

DHS Process

Anita Peters

Michigan Department of

Human Services

Guardianship Assistance Program

- The Michigan Public Act 260 of 2008 allowed for the development of a state funded guardianship assistance program for foster children.
- On Oct 7, 2008, President Bush signed and enacted Public Law No: 110-351, the “Fostering Connections to Success and Increasing Adoptions Act” which included provisions for guardianship assistance to licensed relative foster parents.

Federal Guardianship Assistance Program

On December 24, 2008, the Administration for Children and Families provided initial program instructions to the states with additional clarification provided in March.

The federal program applies to:

1. Children that are eligible for title IV-E funding.
2. Licensed relative foster care providers.
3. Children that have resided in the home for six consecutive months during which time the relative is also a licensed foster care provider.

State Funded Guardianship Assistance Program

The state funded program and the federally funded program must be consistent in the requirements for prospective guardians.

Example:

Telling relative 1 (federally funded) that they must be licensed but their neighbor - relative 2 (state funded) does not, would create unequal requirements based on funding that would be impossible to justify to prospective guardians.

Licensing Relatives

- The process of licensing homes for foster care, approving for adoption and guardianship assistance are now all consistent through the Bureau of Child and Adult Licensing evaluation format.
- The licensing process provides a complete assessment of all factors that may impact the child's safety.
- The evaluation provides a level of assurance that verifies the appropriateness of the home and the safety of the child.
- Completion of the evaluation demonstrates that it is appropriate for the state to end supervision at the time of adoption or guardianship.

Licensing Relatives

- Over 22 states now require all homes to be licensed for foster care.
- When relatives are not licensed, they are not provided the financial support needed to care for additional children.
- The loss of title IV-E funding based on non-licensed relative foster homes is significant.

Licensing Relatives

- In cases where a relative cannot be licensed, based on non-safety issues, the child will remain in the home as a foster care placement.
- Efforts will be initiated to remedy the non-safety issues to allow the child to move to permanency through guardianship.
- Only in cases where the licensing evaluation demonstrates a safety concern for the child would the placement require additional review.

Federal Guardianship Assistance Program (GAP)

- Recent instructions from the federal department clarified that the relative must be licensed for the 6 consecutive months that the child resides in their home prior to applying for the title IV-E funded assistance.
- The relative will receive the same amount of financial support during the 6 month period - the child will simply remain in foster care for six months after licensing the home.

State Funded GAP

- Requiring the state funded prospective guardians to maintain their foster care license in order to meet the federal 6 month time requirement may result in an increased cost to the counties.
- Because of the potential increased cost to counties, the 6 month time period after licensure will be waived for state funded guardians. However, the child must still have resided in the home for a minimum of 6 consecutive months.
- There will be no difference in the licensing process or financial assistance provided so the prospective guardians will not be treated unequally, regardless of funding source.

Adoption or Guardianship?

- Use Caseworker and Caregiver Permanency Checklists to determine appropriate permanency goal.
- Juvenile guardianship may be used for temporary and permanent court wards and MCI wards.
- In TCW cases, should be permanent; not appropriate for cases when it is anticipated that the parent may resume parenting responsibilities.
- In TPR cases, should be used when a compelling reason exists that adoption is not appropriate.

Child Eligibility Criteria

- Child has been removed from his or her home as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child.
- Child has been in foster care for six consecutive months in the home of the prospective guardian.
- Reunification and adoption have been ruled out as appropriate permanency options for the child.

Child Eligibility Criteria (cont.)

- Child demonstrates a strong attachment to the prospective guardian and the guardian has a strong commitment to caring permanently for the child.
- If child is age 14 or older, they have been consulted about the guardianship arrangement.
- If the child is under age 3, the prospective guardian must be a relative unless exceptional circumstances are documented.

Eligibility of Siblings

- If a child is determined eligible for title IV-E funded relative guardianship assistance, any sibling of the child may be placed in the same relative guardianship arrangement if DHS and the relative agree on the appropriateness of the arrangement for the siblings.
- Title IV-E funded guardianship assistance payments may be paid on behalf of each sibling placed with the same relative guardian regardless of the sibling's eligibility for title IV-E funding.
- Sibling is defined as a sister or brother, related to the child by blood (same birth mother and/or father) or adoption regardless of whether the siblings ever lived in the same household.

Guardian Eligibility Criteria

- The child has resided in the prospective guardian's home for a minimum of six consecutive months prior to applying for guardianship assistance and all criminal background checks including fingerprinting and clearance of the Central Registry are current based on foster care policy and licensing requirements. Guardianships that are already in place prior to the signing of the guardianship assistance agreement are not eligible for this program.

Guardian Eligibility Criteria

- If child is title IV-E eligible:
 - Title IV-E regulations require the relative to be licensed for the six consecutive months the child has resided in the home **prior to application for guardianship assistance.**
- If child is not title IV-E eligible:
 - The applicant, related or unrelated, must become a licensed foster parent prior to application for guardianship assistance. However, if a determination is made that the child is not eligible for title IV-E funding, state funded guardianship assistance will be provided. For cases under state funding the home is not required to be licensed for the six consecutive months the child has resided in the home prior to application for guardianship assistance.

Case Plan Requirements

When guardianship assistance payments are requested for a child with a permanency plan of guardianship, the following must be included in the case plan:

1. The steps the agency has taken to determine that it is not appropriate for the child to be returned home or adopted.
2. The reasons that termination of parental rights is not in the best interest of the child (for temporary court wards) and the facts that demonstrate the guardianship is required on a permanent basis.

Case Plan Requirements (cont.)

