

EXCERPTS, Policy VIII-L: Subsidized Guardianship-EXCERPT

POLICY VIII-L: SUBSIDIZED GUARDIANSHIP

021/20132

ANNUAL PROGRESS REPORT and REVIEW of SUBSIDIZED GUARDIANSHIP AGREEMENT

An annual progress report and review of the subsidized guardianship agreement are required annually in order for the subsidized guardianship and subsidized guardianship payments of any amount or payment rate to continue. The progress report and review shall be conducted by the Division of Family Services (DCFS) Permanency Specialist or designee while the Office of Chief Counsel shall file the annual progress report with the court. An accounting of the guardianship subsidy is not required. Documentation of continued eligibility is required for the review. The subsidized guardianship payments granted at the time of review will reflect the child's current, documented level of need.

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PROCEDURE VIII-L1: Initial Subsidized Guardianship Program Determination

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If a goal of a guardianship with a relative has been determined to be in the child's best interest, the FSW will:

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- A. Gather and review all relevant documentation to determine the child's eligibility for the Subsidized Guardianship Program.
- B. Complete CFS-435-A: Subsidized Guardianship Program Application and Checklist with the child (if age appropriate), prospective relative guardians, and child's biological parents (if appropriate) to make the initial determination that the child and prospective relative guardians meet all subsidized guardianship eligibility requirements.
- C. Submit the completed CFS-435-A to the FSW Supervisor for review and approval and attach the following to complete the referral packet:
 - 1) Case history memorandum
 - 2) CFS-404: Medical Report
 - 3) CFS-446: In Home Consultation Visit Report
 - 4) CFS-475-A: Initial Checklist for Foster/Adoptive Home Assessment
 - 5) Final SAFE Home Study Report or Update, as applicable
 - 6) Case Plan (updated to reflect guardianship goal and other required program information; see Case Plan Requirements for Subsidized Guardianship in policy section above)
 - 7) Court Orders (documenting reasonable efforts ruling out reunification and adoption)
 - 8) Court Reports (file marked)
 - 9) CHRIS Notes relevant to the subsidized guardianship referral (e.g., visitations, staffing, home visits; adoption specialist involvement and/or services)
 - 10) Notarized statement from relative verifying discussion of all permanency options available and understanding of those options as well as decision to elect guardianship and apply for a subsidy
 - C-11) Any other documentation that would be important to the child's case (education records, DDS, SSI, SSA, medical passport, child consent form, therapist or counseling reports).
- D. If the FSW Supervisor
 - 1) Denies moving forward with the subsidized guardianship arrangement, proceed to Procedure VIII-L2: Denial of Subsidized Guardianship Arrangement.
 - 2) Approves moving forward with the subsidized guardianship arrangement:
 - a) Update the child's case plan in CHRIS to describe the ways in which the child meets the eligibility requirements for a subsidized guardianship arrangement to include:
 - i. steps the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;
 - ii. reasons for any separation of siblings during placement; the efforts made to place currently separated siblings together, the efforts made to provide frequent visitation or

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- other ongoing interaction between siblings not placed together; and efforts to reunify separated siblings in the same home;
- iii. reasons why a permanent placement with an appropriate and willing relative through a Subsidized Guardianship arrangement is in the child's best interest;
- iv. efforts that the Division has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of those reasons;
- v. efforts made by the Division to discuss with the child's parent(s) subsidized guardianship arrangement, or the reasons why the efforts were not made;
- vi. process in place to allow for a successor guardian in the event that the relative guardian of the child dies or is no longer able to care for the child;
- vii. any appropriate transitional youth services for those youth who exit foster care at or after the age of 16; and,
- b) Notify the child's biological parents (if appropriate), attorney ad litem, OCC representative, parent counsel (if applicable), and DCFS Permanency Specialist or designee that the child and prospective relative guardians would like to proceed with the subsidized guardianship arrangement.
- c) Provide the DCFS Permanency Specialist or designee with all pertinent documentation including:
 - i. Copy of CFS-435-A: Subsidized Guardianship Program Application and Checklist
 - ii. Copy of CFS-404: General Medical Report for each relative guardian and all appropriate household members
 - iii. Copy of prospective relative guardian's CFS-446: In Home Consultation Visit Report
 - iv. Copy of prospective relative guardian's SAFE Home Study
- d) If the DCFS Permanency Specialist or designee determines that:
 - i. All initial eligibility and case plan criteria have been met, notify the FSW to proceed with subsidized guardianship determination meeting arrangements to discuss the Subsidized Guardianship Program (per Procedure VIII-L3: Subsidized Guardianship Determination Meeting); or,
 - ii. All eligibility and case plan criteria have not been met, then discuss with the DCFS Permanency Specialist or designee how to meet said criteria and/or other possible permanency options or proceed to Procedure VIII-L2: Denial of Subsidized Guardianship arrangement, as applicable.

