
OVERVIEW

After a child is determined eligible for guardianship assistance, a guardianship assistance payment rate is determined.

Note: Prospective guardian(s) may waive their right to have an eligibility determination for guardianship assistance by signing and indicating *not requesting* on the DHS-2051, Caregiver Permanency Planning Checklist; see [GDM 600, Juvenile Guardianship](#).

If the guardian(s) chooses not to request guardianship assistance and does not have a guardianship assistance agreement signed by both the guardian(s) and the Michigan Department of Health and Human Services (MDHHS) Adoption and Guardianship Assistance Office (AGAO) program manager or MDHHS designee prior to the court's appointment of the guardian(s), they will not be eligible for guardianship assistance payments in the future.

The AGAO determines the maximum guardianship assistance rate, based on the state's foster care rates; see [FOM 905-3, Foster Care Rates](#).

Note: If the child's foster care rate changes at any time prior to the appointment of the guardianship after a guardianship assistance agreement is in place the foster care caseworker must submit a change request. A new guardianship assistance agreement must be in place with all required signatures prior to the appointment of the guardianship.

The DHS-3313, Guardianship Assistance Agreement, must be signed by the guardian(s) and the adoption and guardianship assistance program manager or MDHHS designee prior to the court's appointment of the guardian(s).

MAXIMUM RATE DETERMINATION

The AGAO determines a maximum rate for the child's guardianship assistance payment. The rate is determined based on the foster care rate the child received prior to application for guardianship assistance without regard to the income of the prospective guardian(s). The rate determination includes any Determination of Care (DOC) rate that is approved for the child in foster care at the time of application.

**Children Not
Receiving Family
Foster Care
Payments**

For children, whose care has been funded through financial support other than foster care payments a foster care rate must be determined and approved by the MDHHS local office. The rate must be determined based on the foster care payment the child would receive in a family foster home, including any DOC, if the alternate financial support were not being paid. The maximum guardianship assistance rate will be set using the foster care rate approved by the MDHHS local office at the time of application.

**Required
Documentation of
Child's Needs**

The following documentation must be attached to the DHS-3310, Juvenile Guardianship Assistance Application. The documentation contained in the guardianship assistance application must be current at the time the application is received in order for the AGAO to accept.

No DOC Rate

A copy of the most recent DOC assessment. The DHS-470, Assessment for Determination of Care for Children in Foster Care (Age One Day- 12 Years), DHS-470-A, Assessment for Determination of Care for Children in Foster Care (Age 13 and Older), and the DHS-1945, Assessment of Determination of Care for Medically Fragile Children in Foster Care, and the DHS-668, Notification of Determination of Care (DOC) Decision, must be submitted.

DOC Rate

A foster care rate that exceeds the MDHHS current standard maintenance payment is considered a DOC Rate; see [FOM 903-03, Payment for Foster Family/Relative Care](#). If a child has care needs above a standard foster care maintenance rate, copies of the following foster care documents must be attached.

DOC I, II, III Rate

A DOC Level I, II and III requires:

- A copy of a current local MDHHS-approved DOC assessment, the DHS-470, DHS-470-A, or the DHS-1945, dated within six months and the DHS-668. This may be the approval for a projected rate if the child is not currently receiving foster care payments.
- A copy of the DHS-67, Parent-Agency Treatment Plan & Service Agreement, for children receiving foster care payments, dated within three months of the application date.

DOC Rate Above Level III

A DOC above Level III requires all of the above, and:

- A copy of the supporting documents that were submitted to the designated local MDHHS manager to justify the rate.
- A copy of the professional documentation that supports the DOC rate, if applicable.
- A copy of the approval memo from the designated local MDHHS manager.
- A description of the child's special needs and specific information showing how the exceptional rate was calculated.
- The DHS-668 must be submitted with the documentation.

Rate Changes Before Guardianship Approval

When a child's DOC increases or decreases after a guardianship agreement has been issued, but prior to the court's appointment of the guardian(s), the assigned worker must submit a completed DHS-4817G, Juvenile Guardianship Assistance Program Change Request, and attach a current DOC form, DHS-470, DHS-470-A, or the DHS-1945, if applicable. The AGAO will review the DOC form and all supporting documentation. The guardianship assistance maximum rate will be reviewed and a new DHS-3313 may be issued with a new guardianship assistance maximum rate.