3. The reasons for any separation of siblings during placement.
4. The reasons why a permanent placement through a guardianship assistance arrangement is in the child's best interest.
5. The determination of the child's eligibility for a guardianship assistance payment.
6. The efforts the agency has made to discuss adoption by the relative or foster parent as a more permanent alternative to guardianship.

Case Plan Requirements (cont.)

7. The efforts made by the agency (for temporary court wards) to discuss with the child's parents the guardianship assistance arrangement, or the reasons why efforts were not made.
8. The special needs of each child and the proven ability of the prospective guardian to adequately address the needs. Be specific in listing services and supports the child has received or is currently receiving.

Application Process

1. Identify the children appropriate for the permanent guardianship goal and complete the Caseworker's Permanency Planning Checklist.
2. Use the "Making the Decision to Become a Child's Permanent Family" document to provide an explanation of the differences between permanent guardianship and adoption to the prospective guardians and youth and determine the choice that is in the child's best interest.
3. Fill out the Caregiver's Permanency Planning Checklist with the prospective guardian(s) and child(ren).

Application Process (cont.)

4. Follow the established process of changing a child's permanency goal to guardianship.
5. Initiate the process of foster care licensing for all unlicensed prospective guardian homes.
6. Complete the Title IV-E Case Reading Form (DHS-436) to determine which of the children living with relatives are title IV-E eligible. (POS agencies will obtain copies from local DHS county office.)
7. Complete the Permanent Guardianship Consent Request for MCI Wards and/or a recommendation to deny consent and submit to the MCI Superintendent in Central Office.

Payment Process

- Guardianship assistance payments are based on the established foster care rate including DOC.
- The payments will be automated after the agreement is signed and the guardianship established.
- Payments will be initiated through the central office subsidy division.
- Policy and forms will be distributed to the field within the next 30 days.

Medicaid Eligibility

- Children that are eligible for title IV-E funded guardianship assistance will be categorically eligible for Medicaid.
- In most cases children in state funded guardianship will also be eligible for Medicaid based on the child's income and their status of a "group size of 1".
- The guardianship assistance payments are not considered income for the child and the guardian's income is not a factor. Further instructions will be provided in policy within 30 days.

Post-Guardianship Services

- Families are eligible for post-permanency services in the same manner as adoptive families.
- Children will be eligible for medical subsidy based on certified diagnosed conditions.

Implementation

- Guardianship assistance is a new permanency program for children in foster care.
- There will be further instructions to the field and requests for feedback on policy and process.



STATE OF MICHIGAN

**Department
of Human
Services**

Memorandum

**Field Operations Administration
Children's Services Administration**
235 S. Grand Ave., Suite 1508
P.O. Box 30037
Lansing, MI 48909
www.michigan.gov/dhs

**L-09-059-CW
Guardianship**

To: County Directors
District Managers
Child Welfare Urban Field Operations Director

Date: April 27, 2009

From: Terry A. Salacina, Deputy Director, Field Operations Administration
Kathryne A. O'Grady, Deputy Director, Children's Services Administration

Subject: Michigan Guardianship Assistance Program

Response Due: None

Michigan Public Act 260 of 2008 allows for the development of a guardianship assistance program. Through this program the Department of Human Services (DHS) may provide assistance payments to applicants who become permanent guardians of foster children. On October 7, 2008, federal Public Law No. 110-351, the "Fostering Connections to Success and Increasing Adoptions Act" was enacted. This act includes provisions for the federally funded relative guardianship assistance program. On December 24, 2008, the Administration for Children and Families provided initial program instructions to the states.

The important difference between the Michigan Guardianship Assistance Program and the federal program is funding. The federal relative guardianship assistance program provides title IV-E funding for payments to qualified licensed relative foster care providers. In contrast the Michigan program would be state funded and was capped at \$4.6 million, allowing only 450 guardianships in total. The federal program does not have restrictions on the number of guardianships that can be funded.

The Michigan Guardianship Assistance Program combines the federal and state funding and policy into a single program. The program will become operational by April 30, 2009.

This L-letter provides information on the basic process to begin to assess foster care placements where guardianship may be an appropriate permanency goal. Detailed policy will be provided within 30 days of receipt of this letter.

Determination of Child's Eligibility

Children are eligible for guardianship assistance if they are in foster care as a ward of the court (temporary or permanent) or as a ward of the state under the jurisdiction of the Michigan Children's Institute (MCI), and all of the following apply:

1. The child has been removed from his or her home as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child.

2. The child has been in foster care for six consecutive months in the home of the prospective guardian.
3. Reunification and adoption have been ruled out as appropriate permanency options for the child.
4. The child demonstrates a strong attachment to the prospective guardian and the guardian has a strong commitment to caring permanently for the child.
5. If the child has attained 14 years of age, the child has been consulted about the guardianship arrangement.
6. If the child is under age 3, the prospective guardian must be a relative unless exceptional circumstances are documented.

The prospective guardian must apply to DHS for guardianship assistance and provide required information to central subsidy office annually. The foster care case closes when the guardianship is established by the court.

Guardian's Eligibility Requirements

Persons applying for guardianship assistance must meet the following qualifications:

The child has resided in the prospective guardian's home for a minimum of six consecutive months prior to applying for guardianship assistance and all criminal background checks including fingerprinting and clearance of the Central Registry are current based on foster care policy and licensing requirements. Guardianships that are already in place prior to the signing of the guardianship assistance agreement are not eligible for this program.

If child is title IV-E eligible:

Title IV-E regulations require the relative* to be licensed for the six consecutive months the child has resided in the home **prior to application for guardianship assistance**.

If child is not title IV-E eligible:

The applicant, related or unrelated, must become a licensed foster parent prior to application for guardianship assistance. However, if a determination is made that the child is not eligible for title IV-E funding, state funded guardianship assistance will be provided. For cases under state funding the home is not required to be licensed for the six consecutive months the child has resided in the home prior to application for guardianship assistance.

