



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

Ron DeSantis
Governor

Chad Poppell
Secretary

DATE: September 2, 2020

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

THROUGH: Patricia Babcock, Deputy Secretary *Patricia Babcock*

FROM: Patricia Medlock, Assistant Secretary for Child Welfare *Pat Medlock*
Robert Anderson, Assistant Secretary for Operations *Robert H. Anderson*

SUBJECT: CFOP 170-10, Chapter 13 – Guardianship Assistance Program

PURPOSE: The purpose of this memorandum is to provide notification that CFOP 170-10, Providing Services and Support for Children in Care and for Caregivers, Chapter 13, Guardianship Assistance Program, has been updated.

BACKGROUND: An update has been made to section 13-7, Guardianship Assistance Program (GAP) to clarify the assessment of the caregiver's relationship with the child for GAP purposes. Additionally, a new section 13-9 has been created include specific information related to siblings as a result of Florida Safe Families Network (FSFN) updates.

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, Statewide 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

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) Chapter [65C-44](#), Florida Administrative Code (F.A.C.).

13-3. Definition of Qualifying Activity. "Qualifying Activity" as defined in s. [39.6225](#), F.S., 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 childcare subsidy may be available to eligible relative caregivers through the Temporary Assistance to Needy Families (TANF) At-Risk category.

Applications for an “at-risk” childcare 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. The family must be provided with a copy of the signed Guardianship Assistance Agreement (form CF-FSP [5437](#), available in DCF forms) and Guardianship Assistance Program brochure (CF/PI [175-76](#), available in DCF Forms).

d. The Guardianship Assistance Agreement brochure shall include the contact information for the CBC or subcontractor agency that the family would contact if the family need to request additional services or support.

e. For children 14 and older, the child welfare professional must document their discussion with the child or the child’s legal representative when applicable.

f. 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.

g. 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.

h. 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.

i. Within thirty days of a goal change to permanent guardianship or the addition of a concurrent goal of permanent guardianship, 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.

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

k. 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 \$333.

b. The child welfare professional must complete a thorough assessment and document the relationship between caregiver and child in FSFN in the permanent guardianship case plan. 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.

c. Families requesting an adjustment to their Guardianship Assistance Agreement payment amount shall follow the procedures outlined in Rule [65C-44.003\(9\)](#), F.A.C.

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. Siblings.

a. A guardian receiving guardianship assistance payments for a child may also receive guardianship assistance payments for the sibling of the child pursuant to s. [39.6225\(3\)](#), F.S.

b. When the sibling enters care after the guardianship assistance payments have begun, questions 2 and 3 on the Guardianship Assistance Program Eligibility page in FSFN will be N/A and not included in the eligibility determination.

c. Questions 1, 4, and 5 on the Guardianship Assistance Program Eligibility page must be Yes for the sibling to be eligible for the Guardianship Assistance Program.

13-10. 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 shall agree to provide documentation prior to the child's 18th birthday for the Extension of Guardianship Assistance Program.

(2) Prior to the child's 18th birthday, an Extension of Guardianship Assistance Agreement (EGAA) (form CF-FSP [5434](#), available in DCF Forms) 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 minimum 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.

(a) Each re-determination must be completed in FSFN in the Youth/Young Adult module.

(b) Written notification requesting proof of continued participation in a qualifying activity may be sent to the guardian of the young adult 30 days prior to the 6-month re-determination period.

(c) Documentation regarding the young adult's continued participation in a qualifying activity must be received no later than 45 business days after the 6-month re-determination period.

(d) If the qualifying activity is not received, program eligibility in FSFN should reflect ineligible; Guardianship Assistance Payments must be held and written notification to regional DCF staff should occur to initiate the letter of denial and inform the recipient of the appeal process.

(e) If the Department prevails in the denial process, the young adult's program eligibility should remain ineligible, Medicaid will end, and the EGAA must be terminated.

(8) Documentation received is considered current if the young adult was engaging in a qualifying activity within 30 business days of redetermination.

(9) All documentation to support that the young adult is engaged in a qualifying activity must be uploaded into the FSFN File Cabinet under the respective drop-down (e.g., education documentation under Education, employment information under Employment, etc.).

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

13-11. 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 for the Guardianship Assistance Program or 21 years old for the Extension of Guardianship Assistance Program.

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 Guardianship Assistance Program Eligibility page or the Young Adult Program Eligibility for EGAP redeterminations.

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

e. Documentation shall include the Guardianship Assistance Program Eligibility Redetermination (form CF-CFP [5441](#), available in DCF Forms).

13-12. 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 needs to be executed at the time of readmission if the child has been terminated from the program.

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