Department of Children's Services

POLICY

15.15 Subsidized Permanent Guardianship	
Application: All Department of Children's Services Family Service Workers, Permanency Specialists and Supervisory Staff	
Authority: TCA: 37-5-105 (3); TCA 37-5-106; 37-1-801 et seq., Fostering Connections to Success and Increasing Adoptions Act 2008 (P.L. 110-351), Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183), TCA 37-2-417, TCS 37-4-201, Interstate Compact on the Placement of Children, TCA 37-2-604; (P.L. 785).	**Standards: COA:** PA-CFS 27.01; PA-CFS 27.03; PA-CFS 27.07; PA-CFS 29.01; PA-CFS 29.0429.07
Commissioner:	**Date:**
Original Effective Date: 05/01/07 Current Effective Date: 10/31/23	Supersedes: 15.15 01/01/23 Last Review Date: 10/31/23

Glossary:

- Guardian:
  - The legal guardian of a child with whom the child is related to by blood, marriage, or adoption or with whom the child had a significant relationship that pre-existed placement in DCS custody such as a godparent, friend, neighbor, church member, or teacher.
- Permanency Specialist:
  - This is a DCS term used to identify the position previously known as DCS Adoption Specialists. This person is principally responsible for preparing children and families for permanence through subsidy contracts negotiating and preparing Subsidized Permanent Guardianship, and maintaining technical knowledge of all permanency options.
- Strong Attachment:
  - A strong attachment is defined as a relationship that exists between the potential guardian and the child or family, preferably, but is not required to have been established, prior to the current DCS foster care episode.
- Successor Guardian
  - A person identified in the Initial Guardianship Agreement or Amendment/Renewal/Revision to the Guardianship Agreement that has now assumed guardianship of a child(ren), due to the Initial Guardian's incapacity or death. The Successor Guardian's role is not fulfilled until background checks and a home study of the new caretakers have been completed and approved. At that point, the Successor is entitled to any Subsidized Permanent Guardianship subsidy payment, without a new determination of the child's eligibility.
- TennCare (or successor plan) Rate:
  - The rates established by TennCare (Medicaid) or any subsequent plan for a particular medically necessary service or treatment.

Policy Statement:

The Subsidized Permanent Guardianship (SPG) program implements provisions of the Fostering Connections to Success and Increasing Adoptions Act 2008 (P.L 110-351). The act allows the State to enter into guardianship agreements to provide assistance payments to relatives and kin who have assumed the legal guardianship of children for whom they have cared as a licensed or approved foster parent and for whom they have committed to care for on a permanent basis. This policy also applies to children in out-of-state placement pursuant to the Interstate Compact on the Placement of Children.

Purpose:

To inform staff and guardians of the basic eligibility criteria, the process of applying for SPG and requirements for maintaining the SPG payments.

Procedures:

A. Eligibility Criteria for Title IV-E and State Funded Subsidized Permanent Guardianship

In order for DCS custodial children to be determined eligible for Title IV-E or State funded Subsidized Permanent Guardianship (SPG), they must meet the following program eligibility requirements.

1. The child is in the custody or guardianship of DCS at the time of guardianship proceedings.
2. The child has a goal of Permanent Guardianship where reunification and adoption have been ruled out as appropriate permanency options. Specific reasons regarding why reunification and adoption are deemed inappropriate must be documented in the Electronic Case Record and/or Child and Family Team Meeting (CFTM) notes.
3. The child demonstrates a strong attachment to the prospective guardian. A strong attachment is defined as a relationship that exists between the potential guardian and the child or family, preferably, but is not required to have been established, prior to the current DCS foster care episode. A description of the child or family's pre-existing relationship with the prospective guardian, is documented in the Electronic Case Record and/or CFTM notes.
4. The prospective guardian demonstrates a strong commitment to the child by agreeing to care for him/her on a permanent basis. Confirmation of the prospective guardian's commitment to caring for the child, permanently, is documented in the Electronic Case Record and/or CFTM notes.
5. A child, twelve (12) years of age or older, must be consulted regarding the SPG arrangement.
   - **a)** A Guardian Ad Litem, mental health professional, Family Service Worker, DCS Permanency Specialist, or Contract Provider representative, if applicable, may provide the counseling/consultation to the youth regarding permanent guardianship and its impact on the youth's life.
   - **b)** Youth age twelve (12) or older **must** be present in the CFTM **and** confirm that they were consulted and were allowed to express their views about permanent guardianship **unless** they could not due to mental or physical conditions that prevent their involvement or it has been determined that it would not be in the youth's best interest due to other factors or circumstances that would be detrimental to the youth's well-being.
6. Discussion regarding possible eligibility for SPG **must** be held within the context of a CFTM. This discussion can be held in a single CFTM or multiple CFTM meetings. All the SPG eligibility criteria must be documented in the Electronic Case Record

