

**OVERVIEW**

State and federal law require that the Michigan Department of Health and Human Services (MDHHS) enter into the DHS-3313, Guardianship Assistance Agreements, and state-funded DHS-3013GA, Juvenile Guardianship Medical Subsidy Agreements, with the guardian(s) as a condition of eligibility for:

- Guardianship assistance.
- Nonrecurring expenses.
- Guardianship assistance-related Medicaid.
- Medical subsidy.

Guardianship assistance and medical subsidy agreements are written legally binding arrangements between the department and the guardian(s) which include the agreement provisions.

A guardianship assistance agreement must be signed by both the guardian(s) and the MDHHS Adoption and Guardianship Assistance Office (AGAO) program manager or MDHHS designee prior to the court's appointment of the guardian(s) and is effective on the date of the guardian's appointment.

If the guardianship assistance agreement is not signed by all parties before the date of the court's appointment of the guardian(s), the child will not be eligible for guardianship assistance.

**GUARDIANSHIP  
ASSISTANCE/  
NONRECURRING  
EXPENSES  
AGREEMENT  
PROVISIONS**

The following provisions are included in both title IV-E and state funded guardianship assistance agreements:

- Type of assistance to be paid.
- Maximum guardianship assistance rate.
- Amount of negotiated ongoing monthly guardianship assistance payment agreed to by the guardian(s) and MDHHS and any services and other assistance to be provided under the agreement.

- Provisions for the protection of the interests of the child in cases where the guardian(s) and child move to another state while the agreement is in effect.
- The guardianship agreement is in effect regardless of the state in which the guardian(s) and child reside.
- Nature and amount of nonrecurring expenses to be paid.
- Medicaid eligibility.
- Conditions for continued payment of guardianship assistance.
- Legislative increases and decreases that affect all cases.
- Duration of the ongoing guardianship assistance monthly payment.
- The procedures by which the guardian(s) may apply for additional services as needed.
- Guardian(s) responsibilities.

**Note:** If a needed service specified in the agreement is not available in the state of residence, the state making the original guardianship assistance payment remains financially responsible for providing the specified service.

### MEDICAL SUBSIDY AGREEMENT PROVISIONS

The following provisions are included in state-funded medical subsidy agreements:

- Medical conditions covered by medical subsidy.
- Requirements for continued payment of medical subsidy.
- Duration of the medical subsidy agreement.
- Reimbursement requirements.
- Continuation of eligibility regardless of a change in state residency.

### OBTAINING AGREEMENTS

**Guardianship  
Assistance  
Agreements**

The DHS-3313 is issued by the AGAO. The assigned foster care caseworker applies for this agreement by submitting a DHS-3310, Juvenile Guardianship Assistance Application, to the AGAO.

Ongoing monthly guardianship assistance is paid in the amount negotiated between the guardian(s) and AGAO, up to the maximum amount entered by the AGAO on the DHS-3313. Details of the rate determination process are in [GDM 720, Juvenile Guardianship Assistance Rate Determination](#).

**Nonrecurring  
Expenses (NRE)  
Agreements**

The guardian(s) and AGAO enter into an agreement for reimbursement of nonrecurring expenses as a result of submission and approval of the DHS-3310. Approval of the DHS-3310 application results in the issuance of the DHS-3313.

Claims for reimbursement of expenses by the guardian or authorized third party may be initiated after the agreement is signed by all parties. Processing of reimbursement payments will begin after the appointment of the guardian, the DHS-1344G, Guardianship Case Opening Request, and appropriate receipts/documentation have been received by the AGAO.

Nonrecurring expenses claims may be paid up to two years after the date of the appointment of the guardian(s). The guardian(s) or authorized third party must claim the reimbursement for eligible expenses no later than two years from the date of the court's appointment of the guardian(s); see [GDM 730, Nonrecurring Expenses Eligibility and Reimbursement- Guardianship Assistance](#).

**Medical Subsidy  
Agreements**

The DHS-3013GA is issued by the AGAO after approval of the DHS-3310. Prior to guardianship, the assigned foster care caseworker assists the prospective guardian(s) in applying for the medical subsidy agreement by submitting the DHS-3310 to the AGAO. After the guardian(s) is appointed, the guardian(s) apply for the medical subsidy agreement by submitting the DHS-1084,

Guardian's Application for Medical Subsidy Through the Juvenile Guardianship Assistance Program, to the AGAO.

