

Guardianship Purpose



“Child and Family Services supports permanency for children and recognizes that sometimes neither family reunification nor termination of parental rights and adoption best serve the permanency needs of the child.

Child and Family Services offers this permanency option only if other permanency goals, including a return to the parents or adoption, are determined not to be in the child’s best interest.”

Guardianship Services

- Qualifications
- Rights & Responsibilities
- Medical Coverage
- Adoption?
- Funding Options
- Subsidy Agreement
- Financial & Licensing Impacts
- Community Resources



Qualifications



- Child in Child and Family Services custody for 12 months or longer.
- Child in current placement for 6 months or longer.
- Licensed placement in good standing.
- Parties committed to placement as permanent.
- The child and caregiver no longer need services from Child and Family Services.
- Permanent guardianship is in the child's best interest.
- The child cannot safely return home.
- Screening Committee has determined adoption is not in the child's best interest.
 - The child is age 12 years or older.
 - Adoption has been explored; child does not want to be adopted.

Rights\Duties of Legal Custody & Guardianship

- Guardianship involves:
 - The legal assumption of authority for another individual to consent to marriage,
 - To enlist in the armed forces, and to
 - Consent and authorize major medical, surgical, or psychiatric treatment; and to legal custody, if legal custody is not vested in another person, agency, or institution [Utah Code 78-3a-103(n)].
- Legal custody means a relationship embodying the following rights and duties :
 - The right to physical custody of the minor.
 - The right and duty to protect, train, and discipline the minor.
 - The duty to provide the minor with food, clothing, shelter, education, and ordinary medical care.
 - The right to determine where and with whom the minor shall live.
 - The right, in an emergency, to authorize surgery or other extraordinary care [Utah Code Ann. §78-3a-103 (p)].



Residual Parental Rights

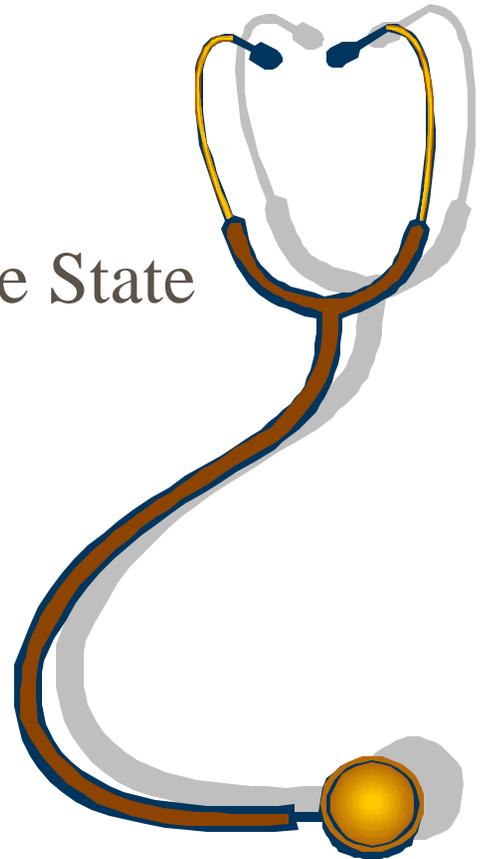
The natural parents' rights remain in effect:

- Responsibility for financial support (child support payments continue).
- Right to consent to adoption.
- Right to determine child's religion.
- Right to reasonable visitation.



Medical Coverage

- Utah Medicaid Card available.
- Mental Health Coverage under Medicaid.
- If the guardian moves out of the State of Utah, loss of Utah Medicaid coverage will result. Interstate Medicaid Eligibility is not guaranteed.





Adoption After Guardianship

- If the guardian decides to adopt the child at a later date the child will lose IV-E status and will not be eligible for federal funding or Medicaid.
- The adoption is considered a private adoption and the guardian is responsible for all costs associated with the adoption. Some examples may include the home study, legal and court fees, etc.
- State-funded adoption assistance is not a guarantee for these cases.



Guardianship Funding Options

Guardianship Subsidies

Relative: Specified Relative Grant

Non-Relative: Guardianship Subsidy



Specified Relative Grant

Dept. Workforce Service's Specified Relative Grant

Who Qualifies:

- Grandfather or grandmother
 - Brother or sister
 - Uncle or aunt
 - First cousin
 - First cousin once removed (a first cousin's child)
 - Nephew or niece
- Brothers and sisters by Legal Adoption
 - Spouses of any relative listed above even if the marriage has been terminated
 - Persons that meet any of the above mentioned relationships by means of a step relationship such as stepbrothers and stepsisters
 - Individuals who can prove that they met one of the above mentioned relationships via a blood relationship even though the legal relationship has been terminated.

Guardianship Subsidy

- Regional Guardianship Subsidy Screening Committee
- Rate Limits
- Financial Evaluation: SSI/SSA
- Guardianship Rates & Payment Process
- Renewal Agreement Timelines
- Inform of Changes
- Agreement Termination



Regional Guardianship Subsidy Screening Committee



- Who? (chairperson, clinical consultant, fiscal rep., family resource consultant, allied agency rep., regional administrator, and adoptive/foster/guardian parent).
- Will determine if child meets criteria for guardianship subsidy.
- Will determine level of need and amount of guardianship subsidy.
- Will coordinate supportive services for guardian.

Limits

- Guardianship subsidies cannot exceed the current foster care payment amount.
- Guardianship subsidies are broken into two levels:
 - Level I: any amount up to the lowest payment for basic foster care rate.
 - Level II: may range from the lowest basic foster care rate to the lowest specialized foster care payment.
- The Guardianship subsidy will not automatically increase with the foster care rates.





Social Security

- SSA payments are not impacted by subsidy payments.
- A guardianship subsidy is not recommended for children receiving SSI payments as the subsidy will result in a reduction or loss of the SSI payment.
- Changes in the child's status must be reported to Social Security Administration if child is receiving an SSI payment.
- The Guardianship Subsidy will be adjusted if the child receives other sources of funding (i.e.; SSI/SSA).

Guardianship Rates & Payment

- The Guardianship Subsidy amount will be based on the child's level of need.
- The guardian can submit requests to review level of need and subsidy amount.
- The guardian will receive monthly payments automatically each month by check or EFT.



Renewal & Certifications



- The guardianship agreement will be renewed every three years with yearly reviews.
- The Screening Committee will review the contracts.
- New agreements will need to be signed and returned before payments can proceed.

Changes

- The guardian shall inform Child and Family Services of the following changes:
 - When circumstances change and the guardian no longer requires a subsidy.
 - Change of address.
 - When planning to move out of state.





Subsidy Agreement Termination

- Upon the conclusion of the agreement terms.
- Upon guardian request.
- When child reaches age 18 years.
- Upon death of the child.
- Upon death of the guardian.
- Cessation of guardian's legal responsibility for child.
- Agency determines child is no longer receiving financial support from guardian.
- The guardian fails to renew the agreement within 5 working days of renewal date.
- Child no longer in the home (detention, run away...)

Financial & Licensing Impacts



- Child counts as dependent for tax purposes.
- The Guardianship Subsidy is not taxable income.
- Guardianship children do not occupy a foster care slot in a foster care home.

Community Resources

- The guardian can request services through local Child and Family Services office.
- Possible Services include: mental health, youth advocates, parent training, support groups, peer parent, and supplemental funding.

