POLICY TITLE: Permanent Guardianship Subsidy CHAPTER: Subsidy		PAGE 1 OF 9
	CHILD AND FAMILY SERVICES AGENCY Approved by:_____ Signature of Agency Director	PROFESSIONAL STANDARDS
EFFECTIVE DATE:	LATEST REVISION: June 21, 2011	REVIEW BY LEGAL COUNSEL: June 17, 2011

I. AUTHORITY	The Director of Child and Family Services Agency adopts this policy to be consistent with the Agency's mission and applicable federal and District of Columbia laws, rules and regulations, including the D.C. Official Code § 16-2399 and 29 DCMR Ch. 61, and the implementation plan in LaShawn A. v. Fenty.
II. APPLICABILITY	This policy applies to all Agency employees and contracted personnel.
III. RATIONALE	The purpose of this policy is to identify the circumstances and process for receiving a Permanent Guardianship Subsidy. A Permanent Guardianship Subsidy makes it possible for children who might otherwise remain in long-term foster care to achieve permanency. Many kin and non-kinship caregivers are willing to care for children but are unable to manage the financial burden or unable to meet the medical needs of the children without a subsidy. A Permanent Guardianship Subsidy may provide financial assistance and medical assistance to permanent guardians of eligible children.
IV. POLICY	It is the policy of the Child and Family Services Agency (CFSA) to make a guardianship subsidy available to individuals who serve as permanent guardians to children involved in the District's Child Welfare System. The prospective guardian must be a licensed provider and the child(ren) must have resided with the prospective guardian for at least six (6) months before the finalization of permanent guardianship may be granted. A thorough assessment of the child's placement shall be completed by CFSA or the case carrying agency prior to recommending conferring guardianship to the caregiver(s). The Guardianship Subsidy Agreement shall be approved prior to the granting of guardianship by the Court. Upon finalization of the permanent guardianship order by the Court, the subsidized guardianship program shall provide the caregiver with either a time limited or monthly board and care payment equal to the prevailing foster care rate (minus any income the child has, such as social security) plus medical coverage through the DC Medicaid program, if accepted by a medical provider in the families' current state of residence.

V. CONTENTS	**A.** Eligibility Criteria **B.** Application Process **C.** Notice to Subsidy Unit of Permanent Guardianship Decision **D.** Termination of Permanent Guardianship Subsidy **E.** Subsidy Review **F.** Transferability of Subsidy to a Successor Guardian **G.** Appeals
VI. ATTACHMENTS	**A.** Application for Permanent Guardianship Subsidy **B.** Permanent Guardianship Subsidy Referral **C.** Relative's Affidavit **D.** Required Documents Checklist **E.** Permanent Guardianship Subsidy Agreement **F.** Instructions for Completing Notice of Action to Deny, Terminate or Reduce Permanent Guardianship Subsidy **G.** Permanent Guardianship Subsidy Review **H.** Notice of Administrator's Subsidy Review **I.** Fair Hearing Form
VII. PROCEDURES	**Procedure A: Eligibility Criteria for Guardianship Subsidy** Permanent Guardianship enables children to retain ties to their families of origin and community through placement with kin and non-kinship caregivers. When such funding is available, an applicant may be eligible to receive a permanent guardianship subsidy up until the child reaches the age of 21 when all of the following criteria are met: 1. The Court has awarded the applicant permanent guardianship over a child. 2. The applicant must be licensed in the state where they reside. 3. The following criteria are met at the time of the application and were continuously met through the point that the Court awarded permanent guardianship: a. The Court has adjudicated the child to be a neglected child; b. Following the disposition hearing, the Court placed the child in the legal custody of CFSA; c. The child has been determined to meet one of the following special needs criteria: i. Difficult to place for adoption because of age, race, ethnic background, physical or mental condition; or ii. The child is a member of a sibling group which should be placed together; or iii. The child in all likelihood would go without another permanent placement except for her or his acceptance as a member of the permanent guardian's family. d. CFSA has determined that the child's best interest is not met by the permanency plan of either reunification or adoption;