*Relative means an individual who is at least 18 years of age and related to the child by blood, marriage, or adoption, as grandparent, great-grandparent, great-great-grandparent, aunt or uncle, great-aunt or great-uncle, great-great-aunt or great great-uncle, sibling, stepsibling, nephew or niece, first cousin or first cousin once removed, or the spouse of any of the above, even after the marriage has ended by death or divorce. The parent of a man who the court has found probable cause to believe is the putative father if there is no man with legally established rights to the child may be considered a relative under this act but this is not to be considered as a finding of paternity and does not confer legal standing on the putative father.

Submission of an updated copy of the title IV-E case reading form (DHS-436) will be required for all children living with a relative if the relative was licensed to meet the eligibility requirements for the guardianship assistance program. This will ensure that all children eligible for title IV-E funding are identified.

A delay in finalizing a guardianship, after the foster home licensure is complete, may result in an increased cost to the county child care fund for children that are not eligible for title IV-E funded guardianships. In these cases the following process must be followed:

- During the time period in which licensing for foster care is in process, complete the steps listed in “Process for Permanent Guardianship Assistance,” below.
- Request the court to enter an order appointing a guardian as soon as possible after the applicant becomes a licensed foster parent and the guardianship assistance agreement has been signed by the guardian and DHS.

Eligibility of Siblings

If a child is determined eligible for title IV-E funded relative guardianship assistance, any sibling of the child may be placed in the same relative guardianship arrangement if DHS and the relative agree on the appropriateness of the arrangement for the siblings. Title IV-E funded guardianship assistance payments may be paid on behalf of each sibling placed with the same relative guardian regardless of the sibling’s eligibility for title IV-E funding. Sibling is defined as a sister or brother, related to the child by blood (same birth mother and/or father) or adoption regardless of whether the siblings ever lived in the same household.

Case Plan Requirements

When guardianship assistance payments are requested for a child with a permanency plan of guardianship, the following must be included in the case plan:

1. The steps the agency has taken to determine that it is not appropriate for the child to be returned home or adopted.
2. The reasons that termination of parental rights is not in the best interest of the child (for temporary court wards) and the facts that demonstrate the guardianship is required on a permanent basis.
3. The reasons for any separation of siblings during placement.
4. The reasons why a permanent placement through a guardianship assistance arrangement is in the child’s best interest.
5. The determination of the child’s eligibility for a guardianship assistance payment.
6. The efforts the agency has made to discuss adoption by the relative or foster parent as a more permanent alternative to guardianship.
7. The efforts made by the agency (for temporary court wards) to discuss with the child’s parents the guardianship assistance arrangement, or the reasons why efforts were not made.
8. The special needs of each child and the proven ability of the prospective guardian to adequately address the needs. Be specific in listing services and supports the child has received or is currently receiving.

Process for Permanent Guardianship Assistance

The defined process for determining eligibility and requesting a contract from the subsidy office will be distributed in the next thirty (30) days with appropriate forms and required approvals provided. The initial steps that foster care and adoption workers can take now to prepare for implementation are:

1. Identify the children appropriate for the permanent guardianship goal and complete the Caseworker’s Permanency Planning Checklist ([DHS-2052/Permanent Wards](#) and [DHS-2053/TCWs](#) attached).
2. Use the “Making the Decision to Become a Child’s Permanent Family” document ([DHS Pub-140](#) attached) to provide an explanation of the differences between permanent guardianship and adoption to the prospective guardians and youth and determine the choice that is in the child’s best interest.

3. Fill out the Caregiver's Permanency Planning Checklist ([DHS-2051](#) attached) with the prospective guardian(s) and child(ren).
4. Follow the established process of changing a child's permanency goal to guardianship.
5. Initiate the process of foster care licensing for all unlicensed prospective guardian homes.
6. Complete the Title IV-E Case Reading Form (DHS-436) to determine which of the children living with relatives are title IV-E eligible.
7. Complete the Permanent Guardianship Consent Request for MCI Wards ([DHS-2050](#) attached) and/or a recommendation to deny consent and submit to the MCI Superintendent in Central Office.

Payment Process

Guardianship assistance payments are based on the established foster care rate including DOC. The payments will be automated after the agreement is signed and the guardianship established. Payments will be initiated through the central office subsidy division. Policy and forms will be distributed to the field within the next 30 days.

Medicaid Eligibility

Children that are eligible for title IV-E funded guardianship assistance will be categorically eligible for Medicaid.

In most cases children in state funded guardianship will also be eligible for Medicaid based on the child's income and their status of a "group size of 1". The guardianship assistance payments are not considered income for the child and the guardian's income is not a factor. Further instructions will be provided in policy within 30 days.

Post Guardianship Services

Families are eligible for post-permanency services in the same manner as adoptive families. Children will be eligible for medical subsidy based on certified diagnosed conditions.

Implementation

Guardianship assistance is a new permanency program for children in foster care. There will be further instructions to the field and requests for feedback on policy and process.

Number and Status of Previous L-Letters Issued on the Same Subject: None

Contact Office: Adoption and Permanency Services Division

Telephone Number and E-mail address of Contact: Anita Peters, Manager, Adoption and Permanency Services, petersa2@michigan.gov, 517-241-8817

Distribution: All Child Welfare Staff

Obsolete Date: 4/2010

c: Executive Staff
Cynthia Maritato
Sharon Christensen
Sheryl Thompson

MAKING THE DECISION TO BECOME A CHILD'S PERMANENT FAMILY

Department of Human Services

Having a permanent family and home can help children in two important ways:

1. A caring and loving family that is committed to providing a safe and permanent home promotes healthy growth and development and provides children with a sense of belonging.
2. Children can gain confidence in their family's ability to function independently without feeling that someone from the child welfare system (social worker, foster care licensing, guardian ad item or judge) could disrupt their family's life.