The FSW Supervisor will:

- A. Conference with the FSW as to the appropriateness of a guardianship arrangement supported by a subsidy for the child with the prospective relative guardians.
- B. Review the completed CFS-435-A: Subsidized Guardianship Application and Checklist and other required referral packet documentation.
- C. Notify FSW of approval or denial to move forward with the subsidized guardianship arrangement.
- D. Notify the Area Director of any approval or denial to move forward with a subsidized guardianship arrangement.

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The DCFS Permanency Specialist or designee will:

- A. Review each submitted CFS-435-A: Subsidized Guardianship Program Application and Checklist and other supporting documentation to determine if the family meets the initial eligibility and case plan criteria to further pursue a subsidized guardianship arrangement.
- B. Make the determination as to whether it is appropriate to continue pursuing the subsidized guardianship arrangement and either:
 - 1) Notify the FSW, FSW Supervisor, and Area Director to proceed to Procedure VIII-L3, if the subsidized guardianship arrangement is appropriate; or,
 - 2) Notify the FSW, FSW Supervisor, and Area Director that a subsidized guardianship arrangement is not currently appropriate and
 - a) Discuss how to meet needed criteria;

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- b) Discuss other possible permanency options; or
- c) Instruct FSW to proceed to Procedure VIII-L2: Denial of Subsidized Guardianship Arrangement.

PROCEDURE VIII-L5: Subsidized Guardianship Agreement Finalization

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The DCFS Permanency Specialist or designee will:

- ~~A. Complete the CFS-435-D: Recommendation for Finalization of Guardianship and submit to the appropriate OCC attorney who will use the information on the form to prepare the guardianship petition.~~
- ~~A-B. Draft and complete the CFS-435-F: Subsidized Guardianship Agreement with the prospective guardians and FSW prior to the guardianship hearing.~~
- ~~B-C. Submit the CFS-435-F to the Foster Care Manager or designee for review and approval.~~
- ~~C-D. Sign the CFS-435-F.~~

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The Foster Care Manager or designee will:

- A. Review the CFS-435-F: Subsidized Guardianship Agreement and approve or deny as appropriate.
- B. Inform the DCFS Permanency Specialist or designee of approval or denial.

The FSW will:

- A. Assist the DCFS Permanency Specialist or designee in completing the CFS-435-F: Subsidized Guardianship Agreement with the prospective guardian(s) prior to the guardianship hearing.
- B. Ensure all signatures required on the CFS-435-F are obtained.

The FSW Supervisor will:

- A. Conference with the FSW regarding decisions related to and preparation for the finalization of the subsidized guardianship agreement.
- B. Inform the Area Director of issues related to pursuing the subsidized guardianship arrangement for the child.

PROCEDURE VIII-L7: Annual Subsidized Guardianship Review

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The DCFS Permanency Specialist or designee will:

- A. ~~Mail the relative guardians the CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review at least 60 calendar days before the anniversary date of the finalization of the family's Subsidized Guardianship Agreement with instructions to return in the provided SASE:~~
 - 1) ~~The completed CFS-435-G; and,~~
 - 2) ~~Required documentation:~~
 - a) ~~For non-school-age children, documentation must include:~~
 - i. ~~Up-to-date immunization records; and,~~
 - ii. ~~A typed statement on letterhead from the child's Early Intervention Services provider indicating the child's participation and progress, if applicable; and,~~
 - iii. ~~A typed statement on letterhead from the child's daycare provider confirming enrollment, if applicable.~~
 - b) ~~For school-age children, documentation must include:~~
 - i. ~~Up-to-date immunization records; and,~~
 - ii. ~~A written confirmation on letterhead from the child's Arkansas Department of Education accredited school or home school program verifying enrollment and regular attendance; and,~~

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- iii. A copy of the child's up-to-date Individualized Education Plan (IEP), if applicable.
- c) For children ages 18 up to the age of 21, documentation must include:
 - i. A current transcript from the child's secondary education, post-secondary, or vocational education program, as applicable; or,
 - ii. A typed statement on letterhead from the person responsible for managing the child's program or activity designed to promote, or remove barriers to, employment confirming the child's enrollment and participation; or,
 - iii. The most recent pay stubs from the child's employer indicating that the child is working at least 80 hours per month for that particular employer; or,
 - iv. A typed statement on letterhead from the child's medical professional stating the reason for which the child is incapable of meeting the education or employment requirements listed above.

