

**PRELIMINARY
DETERMINATION**

Certifications of guardianship assistance eligibility are completed by the supervising agency that is responsible for the care and supervision of the child. Certifications for children supervised by purchased services agencies must also be signed by the local DHS foster care monitor and supervisor. Prior to certifying a foster child's eligibility for juvenile guardianship assistance, the policy in GDM 600 must be followed to determine whether juvenile guardianship is an appropriate goal for the child. The certification of guardianship assistance eligibility is completed after the following documents are completed and included in the foster care case record to confirm that juvenile guardianship is an appropriate permanency goal:

- DHS-2051, Caregiver's Permanency Planning Checklist.
- DHS-2052 or DHS-2053, Caseworker's Permanency Planning Checklist.

Certification of guardianship assistance must be approved and a written guardianship assistance agreement must be signed by the guardian and the Department of Human Services (DHS) designee before the guardianship appointment is ordered by the court.

**GUARDIANSHIP
ASSISTANCE
ELIGIBILITY****Child
Requirements**

A child is eligible for guardianship assistance if **all** of the following requirements are met:

- The child was removed from his/her home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child.
- The child has resided in the home of the prospective guardian for at least six consecutive months prior to the eligibility determination.
- Reunification and/or adoption have been ruled out as appropriate permanency options for the child and documented in the case service plan.
- The child has been consulted about the guardianship arrangement if he/she is age 14 years or more.
- The child is strongly attached to the prospective guardian and the guardian has a strong commitment to caring permanently for the child.

**Guardian
Requirements**

A prospective guardian must request guardianship assistance by completing the Caregiver's Permanency Planning Checklist (DHS-2051).

Only DHS can determine eligibility and authorize guardianship assistance payments.

A prospective guardian requesting guardianship assistance on behalf of an eligible child must meet the following qualifications:

All Funding Sources:

- The eligible child has resided with the prospective guardian in the prospective guardian's residence for a minimum of six consecutive months prior to applying for the guardianship assistance.
- All criminal background checks, including national database fingerprinting and clearance of the Central Registry are current, as listed in foster care policy FOM922-1 and licensing requirements. All adults living in the home must have criminal background checks. All adults living in the home must also have clearance of the child abuse and neglect registry in any state in which they have resided during the past 5 years.

Title IV-E Funded:

- The prospective guardian is the title IV-E eligible child's relative and a licensed foster parent.
- The child must be eligible for title IV-E foster care maintenance payments while residing in the prospective relative guardian's foster home for at least six consecutive months after the license has been approved and prior to the certification of guardianship assistance eligibility.

State Funded:

- The prospective guardian is a relative or legal custodian of the eligible child. The prospective guardian must become a licensed foster parent prior to the certification of guardianship assistance eligibility.
- State funded guardianship assistance does not require the home to be licensed for the full six consecutive months that the child has resided in the home.

Determining Title IV-E Eligibility

The local DHS office designated staff person (Child Welfare Funding Specialist, supervisor or manager) must provide a copy of the DHS-436, Title IV-E Case Reading Form (completed in the past 6 months) in all cases involving children living with a licensed relative in order to meet eligibility requirements for guardianship assistance. If it is determined that the child is not title IV-E eligible, relative guardianship assistance will be funded by state funds if all other eligibility requirements for the state program are met.

Note: Purchased services agencies will need to request the completed DHS-436 from the DHS local office.

Title IV-E Funding for Siblings

If DHS and the relative agree that a foster child who is a sibling of a title IV-E guardianship assistance eligible child should be placed in the same relative guardianship arrangement, title IV-E funded guardianship assistance may be paid on behalf of the sibling regardless of the sibling's title IV-E eligibility. (See GDG for the definition of sibling.) The sibling does not have to meet the child eligibility requirements listed above, and the sibling's placement in the home does not need to occur simultaneously with the eligible child's placement.

State Funding for Siblings

Unlike the title IV-E program, each sibling must qualify for assistance and meet all eligibility requirements for the state-funded guardianship assistance program. The inability of one (or more) sibling(s) to qualify for state-funded assistance does not prohibit siblings from being placed together in the same guardianship.

CASE PLAN REQUIREMENTS

When guardianship assistance payments are requested for a child with a permanency plan of guardianship, the following documentation must be included in the case plan:

- The steps the agency has taken to determine that it is not appropriate for the child to be returned home or adopted.
- For temporary court wards only:
 - The efforts made by the agency to discuss the guardianship assistance arrangement with the child's parents or the reasons why efforts were not made.
 - The reasons that termination of parental rights is not in the best interest of the child and the facts that demonstrate the guardianship is required on a permanent basis.
- The reasons for any separation of siblings during placement. In cases where siblings are not placed together, documentation of the arrangements for regular visitation or other interaction between the siblings must be included in the case plan, unless there is documentation that the visitation or other ongoing interaction would be detrimental to the safety or well-being of any of the siblings.
- The reasons why a permanent placement through a guardianship is in the child's best interest.
- The determination of the child's eligibility for a guardianship assistance payment (DHS-3310).

