



# **Expanding Permanency Options for Children:**

## **A Guide to Subsidized Guardianship Programs**

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The mission of the **Children's Defense Fund** (CDF) is to *Leave No Child Behind*<sup>®</sup> and to ensure every child a *Healthy Start*, a *Head Start*, a *Fair Start*, a *Safe Start*, and a *Moral Start* in life and successful passage to adulthood with the help of caring families and communities. CDF provides information about subsidized guardianship and other policies and programs to support children living in kinship care families. For more information about the Movement to Leave No Child Behind<sup>®</sup>, the Act to Leave No Child Behind, and other initiatives, see CDF's Web site at [www.childrensdefense.org](http://www.childrensdefense.org) or contact Mary Bissell at [mbissell@childrensdefense.org](mailto:mbissell@childrensdefense.org).

**Cornerstone Consulting Group** is a national consulting firm that specializes in human services and community development issues. The National Collaboration for Permanency through Subsidized Guardianship is Cornerstone's three-year initiative designed to provide technical assistance and educational materials to state and local audiences concerned with child welfare. For more information see Cornerstone's Web site at [www.cornerstone.to](http://www.cornerstone.to) or e-mail Jennifer Miller at [jmiller@cornerstone.to](mailto:jmiller@cornerstone.to).

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## Introduction

**S**ince the passage of the Adoption and Safe Families Act (ASFA) in 1997, state child welfare systems have redoubled their efforts to secure permanent, loving families for abused and neglected children who cannot safely return home. To this end, states are exploring a range of creative, new ways to expedite adoptive and other permanent placements for children in foster care and to strengthen these families with vital pre- and post-permanency supports.

As part of an expanding continuum of effective permanency options, 34 states and the District of Columbia have established subsidized guardianship programs to support children and families for whom adoption is not an appropriate permanency option.

Although these caregivers have a strong commitment to the children in their care and agree to care for them permanently, some qualified guardians are unable to make ends meet without financial help or the services necessary to meet children's special needs. State subsidized guardianship programs eliminate this barrier to permanency by providing ongoing payments for eligible children who have left or who are leaving the state child welfare system to live permanently in the care of a legal guardian, often a relative caregiver. In some states, subsidized guardianship programs also serve children raised by relatives outside of the child welfare system to prevent the unnecessary placement of the children in foster care.

The Children's Defense Fund and Cornerstone Consulting Group have taken a closer look at the key components of state subsidized guardianship programs and the legislative and policy strategies that make them most effective. This publication outlines concrete approaches for states to consider in establishing new subsidized guardianship programs and in improving existing ones to better ensure safety and permanency for children:

- 1. Commonly Asked Questions about Subsidized Guardianship Programs** provides a primer on subsidized guardianship, including basic information about subsidized programs, who they serve, why they are needed, and how they are funded.
- 2. Checklist for State Subsidized Guardianship Legislation and Creative Legislative Approaches to Subsidized Guardianship** discuss a range of policy issues for state and local agencies to consider when starting a new subsidized guardianship program or when expanding an existing one.
- 3. State-by-State Survey of Subsidized Guardianship Programs** includes detailed information about each state’s subsidized guardianship program, including child and caregiver eligibility requirements, agency guidelines, subsidy levels, funding sources, legislative and administrative citations, and relevant contact information for state program administrators.

We look forward to sharing the information included in this report and hope that it will stimulate further dialogue about subsidized guardianship as an effective permanency tool for some of our nation’s most vulnerable children.

## Section 1

# Commonly Asked Questions about Subsidized Guardianship Programs

### What are subsidized guardianship programs?

Subsidized guardianship programs provide a permanent alternative to adoption for eligible children who are leaving the state child welfare system or who are at risk of being placed in foster care. The programs make it possible for these children to live permanently in the care of a legal guardian who has agreed to provide a safe and loving home for them and who receives ongoing payments to help provide for the needs of the child. In many cases, the child's guardian is a relative or a close family friend (sometimes called a "kinship caregiver") who already has a bond with the child.

### Do all states have subsidized guardianship programs?

Most do. Currently, 34 states and the District of Columbia have subsidized guardianship programs. New Jersey, Missouri, and Montana each have two separate subsidized guardianship programs that serve different groups of children. A detailed profile of each state's subsidized guardianship program and contact information is available on pages 85-161.

### Are subsidized guardianship programs different in each state?

Yes, state programs vary greatly. Each subsidized guardianship program has a different name. They have different eligibility guidelines for children and caregivers and offer different subsidy amounts for participating children. They also have different funding sources and serve varying numbers of children. Delaware's Assisted Guardianship, for example, serves approximately 48 children. Illinois's Subsidized Guardianship Program serves approximately 6,909 children. California's Kin-GAP Program, the nation's largest, serves more than 9,000 children.

## **Are subsidized guardianship programs new?**

Yes. While extended family and friends have been stepping in to raise children for generations, subsidized guardianship programs designed to increase the financial stability and well-being of the children in these arrangements are relatively new. Massachusetts established the first subsidized guardianship program in 1983. Two other states pioneered subsidized guardianship programs in the 1980s: South Dakota in 1985 and Nebraska in 1986.

In the early 1980s, the crack cocaine epidemic resulted in a record number of children coming under the supervision of state child welfare agencies. While qualified relatives were often willing to raise these children, many were unable to make ends meet without financial help to support the children and without services to address their special needs. At the same time, state child welfare agencies began to acknowledge the emotional and cultural benefits of permanent placements with kin for children who could not return safely to their parents and for whom adoption was not an appropriate option. Similar to adoption assistance programs, subsidized guardianship programs helped states to secure and maintain permanent placements for children who would otherwise remain in long-term foster care.

In 1997, the federal Adoption and Safe Families Act (ASFA) called for more timely decisions about permanence for children in state custody and formally recognized legal guardianship as an appropriate permanency option for waiting children.<sup>1</sup> As a result, most states have developed their subsidized guardianship programs in the last several years.

## **Is subsidized guardianship a new type of guardianship or custody law?**

No. Each state already has its own set of guardianship or custody laws.<sup>2</sup> These laws allow a relative caregiver or other qualified third party to ask the court for formal legal authority over a child. Once the court approves a legal guardian, the responsible adult has the right to make important decisions for the child as well as the duty to provide for the child's basic needs and general welfare until he or she becomes an adult or guardianship is no longer needed. In many states, these laws are under the jurisdiction of the probate court, which is different from the juvenile or family court that hears abuse and neglect and dependency cases. Subsidized guardianship refers to state-authorized programs that provide financial support to children whose caregivers obtain legal guardianship or custody through these already existing state laws.

## How do subsidized guardianship programs help children?

Subsidized guardianship programs help to ensure permanent families for children who cannot live safely with their birth parents or for whom adoption is not an appropriate option. Most of the children in these programs have been in the child welfare system. The subsidized guardianship programs help caregivers, often relatives, to provide the children they are raising with permanent homes—a safe, family alternative to long-term foster care. The assistance and security provided by subsidized guardianship programs can also help prevent children from entering foster care in the first place.

## Why are subsidized guardianship programs particularly important for children raised by relatives?

Almost all state subsidized guardianship programs include children who are being raised by relative caregivers. Although some kinship caregivers choose to adopt the children under their care, others feel that legal guardianship is a more appropriate permanency option in a family situation because of one of the following reasons:

- **Maintains family bonds with the birth parents:** Kinship caregivers, often grandparents and other relatives with strong emotional ties to the children’s birth parents, may not feel it would be in the child’s best interest to terminate parental rights as required by adoption. In some cases, the birth parents may have a physical or mental disability that prevents them from caring safely for the child. In others, relatives may feel that the child’s parents will address their problems and be able to safely resume custody of the child in the future with proper court approval.
- **Honors the wishes of older children:** Many older children do not want to cut off ties with their parents even when they wish to remain permanently in the home of a caring relative.
- **Respects the cultural norms of extended family:** In some cultures, the process of terminating parental rights defies important cultural norms of extended family and mutual interdependence.
- **Provides court flexibility to address the child’s needs:** Some legal analysts argue that, unlike adoption, legal guardianship allows judges to limit or expand the legal guardian’s and parents’ authority as necessary to best serve the changing needs of individual children, their caregivers, and birth parents.

- **Limits state intervention in the lives of families:** Many families are ready to care permanently for children who cannot return to their birth parents but want to minimize the state’s role in their lives. When they cannot adopt, subsidized guardianship programs allow them to make important decisions on behalf of the child without needing child welfare agency approval and oversight.

### **Once guardianship is transferred, do the child’s parents still have legal rights and responsibilities?**

Yes. Even when the care and control of a child is transferred to the guardian, the birth parents still have certain rights and responsibilities, which vary from state to state. Generally, they include the right to safe visitation with the child, the right to consent to the child’s adoption, and the responsibility to pay child support.

### **Have any states changed their guardianship laws or passed new ones to better accommodate subsidized guardianship programs?**

Yes. Several states have changed their laws to make guardianship statutes more responsive to the unique needs of abused or neglected children and more consistent with statutes governing permanency decisions in the states. Several states, such as New Jersey and North Carolina, have made it more difficult to rescind guardianship once it is established. Idaho has amended its guardianship statute to provide for disseminating information on the availability of guardianship assistance to all prospective guardians.

### **Is legal guardianship a safe and permanent option for children in the child welfare system?**

As with any permanency option, successful subsidized guardianship requires that the court, the child welfare agency, and the adults involved work together to ensure that the permanent home being arranged for each individual child is appropriate. The safety of the child must be paramount, and steps must be taken to ensure permanence and minimize disruptions. Other permanency options, such as safe return to the birth family or adoption, should be seriously considered before subsidized guardianship is selected, in order to minimize the possibility of later disruption. The thorough preparation of all parties in advance and the provision of needed assistance and supports to the child and the caregiver will also help to ensure the child’s safety and permanence.

### **What protections are in place to help ensure that a subsidized legal guardianship arrangement is best for the child?**

State subsidized guardianship programs provide some or all of the following types of protections to ensure a safe and permanent family for the child:

- **Thorough assessment of relevant permanency options:** All states require a trained child welfare caseworker to determine whether subsidized guardianship is the best option for the child. Several explicitly require that the arrangement be in “the best interest of the child.” The majority of states also require that the supervising agency consider the possibility of safe reunification with the birth parents or adoption before subsidized guardianship is chosen as a viable permanency option.
- **Training:** To ensure appropriate use of subsidized guardianship programs, several states require special training for caseworkers to ensure that they understand all the permanency options and can discuss these options with the children, as appropriate, and with the birth parents and prospective guardians. Some states also offer this training to court personnel and attorneys.
- **Consultation with prospective guardian, birth parents, and child:** Most states require that the prospective guardian, the child’s birth parents, and the child be informed about existing permanency options and, in particular, the implications of legal guardianship. Some states require that the birth parents and/or the child formally consent to the guardianship arrangement to reduce the likelihood that the arrangement will be contested in the future. Others require the state agency to consult the child about his preferences.
- **Court approval of the legal guardianship arrangement:** In all states, the courts must decide that placement with the guardian is in the child’s best interest. It is also up to the court to consider the safety of any subsequent modification to the legal guardianship arrangement.
- **Home studies and criminal background checks:** All states require criminal background checks of foster parents, including those who are related to the child. Some also require criminal background checks of the prospective guardians who have not previously cared for the child. Others conduct home studies of prospective guardians to ensure that they are able and willing to provide a safe home environment.
- **Supportive services and assistance:** Most states provide health insurance coverage for the children in state subsidized guardianship programs through Medicaid, state health insurance programs, or other means. Some states also cover the cost of one-time expenses associated with obtaining guardianship or provide ongoing child care or respite services. These supportive services help to increase the stability and safety of subsidized guardianship placements.

- **Periodic agency review:** Almost all states require that the child welfare agency conduct a periodic review of the subsidized guardianship arrangement to confirm that: (1) the child is still living with the guardian; (2) the child's and/or guardian's financial situation has not changed; and (3) the family is receiving the services and support it needs to continue successfully with permanent guardianship.
- **Periodic court review:** Independent from the administrative duties of state subsidized guardianship programs, many state guardianship laws require the court to conduct a periodic review of the legal arrangement to monitor the child's and family's well-being.

### **How do subsidized guardianship payments compare to foster care and adoption assistance payments?**

Guardianship subsidy levels vary greatly from state to state. In many states, the monthly payment for guardianship is equal to the payment for foster care. This amount may be more or less than the adoption assistance payment, depending on the state's payment structure. As with adoption assistance, some states increase the level of the subsidized guardianship payment to address a child's special needs. There are some states in which subsidized guardianship payments are lower than foster care and adoption assistance payments. In others, they may be the same as the payment rate for Temporary Assistance for Needy Families (TANF), especially if the guardianship subsidy is financed by TANF funds. In others, the subsidy rate is higher than TANF but lower than the foster care payment. For a comparison of state subsidized guardianship rates, see pages 74-84.

### **Can legal guardianships be terminated?**

Yes. A child's parent may petition the court to modify the guardianship. The guardian may also petition the court to terminate or vacate the guardianship order. In either case, however, a court must review the petition and decide whether it is appropriate to modify or terminate the guardianship. There may also be situations where the court agrees with the parties that it is in the child's best interest to return to his or her parent's care. As with adoption, adequate preparation of all parties in advance and the provision of necessary services and supports can significantly reduce the risk of harmful disruptions.

### **Can a legal guardian later decide to adopt the child?**

Yes. A child's guardian may petition the court to adopt a child after legal guardianship is approved. However, the birth parents' rights still must be terminated, voluntarily or involuntarily, before the adoption can be finalized. Several states help with the legal fees needed for the adoption. Some also offer ongoing adoption assistance payments for a child once the adoption is finalized.

## What happens if the child's guardian dies?

When a child's guardian dies, other legal arrangements must be made. A few states require prospective guardians to designate a co-guardian or standby guardian for the child, particularly when the guardian is older or ill. This requirement is designed to help ease the emotional and financial transition for the child in the event the guardian dies.

## Can the state child welfare agency terminate a child's subsidized guardianship payments?

Yes. Most states automatically terminate a child's subsidized guardianship payments when he or she turns 18. Three states continue these payments until age 21 if the child is still in school or has a disability. Generally, agencies may also discontinue a guardianship subsidy at any point for one of the following reasons:

- A court dissolves or modifies the guardianship arrangement.
- The child dies or no longer resides with the current guardian.
- The guardian or child does not comply with program requirements.

Terminating the subsidy payment does not automatically result in the termination of the guardianship. Only a court may officially dissolve or modify a legal guardianship arrangement.

## Which children are eligible for subsidized guardianship programs?

Each state's subsidized guardianship program has different eligibility requirements for children. Like adoption assistance programs, most state subsidized guardianship programs are designed for children in the child welfare system who are difficult to place in permanent homes. The most common eligibility requirements include the following.

- **Consideration of reunification and adoption:** Most state subsidized guardianship programs require that reunification with the birth parents and adoption be examined carefully as permanency options for the child before guardianship is considered.
- **Age:** In approximately half of the states, subsidized guardianship programs have minimum age requirements, ranging from two to 14 years, for children to participate. Almost all programs allow eligible children to participate until age 18. Common exceptions to age and other eligibility requirements are listed later on pages 49-55.

- **State custody:** In most states, children must be in the custody of the state child welfare agency, often for a certain period of time, before becoming eligible for the subsidized guardianship program. This is a safeguard to ensure that reunification with birth parents and adoption have been adequately considered. Some states require the child to be in state care for up to a year before a subsidized guardianship arrangement is approved. Others do not mandate a specific time period. A few states have subsidized guardianship programs for children living informally with relatives outside of the child welfare system. These programs are intended to prevent children from unnecessarily entering foster care.
- **Special needs:** A few states limit participation in subsidized guardianship programs to children with “special needs.” As with adoption assistance payments, subsidized guardianship programs define a child with special needs differently in each state. These children may include those who are difficult to place because of physical or emotional disabilities, race or ethnic background, age, or because they are members of a sibling group.
- **Income eligibility:** A few states require that a child’s income and assets be considered in order to qualify for a subsidized guardianship program. In states that fund their subsidized guardianship programs through a Title IV-E Waiver (see pages 49-55 for more information), children must have been eligible to receive Title IV-E benefits while under the supervision of the child welfare system in order to enter into a subsidized guardianship arrangement. Often, a child’s income and resources are also considered in determining the amount of the payment.
- **Relationship to the caregiver:** In the majority of states, subsidized guardianship programs are open to eligible children living with all types of caregivers who have chosen to care for them permanently. These include relatives, family friends, foster parents, or other qualified adults. Some states limit eligibility to children who are living with kin, often defined as relatives and non-related individuals with a close family-like bond to the child. More restrictive subsidized guardianship programs limit eligibility only to blood relatives within a specified degree of relationship, including grandparents, great-grandparents, step-parents, siblings, step-siblings, half-siblings, cousins, aunts and uncles, and great aunts and great uncles. A few state subsidized guardianship programs limit their enrollment only to eligible children being raised by their grandparents. One state program is limited to children being raised by non-relatives.

## Are there any exceptions to the eligibility requirements for children who participate in state subsidized guardianship programs?

Yes. Most of the states that have age and other eligibility requirements for children who participate in subsidized guardianship programs allow one or several of the following exceptions:

- **Member of a sibling group:** An exception is often made for children who do not meet the minimum age or other eligibility requirements but who have a sibling who does. This provision is designed to keep siblings together. Arrangements for subsidy payments for sibling groups vary from state to state.
- **Full-time students:** An exception is often made for children who are 18 and over but are enrolled full-time in a high school, college, or vocational training program. This exception usually allows subsidized guardianship payments to continue until the child is 21, as long as the child remains enrolled in a qualified program.
- **Children with disabilities:** An exception is often made for children with physical or emotional disabilities and other special needs. This exception usually allows subsidized guardianship payments to continue until the child is 21.

## What are the types of eligibility requirements for caregivers in subsidized guardianship programs?

Eligibility requirements for caregivers also vary from state to state. The following are some examples:

- **Legal guardianship:** Most of the state subsidized guardianship programs surveyed require the child's permanent caregiver to obtain legal guardianship or custody of the child from an authorized court. Two states however will allow the child to begin receiving subsidized guardianship payments before the court finalizes the guardianship or custody arrangement.
- **Attachment to the child:** Many states explicitly require that the child have an established attachment to the guardian and that the prospective guardian evidence a "strong commitment" to the child. More specifically, 24 state subsidized guardianship programs require that a child live in a prospective guardian's care before qualifying for the subsidized guardianship program. The required time period varies from one month to a year; most states require at least six months.

## How does the guardianship subsidy affect the child and guardian's eligibility for other benefit programs?

It depends. Some states count the guardianship subsidy as part of the child's income in determining a child's eligibility for other benefit programs such as Medicaid, child care, or Supplemental Security Income (SSI). Others provide Medicaid, child care, and other services as part of the subsidized guardianship program.

Since guardianship subsidies are intended for the child, they generally will not affect the guardian's ability to receive ongoing benefits from adult programs such as Social Security, Medicare, or Veteran's Benefits.

## How do states fund their subsidized guardianship programs?

Each state funds its subsidized guardianship program differently. Generally, however, funding sources include the following:

- **Federal IV-E Waivers:** Seven states (Delaware, Illinois, Maryland, Montana, New Mexico, North Carolina, and Oregon) have permission from the federal government to operate subsidized guardianship programs as demonstration projects. The federal government has granted these states a special exemption to use federal foster care funds under Title IV-E of the Social Security Act to pay for these programs. Although initial evaluations of these state guardianship programs have been positive, this funding option is not yet available to all states.
- **Temporary Assistance for Needy Families (TANF) Funding:** Several states use money from their TANF block grant (a set sum the federal government allocates to each state) to pay for subsidized guardianship programs. As the economy worsens and new demands are placed on TANF funding, its continued availability for subsidized guardianship is uncertain.
- **Other Sources of Federal Funds:** A few states use other federal funding sources that have broad purposes, such as the Social Services Block Grant Program (also called "SSBG" or "Title XX"), which is designed to support children, persons with disabilities, and the elderly.
- **State and Local Funds:** Some states use state funds or a combination of state and county funds to support their subsidized guardianship programs. Using state funds provides state child welfare agencies the most flexibility in determining who its subsidized guardianship pro-

grams will serve, but shrinking state resources have made it even more challenging to maintain appropriate state and local funding levels.

### **Are there proposals for new funding sources for subsidized guardianship programs?**

Yes. As states increasingly recognize the vital role that relative caregivers and others are playing for children inside and outside of the child welfare system, many national organizations have joined the states in support of subsidized guardianship programs that strengthen permanent and self-sustaining relationships for children.

National organizations such as the American Public Human Services Association, National Governors Association, National Conference of State Legislatures, Children’s Defense Fund, Child Welfare League of America, Generations United, and others support various proposals that would allow states to use federal funds to establish or to expand subsidized guardianship programs.

The Dodd-Miller Act to Leave No Child Behind—comprehensive children’s legislation currently pending before Congress—includes a proposal for a Kinship Guardianship Assistance Program (K-GAP) that would allow all states to use federal Title IV-E foster care funding to establish or expand a subsidized guardianship program for children who can safely exit the foster care system into the legal guardianship of qualified relatives.

### **Where can my state find more information about how to start a new subsidized guardianship program or improve its existing one?**

Section III of this guide analyzes a number of the factors that a state will need to consider in crafting subsidized guardianship legislation, including examples of useful statutory language. It includes state-by-state descriptions of the existing statutes and regulations that govern these programs and provides a cross-comparison of program elements.