Without permanency, children often experience doubt, uncertainty, and hesitancy about where they belong and who is going to care for them. Placement with a permanent family permits the child welfare system to close a child's case and allows the family to raise the child as a member of the family until adulthood and to make important decisions without governmental involvement.

Families face an important decision when a child in their care needs a permanent family. Every foster family's situation and every child's situation are different. To make an informed decision about the permanency option for a child in their care, foster parents and prospective guardians need to understand the legal and financial differences between foster care, adoption and guardianship.

Foster parents who never intend to become guardians or adopt also need to understand the permanency options to assist children in their care with a transition to a permanent family.

Adoption or Guardianship? What's the Difference?

Adoption and guardianship offer children and parents two similar paths to permanency. Both options provide permanent caregivers with many of the same legal rights as birth parents. However, adoption is a lifetime relationship that gives the child all of the legal benefits of a child born into the family. While guardianship builds family relationships that can last a lifetime, the legal relationship established by a juvenile court guardianship ends when the child turns 18 and is considered an adult. This is one reason why adoption is considered to be a more permanent lifetime commitment than guardianship.

Another important difference between these two permanency options concerns the birth parents' rights. For a child to be adopted, the rights of the birth parents must be legally terminated, voluntarily surrendered or the birth parents must have signed a consent to the adoption. With guardianship, the birth parents' rights do not have to be legally terminated.

With both adoption and guardianship, the permanent caregivers should realize that the child's birth parents and siblings may continue to be an important part of the child's life. Depending on the best interests of the child, birth family connections can be maintained with ongoing contacts after an adoption or guardianship.

The following chart outlines some of the legal differences between adoption and guardianship:

Difference between Adoption and Guardianship

	Adoption	Guardianship
Legal Status	The adoptive parents are given all the rights and responsibilities that once belonged to the birth parents.	<p>The guardians have primary rights and responsibilities for the child's protection, education, care, control, and decision-making on behalf of the child.</p> <p>The child continues to have a legal parent-child relationship with birth parents (if parental rights have not been terminated) but the birth parents' rights are limited by the guardianship.</p>
	Adoption is a permanent, lifetime legal relationship.	<p>Guardianship is a legal and financial relationship that ends when the child reaches age 18. However, there should be a commitment by the guardian to continue to provide a family connection and support to the youth after age 18.</p> <p>Note: A probate court may order guardianship beyond the age of 18, depending on the needs of the child.</p>
	Birth parent's rights are terminated forever.	Birth parents may retain important rights: visitation, access to information, notice of accidents or serious illness, etc., if parental rights have not been terminated.
	Birth parents are no longer obligated to pay child support.	Birth parents may have an ongoing child support obligation if parental rights have not been terminated.
	When the adoptive parents are married, both spouses must adopt.	Either one or both adult caregivers in the household may be named guardian.
Decision Making	The adoptive parents have complete right to decision making about the child.	Guardians typically have the authority to make all decisions affecting the child regarding school, medical treatment, and consent for most other major life decisions.

<p>Relationship with birth parents and siblings</p>	<p>The adoptive parents have the right to determine if the child will have any relationship with the birth parents. In many cases, connections with birth parents and siblings will remain important to a child.</p> <p>Adoptive parents may determine that the birth family connections are in the child's best interest and can choose to maintain them in a way that works well for the child and the adoptive family.</p>	<p>When in the best interest of the child, guardians can facilitate visitation and involvement with the birth family as long as the court has not ruled against it.</p> <p>Connections to the child's birth family can be maintained in a way that works best for the child and the guardian.</p>
<p>Child's legal name</p>	<p>The adoptive parents determine the child's legal name.</p>	<p>The child retains his or her own legal name.</p>
<p>Child's right to inheritance</p>	<p>The child inherits from the adoptive parents unless the legally-enacted will provides otherwise.</p>	<p>The child inherits from the birth parents.</p>
<p>Terminating the Adoption or Guardianship</p>	<p>As with biological children, an adoptive child could enter the child welfare system due to abuse or neglect.</p> <p>Existing child welfare laws would apply and a state agency could again assume custody of the child.</p>	<p>The guardian may ask the court to have the guardianship court order modified or to be relieved of permanent responsibility for the child. If the birth parents' rights have not been terminated, the parents may also ask the court to modify or terminate the guardianship. Good cause for modification must exist and the decision to modify the order would be at the discretion of the judge.</p>

Post-Permanency Services Available to Guardians

After a prospective guardian chooses a permanency option of guardianship for a child, there may continue to be a need for supportive services. Although the department's case closes after finalized adoption or guardianship, financial subsidies are available to children who meet eligibility requirements. Children who receive subsidies remain eligible for medical and mental health services through the Medicaid program.

Educational Resources

Youths who enter adoption or subsidized guardianship after reaching age 16 are eligible to receive education and training vouchers funded through the Chafee Foster Care Independence Program. The department may prioritize vouchers to foster care youths in the event the number of eligible youths exceeds available voucher funding.

Planning for Future Circumstances

It is important that families have a plan to care for children in the event of the caregiver's absence, illness or even death. Adoptive families and guardians should develop a back-up plan for another adult who could step in temporarily or permanently, if needed. The person should be someone who has a relationship with the child. The person should also have adequate resources and agree to the arrangement, should it become necessary.



Department of Human Services (DHS) will not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, sex, sexual orientation, gender identity or expression, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to a DHS office in your area.