	e. CFSA has determined that the permanency plan of legal guardianship with the applicant is in the child's best interest; and f. The applicant is qualified in every other way but has a current and potential ongoing financial need for a permanent guardianship subsidy.
	Procedure B: Application Process Any person(s) who wish to receive a permanent guardianship subsidy must apply with the CFSA. CFSA shall assist those interested in applying and the below application process shall be followed: 1. The on-going social worker shall determine that the eligibility criteria have been met prior to making a referral to the permanent guardianship subsidy program. 2. If the child and prospective permanent guardian meet the eligibility criteria under *Procedure A*, the ongoing worker shall complete and submit the packet to the subsidy unit supervisor within 15 calendar days from the time the Motion for Permanent Guardianship is filed. This process shall consist of the following steps: a. Review the permanent guardianship subsidy program with the caregiver(s) (hereinafter prospective permanent guardian) and provide all applicable forms; b. Assist the prospective permanent guardian with completing the "Application for Permanent Guardianship Subsidy." (Attachment A) c. Review the "Application for Permanent Guardianship Subsidy" once completed by the prospective permanent guardian; d. Complete the "Permanent Guardianship Subsidy Referral" (Attachment B); and e. Submit the packet to the appropriate supervisor for review, approval and signature of the "Permanent Guardianship Subsidy Referral". 3. The permanent guardianship subsidy packet shall consist of the following: a. Completed "Permanent Guardianship Subsidy Referral" (Attachment A); b. Completed "Application" (Attachment B); c. Copy of current IRS Form 1040 or 1040EZ; d. Current Commitment Order from the Court; e. Copy of the current License to Operate a Foster Home; and f. Affidavit of Relationship (when applicable) (Attachment C); g. A Superior Court stamped copy of the Motion for Guardianship; h. A copy of the child's birth certificate; i. A copy of the child's social security card.

4. The subsidy unit supervisor shall log in the packet upon receipt.

5. Within three (3) business days from the date the packet is logged in, the subsidy supervisor shall review the packet and determine whether it is complete.

   a. If the packet is incomplete, the subsidy supervisor shall return it to the referring supervisor, within one (1) business day of the determination, along with the "Required Documents Checklist" (Attachment D) identifying the missing or incomplete information or form.

   b. If the packet is complete, the subsidy supervisor shall assign it to a subsidy worker for review within one (1) business day of the determination date.

6. If the subsidy worker determines that the eligibility criteria in *Procedure A* are met, the subsidy worker shall prepare the "Permanent Guardianship Subsidy Agreement" (Attachment E) and submit the Agreement for supervisory review and approval. The Agreement shall be submitted to the subsidy supervisor within 30 calendar days from the date the case is assigned to the subsidy worker.

   Note: The subsidy worker shall send a copy of all correspondence with the applicant to the ongoing social worker and supervisor.

7. The subsidy supervisor shall immediately review the Subsidy Agreement for approval and return the Agreement to the subsidy worker.

8. The subsidy worker shall call to notify the applicant of the Agency's decision to accept or deny the subsidy request within three (3) business days from the completion date of the supervisory review.

   a. If the subsidy is not approved, the subsidy worker shall send a Notice of Action (Attachment F) to the applicant.

   b. If the subsidy is approved, the subsidy worker shall send the Notice of Action and the Subsidy Agreement to the applicant for review and signature.

   c. The prospective guardian shall accept or decline the subsidy decision and return the Agreement to the Agency within 30 calendar days.

   d. If the applicant disagrees with the Notice of Action, the applicant may appeal the decision. *See Procedure G below for information regarding the appeal process.*

9. Once the Subsidy Agreement is signed by the prospective guardian and returned to the Agency, it shall be approved by the Program Manager within three (3) business days of receipt and immediately returned to the subsidy worker.

