

**TABLE OF CONTENTS**

**Subsidized Guardianship**

Scope of regulations . . . . . 17a-126- 1

Definitions. . . . . 17a-126- 2

Request for subsidy. . . . . 17a-126- 3

Guardian counseling . . . . . 17a-126- 4

Program components . . . . . 17a-126- 5

Asset test and household income exemption. . . . . 17a-126- 6

Monthly payment . . . . . 17a-126- 7

Medical benefits . . . . . 17a-126- 8

Special-need subsidy . . . . . 17a-126- 9

Types of subsidy . . . . . 17a-126-10

Homestudy requirements and exemptions . . . . . 17a-126-11

Subsidy termination. . . . . 17a-126-12

Annual review. . . . . 17a-126-13

Parental liability. . . . . 17a-126-14

Appeal from decisions by the commissioner denying, modifying or  
terminating a guardianship subsidy . . . . . 17a-126-15

Subsidy hearing procedures . . . . . 17a-126-16

Request for subsidy hearing . . . . . 17a-126-17

Denial of a request for a subsidy hearing . . . . . 17a-126-18

Scheduling the subsidy hearing . . . . . 17a-126-19

Pre-hearing conference for a subsidy hearing . . . . . 17a-126-20

Conduct of the subsidy hearing . . . . . 17a-126-21

Subsidy hearing record . . . . . 17a-126-22

The subsidy hearing decision. . . . . 17a-126-23



## **Subsidized Guardianship**

### **Sec. 17a-126-1. Scope of regulations**

Sections 17a-126-1 through 17a-126-23, inclusive, of the regulations of Connecticut State Agencies apply to a program of subsidized guardianship for the benefit of children who: (1) are in the care or custody of the department; (2) are living with relative caregivers; and, (3) have been in foster care for not less than eighteen (18) months; pursuant to section 7 of Public Act 97-272 as amended by Public Act 98-1 of the June Special Session.

(Adopted effective September 1, 1998)

### **Sec. 17a-126-2. Definitions**

As used in sections 17a-126-1 through 17a-126-23, inclusive, of the regulations of Connecticut State Agencies, the following definitions apply:

(1) “Care or Custody of the Department” means committed to or placed with the department under a court order of the Superior Court for Juvenile Matters, excluding delinquency and Family With Service Needs orders.

(2) “Certified Relative Care” means care provided for a foster child by a person certified to provide such care pursuant to sections 17a-114-14 to 17a-114-25, inclusive, of the regulations of Connecticut State Agencies.

(3) “Child” means a person under the age of eighteen.

(4) “Commissioner” means the Commissioner of Children and Families.

(5) “Department” means the department of children and families.

(6) “Foster Care” means care provided for a foster child by a person licensed, approved or certified to provide such care pursuant to sections 17a-145-130 through 17a-145-160, inclusive, or sections 17a-150-51 through 17a-150-123, inclusive, or sections 17a-114-14 through 17a-114-25, inclusive, of the regulations of Connecticut State Agencies.

(7) “Guardian” means one who has the authority and obligations of “guardianship” as defined in subdivision (8) of this section.

(8) “Guardianship” means guardianship of the person of a minor, and includes: (A) the obligation of care or control; and (B) the authority to make major decisions, affecting the child’s welfare, which the child cannot make on his own, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment.

(9) “Prevailing Foster Care Rate” means the rate the child would be receiving if the child were still in foster care, taking into account the child’s age and special-needs, as adjusted based on the asset test of the child as prescribed in section 17a-126-6 of the regulations of Connecticut State Agencies.

(10) “Relative Caregiver” means a person who is caring for a child related to such person because the parent of the child has died or become otherwise unable to care for the child for reasons that make reunification with the parent not a viable option within the foreseeable future.

(11) “Subsidized Guardian” means a person to whom legal guardianship has been awarded and who otherwise qualifies for a subsidy under sections 17a-126-1 through 17a-126-23, inclusive, of the regulations of Connecticut State Agencies.

