

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT _____
DIVISION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **FAX NO.** _____ **EMAIL:** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No _____
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes _____ No _____
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes _____ No _____
If an agency is proposing a more costly rule, please state the following:
 - (a) How the additional benefits of the more costly rule justify its additional cost;
 - (b) The reason for adoption of the more costly rule;
 - (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
 - (d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.
4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:
 - (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____

Other (Identify) _____

Total _____

Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____

Federal Funds _____

Cash Funds _____

Special Revenue _____

Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____

Federal Funds _____

Cash Funds _____

Special Revenue _____

Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes _____ No _____

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously

with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Statement of Necessity and Rule Summary Subsidized Guardianships

Statement of Necessity.

This promulgation is necessary to comply with Acts 2019, No. 968, which provided that, in determining eligibility for a guardianship subsidy, the necessary degree of relationship is satisfied by a relative or fictive kin. In addition, this revision is necessary to make other updates regarding staff roles and administration of Subsidized Guardianship Program.

Summary.

Effective January 1, 2020, the Division of Children and Family Services Policy & Procedure Manual is being revised as follows:

- To update policy to reflect the expansion of the definition of relative to include fictive kin for the purposes of determining eligibility for a guardianship subsidy as per Acts 2019, No. 968;
- To include the requirement to name a resident agent to accept service as per Ark. Code Ann. § 28-65-203 in the event the guardian resides out-of-state;
- To clarify that any subsidy agreement and associated payments extended past the age of 18 due to a mental or physical handicap will take effect on the date the new subsidy agreement reflecting the extension is signed;
- To clarify staff roles in documenting information regarding subsidized guardianship cases and filing of annual report;
- To revise subsidized guardianship forms to reflect that fictive kin are eligible for subsidized guardianships and for other clarification and formatting purposes:
 - CFS-435-A: Subsidized Guardianship Program Application and Checklist
 - CFS-435-B: Notification of Subsidized Guardianship Program Denial
 - CFS-435-C: Subsidized Guardianship Special Subsidy Request
 - CFS-435-D: Recommendations for Finalization of Guardianship
 - CFS-435-F: Subsidized Guardianship Agreement
 - CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review
 - CFS-435-H: Notification of Modification or Termination of Subsidized Guardianship Agreement

NOTICE OF RULE MAKING

The Director of the Division of Children and Family Services of the Department of Human Services announces for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed rule under one or more of the following chapters, subchapters, or sections of the Arkansas Code: §§ 9-8-203 and 9-28-103.

Effective January 1, 2020, the Division of Children and Family Services Policy & Procedure Manual is being revised as follows:

- To update policy to reflect the expansion of the definition of relative to include fictive kin for the purposes of determining eligibility for a guardianship subsidy as per Acts 2019, No. 968;
- To include the requirement to name a resident agent to accept service as per Ark. Code Ann. § 28-65-203 in the event the guardian resides out-of-state;
- To clarify that any subsidy agreement and associated payments extended past the age of 18 due to a mental or physical handicap will take effect on the date the new subsidy agreement reflecting the extension is signed;
- To clarify staff roles in documenting information regarding subsidized guardianship cases and filing of annual report;
- To revise subsidized guardianship forms to reflect that fictive kin are eligible for subsidized guardianships and for other clarification and formatting purposes:
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The proposed rule is available for review at the Department of Human Services (DHS) Office of Rules Promulgation, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P. O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437. You may also access and download the proposed rule on the DHS Legal Notices website at <https://humanservices.arkansas.gov/resources/legal-notices>. Public comments must be submitted in writing at the above address or at the following email address: ORP@dhs.arkansas.gov. All public comments must be received by DHS no later than November 3, 2019. Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at 501-320-6266.

The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and is operated, managed and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color or national origin. **4501829309**

Mischa Martin, Director
Division of Children and Family Services



ARKANSAS DEPARTMENT OF HUMAN SERVICES
Division of Children and Family Services
Subsidized Guardianship Program Application & Checklist

I (we) hereby apply to the Division of Children and Family Services for the Subsidized Guardianship Program for the following child:

Child's Full Name

☐ IV-E Eligible

☐ Non IV-E Eligible

Child's CHRIS ID

Child's Date of Birth

Prospective Relative or Fictive Kin Guardian/-Current-Relative Foster Parent
Provider ID

CHRIS

Prospective Relative or Fictive Kin Guardian/Current Relative Foster Parent
Provider ID

CHRIS

Address

City/State/Zip Code

Telephone

The following eligibility criteria have been met:

- ☐ The child has been removed from his or her home pursuant to a judicial determination that continuation in the home would be ~~contrary~~ to the welfare of the child/youth and, as such, the child/youth has been placed in DHS custody per judicial order;
- ☐ The child has resided for at least 6 consecutive months in the fully approved foster home of the prospective relative or fictive kin guardian(s) (i.e., the prospective relative or fictive kin guardian's home is no longer a provisional foster home and has been a fully approved foster home to the child seeking a Subsidized Guardianship Program approval for at least 6 consecutive months);
- ☐ Being returned home or adopted are not appropriate permanency options for the child and the Subsidized Guardianship arrangement is in the child's best interest;
- ☐ The child demonstrates a strong attachment to the prospective relative or fictive kin guardian(s) and the guardian(s) has a strong commitment to caring permanently for the child;
- ☐ Each child is consulted regarding the Subsidized Guardianship arrangement; and;
- ☐ The youth, if more than twelve (12) years of age, -and older- shall sign consent to guardianship if he or she agrees to the Subsidized Guardianship arrangement and it is agreed that procedures to finalize the guardianship should be initiated, ~~(unless the court, in the best interest of the minor, dispenses with the minor's consent).~~
- ☐ If the prospective guardian(s) resides out-of-state, a willing resident agent of services who resides in Arkansas has been identified.

The following information describing the ways in which the child meets eligibility requirements for Subsidized Guardianship is included in the case plan:

- ☐ The steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;

- ☐ The reasons for any separation of siblings during placement and description of the efforts made to place currently separated siblings together, the efforts made to provide frequent visitation or other ongoing interaction between siblings, and efforts to reunify separated siblings;
- ☐ The reasons why a permanent placement with an appropriate and willing relative through a Subsidized Guardianship arrangement is in the child's best interest;
- ☐ The efforts that the Division has made to discuss adoption by the child's relative or fictive kin foster parent as a more permanent alternative to legal guardianship and, in the case of a relative or fictive kin foster parent who has chosen not to pursue adoption, -documentation of those reasons;
- ☐ The efforts made by the Division to discuss with the child's parent(s) the Subsidized Guardianship arrangement, or the reasons why the efforts were not made; and,

I (We) _____, the prospective relative or fictive kin guardian(s) do hereby confirm that I (we) intend to pursue legal guardianship supported by a guardianship subsidy for _____ which includes, but is not limited to, participation in the permanency planning activities, subsidized guardianship determination meetings, and the development of an agreement, provided all other necessary parties agree that Subsidized Guardianship is in this child's best interest and all eligibility requirements have been met. I (We) understand that the Subsidized Guardianship arrangement is not yet final and that the process may be terminated at any point on grounds that Subsidized Guardianship is not in the child's best interest or that eligibility requirements have not been met.

I (We) understand and agree that an evaluation of eligibility for this subsidy will be made upon filing of this application and that if the subsidy is approved, a review of continued need will be made annually or as necessary (for all but non-recurring Subsidized Guardianship expense subsidy). The determination will be based on information currently available regarding the child.

I (We) certify that all of the information contained in this declaration is true and correct to the best of my (our) knowledge and that the child named in this document is dependent upon me (us).

Prospective Relative or Fictive Kin Guardian Signature _____ Date _____

Prospective Relative or Fictive Kin Guardian Signature _____ Date _____

Family Service Worker Signature _____ Date _____

To be completed by FSW Family Service Worker Supervisor:

Subsidized Guardianship Referral approved to be sent to DCFS Permanency Specialist Subsidized Guardianship Coordinator? ☐ Yes ☐ No

FSW Supervisor Signature _____ Date _____

To be completed by Permanency Specialist Subsidized Guardianship Coordinator or designee:

Upon review of the information contained in this document, I have determined that:

☐ All initial eligibility and case plan criteria for the child and relative or fictive kin foster parents named in this document have been met. The child's FSW Family Service Worker shall proceed with permanency planning staffing arrangements (per DCFS Procedure VIII-L3:

Subsidized Guardianship Determination Meeting).

- ☐ All eligibility and case plan criteria have not been met. The child's ~~FSW~~Family Service Worker:
- ☐ may contact the ~~Permanency Specialist~~Subsidized Guardianship Coordinator or designee to discuss how to meet said criteria ~~and/or~~or
other possible
permanency options; or,
 - ☐ shall deny the family participation in the Subsidized Guardianship Program per DCFS Procedure VIII-L2:
Denial of Subsidized Guardianship Arrangement.

~~Permanency Specialist~~Subsidized Guardianship Coordinator or Designee Signature:

Date _____



ARKANSAS DEPARTMENT OF HUMAN SERVICES
Division of Children and Family Services
Notification of Subsidized Guardianship Program Denial

Date _____

Name of Relative or Fictive Kin Foster Parent(s) _____

Dear _____:

This letter is to notify you of the denial of your application to the Subsidized Guardianship Program for

Child's Name

It has been determined by the Division of Children and Family Services that:

- ☐ The child has **not** been removed from his or her home pursuant to a judicial determination that continuation in the home would be -contrary to the welfare of the child/youth and, as such, the child has not been placed in DHS custody per judicial order;
- ☐ The child has **not** resided for at least 6 consecutive months in the fully approved foster home of the prospective relative or fictive kin guardian(s);
- ☐ Being returned home or adopted may be appropriate permanency options for the child so the Subsidized Guardianship arrangement is **not** in the child's best interest;
- ☐ The child does **not** demonstrate a strong attachment to the prospective relative or fictive kin guardian(s) and the guardian(s) does **not** have a strong commitment to caring permanently for the child;
- ☐ Each child has **not** been consulted regarding the Subsidized Guardianship arrangement; and;
- ☐ Youth 12 and older have **not** signed consent to guardianship and the court has **not** dispensed with the minor's consent in the best interest of the minor-; and
- ☐ Not enough relevant information has been received from the local county office to make a determination of eligibility for a Subsidized Guardianship arrangement.