Cornerstone Consulting has established the National Collaboration on Permanency through Subsidized Guardianship with support from the Annie E. Casey and David and Lucile Packard Foundations. This collaboration is designed to provide information and technical assistance to states that want to establish a subsidized guardianship program or improve upon existing programs. For more information, see Cornerstone’s Web site at [www.cornerstone.to](http://www.cornerstone.to) or contact Jennifer Miller at [jmiller@cornerstone.to](mailto:jmiller@cornerstone.to).

The Children’s Defense Fund (CDF) also provides information about subsidized guardianship and other policies and programs to support children living in kinship care families. For more information about the Act to Leave No Child Behind, the Movement to Leave No Child Behind®, and other initiatives, see CDF’s Web site at [www.childrensdefense.org](http://www.childrensdefense.org) or contact Mary Bissell at [mbissell@childrensdefense.org](mailto:mbissell@childrensdefense.org).

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## Endnotes

<sup>1</sup> ASFA specifically defined “legal guardianship” as a “judicially created relationship between child and caregiver which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, decision making” (42 U.S.C. 675). In response to ASFA, most states also have changed their child welfare laws to add legal guardianship or custody as an appropriate permanency option.

<sup>2</sup> Each state transfers legal authority to third party caregivers in a different way. In some states, guardianship is granted through the state’s probate or juvenile court (or, in some cases, is available in both). Some states transfer legal custody of a child through a family or domestic relations court. In this publication, the term “guardianship” is used to refer to guardianship and custody, depending on what kind of arrangement is available in each state.



## Section 11

# Checklist for State Subsidized Guardianship Legislation

The following checklist highlights 10 key issues to consider when reviewing or developing subsidized guardianship legislation. These are intended to help ensure that legislation addresses the needs and interests of children, birth parents, and guardians. Each is discussed further in “Creative Legislative Approaches to Subsidized Guardianship ” in Section III of this guide.

### 1. Provide a strong statutory framework for subsidized guardianship.

- Mirror subsidized adoption provisions, when appropriate, and link the statutes.
- Direct the courts to consider subsidized guardianship as one option in permanency hearings and disposition procedures.
- Provide appropriate direction to the public child welfare agency to ensure that subsidized guardianship is considered as a permanency planning option and that the agency has the authority and resources needed to achieve the desired goals.
- Consider whether to authorize a separate subsidized guardianship program.
- Review probate code provisions related to guardianship for consistency with or clarification of the differences between statutes governing proceedings for children who have been abused or neglected and those who are dependent.
- Use legislative intent language to clarify the philosophical rationale and desired results for subsidized guardianship.

### 2. Establish subsidized guardianship as one of a series of permanency options.

- Specify the disposition and placement options available to the courts and how each should be considered.
- Require that reunification with the birth parents be considered and determined to be inappropriate before considering other permanency options.

- Require that caregivers have access to information about adoption and how it compares to guardianship before eliminating adoption as a permanency goal.
- Require that all permanency options, including reunification, adoption, subsidized guardianship, and guardianship, be considered before other planned permanent living arrangements, such as long-term foster care, are permitted.

**3. Ensure that the courts and state agencies consider certain factors when determining whether subsidized guardianship is appropriate for a child.**

- Ensure that subsidized guardianship is in the best interest of the child.
- Determine whether subsidized guardianship is available only for children in the custody of the state.
- Determine what consideration will be given to a child’s age.
- Ensure that guardianship as well as other supports are routinely considered for older youths.
- Ensure that the child’s special needs for assistance are considered.
- Determine whether there will be exceptions to eligibility requirements to keep sibling groups together, allow students to continue to receive subsidies, and/or respond to a child or guardian’s disability.

**4. Ensure that the courts and state agencies consider certain factors when determining whether an individual is an appropriate guardian for a child.**

- Ensure that the guardian is capable of and committed to providing a safe and permanent home for the child.
- Ensure that there is a strong bond between the guardian and child and that the guardian is making a long-term commitment to the child.
- Ensure that an older child’s preference is considered.
- Determine whether the birth parent’s preference should be considered.
- Define whether relatives and/or non-kin guardians are eligible.
- Provide procedures to help ensure that the guardian makes a well-informed decision about which permanency option is in the best interest of the child.

**5. Clearly establish the rights and responsibilities of birth parents and guardians.**

- Ensure that birth parents understand their rights, including the right to visitation, consent to the child’s adoption or name change, etc.
- Ensure that birth parents understand their responsibilities with regard to child support, health insurance, etc.
- Ensure that guardians understand their rights, including the right to make important decisions with regard to health, education, and financial issues for the child.
- Ensure that guardians understand their responsibilities for the child’s emotional and physical well-being.

**6. Ensure that any changes in guardianship are in the best interest of the child.**

- Create standards for the courts and agencies to use when reviewing petitions by birth parents to regain custody of the child.
- Prevent unnecessary modifications or terminations by ensuring that the guardian and child have access to the services and assistance needed to maintain a permanent relationship.
- Provide protection by allowing revocation of placements that are harmful or not in the child's best interest.
- Require planning for a successor guardian in the event that the guardian dies or becomes unable to care for the child.
- Outline the role and responsibilities of the state agency and court when children are removed from the care of the guardian.
- Outline procedures for converting a guardianship to adoption.

**7. Require written agreements between the court, public agency, and/or the guardian that protect the child's best interests.**

- Ensure that the guardian, birth parent(s), and youth receive information about all permanency options and the help they need to make a well-informed decision concerning placement.
- Ensure that rights and responsibilities (including those affecting visitation, child support, health care, and education) of all parties are specified in the agreement.
- Ensure that eligibility requirements for various programs and services are clearly outlined and understood before the subsidized guardianship is granted.

**8. Provide direction to public agencies and courts to provide the services and supports needed to ensure that the guardian will provide is a safe and permanent home for the child.**

- Direct the state to provide adequate, ongoing services as needed to protect and nurture the child without being overly intrusive.
- Ensure that post-guardianship services, including reimbursement for legal fees, medical assistance, child care, food stamps, independent living services, counseling, and other support, are equivalent to the assistance available for subsidized adoption.
- Authorize adequate subsidy payment levels.
- Preserve the guardian's eligibility for other benefits as needed to ensure a safe and nurturing environment for the child and financial security for the guardian so she can care permanently for the child.

**9. Clarify what ongoing assistance and services for the child and guardian are available.**

- Address the additional financial responsibilities the guardian will have as a permanent caregiver.
- Consider the child's need for health care, child care, education, and transitional services as he or she ages.
- Promote coordination across multiple agencies and programs.
- Clarify the impact of assistance on eligibility of the child and guardian for other programs.

**10. Encourage ongoing evaluation and oversight of subsidized guardianship programs.**

- Evaluate subsidized guardianship programs or provide for ongoing monitoring by the legislature or an independent entity.
- Identify any cost savings resulting from subsidized guardianship programs.

## Section III

# Creative Legislative Approaches to Subsidized Guardianship

Subsidized guardianship is a key component within a continuum of permanency options for children who have experienced abuse or neglect. For children who cannot be safely reunited with their birth parents, permanent guardianship may provide a stable, caring family. For caregivers—particularly for the growing number of relative caregivers—guardianship provides the legal authority they need to raise a child without disrupting longstanding relationships by terminating the birth parents’ rights. With financial assistance, these caregivers are also better able to provide for the day-to-day needs of children.

Legislators have a crucial role in developing a strong policy framework for subsidized guardianship and other permanency options. Legislative provisions must be carefully constructed to afford a continuum of choices for ensuring safe, permanent homes for vulnerable children. The statutory framework as a whole must meet the challenge of protecting the best interests of each child. While providing clear guidelines for the use of various alternatives, policies must allow for the many unique circumstances that arise from the complexity of family relationships.

For most states, a thoughtful review of existing statutes may be necessary to ensure a strong policy framework that deals with the opportunities and challenges of subsidized guardianship. Many existing state statutes that specifically address guardianship policies were enacted before federal law emphasized permanence for children. Older statutes may not take into account the present level of understanding about family relationships in general and kinship care in particular.

This section provides guidance for addressing the full spectrum of issues that agencies, courts, and caregivers need to consider when making guardianship and other permanency decisions. In some cases, legislative strategies are suggested. When the information to take a clear position is lacking, the guide outlines the issues to weigh and presents a range of legislative options. Although the discussion here focuses on legislation, child welfare agency staff, judges and other court staff, advocates, caregivers, and youths may want to deal with some

of these issues through agency policies and/or administrative rules. As always, each state must determine its own unique approach to policy development and construct a policy framework that supports permanency within that context.

## **1. What strategies provide a strong framework for subsidized guardianship in statute?**

Clearly outlining the continuum of permanency options for children is a key step in creating a strong statutory framework. To ensure consideration of subsidized guardianship by youth, caregivers, workers, and the courts, guardianship issues must be addressed in several sections of state statutes, including provisions governing the following areas:

- Juvenile or family court procedures for abused, neglected, or dependent children
- Public agency authority and responsibilities for abused, neglected, or dependent children
- Kinship, foster care, independent living, adoption assistance, and other public assistance programs
- Probate court procedures concerning general guardianship

Multiple legislative strategies can serve as building blocks for a cohesive permanency framework, and the most appropriate legislative strategy to use is determined, in part, by how eligibility for subsidized guardianship is defined. In general, the suggested strategies impact children who are already in state custody. Legislative provisions are most often part of the state juvenile or children's code, particularly sections that provide permanency options for children who have experienced abuse or neglect. Post-guardianship subsidies and other services may be reinforced in statutes that govern the activities of the state child welfare agency and other public programs that serve abused and neglected children.

### *Pairing subsidized guardianship with subsidized adoption*

Inserting subsidized guardianship provisions into sections of the children's code that govern subsidized adoption expands the permanency options for children who are unable to be safely reunited with their birth parents. By mirroring adoption assistance provisions, this strategy allows policymakers to extend the permanency policies and procedures of adoption to guardianship.

In the statutes governing special needs adoption, Alaska (Alaska Stats., Sec.25.23), Idaho (Idaho Code, Sec. 56-802 to 805; 2001 Idaho Sess. Laws, Chap. 92), Missouri (Mo. Rev. Stat., Secs. 453.065, 453.072-074), and West Virginia (W.Va. Code, Sec. 49-2-17) authorize permanent guardianship as an option for hard-to-place children and provide subsidies for children in both guardianship and adoptive homes.

### *Directions to the court*

A complementary approach includes guardianship as one of the options for consideration by the court in permanency hearings and disposition procedures. Specific statutory directions to the court, which are suggested throughout this report, can ensure that youths and caregivers, the executive branch agency, and the court all consider a range of issues.

Many states with permanent guardianship provisions, including Montana, New Jersey, North Carolina, North Dakota, Oregon, and Rhode Island use this approach.

### *Directions to state agencies*

Legislation can direct the responsible state agency, clarify the legislature's expectations, and ensure that the agency has the authority and resources needed to achieve the desired goals. In addition, the legislature can require multiple state agencies to work with each other and with community organizations to ensure that children and guardians have continued eligibility for benefits and access to the services they may need to maintain a safe, stable home.

Connecticut law (Conn. Gen. Stat., Sec. 17a-126) requires the department to develop and implement a plan that accomplishes the following:

1. Maximizes use of the subsidized guardianship program to decrease the number of children in state custody and to reduce the number of children who would otherwise be placed into foster care when there is a family member willing to provide care
2. Maximizes federal reimbursement for costs of the program, provided that the maximization method used does not result in the relative caregiver being subject to work requirements or restrict the subsidy benefits in time or scope
3. Ensures necessary transfer of funds between agencies and interagency coordination in program implementation

The legislation also directs the commissioner to seek all federal waivers necessary and appropriate to the plan.

Statutory requirements for state and local agencies can provide general or very specific directions. Some statutes provide great leeway for the agency to develop rules and regulations that address most issues. Other statutes are more prescriptive and directly address the same issues. Although often determined by the legislature's custom or relationship with the executive branch, the amount of direction given to each agency on each issue should be considered on its own merit.

### *Program authorization*

Another common legislative strategy is to create a guardianship subsidy program in statute. Seven states (California, Connecticut, Florida, Louisiana, Minnesota, Missouri, and Nevada) have authorized programs specifically for relatives with legal guardianship.

As one part of a comprehensive legislative approach that integrates guardianship into decision making and practice, the authorization of a separate program can be a powerful tool. There may be distinct political advantages for doing it. By focusing on a single issue, this approach can bring needed attention to subsidized guardianship and notify the courts and agencies that it is a priority for the legislature. It may provide a clear response to a strong, visible constituency of caregivers and can help isolate the subsidy from controversy, such as the debate about preferences among permanency options.

If used alone, a strategy of authorizing a separate subsidized guardianship program also may carry risks. It may fail to integrate subsidized guardianship as an option within a continuum of permanency choices. Because permanent guardianship may not be linked clearly to other programs, children and guardians may have difficulty gaining access to resources they need. A separate program authorization may also make the subsidy an easy target during budget cuts.

### *Probate code provisions*

Most states address guardianship in probate statutes, which typically cover physical and legal custody issues associated with the death or incapacity of a birth parent. General or probate guardianship is appropriate for many children in need of a permanent caregiver, and many grandparents and other relatives in the general public are awarded guardianship through probate court proceedings. States do not provide subsidies or other post-guardianship assistance for these children or their caregivers, except what they may receive through TANF subsidies in some states.

However, children who are in the state's custody due to abuse or neglect face many issues that normally are not addressed in the probate code or in probate court proceedings. Like adoption assistance, guardianship subsidies in most states are provided to children who have been in the protective custody of the state and who have been under the jurisdiction of the juvenile or family court. These children have gone through a permanency planning process intended to safeguard their best interests, reunify them and their birth family when possible, and explore alternatives for a stable family. The rights and responsibilities of caregivers who are granted guardianship through probate proceedings and through juvenile or family court proceedings may differ due to the special needs of children who have experienced abuse or neglect and considerations related to the ongoing relationship with the birth family. The roles and responsibilities of the state agency and the court also differ in these cases.

Probate code provisions for legal guardianship should be reviewed to identify and address potential conflicts with permanent guardianship provisions for abused and neglected children and to clarify differences. Even if there are no

conflicts between provisions for guardianship in probate and those involving children in state care, certain aspects of the guardianship arrangement, such as post-guardianship services, the role of the agency, determining eligibility, and reviewing petitions to modify the guardianship may be better handled by juvenile or family courts.

### *Legislative intent language*

Legislative intent language in subsidized guardianship statutes can help ensure that lawmakers' goals are clear to those responsible for implementing legislation and can help prevent misinterpretation of the statute. It can also help to highlight the philosophical rationale behind subsidized guardianship as a permanency option. Not all legislatures use intent language, but there are several examples of strong intent language.

Florida (Fla. Stats., Sec. 39.5085(1)): Defines the legislature's intent to enhance family stability, to recognize that a variety of permanency options can be in the best interests of the child by providing options and incentives, and to reserve the court's and department's limited resources for children who do not have the option for safe, stable care with a family.

New Jersey (2001 N.J. Laws, Chap. 250 (S.1813)): Seeks to add an alternative, permanent legal arrangement for children and caregivers, an option that is beyond custody but does not rise to the level of termination of parental rights. Clarifies that permanent guardianship is intended for caregivers in relationships where adoption is not feasible or likely.

California (Cal. W&I Code, Sec. 11361): Resolves to enhance family preservation and stability by recognizing the value of stable placement with relatives, dismissal of dependencies, and elimination of the need for continued governmental intervention in family life.

District of Columbia (D.C. Code, Sec. 16-2381): Encourages stability in the lives of children who have been adjudicated neglected and have been removed from the custody of their parent. Ensures that the constitutional rights of all parties are recognized and enforced while ensuring that the fundamental needs of children are not subjugated to the interests of others. Increases opportunities for promptly and permanently placing children, especially with relatives, without ongoing government supervision.

## **2. How can legislation help to ensure that subsidized guardianship is used appropriately as one choice among a continuum of permanency options?**

One of the critical steps for establishing a legislative policy framework for permanency is to specify all the options available to the court for placing a child in a permanent home and how each should be considered. Statutory preference for using various options also can provide guidance to the court and agency.

The following statutes present subsidized guardianship as one among a variety of permanency options: California (Cal. W&I Code, Sec.366.26(b)), Florida (Fla. Stats., Sec. 39.5085), Louisiana (La. Rev. Stat. Ann. Title 46 Section 237), Minnesota (Minn. Stat., Sec. 257.85), and New Jersey (2001 N.J. Laws, Chap. 250 (S.1813) C.3B:12A-1 to C.30:4C-88). California and Louisiana provide order of preference among the options.

### *Has reunification been eliminated or exhausted as an option?*

Legislative language can help to ensure that keeping the child's birth family safe and intact is ruled out as an option before a permanent alternative home is sought.

Arizona (Ariz. Rev. Stats., Sec. 8-871), Connecticut (Conn. Gen. Stat., Sec. 17a-126), and Idaho (Idaho Code, Sec. 56-805) require that reasonable efforts to reunite the child with the birth parents have been exhausted or ruled out before a permanent guardian is considered.

### *Has adoption been carefully considered as an option?*

Legislation also can direct the court to consider whether adoption is a feasible option that would be in the child's best interest. It can specify conditions that must be met to ensure consideration of adoption and require that the court and agency eliminate adoption as an option before considering permanent guardianship.

Idaho (Idaho Code, Sec. 56-805) and New Jersey (2001 N.J. Laws, Chap. 250 (S.1813) C.3B:12A-1 to C.30:4C-88) require the court to rule out adoption as a feasible or likely option.

Illinois (705 ILCS Sec. 405/2-27) includes permanent guardianship with an individual or couple as one of the permanency options for the child if reunification and adoption have been ruled out.

North Dakota (N.D. Cent. Code, 27-20-47, 48.1) allows guardianship if the child is unlikely to be placed for adoption or has not been placed for adoption within 12 months after termination of parental rights.

West Virginia (W.Va. Code, Sec. 49-2-17) allows foster parents to be appointed guardians if the agency is unable to place the child for adoption.

### *Are prospective guardians fully informed about subsidized guardianship?*

The prospective guardian should fully understand the permanency options of adoption and guardianship, including the rights, responsibilities, and commitments necessary for each. Legislation can require the court and/or the executive branch agency to provide complete information concerning these options and counseling to ensure that the caregiver can make a carefully considered decision.

Connecticut law (Conn. Gen. Stat., Sec. 17a-126 (b)) provides that if adoption is an option for the relative caregiver, the department is to "counsel the caregiver about the advantages and disadvantages of adoption and subsidized guardianship so the caregiver's decision is a fully informed one."

### *Have guardianship and other permanency options been ruled out before approving other planned permanent living arrangements?*

States can promote greater permanency through a statutory requirement that the court must rule out both adoption and permanent guardianship as feasible options before allowing other planned permanent living arrangements, which in many states includes long-term foster care.

California (Cal. W&I Code, Sec.366.26(b)) provides permanency preferences by requiring that guardianship be considered before long-term foster care.

As with many decisions regarding permanence for children, exceptions to the usual situations are likely to occur, and legislation must allow for consideration of factors found in individual cases. For example, a stable foster care placement with close relatives who are unable to assume permanent guardianship may be preferable to a guardianship arrangement with another family with whom the child does not have a strong attachment.

### **3. Which children should be eligible for subsidized guardianship?**

Determining which children are eligible for subsidized guardianship is a critical decision that impacts the scope of the subsidy, how it is used to support families, and the resources that are required. Statutes that specify eligibility requirements also help to ensure that the courts and state agencies consider certain factors when determining whether subsidized guardianship is appropriate for an individual child. These considerations include the following:

#### *Is subsidized guardianship in the best interest of the child?*

Statutes can help ensure that subsidized guardianship is used appropriately by requiring specific court findings that guardianship is in the best interest of the child. Most states make this a requirement at the permanency hearing or other hearing before appointing a guardian. Most also require consideration of the best interests of the child as the foundation for state agency decisions and actions regarding the placement of a child with a guardian.

The District of Columbia (D.C. Code, Sec.16-2388 (f)) requires that the court must make a determination based upon a preponderance of the evidence that the guardianship is in the child's best interests.

Illinois (705 ILCS Sec.405/2-27) requires the court to set a permanency goal that is in the best interests of the child and outlines the factors to consider when establishing the placement.

### *Is the child in state custody?*

This consideration has been used to define how many families the subsidy will reach. Most states with subsidized guardianship statutes require that eligible children must be in state custody or adjudicated dependent through court proceedings for abused, neglected, or dependent children. States in this first group use subsidized guardianship as a permanency option for children who would otherwise be in the care or custody of the child welfare agency. Although many states limit eligibility to children who have experienced abuse or neglect, policy-makers may want to consider a second approach that provides a permanent alternative for children who enter state custody through doorways other than child welfare.

Missouri's relative guardianship statute (Mo. Rev. Stat., Sec. 453.073) broadens the target population by authorizing subsidized guardianship for children in the custody of any one of several state departments: the department of social services division of family services (the state child welfare agency), a private child-caring or child-placing agency, division of youth services (the state agency with custody of youth adjudicated delinquent), or department of mental health (the state agency responsible for treatment of children with serious emotional disturbance or behavioral disorders).

A third possibility for consideration is expanding eligibility to children who are at risk of entering state custody and foster care. Use of subsidized guardianship to prevent foster care placement could avoid the disruption and potential emotional harm experienced by children in foster care. In addition, many relative caregivers are reluctant to become involved with the child welfare system and prefer to rely on family and friends for support. Avoiding the child welfare system can eliminate the risk of disrupting an informal care arrangement. However, without a subsidy and other assistance, guardians may not have the key resources they need to adequately care for the child.

