

INTRODUCTION

Federal Law

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (PL 110-351) includes an option for states to extend guardianship assistance agreements for youth who began receiving guardianship assistance at age 16 years or older.

State Law

To implement this option, Michigan passed the Young Adult Voluntary Foster Care Act (MCL 400.665 - 400.671 and MCL 722.876(6)(2)), which allows eligible youth who were placed in Juvenile Guardianship with subsidy from the Michigan public child welfare system after their 16th birthday, to receive guardianship assistance until their 21st birthday, if they are in school, in job training, employed or incapable due to a documented medical condition.

PROGRAM ELIGIBILITY AND REQUIREMENTS

The guardianship assistance eligibility policies in GDM 715 apply to guardianship assistance for youth who were 16 or older when their guardianship assistance agreement became effective. For a youth to qualify for an extension of guardianship assistance until the youth's 21st birthday, the youth must satisfy all of the following requirements:

1. The youth began receiving guardianship assistance at age 16 or older and is now between the ages of 18 and 20, and requests to extend guardianship assistance payments to the age of 21.
2. The original guardianship order remains in effect.
3. The youth had a guardianship assistance agreement effective up until his/her 18th birthday.
4. The youth has signed a DHS-1339G, Young Adult Guardianship Assistance Extension Application.
5. The youth meets at least one of the conditions listed below:

- Actively completing high school or a program leading to a general equivalency diploma (GED).
- Enrolled at least part-time in a college, university, vocational program, or trade school.

Note: A youth who is on a semester, summer, or other break, but was enrolled in school the previous semester and will be enrolled after the break, is considered enrolled in school.

- Employed in either full- or part-time work, or participating in a program that promotes employment (such as Job Corps, Michigan Works! or another employment skill-building program). Participation must be at least 80 hours per month and may be at one or more places of employment, and/or a combination of any of the above activities.
- Incapable of doing any of the above educational or employment activities due to a documented medical condition.

Note: If eligibility is based on incapacity, the subsidy worker must provide direction to the youth and/or guardian(s) on how to apply for Supplemental Security Income (SSI).

6. The DHS-1339G, Young Adult Guardianship Assistance Extension Application, is reviewed by the DHS Subsidy Office and an agreement is issued if the youth meets the requirements of the program. The youth and the guardian(s) must sign a DHS-3313-YA, Young Adult Guardianship Extension Agreement, requesting the court to continue the guardianship.

Note: The DHS-3313-YA, Young Adult Guardianship Extension Agreement, is an agreement between the guardian and DHS which outlines eligibility requirements in the area of education and employment.

VERIFICATION OF ELIGIBILITY

The following must be provided to the DHS Subsidy Office to apply for a Young Adult Guardianship Assistance Extension:

- DHS-1339G, Young Adult Guardianship Assistance Extension Application.
- One or more of the appropriate verification forms to document eligibility must be completed and returned with the DHS-1339G:
 - DHS-3380, Verification of Student Information (may also be used to verify vocational training).
 - DHS-38, Verification of Employment.
 - DHS-54A, Medical Needs.

Home Schooling

Legal guardians who are requesting an extension of the guardianship assistance payments for a child who is being educated at home must submit the following additional information to the DHS Subsidy Office with the extension application:

- A copy of a comprehensive individual educational curriculum for the time period of 9th grade through 12th grade. The individual education curriculum must include instruction in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar; see www.michigan.gov/npshts.
- A copy of confirmation of registration.
 - For a child residing in Michigan, the home school registration is available through the Michigan Department of Education. The registration document is SM-4325, Nonpublic School Membership form. Families may contact the Michigan Department of Education at:

Michigan Department of Education
Bureau of School Finance and School Law
Nonpublic School Unit
P. O. Box 30008
Lansing, MI 48909

Website: www.michigan.gov/mde
Phone: (517) 373-1833

- For a child residing outside of Michigan, the family must provide confirmation of registration as available in the state in which the child resides.

