to obtain without Medicaid card even if caregiver has legal custody per court order.

DC GRANDPARENT CAREGIVER PROGRAM (GCP)

- Run by DC Child and Family Services Agency (CFSA). Family does not have to be involved with CFSA to be eligible. CFSA just administers the subsidy.
 - Subsidy ends up being about half the foster care subsidy. It is a daily rate of \$24.79 per child at or under age 12 and \$27.92 per older child. However, there are offsets for TANF and SSI so the average daily rate is \$19.83 resulting in an average monthly rate of \$594.
 - Eligible caregivers are DC grandparents, great-grandparents, great-aunts and great-uncles caring for child under age 18. Relatives who do not live in DC (e.g., Maryland or VA) are not eligible, even if they are caring for a DC child.
 - Parent may not live in the home unless parent is a minor enrolled in school or who has a disability.
 - Household income must be 200% or less of FPL.
 - Caregiver must apply for TANF. No requirement that caregiver receives TANF. Proof of application is sufficient. (Remember child will very likely be eligible for “child only” TANF, even if caregiver does not qualify.)
 - We advocated for and were able to get the requirement that the child must have lived with the relative for 6 months permanently eliminated. So, a relative is now eligible as soon as the child comes to live with them.
- *There is currently a waiting list for this program, as it is underfunded.

HOW TO APPLY FOR THE GCP

- Complete a GCP Application which is available at www.dckincare.org under the Forms tab.
 - Complete a request for a Child Protection Registry (CPR) check for every adult in the household—including any high school seniors age 18 and up. The request for CPR check form is available at: https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/CPR_Check_Application_FINAL_030818_English_fillable.pdf.
 - Note that the CPR check requires the caregiver to list every address since age 18. This is often an overwhelming task for older caregivers. Old addresses can be found on credit reports which can be obtained for free every year at: annualcreditreport.com.
 - Call [202-727-4545](tel:202-727-4545) to schedule fingerprinting for all adults in the household. The CPR check must be notarized or signed in front of the CFSA employee doing the fingerprinting. The GCP application and supporting documentation may be submitted via e-mail to cfsa.kinfirst@dc.gov or submitted in person at the time of fingerprinting. Just because a caregiver has a criminal record or child protection record does not mean they cannot receive the subsidy.
- * Note: CFSA website says to call 202-442-6009 and e-mail to cfsa.gcp@dc.gov, but that is not accurate at least during the public health emergency. Annual recertifications are waived until 45 days after the public health emergency.
- ** Practice Tip: Although a court custody order that describes the relationship between the caregiver and child is not sufficient to prove “relatedness” for TANF purposes, it is enough to prove the relationship for the GCP subsidy.

DC CLOSE RELATIVE CAREGIVER PROGRAM (CRCP)

- We advocated for and were able to get the GCP expanded to include close relative caregivers.
- The CRCP is exactly the same as the GCP except that it is for aunts, uncles, cousins, and siblings.
- The application is available at www.dckincare.org under the Forms tab.
- The programs have separate funding so the GCP might have a waiting list and the CRCP might not, or the reverse.
- Prior to the public health emergency, the GCP and CRCP were administered by different offices within CFSA. They are administered by the same office now. That could change again after the public health emergency ends.

FOSTER CARE SUBSIDY

- The foster care subsidy is available to licensed foster parents who may or may not be related to the child. There is an expedited process to license kin foster parents and non-safety-related requirements can be waived.
- The subsidy ranges from \$1,140 to \$1,995 per child for a 30-day month. There is no income eligibility requirement.
- If a relative caregiver is available to take the child, CFSA will ask the relative to take the child informally and will not tell them of the option to become a license kinship foster parent. CFSA does this in order to avoid filing a neglect case, providing services to the child and parents, and paying the subsidy.
- DC KinCare Alliance has two pending federal lawsuits against CFSA for this illegal practice which is called “kinship diversion” or sometimes “hidden foster care.” DCVLP filed a Brief of *Amicus Curiae* in one of these lawsuits.

*Your Takeaway: If you see a case where CFSA was the impetus behind a caregiver filing a custody case for a child who you represent and the relative seeks to be a foster parent, consider referring the caregiver to us to assess the case and take appropriate action on behalf of the relative.

