

STATE PLAN AMENDMENT FOR TITLE IV-E OF THE SOCIAL SECURITY ACT  
STATE OF \_\_\_\_\_

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
ADMINISTRATION FOR CHILDREN AND FAMILIES  
CHILDREN'S BUREAU  
DECEMBER 2008

**SECTION 6. GUARDIANSHIP ASSISTANCE PROGRAM**

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**STATE AGENCY CERTIFICATION**

**ATTACHMENT I**

**GOVERNOR'S CERTIFICATION**

**ATTACHMENT II**

| Federal Regulatory/ Statutory References | Requirement  | State Regulatory, Statutory, and Policy References and Citations for Each |
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|  | <b>SECTION 6. GUARDIANSHIP ASSISTANCE PROGRAM</b>                              |   |
| 473(d)(3)                                | A. ELIGIBILITY<br>1. A child is eligible for a kinship guardianship assistance |   |

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|              | <p>payment if the State agency determines that:</p> <ul style="list-style-type: none"><li>a. The child has been--<ul style="list-style-type: none"><li>i. removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and</li><li>ii. eligible for foster care maintenance payments under section 472 while residing for at least 6 consecutive months in the home of the prospective relative guardian.</li></ul></li><li>b. Being returned home or adopted are not appropriate permanency options for the child.</li><li>c. The child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child.</li><li>d. With respect to a child who has attained 14 years of age, the child has been consulted regarding the kinship guardianship arrangement.</li></ul> |  |
| 473(d)(3)(B) | <ul style="list-style-type: none"><li>2. Siblings.<ul style="list-style-type: none"><li>a. The child and any sibling of the child may be placed in the same kinship guardianship arrangement, in accordance with section 471(a)(31), if the State agency and the relative agree on the appropriateness of the arrangement for the siblings; and</li><li>b. Kinship guardianship assistance payments may be paid on behalf of each sibling so placed.</li></ul></li></ul>  |  |

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| 471(a)(28)   | <p>B. AGREEMENTS AND PAYMENTS</p> <p>1. The State agency provides kinship guardianship assistance payments on behalf of children to grandparents and other relatives who assume legal guardianship of the child for whom they have cared as foster parents and for whom they have committed to care on a permanent basis, as provided in 473(d).</p>  |  |
| 475(7)       | <p>2. The legal guardianship shall be a judicially created relationship between the child and relative which is intended to be permanent and self-sustaining as evidenced by the transfer to the relative of the following parental rights with respect to the child:</p> <ul style="list-style-type: none"> <li>a. protection;</li> <li>b. education;</li> <li>c. care and control of the person;</li> <li>d. custody of the person; and</li> <li>e. decision making.</li> </ul> |  |
| 473(d)(2)    | <p>3. A kinship guardianship assistance payment on behalf of a child shall not exceed the foster care maintenance payment which would have been paid on behalf of the child if the child had remained in a foster family home.</p>  |  |
| 473(d)(1)(A) | <p>4. The State must-</p> <ul style="list-style-type: none"> <li>a. negotiate and enter into a written, binding kinship guardianship assistance agreement with the prospective</li> </ul>   |  |

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|                              | <p>relative guardian of a child who meets the requirements of 473(d), and</p> <p>b. provide the prospective relative guardian with a copy of the agreement.</p>   |  |
| <p>473(d)(1)(B) &amp;(C)</p> | <p>5. The agreement must specify, at a minimum-</p> <p>a. The amount of, and manner in which, each kinship guardianship assistance payment will be provided under the agreement, and the manner in which the payment may be adjusted periodically, in consultation with the relative guardian, based on the circumstances of the relative guardian and the needs of the child;</p> <p>b. The additional services and assistance that the child and relative guardian will be eligible for under the agreement;</p> <p>c. The procedure by which the relative guardian may apply for additional services as needed; and</p> <p>d. That the State will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child, to the extent the total cost does not exceed \$2,000; and</p> <p>e. That the agreement shall remain in effect without regard to the State residency of the relative guardian.</p> |  |
| <p>471(a)(20)(C)</p>         | <p>C. SAFETY</p> <p>The State provides procedures for criminal records checks, including fingerprint-based checks of national crime information databases on any relative guardian and child</p>  |  |

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|                  | <p>abuse and neglect registry checks pursuant to section 471(a)(20)(B) on any relative guardian and any other adult living in the home of any relative guardian before the relative guardian may receive kinship guardianship assistance payments on behalf of the child under this plan.</p>   |  |
| 473(b)(1) to (4) | <p>D. MEDICAID AND SOCIAL SERVICES</p> <p>For the purposes of titles XIX and XX, any eligible child for whom there is a kinship guardianship assistance payment being made under section 473(d) is deemed to be a dependent child as defined in 406 of the Act and is deemed to be a recipient of AFDC under part A of title IV of the Act (as in effect 7/16/96) in the State in which such child resides.</p> |  |
| 471(a)           | <p>E. PROGRAM REQUIREMENTS</p> <p>1. State plan requirements.</p> <p>Title IV-E plan requirements 471(a)(2) through (9), (12), (13), (20)(C), (25), (26), and (28) through (32) are applicable to the guardian assistance program.</p>  |  |
| 475(1)(F)        | <p>2. Case plan requirements.</p> <p>For a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardian assistance payments, the State shall include in the case plan a description of:</p> <p>a. The steps that the agency has taken to determine that it is not appropriate for the child to be returned home or</p>   |  |

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|  | <p>adopted;</p> <p>b. The reasons for any separation of siblings during placement;</p> <p>c. The reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests;</p> <p>d. The ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;</p> <p>e. The efforts the agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons; and</p> <p>f. The efforts made by the State agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.</p> |  |
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**ATTACHMENT I**

TITLE IV-E STATE PLAN -- STATE OF \_\_\_\_\_

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CERTIFICATION

I hereby certify that I am authorized to submit amended pages for the State Plan on behalf of

\_\_\_\_\_  
(Designated State Agency)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

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APPROVAL DATE \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

\_\_\_\_\_  
(Signature, Associate Commissioner, Children's Bureau)

**ATTACHMENT II**

TITLE IV-E STATE PLAN – STATE OF \_\_\_\_\_

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GOVERNOR'S CERTIFICATION  
TITLE IV-E of the SOCIAL SECURITY ACT

I certify that \_\_\_\_\_

(Name of Agency)

has the authority to submit the State plan amendment under Title IV-E of the Social Security Act for the title IV-E program; and

is the single State agency responsible for administering the plan or supervising the administration of the plan by local political subdivisions. It has the authority to make rules and regulations governing the administration of the plan that are binding on such subdivisions. The Title IV-E plan is mandatory upon the subdivisions and is in effect throughout the State.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)