Note: Foster care policy does not permit home schooling for children who have open foster care cases.

APPLICATION FOR EXTENSION

Guardians of youth who exited foster care to the guardianship assistance program between the ages of 16 and 18 may apply for a Young Adult Guardianship Extension if all of the following program requirements are met:

- Continued to receive guardianship assistance up until their 18th birthday.
- Under the age of 21.
- Meets the qualifications of the young adult guardianship program.
- Still placed under his/her original juvenile guardianship order.

The DHS-1339G, Young Adult Guardianship Assistance Extension Application, and the DHS-628-G, Young Adult Guardianship Extension Notice, will be mailed to the guardians no later than 90 calendar days prior to the youth's 18th birthday. The DHS-628-G, Young Adult Guardianship Extension Notice, will explain that the guardianship assistance payments will end when the youth reaches age 18 unless an extension agreement is in place. An explanation of eligibility, the application, and documentation requirements for extension will be included. The Young Adult Guardianship Extension Notice notifies the guardian that he or she has 30 calendar days following the youth's 18th birthday to submit the application and required eligibility verification.

The DHS-628-G, Young Adult Guardianship Extension Notice, must also be sent to the court holding jurisdiction over the guardianship no later than 90 calendar days prior to the youth's 18th birthday. The DHS-628-G, Young Adult Guardianship Extension Notice, informs the court that the youth may be eligible for an extension and asks the court to keep the guardianship case open for 120 calendar days following the youth's 18th birthday or when they receive notification from the DHS Subsidy Office using the

DHS-1392, Notice of Young Adult Guardianship Assistance Denial form, whichever is sooner, unless the court determines that continuation of the guardianship is not in the youth's best interest. If approved for an extension, the DHS-3313-YA, Young Adult Guardianship Assistance Extension Agreement, will be mailed to the court informing them that the case has been extended and to not dismiss the guardianship order.

If an incomplete extension application is submitted to the DHS Subsidy Office, the subsidy worker must respond in writing to the guardian with the DHS-793, Young Adult Guardianship Assistance Extension Missing Documentation Notice, within 14 calendar days of receipt of the application. The DHS-793, Young Adult Guardianship Assistance Extension Missing Documentation Notice, will clarify the documentation requirements and will notify the guardian of any missing application or verification information. The guardian will have 30 calendar days following the date of the DHS-793, Young Adult Guardianship Assistance Extension Missing Documentation Notice, to provide missing documentation for the application to be processed with an effective date of the young adult's 18th birthday.

If the guardian does not provide the missing documentation within this time frame, the application will be denied and the guardian will need to re-apply. Once a complete application with required documentation is received by the DHS Subsidy Office, the department will process the application within 30 calendar days. The effective date will be the date the complete application was received in the DHS Subsidy Office. If at any time the court dismisses the guardianship order, the youth will no longer be eligible to re-apply.

If an extension application is denied, the DHS Subsidy Office will provide a denial notice to the guardian that includes the reason(s) for the denial and information regarding the right to request an administrative hearing; see GDM 780, Administrative Hearings. The DHS Subsidy Office will send written notification to the court with jurisdiction over the guardianship case following the deadline to request an appeal or following the administrative hearing order.

EXTENSION AGREEMENT RATES

The maximum daily rate for extensions will be the same maximum rate that was established on the original DHS-3313, Juvenile Guardianship Assistance Agreement. The actual rate will be negotiated between the guardian(s) and the department.

**EXTENSION
AGREEMENTS**

After an extension is approved by the DHS Subsidy Office, the DHS-3313-YA, Young Adult Guardianship Assistance Extension Agreement, will be mailed to the guardian for signatures. The signed agreement must be returned to the DHS Subsidy Office within 30 calendar days of the agreement issuance date and must be signed by the DHS Subsidy Office manager before the extension payments are authorized. If the agreement is missing information the DHS-792, Young Adult Guardianship Assistance Extension Agreement(s)-Incomplete Notice will be sent to the legal guardians. If the agreement is not received within 30 calendar days of the agreement issuance date or the date of the DHS-792, the effective date will be the date the agreement was received by the DHS Subsidy Office.

