



**State of Florida
Department of Children and Families**

Ron DeSantis
Governor

Chad Poppell
Secretary

DATE: May 24, 2019

TO: Regional Managing Directors
Community-Based Care Lead Agency CEOs
Sheriff's Offices Conducting Child Protective Investigations

THROUGH: Patricia Babcock, Deputy Secretary *PB*

FROM: Patricia Medlock, Assistant Secretary for Child Welfare *PM*
Scott Stewart, Assistant Secretary for Operations *SS*

SUBJECT: CFOP 170-10, Chapter 13 – Guardianship Assistance Program
Effective: July 1, 2019

PURPOSE: The purpose of this memorandum is to provide notification that CFOP 170-10, Chapter 13 Providing Services and Support for Children in Care and for Caregivers, has been updated and will be effective July 1, 2019.

BACKGROUND: Due to the implementation of the Guardianship Assistance Program, an update has been made to section 13-6, Guardianship Assistance Program Eligibility. The update clarifies that presumptive eligibility must be completed within thirty days of a goal change to permanent guardianship or a concurrent goal being added.

ACTION REQUIRED: Please share this memorandum and the new CFOP 170-10, Chapter 13, with all appropriate staff in the regions, circuits, community-based care lead agencies, case management organizations, and sheriff offices conducting child protective investigations.

CONTACT INFORMATION: If you have questions or need clarification regarding this memorandum or the new CFOP chapter, please contact Teanna Houston, Foster Home Licensing Specialist, at Teanna.Houston@myflfamilies.com or 850-717-4203.

cc: Regional Family and Community Services Directors
Grainne O'Sullivan, Statewide Director, Children's Legal Services
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Mission: Work in Partnership with Local Communities to Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

Chapter 13

GUARDIANSHIP ASSISTANCE PROGRAM (Effective July 1, 2019)

13-1. Purpose. This chapter describes the department's policies and procedures for supporting relative and fictive kin caregivers caring for children placed by the child welfare system.

13-2. Legal Authority.

- a. Social Security Act, 42 United States Code (U.S.C.) 471.
- b. State statutes, administrative rules and plans:
 - (1) Section [39.01](#), F.S.
 - (2) Section [39.6225](#), F.S.
 - (3) Section [409.175](#), F.S.
 - (4) Rule 65C-13.025, Florida Administrative Code (F.A.C.).

13-3. Definition of Qualifying Activity. "Qualifying Activity" is any activity in which a young adult is required to participate in order to be eligible to receive Extension of Guardianship Assistance Program benefits after turning 18 years old. A qualifying activity includes the following:

- a. Completing a secondary education or a program leading to an equivalent credential;
- b. Enrolled in an institution which provides post-secondary or vocational education;
- c. Participating in a program or activity designed to promote, or remove barriers to, employment;
- d. Employed for at least 80 hours per month; or
- e. Documentation that the young adult is incapable of doing any of the above due to a medical condition.

13-4. Services for Families Prior to Guardianship Assistance Program Eligibility. Families are not eligible for Guardianship Assistance Program benefits until all eligibility criteria have been met as defined in s. [39.6225](#), F.S. Until all eligibility criteria have been met, families may qualify for benefits under CFOP 170-10, [Chapter 8](#) and [Chapter 9](#) which include:

- a. "Child-Only" Temporary Cash Assistance. Child only monthly cash assistance under Temporary Assistance to Needy Families (TANF) might be available subject to eligibility criteria. Payment amounts, benefits, eligibility criteria, and application procedures are different than the Relative Caregiver Program. Please see CFOP 170-10, [Chapter 8](#) for all eligibility criteria.
- b. Medical Insurance (Medicaid). The child will be enrolled in a Medicaid plan. If a child is already enrolled in a Medicaid plan, he/she may remain in his/her Medicaid plan at the time of placement or may be moved to another Medicaid plan. The responsibilities of revenue maximization staff for Medicaid eligibility are described in CFOP 170-15, [Chapter 2](#), Medicaid.
- c. At-Risk Child Care Subsidy. A child care subsidy may be available to eligible relative caregivers through the Temporary Assistance to Needy Families (TANF) At-Risk category.