subsidy record, CFTM notes, and/or the Electronic Case Record. Refer to ***Work Aid-Subsidized Permanent Guardianship*** for further information.

B. Eligibility Criteria for Title IV-E SPG Assistance

To be eligible for Title IV-E Subsidized Permanent Guardianship, the child must meet all the program eligibility requirements listed in Section A of this policy; and the following IV-E criteria listed below:

1. The removal court order must include a judicial determination that continuation in the home would be contrary to the welfare of the child or the child is placed in DCS custody pursuant to a Voluntary Placement Agreement;
2. The child has resided with a licensed or approved kinship foster parent for at least six (6) consecutive months for Title IV-E. Refer to DCS Policy ***16.4, Foster Home Selection and Approval***, for more information.
3. The child must be eligible for Title IV-E Foster Care Maintenance payments for a consecutive six-month period during which the child resided with the prospective guardian that was licensed or approved as meeting all of the requirement for a foster home. Refer to DCS Policy ***16.36, Title IV-E Foster Care Funds***.

Note: A month may be counted in the six (6) consecutive month period if the child met all of the Title IV-E foster care maintenance payment eligibility criteria for at least one (1) day of that particular month while in the prospective guardian's home, and is therefore eligible for Title IV-E foster care maintenance payments for at least a portion of that month.

4. If a child is eligible for Title IV-E funded Subsidized Permanent Guardianship assistance but has a sibling who is not eligible, the Title IV-E funded SPG assistance may be paid on behalf of each sibling, if the following is true:
   - **a)** The Title IV-E eligible child and any of his or her siblings are placed in the same SPG arrangement;
   - **b)** DCS and the prospective guardian agree that the arrangement is appropriate and in the best interest of the sibling(s); and
   - **c)** The Title IV-E eligible child and his or her siblings are exiting DCS custody within the same federal fiscal year.

   Note: Eligibility for Title IV-E SPG assistance is determined within the state's th Electronic Case Record or by utilizing form ***CS-0917, Certification of Eligibility for Subsidized Permanent Guardianship*** if Electronic Case Record is not available.

C. Eligibility Criteria for State Funded SPG Assistance

1. To be eligible for **State funded** Subsidized Permanent Guardianship Assistance, the child must meet all of the program eligibility requirements listed in Section A of this policy;
2. Meet all of the eligibility criteria for **State funded** Foster Care maintenance payments for a six-month consecutive period during which the child resided with the prospective guardian that was licensed or approved as meeting all of the requirements for a foster home. Refer to DCS Policy ***16.4, Foster Home Selection and Approval*** for more information.
3. Eligibility for State funded SPG assistance is determined within the state's the Electronic Case Record or by utilizing form ***CS-0917, Certification of Eligibility for Subsidized Permanent Guardianship*** if the Electronic Case Record is not available.

Note: A month may be counted in the six (6) consecutive month period if the child met all of the State-Funded foster care maintenance payment eligibility criteria for at least one(1) day of that particular month while in the prospective guardian's home, and is therefore eligible for State-Funded foster care maintenance payments for at least a portion of that month.

D. Explanation of Benefits and Services

Prior to the prospective guardian applying for SPG assistance, the DCS Permanency Specialist/FSW ensures the prospective guardian is provided with the information listed below:

1. Relative and kin caregivers must be given an explanation of all legal permanency options and available services. Refer to DCS Policy ***16.59, Disclosure of Permanency Options and Available Services for Relatives and Kin Caregivers*** and ***Guide to Full Disclosure of Permanency Options.***
2. Information regarding the child's eligibility for Title IV-E or State funded SPG assistance is provided to the prospective guardianship family. This information includes the availability of post guardianship supports and services once the child exits foster care, as well as services and benefits included in the SPG agreement.
3. Information relative to how long the child can remain eligible for SPG should be emphasized when reviewing the content of the SPG agreement with the family. SPG payments will continue until the youth attains the age of eighteen (18), nineteen (19), or twenty (20), based on the continued eligibility qualifications outlined in the SPG agreement.
4. Youth, age sixteen (16) or older, who exit foster care to Subsidized Permanent Guardianship are eligible for Independent Living Services, regardless if their SPG agreement is funded through Title IV-E or State.