If you have questions, you may contact the ~~DCFS Permanency Specialist~~ Subsidized Guardianship Coordinator at 501-682-1585 to discuss this matter further.

Respectfully,

~~DCFS Permanency Specialist~~ Subsidized Guardianship Coordinator or Designee Name _____

~~Foster Care~~ Adoption Manager or Designee Name _____

Subsidized Guardianship Coordinator or Designee ~~DCFS Permanency Specialist~~ Signature _____
Adoption ~~Foster Care~~ Manager or Designee Signature _____



ARKANSAS DEPARTMENT OF HUMAN SERVICES
Division of Children and Family Services
Subsidized Guardianship Program Special Subsidy Request

(To be completed by the relative or fictive kin foster parents or relative or fictive kin guardians)

Child's Name

SSN

Date of Birth

Name of Legal Guardian

Child's FSW or Adoption Specialist

For Special Subsidy Requests (i.e., for a guardianship subsidy request that is greater than the child's current foster care board payment or current guardianship subsidy), please describe the child's unique medical, emotional, or behavioral condition which requires special and additional care of supervision, beyond that of a typical trauma-affected child. Please be specific and provide an estimated expense summary of services ~~which is~~ necessary to meet the special needs of the child and/or a description of any high-level care routine provided by the relative(s) or fictive kin to meet the child's special needs. Attach supporting documents as applicable.

Relative/Fictive Kin Foster Parent or Legal Guardian's Signature _____ Date

Relative/Fictive Kin Foster Parent or Legal Guardian's Signature _____ Date



**Arkansas Department of Human Services
Division of Children and Family Services
RECOMMENDATION FOR FINALIZATION OF GUARDIANSHIP**

Nature of Incapacity and Purpose of Guardianship:

☐ Child named herein is a person under age 18 and is entering into a guardianship with his or her relatives or fictive kin named herein in order to exit the child out of foster care and establish legal, permanent connections for the child.

Child's Name _____

Child's Date of Birth _____

Child's Race _____

Relative or Fictive Kin Foster Parent 1 (to be appointed guardian) Name _____

Relative or Fictive Kin Foster Parent 1 (to be appointed guardian) Date of Birth _____

Relative or Fictive Kin Foster Parent 2 (to be appointed guardian) Name _____

Relative or Fictive Kin Foster Parent 2 (to be appointed guardian) Date of Birth _____

Child and Relative or Fictive Kin-Foster Family (to be appointed guardian) Residence and Post Office Address _____

Date Placed in Relative or Fictive Kin Foster (to be appointed guardian) Residence listed above _____

Name and address of person or institution having the care and custody of the incapacitated person: _____

Interest of petitioner in appointment: _____

Even though guardianship is being established due to child's age (i.e., under 18 years of age), are there any other known disabilities at this time that would require a guardianship past the age of 18? _____

Name and address of others having knowledge about person's disability, if applicable: _____

Names and addresses of at least one person (or more if directed by court) most closely related to the child by blood or marriage (within the 3rd degree of kinship): _____

Recommendation proposing type, scope, and duration of guardianship: _____

Approximate value and description of child's property, including any compensation, insurance, or allowance (excluding foster care board payment and/or potential guardianship subsidy) to which he or she may be entitled: _____

Any-Has any facility or agency from which child is receiving services been notified of the proceedings? ☐ Yes ☐ No ☐ Yes ☐ No

If yes, name of facility or agency: _____

Is there, in any state, an existing guardian of the child or of the estate of the incompetent? ☐ Yes ☐ No

CHECKLIST OF ATTACHMENTS:

☐ Relative or Fictive Kin Foster Parents' home study

☐ Results of FBI & state records checks

☐ ~~Copy of~~ CFS-446: In Home Consultation Visit Report

☐ ~~Copy of~~ CFS-435-A (for subsidized guardianship only)

☐ ~~Copy of~~ CFS-435-F (for subsidized guardianship only)

☐ Other _____

FSW Name

FSW Supervisor Name

FSW Signature

Date

FSW Supervisor Signature

Date

~~DCFS Permanency Specialist~~ Subsidized Guardianship Coordinator or Designee Name

Subsidized Guardianship Coordinator or Designee ~~DCFS Permanency Specialist~~ Signature

Date



ARKANSAS DEPARTMENT OF HUMAN SERVICES DIVISION OF CHILDREN AND FAMILY SERVICES

Subsidized Guardianship Agreement

The following Agreement has been entered into by and between:

Arkansas Department of Human Services, Division of Children and Family Services, P.O. Box 1437, Slot S 565, Little Rock, Arkansas 72203 and

(Guardian Full Name(s))

(Address)

() -
(Telephone #)

Hereafter called the "guardian(s)," for the purpose of facilitating the legal guardianship of and:

(Child's Full Name)

(Social Security Number)

(Date of Birth)

To aid the guardians in providing proper care for this child, hereafter referred to as "the child" in this Agreement.

This document is the:

- ☐ **Initial Agreement:** The prospective guardian(s) agree(s) that he/she intends to provide guardianship to the child and has signed this document prior to finalization of guardianship for the purposes of receiving Subsidized Guardianship payments ~~and/or~~ services for the child under Titles XIX and XX from the time of placement.

This Agreement will become effective upon entering of a court order granting guardianship of the child to the guardians and, **unless termination of the Agreement occurs as a result of one or more conditions set forth in Section VII (Revision or Termination) of this Agreement**, this Agreement will remain in effect until:

- the child's eighteenth (18th) birthday if the agreement is finalized prior to the child reaching 16 years of age; or
- the child's twenty-first (21st) birthday if the agreement is finalized after the child has reached 16 years of age but before the child has reached 18 years of age and if the child meets at least one of the following criteria from the age of 18 until the age of 21:
 - The child is completing secondary education or a program leading to an equivalent credential; ~~or~~
 - The child is enrolled in an institution which provides post-secondary or vocational education; ~~or~~
 - The child is participating in a program or activity designed to promote, or remove barriers to, employment; ~~or~~
 - The child is employed for at least 80 hours per month; or,
 - The child is incapable of doing any of the above described activities due to a medical condition.

The Agreement will remain in effect without regard to ~~State state~~ residency of the relative guardian.

Date of Guardianship Finalization

- ☐ **Amended Agreement:** This is an amendment of the Subsidized Guardianship Agreement for the child placed on

(Date)

This Agreement will be effective _____ and remain in effect until _____.
(Date) (Date)

PROVISIONS OF AGREEMENT

I. Relative or Fictive Kin Guardian Roles and Responsibilities

We/I, the relative or fictive kin guardian(s) agree(s):

~~A.~~ To continue to provide normal ~~day-day-to-to~~-day care for the child who is placed with us.

~~A.~~

~~B.~~ To accept this child as a member of our family with full understanding of his ~~/or~~ her needs.

~~B.~~

~~C.~~ To cooperate with DCFS and keep the DCFS ~~Permanency Specialist~~ Subsidized Guardianship Coordinator or designee aware of adjustment

~~D.~~ issues.

~~C.~~

~~E.~~ To continue regular visitation ~~and/or or~~ contact with the designated siblings and relatives (when

~~F.~~ applicable).

~~D.~~

~~E.~~ To understand that by accepting _____, we are accepting one of a _____ sibling group and that should disruption of placement occur with any of the siblings, we will not _____ attempt to separate them by requesting to keep any one child (when applicable).

~~G.~~

_____ To identify a resident agent of service, if we are residents outside the State of Arkansas, who will

F. accept service of any lawsuit, pleading, or legal notice, as applicable, on our behalf and provide such information to us.

~~H.~~ To complete and submit, annually, CFS-435-G to the DCFS ~~Permanency Specialist~~ Subsidized Guardianship Coordinator or designee within twenty

~~I.~~ twenty (20) business days of receipt of CFS-435-G.

~~G.~~

H. To adhere to all other provisions outlined in this Agreement.

II. DCFS Roles and Responsibilities

DCFS agrees:

~~A.~~ To provide the current foster home board payment until transfer of permanent guardianship, at

~~B.~~ which time the monthly Subsidized Guardianship payment will be provided.

~~A.~~

~~C.~~ To provide necessary documents at the appropriate time and process those documents in a timely

~~D.~~ fashion.

~~B.~~

~~E.~~ To ensure that an annual report to the court is ~~filed by the Office of Chief Counsel~~ provided to the appropriate court on behalf of the

~~F.~~ guardian(s) and child.

~~C.~~

_____ To keep the relative or fictive kin guardian(s) informed of any changes or other information

~~G.~~ _____ impacting their

~~D.~~

Subsidized Guardianship Agreement ~~and/or or~~ payments.

~~H.~~ E. _____ To adhere to all provisions outlined in this Agreement.

III. Guardianship Assistance Benefits

A. Monthly Cash Payment: Yes ☐ No ☐

\$ _____ For _____ months

Yearly Total \$ _____

The payment will be mailed to the relative or fictive kin guardian(s) each month.

The amount of this monthly cash payment (Subsidized Guardianship) is based on the needs of the child and the circumstances of the guardian(s) and has been determined by mutual Agreement between the guardian(s) and the Division. The amount of the payment cannot exceed the foster care maintenance payment for the child if he or she were in a foster family home in the State of Arkansas.