(Adopted effective September 1, 1998)

### **Sec. 17a-126-3. Request for subsidy**

(a) A relative caregiver may request a guardianship subsidy from the Department for a child in the care or custody of the commissioner for not less than eighteen

(18) months. A relative caregiver shall initiate a request for a guardianship subsidy by applying to the child's department caseworker. The initiation of a request for guardianship subsidy may not be made before the child has been in the care or custody of the commissioner for at least seventeen (17) months. The caseworker shall provide the relative caregiver with the application form prescribed by the department and shall assist the relative caregiver in the completion of such form and application within thirty (30) days of such request.

(b) The commissioner, or designee may classify a child and the child's relative caregiver as qualified for the subsidized guardianship program if it is determined that such child is in the care or custody of the commissioner, is living with the relative caregiver and has been in foster care or certified relative care for not less than eighteen (18) months, the relative caregiver is the proposed guardian for the child and reunification with the parent is not a viable option within the foreseeable future because of one or more conditions including, but not limited to:

- (1) Death of the parent;
- (2) Abandonment of the child by the parent;
- (3) Physical disability of the parent;
- (4) Mental disability of the parent;
- (5) Serious emotional maladjustment of the parent;
- (6) Failure of the parent to achieve rehabilitation adequate to provide for the child;
- (7) Age of the child when considered with other factors in the child's functioning and circumstances that present a barrier to reunification.

(c) The department shall determine through an assessment period not less than twelve (12) nor more than eighteen (18) months from the time the child was placed with the relative caregiver, who is requesting the subsidy, that the relative caregiver is capable of providing for the care of the child's physical, mental, emotional, educational and medical needs without the continued provision of services by or through the department except for the subsidies provided for in section 17a-126-5 of the regulations of Connecticut State Agencies.

(d) The assessment conducted by the department shall assure that the relative caregiver meets the requirements for relative certification set forth in sections 17a-114-14, 17a-114-15 and 17a-114-17 and sections 17a-114-19 through 17a-114-25, inclusive, of the regulations of Connecticut State Agencies. In addition to the requirements of the regulations, the assessment shall include the following components:

(1) The health of persons living in the relative caregiver's home shall not present a hazard to the child. Prior to moving or petitioning for the transfer of guardianship the relative caregiver shall supply to the department a statement from a physician on such forms as approved by the commissioner that within the previous twelve (12) months:

(A) each person living in the home has had a physical examination and has been found to be in good health or that specified members of the family are receiving all necessary continuing medical care and are free of communicable disease;

(B) the relative caregiver has been determined to be physically and mentally able to provide care to the child; and

(C) all persons over the age of eighteen have a negative drug screen performed by an entity approved by the department at the expense of the department.

(2) When all adults in a relative caregiver home are employed or otherwise occupied in a substantial amount of time away from the home, the care and supervision of the child shall be provided by a competent individual and approved in advance by the commissioner, or his designee.

(3) The relative caregiver shall be physically, intellectually and emotionally capable of providing care, guidance and supervision of the child including:

(A) insuring routine medical care, scheduling and transportation;

(B) obtaining and following instructions from the child's medical provider if medication or treatment are to be administered by the relative caregiver. Any medications provided shall be clearly labeled and kept out of the reach of the child;

(C) establishing plans to respond to illness and emergencies, including serious injuries and the ingestion of poison, with appropriate first aid supplies available in the home out of reach of the child;

(D) maintaining all documentation as required by the department;

(E) providing for the child's physical needs including adequate hygiene, nutritional meals and snacks prepared in a safe and sanitary manner, readily available drinking water, a balanced schedule of rest, active play, indoor and outdoor activity appropriate to the age of the child in care;

(F) promoting the social, intellectual, emotional, and physical development of the child by providing activities that meet these needs or special needs if such exist;

(G) assuring adequate opportunity for cultural, and educational activities in the family and in the community. A child who does not share the same language, as the relative caregiver shall be provided with opportunities to communicate in the child's language;

(H) assuring an environment of tolerance and sensitivity to a child's religion through providing adequate opportunity for religious training and participation appropriate to the child's religious denomination, and not requiring any child to participate in religious practices contrary to the child's beliefs;

(I) providing emotional support and an environment that meets the child's needs;

(J) assuring the child's participation in an approved education program, including regular school attendance. The relative caregiver shall cooperate with the proper authorities in relation to the child's educational needs;

(K) guiding the child in the acquisition of daily living skills including the assigning of daily chores to the child on the basis of the child's abilities and developmental level; and

(L) providing infants and toddlers with ample opportunity for freedom of movement each day outside of a crib or playpen, infants are to be held for all bottle feedings, as well as at other times, for attention and verbal communication.

