 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	6 - Foster Care
	Part No./Name	21 - Guardianship Subsidy
	Section No./Name	Guardianship Subsidy
	Document No./Name	6-2140 Preparing for Guardianship Placement
	Effective Date	October 15, 2021

I. STATEMENT OF POLICY

The Department of Children and Family Services (DCFS) staff should consider the best interest of the child when selecting a guardianship family. Factors considered in the placement decision shall be documented in the case record as well as the rationale for selecting a particular family. Refer to [6-300](#), Guidelines for Selecting a Placement/Replacement Resource.

II. PROCEDURES

Child related factors that may be considered are listed below:

- current functioning and behaviors;
- medical, education and developmental needs of the child;
- history and past experiences;
- interests and talents;
- attachment to current * caregivers and relatives;
- child's personal preference that he can articulate and discuss; and
- adoptive resources for the child have been explored without success.


Factors that may be considered in assessing the prospective caregiver's suitability to care for a particular child are their abilities to:

- form relationships and bond with the specific child;
- help the child integrate into the family;
- accept the child's background and help the child cope with her or his past;
- accept behaviors and personality of the specific child;
- meet the child's particular educational, developmental or psychological needs; and
- meet the child's linguistic, dietary, musical, or athletic needs, etc.

When a prospective guardian family has been located and is willing to accept placement of the child, it is the responsibility of the assigned case worker to assure that the home meets the needs of the child including safety, permanency and well-being. The family must also be referred to Home Development to begin the process to become a certified foster parent, if not certified already. Refer to [6-2130](#), Guardianship Resources.

A. PREPARING THE CHILD(REN)

It is the responsibility of the child's case worker to prepare the foster child(ren) for guardianship placement. Refer to [6-400](#), Placement of the Child. The case worker ** shall have discussions with the child(ren) regarding the guardianship arrangement and document the outcome of the conversation in case notes. If siblings are involved, reasonable efforts shall be made to place children in the same home, unless doing so would be contrary to the well-being of any of the children.

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Children age 12 and older must be consulted regarding guardianship placement ([LA Ch. C. Article 722B](#)). The child’s case * worker must discuss plans for a guardianship arrangement with the child and document the outcome of that discussion in the case notes. This includes agreement with the plan by any child age 12 and older. Any lack of agreement by the child should be an ongoing topic of counseling, between the case worker and the child, regarding the reasons for the child’s reluctance and the benefits of a permanent living arrangement. This discussion should occur at each contact and documented in the case notes until a permanency option is achieved for the child or the child attains age 18. The permanency goal should be discussed with all children regardless of age, but consultation is critical for older youth.

B. COLLABORATION WITH POTENTIAL GUARDIANSHIP CAREGIVER

The caseworker must communicate with the Home Development staff to monitor the status of the prospective guardian in completing the certification process. The case worker must ensure a permanency staffing is held to recommend changing the case plan goal to guardianship. The caseworker must schedule a staffing with the FC supervisor, the child, and the guardian caregiver. All parties must agree to the goal change. Refer to [6-854](#), Permanency Plan Goal Guardianship.


The child’s caseworker having primary involvement with the prospective guardianship family shall be responsible for explaining:

- Guardianship Subsidy Program and conditions of the subsidy;
- importance of permanency for the child(ren);
- application process;
- that they will have the same parental controls, responsibilities, and rights for the child as they would for their own children; and
- Establishment of a successor guardian ([Policy 6-2142, Successor Guardianship](#)).

Staff should also discuss the following information regarding the child with the prospective guardianship caretaker:

- Birth history;
- Previous placement history;
- Behavior;
- Medical history and current health;
- Child’s sexual orientation and gender identity expression;
- Special needs; and
- Child’s education.

Whenever an eligible child is with a certified * caretaker in another state, the family shall be eligible for a Guardianship Subsidy under the same conditions as Louisiana residents continues to be in DCFS custody. **

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C. DEATH OF GUARDIAN(S)

When a child has been placed in an approved Guardianship placement with a [Guardianship Subsidy Agreement](#) in effect and the guardian(s) dies prior to the child reaching the age of majority, the child's eligibility for a guardianship subsidy shall not be affected if a successor guardian was named in the original guardianship subsidy agreement. The child may remain in the care of a duly designated tutor/guardian as established by the guardian family prior to their death, without further involvement of the department. If the "duly designated" tutor/guardian requires financial assistance to maintain the care of the child and the individual was named in the original guardianship subsidy agreement as a successor guardian, it is not necessary for the child to return to state custody and those individuals to become certified foster parents. Refer to [6-2142](#), * **Successor Guardianship** ** for information related to Successor Guardianship.


If no successor guardian was named in the original guardianship subsidy agreement, any individual otherwise legally designated as a tutor/guardian for the child and requiring financial assistance to sustain the care of the child would have to return the child to state custody and those individuals would have to become certified foster parents. Adoption of the child by the family should be explored as well, since adoption is a more permanent relationship for the child and family. If the family and home are determined to be safe for the care of the child through assessment of the home environment, fingerprint based criminal records clearance, and *** * **agency** clearances, the child may remain in the care of the family while they are certified.

Unless a family meets the criteria for successor guardianship, there can be no maintenance (board) payment through a guardianship subsidy for the child by the state until the prospective guardianship family has been certified as foster parents, the child has resided in the certified home for six consecutive months during the current foster care episode prior to the family seeking guardianship, the Guardianship Subsidy Agreement (GSA) has been established and the family has been legally recognized as guardians of the child. Each Guardianship arrangement shall be considered a new episode. The department may support the establishment of each legal guardianship arrangement between the designated tutor/guardian and the child with non-recurring expenses, up to a maximum of \$2000.

Other than situations involving successor guardianship as outlined in [6-2142](#), **Successor Guardianship** ** if it is not possible to achieve adoption of the child by a family designated by the previous guardians or to establish a guardianship arrangement, it will be necessary to reopen the *** parents' cases when parents retain parental rights and assess the current situation of the family for possible reunification with the child.

III. FORMS AND INSTRUCTIONS

Guardianship Subsidy Agreement (GSA) [Form](#) / [Instructions](#)

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IV. REFERENCES

[LA Ch. C. Article 722 B](#)