Adjustments in Subsidized Guardianship payments may be made based upon changes in the needs of the child, changes in the circumstances of the guardian(s), or changes in the maximum allowable Subsidized Guardianship payment. Documentation of changes in the child's needs or family's circumstances will be required.

The Division will pay the total cost of non-reoccurring expenses associated with obtaining legal guardianship (supported by Subsidized Guardianship) of the child up to \$2,000.

B. Medical Coverage

1. Medical benefits as provided under Title XIX of the Social Security Act (Medicaid) will be available to any IV-E eligible child in accordance with the procedure of the State-state in which the child resides.
2. Guardians of a non-IV-E eligible child may apply for Medicaid through his or her local Department of Human Services county office. Medical benefits will not be provided as part of this Agreement.

C. Social Services

1. Social Services as provided under Title XX of the Social Security Act will be available to the child in accordance with the procedures of the State-state in which the child resides.
2. Social Services will be provided as appropriate by the State of Arkansas, if not provided by Title XX, regardless of the State-state in which the child resides.
3. Contact your local Department of Human Services county office to access Title XX services.

D. Transitional Services

1. Appropriate Transitional Youth Services are available to children who enter into a Subsidized Guardianship arrangement after attaining 16 years of age but prior to reaching 18 years of age. The purpose of Transitional Youth Services (TYS) is to better prepare youth for successful transition to adulthood and to ensure that youth have access to an array of resources.
2. Contact your local Department of Human Services county office to learn more about Transitional Youth Services.

E. Procedures to be Followed when Moving from the State of Arkansas

Guardian(s) must follow these procedures in order to receive guardianship assistance medical coverage and social services when moving to or living in a state other than Arkansas.

1. Medical Coverage

- ~~a.~~ At least ten (10) days prior to the planned move, the guardian(s) should contact the DCFS ~~Permanency Specialist~~ Subsidized Guardianship Coordinator or designee in the Arkansas DHS/DCFS Foster Care Unit.

~~a.~~

- ~~e.~~ Upon arrival in the new resident state, the guardian(s) should contact the local state Medicaid office to surrender the

- ~~d.~~ Medicaid card issued by the State of Arkansas and make application for Medicaid in the new resident state.

~~b.~~

- ~~e-c.~~ Take a copy of this Agreement with you.

2. Social Services

~~a.~~—Contact the state agency responsible for the provision of social services in your new resident

~~b.~~—state as appropriate.

~~a.~~

~~e.b.~~ Take a copy of this Agreement with you.

3. Transitional Services

~~a.~~—~~a.~~ Contact the state agency responsible for the provision of transitional services in your new resident state.

~~b.~~

Take a copy of this Agreement with you.

IVH. Notification of Change to the Guardianship Assistance Agreement and/or Payments

A. The guardian(s) will notify the Division, in writing, within five (5) days if guardian(s) is/are no longer legally responsible for the support of the child or is/are no longer supporting the child. —A written statement is required.

B. The amount of the subsidy may be adjusted automatically due to increases in age of the child. —These are system-generated adjustments and no notice will be sent.

C. Guardian(s) shall notify the Division of changes of address at least ten (10) days prior to the move.

VH. Annual Progress Report and Subsidized Guardianship Agreement Review and Subsidy Eligibility

For Subsidized Guardianships, verification of circumstances to continue the subsidy must be documented annually via CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review. The DCFS ~~Permanency Specialist~~ Subsidized Guardianship Coordinator or designee will send this form to the guardian(s) each year that this Agreement is in place approximately 60 calendar days prior to the anniversary date of the finalization of the family's current Subsidized Guardianship Agreement. The guardians will return the completed CFS-435-G and any supporting documentation requested within 30 calendar days of receipt of the CFS-435-G.

IVI. Revision or Termination

The Subsidized Guardianship Agreement and, consequently the Subsidized Guardianship payments, shall be terminated or modified:

- A. If the child is absent from the relative guardian home for more than 14 days in a month (in such an event, the child will be eligible for only a portion of the month that he or she was in the relative guardian home) excluding when a child 18 or older lives in an approved independent living situation outside of the home (e.g., college dorm)*; ~~or;~~
- A-B. If a youth receiving Subsidized Guardianship payments re-enters DHS custody due to child maltreatment allegations, until such time that the child is reunified with the relative or fictive kin guardian(s), if applicable;
- B-C. When the terms of the Subsidized Guardianship Agreement are fulfilled; ~~or;~~
- C-D. If the child begins receiving SSI, SSA, or any other source of income (the relative guardian is responsible for notifying the Division if the child begins receiving other sources of income) excluding any income that the child may earn from his or her own employment;
- D-E. If the child has attained the age of 18 for those who entered into the Subsidized Guardianship arrangement prior to the age of 16**; ~~or;~~
- E-F. If the child has attained the age of 21 for those who entered into the Subsidized Guardianship arrangement at the age of 16 or older; ~~or;~~
- F-G. If the child who has an extended subsidy (i.e., up to age 21) does not meet the education or employment conditions outlined on page 1 of this agreement**; ~~or;~~
- G-H. If the child becomes an emancipated minor; ~~or;~~
- H-I. If the child marries; ~~or;~~
- I-J. If the child enlists in the military; ~~or;~~
- J-K. If the relative guardian(s) is/are no longer legally or financially responsible for the support of the child; ~~or;~~
- K-L. If the guardian(s) die(s); ~~or;~~
- L-M. If the guardianship is vacated; or,
- M-N. If the child dies.

*Subsidized Guardianship payments may continue to be paid on behalf of the youth if the youth moves out of the relative or fictive kin -guardianship's home or otherwise lives independently of the guardian-(s) as long as the guardian(s) continues to provide support to the youth as evidenced by supporting documentation requested by the DHS/DCFS Foster Care Unit.

**Subsidized Guardianship payments may continue for a child up to the age of 21 if the state determines that the child has a mental or physical handicap that warrants the continuation of assistance. Requests for extension of subsidy agreements up to age 21 due to a mental or physical handicap must be submitted by the guardian(s) to the Subsidized Guardianship Coordinator or designee at least three (3) months prior to the termination of the current subsidy agreement. Such extension requests received after this time frame, to include after the youth has turned 18 but not yet reached the age of 21, may still be considered. However, any subsidy agreement that is extended past the age of 18 due to a mental or physical handicap will take effect on the date the new subsidy agreement reflecting the extension is signed. Any monthly subsidy payments that were not made between the end date of the initial subsidy agreement and the date of the new subsidy agreement reflecting a subsidy extension past age 18 will not be made retroactively.

VII. Adoption

The child/youth shall retain eligibility for federal adoption assistance payments under the Title IV-E, provided he or she was eligible for federal adoption assistance payments when the Subsidized Guardianship Agreement was negotiated, if the guardian later decides to adopt the child.

VIII. Resident Agent for Services

If a guardianship supported by a subsidy is being pursued with a relative or fictive kin who resides outside of Arkansas, that relative or fictive kin must identify a willing resident agent for service within Arkansas. The resident agent for service is a person who must accept service of any lawsuit, pleading, or legal notice, as applicable, on behalf of the out-of-state guardian. The resident agent of service must provide any lawsuit, pleading, or legal notice received as the resident agent to the out-of-state guardian. Any individual who agrees to serve as the resident agent for service must accept his or her designation in writing, and this designation will be filed with the court.

Resident Agent for Service Full Name

Address

Telephone #

VIII-IX. Successor Guardian

In the event that the relative or fictive kin guardian(s) of the child dies or is no longer able to care for the child, the relative or fictive kin guardian(s) may identify in this Agreement a successor guardian to potentially assist in expediting permanency for the child if and when the relative or fictive kin guardian can no longer fulfill guardianship responsibilities.

A successor guardian and all household members within that individual's home must submit applicable Child Maltreatment Central Registry checks, applicable State Police Criminal Record checks, and applicable Vehicle Safety Checks and be deemed eligible based on the results of those checks before being identified as a potential successor guardian in the Subsidized Guardianship Agreement or in any amendments to the Subsidized Guardianship Agreement.

Identification of a successor guardian in the Subsidized Guardianship Agreement will not guarantee an automatic transfer of guardianship in the event that the current relative or fictive kin guardian is no longer able to fulfill guardianship responsibilities. If the initial relative or fictive kin guardian dies or is otherwise incapacitated and a successor guardian was named in the initial Subsidized Guardianship Agreement ~~(or~~ any amendments to the Agreement, a petition may be filed for the successor guardian to assume guardianship at that point in time. After a new Subsidized Guardianship Agreement is signed by the successor guardian and DCFS and the new guardianship is entered before the court, the subsidized guardianship assistance payments will be made to the successor guardian at that point in time, provided the child continues to meet all subsidized guardianship eligibility criteria.

If the initial relative or fictive kin guardian is no longer able to fulfill guardianship duties for any reason(s) other than death or incapacitation, the role of a successor guardian in the child's life will be determined on a case-by-case basis by the Division and other appropriate parties.

If the above successor guardian requirements have been met (i.e., applicable background checks have been received and deemed eligible) and all supporting documentation is filed in the provider record, please enter the successor guardian information below:

Successor Guardian Full Name(s)

(Address)

(Telephone #)

~~IX~~.X. Appeal

Guardian(s) may appeal the Division's decision to deny, terminate, or modify their child's Subsidized Guardianship Agreement ~~and/or~~ payments in accordance with the rules and procedures of the State's fair hearing and appeal process. The relative or fictive kin guardian(s) must appeal an adverse decision within (30) calendar days of written notice of adverse action. To request an administrative hearing, the relative or fictive kin guardian(s) must mail a copy of the form notifying them of adverse action along with the request to:

Office of Appeals & Hearings
Slot N401, P.O. Box 1437
Little Rock, AR 72203

Guardianship Assistance payments will not continue, pending the determination of an appeal. Families who receive a favorable ruling in their hearing may be entitled to assistance that had been suspended.