5. In the event that the Guardian dies or becomes incapacitated, the SPG subsidy can be transferred to the Successor Guardian, named in the SPG agreement, after the following is completed.
    - The Successor Guardian has been vetted by background checks, and a home study has been completed in accordance with DCS Policy ***16.20 Expedited Custodial Placements.***
    - A court order has been obtained identifying the Successor Guardian as the child's legal guardian;
6. Children and youth determined eligible for Title IV-E or State-Funded SPG may be eligible for TennCare (Medicaid Benefits);
    - Title IV-E eligible children are categorically eligible for TennCare benefits
    - If the child is determined eligible for State funded SPG, he/she may qualify for TennCare benefits based on the current Medicaid eligibility rules.
7. If the guardian elects not to cover the child under an available group family plan, TennCare is the only available payment option for medically necessary expenses.
8. SPG will not pay medical, psychological, psychiatric, dental, hospitalization, residential treatment services, or for medical equipment for a child who is eligible for private insurance or TennCare/Medicaid. In cases where such services are paid, the amount is based on the TennCare rate for that service.

E. Application for Subsidized Permanent Guardianship

1. The DCS Permanency Specialist/FSW ensures the prospective guardian is informed of any known medical, psychological/psychiatric, and educational information concerning the child.
2. If the prospective guardian decides to move forward in obtaining permanent guardianship, the DCS Permanency Specialist or Contract Provider representative, if applicable, assists the prospective guardian with making an application for the SPG program.
3. If the prospective guardian decides to move forward in obtaining permanent guardianship, the DCS Permanency Specialist or Contract Provider representative, if applicable, assists the prospective guardian with making an application for the SPG program.
4. Prospective guardians who wish to apply for any service available under the SPG program must complete form ***CS-4201, Application for Subsidized Permanent Guardianship.***
5. The child's eligibility for SPG assistance is determined in the Electronic Case Record and documented on form ***CS-4199, Subsidized Permanent Guardianship Eligibility*** prior to the permanent guardianship exit date.

6. The DCS Permanency Specialist/FSW, or Contract Provider representative, if applicable, obtains the signature of the prospective permanent guardian.

F. Subsidized Permanent Guardianship Agreement

1. When the prospective guardian has given the Permanency Specialist a completed form ***CS-4201, Application for Subsidized Permanent Guardianship*** and signed form ***CS-4199, Subsidized Permanent Guardianship Eligibility***, the Permanency Specialist will prepare form ***CS0721, Subsidized Permanent Guardianship Agreement***.
2. The Subsidized Permanent Guardianship Agreement must be reviewed and approved by all parties to the agreement (namely the permanent guardian and the DCS representative or Contract Provider representative, if applicable) and the family's attorney if one has been retained.
3. The Subsidized Permanent Guardianship Agreement must be entered into with the prospective guardians prior to the transfer of permanent guardianship.
4. The SPG Agreement specifies the following:
    - The amount of and manner in which the SPG assistance payment is provided to the guardian;
    - The manner in which the payment may be periodically adjusted based on the circumstances of the guardian and the needs of the child;
    - Additional services and assistance for which the child or guardian may be eligible under the SPG agreement;
    - The procedure by which the relative guardian may apply for additional services; and
    - The name of the Successor Guardian in the event the permanent guardian becomes incapacitated or in the event of the guardian's death. If one has not been named by the permanent guardian at the time the original agreement is entered into with the agency, the agreement may be amended to name a Successor Guardian to ensure the continuation of the SPG payment to the Successor;
    - The agreement remains in effect without regard to the state of residency of the guardian as long as guardianship and the SPG agreement remains in effect; and
    - The agency pays the total cost of non-recurring expenses associated with obtaining legal guardianship of the child to the extent the total cost does not exceed $2,000.00.
5. In addition to the information in Section D, #2 of this policy, the DCS Permanency Specialist ensures the prospective guardian is provided with original copies of the

child's birth certificate, social security card, and educational passport, if available, prior to the child exiting DCS custody to permanent guardianship.