Some programs, especially those that finance the guardianship subsidy with TANF "child-only" funds, do not require the child to be in any type of state custody or at risk of state custody. This definition results in the largest pool of potentially eligible children and has enormous potential as a prevention strategy to strengthen families with alternative caregivers and to benefit children living in those families.

### *What consideration should be given to the child's age?*

Although subsidized guardianship often has been considered an option reserved for older children, state statutes seldom make this a requirement. In general, age requirements may limit the ability of an agency, the courts, and families to make decisions about the appropriateness of a guardianship placement on an individualized, case-by-case basis.

If states wish to set minimum age requirements, it is probably best to do it through agency policy, which is often easier to change than state statute.

Just as existing state statutes do not limit eligibility to older youths, they do not require routine consideration of guardianship and independent living services specifically for older youths. Legislation in this area, however, can help ensure that the court, the public agency, prospective guardians, and young people in state custody consider guardianship as a means for providing ongoing support and guidance for older youths as they transition to adulthood. At the same time, it is important to retain the flexibility to make appropriate decisions on a case-by-case basis.

*Does the child have special needs that require assistance?*

States that pair statutory provisions for subsidized guardianship and subsidized adoption (Alaska, Idaho, Missouri, and West Virginia) mirror the federal Foster Care and Adoption Assistance Program (Title IV-E) guidelines by targeting the subsidy to children who are hard to place due to special needs.

Idaho statutes (Idaho Code, Sec. 56-802) provide a subsidy for permanent guardianship or adoption of a “hard-to-place” child, defined as a child who is difficult to place because of ethnic background; race; color; mixed parentage; age; sibling grouping; or physical, mental, or emotional or medical handicap. Subsidized guardianship is reserved for a hard-to-place child in the state’s custody for whom reunification or adoption is not an option.

*Should exceptions be made to eligibility requirements in order to keep a sibling group together, to allow students to stay in school, and to account for a child’s disability?*

States may want to consider certain exceptions to the eligibility requirements for both guardians and children to allow for special circumstances for children and caregivers. Three of the exceptions that might be considered include the following:

- **Sibling group exceptions** – Some eligibility requirements, such as length of time with the caregiver or age limitations, might limit the ability to keep siblings together with the same caregiver. Extending eligibility to siblings is consistent with good child welfare practice that promotes placement of siblings in the same home.
- **Student exceptions** – Extending eligibility for subsidy until age 21 to youths in school (when subsidy ends at age 18) provides an incentive for continued education.
- **Disability exceptions** – Some eligibility requirements, including age limits, length of time in care, and kinship requirements, may not be appropriate for children and youths with disabilities.

#### 4. What factors should be considered in determining a guardian’s eligibility for subsidized guardianship?

State statutes can help ensure placement of children in permanent homes that meet their needs by specifying factors the court and agency must consider in assigning guardians. The overall consideration is whether the guardianship is in the child’s best interest. Related factors include the existing relationship between the child and guardian; the child’s feeling of attachment to the guardian; and the guardian’s willingness, ability, and commitment to provide a safe and permanent home.

With the exception of Louisiana, all states with guardianship subsidies established in existing legislation require that the caregiver first be appointed as the child’s legal guardian. Louisiana’s law (La. Rev. Stat. Ann. Title 46 Sec. 237) requires that the caregiver obtain legal guardianship within one year of enrolling in the state’s subsidy program.

##### *Is the prospective guardian able to provide a safe home?*

The Adoption and Safe Families Act (ASFA) requires states to conduct criminal background checks for all prospective foster or adoptive parents and to develop standards to ensure the child’s safety while in foster care. Most states specify in statute a home visit, interview, investigation, and/or criminal background check before appointing a permanent guardian for a child who has been abused or neglected.

The District of Columbia gives particular attention to prevention of substance abuse in the guardian’s home. The statute (D.C. Code, Sec. 16-2383(d)(5)) requires the court to make a finding that the guardianship is in the child’s best interests. Among the factors that the court must consider is evidence that drug-related activity “continues to exist in a child’s home environment after intervention and services have been provided.” The court is required to give great weight to evidence of continued drug activity.

Illinois directs the court to require, whenever possible, the department to place the child with a person holding the same religious belief as the child. This holds true for all placements, not just guardianship. (705 ILCS Sec. 405/2-27)

##### *Is this individual making a long-term commitment to the child?*

Another important consideration is the guardian’s commitment to providing a stable, permanent home.

Montana (Mont. Code Ann., Sec. 41-3-444) requires that the guardian receiving subsidy must be committed to a long-term relationship with the child.

Rhode Island law (R.I. Gen. Laws, Sec. 40-11-12.1(3)) directs the court to order the department to institute adoption proceedings unless it determines that it is not in the best interests of the child due to one or more of several factors, including: “The child is

in the care of a relative who is not willing to adopt the child but is willing and capable of providing the child with a stable and permanent environment.”

The length of time a person has been caring for a child may be one indication of his or her commitment and may show that the child has a sense of stability within the proposed guardian’s home. At the same time, many strongly committed individuals may lack the financial means to care for a child unless a subsidy is available. Other circumstances may have prevented physical guardianship for a lengthy period in the past. It also is important to provide a permanent home for the child as quickly as possible.

When considering the length of time the child has been in the guardian’s care, the court and agency should take into account the need to ensure that reunification is given a fair chance. To balance consideration of the caregiver’s commitment and individual circumstances with adequate opportunity for reunification may mean that the length of time the child has been in the guardian’s care is best decided on an individual basis. A prudent legislative strategy is to require that the court and/or state agency consider the length of time the adult has cared for the child as one factor, rather than setting an exclusive standard. At a minimum, the law can allow for a waiver from an imposed time requirement for good cause. However, extending the timeframe beyond one year may run counter to the federal guidelines of the ASFA, as well as established state policy.

Arizona statute (Ariz. Rev. Stats., Sec. 8-871) allows the court to establish guardianship if certain conditions are met, one of which is that the child has been in the physical custody of the guardian for at least nine months. The statute also allows the court to waive this requirement for good cause.

### *What is the child’s preference?*

One way to help develop a stable, permanent home is to ensure that the child’s preferences are considered—if the child is of sufficient age to make such decisions.

Including older children in the decision making about guardianship can help ensure a sense of permanency and stability in the long term. At the same time, it is important to make a distinction between the child’s preference and consent. When appointing a guardian, states may want to direct the court and agency to consult with each child and to consider the individual child’s capacity when considering the child’s preference.

Alaska’s general guardianship statutes (Alaska Stats., Sec. 13.26.055), Nevada’s Legal Guardian Supportive Assistance Program (Nev. Rev. Stat., Secs. 422.391-393, Sec. 422.240), North Dakota’s general guardianship statutes (N.D. Cent. Code, 30.1-27-06), and Rhode Island’s probate code (R.I. Gen. Laws 33-15.1-5, 33-5.1-6) require the appointment of a guardian nominated by the child, if the child is at least 14 years old, and the guardian meets other requirements.

New Jersey (2001 N.J. Laws, Chap. 250 (S.1813), C.3B:12A-6) requires consideration of the wishes of a child 12 years or older.

### *What is the birth parent's preference?*

Legal guardianship appointments through the probate code usually require consideration of the parent's preference, and policymakers may want to extend this requirement to guardianships for children in state custody due to child abuse or neglect. The birth parent's sanction can support the child's relationship with both the guardian and the birth parent. Knowing that the birth parent approves of the placement can greatly benefit the child. The birth parent's approval also can contribute to the stability of the placement. Although it is relatively unusual, a request from a birth parent to revoke an appropriate and stable guardianship is one of the greatest challenges for the court, state agency, guardian, and child. If the birth parent approves the guardianship when it is awarded, he or she may be less likely to attempt to have the placement inappropriately revoked.

Requiring court consideration of the birth parent's *preference* has strong merit, but *requiring the consent* of every birth parent could provide a significant barrier to permanence for the child, since the birth parent may be difficult to locate, uncooperative, and/or unable to make the necessary decisions. Another possible strategy is to direct the public agency to seek approval of the birth parent as a party to a written guardianship agreement. Besides clearly informing the birth parent of the permanency of guardianship, a written agreement can specify a variety of details, such as ongoing parental rights and responsibilities.

### *Should non-kin be guardians?*

Subsidized guardianship has developed, in large part, as a permanency option for the growing number of children being raised by grandparents and other relatives, some of whom already may be caring for these children as foster parents. It can provide permanence to children in otherwise informal kin arrangements and avoid the unnecessary use of agency and court resources. Many states require kinship—usually within the fifth degree by birth or marriage—between the guardian and child in a subsidized guardianship.

At the same time, several states allow appointment of a non-relative with whom the child has a close relationship. (This follows the general approach of probate guardianship appointments.) Considering non-kin is particularly important for many older youths who may be with unrelated caregivers and not want to terminate parental rights. In these cases, guardianship may be the most reasonable permanency option available. Although non-kin guardians are the exception, legislative provisions can specify permanency arrangements that include non-kin with special relationships to the child.

Minnesota’s Relative Custody Assistance Act (Minn. Stat., Sec. 257.85) allows appointment of a “relative or important friend with whom the child has resided or had significant contact.”

New Jersey’s Kinship Legal Guardianship Program statute (2001 N.J. Laws, Chap. 250 (S.1813) C.3B:12A-1 to C.30:4C-88) defines the kinship relationship to mean a family friend or a person with a biological or legal relationship with the child.

North Dakota (N.D. Cent. Code, 27-20-47, 48.1) extends eligibility to an individual recognized in the child’s community as having a relationship with the child similar to a kinship relationship.

Subsidized guardianship may also offer an option for foster parents who want to make permanent their caregiving relationship with a child, but are unable or unwilling to adopt the child. Some state statutes specifically mention foster parents as eligible guardians to clarify that they are included.

West Virginia (W.Va. Code, Sec. 49-2-17) provides eligibility to foster parents if significant emotional ties have been established with the child, and the agency is unable to place the child for adoption.

*Do prospective guardians have the skills and information needed to care for the child? Are they willing to participate in training?*

A number of states require post-guardianship services for guardians, but only Missouri’s Grandparents as Foster Parents Program (Mo. Rev. Stat., Secs. 453.322, 453.325) makes eligibility contingent on the guardian’s participation in training available from the child welfare agency. Because the prior experience of guardians with children and their needs will vary, it seems more appropriate for the court or agency to make such decisions on a case-by-case basis. For example, a guardian may need special training and support to care for a child with special needs.

## **5. Is it clear what rights and responsibilities the birth parents and guardians retain or assume when subsidized guardianship has been established?**

Although state statutes allow permanent guardianship without termination of the birth parents’ rights, states make different provisions for deciding which rights and responsibilities are retained by birth parents, as well as those that are transferred to the guardian. It is important that this be clarified prior to the establishment of permanent guardianship. It is an issue that may need to be examined in both the probate and children’s codes.

## *What are the birth parents' rights and responsibilities?*

The birth parents' right to visitation or parenting time is a primary means for maintaining a relationship with the child and can be a contentious issue for guardianship families if not clearly outlined at the time the guardianship is granted. Statutes can require that court orders or written agency agreements specify visitation arrangements.

The District of Columbia law (D.C. Code, Sec. 16-2389(d)) requires the court to determine that visitation and/or contact is in the child's best interests. It allows the court to specify the frequency and nature of visitation between relatives and the child in the guardianship order.

Responsibilities that the birth parents generally retain, such as child support and health insurance coverage, may be specified directly in statute or through legally mandated court orders or written agreements with the state agency. Many statutes also specify that the child retains benefits derived from the birth parents, including inheritance or eligibility for benefits or insurance.

North Carolina (N.C. Gen. Stats., Sec. 7B-600) mandates that the court consider a number of criteria at the permanency planning hearing when a child's return home within six months is unlikely. Determining which rights and responsibilities should remain with the parents is one of the required considerations.

Arizona, Oregon, and New Jersey allow the court to determine if the parents should retain certain rights and responsibilities:

- Arizona (Rev. Stats., Sec. 8-872) allows the court, on finding that grounds exist for a permanent guardianship, "to incorporate into the final order provisions for visitation with the natural parents, siblings or other relatives of the child if this order would be in the child's best interests." The court is also allowed to order a parent to contribute to the support of the child to the extent it finds the parent is able.
- Oregon's statute governing protective proceedings (Or. Rev. Stat. 125.025) allows the court to make provisions for parenting time or visitation or to order child support.
- New Jersey (2001 N.J. Laws, Chap. 250 (S.1813) C.3B:12A-1 to C.30:4C-88) allows the court to determine the parents' right to visitation or parenting time, but continues the parents' right to consent to adoption or name change for the child and their obligation to pay child support.

## *What are the guardian's rights and responsibilities?*

One of the benefits of being designated as a child's permanent guardian is the ability to make decisions regarding the child's care and education. For many caregivers, the ability to make day-to-day decisions and obtain needed treatment without the state agency's involvement is a strong incentive for guardianship. Most states clearly grant the guardian the right and responsibility to make decisions regarding the child's care, including education, medical care, social activities, and finances.



Guardians of children who have been through the child welfare system often do not have authority to consent to the child’s adoption or name change—actions that would alter the permanency decisions previously made by the court. A typical requirement for guardians receiving a subsidy is an annual report to the public agency that provides notice of changes in residence or in income, if it is a factor in computing the subsidy.

New Jersey’s kinship legal guardian legislation (2001 N.J. Laws, Chap. 250 (S.1813) C.3B:12A-1 to C.30:4C-88) provides that—with certain exceptions—the guardian has the same rights, responsibilities, and authority as a birth parent. It specifies some decisions the guardian may make: consenting to routine and emergency medical and mental health needs; arranging and consenting to educational plans for the child; applying for financial assistance and social services for which the child is eligible; applying for a motor vehicle operator’s license; applying for admission to college; responsibility for activities necessary to ensure the child’s safety, permanency, and wellbeing; and ensuring the maintenance and protection of the child.

## **6. Under what circumstances can guardianship be terminated or modified? What steps can be taken to prevent the inappropriate break-up of guardianships?**

As guardianship is more widely used as a permanency option, the possible break-up of established guardianships has become a great concern. However, few existing statutes explicitly address it. Permanent guardianship is intended to provide a long-term, stable home for the child, which happens in most cases. Nevertheless, unusual circumstances can lead to the guardianship being revoked or terminated. A guardian may give up custody by petitioning the court; the court or agency may terminate the guardianship; or the birth parent may ask the court to restore parental custody. There may also be situations where the guardian may seek to convert the guardianship to adoption.

In some cases, the unique legal status of guardianship and the nature of relationships in kinship guardianship families may contribute to a break-up. Because birth parents retain certain rights, they may view guardianship as a temporary arrangement that can be undone in the future. Parents may also be familiar with kin temporarily stepping in to help care for children. Tensions within families may also create challenges in guardianship cases. Guardians also may hold out hope that the birth parent will rehabilitate and become capable of caring for the child and therefore see the arrangements as temporary, especially when substance abuse is a factor. Some aging guardians also may be unprepared for the physical challenges of raising young children or the emotional demands of parenting an adolescent.

Legislation must focus on ensuring that guardianship functions in the child’s best interest, while allowing for unusual changes in circumstance that may necessitate a change in guardianship arrangements. The challenge for policymakers and others is to ensure that the break-up of a guardianship remains an

exceptional circumstance that is required by a significant change in the child’s or guardian’s situation or the birth parent’s circumstances—it should not become common practice and undermine guardianship as a permanency option.

To create a strong legislative framework for permanency, it is critical to examine the issues that lead to revocation or termination of guardianships, actions that help prevent them, and steps to help ensure child safety and well-being when it occurs. The bottom-line consideration for both granting and terminating guardianship should be the best interests of the child. The law must ensure that the fitness of the birth parent and the guardian and the best interests of the child are all considered.

Building on the lessons learned about preventing dissolution of adoptions, legislators can take a number of steps to safeguard against the revocation or termination of guardianships:

1. Require and provide resources for diligent efforts to reunify the child with the birth parent before guardianship is considered
2. Ensure at the outset that the guardian’s intention is to provide a permanent home for the child by directing the court to confirm the guardian’s commitment, requiring information and counseling for prospective guardians and youths, and calling for written agreements that specify the intention of all parties and the actions they will take to preserve the placement
3. Ensure that appropriate assistance, including access to health and mental health care, family support services, respite care services, and financial assistance at a level comparable to other types of placements, is provided to children and guardians to prevent break-ups
4. Require that the courts, the agency, or an outside group monitor the guardianships that are revoked or terminated, report on contributing factors and trends, and identify strategies for increasing permanence for the benefit of the child

Together these steps can help prevent many unnecessary break-ups of guardianships. Still, policymakers and others must anticipate that exceptional circumstances will arise, make provisions for them, and attempt to understand the factors that lead to the revocation or termination of a guardianship.

### *What if a birth parent wants to resume custody?*

Although the state should make every effort to rule out the possibility of timely reunification before subsidized guardianship is established, a birth parent may, at a later date, petition the court to regain custody of his or her child. In fact, some families choose guardianship over adoption because they hope that the

birth parents will be able to make the case for having their child(ren) returned to them in the future. Legislators must work with the courts and other stakeholders to identify factors that should be considered when parents try to regain custody and to develop standards for decisions in these cases. North Carolina is the only state that currently addresses the situation in statute.

North Carolina's Juvenile Code (G.S. 7B-600(b)) prohibits the court from terminating the guardianship or ordering that the juvenile be reintegrated into a parent's home unless the court finds one of the following:

- Relationship between the guardian and the child is no longer in the child's best interests
- Guardian is unfit
- Guardian has neglected his or her duties
- Guardian is unwilling or unable to continue assuming a guardian's duties

### *When should the court revoke guardianship?*

State legislation should ensure that guardianship is not revoked without cause to safeguard it as a permanency option and protect the rights of the guardian. At the same time, statutes need to ensure protection for the child by allowing termination of a guardianship that the court finds to be harmful or not in the child's best interest.

Arizona's statute (Ariz. Rev. Stats. A8-873) requires that any party petitioning the court for revocation of permanent guardianship must prove a change of circumstances by clear and convincing evidence and that the revocation is in the child's best interests. It must be proven that the child's parent is able and willing to properly care for the child and that the child's permanent guardian is unable to properly care for the child. The court also is required to appoint a guardian ad litem for the child.

Probate codes often provide grounds for removing an appointed guardian. States may want to examine those provisions to ensure that the same considerations apply to cases of children who are in guardianship as the result of child protective proceedings and permanency planning. As another safeguard, legislators may want to consider specifying grounds for revoking guardianship for children who are in the state's custody due to abuse, neglect, or dependency.

### *When should a guardian be allowed to terminate the relationship?*

Despite informed decision making, clear written agreements, and strong post-guardianship services, sometimes guardians may not be able to continue the care of a child. For example, a guardian may become ill or physically unable to care for the child or, as with adoption, a child's needs may become more serious over time and surpass the guardian's ability to care for the child. Statutes must allow for such circumstances.

Louisiana’s Children’s Code (La. Stat. Ann. Title CHC, Art. 116) allows the court to modify a judgment of disposition on its own motion or on the motion of the district attorney, the department, the child, or his parents, if the court finds that the conditions and circumstances justify the modification.

Minnesota’s Relative Custody Assistance Act (Minn. Stat., Sec. 257.85, Subdiv. 5) attempts to prevent dissolution by requiring that the relative custody assistance agreement between the public agency and the caregiver must state any known circumstances that could cause the agreement or payments to be modified, reduced, or terminated and must specify appeal rights.

### *What happens when a guardian dies or becomes unable to care for the child?*

Although a number of states (usually through the probate code) direct the court to appoint a successor guardian after a guardian dies or becomes unable or unfit, few provide for identifying a successor as a routine practice before one is needed. Designating a successor guardian before the death or disability of a permanent guardian helps to ensure that the child’s long-term well-being and permanency are secure. It is especially important when the guardian has health concerns or will be of advanced age before the child reaches adulthood.

The District of Columbia’s Foster Children’s Guardianship Act (Title 16, Chap. 23, Subchap.V) allows the original guardian to designate and the court to approve a successor. The law prevents even temporary disruption of the child’s care if the guardian dies or becomes physically or mentally infirm. In that event, the successor is allowed to immediately obtain physical custody of the child and to assume the permanent guardian’s rights and responsibilities until the court conducts a hearing. Within 30 days of obtaining physical custody, the successor must ask the court to modify the original guardianship order and must provide written proof of the original guardian’s death or physical or mental infirmity. The court must use the same standards for designating the successor that it uses in granting original guardianship, including written findings that the successor guardianship is in the child’s best interests.

### *What happens when a child is removed from the care of the guardian?*

Another critical concern that statutes need to address is the steps that should be taken when a guardian becomes unable to care for a child, a child’s welfare is threatened, or a guardianship is terminated for another reason. The roles and responsibilities of the court and state agency need to be clearly specified to ensure that the child’s well-being is protected at all times. The court and child welfare agency in many states consider the case closed once guardianship is established. Lacking legislative guidance, they are likely to respond in the same way that they respond to all other cases—a new report of child abuse and neglect or dependency must be filed and the same steps are followed. States may want to consider specific policies so that the child’s records are accessible and, to the extent possible, that those with knowledge of the family’s circumstances, including public and private agency workers, are called to be part of future decisions.

### *Can the guardianship be converted to adoption?*

State policy allowing courts to convert permanent guardianships to adoptions may have many benefits. Adoption provides a permanent home that, once established, cannot generally be challenged by the birth parent. Some states promote conversion to adoption from guardianship by providing free legal representation to guardians who wish to adopt.

