

## OVERVIEW

The Michigan Department of Health and Human Services (MDHHS) provides title IV-E and state funded guardianship assistance for children who are placed in a permanent juvenile guardianship from Michigan's public child welfare system who meet specific criteria.

Requests for a guardianship assistance eligibility determination are made by the foster care caseworker by submitting an application packet to the Adoption and Guardianship Assistance Office (AGAO). Prior to requesting a guardianship assistance eligibility determination, the requirements found in [GDM 600, Juvenile Guardianship](#) must be followed to determine whether juvenile guardianship is an appropriate goal for the child.

For a child to be eligible for the guardianship assistance program (GAP), the child must meet all of the guardianship assistance eligibility requirements. Eligibility for guardianship assistance is determined by the AGAO. Prior to the appointment by the court the DHS-3313, Guardianship Assistance Agreement, must be signed by the guardian(s) and the MDHHS AGAO program manager or designee.

**Note:** If the guardianship is appointed prior to receiving the required final MDHHS signatures on the DHS-3313, the child will be ineligible for the guardianship assistance funds through the AGAO.

## GUARDIANSHIP ASSISTANCE ELIGIBILITY REQUIREMENTS

### Child Requirements

A child is eligible for guardianship assistance if **all** the following requirements are met:

- The child was removed from their home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child.
- The child has resided in the home of the prospective guardian(s) for at least six consecutive months prior to the application for a juvenile guardianship assistance eligibility determination.

- Reunification and placing the child for adoption have been ruled out as appropriate permanency options for the child and documented in the case service plan.
- The child has been consulted about the guardianship arrangement if the youth is at least 14 years old and the youth is in agreement.
- The child is strongly attached to the prospective guardian(s), and the guardian(s) has a strong commitment to caring permanently for the child until the child reaches 18 years of age.

**Note:** The successor guardian(s) may be eligible to receive guardianship assistance on behalf of an eligible child; see [GDM 750, Successor Guardian](#).

### Prospective Guardian(s) Requirements

The prospective guardian(s) must request guardianship assistance by completing the [DHS-2051, Caregiver's Permanency Planning Checklist](#). The AGAO will determine the guardianship assistance eligibility and authorize the guardianship assistance payments.

The prospective guardian(s) requesting guardianship assistance on behalf of an eligible child must meet the following qualifications:

#### All Funding Sources:

- The eligible child has resided with the prospective guardian(s) in the prospective guardian's residence for a minimum of six consecutive months prior to applying for the guardianship assistance.
- All criminal background checks, including national database fingerprinting and clearance of the Central Registry are current, as required by foster home licensing requirements. All adults living in the home must have criminal background checks. All adults living in the home must also have clearance of the child abuse and neglect registry in any state the adults have resided in during the past five years.

**Note:** The procedure outlined in SRM 200 will be required for applications for GAP; see [SRM 200, Fingerprints](#).

**Title IV-E Funded:**

- The prospective guardian(s) is the title IV-E eligible child's relative and a licensed foster parent.
- The child must be eligible for title IV-E foster care maintenance payments while residing in the prospective relative guardian's foster home for at least six consecutive months after the license has been approved and prior to applying for juvenile guardianship assistance eligibility.

**State Funded:**

- The prospective guardian(s) is a relative or legal custodian of the eligible child. The prospective guardian(s) must become a licensed foster parent prior to applying for juvenile guardianship assistance eligibility.
- State funded guardianship assistance does not require the home to be licensed for the full six consecutive months the child has resided in the home.

**Note:** See appendix for timeframes and the funding path.

**APPLICATION  
PROCESS****Temporary Court  
Wards**

The following documentation is required to apply for guardianship assistance for children who are temporary court wards:

- [CWL-1326, Licensing Record Clearance Request Instructions](#), or [MDHHS 5612-G, Verification of Tribal Guardianship Assistance Safety Requirements](#), for all adults living in the home or for out of state guardianship. Fingerprinting must be completed, and the outcome provided in the home study.
- [CWL-3130, Initial Foster/Adoption Home Evaluation](#).
- [DHS-591, Juvenile Guardianship Best Interest Determination for Temporary Court Wards](#).