6. If the prospective guardian decides not to pursue permanent guardianship, the child's medical, psychological, birth, and educational information is returned to the DCS Permanency Specialist or Family Service Worker.

G. Requirements for Payment and Services

1. Payments and/or services included in the SPG agreement are based on the conditions supported by the accompanying documentation.
2. A statement from the child's licensed provider, board certified Applied Behavior Analyst (ABA) provider, or TEIS provider is obtained documenting that treatment is medically necessary when requesting a Special or Extraordinary rate.
3. When the child is ineligible for private insurance, and TennCare (Medicaid), the TennCare (Medicaid) rate is the maximum rate paid for services.
4. If the state does not have a contract with the provider, the maximum payment for the service is the TennCare (Medicaid) rate for that service.

H. Payments and Services Not Included in Subsidized Permanent Guardianship

The following items or services cannot be considered in determining the SPG rate if a Special or Extraordinary rate is being requested: School Tuition and/or tutoring;

- Summer Camp or Day Care;
- Riding Therapy, Dance or Gymnastics;
- Computers and/or Computer Software;
  - (Exceptions may made be made for severely handicapped children by the Director of Adoptions and Adoption Support).
- Dentistry or Orthodontia;
  - (Exceptions may be made for documented cases of medical necessity by the Director of Adoptions and Adoption Support).
- Vehicles to transport children;
- Major Home Renovations (i.e., fences, pools, extra rooms, or accessibility modifications); or
- Routine medical expenses (i.e., over the counter medications, doctor visits, or hospitalizations unrelated to the child's documented special needs).

I. Subsidized Permanent Guardianship Rates

1. SPG payments are made monthly based on a daily subsidy amount for the previous month's care.

2. SPG assistance payments made on behalf of a child will not exceed the foster care maintenance payment that would have been paid on behalf of the child if the child had remained in a DCS foster home.
3. The SPG Rates are categorized in three levels:
   a) **The Regular Subsidized Permanent Guardianship Rate:**
      - The regular rate is available to any child who meets the criteria outlined in Section A of this policy.
      - If during the negotiation process, it is determined that the child's needs cannot be met at a regular guardianship assistance rate, the DCS Permanency Specialist or Contract Provider representative, if applicable, will work with the prospective guardian in gathering documentation from the child's licensed provider(s), board-certified ABA provider, or TEIS provider who is responsible for their treatment and care to support a higher (Special Circumstances or Extraordinary) rate, based on the needs of the child.

   b) **The Special Circumstance Subsidized Permanent Guardianship Rates** are designed for children who meet all of the following conditions:
      - Have unique needs due to a diagnosed medical or mental health condition that substantially limits one or more of the following major life activities: walking, speaking, breathing, working, learning, performance of manual tasks, hearing, self-care, social skills, vision, and interpersonal relationships; and
      - Who require a level of supervision exceeding that of his/her peers; and
      - Who require extra care due to a physical, emotional, or mental disability.

   c) **Extraordinary Subsidized Permanent Guardianship rates** are reserved for children whose needs are so unique and extensive that they cannot be met at the regular or special circumstance rate. To be approved for an Extraordinary SPG rate, the child must meet each of the three Special Circumstances rate criteria, and the requirements established in form ***CS-0674, Special or Extraordinary Rate Request*** and in the Electronic Case Record Special Circumstances or Extraordinary Rate Request (Spec/Extra Rate Request). Extraordinary rates are determined on a case-by-case basis, but do not exceed sixty ($60.00) per day.

   d) The current Subsidized Permanent Guardianship daily rates can be found on the DCS website. ***https://www.tn.gov/dcs/program-areas/foster-care-and-adoption/current.html.***
4. Each rate is negotiated based on the age of the child and a review of the child's documented level of need, and is not linked to the means of the foster family. The initial SPG rate may not exceed the amount of a child's final or most recent DCS foster home board rate payment.

- When negotiating Guardianship rates for those children who are in Contract Provider homes, the DCS rate structure should be used.

5. Any approved SPG rate is paid according to the terms outlined in form ***CS0721, Subsidized Permanent Guardianship Agreement***. Payment may be modified at the periodic renewal or review due to changes in policy or significant changes in the child's circumstances.

