

SUBSIDIZED GUARDIANSHIP

FREQUENTLY ASKED QUESTIONS

1. Is fictive kin included in the 5th degree relationship?
No, federal regulations do not allow fictive kin to qualify for Subsidized Guardianship arrangements.
2. Are step parents of (divorced or deceased) relatives included in the 5th degree relationship?
Per Arkansas state law, step parents are NOT considered within the 5th degree of kinship. The exception is if there is a sibling group that includes step and/or half siblings. As long as at least one of the siblings are related by blood or adoption to the adult relative, then the rest of the siblings may also be placed with that relative provided it is in their best interests.
3. Do ICPC cases involving out of state relatives qualify for subsidized guardianship? How will additional services for the families be supported if the family lives out of state?
Yes, if the relative has NOT already received custody but has been open as an ICPC foster home, they may qualify for subsidized guardianship if the child's D/N case originated in Arkansas. The family may apply for services in other state; however, there is no guarantee the state will assist with services.
4. Can relatives who have temporary custody qualify for subsidized guardianship?
No.
5. Where in the case plan will the workers be able to document the required information?
There will be enhancements made in CHRIS to update the required information. CHRIS enhancements will be available for this program by January 25, 2012.
6. Will a child be able to continue to receive a subsidy after the age of 21?
No, the subsidy will terminate after the child reaches his or her 21st birthday.
7. If the guardian does not want the child after the finalization of the guardianship, is it a hotline report for abandonment?
No, we will assess the circumstances and attempt to put services in place to prevent the guardianship from dissolving.
8. Is the relative guardian responsible for legal decisions regarding the child once the child reaches the age of 18?
Once the youth reaches the age of majority (18) the guardian no longer has the authority to make legal decisions on behalf of the youth. For those youth who receive an extended subsidy up to the age of 21, the relative guardian still provides financial and moral support to the youth, but does not have any legal decision making authority.

From a best practice point of view, the relatives would still be involved in the youth's life, support him or her, and provide guidance to the youth when making decisions beyond the age of 18 regardless of whether the subsidy ends at the age of 18 or 21.

9. If the guardian wants to adopt the child later, who handles the adoption process?
The relative will contact the Permanency Specialist to make the request. The Permanency Specialist will relay the request to the Adoption Manager or designee to process.
10. Once a child is adopted or enters into a guardianship arrangement who will be the point of contact for the child to access the transitional living services?
The relative will contact the Adoption Specialist or the Permanency Specialist to obtain the designated Transitional Youth Coordinator in his or her area.
11. Does incarceration or residential count for the 14 days out of the home?
If the child is incarcerated for more than 14 days, then the subsidy payments will be terminated. If a child is in a residential placement, it will be handled on a case by case basis. It will largely depend on who is the primary payment source for the residential stay.
12. How long will the actual subsidized guardianship referral process take?
At this time it is unknown how long the process will take since this is a new program. However, once everything is approved a long turnaround period is not anticipated.
13. If the guardian wants to adopt later, do the birth parents have to consent to the adoption?
Yes, if TPR has not occurred.
14. If the child is non IV-E and lives out of state where would the relative access health insurance and other social services?
The relative would need to contact their local DHS (or equivalent) office to apply for benefits for the child. Coverage is not guaranteed.
15. If we believe all children are adoptable, how do we rule out adoption?
The ruling out will be case specific and dependent on what is identified as in the child's best interest. If adoption is ruled out because it is not in the child's interest that is not equivalent to considering the child "unadoptable."
16. Will the subsidy increase as the child ages like the adoption subsidy does?
Yes.
17. If there is a sibling group of 5 and 3 of those siblings receive SSI, could you recommend permanent custody pursue guardianship (after ruling out) for the other 2 and they have guardianship with the relative and a subsidy?
Yes; however, it will be case specific and dependent on what is identified as in the child's best interest. The concurrent planning of the case will be critical in these types of situations.
18. How does the de-link affect the guardianship?
The AFDC de-link does not affect guardianship.
19. Is there an age limit requirement between the relative and the child (like for an adoption)?
No, since all guardians must first be foster parents, the minimum age is 21 and the maximum age is 65. However, waivers may be requested and considered since relatives will be the guardians. The final decision will depend on the age and other circumstances of the child (e.g., special needs).

20. What's the difference between foster care guardianship and private guardianship?
Foster care guardianship is generally handled by OCC. These guardians have served as foster parents to the child for at least 6 consecutive months and may qualify for a subsidy if other eligibility criteria are met.
- A private guardianship is handled by a private attorney. There is no requirement that the guardians be related to the child or serve as foster parents prior to becoming the legal guardians; however, no subsidy is available to these guardians.**
21. If siblings who are non IV-E enter into a guardianship arrangement, can a younger sibling be adopted later? Will it be supported by a subsidy? If so, what type?
Yes, if the younger sibling was eligible for an adoption subsidy at the time the guardianship agreement was finalized (even though his or her siblings were not), he or she will remain eligible for that adoption subsidy provided the adoption is finalized prior to the child reaching 18 years of age.
22. If a parent who has had parental rights terminated comes back, are they able to pursue guardianship with a subsidy?
No, this program is an incentive for other relatives to obtain guardianship NOT for parents who have already had their parental rights terminated. They can be reunified with the child as long as it is in the child's best interest.
23. If guardian has provisions in place through his or her legal will for another person to care for the child if the guardian dies, will the child re-enter foster care?
No, as long as the successor guardian does NOT want any financial assistance from the state.
24. If a child enters the guardianship and is in college, do they receive the special board that college students in care currently receive?
The rates will be based on the foster care/special board the family would have received at the time the guardianship was finalized, so it is possible for the youth to receive special board if an assessment of the youth's situation and needs deem it appropriate.