

## **GUARDIANSHIP SUBSIDY AGREEMENT INSTRUCTIONS**

### **PURPOSE:**

To specify the terms and conditions under which a guardianship subsidy is granted and to provide a mechanism for formally agreeing to a guardianship subsidy plan with guardian(s). When completed, it sets out, in the service section of the document the basic subsidy plan, which includes maintenance, MO HealthNet, childcare as well as services based on the specific needs of the child and the amounts to be paid for those services by the Children's Division.

The agreement must be reviewed with and interpreted for, as necessary, the guardian(s). The guardian(s) are to sign each section of the agreement after the review. The form is a contract and considered legally binding between the Children's Division and the guardian(s).

The agreement is completed by the worker at the time an application has been made. In the case of a private child placing agency the agreement is completed by the worker at the time an application has been approved by the Children's Division and a letter received giving approval for the agreement to be written.

Each agreement is child specific and is therefore completed for each child for which guardianship is being or has been established.

Changes to the original Agreement are permitted throughout the life of the Agreement. An amendment is submitted to add a new service to an agreement. Also a service on the service section of the agreement may be inactivated at the request of the guardian(s) at any time during the life of the Agreement.

The life of the agreement begins with the effective date and continues until the Agreement is terminated or the child is no longer eligible for a subsidy or the end of the month of the child's 18<sup>th</sup> birthday.

This agreement allows for a successor guardian(s) to be named in the event the legal guardian(s) dies or is incapacitated.

Also see Section 4, Chapter 30 Subsidizing an Adoption/Legal Guardianship in the Child Welfare Manual.

### **NUMBER OF COPIES AND DISTRIBUTION:**

The CD-SG is comprised of five (5) individual pages number 1-5, with the fifth page being the amendment to the initial agreement, and is completed for each eligible child placed for the purpose of guardianship.

When completed, the Application (CD-APP-SG), the Agreement (CD-SG) and all supporting documents are placed together. If the agreement includes only the basic package of Maintenance, MO HealthNet and Childcare it may be sent directly to the Adoption Subsidy Unit in Central Office for approval. If the agreement includes any service above the basic package the Application, Agreement and supporting documents as well as the Subsidy Clearance Form are to be sent through normal supervisory channels and then to the Adoption Subsidy Unit for approval.

The Adoption Subsidy Unit will screen the forms for completion of all required items and submit them to the Division of Finance & Administrative Services (DFAS) for entry into FACES. Once the agreement is entered, approval signature and date of the Division Director or Director's Designee will be obtained.. After the Director's signature is affixed, a copy of the form will be sent back to the managing county.

At the time the agreement is first submitted an agreement number is assigned and entered into the FACES contract system.

### **INSTRUCTIONS FOR COMPLETION:**

General Instructions:

This form is completed for and with guardian(s) who are petitioning or have had guardianship awarded for an eligible child. An amendment to the agreement is completed for the child when services need to be added.

Entries must be typewritten or printed in black ink. Signatures and dates must be entered with black ink.

In the event that a requested service entered on the Agreement or any Amendment is not approved by the Division Director or the amount of payment is changed, or a correction needs to be made, the change may be handled by "crossing out" the item, writing in the change and requesting the guardian(s) to initial the change and date their initials. If more than one change must be made on the Agreement or Amendment, a new Agreement or Amendment will need to be prepared and signatures obtained again.

### **CHANGES OF ANY KIND CANNOT BE MADE TO THE PRE-PRINTED TEMPLATE CONTENTS OF THE FOUR PAGES OF THE AGREEMENT (CD-SG).**

It will be necessary to add an additional page for the purpose of providing explanations for service addition or inactivation. The additional page must be referenced in the explanation section of the agreement.

The Amendment, page five (5), is used for the addition of services throughout the life of the agreement. However, whenever an amendment is completed it is added to the original agreement and the complete agreement is forwarded to the Adoption Subsidy Unit in Central Office. Amendments may be done anytime a guardian, in relation to the child's need, requests a service be added to the agreement.

Amendments do not need to be completed when the General Assembly authorizes an increase in the standard maintenance rate as each agreement should indicate standard maintenance or above standard maintenance and not a dollar amount which will allow an automatic increase.

### **SPECIFIC INSTRUCTIONS:**

#### **GUARDIANSHIP SUBSIDY AGREEMENT (CD-SG-1)**

Managing County: Enter the county responsible for the guardianship subsidy case.

Residence County: Enter the county of residence of the guardian.

Vendor Number: Enter the guardian(s) vendor number.

Agreement Number: This space does not require an entry by the worker. The number is assigned and entered by DFAS.

Guardian(s) Name: Enter the name as it appears in the FACES Vendor Profile screen.

Child's Name: Enter the child's name as known in FACES.

DOB: Enter the child's date of birth

DCN: Enter the child's Departmental Client Number (DCN) for the child as assigned in FACES.

Effective beginning: Enter the date petition will be filed or the date guardianship was granted. Payment may not begin until the agreement has been approved by the Division Director and guardianship has been awarded.

Service Description, Code, Payment Frequency, Maximum Amount, Approval Time Period: Each of these items will require an entry for every service for which payment will be authorized as part of the Agreement. Specific instructions follow for each of these items:

MO HealthNet: Requires no entry in any of the boxes and will remain in effect until the agreement terminates. However, if the agreement is a MO HealthNet only agreement the effective dates must be completed.

Maintenance: Requires the code MAIN or SMAS and a frequency code of M-monthly and the approval time period should be to the end of the month of the 18<sup>th</sup> birthday for MAIN and for a two year time period for SMAS

Child Care: Requires the code DAYC and a frequency code of M-monthly and an approval time period to the end of the month of the 13<sup>th</sup> birthday when both guardians or the single guardian is working.

In the explanation section the phrase "Child care may be approved at the state contracted rate to age 13 when both parents/guardians are working. Payment may only be made to licensed, contracted or registered providers" must be included.

Legal: Requires the code NRLG and a frequency code of O-One time only and an approval time period with the begin date being the effective date of the agreement and the end date being 12 months from the begin date.

In the explanation section the phrase "Legal fees may be reimbursed up to \$100 per hour to a maximum of \$2000 in uncontested guardianships as well as in contested guardianships" must be included.

Other Non-recurring expenses: Require the code NROT with the begin date being the effective date of the agreement and the end date being 12 months from the begin date.

Inactive Date, Guardian initials: These sections are to be completed anytime a guardian indicates that a service is no longer needed. The date of inactivity is to be indicated and the guardian(s) are to initial in the boxes provided.

An example would be the child who does not need childcare to age 13 and the guardian indicates it is no longer needed. The service is inactivated and the guardian(s) initial.

Successor Guardian(s): The guardian(s) have the option to name a successor guardian(s) at the time of the initial agreement or with any amendment. The guardian(s) are to fill in the successor guardian(s) name, relationship to the child, address, phone number and email address. This information also must be recorded in the narrative section of the subsidy file. If the family refuses to exercise the option to name a successor guardian that refusal is also to be documented in the narrative section.

Successor guardian is a person(s) named in the guardianship agreement or amendment who become the successor guardian in the event the legal guardian(s) death or incapacitation.

Guardian Signatures: The guardian(s) are to sign and date the agreement and fill in their current address.

County Office Address for Notification: Enter the county office address of the managing county so the guardian(s) will have an address for notification of changes to the agreement.

**Memoranda History:**

**CD08-17, CD14-76, CD16-33**