**JUDICIAL
DETERMINATION**

Within 30 calendar days of the date the DHS-3313-YA, Young Adult Guardianship Assistance Extension Agreement, was signed by the DHS Subsidy Office manager, the DHS Subsidy Office will provide a copy of the agreement to the guardian and the court with jurisdiction over the guardianship. Once the court receives the DHS-3313-YA, Young Adult Guardianship Assistance Extension Agreement, requesting the court to continue the guardianship, the court will determine whether guardianship remains in the youth's best interest within 365 days of the youth's 18th birthday and annually thereafter. The court order and proof of service reflecting the court's decision to continue or deny extension of the guardianship must be provided by the guardian to the DHS Subsidy Office no later than 30 calendar days following the receipt of the guardianship order.

FUNDING SOURCE

The Young Adult Guardianship Assistance Extension program is funded by title IV-E and state funds. The funding source for the youth's young adult guardianship extension is the same funding source that was established on the original DHS-3313, Juvenile Guardianship Assistance Agreement, when the child entered guardianship.

During periods of ineligibility, a grace period for re-establishing eligibility may occur. A funding source change must occur for title

IV-E-funded cases during the grace period. Title IV-E-funded cases must be changed to state-funding when any grace period begins and must be changed back to title IV-E funding when the youth re-establishes eligibility.

MEDICAID

Youth who are eligible for this program are categorically eligible for Medicaid during the extension period.

CHANGE REPORTING

Change reporting by the guardian of the Young Adult Guardianship Assistance is required as listed in GDM 740, Guardian Responsibilities, with the exception of the time frame for reporting. The guardian must report changes as soon as they occur, but no later than two weeks after changes that impact eligibility.

GRACE PERIOD

A grace period is the period of time after the youth ceases to meet the educational, employment, and/or incapacitating medical conditions requirements. Grace periods are to be applied based on the following:

- Youth are allowed a 30-day grace period in which to re-establish eligibility.
- Youth are allowed up to three grace periods per fiscal year.
- The grace period begins the day immediately following the day the youth becomes ineligible, whether or not it is reported timely.
- The Young Adult Guardianship Assistance payments and Medicaid coverage continues during the grace period.

Note: A funding source change must occur for title IV-E-funded cases during the grace period. Title IV-E-funded cases must be changed to state-funding when any grace period begins and must be changed back to title IV-E funding when the youth re-establishes eligibility.

The guardian should contact the DHS Subsidy Office to discuss ways in which the youth could meet the requirements or the guardianship assistance will terminate at the end of the grace period.

A grace period can **not** be used for youth who become ineligible due to one of the following circumstances:

- Reaches his or her 21st birthday.
- Enters military service.

Exception: Membership in the Reserve Officers' Training (ROTC) or the reserve component of the Armed Forces; such as, Army National Guard of the United States, Air Force Reserve, and Coast Guard Reserve does not disqualify a youth from the Young Adult Guardianship Assistance Extension, unless participation requirements exceed 21 consecutive calendar days of active duty or training responsibilities.

- Marries.
- Begins receiving federal Supplemental Security Income (SSI) payments.
- Is living with his/her biological parent(s).
- Death.
- The guardianship is terminated by order of the court having jurisdiction in the guardianship proceeding.

QUARTERLY REVIEWS

Continued eligibility for the extension program will be reviewed by the DHS Subsidy Office every three months, beginning three months from the effective date of the extension. Verification of the youth's continued employment, education, vocational or job training enrollment, or inability to participate in any educational or employment activities due to medical reasons must be provided every three months.

The DHS-881-YA, Quarterly Young Adult Extension Review, and applicable verification forms will be mailed to the guardian 30 calendar days prior to the quarterly review due date for completion. If the DHS-881-YA, Quarterly Young Adult Extension Review, and applicable verification documentation are not returned to the DHS Subsidy Office within 30 calendar days from date on the DHS-881-YA, Quarterly Young Adult Extension Review, payments will be terminated.