The medical subsidy agreement must be signed by the guardian(s) and the AGAO designee after the child's eligibility has been determined by the AGAO. If the medical subsidy is signed by all parties on or before the court's signature on the guardian's appointment, the effective date of the agreement will be the date of the court's appointment of the guardian(s).

If the medical subsidy agreement is signed after the court's signature on the appointment of the guardian(s), the effective date of the agreement will be the date of the appointment of the guardian(s) or the effective date entered on the agreement by the AGAO, whichever is later.

Medical bills will not be processed for payment until the guardian(s) and the AGAO designee have signed the agreement and the DHS-1344G has been processed by the AGAO.

## **AGREEMENT PROCEDURES**

### **Guardianship Assistance and Medical Subsidy**

The AGAO must:

- Prepare the appropriate agreement for the child.
- Send the guardianship assistance agreement to the assigned foster care caseworker.
- Send the medical subsidy agreement to the assigned foster care caseworker with the DHS-3012GA, Medical Subsidy Agreement Instructions.
- Review the agreement for completeness and accuracy and resolves all problems before proceeding.
- Obtain the AGAO designee signature on the agreement.
- Return the agreement to the assigned foster care caseworker.

The assigned foster care caseworker must:

- Review each agreement with the guardian(s). For Guardianship Assistance Agreements, negotiates the ongoing monthly guardianship assistance payment amount with the guardian(s); see [GDM 720, Juvenile Guardianship Assistance Rate Determination](#).
- Assist the guardian(s) in filling in all blanks on the agreement according to the agreement instructions.
- Return the agreement to the AGAO.
- Provide the original signed agreement to the guardian(s) and maintain a copy in the foster care case record. Private child placing agencies (PAFC) must provide a copy of the agreement to the MDHHS foster care monitor.
- Proceed with the guardianship process.

### Post-Guardianship Medical Subsidy

The AGAO must:

- Prepare the DHS-3013GA.
- Send the agreement to the guardian(s) with the DHS-3012GA.
- Review the agreement for completeness and accuracy and resolve all problems before proceeding.
- Obtain the AGAO designee signature on the agreement.
- Return the signed agreement to the guardian(s).

The guardian(s) must:

- Review the agreement, sign, and have a witness sign the agreement, following the instructions on the DHS-3012GA.
- Return the signed agreement to the AGAO.

### AGREEMENT SIGNATURES

**Guardianship  
Assistance**

A guardianship assistance agreement must be signed by both the guardian and the AGAO designee prior to the court's appointment of the guardian(s) and is effective on the date of guardian's appointment.

If the guardianship assistance agreement is not signed by all parties before the date of the court's appointment of the guardian(s), the child will not be eligible for guardianship assistance.

**Medical Subsidy**

A medical subsidy agreement can be signed any time after the child is certified eligible. If the medical subsidy agreement is signed before the date of the court's appointment of the guardian(s), the effective date of the agreement will be the date of the guardian's appointment.

If the medical subsidy agreement is signed after the court's appointment of the guardian(s), the effective date of the agreement will be the date of the court's appointment of the guardian(s), or the effective date entered on the agreement by the AGAO, whichever is later.

**GUARDIAN(S)  
RESPONSIBILITIES**

The guardian(s) must notify the AGAO, in writing, no later than seven days after a change in the guardian's address.

The guardian(s) must notify the AGAO, in writing, no later than 30 days after any of the following occur:

- The guardianship is revoked or terminated.
- The child's marriage.
- The child's death.
- The child enters the military service.
- The child becomes emancipated.
- The child is adopted.
- The guardian(s) is no longer providing any support of the child.
- The child becomes a ward of the Juvenile Court through voluntary or involuntary action.

Recoupment procedures will be followed for changes that result in an overpayment.

### School Attendance

All school-age children who receive juvenile guardianship assistance payments must be enrolled full-time (or in the process of enrolling) in elementary or secondary education through a school, home school, independent study program in accordance with the law in their residence state, or unable to attend school on a full-time basis due to a medical condition that is supported by documentation in the child's case record.

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

The annual report is used to provide the above information to MDHHS.

### Annual Review of Eligibility

An annual report will be provided to all guardians receiving guardianship assistance to determine continuing eligibility of the child and guardian(s). Failure to complete and return the annual report to the AGAO will result in further action to determine the child's and guardian's continued eligibility for guardianship assistance programs.

### 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).