	Division/Section	Child Welfare
	Chapter No./Name	6 – Foster Care (FC)
	Part No./Name	21 – Guardianship Subsidy
	Section No./Name	Guardianship Subsidy
	Document No./Name	6-2100 Program Overview
	Effective Date	September 3, 2020


I. STATEMENT OF POLICY

The Guardianship Subsidy Program is the means by which the Louisiana Department of Children and Family Services (DCFS) makes payments to certified *caregivers who accept guardianship of a child from Foster Care. This program benefits the child who otherwise might not be able to achieve permanency outside of Department custody because of special needs or other circumstances, and the family who might not be able to care for the child without the subsidy. A Guardianship Subsidy should be considered for any child whose permanent plan goal is Guardianship. To provide the child and family a guardianship subsidy, the caseworker must establish, with approval of the supervisor and Child Welfare Manager: family reunification and adoption are not appropriate permanency options for the child; and, granting guardianship of the child to the caregiver** with the support of the subsidy is in the child's best interest. Caseworker documentation must include information regarding concerted efforts which were made by the department to achieve reunification and adoption for the child including efforts to overcome barriers to reunification and adoption.

A. LEGAL BASE

The Fostering Connections to Success and Increasing Adoption Act (P.L. 110-351), provides the State of Louisiana the option to enter into guardianship assistance agreements to provide guardianship assistance payments on behalf of a child(ren) in foster care to allow the child to establish permanency in a family out of foster care or older youth who entered guardianship from foster care with a subsidy after age 16, but prior to age 18 and meeting the criteria of the state's extended foster care program to continue support to the youth's guardians in continuing care of the youth up to age 21 as long as the youth continues to meet the eligibility criteria for the state's extended foster care program. The payments are for a child; who was in the custody of DCFS until guardianship was recommended and eligibility for the subsidy was determined by DCFS and then guardianship was ordered by the court; who is being cared for by a relative, fictive kin, or other caregiver with whom the child has a significant familial bond and with whom it would be in the child's best interest to remain until the age of majority; whose caregiver is a certified foster parent(s); and, whose caregiver is committed to providing permanent care into adulthood. As per the federal Social Security Act section 473(d), a guardianship subsidy can only be paid to the guardian of the child or youth and never directly to the child/youth, even in an extended guardianship subsidy. Both IV-E and non-IV-E children are eligible for guardianship subsidies. Funds used for the program's operation are derived from:


- Title IV-E;
- Social Services Block Grant; and
- State General Funds.

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B. DEFINITIONS

Terms relevant to the administration of this program are:

1. **Certification** – Refer to [9-500](#), Overview of the Certification Process.
2. **Chaffee Foster Care Independence Program and Education Training Voucher Eligibility** – to identify and assist child(ren) who entered a guardianship arrangement from foster care after reaching 16 years of age to receive the education (postsecondary and vocational institutions), training, and services necessary to obtain employment.
3. **Fictive Kin** – related or connected to a child or family through bonds of affection, concern, obligation, and/or responsibility prior to foster care entry. These individuals are considered to hold the same level of relationship with an individual child or family as those individuals related by blood or marriage.
4. **Guardianship Subsidy Program** – provides for financial resources to relative/fictive kin *** caregivers** and **caregivers **** with a significant familial bond with the child under the age of 18 and can be provided for youth up to age 21, in the Extended Guardianship Subsidy Program for youth who continue to meet the requirements of the state's extended foster care program to support and stabilize the placement of child(ren) to whom they are connected and willing to provide care and supervision.
5. **Legal Custody** – the right to have physical custody of a child and to determine where and with whom the child shall reside; to exercise the rights and duty to protect, train, and discipline the child; the authority to consent to major medical, psychiatric, and surgical treatment; and to provide the child with food, shelter, education, and ordinary medical care, all subject to any residual rights possessed by the child's parents.
6. **Legal Guardianship** – the duty and authority to make important decisions in matters having a permanent effect on the life and development of the child and the responsibility for the child's general welfare until he reaches the age of majority, subject to any residual rights possessed by the child's parents. It shall include but not necessarily be limited to:
 - The authority to consent to marriage, to enlistment in the armed forces of the United States, to represent the minor in legal actions, to make other decisions of substantial legal significance concerning the minor;
 - The authority and duty of reasonable visitation, except to the extent that such right of visitation has been limited by court order; and
 - The rights and responsibility of legal custody; refer to above definition of legal custody.