- [DHS-1254, Serious Emotional Disturbance \(SED\) Waiver Payment Request and Approval](#), including beginning and end dates as well as the appropriate signatures.
- [DHS-2051, Caregiver's Permanency Planning Checklist](#) completed by the foster parent(s).
- [DHS-2053, Caseworker Permanency Planning Checklist \(For Temporary Court Wards\)](#).
- [DHS-3310, Juvenile Guardianship Assistance Application](#).
- Current Updated Service Plan (USP), permanency planning goal should be guardianship, or an addendum should be submitted.
- Foster care renewal/updated addenda, including special investigations from within the past year.
- The child's birth certificate.
- The removal order, with contrary to the welfare of the child findings.

The case service plan must document and include the following:

- The child's age.
- The child's attachment to the prospective guardian(s).
- If the child is 14 years of age or older, the youth must be consulted about the guardianship and be in agreement.
- The reasons guardianship is in the child's best interest.
- The child's goal is currently guardianship.
- The reasons for separation of siblings during a placement. In cases where siblings are not placed together, documentation of the arrangements for regular visitation or other interactions between siblings must be included in the case service plan, unless there is documentation that visitation or other ongoing interaction would not be in the best interest of the child's or sibling's well-being.

- Efforts made by the agency to discuss the guardianship assistance arrangement with the child's parent(s) and reasons why efforts could not be made.
- If the child was placed in the prospective guardian's home as a foster child for six consecutive months.
- The prospective guardian's commitment to caring for the child permanently, until the child reaches 18 years of age.
- The special needs of each child and the proven ability of the prospective guardian(s) to adequately address those needs. Specific services and supports the child has received or is receiving.
- If the prospective guardian(s) is a licensed foster parent.
- The foster care caseworker, in their professional opinion, must document the steps taken to rule out reunification and discuss permanency options. The reasons why reunification has been ruled out and is not in the child's best interest must also be documented.
- The foster care caseworker, in their professional opinion, must document the steps taken to rule out adoption and discuss permanency options with the prospective guardian(s). The reasons why adoption has been ruled out and is not in the child's best interest must also be documented.

All guardianship applications must be emailed to [MDHHS AGAO Apps and Openings Mailbox \(MDHHS-AGAO-apps-and-openings@michigan.gov\)](mailto:MDHHS-AGAO-apps-and-openings@michigan.gov).

**Michigan  
Children's Institute  
(MCI) and  
Permanent Court  
Ward Applications**

The following documentation is required to apply for guardianship assistance for children who are MCI or permanent court wards:

- [CWL-1326, Licensing Record Clearance Request Instruction](#), or [MDHHS 5612-G, Verification of Tribal Guardianship Assistance Safety Requirements](#) for all adults living in the home or for out of state guardianship. Fingerprinting must be completed, and the outcome provided in the home study. Each

member of the household, age 18 and older are required to fill out the form and sign it. All sections must be filled out, where sections do not apply N/A is acceptable. The Division of Child Welfare Licensing (DCWL) will complete the clearance. If the foster parent(s) lived in a state other than Michigan, within the last five years, verification that a child protective services (CPS) record check for those states is required.

- [CWL-3130, Initial Foster/Adoption Home Evaluation.](#)
- [DHS-1254, DHS-1254, Serious Emotional Disturbance \(SED\) Waiver Payment Request and Approval](#) including beginning and end dates as well as the appropriate signatures.
- [DHS-2049, Juvenile Guardianship Consent Request for MCI Wards \(Not Requesting Guardianship Assistance\)](#), only required if guardianship assistance is not being requested.
- [DHS-2050, Juvenile Guardianship Consent Request for MCI Wards](#), only required if guardianship assistance is being requested.
- [DHS-2051, Caregiver's Permanency Planning Checklist](#) completed by the foster parent(s).
- [DHS-2052, Caseworker's Permanency Planning Checklist \(For Permanent Wards- MCI or Court\).](#)
- [DHS-3310, Juvenile Guardianship Assistance Application.](#)
- JC 63, Order Terminating Parental Rights/Commitment to MDHHS.
- Voluntary releases need to submit the following:
  - [PCA 305, Release of Child by Parent.](#)
  - [PCA 306, Release of Child by Agency.](#)
  - [PCA 318, Order Terminating Parental Rights After Release or Consent.](#)
  - [PCA 322, Order Committing to MDHHS.](#)
- Current USP, permanency planning goal should be guardianship, or an addendum should be submitted.