(4) (A) Before moving or petitioning for the transfer of guardianship from the department to a relative caregiver, the department shall secure and evaluate information necessary to determine if a transfer of guardianship is in the child's best interest.

(B) If it is known that the child or the child's family has received social services from an individual or child placing agency or a state agency, such individual or child placing agency or state agency shall be consulted, if possible, prior to the moving or petitioning for the transfer of guardianship.

(C) All factors relevant to the child's adjustment in the home and in the community for the present and the long term shall be considered.

(D) All relevant information concerning the child's developmental, medical, social, emotional and environmental history, which may be legally disclosed, shall be shared by the department with the relative caregiver prior to the placement of the child in the home.

(5) The child shall be interviewed and the opinion of the child regarding the proposed transfer of guardianship shall be taken into consideration. In the case of a non-verbal child the interaction and relationship between the child and the relative

caregiver shall be observed and taken into consideration before moving or petitioning for the transfer of guardianship from the department to the relative caregiver.

(e) (1) The granting of approval as a subsidized guardian shall be denied if any member of the household of the relative caregiver:

(A) has been convicted of injury or risk of injury to a minor or other similar offenses against a minor;

(B) has been convicted of impairing the morals of a minor or other similar offenses against a minor;

(C) has been convicted of violent crime against a person or other similar offenses;

(D) has been convicted of the possession, use, or sale of controlled substances within the past five (5) years;

(E) has been convicted of illegal use of a firearm or other similar offenses;

(F) has ever had an allegation of child abuse or neglect substantiated;

(G) has had a minor removed from their care because of child abuse or neglect; or

(H) has failed a drug screen required by subparagraph (C) of subdivision (1) of subsection (d) of section 17a-126-3 of the regulations of Connecticut State Agencies.

(2) The granting of approval as a subsidized guardian may be denied if any member of the household of the relative caregiver:

(A) is awaiting trial, or is on trial, for charges as described in subparagraphs (A) through (E) of subdivision (1) of this subsection;

(B) has a criminal record that the department believes makes the home unsuitable;

(C) has a current child abuse or neglect allegation pending; or

(D) knowingly arranges for the substitute care of a child by a person described in subdivision (1) or (2) of this subsection.

(f) A waiver from specific requirements of regulations may be granted by the commissioner, provided no such waiver shall be issued for any statutory provision. The waiver shall be reviewed by the commissioner prior to moving or petitioning for the transfer of guardianship. A waiver shall only be granted if the relative caregiver is in substantial compliance with the intent of the relevant regulations being waived or that the intent of the specific requirement to be waived will be satisfactorily achieved in a manner other than that prescribed by the requirement. A waiver shall specify the particular requirements to be waived, the duration of the waiver and the terms under which the waiver is granted. If the relative caregiver fails to comply with the waiver in any way the transfer of guardianship shall be subject to revocation by the court.

(Adopted effective September 1, 1998; amended May 30, 2002)

#### **Sec. 17a-126-4. Guardian counseling**

If adoption of the child by the relative caregiver is an option, the commissioner, or designee shall counsel the relative caregiver about the advantages and disadvantages of adoption and subsidized guardianship. The goal of such counseling shall be to ensure that the decision by the relative caregiver to request a subsidized guardianship is a fully informed decision.

(Adopted effective September 1, 1998)

#### **Sec. 17a-126-5. Program components**

(a) The subsidized guardianship program shall provide:

(1) a monthly subsidy on behalf of the child payable to the subsidized guardian equal to the prevailing foster care rate;

(2) a medical subsidy comparable to the medical subsidy to children in the subsidized adoption program if the child lacks private health insurance; and,

(3) a special-need subsidy, which shall be a lump sum payment for one-time expenses resulting from the assumption of care of the child when no other resource is available to pay for such expense, if such payment is required. The assumption of care shall be deemed to be at the time of the transfer of guardianship.

(b) The subsidized guardianship program component provided in subsection (a) of this section shall continue until the child reaches the age of eighteen or the age of twenty-one if such child is in full time attendance at a secondary school, technical school or college or is in a state accredited job training program.