Copies Printed: -0-
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Authority: DHS Director

WEB ONLY

DHS-PUB-140 (4-09)

**PERMANENT GUARDIANSHIP CONSENT REQUEST FOR MCI WARDS
(NOT REQUESTING GUARDIANSHIP ASSISTANCE)**

State of Michigan
Department of Human Services

Child's Name (Last, First, Middle)		Date of Birth	SWSS Log Number
DHS Local Office	Name of Recommended Permanent Guardian(s):		
	<input type="checkbox"/> Foster Parent	<input type="checkbox"/> Relative	<input type="checkbox"/> Other

Instructions: Complete either Section A or B, and all of Section C.

A. **EXPEDITED CONSENT REQUEST** (All of the following must apply): **Date placed in the home:** _____

The child has resided in the guardian's home for a minimum of six consecutive months and all of his/her physical and emotional needs are being satisfactorily met.

Criminal record checks, including fingerprint based check for guardian, and CPS clearances for all adults in the home are current (see foster care policy) – no arrests or convictions.

The family has no previous complaints (licensing and/or CPS) involving the care of a child.

B. **REGULAR CONSENT REQUEST** **Date placed in the home:** _____

The child has resided in the guardian's home for a minimum of six consecutive months and all of his/her physical and emotional needs are being satisfactorily met.

Family has previous licensing, protective services, or criminal complaints.

There are other circumstances existing that require additional documentation.

C. **ALL OF THE FOLLOWING ARE REQUIRED FOR EACH CONSENT REQUEST:**

Copy of the child's birth certificate or other verification of birth.

Copy of the child's USP that includes the required report elements for guardianship as defined under "Case Plan Requirements".

Legal documentation (Copies of at least 1 of the following legal forms must be included)

- A copy of the Order Terminating Parental Rights, Commitment to DHS (JC63).
- The applicable legal documents committing a child to DHS following a voluntary release (PCA 305, 306, 312, 318, 322).
- Combination of a and b above.
- Order committing a child to MCI (following a disrupted adoption).

Placement Agency and Address

Signature of Foster Care Caseworker	Date	Telephone Number
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Signature of Foster Care Supervisor Approving the Guardianship	Date
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Department of Human Services (DHS) will not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, sex, sexual orientation, gender identity or expression, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to a DHS office in your area.	<p>AUTHORITY: MCL 710.21 et. seq. and P.A. 280 OF 1939</p> <p>RESPONSE: Required.</p> <p>PENALTY: Guardianship delay.</p>
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DISTRIBUTION: Original – Central Office; Copy – Retain for your file

REQUIREMENTS TO REQUEST CONSENT FOR PERMANENT GUARDIANSHIP OF MCI WARDS

LEGAL AUTHORITY

The Superintendent of the Michigan Children's Institute (MCI) represents the state as guardian of state wards beginning with the date of the child's commitment and continuing until the age of 19 (MCL 400.203). The MCI Superintendent is authorized to consent to adoption, permanent guardianship, medical procedures, marriage, or emancipation according to the laws for adoption, permanent guardianship, marriage or emancipation (MCL 400.209 and MCL 712A.19c).

CONSENT TO PERMANENT GUARDIANSHIP

The authority to grant consent to permanent guardianship for state wards rests with the MCI Superintendent. State wards include children who have been committed to the state through involuntary termination of parental rights in the Family Division of a Circuit Court (PA 220 of 1935), or through release of parental rights by the legal parent(s) or private child placing agency to whom the child has been previously released (PA 296 of 1974). The MCI Superintendent must approve permanent guardianship of any state ward. The request for consent from the placing agency is a recommendation that the family be granted consent by the MCI Superintendent. In requesting consent for the permanent guardianship of a child, the Permanent Guardianship Consent Request form must be completed and sent with required documentation to the MCI Superintendent, Adoption Services Division-Central Office. The Superintendent may request additional information or actions prior to issuing a decision regarding consent.

Permanent Guardianship Consent Packet

1. Permanent Guardianship Consent Request Form.
2. Copy of child's birth certificate.
3. Order Terminating Parental Rights/Commitment to the Department of Human Services (JC 63).
4. If the case was a voluntary release:
 - a. Release of Child By Parent (PCA 305).
 - b. Release of Child By Agency (PCA 306).
 - c. Order Terminating Parental rights After Release or Consent (PCA 318).
 - d. Order Committing to Department of Human Services.
5. Copy of Caseworker's Permanency Planning Checklist (DHS-2052).
6. Copy of Caregiver's Permanency Planning Checklist (DHS-2051).
7. Copy of case plan/USP addressing the required elements:
 - The steps the agency has taken to determine that it is not appropriate for the child to be adopted.
 - The reasons for any separation of siblings during placement.
 - The reasons why a permanent placement with guardian through a guardianship assistance arrangement is in the child's best interest.
 - The ways in which the child meets the requirements for a guardianship assistance payment and reason why guardianship assistance payment is not requested by the guardian.
 - The efforts the agency has made to discuss adoption by the child's relatives or foster parents as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons.

The completed packet should be sent to:

Michigan Department of Human Services
MCI Superintendent
Suite 412
P.O. Box 30037
Lansing, Michigan 48909

CASEWORKER'S PERMANENCY PLANNING CHECKLIST (For Permanent Wards – MCI or Court)

State of Michigan
Department of Human Services

This form will assist the caseworker in determining whether the child's current placement would be an appropriate home for adoption or guardianship. Complete a separate form for each child. *The form must be signed by the caseworker and the caseworker's supervisor.*

Do not complete this form if adoption is the permanency goal on the service plan.