- Foster care renewal/updated addenda, including special investigations from within the past year.
- The child's birth certificate.
- The removal order, with contrary to the welfare of the child findings.

The case service plan must be addressed and include the following:

- The child's age.
- The child's attachment to the prospective guardian(s).
- If the child is 14 years of age or older, the youth must be consulted about the guardianship and be in agreement.
- The reasons guardianship is in the child's best interest.
- The child's goal is currently guardianship.
- The reasons for separation of siblings during a placement. If siblings are separated documentation of visitation plans or other interactions must be included in the case service plan unless there is documentation that visitation or other ongoing interaction would not be in the best interest of the child or siblings.
- Efforts made by the agency to discuss the guardianship assistance arrangement with the child's parent(s) and reasons why efforts could not be made.
- If the child was placed in the prospective guardian's home as a foster child six consecutive months prior to applying for guardianship assistance.
- The prospective guardian's commitment to caring for the child permanently, until the child reaches 18 years of age.
- The special needs of each child and the proven ability of the prospective guardian(s) to adequately address those needs. Specific services and supports the child has received or is receiving.
- If the prospective guardian(s) is a licensed foster parent.

- The foster care caseworker, in their professional opinion, must document the steps taken to rule out reunification and discuss permanency options. The reasons why reunification has been ruled out and is not in the child's best interest must also be documented.
- The foster care caseworker, in their professional opinion, must document the steps taken to rule out adoption and discuss permanency options with the prospective guardian(s). The reasons why adoption has been ruled out and is not in the child's best interest must also be documented.

Guardianship consent packets must be sent to the MCI office.

All guardianship assistance applications must be emailed to [MDHHS AGAO Apps and Openings Mailbox \(MDHHS-AGAO-apps-and-openings@michigan.gov\)](mailto:MDHHS-AGAO-apps-and-openings@michigan.gov).

## TITLE IV-E FUNDING DETERMINATION

### Title IV-E Funding

The AGAO will verify the child's current foster care funding for all cases involving children living with a licensed relative.

When it is determined that the child is currently eligible to receive title IV-E foster care funds, relative guardianship assistance will be funded by title IV-E funds when the AGAO has determined that all other eligibility criteria have been met.

The child must be a U.S citizen or a qualified non-citizen; see [FOM 902, Funding Determinations and Title IV-E Eligibility](#) for more information.

### Felony Convictions

Adult members of the adoptive household must not have any felony convictions for any of the following crimes:

- Child abuse or neglect.
- Domestic violence.
- A crime against children, including child pornography.



- A crime of violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.
- Within the last five years only physical assault, battery, or drug related offenses.

To ensure compliance with safety requirements the [DHS-5612-G, Verification of Tribal Guardianship Assistance Safety Requirements](#) may be utilized in place of the [CWL-1326, Licensing Record Clearance Request Instruction](#) when submitting an application for guardianship assistance programs for homes licensed/supervised by a tribe. Fingerprinting must be completed, and the outcome provided in the home study.

When it is determined the child is not currently eligible to receive title IV-E foster care funds, relative guardianship assistance will be funded by state funds when the AGAO has determined all eligibility criteria have been met.

### **Title IV-E Funding for Siblings**

When a foster child who is a sibling of a title IV-E guardianship assistance eligible child is placed in the same relative guardianship arrangement, title IV-E funded guardianship assistance may be paid on behalf of the sibling regardless of the sibling's title IV-E eligibility. The sibling does not have to meet the funding requirements listed above, and the sibling's placement in the home does not need to occur simultaneously with the title IV-E eligible child's placement.

### **STATE FUNDING DETERMINATION**

The AGAO will verify the child's current foster care funding for all cases involving children living within a licensed foster home.

