 Department of <b>Children &amp;          Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Child Welfare
	<b>Chapter No./Name</b>	6 – Foster Care
	<b>Part No./Name</b>	21 – Guardianship Subsidy
	<b>Section No./Name</b>	Guardianship Subsidy
	<b>Document No./Name</b>	6-2110 Eligibility Criteria
	<b>Effective Date</b>	December 15, 2023

## I. STATEMENT OF POLICY

A family is considered eligible for participation in the Guardianship Subsidy Program if:

- Related to the child through blood or
- \*\*\* Related to the family of the child through blood or
- Related by marriage or
- A fictive kin relationship exists between the child and family. Refer to [6-2100](#), Guardianship Subsidy Program, for the definition of fictive kin or
- A very close affinity has developed between the child and potential guardian family.

The Guardianship Subsidy Program should be an option in those cases where Guardianship has been determined to be the most appropriate case goal and in the best interest of the child.

The guardianship subsidy applies:


- Only to a \* child for whom the DCFS holds legal custody prior to the guardianship placement
- To potential guardian(s) with whom the child has an established familial relationship
- Only after the potential guardianship placement provider becomes a certified foster caregiver(s) according to the certification standards of the State
- When the child \*\* has remained in the home \*\*\* \* at least six consecutive months after the current foster caregiver becomes certified including TFC caregivers who are already certified \*\*
- If the caregiver and the Department have entered a Guardianship Subsidy Agreement; and
- The court has ordered guardianship of the child to the caregiver.

## II. PROCEDURES

### A. CHILD(REN)'S ELIGIBILITY CRITERIA

The child:

1. Must be in the legal custody of the Department as a result of a voluntary placement agreement or a judicial determination continuation in the home would be contrary to the welfare of the child.
2. Cannot be returned to the home of his/her parent(s), resources for adoptive placement have been explored, and adoption is not an appropriate permanency option. Refer to [6-854](#), Permanent Plan Goal Guardianship.
3. Must be under the age of 18, at the time of the initial guardianship subsidy agreement. Youth may continue to be eligible for continued guardianship subsidy if the initial guardianship subsidy agreement was entered after the youth's 16<sup>th</sup> birthday and the youth continues to be the financial responsibility of the guardians with whom the


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guardianship subsidy agreement was initiated after the youth achieves age 18. To continue to be eligible after age 18 to age 21, the young adult must meet the eligibility criteria of the state Extended Foster Care Program.

4. Has resided in the home of the prospective guardian at least six consecutive months during the current foster care episode prior to entering the guardianship arrangement during which time the caregiver was a certified foster parent \* (by DCFS or a state approved Child Placing Agency) \*\* and the child demonstrates a strong attachment to the caregiver.
5. If the guardianship subsidy will be funded by federal Title IV-E funds, the child must have been eligible for foster care Title IV-E maintenance payments while residing for a minimum of six consecutive months during the current foster care episode in the home of the prospective guardian, during which time the caregiver was a certified foster parent. If the guardianship subsidy will be funded by state general funds, it is not necessary for the child to have been eligible for Title IV-E Maintenance payments.
6. Children age 12 and older shall be consulted regarding guardianship placement. The child’s caseworker must discuss plans for a guardianship arrangement with the child and document the outcome of the discussion in the case record. The permanency goal should be discussed with all children regardless of age, but consultation is critical for older youth.
7. Siblings may be placed in the same guardianship arrangement if a determination has been made the arrangement is in the best interest of each child in the sibling group. \*\*\*  
\* Once the first child in a sibling group has resided in the home at least six consecutive months, the entire sibling group is eligible for guardianship subsidy thus allowing the agency to establish guardianship of the entire sibling group during the same court hearing. \*\* A guardianship subsidy may be provided on behalf of each child in the sibling group. Nonrecurring expenses are also available for each of the siblings placed in the same guardianship arrangement. \*\*\*

## **B. CAREGIVER’S ELIGIBILITY CRITERIA**

The prospective guardianship family must meet basic foster care certification eligibility requirements in all respects except for the ability to assume complete financial responsibility for the child’s care. On a case-by-case basis, waivers may be requested for non-safety licensing standards to help eliminate barriers which might otherwise prevent the placement of a child with the caregiver(s). Refer to [9-210](#), Qualifications of the Foster and Adoptive Parent and [9-500](#), Overview of the Certification Process.

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In order to be considered eligible for the guardianship subsidy program, the potential guardian must:

1. Be licensed/certified by the state as a foster/adoptive parent(s) \* or by a state approved Child Placing Agency. Refer to [9-210](#), Qualifications of the Foster and Adoptive Parents.
2. Demonstrate a strong attachment to the child(ren) and a commitment to caring for the child(ren) on a permanent basis.
3. Maintain the child(ren) in the home (after certification as a foster/adoptive home) for at least six consecutive months during the current foster care episode, prior to seeking guardianship.
4. Be willing to accept the court order legally placing the child(ren) under their guardianship; and willing to enter into a written guardianship agreement with the state.

Whenever an eligible child in the custody of the Department is legally placed based on the Interstate Compact on the Placement of Children (ICPC) guidelines with a certified relative/fictive kin caregiver in another state, the family shall be eligible for a guardianship subsidy under the same conditions **if the child resided in Louisiana.** \*\*

### III. FORMS AND INSTRUCTIONS

There are no forms associated with this policy.

### IV. REFERENCES

[6-854, Permanent Plan Goal Guardianship](#)  
[6-2100, Guardianship Subsidy Program](#)  
[9-210, Qualifications of the Foster and Adoptive Parents](#)  
[9-500, Overview of the Certification Process](#)