At the same time, possible ramifications must be carefully considered. First, to maximize permanency for the child, adoption should be fully explored as an option before guardianship is awarded. Some argue that subsequent conversion may be confusing to children and ultimately undermine efforts to create a permanent status for the child as quickly as possible. A second concern focuses on termination of parental rights, which is required for adoption but not for guardianship. Some legal experts protest that it may be very difficult to establish grounds for involuntary termination of parental rights after guardianship has been established and intact for a period of time. Others predict that courts and agencies may try to use guardianship as a mechanism to avoid terminating parental rights when they know that termination will be contested.

Existing state statutes do not directly address conversion of guardianship to adoption. The issues need to be explored as guardianship becomes a more widely used permanency option.

## **7. How can written subsidized guardianship agreements be used?**

Legislation can require written court orders that specify the terms and conditions of permanent guardianship. It also can require written agreements between the public child welfare agency and the guardian. Additional parties to the agreement might include the birth parent, if appropriate, and the representative of a different agency that will be responsible for guardianship subsidy or other assistance. States may want to consider including the following components in legislative requirements for written agreements.

### *Commitment and plans for the future*

- Verification that the guardian has received information regarding permanency options and is making a fully informed decision to become the child's permanent guardian
- The guardian's intent and commitment to provide a permanent, stable home for the child and to provide for the child's health and well-being
- The child's preference, if the youth is of adequate age
- The birth parent's preference

- Agreement by the child, guardian, and agency to make reasonable efforts to preserve the guardianship as a permanent arrangement
- Legal grounds and/or criteria for termination and revocation of guardianship
- Legal issues and process for converting guardianship to adoption
- Specification of any known circumstance that might result in termination or revocation of the guardianship
- Designation of a successor guardian

### *Rights and responsibilities of all parties*

- Guardian’s rights and responsibilities as caretaker of the child
- Rights and responsibilities retained by the birth parent, including the legal right to petition for revocation of the guardianship and relevant statutory guidelines
- Specific arrangements for visitation with the birth parent or other family members
- Requirements and procedures for guardianship or subsidy reviews
- Ongoing responsibilities of the public agency or multiple agencies to provide services to the child and guardian, procedures for obtaining services or referrals, and provisions for sharing information or coordinating services among agencies
- The guardian’s right to appeal modification of guardianship, subsidy or other assistance, and procedures, if grievances occur

### *Services and benefits*

- The type and amount of subsidy payment that will be provided
- Specific services that will be provided to the child and/or the guardian
- Other benefits or assistance for which the child is eligible, such as Medicaid, social services, independent living, and tuition assistance and procedures for obtaining assistance if it is needed in the future
- Other benefits or assistance for which the guardian is eligible and procedures for obtaining assistance if it is needed in the future
- The effect of the guardianship, if any, on eligibility for benefits the child or guardian is receiving prior to guardianship
- Any known circumstances that could cause the guardianship subsidy to be modified, reduced or terminated

Several states’ statutes currently require written agreements. Missouri’s statute (Mo. Rev. Stat., Sec. 453.065) requires that some of the above elements be included.

## 8. What should be the ongoing role of the state or local agency once subsidized guardianship is established?

The role of the state after a child has been placed with a guardian is treated inconsistently in guardianship statutes, reflecting ambivalence about the level of government involvement that is appropriate once a permanency decision has been made. On the one hand, the state or local agency can stay involved by making ongoing payments to the guardian, conducting an annual review of the guardianship and subsidy, and providing a number of services and benefits. On the other hand, a common and fundamental goal of guardianship for both the state and the family is to end the ongoing involvement of government by having little, if any, continuing role for the agency.

A balanced approach that provides for some minimal level of review by the courts and/or agency and allows the family to access supports and services as needed should be considered. This oversight may be sufficient to ensure that the guardianship placement continues to be in the best interest of the child and to prevent further, more intrusive agency involvement later on.

## 9. What types of assistance should be provided to children and permanent guardians?

Just as the child welfare field is increasingly recognizing the need for post-adoption subsidy, services, and supports, steps must be taken to ensure that assistance is available to guardianship families when needed. The types of assistance should mirror the supports available for families that adopt a child in state custody, while also recognizing the unique needs of relatives who assume custody of their kin. Statutes can specify the types of benefits and services that must be available to guardians and children and grant responsibility for determining specific assistance and services for individual children and families to the court or agency.

Connecticut and Minnesota statutes make the subsidy for guardianship comparable to the subsidy for adoption and specify the types of assistance available as well as the payment rate.

A number of state laws authorize post-guardianship assistance to meet the needs of vulnerable children and their guardians. Priority services for children include Medicaid coverage, mental health treatment, mentoring, and a range of education services. Medical assistance, child care, and respite care are often included for the guardians, along with additional services that guardians identify as common needs. These include support services for vulnerable caregivers, such as mental health or counseling services, transportation, and support groups. These resources may be provided by public agencies or community organizations.

West Virginia law (W.Va. Code, Sec. 49-2-17) provides that the subsidy may include money payments, special services, or both. It also allows the subsidy to vary with the needs of the child and the availability of other resources to meet the child's needs.

Legislation authorizing Missouri's Grandparents as Foster Parents Program (Mo. Rev. Stat., Secs. 453.322, 453.325)—which targets grandparents age 50 years and older—is highly specific. It provides that, subject to appropriations, the subsidy program do the following:

- Establish caregiver requirements, including but not limited to participation in foster parent training, parenting skills training, childhood immunizations, and other similar health screens
- Provide continuing counseling for the child and grandparent
- May provide support services, including but not limited to respite care, child care, and transportation
- Provide Medicaid services to the child
- May provide ancillary services, such as child care, respite care, transportation assistance, and clothing allowances, but not direct financial payments after training is complete

### *Financial assistance*

Without a subsidy, some guardians are unable to assume the financial burden that accompanies permanent responsibility for a child. Like adoption costs, the legal fees associated with guardianship can be an initial barrier and should be considered for reimbursement.

In addition, to avoid creating disincentives for the permanence that guardianship offers, subsidy payment levels or the value of all assistance must at least equal the foster care payment rate. Currently, states finance subsidies with the following resources:

- State funds, sometimes supplemented by county funds
- Title IV-E funds approved by a federal waiver granted to the state and matched with state funds
- TANF child-only funds
- A combination of state and federal funds

One of the requirements for participation in Florida's Relative Caregiver Program (Fla. Stats., Sec. 39.5085 (2)(a)) is that the relative would be unable to serve as caregiver without the payment because of financial burden.

Idaho statute (Idaho Code, Sec. 56-805) requires the adoption support section of the state department to determine the amount of subsidy on a case-by-case basis. One of two types of payment is authorized:

1. A monthly subsidy not to exceed the amount that would be paid for foster or institutional care for the child if the guardianship had not taken place
2. Payment for nonrecurring guardianship expenses limited to reasonable and necessary guardianship fees, court costs, attorney's fees, and other directly related expenses

Nevada’s authorization for the Program to Assist Relatives Who Have Legal Guardianship of Children (Nev. Rev. Stat., Secs. 422.391-393, 422.240)—like many probate codes—requires that guardians be reimbursed for all or a portion of legal fees.

### *Assistance as children age*

A number of states extend guardianship subsidy until the child reaches age 19 or 21 if the child is enrolled in a certified education or job training program. To successfully transition to adulthood, youths often need independent living services that help them gain the skills, experience, and networks needed to live on their own. Tuition assistance, such as scholarships or tuition waivers, provides opportunities for youths to obtain higher education. A growing number of states, including Florida, Illinois, Kentucky, Maine and Oregon, provide tuition assistance and/or scholarships for older youths in foster care or leaving care, for those receiving independent living services, and for children adopted from state care when they are older. Extending this assistance to children in subsidized guardianship is another step that will remove disincentives for guardianship as a permanency option. Guardians can also be encouraged to play a role by providing them with specific examples of how they can help youth in their care navigate the passage to maturity.

### *Interagency considerations*

Assistance for children and guardians often involves help available from more than one public agency, as well as schools and community organizations. To prevent crises that can lead to disruption, families must be assured access to needed resources regardless of the responsible entity. Eligibility requirements, procedures for obtaining assistance, and service delivery must be coordinated across multiple programs and organizations.

In states that provide guardianship subsidies with TANF “child-only” funds, interagency issues may need special attention. Although the child welfare agency is responsible for permanency planning for the child, the case may be transferred to the TANF agency once guardianship has been established. TANF workers may not be familiar with permanency issues and may need training to ensure that the child and guardian have access to services they need. In addition, procedures for ensuring a smooth “hand-off” from one agency to another must be established.

California’s Kin-GAP legislation (Cal. W&I Code, Sec.11374(b)) ensures that no gap in assistance payments occurs. It requires that when a child receiving benefits under the CalWORKs (TANF) program or the AFDC-FC foster care program becomes eligible for benefits under the Kin-GAP program, the child is to continue to receive benefits under the CalWORKs program or the AFDC-FC foster care program, as appropriate, to the end of the calendar month, and Kin-GAP payments will begin the first day of the following month.

Legislation can direct agencies to work together and to join with community groups to develop an effective approach for serving guardians and children. In addition, legislators need to consider how they will monitor interagency efforts.

### *How does the subsidy affect the guardian's eligibility for other assistance?*

One of the financial considerations for prospective guardians is the effect of the subsidy on their eligibility for other services or aid. Guardianship may not be feasible for some individuals without guaranteed continuation of other benefits. The following statutes illustrate protections states may offer.

California law (Cal. W&I Code, Sec.11371) provides that the guardianship subsidy is not to be considered in determining the guardian's eligibility for any other aid unless required by federal law. California (Cal. W&I Code, Sec.11320.3(b)(4)) also ensures that the guardian's TANF benefits are continued without work requirements or the 60-month limit if caring for the child inhibits working or if the caregiver is over age 65.

Connecticut (Conn. Gen. Stat., Sec. 17a-126(f)) extends the same exemption offered to guardians in California in determining eligibility for others living in the household.

At the same time, because of concern that some adults will seek guardianship simply for the subsidy, there may be attempts to limit the availability of other benefits. To control public expenditures, there may also be attempts made in legislation to limit eligibility for multiple benefits or ensure that guardians are not receiving duplicative payments from more than one source for the same responsibilities, i.e., to care for the child.

### *How does the subsidy affect the child's eligibility for assistance, including medical assistance?*

Health care coverage for children in permanent guardianship should be consistent with the coverage provided as part of adoption assistance. Without this coverage, the cost of providing medical care may prohibit permanent guardianship.

California (Cal. W&I Code, Sec.11366) and Florida (Fla. Stats., Sec. 39.5085(2)(f)) provide Medicaid eligibility for the child.

West Virginia (W.Va. Code, Sec. 49-2-17) provides Medicaid or other health insurance coverage for any child who otherwise cannot be placed because of special needs for medical, mental health, or rehabilitative care.

North Dakota (NDCC Sec. 27-20-49) provides payment for medical and other examinations and treatment (including transportation) if they are court-ordered.

Missouri's relative legal guardianship statutes (Mo. Rev. Stat., Sec. 453.073) require that medical benefits and other assistance be included in the written agreement between the department and guardian.

Legislation that specifically establishes children’s eligibility for various programs, provided they would otherwise qualify, can be a tool for safeguarding against loopholes that would deny children in permanent guardianship access to a range of services.

California law provides eligibility for a number of specific benefits. If the child meets the requirements of each program, it ensures an Infant Supplement, provides an allowance for the child’s funeral expenses, and ensures eligibility for independent living assistance and the Supportive Transitional Emancipation Program in which youth receive support up to age 21.

## **10. How can evaluation and oversight of subsidized guardianship programs and policies be assured?**

Monitoring the outcome of subsidized guardianship policies and programs is important—whether a review is conducted through an independent evaluation or through agency reports to the legislature and ongoing legislative oversight. Such monitoring can help identify accomplishments, compare the benefits and outcomes of subsidized guardianship to other permanency options, and make a case for continuing and/or expanding the assistance. It can also help identify problems that must be solved or issues that need to be addressed.

The federal government requires evaluation of those subsidized guardianship programs funded through the Title IV-E waiver demonstration, including Delaware, Illinois, Maryland, Montana, Oregon, New Mexico, and North Carolina. The final results of these five- year evaluations should be available beginning early 2003.

None of the statutes that were examined require or provide for comprehensive evaluation of subsidized guardianship. However, California requires agency reports to the legislature at two- and five-year intervals after implementation of the Kin-GAP Program. The department is mandated to report program outcomes:

- 1.** The number and characteristics of the children who exited the child welfare system to the Kin-GAP Program
- 2.** The numbers and types of disruptions to the Kin-GAP Program, including subsequent substantiated child abuse reports, child welfare services, and cases where children return to foster care
- 3.** Rates of Kin-GAP exits from foster care compared to relative adoption and return to parents

*How can states identify cost savings generated by the use of permanent guardianship?*

Though it is not a reason that states cite for developing subsidized guardianship, it is anticipated that providing subsidized guardianship assistance for children in the state's care will result in cost savings to other state programs. Eliminating the need for frequent, ongoing case management activities by the court and agency, as well as judicial reviews and eligibility determinations, can result in significant savings to a number of state budget items. These savings can help offset the expense of the subsidy to the state. For example, the California Department of Social Services reported that funding for the Kin-GAP program in the governor's 2002-03 budget totaled \$99.3 million, which was offset by \$72.2 million in savings in CalWORKs assistance payments, foster care, child welfare services, and related administrative costs. Lawmakers can require that state agencies identify the savings resulting from subsidized guardianship as part of regular reports to the legislature.

## Section IV

# State-by-State Survey of Subsidized Guardianship Programs: Overview

To find out more detailed information about each state's subsidized guardianship program, the Children's Defense Fund (CDF) conducted a survey of all 50 states and the District of Columbia. The primary goals of the survey were to identify those states that have established subsidized guardianship programs, identify the specific elements of each state program, and allow for a comparison of program elements across states. Thirty-four states and the District of Columbia had subsidized guardianship programs as of the end of 2002.<sup>1</sup> Three of these states have two subsidized guardianship programs, resulting in a total of 38 subsidized guardianship programs nationally.

The survey findings detailed in this section are based on information from the following sources:

- A comprehensive review of all relevant authorizing statutes, state agency regulations, administrative circulars, and internal policy manuals and directives governing subsidized guardianship programs.
- An analysis of subsidized guardianship program descriptions available to the public on state agency Web sites and from other public information sources (such as program fact sheets and pamphlets).
- Subsidized guardianship program reviews and analyses conducted by Generations United,<sup>2</sup> Urban Institute<sup>3</sup>, American Public Human Services Association,<sup>4</sup> the National Conference of State Legislatures,<sup>5</sup> and the GrandsPlace Web site<sup>6</sup>.
- Phone interviews with state agency subsidized guardianship program contacts conducted between September 2001 and December 2002.
- State agency reviews of the subsidized guardianship program summaries and follow-up interviews conducted between January and December 2002.

The survey collected detailed subsidized guardianship program information in the following areas:

**Governing authority:** The majority of subsidized guardianship programs (24) are governed by statute. The remaining programs (14) have been established through state or agency regulation.

**Program design:** The majority of subsidized guardianship programs (23) are available to both relative and non-relative caregivers who obtain permanent legal guardianship of a child in the child welfare system. Fourteen state programs are limited only to relative caregivers. One state's subsidized guardianship program is available only to non-relative caregivers.

**Child's eligibility:** Several subsidized guardianship programs (16) limit eligibility to older children who may be less likely to be adopted or children who are "hard to place," as defined by the state. Of those state programs with age limitations, 13 allow exceptions in cases where the child is a full-time student, a member of a sibling group, and/or has a disability. In addition to age requirements, almost all states (34) and the District of Columbia require the child to be in the custody of the state agency for a period of time before they can become eligible for the program. This requirement is designed to ensure that the child cannot be safely reunified or adopted before subsidized guardianship is considered.

The majority of subsidized guardianship programs (31) are available only to eligible children in the custody of the state child welfare agency. Some state programs (6) are available to eligible children both inside and outside of the child welfare system. Louisiana's subsidized guardianship program is only available to children who are not in the state child welfare system.

**Caregiver considerations:** All but two subsidized guardianship programs require the caregiver to obtain formal legal custody or guardianship of the child before the child is eligible for the subsidy. The majority of states (28) explicitly require that the caregiver evidence a strong commitment to the child. Fourteen states require the child to demonstrate a strong attachment to the caregiver. In addition, the majority of state programs (24) require that a child must be in the prospective guardian's care for a specified period of time before becoming eligible for the subsidized guardianship program, usually for a period of six months or more.

**State agency considerations:** Some subsidized guardianship programs (17) require that the state agency make an effort to obtain parental consent to the guardianship arrangement in order to minimize future disruptions.

Most of the states with this requirement, however, allow the agency to proceed without parental consent under certain circumstances. Twenty states explicitly require that the agency consult the child about the proposed guardianship if the child is old enough (generally age 12 and older). The majority of state programs (27) require that permanent placement with the guardian be in the child's best interests, although states without this explicit requirement emphasize that the child's best interests are still taken into account. The majority of state programs require that the agency rule out safe return home (30) and adoption (30) as alternative permanency options for the child before subsidized guardianship may be considered<sup>7</sup>. All but one of the state programs require the state agency to conduct a periodic review of the child's guardianship placement and subsidy, usually once a year.

**Payment level:** Fourteen states offer subsidy payments at a level that is less than the foster care rate for which the child would have been eligible. Eight state programs specify that subsidy levels are not to exceed foster care payments levels. Four state programs offer payments equal to foster care and/or adoption assistance. An additional 10 states offer payments equal to foster care, but subtract the value of other benefits (e.g., Social Security, child support) the child receives from the subsidy payment. Indiana's subsidized guardianship payment levels vary from county to county.

**Funding source:** Eighteen states' subsidized guardianship programs and the one in the District of Columbia are paid for with state and/or county funds. Ten state programs are funded through the state Temporary Assistance to Needy Families (TANF) program. Seven states have received a waiver to fund subsidized guardianship programs under Title IV-E of the Social Security Act. One state uses funding from the Social Services Block Grant Program (also called "SSBG" or "Title XX"). Iowa's subsidized guardianship program is not currently funded.

**Contact information:** This section of the survey lists contact information for each state's subsidized guardianship program as of January 2003.

It should be noted that practice may in fact differ from policy in some of the states' subsidized guardianship programs. While there may be requirements specified by statute or regulations that are not followed in practice, there may also be good practices underway that are not explicitly noted in implementing statutes, regulations, and other written guidelines.

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## Endnotes

<sup>1</sup> While Washington and Wisconsin have cash subsidy programs specifically for eligible children raised by kin, they do not characterize them as subsidized guardianship programs. Profiles of these programs are not contained in this survey.

<sup>2</sup> Ana Beltran. *Grandparents and Other Relatives Raising Children: Subsidized Guardianship Programs*. Washington, DC: Generations United, 2000.

<sup>3</sup> Amy Jantz, Rob Geen, Roseana Bess, Cynthia Andrews, and Victoria Russell. *The Continuing Evolution of State Kinship Care Policies*. Washington, DC: The Urban Institute, forthcoming.

<sup>4</sup> American Public Human Services Association. *Crossroads: Child Welfare Addendum – Resolution on Title IV-E Subsidized Guardianship*. March 5 2002. Available on the Internet at <http://www.aphsa.org/reauthor/cw0302-2.asp>.

<sup>5</sup> Steve Christian and Lisa Ekman. *A Place to Call Home: Adoption and Guardianship for Children in Foster Care*. Washington, DC: National Conference of State Legislatures, 2000.

<sup>6</sup> GrandsPlace Web site is available online at <http://www.grandsplace.com>.

<sup>7</sup> Some state subsidized guardianship programs require that these options be “considered carefully” or “eliminated as feasible permanency alternatives.” For the purposes of this survey, such language is categorized as “ruling out” adoption and return home.

# Child Eligibility Requirements for Subsidized Guardianship Programs

State	Age requirements?	Student exception?	Disability exception?	Sibling group exception?	Child in state care?	Time in care?	Additional notes
Alabama		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Alaska	over age 10	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	Program is designed for children who are hard to place. A hard to place child is one who is not likely to be adopted because of a physical or mental disability, emotional disturbance, recognized high risk of physical or mental disease, age, membership in a sibling group, racial or ethnic factors. Children under 10 years old may qualify under certain circumstances.
Arizona	under age 18	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	at least 9 months	An eligible child is a child who has been a ward of the court and in the custody of the prospective permanent guardian for at least nine months as a dependent child (although this requirement may be waived under certain circumstances).
Arkansas		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
California	under age 18	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12 months	Child must have been adjudged a dependent pursuant to Welfare & Institution Code Section 300. Dependency must be dismissed concurrently or subsequent to the establishment of the kinship guardianship.
Colorado		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Connecticut	under age 18	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	18 months in foster care	The Commissioner has the discretion to extend eligibility for those children who have been in the custody of the state agency between 12-18 months if funding is available.
Delaware	over age 12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	at least 12 months	The age requirement may also be waived for other "special needs" children.