(Adopted effective September 1, 1998)

#### **Sec. 17a-126-6. Asset test and household income exemption**

(a) The commissioner may establish an asset test for eligibility under the program. Such asset test shall consider any other assets of and income available to the child and will reduce the amount of the subsidy payment to reflect the child's own income from other sources including but not limited to: social security benefits; TANF; child support; life insurance or other death benefits from or through a parent; interest income; and, all other federal and state assistance and benefit programs. The asset test employed by the commissioner may be designed to benefit the state with regard to potential federal reimbursement.

(b) A guardianship subsidy shall not be included in the calculation of household income in determining eligibility for benefits of the relative caregiver of the subsidized child or other persons living within the household of the relative caregiver.

(Adopted effective September 1, 1998)

#### **Sec. 17a-126-7. Monthly payment**

(a) The monthly subsidy payment on behalf of the child payable to the subsidized guardian shall be equal to the prevailing foster care rate as adjusted based on the asset test of the child as prescribed in section 17a-126-6 of the regulations of Connecticut State Agencies.

(b) Payments of less than the full cost of foster maintenance care may be made if the relative caregiver indicates that a lesser amount would be adequate to provide for the care of the child.

(Adopted effective September 1, 1998)

#### **Sec. 17a-126-8. Medical benefits**

(a) Any medical benefits which are being provided prior to the granting of a subsidized guardianship in accordance with the fee schedule and payment procedures under the State Medicaid program as administered by the Department of Social Services shall continue as long as the child qualifies under the subsidized guardianship program, unless the child is otherwise covered under private health insurance.

(b) No child shall be eligible for medical benefits provided by sections 17a-126-1 through 17a-126-23, inclusive, of the regulations of Connecticut State Agencies if the child has private health insurance.

(Adopted effective September 1, 1998)

#### **Sec. 17a-126-9. Special-need subsidy**

A special-need subsidy is a lump sum payment for one-time expenses resulting from the assumption of care of the child when no other resource is available to pay for such expense from other state and federal programs, health or medical insurance,

or other legally enforceable third-party payments. Such special-need subsidy payment shall be agreed to prior to the transfer of guardianship and made part of the guardianship transfer record.

(Adopted effective September 1, 1998)

### **Sec. 17a-126-10. Types of subsidy**

(a) A written certification of the need for a subsidy shall be made by the department. The type and amount of the subsidy shall be mutually agreed to by the department and the relative caregiver prior to the granting of a subsidy and transfer of guardianship. The subsidy agreement shall be entered on the court record by the department as part of the motion or petition to transfer guardianship. If the parties fail to agree, the relative caregiver may appeal to the administrative hearings unit pursuant to section 17a-126-18 of the regulations of Connecticut State Agencies.

(b) A child, who is a resident of the state of Connecticut when eligibility for a subsidy is certified, shall remain eligible and continue to receive the subsidy regardless of the domicile or residence of the relative caregiver at the time of application for the subsidy or thereafter.

(Adopted effective September 1, 1998)

### **Sec. 17a-126-11. Homestudy requirements and exemptions**

As a prerequisite to payment of a guardianship subsidy for the benefit of a minor child, a home study report shall be filed with the court having jurisdiction of the case of the minor within fifteen (15) days of the request for a subsidy provided that no such report shall be required to be filed if a report has previously been provided to the court or if the caregiver has been determined to be a certified relative caregiver by the commissioner. Such home study report shall be substantively equivalent to the home study report used by the department in the case of a foster family or prospective adoptive family placement.

(Adopted effective September 1, 1998)

### **Sec. 17a-126-12. Subsidy termination**

The guardianship subsidy provided under this section shall terminate:

(1) When the child ceases receiving, from the subsidized guardian, the financial support contemplated by section (c) of 17a-126-3 of the regulations of Connecticut State Agencies;

(2) When the child reaches the age of eighteen or the age of twenty-one if such child is in full time attendance at a secondary school, technical school or college or is in a state accredited job training program;

(3) Upon the death of the guardian; or

(4) When the subsidized guardian ceases providing the financial support contemplated by subsection (c) of section 17a-126-3 of the regulations of Connecticut State Agencies for whatever reason including, but not limited to the return of the child to the child's parent.