- B. For all children who are approved for a special guardianship subsidy, also request that the relative guardians must attach current documentation received from the service provider outlining:
 - 1) Current diagnosis, prognosis, and summary of treatment services for the previous year.
 - 2) An estimated expense summary of services which will be necessary to meet the special needs of the child and/or a description of any high-level care routine provided by the relative(s) to meet the child's special needs.

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- C. ~~Review requests for special rates. The subsidy will remain the same until the special subsidy is approved. Approval is not guaranteed.~~

- C. Document in CHRIS date the CFS-435-G is mailed to the relative guardians.

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- D. If the family has not returned the completed CFS-435-G and required documentation within 30 calendar days from the date the form was mailed, contact the family by phone to ensure that said documents will be delivered to the DCFS Permanency Specialist within two weeks.

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- D.E. ~~Review the completed CFS-435-G; Annual Progress Report and Subsidized Guardianship Agreement Review and related supporting documentation prior to the anniversary date of finalization of the family's subsidized guardianship agreement at the annual review:~~

- 1) If the supporting documentation shows that the child's condition has not changed:
 - a) Send completed copy of CFS-435-G with DCFS Permanency Specialist signature confirmation to the family noting that the subsidized guardianship agreement will continue unchanged for the forthcoming year and make appropriate updates in CHRIS.

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- b) Send the original CFS-435-G with signatures to OCC designee to file with the circuit court.
 - c) Maintain a copy of the completed CFS-435-G with signatures in guardian record.
 - d) Enter appropriate CHRIS updates.

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- 2) If the supporting documentation shows that the child's condition has improved, schedule a family-centered staffing or meeting with the relative guardians and Foster Care Manager or designee to renegotiate the subsidized guardianship agreement to the age appropriate guardianship subsidy and complete a new CFS-435-F: Subsidized Guardianship Agreement.

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- 3) If the supporting documentation shows that the child's condition or status within the home has changed such that another type of and the change(s) warrant a revision of the subsidized guardianship agreement is needed or termination of that agreement is warranted:

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- a) Schedule a meeting with the relative guardians and Foster Care Manager or designee to discuss needed revisions or termination including any requests for special subsidy rates.
 - ii. If a request for a special subsidy rate has been made, the subsidy will remain the same until the special subsidy is approved. Approval is not guaranteed.

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- b) Revise CFS-435-F: Subsidized Guardianship Agreement if appropriate and complete CFS-435-G or complete CFS-435-H: Subsidized Guardianship Agreement Termination, if appropriate.

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- i. Provide copy of completed CFS-435-G and new CFS-435-F to family.
 - ii. Provide original CFS-435-G with signatures to OCC designee to file with the circuit court.
 - iii. Maintain a copy of completed CFS-435-F and CFS-435-G in the guardian record.

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- b) ~~File appropriate form in relative guardian's record.~~

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d)c) Enter necessary appropriate CHRIS updates.

F. If relative guardian(s) does not submit CFS-435-G and/or requested documentation within the required timeframe:

- 1) Complete CFS-435-G and CFS-435-H: Notice of Modification or Termination to Subsidized Guardianship Agreement.
- 2) Send the family a copy of the completed CFS-435-G and CFS-435-H indicating termination of the agreement and associated payments and benefits.
- 3) File the original CFS-435-G and CFS-435-H in the provider guardian record.
- 4) Enter appropriate CHRIS updates including termination of subsidized guardianship payments.

The Foster Care Manager or designee will:

- A. Conference with the DCFS Permanency Specialist or designee as needed regarding decisions related to annual reviews of subsidized guardianship arrangements.
- B. Participate in meetings with the relative guardians and DCFS Permanency Specialist or designee when discussing revisions to a subsidized guardianship agreement.
- C. Submit any requests for an increase in a guardianship subsidy to the DCFS Director or designee for review.

OCC will:

- A. File CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review with the circuit court.
- B. Conference with DCFS Permanency Specialist as appropriate.

The DCFS Director will:

- A. Review requests for increases in subsidized guardianship payments and approve or deny as appropriate.

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