Effective date for Titles XIX and XX: **UPON FINALIZATION OF GUARDIANSHIP**

Director or Designee's-s Signature
Division of Children and Family Services

Date

Guardian's Signature

Date

Guardian's Signature

Date

Successor Guardian's Signature (if identified in Section ~~VI~~X)

Date

Successor Guardian's Signature (if identified in Section ~~VI~~X)

Date

Signed copy of the Subsidized Guardianship Agreement given/sent to relative or fictive kin guardian(s) on _____

Date



ARKANSAS DEPARTMENT OF HUMAN SERVICES
Division of Children and Family Services

**Annual Progress Report and Subsidized Guardianship
Agreement Review**

Please complete all sections and return, along with any additional requested documentation, in the provided pre-stamped envelope to the DCFS Subsidized Guardianship Coordinator ~~Permanency Specialist or designee~~ within 30 calendar days.

Annual Progress Report

Guardian's Name: _____

Address: _____

City /State/Zip Code: _____

Home Phone: _____ Cellular Phone: _____

Where does _____ currently live? (State whether child is living in a group home, private home, or facility, and give the name and address of the facility or person with whom they live).

What is _____'s current health and physical condition? (Please be specific and note if there have been any changes in the last year).

What is _____'s current mental and social condition?

Does _____ continue to need a guardian? ☐ Yes ☐ No

If no, state the reason

MARK-UP

Requested Subsidized Guardianship Agreement Action

I/We request *(please check all that apply)*:

- ☐ Renewal of the current Subsidized Guardianship Agreement.
- ☐ A meeting with DCFS staff to discuss possible changes to the Subsidized Guardianship Agreement because the conditions outlined in the most recent agreement have changed and/or the level of care required for the child has changed.
- ☐ Termination of Subsidized Guardianship Agreement and payments.

Subsidized Guardianship Review

I/We certify and assure the Arkansas Department of Human Services that the following is current and accurate and has been so since eligibility was last certified *(please check all that apply)*:

- ☐ The child is presently in our/my care and custody, and that the condition(s) for which he/she was initially determined eligible for Subsidized Guardianship Program benefits remain the same, and I/we have attached the required documentation.
- ☐ I/We have been and continue to be legally responsible for the child.
- ☐ I/We have been and continue to be financially responsible for the child.
- ☐ There has **NOT** been a change of name, or change in marital status for the child, nor has the child enlisted in the military, married, or otherwise been emancipated.
- ☐ My child is not of school age (i.e., in kindergarten or above).
- ☐ My child is attending public or private school and the school name is _____.
- ☐ My child is home schooled in accordance with state law.
- ☐ My child is incapable of attending school due to a medical condition documented by a physician.
- ☐ Our address and/or phone number has changed.

(If applicable, please enter new address including city, state, and zip code, and/or new phone number)

Extended Guardianship Assistance Review

Only complete this section if you are a guardian of a child who is receiving an extended Subsidized Guardianship (i.e., up to the age of 21) due to the initial Subsidized Guardianship Agreement being finalized after the child turned 16.

In order for the youth to remain eligible for Subsidized Guardianship through age 21 at least one of the following criteria must be met (*please check all that apply for the child in your care*):

- ☐ The child is completing secondary education or a program leading to an equivalent credential; ~~or,~~
- ☐ The child is enrolled in an institution which provides post-secondary or vocational education; ~~or,~~
- ☐ The child is participating in a program or activity designed to promote, or remove barriers to, employment; ~~or,~~
- ☐ The child is employed for at least 80 hours per month; or,
- ☐ The child is incapable of doing any of the above described activities due to a medical condition.

Signatures and Notarization

- ☐ I/We understand that if we knowingly provide false information with regard to this statement or any information that we/I provide to the Department regarding the Subsidized Guardianship Arrangement, could result in our/my having to repay funds to the Department or termination of the Subsidized Guardianship Agreement.

(Signature of Legal Guardian) Date _____

(Signature of Legal Guardian) Date _____

Sworn to and subscribed before me this _____ day of, _____ 20_____.

My commission expires _____

Notary Public

Approval (to be completed by the- Subsidized Guardianship Coordinator or Designee ~~DCFS Permanency Specialist~~)

Support documentation received: ☐ Yes ☐ No

Comments:

☐ Approval time frame of this renewal _____ to _____
(Effective Start Date) (End Date)

The daily rate for this renewal is \$ _____

The next renewal is due by the _____ day of _____, 20____ provided there is no revision.

For: Enter Child's Name _____ CHRIS ID: _____

Funding: ☐ IV-E ☐ State

☐ Approval for continued subsidized guardianship agreement and payments not granted due to insufficient documentation ~~and/or~~ lack of response to complete CFS-435-G as required. CFS-435-H: Modification or Termination of Subsidized Guardianship Agreement will be sent to guardians.

DCFS ~~Permanency Specialist~~ Subsidized Guardianship Coordinator or Designee Signature
Date



ARKANSAS DEPARTMENT OF HUMAN SERVICES

Division of Children and Family Services

**Notice of Modification or Termination to
Subsidized Guardianship Agreement**

Date _____

Guardian Name(s): _____

Address _____

City/State/Zip _____

This is to notify you that as of _____ the Subsidized Guardianship Agreement and benefits paid under the agreement on behalf of _____ have been:

☐ Modified _____
(Please provide description of modification)

☐ Terminated

The Subsidized Guardianship Agreement and associated payments have been modified or terminated for the following reason(s):

- ☐ Changes in the child's circumstances have altered the level of care required for the child.
- ☐ Changes to the child's income have necessitated a revision to the guardianship subsidy.
- ☐ You are no longer legally responsible for the child's care due to a change in the legal status of the child prior to reaching the age of 18;
- ☐ You are no longer providing any care and/or financial support to the child;
- ☐ You did not submit 435-G: Annual Progress Report and Subsidized Guardianship Review ~~and/or~~ required supporting documentation when requested and as outlined in your Subsidized Guardianship Agreement.
- ☐ We have received notification that an annual report was not submitted to the court as outlined in your Subsidized Guardianship Agreement.
- ☐ You did not adhere to other provisions outlined in your Subsidized Guardianship Agreement.
- ☐ The child is over the age of 18 and receiving extended Subsidized Guardianship benefits and no longer meets, or the parents fail to submit documentation sufficient to demonstrate; that the child meets the educational or vocational requirements of this Agreement.
- ☐ The child was mistakenly determined eligible for benefits;

☐ You have requested termination of the Subsidized Guardianship Agreement and associated benefits;

☐ Other

Additional Subsidized Guardianship Coordinator comments:

You have a right to appeal this decision within 30 calendar days of receiving this notice. To request an administrative hearing, you must mail a copy of this form along with your request to:

Office of Appeals & Hearings
Slot N 401, P.O. Box 1437
Little Rock, AR 72203

Administrative hearings are conducted telephonically, unless you ask that the hearing be held in person. The request for an in-person hearing must be noted on your request for an administrative hearing. You have the right to an attorney; if you cannot afford one, you should contact Legal Services.

For more information, please contact the Subsidized Guardianship Coordinator at 501-682-1585.

DCFS ~~Permanency Specialist~~ Subsidized Guardianship Coordinator or Designee Signature

Date

~~Foster Care~~ Adoption Manager or Designee Signature

Date

POLICY VIII-L: SUBSIDIZED GUARDIANSHIP

071/20152020

OVERVIEW

For children for whom a permanency goal of guardianship with a relative has been established, the Division offers a federal (title IV-E) Subsidized Guardianship Program to further promote permanency for those children (provided subsidized guardianship eligibility criteria are met). Any non-IV-E eligible child may enter into a subsidized guardianship supported by Arkansas State General Revenue if the Department determines that adequate funding is ~~available~~available, and all other Subsidized Guardianship Program criteria are met. The monthly subsidized guardianship payment shall be used to help relative and fictive kin guardian(s) defray some costs of caring for the child's needs.

During permanency planning staffings guardianship should be explored as a potential permanency option. If it is determined at the permanency planning hearing that a guardianship arrangement with relatives or fictive kin is in the child's best interest and the child's permanency goal is changed to legal guardianship, the Division shall then determine if a specific guardianship arrangement may be supported by a subsidy through the Division's Subsidized Guardianship Program. Only guardians who initially served as an approved relative or fictive kin guardians-foster home may apply for a guardianship subsidy. For the purposes of determining eligibility for a guardianship subsidy, the necessary degree of relationship is satisfied by a relative or fictive kin as defined in A.C.A. § 9-28-108: A relative means a person within the fifth degree of kinship by virtue of blood or adoption, (the fifth degree is calculated according to the child). Fictive kin is defined as a person selected by the Department who is not related to a child by blood or marriage and has a strong, positive, and emotional tie or role in the child's life or the child's parent's life if the child is an infant.

When it is in the best interest of each of the children, the Division shall attempt to place siblings together in the same guardianship arrangement. Siblings may be related by biological, marital, or legal ties. A child who meets the eligibility criteria for a subsidized guardianship will qualify his or her siblings for subsidized guardianship as well provided the siblings are placed in the same relative or fictive kin home. The child who qualifies for a guardianship subsidy does not necessarily have to be placed at the same time as his or her siblings in the relative or fictive kin home. The guardianships for each child in the same relative or fictive kin home do not need to be finalized in any particular sequence.

