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## OVERVIEW

Pursuant to state and federal law, the Michigan Department of Health and Human Services (MDHHS) may enter into a guardianship agreement with the successor guardian(s) for:

- Guardianship assistance.
- Nonrecurring expenses.
- Guardianship assistance-related Medicaid.
- State-funded medical subsidy.

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

## JUVENILE GUARDIANSHIP ASSISTANCE

The MDHHS juvenile guardianship assistance eligibility determination process must be completed and if found eligible, an agreement will be issued to the successor guardian(s). The juvenile guardianship assistance agreement must be signed by the successor guardian(s) and the MDHHS Adoption and Guardianship Assistance Office (AGAO) program manager or MDHHS designee before payments can be made.

### Guardianship Assistance Application

The successor guardian(s) may be eligible to receive guardianship assistance on behalf of an eligible child, if the AGAO determines that all of the following apply:

- A DHS-3313, Juvenile Guardianship Assistance Agreement, for the child was in effect before the appointment of the successor guardian(s).
- The successor guardian(s) was appointed by the court as a result of the death or incapacitation of the preceding guardian(s).

**Example:** Incapacitation due to severe illness or physical disabilities.

- The preceding guardian(s) had an active DHS-3313, for the child before their death or incapacitation.
- The successor guardian(s) meets all of the conditions set forth in policy and law.

Program eligibility is completed when the successor guardian(s) has requested juvenile guardianship assistance via the DHS-3310-SG, Successor Juvenile Guardianship Assistance Application, and all of the following occurs:

- The completed DHS-3310-SG is submitted to the AGAO:  
  
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
- The following documents must be submitted with the application:
  - Court order appointing the successor guardian(s), which specifies the appointment is due to the death or incapacitation of the preceding guardian(s).
  - Copy of the preceding guardian's death certificate, if applicable.
  - Signed statement from the successor guardian(s) indicating the date they assumed care of the child.
- Criminal background checks and clearances of the child abuse and neglect registry are obtained on all adults living in the home including clearance of the child abuse and neglect registry in any state in which they have resided during the past five years.

**Note:** The AGAO will provide the successor guardian(s) with information on how to obtain the required clearances.

- The AGAO reviews the documentation, determines eligibility and the maximum monthly guardianship assistance rate, and issues a DHS-3313, if eligible.

If the application is incomplete, the AGAO must notify the successor guardian(s) of any missing application information or

required documentation within 14 calendar days of receipt of the application.

The successor guardian will have 30 calendar days following the date of the notice to provide missing documentation for the application to be processed. If the successor guardian(s) does not provide the missing documentation within this time frame, the application will be denied, and the successor guardian(s) will be required to re-apply to have an eligibility determination.

When the successor guardian(s) is determined not to meet the program requirements for eligibility, the MDHHS-5968, Notice of Juvenile Guardianship Assistance and Nonrecurring Expenses Denial and Right to Appeal, will be issued to the guardian(s).

### **Guardianship Assistance Rates**

The maximum daily rate for guardianship assistance for successor guardian(s) will be the same maximum rate that was established on the original DHS-3313. The actual rate will be negotiated between the successor guardian(s) and the department; see [GDM 720, Juvenile Guardianship Assistance Rate Determination](#) for detailed rate determination policy.

### **Other Financial Benefits**

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

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 successor guardian(s) must immediately notify SSI 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.

If the successor guardian(s) chooses not to request guardianship assistance as the child receives other financial support and does

not have a guardianship assistance agreement signed by both the successor guardian(s) and the adoption and guardianship assistance program manager or MDHHS designee, the child will not be eligible for guardianship assistance payments in the future.

### **Guardianship Assistance Payments**

If the successor guardian(s) began caring for the child before the court appoints the successor guardian(s), guardianship assistance payments can be made retroactively to either the date of the death of the preceding guardian(s), the date of incapacity of the preceding guardian(s), or the date the successor guardian(s) assumed care of the child, whichever is later.

### **Funding Source**

The Guardianship Assistance Program (GAP) is funded by title IV-E and state funds. The funding source for guardianship assistance for the successor guardian(s) is the same funding source that was established on the original DHS-3313, when the child entered guardianship.

**Exception:** The funding source may change in the event that any adult household member has a criminal history that is not allowable for title IV-E eligibility.

### **Medicaid**

Youth who were eligible for Medicaid through the GAP with the preceding guardian(s) are eligible for Medicaid with the successor guardian(s).

### **Guardianship Assistance Agreements**

The DHS-3313, is issued by the AGAO. The successor guardian(s) applies for this agreement by submitting a DHS-3310-SG, to the AGAO.

Ongoing monthly guardianship assistance is paid in the amount negotiated between the successor guardian(s) and MDHHS, up to the maximum amount entered by the AGAO on the DHS-3313.

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A guardianship assistance agreement must be signed by both the successor guardian(s) and the adoption and guardianship assistance program manager or MDHHS designee prior to the issuance of guardianship assistance payments.