<i>State</i>	<i>Age requirements?</i>	<i>Student exception?</i>	<i>Disability exception?</i>	<i>Sibling group exception?</i>	<i>Child in state care?</i>	<i>Time in care?</i>	<i>Additional notes</i>
District of Columbia	at least age 2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	Eligibility ends upon child's eighteenth birthday or upon the child obtaining residence outside of permanent guardian's home, unless the guardian demonstrates s/he retains financial responsibility for child and child is attending a residential school.
Florida	under age 18	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	To be eligible, the child must be adjudicated dependent and be in court-ordered temporary legal custody of the relative or court-ordered placement in the home of a relative under protective supervision of the Department. Child's income and assets are considered in determining eligibility. Children who receive SSI are not eligible. Child must continue to reside in Florida. Caregiver must cooperate with child support enforcement.
Georgia	under age 18	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	Child's income and assets tested to determine eligibility.
Hawaii	under age 18	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	
Idaho	under age 18	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	Child's assets are tested. The program is only designed for hard to place children, defined as children who are difficult to place for adoption or guardianship because of ethnic background, race, color, age, sibling grouping, or physical or emotional handicap.
Illinois	at least age 12 if living with a non-relative	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	at least 12 months	Financial assistance may be provided through age 19 for a child still in high school or until age 21 for children with certain mental or physical disabilities.
Indiana	age 13 or older or meets other eligibility requirements	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	Child's assets are tested. The gross income attributable to the child under TANF rules and guidelines must be less than 250% of the federal poverty level.
Iowa	age 14 or older	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	at least 12 of last 18 months	

*Additional notes*

*Time in care?*

*Child in state care?*

*Sibling group exception?*

*Disability exception?*

*Student exception?*

*Age requirements?*

*State*

State	Age requirements?	Student exception?	Disability exception?	Sibling group exception?	Child in state care?	Time in care?	Additional notes
Kansas	age 14 or older	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	Sibling exceptions may be made on a case-by-case basis. Child's assets are tested, but only income in excess of \$186/month will be counted. In addition, if a child receives SSI he cannot receive the subsidy. Subsidy will continue until the child reaches 18 or has completed high school, whichever comes first.
Kentucky	age 15 and under	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Children ages 16-18 must be either high school graduates or in regular full-time school attendance. Program serves children who are placed in foster care or would otherwise be placed in foster care due to the death of the parent(s), substantiated abuse or neglect, or when placement with a caring relative is the preferable alternative.
Louisiana	under age 19	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Children in the child welfare system are not eligible for this subsidy program. Children ages 16-18 are required to participate in the Family Independence Work Program unless exempt under the agency's criteria. Child's income tested and cannot exceed the subsidy. The child must be a resident of Louisiana to qualify.
Maine		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Maryland	under age 18	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6 months	If enrolled in a formal education program, the child may receive subsidy payments up to age 21. Exception may be made for sibling not related to the same provider.
Massachusetts	at least age 12	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	at least 6 months	The age requirement may also be waived if the Department determines that an exception is in the best interests of the child.
Michigan		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.

<i>State</i>	<i>Age requirements?</i>	<i>Student exception?</i>	<i>Disability exception?</i>	<i>Sibling group exception?</i>	<i>Child in state care?</i>	<i>Time in care?</i>	<i>Additional notes</i>
Minnesota	under age 18	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Child must either be a member of a sibling group to be placed together where at least one member of the sibling group is at least 15 months old or a child with a documented physical, emotional or behavioral disability or who is at high risk of developing such a disability and who requires financial support. Child must be under former or current custody of the agency.
Mississippi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Missouri (program 1)	under age 18	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	Those who qualify for the disability exception include children in the custody of the Division of Family Services in need of medical, dental or other related health service and treatment. The program also makes an exception for children who are members of a qualifying sibling group. Child may also have been in the custody of a licensed, private, child-placing agency.
Missouri (program 2)	under age 18	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Both children in state custody and qualified children who are not in state custody are eligible for the program. Child's assets are tested. Children may be eligible for continued benefits until age 19 if he or she is in school and expected to graduate.
Montana (program 1)	under age 18	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	Child's assets are tested in determining his or her eligibility for the program.
Montana (program 2)	at least age 12	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	A child must be IV-E eligible and in a paid IV-E foster care placement to be eligible for subsidized guardianship. In addition, the child must be a "child with special needs" because he or she meets one of the following criteria: diagnosed with or recognized to be at high risk of developing a physical, mental, or emotional disability or a member of a minority group.
Nebraska	age 12 and older	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	Payments continue until age 19, when child becomes self-supporting or when the guardianship order is terminated.

<i>State</i>	<i>Age requirements?</i>	<i>Student exception?</i>	<i>Disability exception?</i>	<i>Sibling group exception?</i>	<i>Child in state care?</i>	<i>Time in care?</i>	<i>Additional notes</i>
Nevada	not specified	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		To be eligible, the child may be in the custody of the state child welfare agency or in the care of a qualified relative outside of the child welfare system. The child must reside in the state of Nebraska.
New Hampshire		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
New Jersey (program 1)	not specified	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	The agency must have been involved within the last 12 months or have an open or currently active case on the child. Child's assets are tested in determining his or her eligibility for the program.
New Jersey (program 2)	not specified	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Child's assets are tested.
New Mexico	under age 18	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Child's income and assets are tested. Child must be IV-E eligible and randomly selected for guardianship in the experimental or control group, pursuant to the terms and conditions of the federal waiver.
New York		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
North Carolina	under age 18	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	at least 12 months	
North Dakota	at least age 12	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	at least 6 months	Priority is given to children age 16 or older.
Ohio		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Oklahoma	age 12 or older	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	depends on guardianship arrangement	The time period during which a child must be in the care of the state depends upon whether the caregiver files a petition with the court to be appointed as the kinship guardian or the court orders the custody of the child transferred to a kinship guardian. The supported permanency program is not currently available for tribal children.

*Additional notes*

*Time in care?*

*Child in state care?*

*Sibling group exception?*

*Disability exception?*

*Student exception?*

*Age requirements?*

*State*

Oregon	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	at least 12 months	If the child is under 12 and not part of a sibling group, then there must be a kin relationship between the guardian and the child. Different requirements apply to Native American children. Child's income is tested. Only children eligible for and receiving Title IV-E foster care payments may be considered for enrollment in the Guardianship Assistance Program.
Pennsylvania	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	at least 6 months	Program was created with a focus on providing permanency to older children, but there is no specific age requirement. Child's assets are tested.
Rhode Island	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	not specified	While not specifically required, children who utilize this program are in the custody of the state agency.
South Carolina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
South Dakota	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	at least 6 months	Exceptions to the age requirement may be made under certain circumstances.
Tennessee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Texas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Utah	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	There is an exception to age requirement if regional screening committee determines the child will not be adopted. The subsidy usually terminates when child reaches age 18 but may be extended to age 21 if child has a mental or physical handicap. A sibling group waiver may be possible, but it is not part of the normal procedure. The child's income is tested in determining eligibility for the program.
Vermont	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Virginia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Washington	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.

<i>State</i>	<i>Age requirements?</i>	<i>Student exception?</i>	<i>Disability exception?</i>	<i>Sibling group exception?</i>	<i>Child in state care?</i>	<i>Time in care?</i>	<i>Additional notes</i>
West Virginia	under age 18	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	Child must either have emotional ties to prospective guardian or be: an older child not likely to be adopted, disabled, emotionally disturbed, a member of a sibling group, or a racial or ethnic minority. Child's income is tested.
Wisconsin		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Wyoming	not specified	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	

# *Caregiver Considerations for Subsidized Guardianship Programs*

<i>State</i>	<i>Legal guardianship or custody required?</i>	<i>Child's attachment to caregiver required?</i>	<i>Caregiver's commitment to child required?</i>	<i>Child must be in family's care prior to permanent placement?</i>	<i>Time in care?</i>	<i>Additional notes</i>
Alabama	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Alaska	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6 months	Children under 10 are required to have developed an attachment to the current caregiver. Children under 10 may also be considered for the program if there are "compelling cultural or other reasons" that make guardianship a preferred choice over adoption.
Arizona	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Arkansas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
California	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	12 consecutive months	
Colorado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Connecticut	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	12 months	Regulations require a thorough assessment of the caregiver's ability to provide care, guidance, and supervision for the child.
Delaware	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	12 months	The guardian must be an approved foster care provider -- relative or non-relative. The ability to maintain a stable relationship without on-going agency oversight is also required.

<i>State</i>	<i>Legal guardianship or custody required?</i>	<i>Child's attachment to caregiver required?</i>	<i>Caregiver's commitment to child required?</i>	<i>Child must be in family's care prior to permanent placement?</i>	<i>Time in care?</i>	<i>Additional notes</i>
District of Columbia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	at least 6 continuous months	
Florida	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	during the month of application and thereafter	Relatives are not required to meet foster care licensing requirements. The state agency does, however, conduct both a home study as well as background checks.
Georgia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	
Hawaii	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Idaho	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Illinois	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	at least 1 year prior to establishing guardianship	
Indiana	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6 continuous months	
Iowa	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Kansas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		

<i>State</i>	<i>Legal guardianship or custody required?</i>	<i>Child's attachment to caregiver required?</i>	<i>Caregiver's commitment to child required?</i>	<i>Child must be in family's care prior to permanent placement?</i>	<i>Time in care?</i>	<i>Additional notes</i>
Kentucky	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Caregiver must agree to take temporary custody of child and, if return home is not an option, assume permanent custody of the child. Legal custody is not required in order to qualify for the program initially.
Louisiana	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	
Maine	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Maryland	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6 months	
Massachusetts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	12 months	The requirement of being in family's care for one year may be waived if the worker determines it is in the best interests of the child.
Michigan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Minnesota	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Mississippi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Missouri (program 1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

<i>State</i>	<i>Legal guardianship or custody required?</i>	<i>Child's attachment to caregiver required?</i>	<i>Caregiver's commitment to child required?</i>	<i>Child must be in family's care prior to permanent placement?</i>	<i>Time in care?</i>	<i>Additional notes</i>
Missouri (program 2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Either legal guardianship or custody is required. All relatives (grandparents, blood relatives, half-blood, parents' first cousins, nephews or nieces and step-parents or step-siblings) must be 50 or older, have an annual household income of less than 200 percent of the federal poverty level, and complete a training program. However, grandparents who are under 50 or do not complete the training program are still eligible for some money through TANF (these exceptions ONLY apply to grandparents).
Montana (program 1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6 months	
Montana (program 2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6 months	
Nebraska	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6 months	
Nevada	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6 months	Relative caregiver must be 62 or older and a non-needy caretaker relative (which means that they can support themselves financially). A criminal background check is required.
New Hampshire	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
New Jersey (program 1)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	12 months	The petition for guardianship must include a kinship caregiver assessment which contains several components that must be considered, including the circumstances of the kinship relationship, the ability of caregiver to assume permanent care of the child, and a criminal background check.

<i>State</i>	<i>Legal guardianship or custody required?</i>	<i>Child's attachment to caregiver required?</i>	<i>Caregiver's commitment to child required?</i>	<i>Child must be in family's care prior to permanent placement?</i>	<i>Time in care?</i>	<i>Additional notes</i>
New Jersey (program 2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	12 months	The petition for guardianship must include a kinship caregiver assessment which contains several components that must be considered, including the circumstances of the kinship relationship, the ability of the caregiver to assume permanent care of the child, and a criminal background check. The caregiver who petitions for guardianship must pay the cost of this assessment.
New Mexico	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Child not required by law to be in family's care, but it is rare when the child hasn't spent time with the caregiver because there is requirement of a previous "significant" relationship with the child.
New York	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
North Carolina	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6 months	The caregiver must be able to support her/himself without the subsidy.
North Dakota	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Ohio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Oklahoma	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	4 of most recent 6 months	The supported permanency program is only for relatives who meet a specified degree of relationship, as defined by TANF. The relative guardian and child must reside in Oklahoma.
Oregon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6 months	State policy requires that "the child has a stable and positive relationship with the prospective guardian." The 6 month requirement can be waived for sibling groups if at least one child in the group has been in the family's care for 6 months prior to permanent guardianship being awarded.

<i>State</i>	<i>Legal guardianship or custody required?</i>	<i>Child's attachment to caregiver required?</i>	<i>Caregiver's commitment to child required?</i>	<i>Child must be in family's care prior to permanent placement?</i>	<i>Time in care?</i>	<i>Additional notes</i>
Pennsylvania	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6 months	Requirements for child's presence in family's care and in state custody can run concurrently. Caregivers must be appropriately screened for placement.
Rhode Island	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Policy requires that "a stable relationship between the child and the proposed guardian can be demonstrated".
South Carolina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
South Dakota	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Kinship caregivers who do not have legal guardianship or custody may receive a one-time assistance payment, but this is not the same as a monthly subsidized guardianship payment.
Tennessee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Texas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Utah	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	12 months	The guardian is not required to be a relative. If guardian is a relative, he or she must first apply for a specified relative grant through Office of Family Support (OFS). Only relatives who do not qualify for this relative grant will be given a guardianship payment. The relative grant is usually lower than the foster care payment.
Vermont	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Virginia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Washington	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.

<i>State</i>	<i>Legal guardianship or custody required?</i>	<i>Child's attachment to caregiver required?</i>	<i>Caregiver's commitment to child required?</i>	<i>Child must be in family's care prior to permanent placement?</i>	<i>Time in care?</i>	<i>Additional notes</i>
West Virginia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	at least 6 months (only for non-relatives)	The guardian must have a strong connection to the child. There is no time requirement for relative caregivers.
Wisconsin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		No subsidized guardianship program.
Wyoming	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Subsidized guardianship is available when financial concerns are the only barrier to processing legal guardianship.

# State Agency Considerations for Subsidized Guardianship Programs

<i>State</i>	<i>Must state attempt parental consent?</i>	<i>Placement must be in best interest of child?</i>	<i>Income test for kin family?</i>	<i>Rule out adoption?</i>	<i>Rule out return home?</i>	<i>Child consult?</i>	<i>Minimum age for consult?</i>	<i>Periodic review of child?</i>	<i>Who conducts review?</i>	<i>Additional notes</i>
Alabama	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				No subsidized guardianship program.
Alaska	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	Yes, every 12 months.	Division of Family and Youth Services Adoption Coordinator	Child's income is tested.
Arizona	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Yes, every 12 months.	Arizona Department of Economic Security, Division of Children, Youth, and Families	
Arkansas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				No subsidized guardianship program.
California	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Yes, every 12 months.	County Department of Social Services	

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Colorado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				No subsidized guardianship program.
Connecticut	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	all ages	Yes, every 12 months.	Connecticut Department of Children and Families	Discussion with the caregiver about adoption as an option must take place. Child's income is tested.
Delaware	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	all ages	Yes, every 12 months.	State Adoption Program Manager or Adoption Assistance/ Sub. Specialist	Child's income is considered before an application for assisted guardianship can be made.
District of Columbia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	age 14	Yes, every 12 months.	District of Columbia Child and Family Services Agency	
Florida	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	Yes, every 6 months.	Court	Relative Caregiver Program Payments are reviewed annually to be adjusted for changed circumstances. The child will be consulted if the court deems the child to be of sufficient intelligence and understanding to express a preference.

<i>State</i>	<i>Must state attempt parental consent?</i>	<i>Placement must be in best interest of child?</i>	<i>Income test for kin family?</i>	<i>Rule out adoption?</i>	<i>Rule out return home?</i>	<i>Child consult?</i>	<i>Minimum age for consult?</i>	<i>Periodic review of child?</i>	<i>Who conducts review?</i>	<i>Additional notes</i>
Georgia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes, every 12 months.	The state agency and the court	The agency must review the Relative Care Subsidy Agreement every year. The court must review it every three years. Consultation with the child is not mandated but is strongly encouraged if it is age appropriate.	
Hawaii	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	age 14	Yes, every 12 months.	Legal guardian is required to provide an annual report to the court.	Child's assets/income are tested. While the court must consult with a child age 14 and over about his support for the permanency plan, the child's consent is not required.
Idaho	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	age 12	Yes, every 12 months.	Department of Health and Welfare	
Illinois	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	age 14	Yes, at least every 24 months or more frequently.	The Department of Child and Family Services Post-Adoption and Guardianship Unit	The parents may consent or the Department may proceed without parental consent on good cause. Wishes of children under age 14 should be considered. Child's assets are tested, but not SSI benefits.
Indiana	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	Yes, every 12 months.	County Office of Family and Social Services	

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Iowa	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes, every 12 months.	Yes, every 12 months.	Iowa Department of Human Services	
Kansas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	age 14	Yes, every 12 months.	Division of Children and Family Policy	
Kentucky	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Yes, every 12 months.	Division of Family Support	The Cabinet for Families and Children is also required to review the placement six months from the date of placement. At that time they are to recommend to the court whether permanent custody with the relative is in the child's best interests.
Louisiana	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Yes, every 12 months.	Office of Family Support	Income test: Family's annual income must be less than 150% of federal poverty threshold. Child's income also tested. Child's income cannot exceed subsidy payment.
Maine	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				No subsidized guardianship program.

<i>State</i>	<i>Must state attempt parental consent?</i>	<i>Placement must be in best interest of child?</i>	<i>Income test for kin family?</i>	<i>Rule out adoption?</i>	<i>Rule out return home?</i>	<i>Child consult?</i>	<i>Minimum age for consult?</i>	<i>Periodic review of child?</i>	<i>Who conducts review?</i>	<i>Additional notes</i>
Maryland	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	not specified	Yes, every 12 months.	Department of Human Resources Guardianship Program Manager	Guardians must be able to support themselves without the help of the subsidy. Parents must be notified of the transfer of legal guardianship, but consent is not required.
Massachusetts	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	age 12	Yes, every 12 months.	Massachusetts Department of Social Services	Efforts must be made to obtain parental consent, but only if the parent can be located.
Michigan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				No subsidized guardianship program.
Minnesota	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Yes, every 12 months.	County Family and Children Service Division	Families with income greater than 300% of federal poverty guidelines will not be eligible to receive the subsidy, although the child may still be eligible for a TANF child-only grant. Child's income and assets are tested. Caregiver and the county agency must agree on arrangements for sibling groups.
Mississippi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				No subsidized guardianship program.

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Missouri (program 1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes, every 12 months.	Yes, every 12 months.	Subsidy worker - Division of Family Services	Subsidy contract automatically reviewed on June 30th of each year. Some services are subject to yearly reviews to assess continued need.
Missouri (program 2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes, every 12 months.	Yes, every 12 months.	Division of Family Services	Child's income is tested and the relative/grandparent's household income must be below 200% of the poverty level.
Montana (program 1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Not required.	Not required.		Consultation with the child is not required, but happens in practice for children ages 12 and over.
Montana (program 2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes, every 12 months.	Yes, every 12 months.	Department of Health and Human Services	Consultation with the child is not required, but happens in practice for children ages 12 and over.
Nebraska	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	age 14 and over	Yes, every 12 months.	Income maintenance agency family caseworker	Parental consent should be pursued if birth parents still have parental rights. If a child age 14 or older objects, guardianship will not be pursued. Child's assets are tested.

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Nevada	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	age 14	Yes, every 12 months.	Review usually conducted by the court that grants the guardianship	Children 14 or older must consent to the guardianship placement.
New Hampshire	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				No subsidized guardianship program.
New Jersey (program 1)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	age 12	Yes, every 12 months.	Division of Youth and Family Services caseworker	The court considers the state agency's recommendation when deciding whether to grant guardianship. The agency or the child's biological parents can petition for the child to be placed in kinship guardianship even though the child is in state care.
New Jersey (program 2)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	age 12	Yes, every 12 months.	Regional Department of Human Services agency worker	The caregiver may have an income up to 150 percent of the federal poverty level to qualify for the program.
New Mexico	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Yes, every 12 months.	Protective Services Division	Consultation with child not a requirement, but it is routinely done in practice.

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New York	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				No subsidized guardianship program.
North Carolina	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	generally age 12 and older	Yes, every 12 months.	County Department of Social Services	
North Dakota	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Yes, every 12 months.	Child and Family Services agency worker	While efforts must be made to obtain parental consent, consent is not necessary in order for the caregiver to obtain guardianship.
Ohio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				No subsidized guardianship program.
Oklahoma	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	age 12	Yes, every 12 months.	TANF social services specialist	The children and the court must be in agreement with the transfer of legal responsibility to the relative. A judge also reviews the guardianship status within one year of the child's transfer to the relative, after which a court may then close the case.

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Oregon	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes, every 12 months.	Yes, every 12 months.	The Court and the Children, Adults and Family Division	No requirement to consult the child, but in practice the child is consulted.
Pennsylvania	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes, every 12 months.	Yes, every 12 months.	State child welfare agency	While there is no requirement to consult the child, the agency routinely makes a practice of finding out the child's preference.
Rhode Island	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes, every 12 months.	Yes, every 12 months.	The Department's subsidy unit via annual recertification mailings	
South Carolina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				No subsidized guardianship program.
South Dakota	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes, every 12 months.	Yes, every 12 months.	Child Protection Services local placement officer and supervisor	Consultation with the child is not necessary, but under general state guardianship law provisions a child 14 years of age or older may nominate a guardian.
Tennessee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				No subsidized guardianship program.

<i>State</i>	<i>Must state attempt parental consent?</i>	<i>Placement must be in best interest of child?</i>	<i>Income test for kin family?</i>	<i>Rule out adoption?</i>	<i>Rule out return home?</i>	<i>Child consult?</i>	<i>Minimum age for consult?</i>	<i>Periodic review of child?</i>	<i>Who conducts review?</i>	<i>Additional notes</i>
Texas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				No subsidized guardianship program.
Utah	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	age 12	Yes, every 12 months.	An individual designated by each region's Division of Child and Family Services	
Vermont	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				No subsidized guardianship program.
Virginia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				No subsidized guardianship program.
Washington	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				No subsidized guardianship program.
West Virginia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	age 12	Yes, every 12 months.	Department of Health and Human Resources worker	Reunification and adoption must be ruled out before guardianship will be granted.