- The efforts the agency has made to discuss adoption by the prospective guardian as a more permanent alternative to guardianship. If the prospective guardian is a relative, the case plan must document the reasons why the relative has chosen not to pursue adoption.
- The special needs of each child and the proven ability of the prospective guardian to adequately address the needs. Specific services and supports the child has received or is currently receiving must be listed.

CERTIFICATION PROCESS

The certification of eligibility is completed when the prospective guardian has requested guardianship assistance on the Caregiver's Permanency Planning Checklist (DHS-2051) and the Case Plan Requirements (above) have been met.

1. The assigned worker completes the Certification of Guardianship Assistance Eligibility and Request for Agreement (DHS-3310) which documents that the following information is in the foster care case record (in addition to the Case Plan Requirements information):
 - The child's demonstration of a strong attachment to the prospective guardian.
 - The guardian has a strong commitment to caring permanently for the child.
 - The child, if age 14 or older, has been consulted about guardianship.
 - The child is under age 18.
 - The child was placed in the prospective guardian's home as a foster child.
 - The prospective guardian is a licensed foster parent.
 - All adult household members have successfully completed a criminal history check and child abuse registry check in accordance with foster care licensing requirements.
 - Title IV-E funded only: Prior to certification for guardianship assistance, the child has been eligible for title IV-E foster care payments while residing with the licensed prospective relative guardian for at least six consecutive months before the certification and the prospective guardian has been a licensed foster care provider during those six months.

- State funded only: The child has resided with the prospective guardian for at least six consecutive months in the prospective guardian's home prior to certification and the prospective guardian is a licensed foster care provider.
2. The assigned worker and supervisor sign the DHS-3310 certifying that all of the above information is complete and in the foster care case record.
 3. For purchased services cases only:

Note: The DHS local office with case monitoring responsibility must have a designated person(s) who will meet with purchased services agencies or otherwise review the DHS-3310 and return the signed DHS-3310 to the purchased services agency within seven working days of DHS receipt of the DHS-3310.

- The completed, signed DHS-3310 is submitted to the DHS local office designee.
 - The DHS local office designee reviews the Updated Service Plan (USP) to verify that all required documentation is in the DHS foster care case record.
 - The DHS local office designee and supervisor must sign the DHS-3310 certifying that the DHS foster care case record includes all of the required documentation.
 - The signed DHS-3310 is returned to the purchased services agency for submission to the DHS subsidy office.
4. The completed DHS-3310 is submitted to the DHS subsidy office in central office with the following documents:
 - The Title IV-E Case Reading Form (DHS-436), completed within the past six months, for children being placed with a relative guardian.
 - The current Determination of Care (DOC) form (DHS-470, 470A or 1945) if the child is eligible for and/or receiving a foster care Determination of Care rate.
 - The Updated Service Plan (USP) including narrative of the case plan requirements.
 - A copy of the child's birth certificate.
 - A copy of the Caseworker's Permanency Planning Checklist (DHS-2052 or DHS-2053).

- A copy of the Caregiver's Permanency Planning Checklist (DHS-2051).

**Submitting MCI
Consent Requests
with the DHS-3310**

If the child is an MCI ward, a single packet should be submitted to apply for MCI consent and guardianship assistance. If applying for both, the following consent documents must also be included in the packet:

- Permanent Guardianship Consent Request for MCI Wards (DHS-2050).
 - Copy of the child's birth certificate.
 - The Order Terminating Parental Rights (Child Protective Proceedings) (JC 63).
 - The applicable legal documents committing a child to DHS following a voluntary release (PCA 305, 306, 318, 322).
 - Copy of the current foster home evaluation (BCAL-3130) and any addendum.
 - Child Adoption Assessment and any addendum, if available.
5. The DHS subsidy office reviews the documentation, determines the maximum monthly guardianship assistance rate and issues a Guardianship Assistance Agreement (DHS-3313). The agreement is sent to the assigned worker. (If MCI consent is requested, the agreement will be sent after consent is approved.)

Note: If it is determined that the child is not eligible for guardianship assistance, a Guardianship Assistance Denial letter (DHS-3311) will be sent to the assigned worker for delivery to the prospective guardian.
 6. The assigned worker reviews the agreement with the prospective guardian and negotiates the amount of ongoing monthly subsidy payments with the prospective guardian. The prospective guardian enters the amount of the negotiated ongoing monthly guardianship payment and signs the agreement. Another adult must witness the signature and sign the agreement as a witness. (The assigned worker may sign as the witness if the prospective guardian signs in the worker's presence.)
 7. The assigned worker returns the signed agreement to the DHS subsidy office at the DHS central office.
 8. The DHS subsidy office reviews the agreement for accuracy and the DHS designee in the subsidy office signs the agreement. A copy is returned to the assigned worker.

9. The assigned worker gives the prospective guardian the original copy of the signed agreement and maintains a copy in the foster care record. In purchased services cases, the assigned worker must send a copy of the agreement to the DHS foster care monitor for inclusion in the case record.

After the guardianship assistance agreement has been signed by the prospective guardian and the DHS designee in central office, the assigned worker must ask the court to order the guardianship. No petition or filing fee is required.

Time Frames

DHS will assess and either approve or deny the request for guardianship assistance within 30 days of receiving a complete application and certification.