SSI FOR CHILDREN

- Applicants must be under age 18, not married and not the head of household, or under age 22 and regularly attending school and blind or disabled.
 - The household must be receiving TANF or meet income limits.
 - To determine a child's eligibility, go to www.ssabest.benefits.gov.
 - To apply, go to www.ssa.gov/disability/disability_starter_kits_child_eng.htm or call 800 772-1213.
- * Caregiver often needs custody order or other legal authorization to obtain child's medical records to apply for SSI. If child is already receiving SSI, caregiver will need custody order to transfer benefits to her.
- ** Once child is receiving SSI, caregiver may want to consider enrolling in Health Services for Children with Special Needs, which provides case management to DC Medicaid children who receive SSI.

DC WIC

- WIC is available to pregnant or breast-feeding women, new mothers, infants, and children up to age 5.
 - Applicants must be DC residents and have a nutritional or medical risk as determined by a health professional as well as meet income guidelines of NMT 185% of FPL.
 - For more information or to apply for WIC call [202 442-9397](tel:2024429397) or go to <https://dchealth.dc.gov/service/special-supplemental-nutrition-program-women-infants-and-children-wic>.
 - Again, our experience is that eligible DC children, even infants, are often already enrolled in WIC when they come to caregivers. Frequently, the issue is getting the WIC card to the caregiver from the parent.
- * Practice Tip: Ask the Court to order the parent to provide the child's WIC card to the caregiver. The funds are accessed with the card itself so a photo does not help in this instance.

DCPS FREE AND REDUCED-PRICE MEAL PROGRAM (FARM)

- DCPS provides free breakfast to all students and snacks and a light dinner to students attending after school programs.
- Students can also get free or reduced cost lunch if financial eligibility requirements are met.
- DC also has a Free Summer Meals Program for children aged 18 or younger.
- For more information, go to www.dcps.dc.gov/farm and www.osse.dc.gov/dcsummermeals.
- In our experience, children are usually already enrolled when they come to caregivers and continue to receive this benefit.

DC CHILD SUPPORT

- When a third party is caring for a child, the child's parents are still legally responsible for paying for the child's basic needs, unless their parental rights have been terminated in a neglect case.
- The third party caregiver's income is NOT considered when the court determines how much child support parents must pay.
- The Child Support Guideline Calculator at: www.csgc.oag.dc.gov/application/main/intro.aspx can be used to determine the presumptive amount of child support.
- The third party caregiver may ask for child support as part of the custody case or file a separate child support action. If the caregiver is a DC resident, they can pay \$5 to the Office of the Attorney General to file and handle the case on their behalf. For more information go to: www.cssd.dc.gov/page/receiving-support.

PRACTICAL ISSUES FOR RELATIVE CAREGIVERS TRYING TO GET DOCUMENTS, SERVICES & BENEFITS FOR A DC CHILD

- While custody orders often provide that a relative caregiver with custody of the child is entitled to obtain all documents, services and benefits for the child, in practice this statement alone does not make it so. Judges usually do not understand this and assume that the order will ensure the caregiver has all necessary rights to care for the child, including obtaining documents, services and benefits.
- The document caregivers most frequently need is the child's birth certificate. Often they also need the parent's birth certificate (so that they can prove familial relationship in order to apply for TANF).
- Birth certificates cost \$23 each. The cost is significantly more during the public health emergency because they can only be ordered by phone or on-line, which has added transaction costs.
- Third party caregivers are often not entitled to get the birth certificates they need. (Only grandparents and siblings may order.) See <https://dchealth.dc.gov/vital-records>.
- The caregiver also typically needs the child's Medicaid card, up-to-date medical records, and social security card.

* Practice Tip: Ask the Court to order the parent to provide the child's birth certificate, Medicaid card, social security card, and immunizations records (to enroll the child in school) to the caregiver or, at minimum, a clear photo of these documents.

WHAT TO DO IF YOU NEED MORE INFORMATION ABOUT BENEFITS FOR RELATIVE CAREGIVERS IN DC

- Get a copy of DC KinCare Alliance's 2020 Relative Caregiver Resource Guide at:
https://www.dckincare.org/wp-content/uploads/2020/01/KinCare_Resource-Guide-UPDATED.4.23.20.pdf
 - Attorneys can consult with us at:
Marla: marla@dckincare.org or 202-360-7106
Stephanie: stephanie@dckincare.org or 202-550-4014
- Refer relative caregivers to our helpline so we can conduct an intake, do conflicts checks, and provide representation:
202-505-5803

QUESTIONS???