<i>State</i>	<i>Must state attempt parental consent?</i>	<i>Placement must be in best interest of child?</i>	<i>Income test for kin family?</i>	<i>Rule out adoption?</i>	<i>Rule out return home?</i>	<i>Child consult?</i>	<i>Minimum age for consult?</i>	<i>Periodic review of child?</i>	<i>Who conducts review?</i>	<i>Additional notes</i>
Wisconsin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				No subsidized guardianship program.
Wyoming	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Yes, every 12 months.	Wyoming Department of Family Services	

# *Payment Level for Subsidized Guardianship Programs*

<i>State</i>	<i>How does subsidy compare to foster care and adoption payments?</i>	<i>Does child qualify for medical services?</i>	<i>Does child qualify for other services?</i>	<i>Primary funding source?</i>	<i>Other sources?</i>	<i>Additional notes</i>
Alabama		<input type="checkbox"/>				No subsidized guardianship program.
Alaska	Not to exceed foster care	<input type="checkbox"/>		State		Medical services not directly provided. Child must apply through Medicaid. Agency will assist guardian in applying for medical benefits. Only the child's income and assets will be counted in the determination for Medicaid eligibility.
Arizona	Equal to foster care (subsidy reduced by other benefits)	<input type="checkbox"/>		State		The child is not eligible for the subsidy until he or she has applied for all of the other state and federal benefits for which the child may be eligible. Any amount received from other benefits offsets the amount of the guardianship subsidy (money from child support, TANF, cash assistance, etc. all reduce subsidy amount).
Arkansas		<input type="checkbox"/>				No subsidized guardianship program.

<i>State</i>	<i>How does subsidy compare to foster care and adoption payments?</i>	<i>Does child qualify for medical services?</i>	<i>Does child qualify for other services?</i>	<i>Primary funding source?</i>	<i>Other sources?</i>	<i>Additional notes</i>
California	Equal to foster care (subsidy reduced by other benefits)	<input checked="" type="checkbox"/>	None through this program, but additional services may be obtained through the Kinship Support Services Program.	TANF	State and County	Child receives Medi-Cal coverage for health care. Other cash benefits received by the child (e.g. social security death benefits; child support) reduces subsidy amount dollar for dollar.
Colorado		<input type="checkbox"/>				No subsidized guardianship program.
Connecticut	Equal to foster care (subsidy reduced by other benefits)	<input checked="" type="checkbox"/>		State	Federal	A family may also receive a one-time payment of up to \$500 to cover costs associated with establishing guardianship. Subsidy reduced by any income or assets the child may have.
Delaware	Equal to foster care and adoption assistance payments (subsidy reduced by other benefits)	<input checked="" type="checkbox"/>	Post-guardianship (support groups, individual and family counseling, etc.)	Title IV-E Waiver	State	Medicaid is provided. Other income sources (e.g. SSI, SSA and Child Support) are used first in determining the amount of the assisted guardianship payment. Assistance provided is the difference between any other benefits the child receives and the amount of the most recent foster care payment.
District of Columbia	Equal to foster care	<input checked="" type="checkbox"/>	The cost of the guardianship proceeding is covered; short-term payments for integrating child into family.		District of Columbia	Medicaid is provided.

<i>State</i>	<i>How does subsidy compare to foster care and adoption payments?</i>	<i>Does child qualify for medical services?</i>	<i>Does child qualify for other services?</i>	<i>Primary funding source?</i>	<i>Other sources?</i>	<i>Additional notes</i>
Florida	Less than foster care	<input checked="" type="checkbox"/>	Family support and preservation services, flexible funds, subsidized child care, other services to support the child's safety, growth and healthy development may be available.	TANF		
Georgia	Less than foster care and more than TANF	<input type="checkbox"/>	Other expenses may be covered only if the county department has funds available from other sources.	TANF		The child may be eligible for Medicaid. Subsidy continues if custodian and child move to another state. In addition, a relative living outside of the state may also be approved for the subsidy.
Hawaii	Not to exceed foster care	<input checked="" type="checkbox"/>	Post-permanency services will soon be available and legal guardians can apply for a "difficulty of care" payment.	State		Children with specific needs for a higher level of care may receive more than the base foster care payment, as long as documentation exists and guardian provides additional services to meet that need. Children receive medical benefits under Title XIX or the state's Medicaid program.
Idaho	Equal to foster care	<input checked="" type="checkbox"/>	Based on need, some one time expenses are covered (i.e. Guardianship fees, court costs, attorney's fees, etc.)	State		Medical services paid directly to physician or provider of services.

<i>State</i>	<i>How does subsidy compare to foster care and adoption payments?</i>	<i>Does child qualify for medical services?</i>	<i>Does child qualify for other services?</i>	<i>Primary funding source?</i>	<i>Other sources?</i>	<i>Additional notes</i>
Illinois	Equal to foster care and adoption subsidy payments (subsidy reduced by other benefits)	<input checked="" type="checkbox"/>	Services such as child care, therapeutic day care, counseling, scholarships, and educational advocacy may be provided.	Title IV-E Waiver		A maximum of \$500 may be provided to cover one-time costs associated with establishing guardianship. Medicaid is provided only if the guardian's private health insurance doesn't wholly cover medical costs and as long as the medical condition was established prior to the transfer of guardianship. The amount of the subsidy may be adjusted for any benefits the child will be receiving.
Indiana	Varies based on needs of child; each county establishes its own per diem rates	<input type="checkbox"/>	County office may pay all or any designated portion of the legal costs and other expenses of the guardianship proceeding.	TANF	County	Guardian must obtain medical insurance on behalf of the child through Medicaid, CHIP, or private health insurance as a condition to receiving payments.
Iowa	Minimum is \$10/month and maximum is not to exceed foster care	<input checked="" type="checkbox"/>		Not currently funded		Rate is based upon the needs of the child and the family. Children from Iowa residing in Iowa are covered by Medicaid. Children from other states receive Medicaid from their state of origin. Children with special needs may receive an additional allowance.
Kansas	Less than foster care	<input checked="" type="checkbox"/>	Counseling is provided under Medicaid.		State	

<i>State</i>	<i>How does subsidy compare to foster care and adoption payments?</i>	<i>Does child qualify for medical services?</i>	<i>Does child qualify for other services?</i>	<i>Primary funding source?</i>	<i>Other sources?</i>	<i>Additional notes</i>
Kentucky	Less than foster care	<input checked="" type="checkbox"/>	On a case-by-case basis the following services are provided: child care subsidy, respite child care, family counseling, parenting training, case management services, and the possibility of an education bonus. Also, a family may receive a one time start-up payment to help cover the initial costs of a permanent placement.	TANF		There is a monthly payment scale and income limit for children. Children in the program are eligible for Medicaid, but Medicaid coverage is not retroactive for Kinship Care cases.
Louisiana	Less than foster care	<input type="checkbox"/>		TANF		
Maine		<input type="checkbox"/>				No subsidized guardianship program.
Maryland	Less than foster care and more than TANF	<input checked="" type="checkbox"/>	Individual and family counseling, parent training, medical support, mental health assessments and other services offered.	Title IV-E Waiver		Medical services may be provided through Maryland Children's Health Program, depending on the child's income. Court costs associated with obtaining guardianship are also covered.
Massachusetts	Equal to foster care (subsidy reduced by other benefits)	<input checked="" type="checkbox"/>	Child and guardian are eligible for the Adoption Crossroads Program and the Resource and Referral Program	State		Payment is the foster care rate minus any other support payments from the Department. If no other payments are being received, the subsidy is the same as foster care.
Michigan		<input type="checkbox"/>				No subsidized guardianship program.

<i>State</i>	<i>How does subsidy compare to foster care and adoption payments?</i>	<i>Does child qualify for medical services?</i>	<i>Does child qualify for other services?</i>	<i>Primary funding source?</i>	<i>Other sources?</i>	<i>Additional notes</i>
Minnesota	Equal to adoption assistance payments (subsidy reduced by other benefits)	<input type="checkbox"/>	While medical services are not provided as a condition of the program, most children are eligible for Medicaid.	State		Child's income and assets are subtracted from assistance payment.
Mississippi		<input type="checkbox"/>				No subsidized guardianship program.
Missouri (program 1)	Not to exceed foster care	<input checked="" type="checkbox"/>	Child care and legal fees up to \$500/child may be provided. One time clothing allowance and limited integration expenses are also covered.	State		Child receives Medicaid.
Missouri (program 2)	Less than foster care	<input checked="" type="checkbox"/>	Support services, including respite care, child care, emergency medical transportation assistance, and continuing counseling for grandparents and child provided. Legal services may be provided.	State		Reimbursement based on 75% of current foster care payment schedule for eldest two children. Subsequent children receive TANF payment of \$136/month. Children receive Medicaid.
Montana (program 1)	Equal to family foster care payment less \$10	<input checked="" type="checkbox"/>	By request of caregiver, range of services available to adoptive families may be provided.	State		
Montana (program 2)	Equal to family foster care payment less \$10	<input checked="" type="checkbox"/>	By request of caregiver, a range of services available to adoptive families may be provided.	Title IV-E Waiver		

<i>State</i>	<i>How does subsidy compare to foster care and adoption payments?</i>	<i>Does child qualify for medical services?</i>	<i>Does child qualify for other services?</i>	<i>Primary funding source?</i>	<i>Other sources?</i>	<i>Additional notes</i>
Nebraska	Not to exceed foster care	<input checked="" type="checkbox"/>	Assistance for child care, which ends when child reaches age 13 unless child has special needs. If additional services were provided while the child was in foster care, the services will continue. Respite care may also be provided.	State		Funding may be less than foster care based on child's income. Child that doesn't receive private medical coverage or Medicaid will have payments made to a medical practitioner from child welfare funds. Residential psychiatric care may also be covered. Payments related to specific service for child's special needs (i.e. legal fees for establishing guardianship, transportation costs for medical care, etc.) may be made on a one time basis.
Nevada	Approximately 90% of foster care	<input checked="" type="checkbox"/>	Respite, child care, and transportation may also be provided. Legal fees are also provided to cover the cost of the guardianship.	TANF		Child receives Medicaid.
New Hampshire		<input type="checkbox"/>				No subsidized guardianship program.
New Jersey (program 1)	Less than foster care	<input type="checkbox"/>	The costs of obtaining the kinship assessment will be covered for the caregiver. No filing fees are charged for kinship legal guardianship complaints or motions.	TANF		\$6 million is allocated to this program. New Jersey has a comprehensive medical program, Family Care, for which most children are eligible.

<i>State</i>	<i>How does subsidy compare to foster care and adoption payments?</i>	<i>Does child qualify for medical services?</i>	<i>Does child qualify for other services?</i>	<i>Primary funding source?</i>	<i>Other sources?</i>	<i>Additional notes</i>
New Jersey (program 2)	Less than foster care	<input type="checkbox"/>	No filing fees are charged for kinship legal guardianship complaints or motions.	TANF		New Jersey has a comprehensive medical care program, Family Care, for which most children are eligible.
New Mexico	Equal to adoption assistance	<input checked="" type="checkbox"/>	Legal fees associated with obtaining guardianship are covered.	Title IV-E Waiver		Medicaid provided.
New York		<input type="checkbox"/>				No subsidized guardianship program.
North Carolina	Equal to adoption assistance	<input checked="" type="checkbox"/>		Title IV-E Waiver		Health insurance coverage is provided.
North Dakota	Less than foster care	<input checked="" type="checkbox"/>	Reimbursement for the legal expenses associated with obtaining legal guardianship may be available on the regional level.	State	Title IV-B	The foster care rate for children age 13 or older is \$17/day. The subsidized guardianship rate is \$16.11/day less any monthly benefits the child may be receiving, regardless of age. The program, is however, restricted to those at least 12 years of age with preference given to those age 16 and over. Medicaid is provided if the child is eligible.
Ohio		<input type="checkbox"/>				No subsidized guardianship program.

<i>State</i>	<i>How does subsidy compare to foster care and adoption payments?</i>	<i>Does child qualify for medical services?</i>	<i>Does child qualify for other services?</i>	<i>Primary funding source?</i>	<i>Other sources?</i>	<i>Additional notes</i>
Oklahoma	Equal to foster care (subsidy reduced by other benefits)	<input checked="" type="checkbox"/>	A TANF social services specialist is assigned to the family to help with referrals for other necessary services.	TANF		Attorney expenses up to \$500 are covered for the transfer of legal responsibility.
Oregon	Equal to foster care; standard rate under Title IV-E (subsidy reduced by other benefits)	<input checked="" type="checkbox"/>	The cost of legal fees associated with establishing the guardianship are covered. Liaison to the Division of Child Support is also provided.	Title IV-E Waiver		The payment is the foster care rate, other than child support, made to the child. While families may not continue to receive a "special rate", paid from state general funds for activities not covered by Title IV-E, the program does continue Title XIX Personal Care payments for a child after guardianship is established. The payment is for services to children who have special needs inconsistent with their ages.
Pennsylvania	Not to exceed foster care	<input checked="" type="checkbox"/>	Training is provided to the family and child to assist in the transition. Any additional services that are necessary are provided on a case-by-case basis.	State	County	Payment is based on the child's needs and circumstances. Medical services are provided under Medicaid.
Rhode Island	Equal to TANF payments	<input checked="" type="checkbox"/>		State		
South Carolina		<input type="checkbox"/>				No subsidized guardianship program.

<i>State</i>	<i>How does subsidy compare to foster care and adoption payments?</i>	<i>Does child qualify for medical services?</i>	<i>Does child qualify for other services?</i>	<i>Primary funding source?</i>	<i>Other sources?</i>	<i>Additional notes</i>
South Dakota	Ranges from equal to foster care to 10% of foster care, based on family income.	<input type="checkbox"/>	Some one-time expenses that help facilitate placement or provide assistance with an identified one-time need are covered. No medical subsidy is provided.	Social Services Block Grant (Title XX)		The family should anticipate that part of the subsidy may be needed for medical insurance. However, many children may be eligible for Medicaid or CHIP.
Tennessee		<input type="checkbox"/>				No subsidized guardianship program.
Texas		<input type="checkbox"/>				No subsidized guardianship program.
Utah	Not to exceed specialized foster care payment rate. Amount based on needs of the child and the family.	<input checked="" type="checkbox"/>	DCFS staff may provide in-home services to the child and family needed to maintain placement. Each region determines whether certain one-time expenses will be covered.	State		Medicaid is provided.
Vermont		<input type="checkbox"/>				No subsidized guardianship program.
Virginia		<input type="checkbox"/>				No subsidized guardianship program.
Washington		<input type="checkbox"/>				No subsidized guardianship program.

<i>State</i>	<i>How does subsidy compare to foster care and adoption payments?</i>	<i>Does child qualify for medical services?</i>	<i>Does child qualify for other services?</i>	<i>Primary funding source?</i>	<i>Other sources?</i>	<i>Additional notes</i>
West Virginia	Not to exceed foster care	<input checked="" type="checkbox"/>	Subsidies available for special services which are tailored to the child's needs. The guardian must apply for such special subsidies.	State		The preference is for coverage under guardian's health insurance, but Medicaid is available if private insurance is not. Caregiver can receive one-time payment up to \$1000 for expenses related to transfer of guardianship.
Wisconsin		<input type="checkbox"/>				No subsidized guardianship program.
Wyoming	Equal to foster care rate (subsidy reduced by other benefits)	<input type="checkbox"/>		State		Most children eligible for Medicaid or other state medical programs, but must apply. Once the Department determines family financial concerns are a barrier to legal guardianship, they negotiate a subsidy based on the child's needs.

# Alaska

**Name of Program**

Guardianship Subsidies

**Governing Authority** Statutory

**Citation** ALASKA STAT. § 13.26.062,  
25.23.190-25.23.240 & 47.14.100.  
Admin. Code tit. 7, §. 53.200-  
53.250

**Program Designed for:** Any Caregiver

## Child's Eligibility

What are the age requirements?

over age 10

Student exception?

Disability exception?

Sibling group exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

not specified

Additional Notes/Info on Child Eligibility

Program is designed for children who are hard to place. A hard to place child is one who is not likely to be adopted because of a physical or mental disability, emotional disturbance, recognized high risk of physical or mental disease, age, membership in a sibling group, racial or ethnic factors. Children under 10 years old may qualify under certain circumstances.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

6 months

Additional Notes/Info on Caregiver Considerations

Children under 10 are required to have developed an attachment to the current caregiver. Children under 10 may also be considered for the program if there are "compelling cultural or other reasons" that make guardianship a preferred choice over adoption.

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

not specified

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Division of Family and Youth Services Adoption Coordinator

Additional Notes/Info on State Agency Considerations

Child's income is tested.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Not to exceed foster care

Medical services provided?

What other services are provided?

What is the primary funding source?

State

If other, list here

Additional Notes/Information on Payment Level, Services and Source

Medical services not directly provided. Child must apply through Medicaid. Agency will assist guardian in applying for medical benefits. Only the child's income and assets will be counted in the determination for Medicaid eligibility.

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# Arizona

**Name of Program**

Subsidized Permanent Guardianship Program

**Governing Authority** Statutory

**Citation** Ariz. Rev. Stat. Sec 8-814, 8-871, 8-872

**Program Designed for:** Any Caregiver

## Child's Eligibility

What are the age requirements?

under age 18

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

at least 9 months

Additional Notes/Info on Child Eligibility

An eligible child is a child who has been a ward of the court and in the custody of the prospective permanent guardian for at least nine months as a dependent child (although this requirement may be waived under certain circumstances).

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

Additional Notes/Info on Caregiver Considerations

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Arizona Department of Economic Security, Division of Children, Youth, and Families

Additional Notes/Info on State Agency Considerations

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Equal to foster care (subsidy reduced by other benefits)

Medical services provided?

What other services are provided?

What is the primary funding source?

State

If other, list here

Additional Notes/Information on Payment Level, Services and Source

The child is not eligible for the subsidy until he or she has applied for all of the other state and federal benefits for which the child may be eligible. Any amount received from other benefits offsets the amount of the guardianship subsidy (money from child support, TANF, cash assistance, etc. all reduce subsidy amount).

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# California

**Name of Program** Kinship Guardianship Assistance Payment Program (Kin-GAP)  
**Governing Authority** Statutory **Citation** CAL. WELF. & INST. CODE § 11360-11370  
**Program Designed for:** Relatives Only

## Child's Eligibility

What are the age requirements?  Student exception?  Sibling group exception?   
 under age 18  Disability exception?   
Does the child have to be in the custody of the state agency?  If yes, how long?

12 months

Additional Notes/Info on Child Eligibility

Child must have been adjudged a dependent pursuant to Welfare & Institution Code Section 300. Dependency must be dismissed concurrently or subsequent to the establishment of the kinship guardianship.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?   
Must the child have an attachment to the caregiver?   
Does the relative need to evidence a strong commitment to the child?   
Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

12 consecutive months

Additional Notes/Info on Caregiver Considerations

## State Agency Considerations

Must efforts be made to obtain parental consent?   
Does permanent placement have to be in the child's best interest?   
Is an income test performed for the caregiver?   
Must return home be ruled out?   
Must adoption be ruled out?   
Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

County Department of Social Services

Additional Notes/Info on State Agency Considerations

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Equal to foster care (subsidy reduced by other benefits)

Medical services provided?

What other services are provided?

None through this program, but additional services may be obtained through the Kinship Support Services Program.

What is the primary funding source?

TANF

If other, list here

State and County

Additional Notes/Information on Payment Level, Services and Source

Child receives Medi-Cal coverage for health care. Other cash benefits received by the child (e.g. social security death benefits; child support) reduces subsidy amount dollar for dollar.

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# Connecticut

**Name of Program**

Subsidized Guardianship

**Governing Authority**

Statutory and Regulatory

**Citation**

CONN. GEN. STAT. § 17a-12b  
and accompanying Department of  
Children and Families Agency  
Regulations

**Program Designed for:**

Relatives Only

## Child's Eligibility

What are the age requirements?

under age 18

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

18 months in foster care

Additional Notes/Info on Child Eligibility

The Commissioner has the discretion to extend eligibility for those children who have been in the custody of the state agency between 12-18 months if funding is available.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

12 months

Additional Notes/Info on Caregiver Considerations

Regulations require a thorough assessment of the caregiver's ability to provide care, guidance, and supervision for the child.

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

all ages

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Connecticut Department of Children and Families

Additional Notes/Info on State Agency Considerations

Discussion with the caregiver about adoption as an option must take place. Child's income is tested.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Equal to foster care (subsidy reduced by other benefits)

Medical services provided?

What other services are provided?

What is the primary funding source?

State

If other, list here

Federal

Additional Notes/Information on Payment Level, Services and Source

A family may also receive a one-time payment of up to \$500 to cover costs associated with establishing guardianship. Subsidy reduced by any income or assets the child may have.

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# Delaware

**Name of Program** Assisted Guardianship  
**Governing Authority** Administrative **Citation** Delaware's Title IV-E Child Welfare Waiver  
**Program Designed for:** Any Caregiver

## Child's Eligibility

What are the age requirements?  Student exception?  Sibling group exception?   
Disability exception?   
Does the child have to be in the custody of the state agency?  If yes, how long?

Additional Notes/Info on Child Eligibility

The age requirement may also be waived for other "special needs" children.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?   
Must the child have an attachment to the caregiver?   
Does the relative need to evidence a strong commitment to the child?   
Must the child be in the family's care prior to permanent guardianship being awarded?   
If yes, enter minimum time required

Additional Notes/Info on Caregiver Considerations

The guardian must be an approved foster care provider -- relative or non-relative. The ability to maintain a stable relationship without on-going agency oversight is also required.

## State Agency Considerations

Must efforts be made to obtain parental consent?   
Does permanent placement have to be in the child's best interest?   
Is an income test performed for the caregiver?   
Must return home be ruled out?   
Must adoption be ruled out?   
Required to consult child?   
If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

State Adoption Program Manager or Adoption Assistance/ Sub. Specialist

Additional Notes/Info on State Agency Considerations

Child's income is considered before an application for assisted guardianship can be made.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Equal to foster care and adoption assistance payments (subsidy reduced by other benefits)

Medical services provided?