### **Nonrecurring Expenses (NRE) Agreements**

The successor guardian(s) and MDHHS enter into an agreement, DHS-3313, for reimbursement of nonrecurring expenses as a result of submission and approval of the DHS-3310-SG.

Claims for reimbursement of expenses by the successor guardian(s) 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 successor guardian(s) and the DHS-1344-SG, Successor Guardianship Case Opening Request, and appropriate receipts and documentation are received by the AGAO.

Nonrecurring expenses claims may be paid up to two years after the date of the appointment of the successor guardian(s). The successor 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](#) for detailed nonrecurring expenses policy.

### **Medical Subsidy Agreements**

Children who are eligible for GAP are eligible for post permanency services in the same manner as adoptive families, including eligibility for medical subsidy. Medical subsidy is a state-funded program.

Eligibility is determined without respect to the successor guardian(s) or child's income. Before medical subsidy reimbursement is made, the successor guardian(s) must pursue all available private and public funding sources for medical costs, including private health insurance and public health benefits, such as Medicaid and Children's Special Health Care Services; see [AAM 640, Post Placement- Use of the Adoption Medical Subsidy Program](#) for more information.

Medical subsidy applications may be submitted either before or after the appointment of the successor guardian(s) and may be approved up to the child's 18th birthday. Specific medical and mental health conditions must be certified, and a medical subsidy agreement must be signed by the successor guardian(s) and the adoption and guardianship assistance program manager or MDHHS designee before the coverage begins.

If a child was found eligible for medical subsidy with the preceding guardian(s), the medical subsidy will transfer to the successor guardian(s) once the following occurs:

- The successor guardian(s) and the AGAO designee have entered into a DHS 3013GA, Juvenile Guardianship Medical Subsidy Agreement, covering all of the following:
  - Identification of the physical, mental, or emotional condition(s) covered by the medical subsidy.
  - The duration of the medical subsidy agreement.
  - Conditions for continued eligibility for the medical subsidy.
- The DHS 3013-GA, Juvenile Guardianship Medical Subsidy Agreement, is issued by the AGAO after approval of the DHS-1341-M, Juvenile Guardianship Medical Subsidy Application.
- After the successor guardian(s) is appointed, the successor guardian(s) apply for the medical subsidy agreement by submitting the DHS-1341-M to the AGAO at:

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

The medical subsidy agreement must be signed by the successor guardian(s) and the adoption and guardianship assistance program manager or MDHHS designee after the child's eligibility is determined by the AGAO.

If the medical subsidy agreement is signed after the court's signature on the appointment of the successor guardian(s), the effective date of the agreement will be the date of the appointment of the successor 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 successor guardian(s) and the adoption and guardianship assistance program manager or MDHHS designee have signed the agreement and the DHS-1344-SG, is processed by the AGAO; see [GDM 735, Juvenile Guardianship Medical Subsidy Eligibility](#) for detailed medical subsidy policy.

## AGREEMENT PROCEDURES

The AGAO is responsible for preparing and sending the appropriate agreement for the child, to the successor guardian(s) when the child is determined eligible.

### Successor Guardian

The successor guardian(s) is responsible for the following agreement procedures:

- Reviewing and completing each agreement according to the agreement instructions.
- Signing each agreement and obtaining a witness signature on each agreement.
- Returning the agreement(s) to the AGAO.

### The Adoption and Guardianship Office

Upon receipt of the completed and signed agreement, the AGAO is responsible for the following agreement procedures:

- Reviewing the agreement(s) for completeness and accuracy and resolving all problems before proceeding.
- Obtaining the adoption and guardianship assistance program manager or MDHHS designee signature on the agreement(s).
- Returning the original agreement(s) to the successor guardian(s).

## AGREEMENT PROVISIONS

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**Guardianship  
Assistance/  
Nonrecurring  
Expenses**

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 successor 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 successor 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 successor 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.
- Successor guardian(s) responsibilities.
- The procedures by which the successor guardian(s) may apply for additional services as needed.

**Medical Subsidy  
(State-Funded)**

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

- Medical conditions covered by medical subsidy.



- Requirements for continued payment of medical subsidy.
- Continuation of eligibility regardless of a change in state residency.
- Duration of the medical subsidy agreement.
- Reimbursement requirements.
- Successor guardian(s) responsibilities.

## CASE OPENING

Guardianship assistance, nonrecurring expenses and medical subsidy is opened when the successor guardian(s) submits the DHS-1344-SG.

If the successor guardian(s) began caring for the child before the court appointed the successor guardian(s), guardianship assistance payments can be made retroactively to either the date of the death of the preceding guardian(s), the date of incapacity of the preceding guardian(s), or the date the successor guardian(s) assumed care of the child, whichever is later.