**TERMINATION OF
EXTENSION**

DHS may terminate the DHS-3313-YA, Young Adult Guardianship Assistance Extension Agreement and payments will end, if the youth becomes ineligible. Ineligibility occurs when the youth:

- Discontinues his/her educational, vocational, or trade program and does not re-enter a similar program or meet another eligibility requirement within the 30 calendar day grace period.
- Is no longer employed at least 80 hours per month or participating in a program that promotes employment (such as, Job Corps, Michigan Works! or another employment skill-building program) and has not met one of the other eligibility requirements within the 30 calendar day grace period.
- Is no longer deemed incapable due to a medical condition and is not in compliance with another eligibility requirement.
- Is incarcerated for more than 30 calendar days.
- Reaches his or her 21st birthday.
- Marries.
- Enters military service.

Exception: Membership in the Reserve Officers' Training (ROTC) or the reserve component of the Armed Forces; such as, Army National Guard of the United States, Air Force Reserve, and Coast Guard Reserve does not disqualify a youth from the Young Adult Guardianship Assistance Extension, unless participation requirements exceed 21 consecutive calendar days of active duty or training responsibilities.

- Begins receiving federal Supplemental Security Income (SSI) payments.
- Is living with his/her biological parent(s).
- Dies.
- The guardian requests that the payment permanently stop.
- The guardian no longer provides any support for the youth.

- The youth is adopted by the guardian or another individual.
- The guardianship is terminated by order of the court having jurisdiction in the guardianship proceeding.

The DHS Subsidy Office will send written notification of termination by mail to the guardian. This written notification will include a statement of the department's reason(s) for termination and rights to an administrative hearing; see GDM 780, Administrative Hearings. The DHS Subsidy Office will send written notification to the court with jurisdiction over the guardianship case following the deadline to request an appeal or following the administrative hearing order.

RE-ENTERING THE YOUNG ADULT GUARDIANSHIP ASSISTANCE EXTENSION PROGRAM

To re-enter the Young Adult Guardianship Assistance Extension Program the guardian must contact his/her subsidy worker for an application and required verification forms or locate this information on the DHS website, and submit this documentation to the DHS Subsidy Office. A guardian may re-apply for a youth to re-enter the Young Adult Guardianship Assistance Extension program if the youth exited foster care to the Juvenile Guardianship Assistance program between the ages of 16 and 18, is under the age of 21, and the young adult guardianship assistance extension was terminated when the youth:

- Discontinued his/her educational, vocational, or trade program and did not re-enter a similar program or meet another eligibility requirement within the 30 calendar day grace period.
- Was no longer employed at least 80 hours per month or participating in a program that promotes employment (such as Job Corps, Michigan Works! or another employment skill-building program) and did not meet one of the other eligibility requirements within the 30 calendar day grace period.
- Was no longer deemed incapable due to a medical condition and did not meet the other eligibility requirements within the 30 calendar day grace period.
- Was incarcerated for more than 30 calendar days.

The guardian may apply to re-enter the youth in the Young Adult Guardianship Assistance Extension program if he/she is under the age of 21, currently meets the eligibility requirements of the program, and continues to be under a juvenile guardianship with the original guardian.

Once a complete application with required documentation is received by the DHS Subsidy Office, the department will process the application within 30 calendar days. The effective date will be the date the complete application was received in the DHS Subsidy Office.

If an extension application is denied, the DHS Subsidy Office will provide a denial notice to the guardian that includes the reason(s) for the denial and information regarding the right to request an administrative hearing; see GDM 780, Administrative Hearings. The DHS Subsidy Office will send written notification to the court with jurisdiction over the guardianship case following the deadline to request an appeal or following the administrative hearing order.

RECOUPMENT

Recoupment for overpayments will be pursued retroactively to the date that eligibility ceased; see GDM 770, Recoupment/Underpayments/Tax Implications.