Child's Name	Birthdate	Caseworker's Name
Child's SWSS Log Number		Caseworker's Title
Caregiver Name		Child Placing Agency
Caregiver Address		Date Completed / /

IMPORTANT INFORMATION ABOUT GUARDIANSHIP ASSISTANCE

For a PCW or MCI ward to be eligible for guardianship assistance, the following apply:

- Child has resided with the prospective guardian for six or more consecutive months.
- Child demonstrates a strong attachment to the prospective guardian.
- Child 14 or older has been consulted about guardianship.
- Child is under 18 years of age.
- Adoption as a permanency goal has been ruled out.
- Placement with the guardian is in the child's best interest.

A caregiver who meets all of the following criteria is eligible to receive financial assistance.

- Child was placed in the caregiver's home by the department as a foster care placement.
- The caregiver is a licensed foster parent and all adult household members have successfully completed a criminal history check and child abuse registry check.
- The child is residing with the caregiver in the caregiver's licensed foster home.
- The guardian has a strong commitment to caring permanently for the child.

The DSH-3310, Guardianship Assistance Certification/Agreement Request must be completed for all prospective guardianship cases, unless the guardian is not requesting financial assistance.

COMPLETE THE FOLLOWING QUESTIONNAIRE:

		YES	NO
a.	The relative caregiver or non-relative caregiver is licensed (unless guardianship assistance is not requested).	<input type="checkbox"/>	<input type="checkbox"/>
b.	The caregiver demonstrates that he/she possesses the capability to assume the role of primary caregiver.	<input type="checkbox"/>	<input type="checkbox"/>
c.	The caregiver demonstrates the capability to work cooperatively with schools and other agencies to address the child's academic and other needs.	<input type="checkbox"/>	<input type="checkbox"/>
d.	The caregiver demonstrates the capability to access appropriate medical care for the child.	<input type="checkbox"/>	<input type="checkbox"/>
e.	The caregiver demonstrates the ability to manage visitation with birth parents or family members, if appropriate, so as to ensure that the child is not subject to harm or mistreatment.	<input type="checkbox"/>	<input type="checkbox"/>
f.	The caregiver provides a safe and stable home environment that poses no danger to the child.	<input type="checkbox"/>	<input type="checkbox"/>
g.	The caregiver demonstrates the ability to manage family issues such as illness and child rearing concerns.	<input type="checkbox"/>	<input type="checkbox"/>
h.	The caregiver demonstrates the ability to meet the special needs of the child.	<input type="checkbox"/>	<input type="checkbox"/>
i.	The child appears well integrated into the family.	<input type="checkbox"/>	<input type="checkbox"/>

PERMANENCY PLANNING

If the caseworker answers “yes” to all of the preceding questions, adoption or guardianship should be explored with the caregiver. If adoption is not the appropriate permanency goal for the child, explain why:

The caseworker should discuss the options with the caregiver using the Caregiver Permanency Planning Checklist and “Making the Decision to Become a Child’s Permanent Family” (DHS-Pub-140). This discussion and the answers on the checklist will help the caseworker determine whether the caregiver is interested in pursuing adoption or guardianship for the child(ren) in their care. The Caregiver Permanency Planning Checklist is to be used as documentation of the planning process.

It is also important to discuss current and planned living arrangements even with young children. If the child is 14 years or older, the law requires that they have been consulted about adoption or guardianship. The permanency goal should not be pursued for the child until the child’s questions or issues have been addressed by the caseworker or through counseling. If there is a question about the youth’s decision, the caseworker should also schedule a separate meeting to discuss the permanency options with the child. A youth age 14 or older is required to sign the “Youth’s Statement” located at the end of the Caregiver Permanency Planning Checklist. Caseworkers are encouraged to have all children of appropriate age involved in the discussion and allowed to sign the agreement.

If any of the answers to the questions listed on page 1 are “no” and the caseworker does not believe that adoption or guardianship is appropriate, a conference should be held between the caseworker and supervisor to determine if it is in the child’s best interest to remain in the current placement. The focus must be to develop a permanency plan that will ensure permanent supports and connections for the child.

The Caseworker Permanency Planning Checklist should be placed in the permanency planning section of the child’s file.

Worker Signature

Date

Supervisor Signature

Date

Department of Human Services (DHS) will not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, sex, sexual orientation, gender identity or expression, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to a DHS office in your area.

CAREGIVER'S PERMANENCY PLANNING CHECKLIST
 Department of Human Services
 State of Michigan

Child's Name: _____

Child Placing Agency: _____

Child's Case Number: _____

Caseworker's Name: _____

Caregiver(s) Name and Address:

Date Completed: _____

Section 1

CAREGIVER(S) QUESTIONS

Please respond to following statements for the child(ren) in your care. A single form can be used for siblings unless a child in the sibling group has needs that should be considered individually.

	Check One	
	Yes	No
a. I believe the best plan is for the child(ren) to stay with me as part of my family.	<input type="checkbox"/>	<input type="checkbox"/>
b. I am capable and interested in caring for the child(ren) without the support of a caseworker.	<input type="checkbox"/>	<input type="checkbox"/>
c. I have the support from family, friends, community, etc., needed to raise the child(ren).	<input type="checkbox"/>	<input type="checkbox"/>
d. I am willing and able to address the child(ren)'s educational, health, mental health, and other needs.	<input type="checkbox"/>	<input type="checkbox"/>
e. I am willing and able to manage visits/relationships between the birth parent(s) and child(ren) to ensure the child(ren)'s safety. (If applicable)	<input type="checkbox"/>	<input type="checkbox"/>
f. I am willing and able to continue providing a safe and stable home environment for the child(ren).	<input type="checkbox"/>	<input type="checkbox"/>
g. I do not have any health conditions that limit my ability to care for the child(ren).	<input type="checkbox"/>	<input type="checkbox"/>
h. I agree that the child(ren) is a permanent member of my family.	<input type="checkbox"/>	<input type="checkbox"/>
i. I am requesting guardianship assistance to help in the cost of supporting the child(ren) and am willing to be licensed as a foster parent.	<input type="checkbox"/>	<input type="checkbox"/>
j. I am willing to maintain any public or private medical insurance or assistance for which the child is eligible.	<input type="checkbox"/>	<input type="checkbox"/>
k. I am willing to cooperate with DHS and the court to provide all information required and will comply with filing an annual report of the child(ren)'s status in my home.	<input type="checkbox"/>	<input type="checkbox"/>