When it is determined the child is not currently eligible to receive title IV-E foster care funds or is currently placed in a non-relative placement, guardianship assistance will be funded by state funds when the AGAO has determined that all other eligibility criteria have been met.

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**ELIGIBILITY  
DETERMINATION**

The eligibility determination process begins when the AGAO receives a complete application packet. The AGAO is solely responsible for determining if the eligibility criteria are met for funding through GAP. The AGAO will determine if the following are supported by the application and the supporting documentation is in the application packet:

- The child's age.
- The child's attachment to the prospective guardian(s).
- The child is 14 years old or older, the child must be consulted about the guardianship and be in agreement.
- The child was placed in the prospective guardian's home as a foster child six consecutive months prior to applying for guardianship assistance.
- The prospective guardian's commitment to caring for the child permanently, until the child reaches 18 years of age.
- The prospective guardian(s) is a licensed foster parent.
- The reasons why reunification and/or adoption have been ruled out and are not in the child's best interest must also be documented.

A finding that reunification and adoption have not been eliminated for purposes of determination guardianship assistance eligibility may differ from the court determined permanency goal.

**TIME FRAME**

The request for guardianship assistance will be assessed and either approved or denied within 30 calendar days of receipt of a complete application in the AGAO.

**AGREEMENTS**

When the child is determined eligible for juvenile guardianship assistance by the AGAO, the office will issue an agreement to the assigned foster care caseworker. The assigned foster care caseworker will review the agreement with the prospective guardian(s) and negotiate the amount of ongoing monthly

guardianship assistance payments with the prospective guardian(s). The prospective guardian(s) will enter the amount of the negotiated ongoing monthly guardianship assistance payments and will sign the agreement. Another adult must witness the signature and sign the agreement as the witness. The assigned caseworker may sign as the witness if the prospective guardian(s) signs in the caseworker's presence.

The assigned caseworker will return the signed agreement to the AGAO. The AGAO will review the agreement and the MDHHS AGAO program manager or designee will sign the agreement. A copy is returned to the assigned foster care caseworker and the AGAO will retain a copy of the agreement(s).

The assigned foster care caseworker gives the prospective guardian(s) the copy of the signed agreement and maintains a copy in the foster care record. In purchase services case, the assigned caseworker must send a copy of the agreement to the foster care case monitor for inclusion in the case record.

After the guardianship assistance agreement has been signed by the prospective guardian(s) and the MDHHS AGAO program manager or designee, the assigned foster care caseworker may petition the court to order the guardianship.

**Michigan guardianship assistance agreements remain in effect regardless of the state of residence of the guardian(s).**

## DENIAL FOR JUVENILE GUARDIANSHIP ASSISTANCE

If it is determined by the AGAO the child is not eligible for guardianship assistance a [DHS-3311-g, Notice of Juvenile Guardianship Assistance and Nonrecurring Expenses Denial and Right to Appeal](#), will be sent to the assigned caseworker to review within the timeframes found on the notice with the prospective guardian(s). The prospective guardian(s) will sign the [DHS-3311-g, Notice of Juvenile Guardianship Assistance and Nonrecurring Expenses Denial and Right to Appeal](#) and return a copy to the AGAO.

## NOT REQUESTING GUARDIANSHIP ASSISTANCE

Prospective guardian(s) may choose not to apply for guardianship assistance. Prospective guardian(s) must document their decision by completing the [DHS-2051, Caregiver's Permanency Planning Checklist](#), indicating in the requesting/not requesting section, the guardian(s) is/are not requesting guardianship assistance.

The foster care caseworker must email a copy of the [DHS-2051, Caregiver's Permanency Planning Checklist](#) to the [MDHHS AGAO Apps and Openings Mailbox \(MDHHS-AGAO-apps-and-openings@michigan.gov\)](mailto:MDHHS-AGAO-apps-and-openings@michigan.gov).

## 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).

## APPENDIX

### *Six Consecutive Month Requirement*

Child's Foster Care Funding	Placement	GAP Funding Path
Title IV-E	Relative	Follow title IV-E GAP funding criteria.
Title IV-E	Non-relative	Follow state funded GAP funding criteria.
Non-title IV-E	Relative or non-relative	Follow state funded GAP funding criteria.