



Series: 300: Child and Family Services
Policy Name: Guardianship Assistance Program
Policy Number: 317
Regulations: F.A.C. 65C-44, F.S. 39.6225, CFOP 170-10
Origination Date: 7/1/19

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Procedure: The purpose of the guardianship assistance program is to make financial assistance available to eligible permanent guardians to enable them to provide care for a qualifying child. Title IV-E GAP allows eligible relatives and fictive kin caregivers to receive Guardianship Assistance payments and Medicaid until the child reaches the age of 18.

1. Eligibility

- a) The case management child welfare professional must notify the CCKids caregiver support program within 2 business via email at FLCBCcaregivers@cckids.net, of primary or concurrent permanent guardianship goal changes.
- b) Within 30 days of a primary or concurrent goal change, the assigned CCKids Kinship Coordinator shall initiate the GAP eligibility process in FSFN.
- c) Presumptive eligibility must be completed prior to execution of the Guardianship Assistance Agreement (GAA).
- d) In order to meet Presumptive Eligibility criteria:
 - The child must be placed with a relative caregiver or fictive kin
 - The child must have a primary or concurrent goal of permanent guardianship
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- e) The caregiver has been eligible for a foster care board payment for at least 6 consecutive months.



f) Once the child is deemed presumptively eligible, the caregiver must complete and submit the GAP application form CF-FSP 5442, available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10805>.

g) The assigned CCKids Kinship Coordinator will assist the caregiver in completing the GAP application form.

- All applicants living in the home must sign the application.
- The applicant can withdraw their application at any time.
- The right to appeal begins once the application is signed.
- Once signed, the Kinship Coordinator will scan and upload the GAP application to the FSN GAP Page.

h) The dependency case manager must document all of the following areas in the case plan

- The manner in which the child meets program eligibility requirements.
- The manner in which the department determined that reunification or adoption is not appropriate.
- Efforts to discuss adoption with the child's permanent guardian.
- Efforts to discuss guardianship assistance with the child's parent or the reasons why efforts were not made.
- The reasons why a permanent placement with the prospective guardian is in the best interest of the child.
- The reasons why the child is separated from his or her siblings during placement, if applicable.
- Efforts to consult the child, if the child is 14 years of age or older, regarding the permanent guardianship arrangement.

2. Guardianship Assistance Payments

a) The child's and permanent guardian's need for guardianship assistance payment must be determined prior to the court case closing in permanent guardianship. Guardianship assistance payments shall not be made prior to all parties signing the Guardianship Assistance Agreement. The "Guardianship Assistance Agreement Between the Department of Children and Families and Guardians Regarding Payments and Services," CF-FSP 5437, available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10807>, must be signed and dated by all parties prior to case closure in permanent guardianship. The CCKids Kinship Coordinator will upload the document into FSN.

b) The payment negotiation process is facilitated by the assigned CCKids Kinship Coordinator.

c) When the need for guardianship assistance payments is not determined prior to case closure and the permanent guardians believe they have been wrongly denied guardianship assistance payments on behalf of a child, they have the right to appeal the denial in accordance with the rules and procedures of



the state's fair hearing and appeal process. If it is found that the guardianship assistance payment was wrongly denied, retroactive payment will be made dating back to the date the permanent guardian requested guardianship assistance payments in writing. Retroactive payment dating back to the date of placement will not be approved.

d) The CCKids Kinship Coordinator shall inform the caregiver that the guardianship assistance payments, unlike the foster care board rate payments, are not intended to cover the complete cost of the child's care. The guardianship assistance payment is intended to assist the permanent guardian in supporting the extra cost associated with providing care for a child.

e) The initial determination of the monthly guardianship assistance payment shall be based on the needs of the child at the time of negotiation and the projected future needs of the child based on the permanent guardian and medical history of the child and birth family, or for cases that meet guardianship assistance program requirements and are closed in permanent guardianship on or after, July 1, 2019, as stated in section 39.6225, F.S. Negotiations for the initial guardianship assistance payment shall begin at \$333 monthly.