What other services are provided?

Post-guardianship (support groups, individual and family counseling, etc.)

What is the primary funding source?

Title IV-E Waiver

If other, list here

State

Additional Notes/Information on Payment Level, Services and Source

Medicaid is provided. Other income sources (e.g. SSI, SSA and Child Support) are used first in determining the amount of the assisted guardianship payment. Assistance provided is the difference between any other benefits the child receives and the amount of the most recent foster care payment.

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# District of Columbia

**Name of Program** Permanent Guardianship Subsidy Program  
**Governing Authority** Regulatory **Citation** District of Columbia Municipal Regulations, Chapter 61, sections 6100-6199  
**Program Designed for:** Relatives and Godparents

## Child's Eligibility

What are the age requirements?  Student exception?  Sibling group exception?   
Disability exception?   
Does the child have to be in the custody of the state agency?  If yes, how long?

### Additional Notes/Info on Child Eligibility

Eligibility ends upon child's eighteenth birthday or upon the child obtaining residence outside of permanent guardian's home, unless the guardian demonstrates s/he retains financial responsibility for child and child is attending a residential school.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?   
Must the child have an attachment to the caregiver?   
Does the relative need to evidence a strong commitment to the child?   
Must the child be in the family's care prior to permanent guardianship being awarded?   
If yes, enter minimum time required

### Additional Notes/Info on Caregiver Considerations

## State Agency Considerations

Must efforts be made to obtain parental consent?   
Does permanent placement have to be in the child's best interest?   
Is an income test performed for the caregiver?   
Must return home be ruled out?   
Must adoption be ruled out?   
Required to consult child?   
If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

District of Columbia Child and Family Services Agency

Additional Notes/Info on State Agency Considerations

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Equal to foster care

Medical services provided?

What other services are provided?

The cost of the guardianship proceeding is covered; short-term payments for integrating child into family.

What is the primary funding source?

District of Columbia

If other, list here

Additional Notes/Information on Payment Level, Services and Source

Medicaid is provided.

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# Florida

**Name of Program**

Relative Caregiver Program

**Governing Authority**

Statutory

**Citation**

FLA. STAT. Ch. 39.5085

**Program Designed for:**

Relatives Only

## Child's Eligibility

What are the age requirements?

under age 18

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

not specified

Additional Notes/Info on Child Eligibility

To be eligible, the child must be adjudicated dependent and be in court-ordered temporary legal custody of the relative or court-ordered placement in the home of a relative under protective supervision of the Department. Child's income and assets are considered in determining eligibility. Children who receive SSI are not eligible. Child must continue to reside in Florida. Caregiver must cooperate with child support enforcement.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

during the month of application and thereafter

Additional Notes/Info on Caregiver Considerations

Relatives are not required to meet foster care licensing requirements. The state agency does, however, conduct both a home study as well as background checks.

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

not specified

Is a periodic review conducted? If yes, how often

Yes, every 6 months.

Who conducts the periodic review?

Court

Additional Notes/Info on State Agency Considerations

Relative Caregiver Program Payments are reviewed annually to be adjusted for changed circumstances. The child will be consulted if the court deems the child to be of sufficient intelligence and understanding to express a preference.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Less than foster care

Medical services provided?

What other services are provided?

Family support and preservation services, flexible funds, subsidized child care, other services to support the child's safety, growth and healthy development may be available.

What is the primary funding source?

TANF

If other, list here

Additional Notes/Information on Payment Level, Services and Source

## Contact Information

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# Georgia

**Name of Program**

Relative Care Subsidy Program

**Governing Authority**

Administrative

**Citation**

Social Services Manual, April 2001,  
Chapter 1000, § 1004.2 et. seq.

**Program Designed for:**

Relatives Only

## Child's Eligibility

What are the age requirements?

under age 18

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

not specified

Additional Notes/Info on Child Eligibility

Child's income and assets tested to determine eligibility.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

not specified

Additional Notes/Info on Caregiver Considerations

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

The state agency and the court

Additional Notes/Info on State Agency Considerations

The agency must review the Relative Care Subsidy Agreement every year. The court must review it every three years. Consultation with the child is not mandated but is strongly encouraged if it is age appropriate.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Less than foster care and more than TANF

Medical services provided?

What other services are provided?

Other expenses may be covered only if the county department has funds available from other sources.

What is the primary funding source?

TANF

If other, list here

Additional Notes/Information on Payment Level, Services and Source

The child may be eligible for Medicaid. Subsidy continues if custodian and child move to another state. In addition, a relative living outside of the state may also be approved for the subsidy.

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# Hawaii

**Name of Program**

Permanency Assistance

**Governing Authority**

Statutory and Administrative

**Citation**

Haw. Rev. Stat. § 346-14; Admin. Rules Title 17, Ch. 835

**Program Designed for:**

Any Caregiver

## Child's Eligibility

What are the age requirements?

under age 18

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

not specified

Additional Notes/Info on Child Eligibility

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

Additional Notes/Info on Caregiver Considerations

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

age 14

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Legal guardian is required to provide an annual report to the court.

Additional Notes/Info on State Agency Considerations

Child's assets/income are tested. While the court must consult with a child age 14 and over about his support for the permanency plan, the child's consent is not required.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Not to exceed foster care

Medical services provided?

What other services are provided?

Post-permanency services will soon be available and legal guardians can apply for a "difficulty of care" payment.

What is the primary funding source?

State

If other, list here

Additional Notes/Information on Payment Level, Services and Source

Children with specific needs for a higher level of care may receive more than the base foster care payment, as long as documentation exists and guardian provides additional services to meet that need. Children receive medical benefits under Title XIX or the state's Medicaid program.

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# Idaho

**Name of Program**

Guardianship Assistance Program

**Governing Authority** Statutory

**Citation** Idaho Code Sec. 56-802 et. seq.

**Program Designed for:** Any Caregiver

## Child's Eligibility

What are the age requirements?

under age 18

Student exception?

Disability exception?

Sibling group exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

not specified

Additional Notes/Info on Child Eligibility

Child's assets are tested. The program is only designed for hard to place children, defined as children who are difficult to place for adoption or guardianship because of ethnic background, race, color, age, sibling grouping, or physical or emotional handicap.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

Additional Notes/Info on Caregiver Considerations

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

age 12

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Department of Health and Welfare

Additional Notes/Info on State Agency Considerations

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Equal to foster care

Medical services provided?

What other services are provided?

Based on need, some one time expenses are covered (i.e. Guardianship fees, court costs, attorney's fees, etc.)

What is the primary funding source?

State

If other, list here

Additional Notes/Information on Payment Level, Services and Source

Medical services paid directly to physician or provider of services.

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# Illinois

**Name of Program** Subsidized Guardianship Program

**Governing Authority** Statutory

**Citation** Ill Admin. Code tit. 89, sec. 302.405, Title IV-E Child Welfare Waiver; 705 ILCS 405/2-27

**Program Designed for:** Any Caregiver

## Child's Eligibility

What are the age requirements?

at least age 12 if living with a non-relative

Student exception?

Disability exception?

Sibling group exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

at least 12 months

Additional Notes/Info on Child Eligibility

Financial assistance may be provided through age 19 for a child still in high school or until age 21 for children with certain mental or physical disabilities.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

at least 1 year prior to establishing guardianship

Additional Notes/Info on Caregiver Considerations

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

age 14

Is a periodic review conducted? If yes, how often

Yes, at least every 24 months or more frequently.

Who conducts the periodic review?

The Department of Child and Family Services Post-Adoption and Guardianship Unit

Additional Notes/Info on State Agency Considerations

The parents may consent or the Department may proceed without parental consent on good cause. Wishes of children under age 14 should be considered. Child's assets are tested, but not SSI benefits.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Equal to foster care and adoption subsidy payments (subsidy reduced by other benefits)

Medical services provided?

What other services are provided?

Services such as child care, therapeutic day care, counseling, scholarships, and educational advocacy may be provided.

What is the primary funding source?

Title IV-E Waiver

If other, list here

Additional Notes/Information on Payment Level, Services and Source

A maximum of \$500 may be provided to cover one-time costs associated with establishing guardianship. Medicaid is provided only if the guardian's private health insurance doesn't wholly cover medical costs and as long as the medical condition was established prior to the transfer of guardianship. The amount of the subsidy may be adjusted for any benefits the child will be receiving.

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# Indiana

**Name of Program**

Assisted Guardianship Program

**Governing Authority**

Administrative

**Citation**

Ind. Admin. Code Title 470 r.3-10-5-1 et seq.

**Program Designed for:**

Relatives Only

## Child's Eligibility

What are the age requirements?

age 13 or older or meets other eligibility requirements

Student exception?



Disability exception?



Sibling group exception?



Does the child have to be in the custody of the state agency?



If yes, how long?

not specified

Additional Notes/Info on Child Eligibility

Child's assets are tested. The gross income attributable to the child under TANF rules and guidelines must be less than 250% of the federal poverty level.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?



Must the child have an attachment to the caregiver?



Does the relative need to evidence a strong commitment to the child?



Must the child be in the family's care prior to permanent guardianship being awarded?



If yes, enter minimum time required

6 continuous months

Additional Notes/Info on Caregiver Considerations

## State Agency Considerations

Must efforts be made to obtain parental consent?



Does permanent placement have to be in the child's best interest?



Is an income test performed for the caregiver?



Must return home be ruled out?



Must adoption be ruled out?



Required to consult child?



If yes, what is the minimum age required for consult?

not specified

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

County Office of Family and Social Services

Additional Notes/Info on State Agency Considerations

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Varies based on needs of child; each county establishes its own per diem rates

Medical services provided?

What other services are provided?

County office may pay all or any designated portion of the legal costs and other expenses of the guardianship proceeding.

What is the primary funding source?

TANF

If other, list here

County

Additional Notes/Information on Payment Level, Services and Source

Guardian must obtain medical insurance on behalf of the child through Medicaid, CHIP, or private health insurance as a condition to receiving payments.

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# Iowa

**Name of Program**

Subsidized Guardianship Program

**Governing Authority**

Administrative

**Citation**

Iowa Admin. Code r. 441-204

**Program Designed for:**

Any Caregiver

## Child's Eligibility

What are the age requirements?

age 14 or older

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

at least 12 of last 18 months

Additional Notes/Info on Child Eligibility

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

Additional Notes/Info on Caregiver Considerations

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Iowa Department of Human Services

Additional Notes/Info on State Agency Considerations

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Minimum is \$10/month and maximum is not to exceed foster care

Medical services provided?

What other services are provided?

What is the primary funding source?

Not currently funded

If other, list here

Additional Notes/Information on Payment Level, Services and Source

Rate is based upon the needs of the child and the family. Children from Iowa residing in Iowa are covered by Medicaid. Children from other states receive Medicaid from their state of origin. Children with special needs may receive an additional allowance.

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# Kansas

**Name of Program** Permanent Guardianship Subsidy

**Governing Authority** Administrative

**Citation** KS Dept of Social & Rehabilitative Services Commission of Children & Family Policy Program Instruction Memo, 12/16/99, PIM Number 99-05

**Program Designed for:** Any Caregiver

## Child's Eligibility

What are the age requirements?

age 14 or older

Student exception?

Disability exception?

Sibling group exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

not specified

Additional Notes/Info on Child Eligibility

Sibling exceptions may be made on a case-by-case basis. Child's assets are tested, but only income in excess of \$186/month will be counted. In addition, if a child receives SSI he cannot receive the subsidy. Subsidy will continue until the child reaches 18 or has completed high school, whichever comes first.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

Additional Notes/Info on Caregiver Considerations

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

age 14

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Division of Children and Family Policy

Additional Notes/Info on State Agency Considerations

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Less than foster care

Medical services provided?

What other services are provided?

Counseling is provided under Medicaid.

What is the primary funding source?

State

If other, list here

Additional Notes/Information on Payment Level, Services and Source

## Contact Information

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# Kentucky

**Name of Program**

Kinship Care Program

**Governing Authority**

Statutory and Administrative

**Citation**

922 KY Admin. Regs. 1:130; KRS  
Sec. 605.120

**Program Designed for:**

Relatives Only

## Child's Eligibility

What are the age requirements?

age 15 and under

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

Additional Notes/Info on Child Eligibility

Children ages 16-18 must be either high school graduates or in regular full-time school attendance. Program serves children who are placed in foster care or would otherwise be placed in foster care due to the death of the parent(s), substantiated abuse or neglect, or when placement with a caring relative is the preferable alternative.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

Additional Notes/Info on Caregiver Considerations

Caregiver must agree to take temporary custody of child and, if return home is not an option, assume permanent custody of the child. Legal custody is not required in order to qualify for the program initially.

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Division of Family Support

Additional Notes/Info on State Agency Considerations

The Cabinet for Families and Children is also required to review the placement six months from the date of placement. At that time they are to recommend to the court whether permanent custody with the relative is in the child's best interests.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Less than foster care

Medical services provided?

What other services are provided?

On a case-by-case basis the following services are provided: child care subsidy, respite child care, family counseling, parenting training, case management services, and the possibility of an education bonus. Also, a family may receive a one time start-up payment to help cover the initial costs of a permanent placement.

What is the primary funding source?

TANF

If other, list here

Additional Notes/Information on Payment Level, Services and Source

There is a monthly payment scale and income limit for children. Children in the program are eligible for Medicaid, but Medicaid coverage is not retroactive for Kinship Care cases.

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# Louisiana

**Name of Program** Kinship Care Subsidy Program

**Governing Authority** Statutory

**Citation** La. Rev. Stat. Ann Sec. 46:237

**Program Designed for:** Relatives Only

## Child's Eligibility

What are the age requirements?

under age 19

Student exception?

Disability exception?

Sibling group exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

Additional Notes/Info on Child Eligibility

Children in the child welfare system are not eligible for this subsidy program. Children ages 16-18 are required to participate in the Family Independence Work Program unless exempt under the agency's criteria. Child's income tested and cannot exceed the subsidy. The child must be a resident of Louisiana to qualify.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong committment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

not specified

Additional Notes/Info on Caregiver Considerations

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Office of Family Support

Additional Notes/Info on State Agency Considerations

Income test: Family's annual income must be less than 150% of federal poverty threshold. Child's income also tested. Child's income cannot exceed subsidy payment.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Less than foster care

Medical services provided?

What other services are provided?

What is the primary funding source?

TANF

If other, list here

Additional Notes/Information on Payment Level, Services and Source

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# Maryland

**Name of Program** Kinship Care Subsidized Guardianship Program

**Governing Authority** Administrative      **Citation** Maryland Department of Human Resources Circular Letter - SSA #01-2, July 13, 2001- Title IV-E Child Welfare Waiver

**Program Designed for:** Relatives Only

## Child's Eligibility

What are the age requirements?      Student exception?       Sibling group exception?   
      Disability exception?

Does the child have to be in the custody of the state agency?       If yes, how long?

### Additional Notes/Info on Child Eligibility

If enrolled in a formal education program, the child may receive subsidy payments up to age 21. Exception may be made for sibling not related to the same provider.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

### Additional Notes/Info on Caregiver Considerations

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Department of Human Resources Guardianship Program Manager

Additional Notes/Info on State Agency Considerations

Guardians must be able to support themselves without the help of the subsidy. Parents must be notified of the transfer of legal guardianship, but consent is not required.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Less than foster care and more than TANF

Medical services provided?

What other services are provided?

Individual and family counseling, parent training, medical support, mental health assessments and other services offered.

What is the primary funding source?

Title IV-E Waiver

If other, list here

Additional Notes/Information on Payment Level, Services and Source

Medical services may be provided through Maryland Children's Health Program, depending on the child's income. Court costs associated with obtaining guardianship are also covered.

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# Massachusetts

**Name of Program**

Guardianship Subsidy

**Governing Authority**

Regulatory

**Citation**

Mass. Regs. Code tit. 110, Sec  
7.300-7.303

**Program Designed for:**

Any Caregiver

## Child's Eligibility

What are the age requirements?

at least age 12

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

at least 6 months

Additional Notes/Info on Child Eligibility

The age requirement may also be waived if the Department determines that an exception is in the best interests of the child.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

12 months

Additional Notes/Info on Caregiver Considerations

The requirement of being in family's care for one year may be waived if the worker determines it is in the best interests of the child.

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

age 12

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Massachusetts Department of Social Services

Additional Notes/Info on State Agency Considerations

Efforts must be made to obtain parental consent, but only if the parent can be located.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Equal to foster care (subsidy reduced by other benefits)

Medical services provided?

What other services are provided?

Child and guardian are eligible for the Adoption Crossroads Program and the Resource and Referral Program

What is the primary funding source?

State

If other, list here

Additional Notes/Information on Payment Level, Services and Source

Payment is the foster care rate minus any other support payments from the Department. If no other payments are being received, the subsidy is the same as foster care.

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# Minnesota

**Name of Program**

Relative Custody Assistance

**Governing Authority**

Statutory

**Citation**

Minn. Stat. Ann. Sec. 257.85

**Program Designed for:**

Relatives or other adult with

## Child's Eligibility

What are the age requirements?

under age 18

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

Additional Notes/Info on Child Eligibility

Child must either be a member of a sibling group to be placed together where at least one member of the sibling group is at least 15 months old or a child with a documented physical, emotional or behavioral disability or who is at high risk of developing such a disability and who requires financial support. Child must be under former or current custody of the agency.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

Additional Notes/Info on Caregiver Considerations

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

County Family and Children Service Division

Additional Notes/Info on State Agency Considerations

Families with income greater than 300% of federal poverty guidelines will not be eligible to receive the subsidy, although the child may still be eligible for a TANF child-only grant. Child's income and assets are tested. Caregiver and the county agency must agree on arrangements for sibling groups.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Equal to adoption assistance payments (subsidy reduced by other benefits)

Medical services provided?

What other services are provided?

While medical services are not provided as a condition of the program, most children are eligible for Medicaid.

What is the primary funding source?

State

If other, list here

Additional Notes/Information on Payment Level, Services and Source

Child's income and assets are subtracted from assistance payment.

## Contact Information

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# Missouri (program 1)

Name of Program

Subsidized Guardianship

Governing Authority

Statutory

Citation

Mo. Ann. Stat. Sec. 453.072-453.074

Program Designed for:

Relatives Only

## Child's Eligibility

What are the age requirements?

under age 18

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

not specified

Additional Notes/Info on Child Eligibility

Those who qualify for the disability exception include children in the custody of the Division of Family Services in need of medical, dental or other related health service and treatment. The program also makes an exception for children who are members of a qualifying sibling group. Child may also have been in the custody of a licensed, private, child-placing agency.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

Additional Notes/Info on Caregiver Considerations

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Subsidy worker - Division of Family Services

Additional Notes/Info on State Agency Considerations

Subsidy contract automatically reviewed on June 30th of each year. Some services are subject to yearly reviews to assess continued need.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Not to exceed foster care

Medical services provided?

What other services are provided?

Child care and legal fees up to \$500/child may be provided. One time clothing allowance and limited integration expenses are also covered.

What is the primary funding source?

State

If other, list here

Additional Notes/Information on Payment Level, Services and Source

Child receives Medicaid.

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## Missouri (program 2)

Name of Program

Grandparents as Foster Parents Program

Governing Authority

Statutory

Citation

RSMO 453.320 & 453.325,  
208.010 & 13CSR40-2.300

Program Designed for:

Relatives Only

### Child's Eligibility

What are the age requirements?

under age 18

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

Additional Notes/Info on Child Eligibility

Both children in state custody and qualified children who are not in state custody are eligible for the program. Child's assets are tested. Children may be eligible for continued benefits until age 19 if he or she is in school and expected to graduate.

### Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

Additional Notes/Info on Caregiver Considerations

Either legal guardianship or custody is required. All relatives (grandparents, blood relatives, half-blood, parents' first cousins, nephews or nieces and step-parents or step-siblings) must be 50 or older, have an annual household income of less than 200 percent of the federal poverty level, and complete a training program. However, grandparents who are under 50 or do not complete the training program are still eligible for some money through TANF (these exceptions ONLY apply to grandparents).

### State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Division of Family Services

Additional Notes/Info on State Agency Considerations

Child's income is tested and the relative/grandparent's household income must be below 200% of the poverty level.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Less than foster care

Medical services provided?

What other services are provided?

Support services, including respite care, child care, emergency medical transportation assistance, and continuing counseling for grandparents and child provided. Legal services may be provided.

What is the primary funding source?

State

If other, list here

Additional Notes/Information on Payment Level, Services and Source

Reimbursement based on 75% of current foster care payment schedule for eldest two children. Subsequent children receive TANF payment of \$136/month. Children receive Medicaid.

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# Montana (program 1)

Name of Program

State Guardianship Program

Governing Authority

Statutory

Citation

Mont. Code Ann. Sec. 41-3-421  
(amended by 2001 Mont. Laws Ch.  
281 (S.B. 170))

Program Designed for:

Any Caregiver

## Child's Eligibility

What are the age requirements?

under age 18

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

not specified

Additional Notes/Info on Child Eligibility

Child's assets are tested in determining his or her eligibility for the program.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

6 months

Additional Notes/Info on Caregiver Considerations

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Not required.

Who conducts the periodic review?

Additional Notes/Info on State Agency Considerations

Consultation with the child is not required, but happens in practice for children ages 12 and over.

### Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Equal to family foster care payment less \$10

Medical services provided?

What other services are provided?

By request of caregiver, range of services available to adoptive families may be provided.

What is the primary funding source?