	10. The subsidy worker shall send a copy of the Agreement to the ongoing worker within one (1) business day. 11. The ongoing worker shall submit the signed Subsidy Agreement to the court within ten (10) business days prior to the next court hearing.
	Procedure C: Notice to Subsidy Unit of Permanent Guardianship Decision 1. The ongoing social worker shall notify the Subsidy Unit when the Court rules on the motion for permanent guardianship. 2. The ongoing social worker shall send a copy of the Court order granting or denying permanent guardianship to the Subsidy Unit within five (5) business days of receipt. *Note: The Permanent Guardianship Subsidy Agreement shall be approved prior to the granting of permanent guardianship.*
	Procedure D: Termination of Permanent Guardianship Subsidy 1. A Permanent Guardianship Subsidy Agreement shall be terminated under the following circumstances: a. Upon the earlier of the child's: i. 21st birthday; ii. Residence outside of the permanent guardian's home, unless the permanent guardian can demonstrate that she/he retains financial responsibility for the child or the child is attending a residential school; iii. Marriage; iv. Death; or v. Enlistment in the military; or b. If the permanent guardian is no longer the permanent guardian for the child; or c. If the permanent guardian dies; or d. Based upon information on changes in circumstances learned through a review of the Permanent Guardianship Subsidy Agreement; or e. Due to the permanent guardian's failure to act on the Agency's request for an annual subsidy review; *(See Procedure E below)*or f. By terms of the Agreement 2. The permanent guardian shall notify the Subsidy Unit within two (2) weeks of the occurrence of any of the factors listed in *Procedure D(1)(a) and (b)*, or any change of address.

Procedure E: Subsidy Review

1. The Subsidy Unit shall complete an annual review of a permanent guardianship subsidy once each calendar year, based upon the Guardianship finalization date.

   Note: The Agency shall begin the review no later than 30 days from the receipt of the request.

2. The Subsidy Unit shall also complete a review of the subsidy whenever CFSA has information that the factors listed in *Procedure D(1)(a) and (b)* may apply; or
   a. Whenever there are changes in the foster care board and care payments; or
   b. On a case-by-case basis, when the child's age would change the permanent guardianship amount; or
   c. Upon the request of the permanent guardian.

3. The review shall determine the following:
   a. Whether the permanent guardian continues to meet the eligibility criteria identified in *Procedure A* above;
   b. Whether any of the factors listed in *Procedure D* apply;
   c. Whether any adjustment to the permanent guardianship subsidy amount is necessary based upon the child's age or any changes in the foster care board and care payments; and
   d. Whether there are any other factors, such as change in the circumstances of the permanent guardian or the needs of the child, which may necessitate a change in the permanent guardianship subsidy.

   Note: The initial subsidy payments shall not exceed the child's current foster care board and care rate at the time the Guardianship Order is issued and shall not be paid past the child's 21st birthday. A review of the subsidy award will not automatically qualify the applicant for a higher rate.

4. For the annual review, the subsidy worker shall send by regular mail the "Permanent Guardianship Subsidy Annual Review" (Attachment G) and a letter outlining the review process to the permanent guardian(s) at least 30 calendar days prior to the annual review date. The letter shall also contain the contact information of the assigned subsidy worker as well as the consequences for the failure to act on the Agency's request for an annual subsidy review.

5. The subsidy worker shall send a second letter, by certified and regular mail, at least 15 calendar days prior to the review date if the permanent guardian(s) has not responded to the initial request for completion of the review form.

6. The permanent guardianship subsidy may terminate if the permanent guardian(s) has not submitted a completed "Permanent Guardianship Subsidy Annual Review" by the review date.

7. If the permanent guardian(s) submits a completed "Permanent Guardianship Subsidy Annual Review" within 90 days after the review date, the Subsidy Unit shall complete the subsidy review. If the subsidy is continued, the subsidy supervisor may authorize retroactive payments from the date on which the subsidy terminated or 90 days, whichever is shorter.

8. The permanent guardian(s) may request an interim review of the permanent guardianship Subsidy Agreement when there is a change in the circumstances of the permanent guardian or change in the child's circumstances (i.e. change in physical condition, mental health or with the placement) that would warrant a review.
   a. The permanent guardian(s) shall submit in writing a request for interim review of permanent guardianship subsidy to the Subsidy Unit;
   b. The subsidy worker shall conduct the review no later than 30 calendar days after the written request is received by the Subsidy Unit.
   c. The annual review date shall be changed to one (1) year from the date of the approval or denial of the interim review request.

8. An adjustment in the amount of the permanent guardianship subsidy made as a result of an interim review conducted may be made retroactive to the date the written request was received by the Subsidy Unit.