Applications for an “at-risk” child care subsidy are processed by the Office of Early Learning, local Early Learning Coalition (ELC). Please see CFOP 170-10, [Chapter 8](#) for all eligibility criteria.

d. Relative Caregiver Program (RCP). Monthly payments under the Relative Caregiver Program are established per s. [39.5085](#), F.S. Payments can be made to the relative caregiver for each eligible child placed to cover the cost of providing for the child’s basic needs. Please see CFOP-170-10, [Chapter 8](#) for all eligibility criteria.

e. Nonrelative Caregiver Financial Assistance Payments. Nonrelative Caregiver Assistance payments must be made to the nonrelative caregiver, on behalf of the child, to assist with the added expense of housing, food, clothing, incidentals, supplies, and any other costs or services that aid in the care, safety and well-being of the dependent child. Please see CFOP 170-10, [Chapter 9](#) for all eligibility criteria.

13-5. Transition from Services to Licensure. At the point that a relative or nonrelative caregiver becomes a licensed foster parent, notification shall be made to the local revenue maximization unit by the child welfare professional licensing the family so that the “Child-Only” Temporary Cash Assistance, relative caregiver or nonrelative caregiver benefits can be terminated. Families will begin receiving a foster care board payment once they become licensed. Families shall not receive simultaneous payments on behalf of the child placed in their home for “Child-Only” Temporary Cash Assistance and a foster care board payment.

13-6. Guardianship Assistance Program Eligibility. Program eligibility as defined in s. [39.6225](#), F.S., must be met prior to receiving Guardianship Assistance Payments.

a. Documentation of all eligibility criteria shall be entered in Florida Safe Families Network (FSFN) on the Guardianship Assistance Program eligibility page.

b. The Guardianship Assistance Agreement (GAA) shall be signed by all pertinent parties and uploaded into FSFN using the link on the page.

c. If the child is age 16 or 17 years old at the time the GAA is signed, there shall be documentation of the families’ intent to opt in or opt out of the Extended Guardianship Assistance Program. This shall also be documented in FSFN and on the GAA.

d. Eligibility must be determined prior to the case being closed to permanent guardianship. Presumptive eligibility can occur when all criteria has been met with the exception of a case that has been closed to permanent guardianship.

e. The child welfare professional may begin the presumptive eligibility determination process once a goal change to permanent guardianship has occurred or a concurrent goal of permanent guardianship has been added.

f. Within thirty days of a goal change to permanent guardianship or the addition of a concurrent goal of permanent guardianship, a presumptive eligibility shall be completed on all children placed in licensed care with a relative, non-relative or fictive kin. The Guardianship Assistance Program page shall be initiated in FSFN.

g. To be deemed presumptively eligible, the following must have occurred:

(1) A primary goal change to permanent guardianship; or,

(2) A concurrent goal added for permanent guardianship; and,

(3) A permanency hearing has been held and permanent guardianship was determined to be in the child's best interest; and,

(4) A caregiver has received a foster care board payment for at least 6 consecutive months.

h. A GAA may be initiated once a child has been deemed presumptively eligible, the GAA must be completed in FSFN.

i. Once presumptive eligibility has been determined, the child welfare professional shall contact the revenue maximization staff at the CBC within 15 calendar days to review the Title IV-E eligibility status.

13-7. Guardianship Assistance Payments. Guardianship Assistance Payments shall be made to an approved permanent guardian of a dependent child, pursuant to s. [39.6225](#), F.S.

a. Guardianship Assistance Payments shall be negotiated based on the needs of the child and supporting documentation shall be included and uploaded into FSFN using the link on the page should the family request any amount over the \$333.

b. The child welfare professional must complete a thorough assessment and document the relationship between caregiver and child in the home study. This shall include, but is not limited to:

(1) The child's attachment to the caregiver and the caregiver's attachment to the child;

(2) Identifying the relationship between caregiver and child (i.e., fictive kin or relative);

and,

(3) The caregiver's commitment to caring for the child long-term.

13-8. Successor Guardians. The successor guardian is an individual identified by the guardian that is willing to provide care for a child in the event the caregiver is no longer able to do so.

a. The child welfare professional shall discuss the responsibilities of assuming custody of child(ren) with the guardian and successor guardian.

b. The child welfare professional shall document the discussion with the guardian and successor guardian in FSFN as a chronological note entry.

c. The guardian or successor guardian shall contact the child welfare professional to request legally changing custody of the child prior to any placement changes.