State

If other, list here

Additional Notes/Information on Payment Level, Services and Source

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## Montana (program 2)

Name of Program

IV-E Waiver Demonstration Project

Governing Authority

Statutory

Citation

Mont. Code Ann. Sec. 41-3-444

Program Designed for:

Any Caregiver

### Child's Eligibility

What are the age requirements?

at least age 12

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

not specified

Additional Notes/Info on Child Eligibility

A child must be IV-E eligible and in a paid IV-E foster care placement to be eligible for subsidized guardianship. In addition, the child must be a "child with special needs" because he or she meets one of the following criteria: diagnosed with or recognized to be at high risk of developing a physical, mental, or emotional disability or a member of a minority group.

### Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

6 months

Additional Notes/Info on Caregiver Considerations

### State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Department of Health and Human Services

Additional Notes/Info on State Agency Considerations

Consultation with the child is not required, but happens in practice for children ages 12 and over.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Equal to family foster care payment less \$10

Medical services provided?

What other services are provided?

By request of caregiver, a range of services available to adoptive families may be provided.

What is the primary funding source?

Title IV-E Waiver

If other, list here

Additional Notes/Information on Payment Level, Services and Source

## Contact Information

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# Nebraska

**Name of Program**

Subsidized Guardianship

**Governing Authority**

Statutory and Administrative

**Citation**

Neb. Rev. Stat. Sec. 43-284.02;  
Neb. Admin. R. & Regs. Tit. 479,  
Ch. 7; Neb. Admin. R. & Regs. Tit.  
390, Ch.6

**Program Designed for:**

Any Caregiver

## Child's Eligibility

What are the age requirements?

age 12 and older

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

not specified

Additional Notes/Info on Child Eligibility

Payments continue until age 19, when child becomes self-supporting or when the guardianship order is terminated.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

6 months

Additional Notes/Info on Caregiver Considerations

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

age 14 and over

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Income maintenance agency family caseworker

Additional Notes/Info on State Agency Considerations

Parental consent should be pursued if birth parents still have parental rights. If a child age 14 or older objects, guardianship will not be pursued. Child's assets are tested.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Not to exceed foster care

Medical services provided?

What other services are provided?

Assistance for child care, which ends when child reaches age 13 unless child has special needs. If additional services were provided while the child was in foster care, the services will continue. Respite care may also be provided.

What is the primary funding source?

State

If other, list here

Additional Notes/Information on Payment Level, Services and Source

Funding may be less than foster care based on child's income. Child that doesn't receive private medical coverage or Medicaid will have payments made to a medical practitioner from child welfare funds. Residential psychiatric care may also be covered. Payments related to specific service for child's special needs (i.e. legal fees for establishing guardianship, transportation costs for medical care, etc.) may be made on a one time basis.

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# Nevada

**Name of Program**

Supportive Assistance Program

**Governing Authority**

Statutory

**Citation**

Assembly Bill 15

**Program Designed for:**

Relatives Only

## Child's Eligibility

What are the age requirements?

not specified

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

Additional Notes/Info on Child Eligibility

To be eligible, the child may be in the custody of the state child welfare agency or in the care of a qualified relative outside of the child welfare system. The child must reside in the state of Nebraska.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

6 months

Additional Notes/Info on Caregiver Considerations

Relative caregiver must be 62 or older and a non-needy caretaker relative (which means that they can support themselves financially). A criminal background check is required.

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

age 14

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Review usually conducted by the court that grants the guardianship

Additional Notes/Info on State Agency Considerations

Children 14 or older must consent to the guardianship placement.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Approximately 90% of foster care

Medical services provided?

What other services are provided?

Respite, child care, and transportation may also be provided. Legal fees are also provided to cover the cost of the guardianship.

What is the primary funding source?

TANF

If other, list here

Additional Notes/Information on Payment Level, Services and Source

Child receives Medicaid.

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# New Jersey (program 1)

**Name of Program**   
**Governing Authority** Statutory **Citation** NJSA 30: 4C - 88; NJAC 10: 132a  
**Program Designed for:** Any Caregiver

## Child's Eligibility

What are the age requirements?  Student exception?  Sibling group exception?   
Disability exception?   
Does the child have to be in the custody of the state agency?  If yes, how long?

### Additional Notes/Info on Child Eligibility

The agency must have been involved within the last 12 months or have an open or currently active case on the child. Child's assets are tested in determining his or her eligibility for the program.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?   
Must the child have an attachment to the caregiver?   
Does the relative need to evidence a strong commitment to the child?   
Must the child be in the family's care prior to permanent guardianship being awarded?   
If yes, enter minimum time required

### Additional Notes/Info on Caregiver Considerations

The petition for guardianship must include a kinship caregiver assessment which contains several components that must be considered, including the circumstances of the kinship relationship, the ability of caregiver to assume permanent care of the child, and a criminal background check.

## State Agency Considerations

Must efforts be made to obtain parental consent?   
Does permanent placement have to be in the child's best interest?   
Is an income test performed for the caregiver?   
Must return home be ruled out?   
Must adoption be ruled out?   
Required to consult child?   
If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Division of Youth and Family Services caseworker

Additional Notes/Info on State Agency Considerations

The court considers the state agency's recommendation when deciding whether to grant guardianship. The agency or the child's biological parents can petition for the child to be placed in kinship guardianship even though the child is in state care.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Less than foster care

Medical services provided?

What other services are provided?

The costs of obtaining the kinship assessment will be covered for the caregiver. No filing fees are charged for kinship legal guardianship complaints or motions.

What is the primary funding source?

TANF

If other, list here

Additional Notes/Information on Payment Level, Services and Source

\$6 million is allocated to this program. New Jersey has a comprehensive medical program, Family Care, for which most children are eligible.

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## New Jersey (program 2)

**Name of Program** Kinship Care Subsidy Program: Legal Guardianship  
**Governing Authority** Statutory **Citation** NJSA 30: 4C-88; NJAC 10: 90-19  
**Program Designed for:** Kin (Including Relatives)

### Child's Eligibility

What are the age requirements?  Student exception?  Sibling group exception?   
Disability exception?   
Does the child have to be in the custody of the state agency?  If yes, how long?

Additional Notes/Info on Child Eligibility

Child's assets are tested.

### Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?   
Must the child have an attachment to the caregiver?   
Does the relative need to evidence a strong commitment to the child?   
Must the child be in the family's care prior to permanent guardianship being awarded?   
If yes, enter minimum time required

Additional Notes/Info on Caregiver Considerations

The petition for guardianship must include a kinship caregiver assessment which contains several components that must be considered, including the circumstances of the kinship relationship, the ability of the caregiver to assume permanent care of the child, and a criminal background check. The caregiver who petitions for guardianship must pay the cost of this assessment.

### State Agency Considerations

Must efforts be made to obtain parental consent?   
Does permanent placement have to be in the child's best interest?   
Is an income test performed for the caregiver?   
Must return home be ruled out?   
Must adoption be ruled out?   
Required to consult child?   
If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Regional Department of Human Services agency worker

Additional Notes/Info on State Agency Considerations

The caregiver may have an income up to 150 percent of the federal poverty level to qualify for the program.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Less than foster care

Medical services provided?

What other services are provided?

No filing fees are charged for kinship legal guardianship complaints or motions.

What is the primary funding source?

TANF

If other, list here

Additional Notes/Information on Payment Level, Services and Source

New Jersey has a comprehensive medical care program, Family Care, for which most children are eligible.

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# New Mexico

**Name of Program**

Assisted Guardianship/Kinship Permanence

**Governing Authority** Statutory

**Citation** Title IV-E Waiver Demonstration Project; New Mexico Children's Code 32A-4-1 et seq. NMSA

**Program Designed for:** Any Caregiver

## Child's Eligibility

What are the age requirements?

under age 18

Student exception?

Disability exception?

Sibling group exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

Additional Notes/Info on Child Eligibility

Child's income and assets are tested. Child must be IV-E eligible and randomly selected for guardianship in the experimental or control group, pursuant to the terms and conditions of the federal waiver.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

Additional Notes/Info on Caregiver Considerations

Child not required by law to be in family's care, but it is rare when the child hasn't spent time with the caregiver because there is requirement of a previous "significant" relationship with the child.

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Protective Services Division

Additional Notes/Info on State Agency Considerations

Consultation with child not a requirement, but it is routinely done in practice.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Equal to adoption assistance

Medical services provided?

What other services are provided?

Legal fees associated with obtaining guardianship are covered.

What is the primary funding source?

Title IV-E Waiver

If other, list here

Additional Notes/Information on Payment Level, Services and Source

Medicaid provided.

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# North Carolina

**Name of Program** Assisted Guardianship Kinship Permanence Program  
**Governing Authority** Administrative **Citation** IV-E Waiver Demonstration Project  
**Program Designed for:** Any Caregiver

## Child's Eligibility

What are the age requirements?  Student exception?  Sibling group exception?   
 under age 18  Disability exception?   
Does the child have to be in the custody of the state agency?  If yes, how long?

at least 12 months

Additional Notes/Info on Child Eligibility

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?   
Must the child have an attachment to the caregiver?   
Does the relative need to evidence a strong commitment to the child?   
Must the child be in the family's care prior to permanent guardianship being awarded?   
If yes, enter minimum time required

6 months

Additional Notes/Info on Caregiver Considerations

The caregiver must be able to support her/himself without the subsidy.

## State Agency Considerations

Must efforts be made to obtain parental consent?   
Does permanent placement have to be in the child's best interest?   
Is an income test performed for the caregiver?   
Must return home be ruled out?   
Must adoption be ruled out?   
Required to consult child?

If yes, what is the minimum age required for consult?

generally age 12 and older

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

County Department of Social Services

Additional Notes/Info on State Agency Considerations

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Equal to adoption assistance

Medical services provided?

What other services are provided?

What is the primary funding source?

Title IV-E Waiver

If other, list here

Additional Notes/Information on Payment Level, Services and Source

Health insurance coverage is provided.

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# North Dakota

**Name of Program**

Subsidized Guardianship Program

**Governing Authority**

Statutory and Administrative

**Citation**

N.D. Uniform Juvenile Ct. Act sec. 27-20-48.1 et seq.; Children and Family Services Subsidized Guardianship Program: Service Chapter 623-10.

**Program Designed for:**

Any Caregiver

## Child's Eligibility

What are the age requirements?

at least age 12

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

at least 6 months

Additional Notes/Info on Child Eligibility

Priority is given to children age 16 or older.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

Additional Notes/Info on Caregiver Considerations

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Child and Family Services agency worker

Additional Notes/Info on State Agency Considerations

While efforts must be made to obtain parental consent, consent is not necessary in order for the caregiver to obtain guardianship.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Less than foster care

Medical services provided?

What other services are provided?

Reimbursement for the legal expenses associated with obtaining legal guardianship may be available on the regional level.

What is the primary funding source?

State

If other, list here

Title IV-B

Additional Notes/Information on Payment Level, Services and Source

The foster care rate for children age 13 or older is \$17/day. The subsidized guardianship rate is \$16.11/day less any monthly benefits the child may be receiving, regardless of age. The program, is however, restricted to those at least 12 years of age with preference given to those age 16 and over. Medicaid is provided if the child is eligible.

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# Oklahoma

**Name of Program**

Supported Permanency

**Governing Authority**

Statutory and Administrative

**Citation**

OAC 340: 75-1-18.3 (child welfare); OAC 340: 10-22-1 (TANF); 10 Okl. St. Sec. 22.2

**Program Designed for:**

Relatives Only

## Child's Eligibility

What are the age requirements?

age 12 or older

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

depends on guardianship arrangement

Additional Notes/Info on Child Eligibility

The time period during which a child must be in the care of the state depends upon whether the caregiver files a petition with the court to be appointed as the kinship guardian or the court orders the custody of the child transferred to a kinship guardian. The supported permanency program is not currently available for tribal children.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

4 of most recent 6 months

Additional Notes/Info on Caregiver Considerations

The supported permanency program is only for relatives who meet a specified degree of relationship, as defined by TANF. The relative guardian and child must reside in Oklahoma.

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

age 12

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

TANF social services specialist

Additional Notes/Info on State Agency Considerations

The children and the court must be in agreement with the transfer of legal responsibility to the relative. A judge also reviews the guardianship status within one year of the child's transfer to the relative, after which a court may then close the case.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Equal to foster care (subsidy reduced by other benefits)

Medical services provided?

What other services are provided?

A TANF social services specialist is assigned to the family to help with referrals for other necessary services.

What is the primary funding source?

TANF

If other, list here

Additional Notes/Information on Payment Level, Services and Source

Attorney expenses up to \$500 are covered for the transfer of legal responsibility.

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# Oregon

Name of Program

Guardianship Assistance Program

Governing Authority

Administrative

Citation

Title IV-E Waiver Demonstration Project; Or. Admin. Rule 413-070

Program Designed for:

Any Caregiver

## Child's Eligibility

What are the age requirements?

age 12 and older if caregiver is non-relative

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

at least 12 months

Additional Notes/Info on Child Eligibility

If the child is under 12 and not part of a sibling group, then there must be a kin relationship between the guardian and the child. Different requirements apply to Native American children. Child's income is tested. Only children eligible for and receiving Title IV-E foster care payments may be considered for enrollment in the Guardianship Assistance Program.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

6 months

Additional Notes/Info on Caregiver Considerations

State policy requires that "the child has a stable and positive relationship with the prospective guardian." The 6 month requirement can be waived for sibling groups if at least one child in the group has been in the family's care for 6 months prior to permanent guardianship being awarded.

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

The Court and the Children, Adults and Family Division

Additional Notes/Info on State Agency Considerations

No requirement to consult the child, but in practice the child is consulted.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Equal to foster care; standard rate under Title IV-E (subsidy reduced by other benefits)

Medical services provided?

What other services are provided?

The cost of legal fees associated with establishing the guardianship are covered. Liaison to the Division of Child Support is also provided.

What is the primary funding source?

Title IV-E Waiver

If other, list here

Additional Notes/Information on Payment Level, Services and Source

The payment is the foster care rate, other than child support, made to the child. While families may not continue to receive a "special rate" paid from state general funds for activities not covered by Title IV-E, the program does continue Title XIX Personal Care payments for a child after guardianship is established. The payment is for services to children who have special needs inconsistent with their ages.

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# Pennsylvania

**Name of Program**

Subsidized Permanent Legal Custodianship (SPLC) Program

**Governing Authority**

Statutory and Administrative

**Citation**

Act 126 of 1998 (amended Juvenile Act); CYF Bulletin 3130-01-02/3140-01-02 (issued June 13, 2001)

**Program Designed for:** Any Caregiver

## Child's Eligibility

What are the age requirements?

under age 18

Student exception?

Disability exception?

Sibling group exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

at least 6 months

Additional Notes/Info on Child Eligibility

Program was created with a focus on providing permanency to older children, but there is no specific age requirement. Child's assets are tested.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

6 months

Additional Notes/Info on Caregiver Considerations

Requirements for child's presence in family's care and in state custody can run concurrently. Caregivers must be appropriately screened for placement.

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

State child welfare agency

Additional Notes/Info on State Agency Considerations

While there is no requirement to consult the child, the agency routinely makes a practice of finding out the child's preference.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Not to exceed foster care

Medical services provided?

What other services are provided?

Training is provided to the family and child to assist in the transition. Any additional services that are necessary are provided on a case-by-case basis.

What is the primary funding source?

State

If other, list here

County

Additional Notes/Information on Payment Level, Services and Source

Payment is based on the child's needs and circumstances. Medical services are provided under Medicaid.

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# Rhode Island

**Name of Program**

Guardianship Subsidy

**Governing Authority**

Administrative

**Citation**

Rhode Island Department of  
Children, Youth and Families  
guardianship subsidy memo

**Program Designed for:**

Non-relative caregivers

## Child's Eligibility

What are the age requirements?

under age 18

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

not specified

Additional Notes/Info on Child Eligibility

While not specifically required, children who utilize this program are in the custody of the state agency.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

Additional Notes/Info on Caregiver Considerations

Policy requires that "a stable relationship between the child and the proposed guardian can be demonstrated".

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

The Department's subsidy unit via annual recertification mailings

Additional Notes/Info on State Agency Considerations

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Equal to TANF payments

Medical services provided?

What other services are provided?

What is the primary funding source?

State

If other, list here

Additional Notes/Information on Payment Level, Services and Source

## Contact Information

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# South Dakota

Name of Program

Subsidized Guardianship

Governing Authority

Administrative

Citation

CPSP Manual 03-98 Family Foster Home Care Sub: Financial Assistance for Kin Care

Program Designed for:

Any Caregiver

## Child's Eligibility

What are the age requirements?

at least age 12

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

at least 6 months

Additional Notes/Info on Child Eligibility

Exceptions to the age requirement may be made under certain circumstances.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

Additional Notes/Info on Caregiver Considerations

Kinship caregivers who do not have legal guardianship or custody may receive a one-time assistance payment, but this is not the same as a monthly subsidized guardianship payment.

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Child Protection Services local placement officer and supervisor

Additional Notes/Info on State Agency Considerations

Consultation with the child is not necessary, but under general state guardianship law provisions a child 14 years of age or older may nominate a guardian.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Ranges from equal to foster care to 10% of foster care, based on family income.

Medical services provided?

What other services are provided?

Some one-time expenses that help facilitate placement or provide assistance with an identified one-time need are covered. No medical subsidy is provided.

What is the primary funding source?

Social Services Block Grant (Title XX)

If other, list here

Additional Notes/Information on Payment Level, Services and Source

The family should anticipate that part of the subsidy may be needed for medical insurance. However, many children may be eligible for Medicaid or CHIP.

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# Utah

**Name of Program**

State-Funded Guardianship Subsidy Program

**Governing Authority**

Administrative

**Citation**

DCFS Child Welfare Manual,  
Section 350

**Program Designed for:**

Any Caregiver

## Child's Eligibility

What are the age requirements?

age 12 and over

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

not specified

Additional Notes/Info on Child Eligibility

There is an exception to age requirement if regional screening committee determines the child will not be adopted. The subsidy usually terminates when child reaches age 18 but may be extended to age 21 if child has a mental or physical handicap. A sibling group waiver may be possible, but it is not part of the normal procedure. The child's income is tested in determining eligibility for the program.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

12 months

Additional Notes/Info on Caregiver Considerations

The guardian is not required to be a relative. If guardian is a relative, he or she must first apply for a specified relative grant through Office of Family Support (OFS). Only relatives who do not qualify for this relative grant will be given a guardianship payment. The relative grant is usually lower than the foster care payment.

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

age 12

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

An individual designated by each region's Division of Child and Family Services

Additional Notes/Info on State Agency Considerations

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Not to exceed specialized foster care payment rate. Amount based on needs of the child and the family.

Medical services provided?

What other services are provided?

DCFS staff may provide in-home services to the child and family needed to maintain placement. Each region determines whether certain one-time expenses will be covered.

What is the primary funding source?

State

If other, list here

Additional Notes/Information on Payment Level, Services and Source

Medicaid is provided.

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# West Virginia

**Name of Program**

Subsidized Guardianship

**Governing Authority**

Statutory

**Citation**

W.Va. Code section 49-2-17

**Program Designed for:**

Any Caregiver

## Child's Eligibility

What are the age requirements?

under age 18

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

not specified

Additional Notes/Info on Child Eligibility

Child must either have emotional ties to prospective guardian or be: an older child not likely to be adopted, disabled, emotionally disturbed, a member of a sibling group, or a racial or ethnic minority. Child's income is tested.

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

at least 6 months (only for non-relatives)

Additional Notes/Info on Caregiver Considerations

The guardian must have a strong connection to the child. There is no time requirement for relative caregivers.

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

age 12

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Department of Health and Human Resources worker

Additional Notes/Info on State Agency Considerations

Reunification and adoption must be ruled out before guardianship will be granted.

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Not to exceed foster care

Medical services provided?

What other services are provided?

Subsidies available for special services which are tailored to the child's needs. The guardian must apply for such special subsidies.

What is the primary funding source?

State

If other, list here

Additional Notes/Information on Payment Level, Services and Source

The preference is for coverage under guardian's health insurance, but Medicaid is available if private insurance is not. Caregiver can receive one-time payment up to \$1000 for expenses related to transfer of guardianship.

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# Wyoming

Name of Program

Subsidized Guardianship

Governing Authority

Administrative

Citation

Manual, Department of Family Services Page 7-F-2

Program Designed for:

Any Caregiver

## Child's Eligibility

What are the age requirements?

not specified

Student exception?

Sibling group exception?

Disability exception?

Does the child have to be in the custody of the state agency?

If yes, how long?

not specified

Additional Notes/Info on Child Eligibility

## Caregiver Considerations

Does the caregiver have to have legal guardianship or legal custody?

Must the child have an attachment to the caregiver?

Does the relative need to evidence a strong commitment to the child?

Must the child be in the family's care prior to permanent guardianship being awarded?

If yes, enter minimum time required

Additional Notes/Info on Caregiver Considerations

Subsidized guardianship is available when financial concerns are the only barrier to processing legal guardianship.

## State Agency Considerations

Must efforts be made to obtain parental consent?

Does permanent placement have to be in the child's best interest?

Is an income test performed for the caregiver?

Must return home be ruled out?

Must adoption be ruled out?

Required to consult child?

If yes, what is the minimum age required for consult?

Is a periodic review conducted? If yes, how often

Yes, every 12 months.

Who conducts the periodic review?

Wyoming Department of Family Services

Additional Notes/Info on State Agency Considerations

## Payment Level/Service and Source

How does the subsidy payment compare with foster care and adoption assistance payments?

Equal to foster care rate (subsidy reduced by other benefits)

Medical services provided?

What other services are provided?

What is the primary funding source?

State

If other, list here

Additional Notes/Information on Payment Level, Services and Source

Most children eligible for Medicaid or other state medical programs, but must apply. Once the Department determines family financial concerns are a barrier to legal guardianship, they negotiate a subsidy based on the child's needs.

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