



Tennessee Department of Children’s Services

Work Aid- Subsidized Permanent Guardianship
Supplemental to DCS Policy 15.15

Discussion of possible eligibility for Subsidized Permanent Guardianship (SPG) **must** be held within the context of a Child and Family Team Meeting (CFTM). This discussion can be held in a single CFTM or multiple CFTM meetings. The appropriateness of the sole or concurrent permanency goal of Permanent Guardianship and determination of eligibility for guardianship subsidy are the two main issues of discussion. All the SPG eligibility criteria must be documented in TFACTS.

Requests for SPG approval cannot be evaluated without the documentation of Child and Family Team Meeting(s).

| SPG Eligibility Criteria | Documentation |
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| The child must be in custody via a voluntary placement agreement, or judicial determination, or a voluntary surrender. | Consult with Child Welfare Benefits to ensure there is a valid voluntary placement agreement, voluntary surrender, or a removal court order with a judicial determination that led to the child’s removal from his/her home and resulted in the child’s custody being transferred to the Department of Children’s Services, specific to the current custodial episode. |
| <p>The prospective guardian foster home must be fully approved</p> <p style="text-align: center;">AND</p> <p>The child must be placed in the prospective guardian’s fully approved foster home for six consecutive months.</p> | <p>A. Discuss and document the foster home approval status of the prospective-guardian’s home; Foster Parent Support workers can provide verification.</p> <p>B. Discuss and document the length of time the child has been placed in the fully approved foster home. Do not include expedited custodial placement.</p> <p>C. If there have been any breaks or disruptions in placement in the prospective guardian’s home discuss those as well.</p> <p>D. Discuss the earliest date possible for the child to exit foster care via Subsidized Permanent Guardianship.</p> |

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| <p>Reunification and adoption must be ruled out as permanency options for the child.</p> | <p>A. Determination of Appropriateness of Goal: Discuss what efforts have been made to achieve the following goals and how those efforts have not led to permanency for these children/youth and why the goal of Permanent Guardianship is in the child’s best interest.</p> |
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| | <ul style="list-style-type: none"> <input type="checkbox"/> Reunification: Detail the circumstances which led DCS to determine that reunification is inappropriate or highly unlikely. <input type="checkbox"/> Exit Custody to Relatives: Detail the circumstances which led DCS to determine that the kin/ relative foster parent(s) does not wish to take custody. <input type="checkbox"/> Adoption: Detail the circumstances which led DCS to determine that the foster parent(s) do not wish to adopt, or the youth does not wish to be adopted. <p>B. The Permanency Plan goal must be changed to Permanent Guardianship on paper and electronically <u>on or prior to the court exit date in accordance with DCS Policy 16.31, Permanency Planning for Children/Youth in the Department of Children’s Services Custody even if this change is done in a separate CFTM.</u></p> |
| <p>Child must demonstrate a strong attachment to the prospective guardian.</p> | <p>A. Discuss the bond or attachment of the child to the prospective guardian. Strong attachment is defined as “A relationship that existed between the prospective guardian and the child or family, preferably, but is not required to be established, prior to the current DCS foster care episode.”</p> |

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| | B. A description of the child or family’s pre-existing/existing relationship, with the prospective guardian, <u>must be documented in TFACTS case recordings and/or CFTM notes,</u> |
| Prospective guardian has a strong commitment to caring permanently for the children and meets the definition of “guardian” as defined by Policy 15.15 Subsidized Permanent Guardianship . | <p>A. Discuss the commitment of the guardian to the child to the age of majority and into adulthood. Describe their level of understanding of this commitment.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Discuss in detail the kin or relative foster home’s relational or significant connection to the children/youth. For kin the following should be documented: <ul style="list-style-type: none"> <input type="checkbox"/> How did they know each other prior to DCS placement? <ul style="list-style-type: none"> <input type="checkbox"/> How did they maintain a relationship? <input type="checkbox"/> How or Why is the relationship significant? <p>B. Prospective guardians must meet the following definition of “guardian” for the purpose of determining eligibility for subsidy: <u>The legal guardian of a child with whom the child is related to by</u></p> |

| SPG Eligibility Criteria | Documentation |
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| | <u>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.</u> |