Section 2

ADOPTION "RULE OUT" CRITERIA

(Check all that apply)

Specific life issues prevent the caregiver from pursuing adoption:

- Marital/Divorce issues
- Cultural issues
- Desire to maintain current relative status (i.e., grandparent, aunt, uncle, etc.)
- Other _____
- Youth does not want to be adopted (age 14 and over*). Please list all information, counseling and peer mentoring the youth has received in making this decision:

Section 3

SELECTING A PERMANENCY GOAL

Place a check in the box above the permanency goal that is most appropriate for the child(ren) in your care. If all of the answers in section 1 are "yes", adoption should be pursued for the child unless one of the adoption "rule out" criteria in section 2 is checked. If there any "no" answers in section 1, the "Alternative Goal" box should be checked and another permanency goal identified.

Adoption

Guardianship

Alternative Goal (Specify) _____

Caregiver's Signature(s) _____

Date _____

Date _____

Caseworker's Signature _____

Date _____

Caseworker Supervisor's Signature _____

Date _____

Section 4

YOUTH'S STATEMENT

(*Required for a child 14 years or older, optional for children under 14)

I have discussed my permanency options with the caseworker and my caregiver and I agree with the decision that _____ is the best permanency goal for me.

Child's Signature _____

Date _____

Child's Signature _____

Date _____

Child's Signature _____

Date _____

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PERMANENT GUARDIANSHIP CONSENT REQUEST FOR MCI WARDS

State of Michigan
Department of Human Services

Child's Name (Last, First, Middle)	Date of Birth	DHS Case Number
Guardianship County	Name of Recommended Permanent Guardian(s):	
	<input type="checkbox"/> Foster Parent <input type="checkbox"/> Relative <input type="checkbox"/> Other	
<input type="checkbox"/> EXPEDITED CONSENT REQUEST (All of the following must apply): Date placed in the home: _____		
<input type="checkbox"/> The child has resided in the guardian's home for a minimum of six consecutive months and all of his/her physical and emotional needs are being satisfactorily met.		
<input type="checkbox"/> The home is a licensed foster home.		
<input type="checkbox"/> Criminal record checks, including fingerprint based check for guardian, and CPS clearances for all adults in the home are current (see foster care policy) – no arrests or convictions.		
<input type="checkbox"/> The family has no previous complaints (licensing and/or CPS) involving the care of a child.		
<input type="checkbox"/> REGULAR CONSENT REQUEST Date placed in the home: _____		
<ul style="list-style-type: none"> • Family has previous licensing, protective services, or criminal complaints. • There are other circumstances existing that require additional documentation. 		
ALL OF THE FOLLOWING ARE REQUIRED FOR EACH CONSENT REQUEST:		
<input type="checkbox"/> Foster care license number.		
<input type="checkbox"/> Copy of the child's birth certificate or other verification of birth.		
<input type="checkbox"/> Copy of the child's USP that includes the required report elements for guardianship as defined under "Case Plan Requirements".		
<input type="checkbox"/> Legal documentation (Copies of at least 1 of the following legal forms must be included)		
a. A copy of the Order Terminating Parental Rights, Commitment to DHS (JC63).		
b. The applicable legal documents committing a child to DHS following a voluntary release (PCA 305, 306, 312, 318, 322).		
c. Combination of a and b above.		
d. Order committing a child to MCI (following a disrupted adoption).		
Placement Agency and Address		
Signature of Foster Care Caseworker	Date	Telephone Number
Signature of Foster Care Supervisor Approving the Guardianship		Date

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DISTRIBUTION: Original – Central Office; Copy – Retain for your file

REQUIREMENTS TO REQUEST CONSENT FOR PERMANENT GUARDIANSHIP OF MCI WARDS

LEGAL AUTHORITY

The Superintendent of the Michigan Children's Institute (MCI) represents the state as guardian of state wards beginning with the date of the child's commitment and continuing until the age of 19 (MCL 400.203). The MCI Superintendent is authorized to consent to adoption, permanent guardianship, medical procedures, marriage, or emancipation according to the laws for adoption, permanent guardianship, marriage or emancipation (MCL 400.209 and MCL 712A.19c).

CONSENT TO PERMANENT GUARDIANSHIP

The authority to grant consent to permanent guardianship for state wards rests with the MCI Superintendent. State wards include children who have been committed to the state through involuntary termination of parental rights in the Family Division of a Circuit Court (PA 220 of 1935), or through release of parental rights by the legal parent(s) or private child placing agency to whom the child has been previously released (PA 296 of 1974). The MCI Superintendent must approve permanent guardianship of any state ward. The request for consent from the placing agency is a recommendation that the family be granted consent by the MCI Superintendent. In requesting consent for the permanent guardianship of a child, the Permanent Guardianship Consent Request form must be completed and sent with required documentation to the MCI Superintendent, Adoption Services Division-Central Office. The Superintendent may request additional information or actions prior to issuing a decision regarding consent.