ELIGIBILITY CRITERIA FOR SUBSIDIZED GUARDIANSHIP

A child is eligible for a subsidized guardianship in Arkansas if the Division determines that:

- A. The child has been removed from his or her home pursuant to a judicial determination that continuation in the home would be contrary to the welfare of the child and, as such, the child has been placed in DHS custody per judicial order;
- B. The child has resided for at least six consecutive months in the fully approved foster home of the prospective relative or fictive kin guardian(s) which is eligible to receive payments on behalf of the child (i.e., the prospective relative or fictive kin guardian's home is no longer a provisional foster home and has been serving as a fully approved foster home to the child seeking a legal guardianship arrangement for at least six consecutive months) (see POLICY VII: Development of Foster Homes). Any disruption in placement with the prospective relative or fictive kin guardian that is less than 14 days will not affect the six consecutive month qualifying period;
- C. Being returned home to the person from whom he or she was removed or being adopted are not appropriate permanency options for the child, the guardianship arrangement is in the child's best interest, and documentation supporting these determinations is provided;
- D. The child demonstrates a strong attachment to the prospective relative or fictive kin guardian(s) and the guardian(s) has a strong commitment to caring permanently for the child/youth;
- E. Each child is consulted regarding the guardianship arrangement; and,

- F. ~~The youth, if more than twelve (12) years of age, 142 and older~~ signs a consent to guardianship if he or she agrees to the guardianship arrangement, and it is agreed that procedures to finalize the guardianship should be initiated (unless the court determines it is in the minor's best interest to dispense with the minor's consent).

CASE PLAN REQUIREMENTS FOR SUBSIDIZED GUARDIANSHIP

If legal guardianship with a relative or fictive kin is the intended permanency goal for a child and the relative or fictive kin guardian(s) intend to apply for a guardianship subsidy, the child's case plan shall include a description of the ways in which the child meets the eligibility requirements for a subsidized guardianship arrangement to include:

- A. The steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;
- B. The reasons for any separation of siblings during placement and description of the efforts made to place currently separated siblings together, the efforts made to provide frequent visitation or other ongoing interaction between siblings; and efforts to reunify separated siblings;
- C. The reasons why a permanent placement with an appropriate and willing relative or fictive kin supported by a subsidized guardianship arrangement is in the child's best interest;
- D. The efforts that the Division has made to discuss adoption by the child's relative or fictive kin foster parent as a more permanent alternative to legal guardianship and, in the case of a relative or fictive kin foster parent who has chosen not to pursue adoption, documentation of the reasons;
- E. The efforts made by the Division to discuss with the child's parent(s) the guardianship arrangement; or the reasons why the efforts were not made;
- F. The process in place to allow for a successor guardian in the event that the relative or fictive kin guardian of the child dies or is no longer able to care for the child; and,
- G. Any appropriate transitional youth services for those youth who exit foster care and enter into a guardianship arrangement supported by a subsidy after the age of 16.

ADDITIONAL REQUIREMENTS FOR SUBSIDIZED GUARDIANSHIP WHEN PROPOSED GUARDIAN RESIDES OUT-OF-STATE

If a guardianship supported by a subsidy is being pursued with a relative or fictive kin who resides outside of Arkansas, that relative or fictive kin must identify a willing resident agent for service within Arkansas. The resident agent for service is a person who must accept service of any lawsuit, pleading, or legal notice, as applicable, on behalf of the out-of-state guardian. The resident agent of service must provide any lawsuit, pleading, or legal notice received as the resident agent to the out-of-state guardian. Any individual who agrees to serve as the resident agent for service must accept his or her designation in writing and this designation will be filed with the court.

SUBSIDIZED GUARDIANSHIP PAYMENTS

The Division will provide subsidized guardianship payments on behalf of eligible children and their siblings (when placed in the same relative or fictive kin home) to approved relatives or fictive kin who assume legal guardianship of the youth for whom they have cared as fully approved foster parents. Subsidized guardianship

payments cannot be made prior to the transfer of guardianship. The prospective relative or fictive kin guardians will receive foster care board payments until the transfer of guardianship occurs.

For an eligible child entering a subsidized guardianship arrangement prior to reaching the age of 16 (and their siblings placed in the same home prior to the age of 16), the subsidized guardianship payment will cease when the child reaches the age of 18.

Any eligible child in foster care entering a subsidized guardianship arrangement at the age of 16 or older (and his or her siblings in the same home at 16 or older) is eligible for subsidized guardianship until he or she reaches 21 years of age provided at least one of the following criteria are met:

- A. The child is completing secondary education or a program leading to an equivalent credential; or,
- B. The child is enrolled in an institution which provides post-secondary or vocational education; or,
- C. The child is participating in a program or activity designed to promote, or remove barriers to, employment; or,
- D. The child is employed for at least 80 hours per month; or,
- E. The child is incapable of doing any of the above described activities due to a medical condition.

In addition, guardianship subsidy payments may also continue for a child up to the age of 21 if the State determines that the child has a mental or physical handicap ~~that~~which warrants the continuation of assistance. If the state determines the youth has a mental or physical handicap that warrants the continuation of the guardianship subsidy assistance up to the age of 21, that youth is not subject to the education and employment requirements listed above for youth ages 18-21. Requests for extension of subsidy agreements up to age 21 due to a mental or physical handicap must be submitted by the guardian(s) to the Subsidized Guardianship Coordinator or designee at least three (3) months prior to the termination of the current subsidy agreement. Such extension requests received after this time frame (to include after the youth has turned 18 but not yet reached the age of 21) may still be considered. However, any subsidy agreement that is extended past the age of 18 due to a mental or physical handicap will take effect on the date the new subsidy agreement reflecting the extension is signed. Any monthly subsidy payments that were not made between the end date of the initial subsidy agreement and the date of the new subsidy agreement reflecting a subsidy extension past age 18 will not be made retroactively.

The Division will ensure that the relatives or fictive kin receiving a subsidized guardianship payment on behalf of a child past the age of 18 provide documentation annually that the child meets the employment or education requirements listed above up to the age of 21. If a child is incapable of meeting the above referenced education or employment requirements due to a medical condition or has a mental or physical handicap(s), the reason for which the child is incapable of meeting the education or employment requirements must be documented by a medical professional and updated annually until the child reaches 21 years of age.

When siblings are placed together in a subsidized guardianship arrangement, the subsidized guardianship payments will be paid on behalf of each of the siblings. The sibling of a child eligible for subsidized guardianship does not need to meet any subsidized guardianship eligibility requirements him or herself.

When determining the amount of each subsidized guardianship payment the following shall be considered:

- A. The needs of the child as supported by accompanying documentation (the rate should not be linked to the means of the prospective relative or fictive kin guardians);
- B. The subsidized guardianship payment shall not exceed the foster care board payment that would have been paid on that child's behalf if he or she had remained in a foster family home. Any child receiving a subsidized guardianship payment may have his or her guardianship subsidy adjusted per Arkansas rate structure based on the child's age or the child's special needs. The subsidy shall not be greater than the amount which the child would have received had the child remained in a foster family home.

- C. The relative or fictive kin guardians may not draw both an SSI payment and a subsidized guardianship payment. The relatives or fictive kin shall determine which form of assistance best meets the needs of the child.
- D. The relative or fictive kin guardians may draw both a Title II SSA payment and a subsidized guardianship payment but the total amount of the combined payments may not exceed the child's foster care board payment.
- E. Any conserved funds in a child's trust account shall not affect a child's subsidized guardianship eligibility or payments. However, the DCFS Eligibility Unit shall close any trust account(s) when a child exits care. The administering agency of the trust account will redistribute the funds per its respective regulations after any board payments, contract reimbursements, and/or overpayments are deducted from the account balance prior to close out.

In addition to the monthly subsidized guardianship payments, approved relative or fictive kin guardian(s) of a child eligible for the Subsidized Guardianship Program will also receive funding for the total cost of non-recurring expenses related to obtaining legal guardianship up to \$2,000 per child. The majority of legal services should be provided by the DHS Office of Chief Counsel (OCC) which would not incur legal fees upon the relative or fictive kin guardians.

The relative or fictive kin guardian(s) are required to inform the Division of circumstances that would make them ineligible for subsidized guardianship payments or eligible for payments in a different amount (e.g., if the child becomes eligible for and begins receiving SSA payments). The relative or fictive kin guardian(s) must also notify the Division of any change of address. Any subsidized guardianship payment will remain in effect without regard to the State of residence of the relative or fictive kin guardian(s).

MEDICAL COVERAGE FOR SUBSIDIZED GUARDIANSHIP ARRANGEMENTS

The Division will ensure health insurance coverage under Medicaid Title XIX for any IV-E eligible child (and their IV-E eligible siblings when placed in the same relative or fictive kin home) who receives a subsidized guardianship payment as the child must be eligible for and receiving IV-E guardianship subsidy payments in order to be categorically eligible for Medicaid. The subsidized guardianship agreement will indicate Medicaid coverage for IV-E eligible children.

A non-IV-E eligible child may qualify for certain Medicaid categories depending on the needs of the child. The relative or fictive kin guardian of a non-IV-E eligible child may apply for health insurance (e.g., AR Kids First) for the child through their local DHS county office. Coverage through the local DHS county office is not guaranteed and may only extend until the time the child reaches 19 years of age.

SUBSIDIZED GUARDIANSHIP PROGRAM DETERMINATION

The child's permanency planning staffing shall be the forum in which the determination regarding whether a guardianship arrangement is in the child's best interest (and his or her siblings if applicable).

If the child's permanency planning hearing results in a permanency goal of a legal guardianship with a specific relative or fictive kin, the Division shall then determine if the child (and his or her siblings if applicable) and prospective relative or fictive kin guardian(s) may qualify for a subsidized guardianship. If the child's FSW believes the child and relative or fictive kin guardians may qualify based on the subsidized guardianship eligibility and case plan criteria, he or she will make a referral to the DCFS Permanency Specialist Subsidized Guardianship Coordinator or designee.

