



LARIMER COUNTY WORKS POLICY

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| Title: | Specified Caretaker Eligibility | | |
| Effective Date: | January 1, 2012 | Page: 1 of | 4 |
| Desk: | BPD | Revision: | |
| Reference: | Senate Bill 10-068 | BCC Approval on: | April 2012 |
| Agency Letters: | TCW-11-01-P, TCW-11-01-PB & TCW—The Definition of a Specified Caretaker and Clarification of Legal Custody and Parental Rights | | |
| Regulations: | Volume III, sections: 3.600, 3.602.6, 3.603.5, 3.606.1 and 3.620 | | |

Background:

In order to make eligibility policies for the Colorado Works applicants, recipients and county Departments of Human/Social Services staff more efficient, Senate Bill 10-068 was implemented January 1, 2011. Volume III rules were adopted January 7, 2011 to correspond with certain criteria from other programs such as Food Assistance, Child Welfare and Medicaid.

A significant change that occurred with this legislation replaced the caretaker relative definition with that of a specified caretaker. The legislation and regulations define a specified caretaker as:

1. A parent or designated guardian of the child(ren).
2. A relative in the fifth degree who has care and control of the child(ren) in the relative's home.
3. If an appropriate relative cannot be located, a non-relative who also exercises care and control for the child(ren) in the non-relative's home.

Larimer County has chosen to acknowledge this changed definition of a caretaker relative to specified caretaker. However, because of the quarterly relative caregiver payments Larimer County provides to some families as a county option, and the requirement for those families to be related within the 5th degree, the need exists to maintain separate caretaker relative and specified caretaker policies for Larimer County policy. (For more information regarding caretaker relatives, please see the "Relative Caregivers Eligibility and Payment" policy.)

1.0 Policy:

It shall be the policy of Larimer County (subject to available appropriation and funding):

1. To provide additional cash assistance to specified caretakers who are caring for children residing in his or her home who are *not* related to the caretaker but residing with the individual(s) through a "formal non-certified" placement or

“informal arrangement” and for whom monthly Basic Cash Assistance (BCA) is paid.

2. To refer and review all families assisted under this policy for Good Cause for an exemption from referral to the Child Enforcement (3.602.6) , unless the specified caretaker specifically requests child support services be pursued.

Nothing in this policy shall limit the Specified Caretaker from applying for and receiving benefits under any Temporary Assistance for Needy Families (TANF) funded assistance or programs.

2.0 Eligibility:

- 2.1 The child or children cannot receive a Foster Care Kinship payment through the foster care program and BCA or County Diversion. (Other Assistance may be possible; however, the limit is \$500, and each circumstance is on a very limited basis.)
- 2.2 The household must meet all Colorado Works eligibility requirements outlined in State Staff Manual, Volume III, section 3.600.
- 2.3 Household size is the total number of children placed through the “formal non-certified” placement process or informal arrangement and cannot include the specified caretaker, their children or other individuals living in the home (i.e., child only cases).
 - 2.3.1 The half sibling rule may be applied and the child receiving child support payments through the Family Support Registry may be excluded as outlined in 3.603.5.
- 2.4 The child or children’s total countable monthly income must be equal to or less than the BCA standard of need.
- 2.5 The specified caretaker must be found to exercise care and control. Having legal custody does not automatically establish this factor (3.605).
- 2.6 Those members of an assistance unit who are over 18 years old, exercising parental control *and* requesting to be a part of the grant, must participate in the workforce requirements of the program.

3.0 Criteria:

- 3.1 For a child living with a non-relative, responsibility for the child must be verified. In order to prove the specified caretaker exerts responsibility for the child residing in their home, verification shall consist of the following information:
 - a) Medical records, school records, legal documents and/or
 - b) Collateral contact; and/or
 - c) Other documents, which will be determined on a case-by-case basis.

4.0 Scope:

Applies to specified caretakers of children placed in the home through the “formal non-certified” placement or “informal arrangement” process and who apply for and are found eligible for Colorado Works – BCA.

5.0 Definitions:

Specified Caretaker – If a parent loses legal custody of a child or if the parent-child legal relationship is terminated, then a specified caretaker is one who is either a grandparent, relative or a non-relative who has responsibility for a dependent child, which has been verified.

Dependent child – Is a person who resides with a parent or a specified caretaker who is under 18 years of age or between the ages of 18 and 19 years of age. The child or children must be full-time students in a secondary school or in the equivalent level of vocational or technical training and expected to complete the program before 19 years of age. Such children are eligible through the month of completion. Participation in a General Equivalency Diploma (GED) program is not defined as a student in a secondary school or in a vocational or training program.

Formal non-certified placement – refers to children living with a custodial non-relative placed there by child welfare, but who is not certified as a foster parent through the child welfare system.

Informal arrangement – refers to children living with a custodial non-relative placed in the home by an agreement within the family.

Residing in the home – means children are physically in the home and under the care and control of a specified caretaker as defined in 3.605 and 3.606.1.

Legal Custody – the right to care and provide custody and control of a child and the duty to ensure food, clothing, shelter, ordinary medical care, education, and discipline for a child and, in an emergency, to authorize surgery or other extraordinary care.

6.0 Departments Affected:

Larimer County Department of Human Services.

7.0 References:

Code of Colorado Regulations, Rule Manual Volume III, Income Maintenance, Section 3.600, 3.602.6 3.603.5, 3.605, 3.606.1 and 3.620.

Code of Colorado Regulations, Rule Manual Volume VI, Child Support Enforcement, section: 6.230.1