(Adopted effective September 1, 1998)

### **Sec. 17a-126-13. Annual review**

(a) Annually, the subsidized guardian shall submit to the commissioner, or designee a sworn statement that the child is still receiving, from the subsidized guardian, the financial support contemplated by section (c) of 17a-126-3 of the regulations of Connecticut State Agencies.

(b) In the event that the child ceases receiving the support contemplated by section (c) of 17a-126-3 of the regulations of Connecticut State Agencies such guardian shall notify the department of this in a timely manner.

(c) Annually, the subsidized guardian shall submit pertinent information concerning changes in the financial condition of the child which may result in an adjustment to the guardianship subsidy.

(Adopted effective September 1, 1998)

#### **Sec. 17a-126-14. Parental liability**

The parent of any child receiving assistance through the subsidized guardianship program shall remain liable for the support of the child pursuant to Public Act 97-312.

(Adopted effective September 1, 1998)

#### **Sec. 17a-126-15. Appeal from decisions by the commissioner denying, modifying or terminating a guardianship subsidy**

The department shall conduct a subsidy hearing when a person qualified for such hearing under section 17a-126-17 of the regulations of Connecticut State Agencies, disagrees with the department's decision to deny, modify or terminate a guardianship subsidy and requests a subsidy hearing.

(Adopted effective September 1, 1998)

#### **Sec. 17a-126-16. Subsidy hearing procedures**

(a) The department shall notify the subsidized guardian in writing at least fourteen (14) calendar days before the modification or termination of a guardianship subsidy of its decision to modify or terminate such subsidy and the person's right to a subsidy hearing. In the case of a denial of a guardianship subsidy such notification shall be provided in writing not more than fourteen (14) calendar days after such determination.

(b) The written notice sent pursuant to subsection (a) of this section shall include:

(1) a copy of sections 17a-126-1 through 17a-126-23, inclusive, of the regulations of Connecticut State Agencies;

(2) the department's reason for the denial, modification or termination;

(3) the subsidized guardian's right to a subsidy hearing;

(4) how the subsidized guardian shall apply for a subsidy hearing;

(5) the time within which a request for a subsidy hearing shall be made.

(c) A copy of the notice provided to the subsidized guardian shall be maintained in the case record, and furnished to the hearings unit by the social worker, upon request of a hearing.

(d) If the person denied a subsidy or the subsidized guardian decides to request a subsidy hearing, the social worker shall refer the subsidized guardian to the manager of the hearings unit for technical assistance. The hearing officer assigned to the hearing shall not provide technical assistance on the hearing. However, nothing in this section shall require the Department to provide legal assistance to the subsidized guardian.

(Adopted effective September 1, 1998)

#### **Sec. 17a-126-17. Request for subsidy hearing**

(a) A relative caregiver who is the proposed guardian may request a subsidy hearing if a request for subsidy has been denied and the child:

(1) is in the care or custody of the commissioner, and is living with the relative caregivers;

(2) has been in foster care or certified relative care for not less than eighteen (18) months.

(b) A relative caregiver may request a subsidy hearing if a subsidy agreed to under the provisions of subsection (a) of section 17a-126-10 of the regulations of Connecticut State Agencies has been modified or terminated under the authority of these regulations.

(c) A relative caregiver may request a subsidy hearing if the relative caregiver and the department are unable to come to a subsidy agreement under the provisions of subsection (a) of section 17a-126-9 of the regulations of Connecticut State Agencies.

(d) A relative caregiver may request a subsidy hearing by sending a letter or facsimile to the administrative hearings unit, stating his opposition to the department's denial, or proposal to modify or terminate the subsidy. The letter or facsimile shall be received by the hearings unit within fifteen (15) days of the relative's receipt of the notification from the department. The hearing shall be held within thirty days of receipt of the request.

(e) A subsidy shall not be modified or terminated pending the outcome of the subsidy hearing.

(Adopted effective September 1, 1998)

### **Sec. 17a-126-18. Denial of a request for a subsidy hearing**

A request for a subsidy hearing shall be denied by the hearings unit when:

(1) the relative caregiver fails to qualify for a subsidy hearing pursuant to section 17a-126-17 of the regulations of Connecticut State Agencies; or

(2) the child has reached twenty-one years of age.