If the DCFS Subsidized Guardianship Coordinator Permanency Specialist or designee agrees that the family is a candidate for subsidized guardianship, a family-centered subsidized guardianship determination meeting will be held. The purpose of the meeting is to explain the Subsidized Guardianship Program to the prospective relative

or fictive kin guardian(s) and ensure that eligibility and case plan criteria for the program are met. The DCFS Subsidized Guardianship Coordinator~~Permanency Specialist~~ or designee will facilitate the family-centered subsidized guardianship determination meetings.

If it is determined that all Subsidized Guardianship Program eligibility and case plan criteria are satisfied, the decision shall be relayed to the Subsidized Guardianship Oversight Committee via the DCFS ~~Permanency Specialist~~Subsidized Guardianship Coordinator or designee. The Subsidized Guardianship Oversight Committee serves as an auditing entity to ensure all eligibility and case plan requirements have been met.

The Subsidized Guardianship Oversight Committee shall include, but is not limited to:

- A. DCFS Subsidized Guardianship Coordinator ~~Permanency Specialist~~ or designee
- B. DCFS Foster Care Manager or designee
- ~~C.~~ DCFS Adoption Manager or designee
- C.
- ~~D.~~ DCFS Director or designee in cases involving special subsidy requests
- D.

If the Subsidized Guardianship Oversight Committee verifies that all Subsidized Guardianship Program eligibility and case plan criteria have been met, DHS may then petition the court for a guardianship hearing to finalize the guardianship and subsidized guardianship agreement.

SUBSIDIZED GUARDIANSHIP AGREEMENT

Once guardianship with a specific relative or fictive kin has been established as the child's permanency goal and then after the Division has determined that the guardianship may be supported by a guardianship subsidy, the family and the Division will finalize the subsidized guardianship agreement. A subsidized guardianship agreement, a written, binding agreement negotiated between the relative or fictive kin guardian(s), the Division and other relevant agencies, must be in place prior to the finalization of the legal guardianship supported by a subsidy. The prospective relative or fictive kin guardian(s) shall receive a copy of the agreement.

The subsidized guardianship agreement will specify:

- A. The amount of, and manner in which, each subsidized guardianship payment will be provided under the agreement (subsidized guardianship payment should not exceed the amount of the child's foster care board payment unless special circumstances related to the child's care warrant a special subsidy rate);
- B. That (and the manner in which) the payment may be adjusted periodically, in consultation with the relative or fictive kin guardian(s), based on the circumstances of the relative or fictive kin guardian and the needs of the child;
- C. The additional services and assistance that the child and relative or fictive kin guardian(s) will be eligible for under the agreement including Medicaid coverage that may be available through the DCFS Eligibility Unit or, in the case of non-IV-E children, through the local DHS county office;
- D. The procedure by which the relative or fictive kin guardian(s) may apply for additional services needed;
- E. That the Division will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child/youth up to \$2,000;
- F. That the child shall retain eligibility for federal adoption assistance payments under Title IV-E, provided he or she was eligible when the subsidized guardianship agreement was negotiated, if the guardian later decides to adopt the child;
- G. That the agreement will become effective upon the entering of a court order granting guardianship of the child to the guardian(s);
- H. That the agreement shall remain in effect without regard to State residency of the relative or fictive kin guardian;

- I. That the relative or fictive kin guardian(s) are required to respond to ~~annual guardianship agreement~~ review requests from the Division so that the Division can file an annual report with the court as required in law;
- ~~J. That OCC will file an annual report with the court; the newly appointed guardian shall file an annual report with the court;~~
- ~~K.J.~~ Designated successor guardian(s), if desired, for the child in the event that the current relative or fictive guardian kin guardian is no longer able to fulfill guardianship responsibilities.

- 1) Successor guardian(s) and all household members within that individual's home must clear any applicable Child Maltreatment Central Registry Checks, State Police Criminal Record Checks, and a Vehicle Safety Check before being identified as a potential successor guardian in the subsidized guardianship agreement.
- a) In the event the initial relative or fictive kin guardian dies or is otherwise incapacitated, placement with the successor guardian identified in the initial guardianship agreement (or any amendments to the agreement) may be pursued, as appropriate. After a new guardianship subsidy agreement is signed by the successor guardian and DCFS and the new guardianship is subsequently entered before the court, the subsidized guardianship assistance payments will continue to the successor guardian ~~if the relative guardian dies or is incapacitated and a successor guardian was named in the subsidized guardianship agreement (or any amendments to the agreement) with the initial relative guardian.~~

However, the child must also continue to meet all subsidized guardianship eligibility criteria in order to move forward with a subsidized guardianship arrangement with the identified successor guardian.

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 provided to the guardian(s)~~ by the Division of Family Services (DCFS) ~~Permanency Specialist~~ Subsidized Guardianship Coordinator or designee. Upon receipt of the completed progress report and review, the Subsidized Guardianship Coordinator or designee will send those documents to the appropriate court while the Office of Chief Counsel shall file the annual progress report with so that the progress report can be filed with the court as required in law. 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 ~~the annual progress report review~~ will reflect the child's current, documented level of need.

REVISION OR TERMINATION of SUBSIDIZED GUARDIANSHIP AGREEMENT

Revisions to the subsidized guardianship agreement and/or payments may be requested any time there is a significant change in the child's circumstance and the relative or fictive kin guardian can provide the required and/or requested documentation. To request a revision to the subsidized guardianship agreement and/or payments, the family shall contact the DCFS ~~Permanency Specialist~~ Subsidized Guardianship Coordinator or designee.

The subsidized guardianship agreement and, consequently the subsidized guardianship payments, shall be revised or terminated as appropriate:

- A. If the child is absent from the relative or fictive kin guardian home for more than 14 days in a month (in such an event, the child will be eligible for only a portion of the month that he or she was in the relative or fictive kin guardian home) excluding when a child 18 or older lives in an approved independent living situation outside of the home (e.g., college dorm); or,

- B. When the terms of the subsidized guardianship agreement are fulfilled; or,
- C. If the child begins receiving SSI, SSA, or any other source of income excluding any income that the child may earn from his or her own employment (the relative **or fictive kin** guardian is responsible for notifying the Division if the child begins receiving other sources of income);
- D. If the child has attained the age of 18 for those who entered into the subsidized guardianship arrangement prior to the age of 16; or,
- E. If the child has attained the age of 21 for those who entered into the subsidized guardianship arrangement at the age of 16 or older; or,
- F. If the child who has an extended subsidy (i.e., up to age 21) does not meet the education or employment conditions outlined above in the Subsidized Guardianship Payments section; or,
- G. If the child who has extended subsidy (i.e., up to age 21) is no longer determined to have a mental or physical handicap which warrants the continuation of assistance; or,
- H. If the child who has an extended subsidy (i.e., up to the age of 21), upon reaching the age of 18 years or older requests the guardianship be terminated; or,
- I. If the child becomes an emancipated minor; or,
- J. If the child marries; or,
- K. If the child enlists in the military; or,
- L. If the relative **or fictive kin** guardian(s) are no longer legally or financially responsible for the support of the child; or,
- M. If the guardian(s) die; or,
- N. If the guardianship is vacated; or,
- O. If the child dies.

Subsidized guardianship payments may continue to be paid on behalf of the child if the child moves out of the relative **or fictive kin** guardian's home or otherwise lives independently of the guardian(s) as long as the guardian(s) continue to provide support to the child.

If a child whose relatives **or fictive kin** are receiving subsidized guardianship payments on his or her behalf re-enters DHS custody, the subsidized guardianship agreement will be terminated until such time that the child is reunified with the relative **or fictive kin** guardian(s), or, in certain cases until such time that a legal guardianship with the successor guardian is determined to be in the child's best interest, it is determined that the child and successor guardian qualify for a subsidized guardianship, and a new subsidized guardianship agreement with the successor guardian is finalized. A successor guardian is not entitled to any payments that would have been made to the initial guardian during the time a child spends in DHS custody. The successor guardian may only receive subsidized guardianship payments once the court has formally appointed the successor guardian as the child's legal guardian and the subsidized guardianship agreement is in effect.

APPEALS

Relative **or fictive kin** guardian(s) may appeal the Division's decision to deny, terminate, or modify their child's subsidized guardianship agreement and/or payments in accordance with the rules and procedures of the State's fair hearing and appeal process per DHS Policy 1098. The relative **or fictive kin** guardian(s) must appeal an adverse decision within thirty (30) calendar days of written notice of the adverse action. Subsidized guardianship payments will be suspended pending the determination of all appeals. Families receiving a favorable ruling in their hearing may be entitled to assistance (back payment) that had been suspended.

The child would only be eligible for title IV-E subsidized guardianship if all eligibility criteria had been met prior to the finalization of the guardianship (including executing a subsidized guardianship agreement). Therefore, even if the Office of Hearings and Appeals orders DCFS to provide subsidized guardianship payments and services for the child, the State shall not claim FFP under title IV-E if a subsidized guardianship agreement was not in place prior to the guardianship.