J. Requesting a Special or Extraordinary Rate for Subsidized Permanent Guardianship

1. If during the negotiation process, it is determined that the child's needs cannot be met at a regular guardianship assistance rate, the DCS Permanency Specialist or Contract Provider representative, if applicable, will work with the prospective guardian in gathering documentation to support a higher (Special Circumstances or Extraordinary) rate, based on the needs of the child.
2. Acceptable forms of documentation can include any of the following, signed by the licensed provider, board certified ABA provider, or TEIS provider responsible for the child's care and treatment.
   - ***CS-0934, Special Needs Justification***; (preferred)
   - Psychological/Psychiatric Evaluations;
   - Psycho-educational Evaluation;
   - Individual Education Plan (IEP) or 504 Plan;
   - TEIS Individualized Family Service Plan; and/or
   - Medical records.
3. The DCS Permanency Specialist submits the Special Circumstances or Extraordinary Rate Request (Spec/Extra Rate Request) and the Subsidy Record to the Central Office Subsidy Unit for review and approval in Electronic Case Record. The supporting documentation must be uploaded to Electronic Case Record and linked to the Subsidy Record.
4. If the child is residing in an agency foster home, the contract provider representative submits DCS form ***CS-0674, Special or Extraordinary Rate Request*** and supporting documentation to the DCS Permanency Specialist. The DCS Permanency Specialist then submits the Special Circumstances or Extraordinary Rate Request (Spec/Extra Rate Request) and the Subsidy Record to the Central Office Subsidy Unit for review and approval in the Electronic Case Record.
5. The Central Office Subsidy Unit reviews the request and documentation within five (5) business days from the receipt of the request to determine if the documentation justifies the requested rate. If the documentation supports the requested rate, the Central Office Subsidy Unit approves the rate request and Subsidy Record in Electronic Case Record.

6. An approval of a Special or Extraordinary Foster Home Board Rate does not guarantee approval of a Special or Extraordinary SPG rate. Only after a review of the current documentation presented with the Special Circumstances or Extraordinary Rate Request will it be possible to determine the appropriate SPG rate.
7. If the documentation does not justify the rate, the Central Office Subsidy Unit consults with the DCS Permanency Specialist to determine if additional documentation should be obtained to support the initial request; or if further negotiations are needed with the prospective guardian(s).
8. A permanent guardian may request re-negotiation of the SPG rate at any point after the initial approval if the child's needs have changed. When the guardian requests an increase in the SPG rate, he/she is informed that current documentation from a licensed provider, board-certified ABA provider, or TEIS provider is required.
9. Subsidized Permanent Guardianship may be revised at any point after approval when there is a change in circumstances. A revision to the subsidized permanent guardianship agreement can be initiated by DCS or at the request of the guardian. All revisions to the subsidized permanent guardianship agreement require supporting documentation.

K. Non-Recurring Subsidized Permanent Guardianship Assistance

Non-recurring expenses are one-time expenses that are directly related to the transfer of guardianship of a child. Funding for non-recurring expenses related to obtaining legal guardianship is available to any child who meets the eligibility criteria outlined in Section A of this policy and cannot exceed $2,000.00 per child for each guardianship arrangement.

L. Eligibility for Voluntary PostCustody Services as Provided by DCS

For information on eligibility for Voluntary Post Custody Services, refer to DCS Policy ***16.53, Eligibility for Independent Living Services.***

M. Subsidized Permanent Guardianship Revisions or Renewal/ Renegotiations

1. Guardians who receive SPG subsidies have an obligation to inform DCS (Central Office Subsidy Unit) of circumstances, which might impact changes in their subsidy payments.
2. Renewal/renegotiation of the SPG agreement is required periodically for State funded agreements to confirm that the guardian continues to provide any support to the child for SPG payments to continue. The guardian will return a completed

form ***CS-0721, Subsidized Permanent Guardianship Agreement***, within the periods outlined on form ***CS-0721, Subsidized Permanent Guardianship Agreement***.