f) A guardianship assistance payment may be negotiated up to 100% of the statewide foster care board rate. A payment may exceed 100% of the statewide foster care board rate based on a family's level of licensure pursuant to section [409.175\(5\) F.S.](#), when an exception is granted by the Department's regional managing director or designee and documented on the "Guardianship Assistance Payment Approval" form CF-FSP 5440, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10804>. Requests for exceptions must be in writing. In determining whether to grant an exception, the regional managing director or designee shall consider the medical, behavioral, and therapeutic needs of the child at the time of the negotiation, as well as the projected future needs of the child based on the permanent guardian and medical history of the child and birth family. In no case shall the guardianship assistance payment exceed the foster care maintenance payment for which the child is or would be eligible if the child had been placed in a family foster home.

g) GAP payments are not intended to cover services which can be obtained through the permanent guardian's insurance, Medicaid, Children's Medical Services, or through special education plans provided by the public-school district

h) Medical or mental health evaluations shall be required to document the need for any guardianship assistance payment that exceeds the statewide standard foster care board rate. Evaluations must be completed within the last 12 months of initial guardianship assistance payment determination.

i) When completing program eligibility, the Guardianship Assistance Agreement (GAA) shall be negotiated with the permanent guardian and must include a statement of the projected cost to be reimbursed for non-recurring guardianship expenses as well as proposed guardianship assistance payments.

j) The effective date of the agreement is the date that all requirements for the Guardianship Assistance Program have been met. Payments may not be made for any months in which there is no Guardianship Assistance Agreement (GAA) in place.



k) The following FSFN updates will be completed:

- The CCKids Kinship Coordinator, will complete GAP Eligibility, once the final court order is uploaded into FSFN by the case management child welfare professional.
- The CCKids Kinship Coordinator will finalize the Guardianship Assistance Agreement (GAA).
- The case management child welfare professional will complete uRefer to discharge the out of home placement with the reason of Permanent Guardianship. The Data Management dept. will discharge the placement in FSFN.
- The case management child welfare professional will ensure that all pending items in the case are resolved under the Assessment, Eligibility and Legal icons
- Primary case assignment will be reassigned to the CCKids Kinship Coordinator for ongoing GAP redetermination.

The Eligibility Department will:

- Start a service for all children in the GAP
- Even if a child will not receive a GAP payment because of SSI, the service will open as a \$0 service.
- Submit a Medicaid change row to update payee to the Guardian in order for child to continue receiving Medicaid coverage.

l) Guardianship assistance payments are not contingent upon continued residency in the state. Guardianship assistance payments must continue for court-approved permanent guardians who move out of state and continue to meet the requirements of this subsection and as specified in department rule.

m) Relicensure of the out-of-state guardian's home is not required for continuity of payments. Guardianship assistance payments for a child from another state who is placed with a guardian in this state are the responsibility of the other state.

n) The permanent guardian must be advised by the CCKids Kinship Coordinator that it is their responsibility to notify the Department or CCKids of any change in circumstances, including moving out of state, no later than 48 hours after the change.

a) Under any Guardianship Assistance Agreement, the state is authorized to make payments to the guardian for non-recurring, one time, expenses the guardian has incurred in connection with the guardianship. Non-recurring guardianship expenses are court costs, attorney fees, and other expenses which are directly related to the guardianship.

b) Agency fees shall be established by written agreement between the agency and the permanent guardian prior to the performance of the requested service. If these children are otherwise eligible,



agency fees shall be counted as an allowable expense under non-recurring guardianship expenses. It is not necessary that the permanent guardian be receiving guardianship assistance payment to be eligible for reimbursement of non-recurring guardianship expenses.

c) In cases where siblings are placed separately or as a unit, each child is treated as an individual with separate reimbursement for non-recurring expenses up to the maximum amount of \$2,000 per child.

d) There are no income eligibility requirements for guardians in determining whether payments for non-recurring expenses of guardianship will be made.

e) Guardians cannot be reimbursed for out-of-pocket expenses for which they have been otherwise reimbursed.

