

Juvenile Guardianship Assistance Program (GAP)

Michigan law allows the court to order a juvenile guardianship in a child protective proceeding as an “alternative placement plan.” An alternative placement plan may be considered at a permanency planning hearing (PPH) only after the court determines the child cannot return home or orders MDHHS to initiate the termination of parental rights. The guardian’s appointment may be made pre- or post-termination of parental rights. [MCL 712a.19a, 19c]

Guardianship Assistance Act [MCL 772.871-881]

The Guardianship Assistance Act allows MDHHS to utilize the Guardianship Assistance Program (GAP), which provides funding to juvenile guardians in support of eligible children. *The purpose of guardianship assistance is to provide financial support to help achieve permanency for children who may otherwise remain in foster care until 18 years of age.* Under the statutory guidelines for GAP, MDHHS is **solely** responsible for determining GAP eligibility. The court cannot order MDHHS to provide GAP in a juvenile guardianship case. MDHHS’ eligibility determination for GAP is based on the requirements of the Guardian Assistance Act and Title IV-E under the Social Security Act. To be eligible for GAP, MDHHS must determine that reunification and placing the child for adoption have been explored and are not appropriate permanency options **as documented in the case file**. A finding that reunification and adoption have not been ruled out for purposes of determining GAP eligibility may differ from the court determined permanency goal.

Following the statutory framework of MCL 722.873 and 875a, the Case Service Plan is reviewed for the required documentation that shows the eligibility criteria has been met. For more information, refer to DHHS Child Guardianship Manual (GDM) [715](#), [700](#), and [600](#). When ordering a juvenile guardianship, the court should ensure that the Case Service Plan document the reasons why the child should not be returned home and why the court did not order the agency to initiate termination of parental rights.

A child is eligible for guardianship assistance if **all** of the following conditions are met:

- The child has been removed from his or her home as a result of a judicial determination that allowing the child to remain in the home would be contrary to the child's welfare.
- The guardian must be a licensed foster parent and the child has resided in the home of the prospective guardian for at least six consecutive months before filing an application for guardianship assistance.
- Reunification and placing the child for adoption are not appropriate permanency options.
- The child has been consulted about the guardianship arrangement if he/she is 14 or older.
- The child demonstrates a strong attachment to the prospective guardian and the guardian has a strong commitment to caring permanently for the child until the child reaches 18 years of age.

GAP FACTS

- “Subsidized Guardianship” is not a federally recognized permanency goal.
- The court may order the juvenile guardianship regardless of GAP assistance, similar to an adoption proceeding without adoption assistance. . Before finalizing the guardianship, the court should consider the guardian’s financial needs and the possibility that the guardian may not be interested in pursuing the guardianship without GAP assistance.
- MDHHS does not consider the child’s placement with a relative, in and of itself, a determination that adoption is not an appropriate permanency option. If a court orders a juvenile guardianship instead of the initiation of termination of parental rights proceedings only because a child is placed with a relative, MDHHS may not provide GAP assistance to the guardian.
- Juvenile guardianships are meant to provide a permanent home for the child. If the facts in the record demonstrate that the prospective guardian intends for the arrangement to be temporary, MDHHS may not provide GAP assistance to the guardian.
- The applicant will receive a denial letter if the child is not eligible for GAP assistance. The denial letter will contain the reasons the eligibility requirements were not met.

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