Permanent Guardianship Consent Packet

1. Permanent Guardianship Consent Request Form.
2. Copy of child's birth certificate.
3. Order Terminating Parental Rights/Commitment to the Department of Human Services (JC 63).
4. If the case was a voluntary release:
 - a. Release of Child By Parent (PCA 305).
 - b. Release of Child By Agency (PCA 306).
 - c. Order Terminating Parental rights After Release or Consent (PCA 318).
 - d. Order Committing to Department of Human Services.
5. Copy of Foster Care Home Evaluation and foster home license number.
6. Copy of Caseworker's Permanency Planning Checklist (DHS-2052).
7. Copy of Caregiver's Permanency Planning Checklist (DHS-2051).
8. Copy of case plan/USP addressing the required elements:
 - The steps the agency has taken to determine that it is not appropriate for the child to be adopted.
 - The reasons for any separation of siblings during placement.
 - The reasons why a permanent placement with guardian through a guardianship assistance arrangement is in the child's best interest.
 - The ways in which the child meets the requirements for a guardianship assistance payment.
 - The efforts the agency has made to discuss adoption by the child's relatives or foster parents as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons.

The completed packet should be sent to:

Michigan Department of Human Services
MCI Superintendent
Suite 412
P.O. Box 30037
Lansing, Michigan 48909

CASEWORKER PERMANENCY PLANNING CHECKLIST (For Temporary Court Wards)

State of Michigan
Department of Human Services

When reunification has been ruled out and there are specified reasons not to terminate parental rights, this form will assist the caseworker in determining if the child's current caregiver(s) would be appropriate for permanent guardianship. Complete a separate form for each child. *The form must be signed by the caseworker and the caseworker's supervisor.*

Do not complete this form if adoption is the goal on the service plan.

Child's Name	Birthdate	Caseworker's Name
Child's SWSS Log Number		Caseworker's Title
Caregiver Name		Child Placing Agency
Caregiver Address		Date Completed

IMPORANT INFORMATION ABOUT GUARDIANSHIP ASSISTANCE.

A child is eligible for guardianship assistance if:

- Child has resided with the caregiver for six or more consecutive months.
- Child demonstrates a strong attachment to the caregiver.
- Child 14 or older has been consulted about the guardianship.
- Child is under 18 years of age.
- Reunification and adoption as permanency goals have been ruled out.
- Permanent placement through guardianship is in the child's best interest.

A caregiver who meets all of the following criteria is eligible to receive financial assistance.

- Child was placed in the caregiver's home by the department as a foster care placement.
- The caregiver is a licensed foster parent.
- The child has resided in the caregiver's home for six or more consecutive months.
- The caregiver has a strong commitment to caring permanently for the child.
- The caregiver and all adult household members have successfully completed Central Registry Clearance, a criminal history check and fingerprinting.

The DHS-3310, Guardianship Assistance Certification/Agreement Request must be completed for all prospective guardianship cases, unless the guardian is not requesting financial assistance.

COMPLETE THE FOLLOWING QUESTIONS.

a. Reunification has been ruled out because:		
b. Termination has been ruled out because:		
c. The caseworker has documentation in the case file to support the response to questions a and b.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
d. The caregiver demonstrates that he/she possesses the capability to assume the role of primary caregiver.	<input type="checkbox"/>	<input type="checkbox"/>

e.	The caregiver demonstrates the capability to work cooperatively with the school and other agencies to address the child's academic and other needs.	<input type="checkbox"/>	<input type="checkbox"/>
f.	The caregiver demonstrates the capacity to access appropriate medical care for the child.	<input type="checkbox"/>	<input type="checkbox"/>
g.	The caregiver demonstrates the ability to manage birth parent or relative visitations so as to ensure that the child is not subject to harm or mistreatment.	<input type="checkbox"/>	<input type="checkbox"/>
h.	The caregiver provides a safe and stable home environment that poses no dangers to the child.	<input type="checkbox"/>	<input type="checkbox"/>
i.	The caregiver demonstrates the ability to manage family issues such as illness and child-rearing problems.	<input type="checkbox"/>	<input type="checkbox"/>
j.	The caregiver demonstrates the ability to meet the special needs of the child or the child does not have special needs.	<input type="checkbox"/>	<input type="checkbox"/>
k.	The child appears well integrated into the family.	<input type="checkbox"/>	<input type="checkbox"/>

PERMANENCY PLANNING

If the caseworker answers "yes" to all of the preceding questions, permanent guardianship with assistance should be explored with the family.

The caseworker should discuss the options with the caregiver using the Caregiver Permanency Planning Checklist and "Making the Decision to Become a Child's Permanent Family" (DHS-Pub-140). This discussion and the answers on the checklist will help the caseworker determine whether the caregiver is interested in pursuing guardianship for the children in their care. The Caregiver Permanency Planning Checklist is to be used as documentation of the planning process.

It is also important to discuss current and planned living arrangements even with young children. If the child is 14 years or older, they must be consulted about permanent guardianship. The permanency goal should not be pursued for the child until the child's questions or issues have been addressed by the caseworker or through counseling. If there is a question about the youth's decision, the caseworker should also schedule a separate meeting to discuss the permanency options with the child. A youth age 14 or older is required to sign the "Youth's Statement", located at the end of the Caregiver Permanency Planning Checklist. Caseworkers are encouraged to have all children of appropriate age involved in the discussion and allowed to sign the agreement.

If any of the answers to the questions listed above are "no" and the caseworker does not believe that adoption or guardianship is appropriate, a conference should be held between the caseworker and supervisor to determine if it is in the child's best interest to remain in the current placement. The focus must be to develop a permanency plan that will ensure permanent supports and connections for the child.

The Caseworker Permanency Planning Checklist should be placed in the permanency planning section of the child's file.

Worker's Signature	Date
Supervisor's Signature	Date

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