PROCEDURE VIII-L1: Initial Subsidized Guardianship Program Determination

061/20132020

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

- 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 or fictive kin guardians, and child's biological parents (if appropriate) to make the initial determination that the child and prospective or fictive kin relative guardians meet all subsidized guardianship eligibility requirements.
- ~~B-C.~~ Update the case plan to reflect guardianship goal and other required program information (see Case Plan Requirements for Subsidized Guardianship in policy section above).
- ~~C-D.~~ Submit the completed CFS-435-A to the FSW Supervisor for review and approval and attach any other documentation that would be important to the child's case (financial information, Special Board Rate Justification), but at minimum the following to complete the referral packet:
 - 1) Case history memorandum detailing the specifics of the child's overall situation (e.g., parent information, special needs, connection to the proposed guardian, why a guardianship has been ruled out, how reunification and adoption have been ruled out, whether child is IV-E eligible, length of time placed in the approved relative or fictive kin foster home
 - 2) Child's signed consent to guardianship for children 14 and older
 - ~~2)~~ CFS 404: Medical Report
 - ~~3)~~ CFS 446: In Home Consultation Visit Report
 - ~~4)~~ CFS 475-A: Initial Checklist for Foster/Adoptive Home Assessment
 - ~~3)~~ Final SAFE Home Study Report or Update, as applicable
 - ~~5)4)~~ Most recent Foster Home Approval Letter
 - ~~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)5)~~ Court Orders (documenting reasonable efforts, ruling out reunification and adoption, and establishing a goal of guardianship)
 - ~~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)6)~~ Notarized statement from relative or fictive kin verifying discussion of all permanency options available and understanding of those options as well as decision to elect guardianship and apply for a subsidy
 - ~~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-E.~~ 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 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 or fictive kin 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 or fictive kin foster parent as a more permanent alternative to legal guardianship and, in the case of a relative or fictive kin 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 or fictive kin 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 SpecialistSubsidized Guardianship Coordinator or designee that the child and prospective relative or fictive kin guardians would like to proceed with the subsidized guardianship arrangement.
- c) If the DCFS Permanency SpecialistSubsidized Guardianship Coordinator 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 SpecialistSubsidized Guardianship Coordinator 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 or fictive kin 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.

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

PROCEDURE VIII-L2: Denial of Subsidized Guardianship Arrangement

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If at any point in time it is determined in consultation with the FSW supervisor and DCFS Subsidized Guardianship Coordinator~~Permanency Specialist~~ or designee that a legal guardianship supported by a subsidy is not appropriate for the child and/or relative or fictive kin guardian applicant, the DCFS Subsidized Guardianship Coordinator~~Permanency Specialist~~ will:

- A. Complete and provide to the relative or fictive kin guardian applicant CFS-435-B: Notification of Subsidized Guardianship Program Denial.
- B. Keep a copy of CFS-435-B: Notification of Subsidized Guardianship Program Denial in the DCFS Permanency Specialist's~~Subsidized Guardianship Coordinator or designee's~~ file.
- C. Notify the FSW and FSW Supervisor of the decision.
- D. Note in CHRIS contacts screen reason for subsidized guardianship denial.
- E. Work with the family and county office, as appropriate, to determine the permanency goal that is in the child's best interest and/or how the child and/or relative or fictive kin guardian applicant may become eligible for a legal guardianship supported by a subsidy if appropriate.

PROCEDURE VIII-L3: Subsidized Guardianship Determination Meeting

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The FSW will:

- A. Coordinate the subsidized guardianship determination meeting to discuss the potential subsidized guardianship arrangement and agreement within 14 days of receiving notification from the DCFS Subsidized Guardianship Coordinator~~Permanency Specialist~~ or designee to move forward with pursuing a Subsidized Guardianship arrangement.
- B. Arrange a date for the following participants to attend the family centered-meeting with a preference of at least 7 days' notice before the meeting date (though the meeting may take place earlier if all participants agree to an earlier date):
 - 1) Child, if age appropriate
 - 2) Prospective relative or fictive kin guardians
 - 3) Child's biological parents, if appropriate
 - 4) Any grandparent who is entitled to notice based on the conditions listed in Policy III-B: Notification of Relatives and Fictive Kin When a Child is Taken into Custody by the Division and related procedures
 - 5) Child's FSW
 - 6) FSW Supervisor
 - 7) Adoption Representative (if Adoption Representative did not participate in permanency planning staffing)
 - 8) DCFS Subsidized Guardianship Coordinator~~Permanency Specialist~~ or designee

The following shall be invited to the meeting but attendance is not required:

- 1) Area Director or designee
 - 2) Child's attorney ad litem
 - 3) Child's CASA (if applicable)
 - 4) OCC representative
 - 5) Parent counsel (if applicable)
- C. If it is determined during the meeting that it is not appropriate for the family to move forward with the legal guardianship supported by a guardianship subsidy, see Procedure VIII-L2: Denial of Subsidized Guardianship Arrangement.

The FSW Supervisor will:

- A. Conference with the FSW as needed.
- B. Participate in the subsidized guardianship determination meeting.
- C. Inform the Area Director of issues related to pursuing the subsidized guardianship arrangement for the child.

The DCFS ~~Subsidized Guardianship Coordinator~~~~Permanency Specialist~~ or designee will:

- A. Facilitate the subsidized guardianship determination meeting.
- B. Provide an overview of subsidized guardianship to ensure that all participants have a thorough understanding of the intent and requirements of the program.
- C. Discuss the subsidy rate with the prospective relative or fictive kin guardians. The subsidy rate should not exceed the child's current foster care board payment.
- D. If the prospective relative or fictive kin guardians inquire about a special subsidy rate (i.e., more than the child's current foster care board payment) due to special circumstances related to the youth's care, ask them to complete CFS-435-C: Subsidized Guardianship Special Subsidy Request and to provide the Division with a written statement from the child's physician or treatment professional that provides:
 - 1) Child's diagnosis
 - 2) Child's prognosis
 - 3) Identification of any current treatment being provided; and,
 - 4) Reasoning as to why the preceding information would warrant a special subsidy rate.
- E. Inform the prospective relative or fictive kin guardians that any approved guardianship subsidy will be paid according to the terms outlined in the CFS-435-F: Subsidized Guardianship Agreement (which will not be effective until the court enters an order of guardianship) and may be modified at the annual review based on changes in policy or significant changes in the child's circumstances.
- F. If determined during the subsidized guardianship determination meeting that it is appropriate for the family to move forward with the legal guardianship supported by a guardianship subsidy:
 - ~~1) Notify the Subsidized Guardianship Oversight Committee within 48 hours of the staffing of the family's intent to move forward;~~
 - ~~2) Submit all related forms and supporting documentation to the committee within 48 hours of the staffing of the family's intent to move forward.~~
 - ~~Arrange a meeting with the Subsidized Guardianship Oversight Committee with a preference of at least 7 calendar days' notice of the meeting date (though the meeting may take place earlier if all parties agree to an earlier date).~~

PROCEDURE VIII-L4: Subsidized Guardianship Oversight Committee Review

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The Subsidized Guardianship Oversight Committee will:

- A. Meet to review and discuss all subsidized guardianship forms and supporting documentation within 14 calendar days of receiving the information from the DCFS ~~Permanency Specialist~~Subsidized Guardianship Coordinator. This includes review of CFS-435-C: Subsidized Guardianship Special Subsidy Request and any documentation received from the family that would support the need for a special subsidy rate.
- B. Verify that all subsidized guardianship eligibility and case plan criteria have been met.
- C. Determine if a special subsidy rate is warranted, if requested.

The DCFS ~~Permanency Specialist~~Subsidized Guardianship Coordinator or designee will:

- A. Facilitate the Subsidized Guardianship Oversight Committee meeting.
- B. Notify the FSW, FSW Supervisor, and Area Director of the Subsidized Guardianship Oversight Committee's verification regarding the subsidized guardianship arrangement and any special subsidy rate determination (if applicable):

- 1) If the Subsidized Guardianship Oversight Committee verifies that the subsidized guardianship arrangement should move forward, ask the FSW to work with the local OCC attorney to file a petition for guardianship (and determine a court date for the guardianship hearing if date ~~was~~ has not already been set) and proceed to procedure VIII-L5: Subsidized Guardianship Agreement Finalization.
- 2) If the Subsidized Guardianship Oversight Committee cannot verify that the subsidized guardianship arrangement should move forward, tell the FSW to:
 - a) Work with the family to meet any needed adjustments determined by the Subsidized Guardianship Oversight Committee that may qualify them to move forward with a subsidized guardianship arrangement at a later date; or,
 - b) See Procedure VIII-L2: Denial of Subsidized Guardianship Arrangement, if appropriate.

The FSW will:

- A. If moving forward with the subsidized guardianship arrangement, request that the local OCC attorney petition the court to finalize the guardianship and the subsidized guardianship agreement by providing the OCC attorney with a copy of the CFS-435-A: Subsidized Guardianship Application and Checklist that includes the DCFS ~~Permanency Specialist's~~ Subsidized Guardianship Coordinator or designee's signature.
- B. If not moving forward with the subsidized guardianship arrangement:
 - 1) Work with the family to meet any needed adjustments determined by the Subsidized Guardianship Oversight Committee that may qualify them to move forward with a subsidized guardianship arrangement at a later date, if applicable; or,
 - 2) See Procedure VIII-L2: Denial of Subsidized Guardianship Arrangement, if applicable.

The FSW Supervisor will:

- ~~A.~~ Conference with the FSW as needed.
- A.
- ~~B.~~ Inform the Area Director of issues related to pursuing the subsidized guardianship arrangement for the child.
- ~~C-B.~~

PROCEDURE VIII-L5: Subsidized Guardianship Agreement Finalization

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The DCFS ~~Subsidized Guardianship Coordinator~~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.
- B. Draft and complete the CFS-435-F: Subsidized Guardianship Agreement with the prospective guardians and FSW prior to the guardianship hearing.
- C. Submit the CFS-435-F: Subsidized Guardianship Agreement to the ~~Adoption's Manager~~Foster Care Manager or designee for review and approval.
- D. Sign the CFS-435-F: Subsidized Guardianship Agreement.

The ~~Foster Care Manager~~Adoption's Manager or designee will:

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

The FSW will:

- A. Assist the DCFS ~~Subsidized Guardianship Coordinator~~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: Subsidized Guardianship Agreement 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-L6: Guardianship Hearing for Subsidized Guardianship

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The FSW will:

- A. Receive the confirmed guardianship hearing court date from the OCC attorney (if guardianship hearing date was not previously set).
- B. Provide notice to the participants (e.g., foster parents, other relatives, etc.) at least 14 calendar days before the guardianship hearing. OCC will provide notice to parties to the legal case.
- C. If siblings will not also be placed in the subsidized guardianship arrangement, make a recommendation to the court to allow visits between siblings and with other relatives (if in the best interest of the children). Document the recommendation in the court report.
- D. Complete court report for the guardianship hearing and submit to supervisor for review.
- E. Submit the CFS-6011: Court Report to the OCC Attorney within 14 calendar days prior to the hearing.
- F. Document distribution of court reports to all parties or their attorneys and CASA, if applicable via the CFS-423: Certificate of Service.