3. Guardians may request revisions at any time that there is a **significant** change in the child's circumstances to include providing DCS (Central Office Subsidy Unit) with the required documentation to support their request.
4. For all children who are approved for a Special or Extraordinary SPG rate, the guardian will request the licensed provider, board-certified ABA provider, or TEIS provider who is responsible for the child's treatment and care to complete form ***CS-0934, Special Needs Justification***, as well as any documentation received from the provider. This documentation will verify the following:
    - Current diagnosis, prognosis, and summary of treatment services for the previous year; and
    - An estimated summary of services, which is necessary to meet the continued special or exceptionally uncommon needs of the child.
5. At the time of renewal (for State Funded agreements), if the supporting documentation shows that the child's condition has improved, the state will work with the guardian to renegotiate the subsidy agreement to the age appropriate SPG rate.
6. The SPG payments granted at the time of renewal will reflect the child's current, documented level of need based on the supporting documentation that is submitted with periodic renewal or review.

N. Subsidized Permanent Guardianship for Review of Eligibility for Youth 18, 19, 20

All SPG agreements must be reviewed and evaluated to determine if the youth will continue to remain eligible for SPG assistance past his/her 18th birthday. This evaluation occurs prior to the youth turning age eighteen (18) and subsequently each year thereafter until the youth reaches the age of nineteen (19), or in some instances, age twenty-one (21). Verification of full-time school attendance, mental or physical disability, or medical incapacities is required annually by the educational institution or a medical professional, as applicable, based on the SPG continued eligibility qualifications listed below.

1. Title IV-E children who are the subject matter of an initial SPG agreement at age 16 or older on or after January 1, 2023, are eligible for guardianship assistance payments until the child is age twenty-one (21) under the following conditions:
    - If he/she is a full-time high school student;
    - In an approved secondary program leading to an equivalent credential;
    - Is enrolled in an institution which provides post-secondary or vocational education;

- Is determined incapable of employment/attending school due to a documented medical condition;
- Has a documented mental or physical disability, which warrants continuation as determined through the Review of Eligibility in Electronic Case Record;
- Is employed at least eighty (80) hours per month;
- Is participating in a program or activity designed to promote or remove barriers to employment; or
- Is incapable of doing any educational or employment activities due to a medical condition.

2. Title IV-E children who are the subject matter of an initial SPG agreement at age sixteen (16) or older on or after October 1, 2010, are eligible for guardianship assistance payments until the child is age twenty-one (21) under the following conditions:

- If he/she is a full-time high school student;
- In an approved secondary program leading to an equivalent credential;
- Is enrolled in an institution which provides post-secondary or vocational education;
- Is determined incapable of employment/attending school due to a documented medical condition; or
- Has a documented mental or physical disability, which warrants continuation as determined through the Review of Eligibility in Electronic Case Record.

3. All Title IV-E children who were the subject of an initial SPG Agreement entered into on or after December 1, 2006, can remain eligible until the youth is age twenty-one (21), if the youth has a documented mental or physical disability, which warrants continuation; the child/youth's age, when the agreement is made effective, is irrelevant in this circumstance and is not considered when determining continued eligibility for SPG.

4. State funded children, who were the subject of an initial SPG Agreement between December 1, 2006, and September 30, 2010, will remain eligible beyond the age of eighteen (18) up until the child graduates from high school or turns nineteen (19) years old, whichever occurs first.

5. State funded children, who were age sixteen (16) years of age or older when their initial SPG Agreement went into effect on or after October 1, 2010, will remain eligible beyond the age of eighteen (18) up until the child graduates from high school or turns nineteen (19) years old, whichever comes first.

6. State funded children, who were under the age of sixteen (16) years when their initial SPG Agreement went into effect on or after October 1, 2010, are no longer eligible for the SPG payment once they reach the age of eighteen (18).

7. During the evaluation period, if it is determined that the youth does not meet any of the conditions for continued eligibility or continued eligibility at the same rate, the

Central Office Subsidy Unit will work with the guardian to modify or terminate the SPG agreement, as appropriate.

8. Verification of school attendance, employment, or medical incapacities is required annually. School attendance or medical incapacity will be verified and documented annually by the educational institution or a medical professional.

