Department of Human Services
Bureau of Child Welfare

Guardianship Assistance Program

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State and Federal Laws

- The Michigan Public Act 260 of 2008, effective 8/4/08, allowed for the development of a state funded guardianship assistance program to assist related and unrelated foster parents in providing permanent homes for children.

- On Oct 7, 2008, President Bush signed and enacted Public Law No: 110-351, the "Fostering Connections to Success and Increasing Adoptions Act" which included provisions for guardianship assistance to licensed relative foster parents. This act requires that certain elements of the program be included in the state statute.

Federal Guardianship Assistance Program

On December 24, 2008, the Administration for Children and Families provided initial program instructions to the states with additional clarification provided in March.

The federal program applies to:

1. Children that are eligible for title IV-E funding.
2. Licensed relative foster care providers.
3. Children that have resided in the home for six consecutive months during which time the relative was also a licensed foster care provider.

State Funded Guardianship Assistance Program

The state funded program and the federally funded program must be consistent in the requirements for prospective guardians.

The Federal Title IV-E program requires relatives, who will become guardians, to be licensed as foster parents.

The federal and state program must include consistent requirements to ensure the expectations are equitable. Requiring certain families to meet a higher standard based only on funding source would be unfair.

Licensing Relatives

- The process of licensing homes for foster care, approving for adoption and guardianship assistance are now all consistent through the Bureau of Child and Adult Licensing evaluation format.
- The licensing process provides a complete assessment of all factors that may impact the child's safety.
- Completion of the evaluation demonstrates that it is appropriate for the state to end supervision at the time of adoption or guardianship.
- Over 22 states now require all homes to be licensed for foster care.
- When relatives are not licensed, they are not provided the financial support needed to care for additional children.
- The loss of title IV-E funding based on non-licensed relative foster homes is significant.

Licensing Relatives

- In cases where a relative cannot be licensed, based on non-safety issues, the child will remain in the home as a foster care placement.

- Efforts will be initiated to remedy the non-safety issues to allow the child to move to permanency through guardianship.

- Only in cases where the licensing evaluation demonstrates a safety concern for the child would the placement require additional review.

Federal Guardianship Assistance Program (GAP)

- Recent instructions from the federal department clarified that the relative must be licensed for the six consecutive months that the child resides in their home prior to applying for the title IV-E funded assistance.

- The relative will receive the same amount of financial support during the six month period as the child will remain in foster care and payments will be made to the relative.

State Funded GAP

- Requiring the state funded prospective guardians to meet the federal six month time requirement as a licensed foster parent will delay permanency and may result in an increased cost to the counties. (County child care fund covers 50% of the cost for certain state funded children in foster care.)
- Based on the urgency of permanency and the potential increased cost to counties, the six month time period after licensure will be waived for state funded guardians. However, the child must still have resided in the home for a minimum of six consecutive months.
- There will be no difference in the licensing process or financial assistance provided to the state or federal funded prospective guardians.

Critical Funding Issues

- In order to expand the number of children eligible for permanent homes through guardianship, it is critical to draw down title IV-E funding.
- Currently title IV-E funds cover 60.58% of the cost of care and the state's match is 39.42%, The federal share will increase under the stimulus package.
- State funded guardianships will be 100% general funds.
- The state appropriation of $4.6 million will cover assistance for only 450 children if the guardianships are state funded.
- The projected number of children currently in foster care who may find permanency through guardianship with assistance is over 1500.

Critical Funding Issues

- **There will be a cost shift from the foster care program to GAP, not an increase in program costs.**
- The children eligible for the GAP would have remained in foster care until 18 with the cost of daily rates, administrative rates, court costs, etc.
- Children in GAP will only require the daily rate and minimal court costs for annual reviews.

Required Changes in Bill 227

- Language in Michigan Public Act 260 of 2008 was based on requirements from the adoption subsidy program.
- The GAP requirements as defined in the "Fostering Connections Act" are not the same as those for adoption subsidy.
- Changes in SB 227 are based on the State Plan Amendment for title IV-E of the Social Security Act, provided to states in December, that defines the required language for the state plan, policy and statute.

Permanency

- The GAP provides an essential alternative permanency option for children who cannot be reunified with birth parents.

- GAP provides permanency for children where an obstacle to adoption exists or where there are valid reason as to why the caregiver chooses not to adopt.

- Children for whom the birth parent is unable to provide a home, due to chronic medical or mental health issues, will be eligible for guardianship assistance without requiring termination of parental rights.