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7. **Maintenance Subsidy** – intended to help meet the daily needs of the child for shelter, food, clothing, allowance and incidental expenses.
8. **Medicaid Eligibility** – child remains eligible for Medicaid coverage up to 18 years of age when entering a guardianship arrangement from foster care. This coverage will be provided through Title XIX federal benefits or state general funds. Children who are eligible for a Title IV-E Guardianship subsidy at the time of the agreement are categorically eligible for Medicaid regardless of their state of residence. Youth over the age of 18 remain eligible for Medicaid coverage up to the age of 21 if participating in the extended guardianship subsidy program.
9. **Non-Recurring Expenses** – The Department will reimburse non-recurring fees such as legal fees, court fees and/or other expenses directly related to the legal guardianship of the child, up to a maximum of \$1,000 for non-Title IV-E eligible children and up to a maximum of \$2,000 for Title IV-E children, for the establishment of the guardianship arrangement for prospective guardians that meet subsidy eligibility requirements. This service is only available when necessary and when the costs are distinct and separate from the routine costs of the Child in Need of Care proceedings. These fees may be considered, in rare occasions, when a guardianship arrangement is being contested and the guardian relative/fictive kin wants to hire their own attorney. This legal and/or court fee will be a non-reoccurring, one-time payment for reasonable and necessary attorney fees for representation of the potential guardian which are directly related to the legal establishment of guardianship for a child in foster care.
10. **Prospective Guardianship Family** – the family being considered as a possible resource, who must meet basic foster care certification guidelines and provide care to the child as a certified foster family for at least six months.
11. **Relative** – an individual related to the child or family of the child through blood or marriage.
12. **Significant Familial Bond** – This term is used to describe individuals with whom the child has a very close affinity who may or may not have been known to the child or his/her family prior to foster care entry. It is also intended to convey the importance of the relationship to the well-being of the child in maintaining a connection into the future. The child demonstrates this bond through a strong attachment to the *** caregiver ****. A family with whom the child shares a significant familial bond could potentially include foster parents who are unable or unwilling to establish an adoptive relationship with the child in spite of DCFS efforts to overcome barriers to adoption, yet who are willing to commit to long term permanency through guardianship for the child. This is demonstrated by non-related family who have a significant and positive relationship with the child and who have a strong commitment to caring permanently for the child.

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13. Special Board Rate – this subsidy is intended to provide financial assistance to children who require documented and approved special care.

14. Special Services Subsidy – is the special assistance given to provide for an anticipated expense when no other family or community resource is available. It is time limited, or a one-time payment that can be offered in addition to the maintenance and special board rate subsidy.

II. PROCEDURES

The caseworker must document in the child's case documentation and case plan:

- the determination of the case goal of Guardianship as being in the child's best interests;
- the appropriateness of the prospective guardianship family;
- the decision regarding the applicability of a Guardianship subsidy to support the child and family, along with a copy of the Guardianship or Successor Guardianship Subsidy Agreement (GSA) [Note: For youth in the Extended Guardianship Subsidy Program this would require documentation of how the youth meet eligibility criteria for continued support through the continuation of the Guardianship Subsidy to the caregivers and a copy of the Extended Guardianship Subsidy (EGS) Form]; and,
- a description of the significant familial bond between the child and *** caregiver ****.

III. FORMS AND INSTRUCTIONS

[Guardianship or Successor Guardianship Subsidy Agreement \(GSA\)](#)
[Extended Guardianship Subsidy \(18 to 21\) Form \(EGS\) – Quarterly Review/Annual Renewal](#)

IV. REFERENCES

There are no references associated with this policy.