O. Transfer of SPG Subsidy Payments to a Successor Guardian

1. The SPG subsidy payment can transfer to the Successor Guardian identified in the ***CS-0721, Subsidized Permanent Guardianship Agreement***, and can occur if the guardian becomes incapacitated or dies, without a new determination of eligibility.
2. The Successor Guardian will need to provide legal evidence to the Department that the child is now in the caretakers' guardianship.
3. After making the Department aware of their legal responsibility of the child, the Department will complete background checks and a home study on the Successor Guardian caregivers identified in the Guardianship Order, in accordance with DCS Policy ***16.20 Expedited Custodial Placements***.
4. If the results of the background checks and home study are determined to be satisfactory and do not present safety concerns for the child, the Successor Guardian is entitled to all payments for eligible children in their care, after completing a ***CS-0721, Subsidized Permanent Guardianship Agreement***, The new Successor Guardian will be responsible for any future renewals, reports of changes in circumstances and requests for revisions to the SPG Agreement as outlined in this policy.
5. In the instances where a Successor Guardian is not identified in the Initial SPG Agreement, the guardian can add a Successor in an amended revision or renewal agreement.

P. Termination of Subsidized Permanent Guardianship Agreements

An approved SPG subsidy will terminate if any one of the following circumstances occur:

- Upon the permanent guardian(s) request;
- DCS determines that the permanent guardian(s)' legal responsibility to the child ended;
- DCS determines that the child is no longer receiving financial support from the permanent guardian(s);

Note: If a child receives SPG and enters state custody, the agreement is suspended until such time that the child is reunified with the permanent

guardian (Refer to Protocol for Adoption Assistance/Subsidized Permanent Guardianship When Children Re-enter State Custody or Placed in Out of Home Care).

- Upon the conclusion of the terms of the SPG Agreement;
- DCS determines that the family fails to complete the renewal renegotiation process within the time frames outlined in the SPG Agreement (for State funded agreements only);
- If the guardian becomes incapacitated or dies;
- If the child marries;
- If the child enlists in military service;
- If the child dies;
- If the child is approved for and begins receiving benefits from the Extension of Foster Care (EFC) program;
- If the child is approved for and begins receiving benefits from the Relative Caregiver Program (RCP);
- If the child no longer meets the continuing eligibility criteria used to continue the SPG beyond the eighteenth (18) birthday (See Section N, Subsidized Permanent Guardianship for Review of Eligibility for Youth eighteen (18), nineteen (19), twenty (20); or
- If the Department determines that a child was made eligible for the SPG program in error. DCS reserves the right to terminate the SPG agreement due to error or oversight concerning the determination of eligibility for the SPG program.

Q. Appeals

Permanent Guardian(s) may appeal the Department's decision to deny, terminate, or change their child's SPG in accordance with rules and procedures of the State's fair hearing and appeal process. Permanent Guardian(s) must appeal an adverse decision within ten (10) business days of written notice of the adverse action. SPG may continue pending the determination of an appeal, but payments are suspended for appeals filed for circumstances identified in Section P above. Families who receive a favorable ruling in their hearing would be entitled to assistance that had been suspended. If adverse action is upheld during an appeal, payments continued during the appeal period are considered an overpayment and are subject to recovery. The following are the steps of the appeals process:

1. If DCS determines that SPG will be denied, terminated, or changed, the Permanency or Subsidy Specialist notifies the guardianship family immediately, in writing, utilizing form ***CS-0720, Notice of Denial Termination, or Change in Subsidized***

Permanent Guardianship. Form ***CS-0403, Appeal for Fair Hearing***, is given to the guardian(s) at the same time form ***CS-0720, Notice of Denial, Termination, or Change in Subsidized Permanent Guardianship***, is given.

2. Form, ***CS-0720, Notice of Denial, Termination, or Change in Subsidized Permanent Guardianship***, is dated with the same date it is mailed or, if hand delivered, the date it is hand delivered to the family.
3. The Administrative Procedures Division is also sent a copy of all notification documents that were provided to the family.
4. The family is informed about the timeframe in which they have to file an appeal. They are provided with the fax number and the mailing address to send form ***CS-0403, Appeal for Fair Hearing.***
5. The Administrative Procedures Division notifies the appropriate Central Office Subsidy Staff if an appeal of SPG is received. Once notified by the Administrative Procedures Division, the Central Office Subsidy Unit ensures the due process protocol is followed.
6. The Central Office Subsidy Unit completes an appeal summary as directed by the Administrative Procedures Division.
7. Additional information may be accessed by contacting the TN DCS Administrative Procedures Division at:

Plaza Tower – Metro Center
200 Athens Way, 2nd Floor, Suite B
Nashville, TN 37243
Phone: 615-741-1110
FAX: 615-741-4518

R. Records Management

Complete information about a child's/youth's eligibility for, including requests, agreements, revisions, renewals and closures are maintained in a SPG case file. Refer to ***Work Aid: Subsidized Permanent Guardianship.***