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| <p>Children age 12 or older must be consulted regarding the relative guardianship arrangement.</p> | <p>A. Discuss who provided counseling/consultation to a youth age 12 or older about the permanent guardianship arrangement and verified that the counseling/consultation occurred.</p> <p>B. A Guardian Ad Litem, mental health professional, DCS Permanency Specialist/Family Service Worker, Contract Provider representative, or foster parent may provide the counseling/consultation to the youth regarding permanent guardianship and its impact on the youth's life.</p> <p><input type="checkbox"/> Youth 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 was 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.</p> |
| <p>Sibling Placement and Exception for SPG</p> | <p>A. Discuss the child's eligibility for Title IV-E or State Funded SPG.</p> <p>B. Discuss if the child's eligibility, for Title IV-E Subsidized Permanent Guardianship, is solely based on his/her siblings' eligibility for Title IV-E SPG.</p> <p>C. If a child is eligible for Title IV-E funded guardianship assistance but has a sibling who is not eligible, Title IV-E guardianship assistance may be paid on behalf of each sibling, so long as the following is true:</p> <p><input type="checkbox"/> This child and his/her sibling were in the custody or guardianship immediately prior to the initiation of the guardianship proceeding;</p> <p><input type="checkbox"/> DCS and the prospective guardian agree that the SPG arrangement/placement is appropriate and is in the sibling's best interest;</p> <p><input type="checkbox"/> Each sibling has a goal of permanent guardianship, and DCS has determined that reunification and adoption are not appropriate permanency options;</p> |

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| | <ul style="list-style-type: none"> <input type="checkbox"/> Each sibling has resided in the prospective guardian’s home for at least six (6) consecutive months while the foster home was fully approved; and <input type="checkbox"/> Each sibling 12 years of age or older has been consulted regarding their SPG agreement. <p>D. If the child who is being considered for Subsidized Permanent Guardianship is not placed and anticipated to exit custody via SPG with his/her siblings, discuss and document the reason and approval for separation, as well as plans for ongoing or continued contact, post permanency.</p> |
| Determination of Need for Subsidy: | <p>A. Discuss in detail how it was determined that the kin/relative foster home could not care for the child outside of foster care without a subsidy and verified by DCS staff.</p> <p>B. Foster Parent Support workers can provide verification.</p> <p>C. Confirmation of the prospective guardian’s need and request for Subsidized Permanent Guardianship assistance must be documented in the CFTM notes and/or TFACTS case recordings and is documented on form CS-4201, Application for Subsidized Permanent Guardianship.</p> |
| <p>The areas below are not related to determining eligibility for subsidy but should be discussed.</p> | |

- A. Confirmation that the family has been given full disclosure of their legal permanency options;
- B. For youth age 16 or older, the plans for the youth’s transition to adulthood including education, employment, mental health or medical services, etc.;
- C. Visitation must be discussed with birth parents whose rights have not been terminated or any others ordered by the court;
- D. Any court mandates must also be discussed with guardians as well as birth parents (if parental rights have not been terminated) or others ordered by the court;
- E. The court process of exiting to guardianship must be discussed with the child birth family and prospective guardians;
- F. The approval and contract process must be discussed with the child, birth family, and prospective guardians;

| SPG Eligibility Criteria | Documentation |
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- G. Well-being services for the child such as post permanency/aftercare services, medical needs/services, educational needs/services, mental health needs/services and available community resources must be discussed; and
- H. Private insurance, TennCare (Medicaid) eligibility, and access to DHS services should also be discussed.

**** If the child’s team determines the child meets criteria and subsidy is needed, the Subsidized Permanent Guardianship Subsidy Record must be created in TFACTS and submitted to Central Office for review. Central Office will review the SPG subsidy record and TFACTS documentation to make a final determination of eligibility. All CFTMs must also be properly documented in TFACTS.***

SPG Checklist: Please ensure the following questions are discussed in the CFTM and documented in TFACTS:

- What were the circumstances surrounding the child's placement in DCS custody?
- What is the relationship between the child and current prospective permanent guardian?
- How long has the child been placed in the approved prospective permanent guardian's home?
- How is the permanency goal of reunification being ruled out?
- How is the permanency goal of exit custody to relatives being ruled out?
- How is the permanency goal of adoption being ruled out?
- Is the prospective guardian committed to permanently caring for the child?
- If subsidy is needed, how was it determined and verified the prospective guardian could not care for the child without a subsidy?
- What is the post custodial visitation plan between the child and their birth parents?

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Supersedes: 01/22

Supplemental to DCS 15.15, 4/15/15

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- What type of post custodial health care coverage will the child receive?
- If the child is receiving well-being services, what is the plan to maintain services post DCS custody?
- If court mandates are in place, were they discussed with the prospective guardians and birth parents?
- If the child is 12 or older, have they been consulted regarding the guardianship arrangement?
- If this child is 16 or over, what is their plan to transition into adulthood (school, employment, education, health, etc.)?
- If the child's eligibility is solely based on a IV-E funded sibling's eligibility, was the sibling exception discussed?
- Was the SPG approval and contract process discussed?
- Was the court process of exiting to guardianship discussed?
- Has the family been given full disclosure of their legal permanency options?