13-9. Extension of Guardianship Assistance Payments. Extension of Guardianship Assistance Payments is available to caregivers who are granted permanent guardianship of a child and enter into an agreement when the child is 16 or 17 years old. Through provisions of Extension of Guardianship Assistance Payments, young adults may receive Guardianship Assistance Payments until the age of 21.

a. Documentation Prior to 18 Years Old.

(1) A guardian who enters into the initial GAA when the child was 16 or 17 years-old must opt into the Extension of Guardianship Assistance Program.

(2) Prior to the child's 18th birthday, an Extension of Guardianship Assistance Agreement (EGAA) must be executed by guardian, child, child welfare professional, and regional department staff, if necessary.

(3) Written notification regarding the need to execute the EGAA and program requirements must be mailed to the guardian 60 days prior to the child's 18th birthday.

(4) If the EGAA is not received at least 30 days prior to the child's 18th birthday, an additional attempt to notify the guardian should occur 30 days prior to the child's 18th birthday.

(5) Upon receipt of the EGAA from the guardian, supporting documentation that the young adult meets one of the qualifying activities must be attached.

(6) The EGAA must be signed by the lead Community-Based Care Lead Agency within ten business days of receipt by the agency.

(7) Extension of Guardianship Assistance Payments are not authorized until all parties have signed the agreement and supporting documentation of the qualifying activity has been received by the designated child welfare professional to process payment.

b. Documentation Post 18 Years Old. Documentation for qualifying activities include, but are not limited to:

(1) Completing secondary education or a program leading to an equivalent credential.

(a) Copy of the most recent report card documenting that the child is in good standing based on his/her academics and attendance.

(b) Copy of the young adult's attendance record.

(c) If the young adult has an IEP, a copy of young adult's IEP must be accompanied by one of the items above.

(2) Enrolled in an institution which provides post-secondary or vocational education.

(a) Copy of the most recent transcript documenting that the child is in good standing based on his/her academics and attendance.

(b) A letter on the institution's letterhead from the academic advisor stating the young adult is in good standing based on his/her academics and attendance.

(3) Participation in a program or activity designed to promote or remove barriers to employment.

(a) Copy of the most recent transcript documenting the young adult is in good standing based on his/her academics and attendance.

(b) A letter on the institution's letterhead from the academic advisor stating the young adult is in good standing based on his/her academics and attendance.

(4) Employed for at least 80 hours per month.

(a) Copies of the most recent pay stubs that equate to at least 80 hours per month.

(b) A letter on the employer's letterhead from the employer stating that the young adult is employed and has worked a minimal of 80 hours per month.

(5) Documentation that the young adult is incapable of doing any of the qualifying activities due to a medical condition.

(6) A young adult who is on a semester, summer break, or other break, but enrolled in the school the previous semester and will be enrolled after the break, is considered enrolled in school.

(7) Redeterminations of the young adult's participation in a qualifying activity must be completed by the child welfare professional every six months.

(8) All documentation to support that the young adult is in a qualifying activity must be uploaded into FSFN using the link on the page.

13-10. Eligibility Redetermination. Guardianship Assistance Program redetermination will occur for all individuals who receive a Guardianship Assistance Payments. Eligibility redetermination will be used to determine whether a family continues to meet the eligibility criteria to continue receiving benefits.

a. Redetermination of eligibility shall occur every 12 months until the child reaches the age of 18 or 21 years old.

b. The child welfare professional shall initiate the process of redetermination within 60 days of the due date of the determination.

c. Redeterminations will be processed in FSFN and all documentation uploaded using the link on the page.

d. The caregiver will provide documentation to the department within 30 days of written notification.

e. Documentation shall include the Guardianship Assistance Program redetermination form.

13-11. Readmission to Extension of Guardianship Assistance Program.

a. The guardian(s) and young adult who were previously receiving an Extension of Guardianship Assistance Payment must provide documentation that that the young adult currently meets one of the qualifying activities.

b. A new EGAA does not need to be executed at the time of readmission if the Guardianship Assistance Payment amount has not changed.

c. The EGAA shall be completed in FSFN and supporting documentation shall be uploaded into FSFN using the link on the page.