## GUARDIANSHIP ASSISTANCE DURATION

Guardianship assistance eligibility must exist until one of the following conditions occurs:

- The child becomes 18 years of age.
- The child has not yet reached their 18th birthday, but is emancipated by any of the following:
  - Court order.
  - Marriage.
  - Entering the military service.
- The child dies.
- The child is adopted.
- The guardianship is revoked or terminated.
- The successor guardian(s) has requested in writing that the guardianship assistance payment permanently stop.

- A determination of ineligibility is made by MDHHS.

One or more of the following are reasons for a determination of ineligibility:

- The successor guardian(s) dies.
- The successor guardian(s) is no longer legally responsible for the support of the child.
- The successor guardian(s) is no longer providing support for the child.

See [GDM 745, Juvenile Guardianship Assistance Case Opening and Duration](#) for additional information on adoption by a guardian.

## MEDICAL SUBSIDY DURATION

Medical subsidies are not title IV-E funded or subject to title IV-E regulations.

Medical subsidy eligibility exists until one of the following conditions occurs:

- The child becomes 18 years of age.
- The child has not yet reached their 18th birthday, but is emancipated by any of the following:
  - Court order.
  - Marriage.
  - Entering the military service.
- The child dies.
- The guardianship is terminated.
- A determination of ineligibility is made by MDHHS based on one or more of the following:
  - The successor guardian(s) receives a Family Support Subsidy for the child from MDHHS.
  - The child is removed from their home as a temporary court ward (TCW) due to delinquency or due to a child protective proceeding (MCL 712A.2(a)).

## Extension Agreements

The guardianship assistance eligibility policies in [GDM 716, Extensions for Youth Entering Guardianship at Ages 16-17](#) apply to guardianship assistance for youth who were 16-years of age or older when their guardianship was appointed and had a guardianship assistance agreement in place.

**Note:** The guardianship assistance agreement must be in place and the guardianship must be appointed prior to the youth turning 18-years of age.

## SUCCESSOR GUARDIAN RESPONSIBILTIES

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

The successor guardian(s) must notify the AGAO, in writing, no later than two weeks 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 child becomes a ward of the juvenile court through voluntary or involuntary action.
- The guardian(s) is no longer providing any support of the child.
- Family Support Subsidy for the child is obtained from MDHHS (medical subsidy only).

Recoupment procedures will apply for changes that result in an overpayment.

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**Notice of  
Agreement  
Termination**

The successor guardian(s) must be notified of guardianship assistance agreement and medical subsidy agreement termination due to one or more of the above conditions by a DHS-4103-G, Guardianship Assistance Case Closure/Overpayment Notice from the AGAO. Recoupment of excess payments will be initiated, when necessary.

**CONTINUED  
ELIGIBILITY WHEN A  
CHILD IS MADE A  
TEMPORARY  
COURT WARD (TCW)**

If a child is removed from their home due to delinquency as a TCW under MCL 712A.2(a) or a child protective proceeding under MCL 712A.2(b), the guardianship assistance payment must be continued unless the successor guardian(s) is no longer providing any support for the child. Support includes various forms of financial support such as payments for therapy, tuition, clothing, maintenance of special equipment in the home, or services for the child's special needs.

If MDHHS determines that the successor guardian(s) is providing some form of financial support to the child, the department may continue the guardianship assistance payment after renegotiation of the ongoing monthly guardianship assistance payment and signatures by the successor guardian(s) and the adoption and guardianship assistance program manager or MDHHS designee on the renegotiated agreement.

**Child Removed  
and Placed  
Outside the Home  
as a Temporary  
Court Ward (TCW)**

MCL 712A.18(2) requires a court to order a guardian to reimburse the costs of care or service when a child is placed outside of their home as a TCW.

**Child Placed in Own Home as a Temporary Court Ward (TCW)**

MCL 712A.18(3) permits the court to order a guardian to reimburse the costs of care or service when a child is placed in their own home as a TCW.

**Medical Subsidy for Child who is a Temporary Court Ward (TCW)**

Eligibility for medical subsidy ends when a child is removed from the home as a TCW due to delinquency or due to a child protective proceeding. The medical subsidy may be reopened upon the child's return to the home.

**Address Changes**

See [GDM 760, Address Changes/Out of State Cases](#) for detailed address change policy.

**Annual Review of Eligibility**

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

**Recoupment**

Recoupment for overpayments will be pursued retroactively to the date that eligibility ceased to exist; see [GDM 770, Recoupment/Underpayments/Tax Implications](#) for detailed recoupment policy.

**Administrative Hearings**

See [GDM 780, Administrative Hearing](#) and [AAM 700, Adoption Assistance Administrative Hearings](#) for detailed administrative hearing policy.

**LEGAL AUTHORITY**

PL113-183; The Social Security Act [42 USC 673(d)(3)(c)] preserves the eligibility of a child of kinship guardianship assistance payment under certain circumstances when a guardian is replaced with a successor guardian due to death or incapacitation of the preceding guardian.

**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).