After the DHS-3313 is issued, the agreement must be signed by the prospective guardian(s) and the adoption and guardianship assistance program manager or MDHHS designee prior to the court's appointment of the guardian(s).

**Base Rate
Increases After the
Guardianship
Appointment**

Guardianship assistance base rates increase when the child has a birthday which would affect the base guardianship assistance rate or when the legislature authorizes an increase in the base guardianship assistance rate. DOC rates are set prior to the appointment of the guardianship and are not subject to increases after appointment by the court.

**Negotiation of the
Ongoing Monthly
Payment**

The ongoing monthly guardianship assistance payment is negotiated in discussion between the guardian(s) and the assigned foster care caseworker by taking into account the child's needs and guardian's circumstances. The ongoing monthly payment may be set at any rate up to the maximum guardianship assistance rate determined by the AGAO.

The DHS-3313 agreement must be signed by the prospective guardian(s) and the adoption and guardianship assistance program manager or MDHHS designee prior to the court's appointment of the guardian(s).

Renegotiation***Payments Established Below the Maximum Rate***

If the guardian(s) agrees to an ongoing monthly assistance payment that is less than the maximum guardianship assistance rate indicated on the DHS-3313 they may request a change once every 12 months.

The ongoing monthly guardianship assistance payment may not exceed the maximum guardianship assistance rate determined by the AGAO prior to the court's appointment of the guardian(s). The rate may include any increases to the base guardianship assistance rate due to legislative or age-appropriate increases.

If the child's or guardian's circumstances change and the guardian(s) decides the ongoing monthly guardianship assistance payment needs to be increased, they may request an increase of the ongoing monthly guardianship assistance payment up to the

maximum rate that was established by the AGAO prior to the guardianship.

The effective date of a negotiated guardianship assistance rate is based on the date of approval from the AGAO, but no more than 30 calendar days after the request to negotiate with supporting documentation were received by the AGAO. The child is not eligible for an increased payment prior to the effective date. The negotiated rate begins on the date when both the adoption and guardianship assistance program manager or MDHHS designee and the guardian(s) have signed the new agreement.

Requests for renegotiation can be sent via email to the assigned worker found on the [AGAO contact sheet](#) (<https://www.michigan.gov>) or to:

Michigan Department of Health and Human Services
Adoption and Guardianship Assistance Office
235 S. Grand Ave., Suite 612
P.O. Box 30037
Lansing, MI 48909

Payments Established at the Maximum Rate

The guardian(s) may request a decrease in the ongoing monthly guardianship assistance payment if they decide that it is appropriate.

Requests can be sent via email to the assigned worker found on the [AGAO contact sheet](#) (<https://www.michigan.gov>) or to:

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OTHER FINANCIAL BENEFITS

When the court appoints the guardian(s), the guardian(s) should apply to become the representative payee for children who are eligible for SSI, Retirement, Survivors, and Disability Insurance (RSDI) or Veteran's Administration (VA) benefits. The guardian(s) should contact their local Social Security Administration office regarding SSI and RSDI. The guardian(s) may apply to become the representative payee for VA benefits by contacting the Veteran's

Administration. The assigned foster care caseworker must assist the guardian(s) in applying for these benefits.

A child may be eligible for both guardianship assistance payments and SSI. In the case of children who have been eligible for SSI prior to guardianship, the guardian(s) must immediately notify the Social Security Administration (SSA) of the guardianship and the amount of the ongoing monthly guardianship assistance payment. The SSA will determine the child's continued eligibility for SSI after guardianship and the amount of the payment. The foster care caseworker must send a DHS-3205, Foster Care/Juvenile Justice Benefit Eligibility Record to Government Benefits.

If the guardian(s) chooses not to request guardianship assistance because the child receives other financial support and does not have a guardianship assistance agreement signed by both the guardian(s) and the adoption and guardianship assistance program manager or MDHHS designee prior to the court's appointment of the guardian(s), they will not be eligible for guardianship assistance payments in the future.

The assigned foster care caseworker must inform the prospective guardian(s) that RSDI, SSI, and VA benefit payments may not provide ongoing assistance through age 18, depending on the source of the benefits and possible eligibility requirements based on income or continued disability.

POLICY CONTACT

Questions about this policy item may be directed to the [Child Welfare Policy Mailbox \(Child-Welfare-Policy@michigan.gov\)](mailto:Child-Welfare-Policy@michigan.gov).