9. The subsidy worker shall notify the permanent guardian(s) in writing, by certified mail, of the continuation, denial, reduction/increase, or termination of the permanent guardianship subsidy and explain the reason for the decision and the fair hearing procedures. (*See the Fair Hearings Policy*)

Procedure F: Transferability of Subsidy to a Successor Guardian

When a permanent guardianship placement disrupts, the successor guardian may be granted a guardianship subsidy. *See Permanent Guardianship Disruptions Administrative Issuance CFSA-06-11.*

1. Upon filing a motion for permanent guardianship, a successor guardian may be designated by the child's current guardian and approved by the court.

2. If a successor guardian has not been named at the time a permanent guardian dies or becomes unable to care for the child, the previously assigned social worker may assist the family in identifying a kinship care provider who may become the successor guardian, as needed.

	3. A successor guardian named in the guardianship order may immediately obtain physical custody and assume the permanent guardian's rights and responsibilities upon the death, physical or mental infirmity of the guardian. The successor guardian shall move the court for a modification of the guardianship order within 30 calendar days of assuming physical custody of the child. 4. The successor guardian must complete the process for full-licensure prior to being named the permanent guardian. 5. To receive a permanent guardianship subsidy, the successor guardian shall complete an application for permanent guardianship subsidy in order to determine their eligibility. *(See Procedure A above).* 6. Once the eligibility criteria have been met and permanent guardianship with the successor guardian is achieved (after six (6) months), the guardianship subsidy shall be awarded to the successor guardian.
	Procedure G: Appeals 1. A permanent guardian aggrieved by a decision of the Agency in connection with the denial, reduction, suspension, or termination of the permanent guardianship subsidy, including a failure to act on a request for review as outlined in *Procedure D*, above, may appeal the decision through a written Request for a Fair Hearing Form. (Attachment I) *Note: The subsidy worker shall send written notice to the permanent guardian through a Notice of Action within ten (10) business days before the subsidy modification. The social worker shall provide immediate notice to a permanent guardian parent whose subsidy is denied, reduced, suspended or terminated on an emergency basis. The Notice of Action shall inform the permanent guardian of the right to appeal and shall include the Request for* Fair Hearing Form *(Attachment I).* 2. A permanent guardian shall have 30 calendar days from the date of the notice of action denying, reducing, suspending or terminating the permanent guardianship subsidy to request a fair hearing. The Request must be sent to CFSA Fair Hearings Office at the address indicated on the Request for a Fair Hearing Form. 3. The Fair Hearing Coordinator (FHC) shall schedule the hearing in coordination with the Office of General Counsel (OGC). The Hearing shall take place within 45 calendar days of receipt of the appellant's request.

	4. The FHC shall send written notice to the appellant informing the appellant of the date, time and place of the Fair Hearing. The notice shall be provided within ten (10) business days of the receipt of the request for a Fair Hearing and at least ten (10) business days in advance of the Fair Hearing. 5. The FHC shall notify the subsidy program administrator of each request for a fair hearing involving a permanent guardianship subsidy within 48 hours or two (2) business days of receipt of the request. 6. The subsidy program administrator shall review each request for a fair hearing and other relevant case documentation. 7. Program Administrator's Review (PAR): The subsidy program administrator shall coordinate with the appellant to schedule an informal review within 15 calendar days of receipt of the fair hearing request. a. The appellant shall be advised by the subsidy program administrator that the informal review is optional and does not delay or replace the fair hearing process. b. The appellant shall be notified of the informal review and strongly encouraged to attend. c. The subsidy worker and subsidy supervisor shall attend the informal review unless otherwise determined by the subsidy program administrator. d. The subsidy program administrator or shall notify the appellant, Fair Hearing Coordinator and Office of General Counsel in writing of the results of the informal review within five (5) business days of the informal review. (Attachment H) e. If the dispute is resolved at the PAR, the Fair Hearing Coordinator shall cancel the fair hearing and notify the Hearing Examiner and all parties. 9. If the dispute is not resolved at the PAR, the matter shall proceed to the scheduled Fair Hearing. (*See the Fair Hearings Policy*)