(Adopted effective September 1, 1998)

### **Sec. 17a-126-19. Scheduling the subsidy hearing**

(a) The subsidy hearing shall be scheduled by the hearing unit within thirty (30) calendar days of the date the request is received by the manager of the Administrative Hearings Unit. A subsidy hearing may be continued or postponed for good cause at the discretion of the hearing officer or with agreement of all parties.

(b) The subsidy hearing shall be held in the regional office of the department or, if agreeable to all the parties, at another location designated by the hearing officer.

(Adopted effective September 1, 1998)

### **Sec. 17a-126-20. Pre-hearing conference for a subsidy hearing**

(a) The hearing officer may involve the parties and their representatives in a pre-hearing conference preceding the subsidy hearing for the purpose of:

(1) simplification and consolidation of issues;

(2) identification and limitation of the number of witnesses; or

(3) considering any other matters that will promote the quality of the proceedings.

(b) The hearing officer shall identify and recite on the subsidy hearing record any agreements made, or actions taken, by the parties at the conference.

(Adopted effective September 1, 1998)

### **Sec. 17a-126-21. Conduct of the subsidy hearing**

(a) The subsidy hearing shall be conducted by a hearing officer designated by the commissioner or his designee.

(b) The hearing officer shall have the power to administer oaths and affirmations, subpoena witnesses and require the production of records, physical evidence, papers and documents to any hearing held in the case.

(c) The hearing officer has the final authority to limit witnesses and take any other necessary actions that will facilitate the hearing process.

(d) Each party shall be afforded the opportunity to:

(1) inspect and copy relevant and material records, papers and documents; and

(2) at a hearing, to respond, to cross-examine other parties, intervenors, and witnesses and to present evidence and argument on all issues involved.

(e) Any oral or documentary evidence may be received provided:

(1) the hearing officer shall limit or exclude any evidence which is irrelevant, immaterial or unduly repetitious;

(2) the hearing officer shall recognize the rules of privilege governing confidential, professional communications;

(3) when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;

(4) documentary evidence may be received in the form of copies or excerpts, if the original is not readily available, and, upon request, parties shall be given an opportunity to compare the copy with the original;

(5) notice may be taken of generally recognized technical or scientific facts within common knowledge or the agency's specialized knowledge;

(6) parties shall be notified in a timely manner of any material noticed, including any agency memoranda or data, and they shall be afforded an opportunity to contest the material so noticed;

(7) the agency's experience, technical compliance, and specialized knowledge may be used in the evaluation of the evidence;

(8) all parties and their attorneys shall be permitted to examine all records and documents introduced by the parties to the hearing. Should any record or document, which a party was not permitted to examine in advance of the hearing, be introduced, that party may request a continuance, which may be granted at the discretion of the hearing officer, to allow the requesting party an opportunity to prepare a response to the record or document; and

(9) a party may conduct cross-examinations as required for a full and true disclosure of the facts.

(f) The full proceedings of subsidy hearings shall be audio recorded.

(g) The subsidy hearing decision shall be entered as part of the licensing file of the relative caregiver and the child's case record.

(Adopted effective September 1, 1998)

### **Sec. 17a-126-22. Subsidy hearing record**

(a) The record shall include:

(1) written notices related to the case;

(2) all petitions, pleadings, motions and intermediate rulings, if any;

(3) evidence received or considered;

(4) questions and offers of proof, objections and rulings thereon;

(5) the official recording of the proceedings; and

(6) the final decision.

(b) Any recording or stenographic record of the proceeding shall be transcribed on request of any party. The requesting party shall pay the cost of such transcript.

(Adopted effective September 1, 1998)

### **Sec. 17a-126-23. The subsidy hearing decision**

(a) The hearing officer shall be responsible for preparing the memorandum of decision which shall be mailed within thirty (30) calendar days of the hearing to:

- (1) parties;
- (2) attorneys;
- (3) guardian ad litem;
- (4) director of children's protective and family services;
- (5) regional office administration and casework staff; and
- (6) hearings unit file.

(b) The standard of review in an administrative hearing is a preponderance of the evidence. The Department shall have the burden of proof.

(c) The memorandum of decision shall contain:

- (1) the names of the persons present;
- (2) the provisions of law, regulation and policy applicable to the case;
- (3) evidence relied on in making the decision;
- (4) findings of fact; and
- (5) a statement of the reasoning on which the decision is based.

(Adopted effective September 1, 1998)