Reunification

Adoption

GUARDIANSHIP

Permanent placement with a fit and willing relative

Placement in another planned permanent living arrangement

Who is eligible?

- Children under 18 years
  Both temporary and permanent court wards
- Adults (for financial assistance requests)
  - Must be a licensed foster home.
  - Must be child's care provider for the last six months prior to requesting consent.

PARENTS CAN RETAIN THEIR PARENTAL RIGHTS!

What is Guardianship?

- Judicially created relationship between the child and the guardian.
- Is intended to be permanent and self-sustaining.
- Evidenced by the transfer of parental rights to the guardian.

What are guardianship rights?

- Protection
- Education
- Care and control of the child
- Custody of the child
- Decision making
- Financial assistance on behalf of the child for their support.

GDM 600

What financial assistance is available?

- Guardianship assistance payments.
- Court ordered child support from the parents.
- Governmental benefits.

What is Guardian Assistance?

- **Title IV-E Relative Subsidized Guardianship**
- Funding source: Title IV-E.
- Guardian must be a relative.
- Relative must become licensed as foster parent.
- Child must reside with licensed relative for 6 months before applying for subsidy.
- **State-funded Subsidized Guardianship**
- Guardian can be a relative or non-relative.
- Must become licensed as foster parent.
- Child must reside with prospective guardian for 6 months.
- Child under age 3, guardian must be a relative unless exceptional circumstances are documented (DHS L-letter).

When can guardianship be used?

- Guardianship is appropriate for youth after reunification and adoption has been ruled not appropriate for the specific case.
- Documentation of reasoning is **mandatory** in the youth's case service plans.
- Caseworkers will use the Caseworker's Permanency Planning Checklist (DHS 2052 or DHS 2053)

Who has a say?

- MCI Superintendent for MCI wards
- The court

(See GDM 600 for both lists of documents)

- Interstate Compact Unit
  - For youth living out of Michigan involved with ICPC.
  - MUST BE INFORMED WITHIN 7 WORKING DAYS of the goal change.

What about the parents?

- Parents' consent are not legally required. HOWEVER, their consent will help to ensure the future stability of the guardianship.

Are all guardianships the same?

- **NO!**

- The subsidized guardianship program only applies to Juvenile Guardianship cases.
- Title IV-E funded Juvenile Guardianship cases automatically qualify for Medicaid!
- Juvenile Guardianship cases are eligible for post-permanency services in same manner as post-adoption services.
- ESTATES AND PROTECTED INDIVIDUALS CODE (EPIC) GUARDIANSHIP THROUGH PROBATE COURT IS **TYPICALLY TEMPORARY** –JUVENILE GUARDIANSHIP THROUGH FAMILY COURT IS MEANT TO BE **PERMANENT!**

What if more than one family wants to become guardian?

- If there is more than one family who wishes to obtain guardianship of the same child, the Permanency Planning Checklist must be completed and, if they are found appropriate, then the Preliminary Guardianship Assessment (DHS 1926-G) will also be completed.
- The assigned worker will offer to the court who is the best option for the child and why as part of the consent packet.

Can I ignore families not chosen?

- NO!

- The assigned worker must inform the family in writing using the (DHS 605G) Recommendation to Deny Request.
- The family has 14 days to request a conference to discuss the decision and read the reports that led to their denial.

Who is involved with the case conference?

- Held within 14 days of request for a case conference by a rejected family.
- The prospective guardian and any support persons
- the supervising agency director or designee,
- the assigned worker,
- their supervisor
- the DHS monitor and MCI superintendent's office if applicable.

What is the purpose of the case conference?

- The case conference is to allow the prospective guardian to clarify or provide additional information concerning their guardianship packet.
- No discussion regarding the chosen family is heard during this conference.

After the case conference?

- The prospective guardian and the Lawyer-Guardian Ad Litem must receive a response in writing by the supervising agency.
- In the event the decision is reversed, all forms must be updated to show the change in recommendation.

What about the MCI office?

- The MCI superintendent's office will be the final decision for MCI wards regarding guardianships.
- The MCI office must make a decision in writing to the court to allow guardianships to take place.

What does the court do?

- After the court has received all required documentation including MCI written consent (if applicable) the court may enter an order appointing the guardian or schedule the matter for another hearing.

Are the Guardians paid?

- **IT DEPENDS!!**
- The family can request Guardianship Assistance through DHS Subsidy Office.
- If the assistance has been requested the determination of eligibility and signed guardianship assistance agreement **must be signed before** the court order appoints a guardian.

Is the Foster Care Case Closed?

- **NOT YET!**

For both temporary and permanent court wards court jurisdiction does not terminate until after the court appoints the guardian and completes a review hearing. This may take place 91-180 days after appointment.

Does Foster Care Payments Stop?

- **YES**

- **The foster care case and Medicaid remain open as well as all required services.**

- **The foster care payment must be ended effective the day immediately prior to order of guardianship.**

How do I close the case?

- When the court terminates jurisdiction of the Child Abuse/Neglect Proceeding the case will be closed following FOM policy but a copy of the order must be sent to the DHS Subsidy Office

Now is the case done?

- The court will continue to review the guardianship annually either through a court hearing or through written reports offered by the guardian.

- The court may appoint DHS to conduct an investigation of the guardianship and file a written report within 28 days using SCAO form JC96

What happens if there are problems?

- A petition to terminate the guardianship can be filed with the court.
- The court must hold a hearing within 28 days of a petition to terminate the guardianship.
- The court may order temporary removal of the child from the home. In which case a removal hearing must be heard within 24 hours.
- The court must order DHS to conduct an investigation and file a written report within 7 days of the termination hearing.

Can the Guardian change?

YES.

The court must terminate the first guardianship and name the second as legal guardian, HOWEVER, they are not eligible to assistance payments.