S. Notification of Change

Subsidized Guardians will notify the Central Office Subsidy Unit of any changes in circumstances as soon as possible. Changes in circumstances may include the following:

a) The child is no longer the legal responsibility of the guardian;
b) The guardian is no longer financially supporting the child;
c) There is a change of residential address or mailing address of the guardian or the child;

d) The child marries;

e) The custodial status of the child changes (Refer to ***Protocol for Adoption Assistance/Subsidized Permanent Guardianship When Children Reenter State Custody or Placed in Out of Home Care);***

f) The child dies;

g) The child becomes an emancipated minor;

h) The child enlists in the military;

i) The child is approved for and begins receiving benefits from the Extension of Foster Care (EFC) program;

j) The child is approved for and begins receiving benefits from the Relative Caregiver Program (RCP);

k) The guardians are made payees of SSA or VA benefits on behalf of the child as well as any changes in benefits;

l) There is a change in the child's treatment needs that would warrant an increase or decrease to the SPG payment;

m) When a State funded child/youth who exited to the SPG program prior to October 1, 2010 graduates from high school or the youth's nineteenth (19th) birthday, whichever occurs first;

n) When a Title IV-E funded child/youth, who is the subject of an initial SPG Agreement which went in effect on or after December 1, 2006, turns age twenty-one (21) or if the child ceases to have a documented mental or physical disability, which warrants continuation as determined through the Review of Eligibility in the Electronic Case Record;

o) When a Title IV-E child/youth that was age sixteen (16) or older when their initial SPG Agreement went in effect on or after October 1, 2010:

- Completes high school or an approved secondary educational program, or turns age twenty-one (21), whichever comes first; or
- Graduates from an institution which provides post-secondary or vocational education or turns age twenty-one (21), whichever comes first; or
- Becomes capable of employment or attending school that has previously been identified as incapable by a medical professional or turns age twenty-one (21), whichever comes first; or
- Ceases to have a documented mental or physical disability, which warrants continuation as determined through the Review of Eligibility in the Electronic Case Record or turns age twenty-one (21), whichever comes first;

p) When a Title IV-E youth who was age sixteen (16) or older when their initial SPG Agreement went into effect on or after January 1, 2023, and no longer meets the SPG continued eligibility for youth 18 and older (See Section N, Subsidized Permanent Guardianship for Review of Eligibility for Youth eighteen (18), nineteen (19), or twenty (20).

q) When a State funded child/youth, who was under the age of sixteen (16) when their initial SPG Agreement went into effect on or after October 1, 2010, reaches the age of eighteen (18).

r) When a State-funded child/youth that was age sixteen (16) or older when their initial SPG Agreement went into effect on or after October 1, 2010, graduates from high school, and the youth is at least eighteen (18) years old, or age), nineteen (19), whichever event occurs first.

Forms:

CS-0403, Appeal for Fair Hearing

CS-0674, Special or Extraordinary Rate Request

CS-0719, Intent to Obtain Subsidized Permanent Guardianship Placement Agreement

CS-0720, Notice of Denial, Termination, or Change in Subsidized Permanent Guardianship (SPG)

CS-0721, Subsidized Permanent Guardianship Agreement

CS-4238, Subsidized Permanent Guardianship Agreement Title IV-E (Effective on or after January 1, 2023 for Youth 16 or older)

CS-4239, Verification of Employment or Employment Readiness Training (AA/SPG ROE)

CS-0917, Certification of Eligibility for Subsidized Permanent Guardianship (internal program use only)

CS-0934, Special Needs Justification

CS-4199, Subsidized Permanent Guardianship Eligibility

CS-4201, Application for Subsidized Permanent Guardianship

Collateral Documents:

Documentation to support the Subsidized Permanent Guardianship Agreement

Protocol for Adoption Assistance/Subsidized Permanent Guardianship When Children Re-enter State Custody or Placed or In Out of Home Care

Protocol For Subsidized Permanent Guardianship Case File Contents

Criteria For Authorizing TennCare

The Interstate ICPC on the Placement of Children Procedures Manual

Protocol for Court Exit of Child to Permanent Guardianship

Subsidy Manual for Adoption Assistance and Subsidized Permanent Guardianship

Work Aid-Subsidized Permanent Guardianship