

Lois A. Day

Authorized Signature

Number: CW_IM_09_021

Issue Date: 09/15/09

Topic: Other

Subject: Guardianship Assistance Program

Applies to (check all that apply):

- | | | | |
|-------------------------------------|-------------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | All DHS employees | <input type="checkbox"/> | County Mental Health Directors |
| <input type="checkbox"/> | Area Agencies on Aging | <input type="checkbox"/> | Health Services |
| <input checked="" type="checkbox"/> | Children, Adults and Families | <input type="checkbox"/> | Seniors and People with Disabilities |
| <input type="checkbox"/> | County DD Program Managers | <input type="checkbox"/> | Other (please specify): |

Message: New Temporary Guardianship Rules, Policy I-E.3.6.2 (7-1-09) describe the Department's responsibility to determine eligibility for guardianship assistance for a child placed by the state of Oregon.

Bonnie Klohs at 1-503-947-5371 is the staff person responsible in the Central Office Guardianship Program for processing subsidized guardianship assistance payments.

Eligibility:

- The child must have been in the Department or tribes legal custody and eligible to receive Title IV-E foster-care maintenance payments for at least 6 consecutive months while residing in the home of the prospective relative guardian, or 12 consecutive months if residing in the care of a prospective non-relative guardian, in order to be eligible for the Subsidized Guardianship Assistance Program.
- There is no age limit for children placed with relatives. Children placed with non-relatives need to be 12 years of age or above, or have a sibling of that age or above.
- A sibling of a title IV-E eligible child placed with the same prospective guardian is eligible for guardianship assistance payments.
- Each child receiving a title IV- E guardianship payment must be in full-time elementary or secondary school, or be incapable of attending school due to a documented medical condition.
- The child remains eligible for the assisted guardianship program when they are placed in substitute care but will be returning to the guardians
- How the child meets eligibility requirements must be documented by the IV-E specialist on the CF 0973 " Title IV-E Subsidized Guardianship Determination."

Medicaid Eligibility:

Children who receive guardianship assistance payments are categorically eligible for title XIX medical benefits.

Documentation in the Guardianship Application packet must refer to the following:

- 1) Being returned home or adopted are not appropriate permanency options for the child.
- 2) The child has a strong attachment to the prospective relative guardian and the guardian has a strong commitment to caring permanently for the child.
- 3) A child 14 years or older has been consulted regarding the guardianship arrangement.
- 4) The appropriateness of guardianship as a permanent plan.
- 5) Efforts that have been made to discuss guardianship with the parents of the child, or reasons why efforts were not made.
- 6) The reason why a permanent plan with the prospective guardian and receipt of guardianship assistance payment is in the child's best interests.
- 7) If the child is not placed with siblings, then an explanation of why the child is separated from siblings is required.

Subsidized Guardianship Agreements

The Department must negotiate and enter into a written, binding guardianship assistance agreement with the prospective guardian and provide them with a copy of the agreement. The title IV-E guardianship assistance agreement must be in place with the prospective guardian prior to the court ordered establishment of the legal guardianship.

Siblings:

The Department may make guardianship assistance payments on behalf of each sibling of a title IV-E eligible child who is placed with the same relative under the same guardianship arrangement if the Department and guardian agree that the placement is appropriate. Exceptions would be cases where the siblings benefits exceed the guardianship assistance payments. It is not required that the State place siblings with the guardian simultaneously with the title IV-E eligible child for the siblings to qualify for guardianship assistance payments.

Non recurring expenses:

The agreement must also provide for the title IV-E agency to pay the total amount of non recurring expenses associated with obtaining legal guardianship of the child, up to \$2000. Non recurring expenses are also available for siblings placed under the parameters of this rule.

Guardianship Assistance Payments The amount of the guardianship assistance payment must be no greater than the amount of the foster care maintenance payment and any enhanced supervision payment the child receives as a result of the most recent CANS screening completed while the child was in foster care. Deducted from this payment is the child's benefit income, which does not include child support or tribal dividend payments. For a child residing outside the state of Oregon the guardianship assistance payment is based on the foster care rate of their state of residence.

A guardian may request an increase in the child's guardianship assistance payment, but it may be no greater than the Department approved rate based on the child's current age plus the initial amount of enhanced supervision rate.

Child support:

Guardians are not required to have their child support payments turned over to the Department but can be counseled as to the advisability of this.

Fair Hearings

The Department must provide the opportunity for a fair hearing to any individual concerning disputes about guardianship assistance, or whose claim for guardianship assistance available under title IV-E is denied or is not acted upon with reasonable promptness.

If you have any questions about this information, contact:

Contact(s):	Ann Bennett		
Phone:	1-503-945-5998	Fax:	1-503-945-6633
E-mail:	Ann.j.bennett@state.or.us		