f) The following procedures will initiate payments for reimbursement of non-recurring guardianship expenses:

- All guardians will be advised by the CCKids Kinship Coordinator or child welfare professional conducting the home study of the availability of non-recurring expense reimbursement;
- Reimbursement for eligible costs may be made to the guardian or directly to a vendor. The CCKids Kinship Coordinator or child welfare professional conducting the home study shall advise all guardians to keep copies of receipts of expenditures related to pursuing guardianship. Copies of such receipts shall be entered into the payment record in FSN. Eligible expenses include court costs, attorney fees, birth certificates, costs of required physicals and psychological examinations, costs of transportation, lodging and food for the child and/or guardian when necessary to complete the guardianship process, and the cost of the home study if the child is in the custody of a private agency;
- When completing program eligibility, the Guardianship Assistance Agreement shall be negotiated with the permanent guardian and must include a statement of the projected cost to be reimbursed for non-recurring guardianship expenses as well as proposed guardianship assistance payments.
- Payments for non-recurring expenses can be made up to one (1) year following the closing in permanent guardianship

4. Successor Guardian

a) A successor guardian should be identified and documented on the Guardianship Assistance Agreement (GAA). If the guardian is unable to name a successor, the kinship coordinator will document the guardian's reasonable efforts.

b) The successor guardian is not required to be a relative, fictive kin or a licensed caregiver.

c) The successor guardian must successfully complete the following criminal, delinquency and abuse/neglect history checks prior to being added to the Guardianship Assistance Agreement:

- Fingerprints;
- Statewide criminal records check through the Florida Department of Law Enforcement;
- Records check of the Florida Sexual Offenders and Predators registry;



- Federal criminal records check through the Federal Bureau of Investigations;
- Local criminal records check through law enforcement agencies, including records of any responses to the home by law enforcement that did not result in criminal charges;
- Abuse and neglect records check through the FSFN; and
- Civil court records check regarding domestic violence complaints and orders of domestic violence complaints and orders of protection.
- Successor guardians are not required to have a completed Unified Home Study at the point of being identified but must have a home study completed and approved in FSFN prior to placement.

a) Permanent guardians may request an increase in the guardianship assistance payments after the initial Guardianship Assistance Agreement was approved due to increased needs related to conditions of the child that were not identified as current or future needs of the child prior to the permanent guardianship placement or the circumstances of the permanent guardian have changed to meet the increased needs of the child.

(1) If the increase request is approved, retroactive payment will be made dating back to the date the permanent guardian officially requested the increased guardianship assistance payment in writing.

(2) If the increase request is denied, the designated Department staff shall send a denial letter with notification of the permanent guardian's right to appeal in accordance with the rules and procedures of the state's fair hearing and appeal process. If it is found that the increase was wrongfully denied, the effective date of the new payment will be the date the increase request was received.

(3) A new Guardianship Assistance Agreement must be signed by all parties with the new approved amount documented.

b) No child will have his or her guardianship assistance payment reduced based on application of this rule.

c) No change shall be made to a guardianship assistance payment without concurrence of the permanent guardian except as provided by the federal regulation or state law. The Guardianship Assistance Agreement is not transferable but should include a successor guardian.

6. Eligibility Redetermination

a) GAP eligibility is re-determined annually by the CCKids Kinship Coordinator until the child is 18 years old.

b) The guardian must fill out the redetermination form and send it back to CCKids within 30 days of written notification.



6. Termination of Guardianship Assistance Payments

- a) The Guardianship Assistance Agreement(GAA) may be terminated:
- Upon the death or incapacity of the guardian(s) if no successor legal guardian is named.
 - Upon the death of the child.
 - When it is determined that the child is no longer the legal responsibility of the guardian(s).
 - Child is absent from guardian's home for at least 60 consecutive calendar days, unless child is absent due to medical care, school attendance, runaway status, or detention in a DJJ facility.
 - When it is determined that the child is no longer receiving support from the guardian(s).
 - Upon request of the guardian(s).

Approved: Carol Deloach
Carol Deloach, CEO