

Permanency through Guardianship

Juvenile guardianship is a legally created relationship between a guardian and a foster child. The arrangement is intended to provide the child with a stable, permanent home until the age of majority.

Before the court can appoint a juvenile guardian, the following must be completed:

- Criminal background checks and Central Registry clearances on the guardian and all adults living in the household.
- Written consent from the Michigan Children's Institute (MCI) superintendent for state wards.
- Foster care licensing of the guardian's home (if assistance is being requested).

After a guardian is appointed:

- The foster care case closes.
- The court conducts annual reviews.
- The guardian must obtain court approval to change a child's home to another state.

The guardian will have the following powers for the child:

- Make educational decisions.
- Decision making that is the same as a birth or adoptive parent.
- Obtain medical treatment.
- Determine the child's residence.
- Responsible for the daily activities of the child.

GUARDIANSHIP ASSISTANCE PROGRAM (GAP)

GAP provides financial support to ensure a permanent home for children who may otherwise remain in foster care until reaching the age of majority. Eligibility for the GAP program is determined by the Adoption and Guardianship Assistance Office (AGAO). If eligible, the prospective guardian(s) and the AGAO will enter into a guardianship assistance agreement. A guardianship assistance agreement must be signed by both the prospective guardian and the

Department of Health & Human Services (MDHHS), AGAO representative before the court appoints the guardian. The agreement is effective on the date of the guardian's appointment by the court.

Guardianship Assistance Program Eligibility

All of the following eligibility requirements must be met and determined eligible by the AGAO:

- The child's removal from their home was a result of a court determination that continuing in the home would be contrary to the child's welfare.
- Reunification and/or adoption have been ruled out as appropriate permanency options for the child and clearly documented in the case plan.
- The child has been consulted about the guardianship arrangement, if they are age 14 years or older, and is in agreement.
- The child is strongly attached to the guardian and the guardian has a strong commitment to caring permanently for the child.
- The guardian must be a licensed foster parent.
- The child must live in the licensed guardian's home for at least six months prior to requesting guardianship assistance.
- There must be current criminal and Central Registry background checks of the guardian and all adults living in the home.

Note: Guardianships that are in place prior to the signing of a Guardianship Assistance Agreement are not eligible for the Guardianship Assistance Program.

GAP eligibility exists until one of the following occurs:

- The guardianship ends due to the youth's age requirements.
- The child is emancipated by court order, marriage or military service.
- The child or guardian dies.
- The child is adopted.
- Guardianship is revoked or terminated by the court.
- The child is no longer being supported by the guardian.

- The guardian requests that the payment be stopped.

The assistance may be extended from age 18 to 21, if the youth enters the guardianship on or after their 16th birthday and meets the eligibility requirement for an extension. In these instances, an application will be sent to the guardian 90 days prior to the child's 18th birthday.

Medicaid

Children who qualify for Title IV-E-funded guardianship assistance are categorically eligible for Medicaid. AGAO determines eligibility for Medicaid for state-funded guardianship assistance. If eligible, Medicaid will continue while the guardianship assistance agreement is in effect.

Medical Subsidy

A child may be eligible for Juvenile Guardianship Medical Subsidy if all of the following apply:

- The child is approved for the Guardianship Assistance Program.
- The child is under the age of 18.
- The expenses are necessary due to a physical, mental or emotional condition that existed or the cause of which existed prior to the guardianship order.
- The physical, mental or emotional condition is certified by the AGAO.
- AGAO and the guardian have entered into a Juvenile Guardianship Medical Subsidy Agreement.
- Medical subsidy applications may be submitted either before or after the appointment of the guardian and may be approved up until the child's 18th birthday. Applications can be obtained from MDHHS, a private foster care agency or on the MDHHS website, www.michigan.gov/mdhhs.

Nonrecurring Expenses

Nonrecurring expenses are reasonable and necessary fees and expenses directly related to the process of obtaining a juvenile guardianship such as travel, lodging, medical expenses, court fees, evaluations and licensing assessments.

In order to qualify for nonrecurring expenses reimbursement, the following must occur:

- A Guardianship Assistance Agreement is in effect when the court appoints the guardian.
- Eligible expenses must be claimed within two years of the date of the guardianship order.

Note: Maximum lifetime allowable amount is \$2,000 per child.

Other Financial Benefits

Once appointed, the guardian should apply to be the payee for children who are eligible for:

- Supplemental Security Income (SSI): The Social Security Administration will determine the child's continued SSI eligibility and amount.
- Retirements, Survivors, Disability Insurance (RSDI) or Veteran's Administration benefits.

Additional Services for Older Youth

Youth in Transition (YIT) funding is available for an eligible youth age 18 to 21 who was in foster care on or after their 14th birthday and placed in GAP at age 16 or older. This funding is for expenses not covered by other resources. Examples include but are not limited to housing, health care, education and employment expenses. For more information go to <http://www.michigan.gov/fyit>.

Education and Training Voucher (ETV)

Provides up to \$4,000 per year based on available funding to cover school- or vocational-related expenses for any youth who meets all of the following:

- Was in foster care on or after their 14th birthday.

- Guardianship order was dated on or after their 16th birthday.
- Has a high school diploma or its equivalent.
- Is attending an accredited school at least half-time.

For questions contact 877-660-METV (6388).

Guardianship Options Without Assistance

Juvenile Guardianship Without Assistance –

The guardian has all the rights for the child as a guardian who receives assistance. When the child is a temporary or permanent court ward and the prospective guardian is not requesting juvenile guardianship assistance, as indicated on the DHS-2051, Caregiver Permanency Checklist, the worker is not required to receive AGAO approval prior to the court appointing the juvenile guardian, but must provide a copy of the DHS-2051 to the AGAO for the child's record. When the child is an MCI ward, the worker must request consent from the MCI superintendent on **all MCI cases**.

EPIC (Estates & Protected Individuals Code) Guardianships – Governs matters pertaining to the administration of estates of a deceased and protected person. There are two types of court-ordered guardianships for a minor.

- Limited guardianship is created by the filing of a petition by the minor's custodial parent or parent(s), where parental rights are voluntarily suspended.
- Full minor guardianship is created by way of a petition typically filed by someone other than a parent without the consent of parents.

The Michigan Department of Health and Human Services will not exclude from participation in, deny benefits of, or discriminate against any individual or group because of race, sex, religion, age, national origin, color, height, weight, marital status, partisan considerations, or a disability or genetic information that is unrelated to the person's eligibility.

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Michigan Department of Health and Human Services