- G. Attend the hearing with the case file and be prepared to provide testimony regarding services offered or provided, progress, and recommendations to the court.
- H. Present the completed CFS-435-F: Subsidized Guardianship Agreement to the court.
- I. Once the court finalizes legal guardianship and the subsidized guardianship agreement with the relative or fictive kin guardians:
 - 1) Discuss the court orders with the family.
 - 2) File the CFS-435-F: Subsidized Guardianship Agreement in the provider record.
 - 3) Provide a copy of the CFS-435-F: Subsidized Guardianship Agreement to the relative or fictive kin guardian(s). Once approved (i.e., once the court enters an order granting guardianship), the subsidized guardianship agreement will remain in effect without regard to the state residency of the legal relative or fictive kin guardian as long as the guardianship remains in effect or has not been terminated.
 - 4) For IV-E eligible children, provide the DCFS Eligibility Unit a copy of the finalized court decree indicating the legal guardianship and a copy of the finalized CFS-435-F: Subsidized Guardianship Agreement in order to continue Medicaid coverage for the child.
 - 5) For non-IV-E eligible children, instruct the relative or fictive kin guardian(s) to apply for health care coverage at their local DHS county office.
 - 6) Exit the child out of foster care and into a subsidized guardianship arrangement supported by a guardianship subsidy in CHRIS.
 - 7) Notify the relative or fictive kin guardian Resource Worker that legal guardianship has been granted.

The FSW Supervisor will:

- A. Conference with the FSW as needed.
- B. Review and approve CFS-6011: Court Report.
- C. Attend the guardianship hearing.
- D. Inform the Area Director of issues related to the subsidized guardianship arrangement for the child.

The Resource Worker will:

- A. End date the Foster Family Service on the Provider Service Tab selecting the appropriate Reason for End Date in CHRIS noting in the comment box on the Provider Services Tab that home was closed due to the parent(s) assuming legal guardianship of the child supported by guardianship subsidy.

The DCFS Eligibility Unit will:

- A. Process the copy of the child's court decree and copy of the finalized CFS-435-F: Subsidized Guardianship Agreement to ensure continued Medicaid coverage for IV-E eligible children.
- B. Close any trust account(s) when any child exits foster care.

PROCEDURE VIII-L7: Annual Subsidized Guardianship Review

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The DCFS ~~Permanency Specialist~~Subsidized Guardianship Coordinator 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 envelope addressed to the Subsidized Guardianship Coordinator or designee-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,
 - 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 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.~~
- ~~C.B.~~ Document in CHRIS date the CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review is mailed to the relative guardians.
- ~~D.C.~~ If the family has not returned the completed CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review 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~~ Subsidized Guardianship Coordinator or designee within two weeks.
- ~~E.D.~~ 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:
- 1) If the supporting documentation shows that the child's condition has not changed:
 - a) Send completed copy of CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review with DCFS ~~Permanency Specialist~~ Subsidized Guardianship Coordinator or designee's signature to the family noting that the subsidized guardianship agreement will continue unchanged for the forthcoming year.
 - b) Send the original CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review with signatures to ~~OCC designee to file with the circuit court~~ the appropriate court for filing.
 - c) Maintain a copy of the completed CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review with signatures in guardian record.
 - d) Enter appropriate CHRIS updates.
 - 2) If the supporting documentation shows that the child's condition or status within the home has changed and the change(s) warrant a revision of the subsidized guardianship agreement or termination of the agreement:
 - a) Schedule a meeting with the relative or fictive kin guardians and ~~Foster Care~~ Adoption Manager or designee to discuss needed revisions or termination including any requests for special subsidy rates.
 - i. 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.

- b) Revise CFS-435-F: Subsidized Guardianship Agreement if appropriate and complete CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review.
 - i. Provide copy of completed CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review and new CFS-435-F: Subsidized Guardianship Agreement to family.
 - ii. Provide original CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review with signatures to ~~OCC designee to file with the circuit court~~the appropriate court for filing.
 - iii. Maintain a copy of completed CFS-435-F: Subsidized Guardianship Agreement and CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review in the guardian record.
- c) Enter appropriate CHRIS updates.

~~F.E.~~ If relative or fictive kin guardian(s) does not submit CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review and/or requested documentation within the required timeframe:

- 1) Complete CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review 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: Annual Progress Report and Subsidized Guardianship Agreement Review and CFS-435-H: Notice of Modification or Termination to Subsidized Guardianship Agreement indicating termination of the agreement and associated payments and benefits.
- 3) File the original CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review and CFS-435-H: Notice of Modification or Termination to Subsidized Guardianship Agreement in the guardian record.
- 4) Enter appropriate CHRIS updates including termination of subsidized guardianship payments.

The ~~Foster Care~~Adoption Manager or designee will:

- A. Conference with the DCFS ~~Permanency Specialist~~Subsidized Guardianship Coordinator or designee as needed regarding decisions related to annual reviews of subsidized guardianship arrangements.
- B. Participate in meetings with the relative or fictive kin guardians and DCFS ~~Permanency Specialist~~Subsidized Guardianship Coordinator 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:~~

~~File CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review with the circuit court.
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.

PROCEDURE VIII-L8: Placement with Successor Guardian

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The information below does not apply to situations in which the initial guardian dies or is otherwise incapacitated.

If a child whose relatives or fictive kin are receiving a guardianship subsidy on his or her behalf re-enters DHS custody, the Area Director or designee will:

- A. Notify the DCFS Subsidized Guardianship Coordinator~~Permanency Specialist~~ that the child has re-entered care.
- B. Consult with the DCFS Subsidized Guardianship Coordinator ~~Permanency Specialist~~ or designee and appropriate FSW supervisor as to whether:
 - 1) It is appropriate for the child to work toward reunification with the initial relative or fictive kin guardians; or,
 - 2) If guardianship with the successor guardian is in the child's best interest and, if so, if the identified successor guardian and child meet requirements the eligibility criteria for the Subsidized Guardianship Program; or,
 - 3) If another permanency option is more appropriate.
- C. If a subsidized guardianship arrangement with the successor guardian is determined to be appropriate, assign the appropriate Resource Worker to open the successor guardian's home as a provisional foster home per Policy VII: Development of Foster Homes.
- D. If the successor guardian is determined not be an appropriate placement at that point in time, have the assigned FSW find an appropriate approved or licensed placement for the child per A.C.A. § 9-28-402.

The Resource Worker will:

- A. If notified by the Area Director or designee, open the successor guardian's home as a provisional foster home per Policy VII: Development of Foster Homes.
- B. Collaborate with the FSW to evaluate:
 - 1) How the other children and adults in the home will affect the successful development of the child; and,
 - 2) How the child will impact the other members of the home.
- C. Support the relative or fictive kin throughout the process of becoming a provisional and regular DCFS foster home.
- D. If and when legal guardianship is granted to the successor guardian, end date the Foster Family Service on the Provider Service Tab selecting the appropriate Reason for End Date in CHRIS noting in the comment box on the Provider Services Tab that home was closed due to the parent(s) assuming legal guardianship of the child supported by a guardianship subsidy.

The FSW Supervisor will:

- A. Consult with the FSW, Area Director, and DCFS ~~Subsidized Guardianship Coordinator~~ ~~Permanency Specialist~~ as to whether a subsidized guardianship arrangement with the initial relative or fictive kin guardians (i.e., reunification) or with the successor guardian is in the child's best interest or if another permanency option is more appropriate.
- B. Conference with the FSW on decisions regarding the child.

The FSW will:

- A. Consult with the FSW Supervisor, Area Director and DCFS ~~Subsidized Guardianship Coordinator~~ ~~Permanency Specialist~~ as to whether a subsidized guardianship arrangement with the initial relative or fictive kin guardians (i.e., reunification) or the successor guardian is in the child's best interest or if another permanency option is more appropriate.
- B. If appropriate, request that the OCC attorney petition the court for a permanency planning hearing to review the child's case plan goal of legal guardianship supported by a guardianship subsidy with the successor guardian.
- C. Follow Procedure VIII-L5: Subsidized Guardianship Agreement Finalization and Procedure VIII-L6: Guardianship Hearing for Subsidized Guardianship.

The DCFS ~~Subsidized Guardianship Coordinator~~ ~~Permanency Specialist~~ or designee will:

- A. Consult with the FSW, FSW Supervisor, and Area Director as to whether a subsidized guardianship arrangement with the initial relative or fictive kin guardians (i.e., reunification) or the successor guardian is in the child's best interest or if another permanency option is more appropriate.
- B. Follow Procedure VIII-L5: Subsidized Guardianship Agreement Finalization, Procedure VIII-L6: Guardianship Hearing for Subsidized Guardianship and VIII-L7: Annual Subsidized Guardianship Program Review as appropriate.

PROCEDURE VIII-L9: Appeals

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If the family wishes to appeal a decision regarding their subsidized guardianship agreement, the DCFS ~~Subsidized Guardianship Coordinator~~ ~~Permanency Specialist~~ or designee will:

- A. Direct the family to DHS Policy 1098 for information on administrative hearings if questions from the family are received (instructions regarding how to request an administrative hearing are included on CFS-435-H: Notice of Modification or Termination to Subsidized Guardianship Agreement).

~~B.~~ Keep the family and ~~Adoption's Manager~~ ~~Foster Care Manager~~ or designee informed to any further proceedings related to the appeal request.

~~C.B.~~