

Chapter 8

GUARDIANSHIP ASSISTANCE PROGRAM

8-1. Overview. Authorized by the Social Security Act, states have the option to receive federal Title IV-E reimbursement for payments and associated costs to relatives or fictive kin who assume legal guardianship of certain children for whom they have cared for while foster parents. Effective July 1, 2019, Florida has elected to participate in the federal Guardianship Assistance Program (GAP).

a. Participation in the GAP authorizes guardian(s) to receive a monthly payment, a one-time nonrecurring payment per section [39.6225\(7\)](#), F.S., and the child is eligible to receive Medicaid.

b. Refer to Chapter 2 of this operating procedure for Medicaid policy.

8-2. Program Requirements. GAP is intended to serve children who are placed with relative guardians, as defined in this chapter, in permanent guardianship.

a. "Relative" means a relative as defined in section [39.01\(73\)](#), F.S., next of kin as defined in section [39.01\(51\)](#), F.S., or fictive kin as defined in section [39.01\(29\)](#), F.S.

b. To be eligible for the program, relative guardians are required to meet Title IV-E program criteria along with state option requirements outlined in section [39.6225](#), F.S. Please refer to CFOP 170-10, [Chapter 13](#), Guardianship Assistance Program, for program policy.

8-3. Program Funding. A guardian's participation in GAP may be funded through Title IV-E federal financial participation, TANF, or state funded. If a child is determined to not meet Title IV-E foster care eligibility requirements, a TANF determination will be made. If a child does not meet TANF eligibility requirements, participation will be state funded.

a. Title IV-E funded means the child was determined eligible for Title IV-E foster care as outlined in Chapter 4 of this operating procedure, and eligible for GAP.

b. TANF funded means the child was determined ineligible for Title IV-E foster care, eligible for TANF as outlined in Chapter 3 of this operating procedure, and eligible for GAP.

c. State funded means the child was determined ineligible for Title IV-E foster care, ineligible for TANF, and eligible for GAP.

8-4. Funding Type Determination. A preliminary funding determination must be made in FSN in conjunction with a presumptive program eligibility determination.

a. The child welfare professional shall notify lead agency revenue maximization staff upon initiation of a presumptive program eligibility determination.

b. Lead agency revenue maximization staff shall ensure a foster care Title IV-E Eligibility Determination is completed in FSN within 15 calendar days of notification. If a foster care Title IV-E Eligibility Determination exists upon notification, lead agency revenue maximization staff shall review the determination for accuracy and supporting documentation. Refer to Chapter 4 of this operating procedure for policy related to Title IV-E Foster Care Eligibility Determinations.

c. If a child is determined Title IV-E ineligible for foster care, a TANF Eligibility determination shall be initiated. Upon entering GAP, the TANF Eligibility determination is approved with an effective date of program entry.

d. Lead agency revenue maximization staff shall communicate eligibility determination with the child welfare professional for inclusion on the Guardianship Assistance Agreement.

e. If a guardian regains program eligibility, the funding type shall be determined upon readmission for children who were Title IV-E ineligible.

8-5. Guardianship Assistance Agreement (GAA). A GAA (form CF-FSP [5437](#), available in DCF Forms) shall be executed between the guardian(s) and Department designee prior to legal case closure and a payment being made to the guardian(s).

a. GAP payments are not authorized until all parties have signed the GAA and supporting documentation of a funding program eligibility is approved in FSFN.

b. The effective date of the GAA shall be the date on which all program criteria is met which includes achieving legal Permanent Guardianship.

c. The GAA shall reflect the funding type and amount for the GAP payment. If the funding type changes, an updated GAA shall be executed by the guardian(s) and the Department designee.

d. If a child receives SSI, the GAP payment amount must equal zero.

(1) The guardian must be advised to contact the lead agency if the child loses eligibility for SSI to initiate a GAA Update to begin receiving a GAP payment. The GAP payment must be effective from the date the written request was made.

(2) No other government benefit or private payment received on behalf of the child shall cause the GAP payment to be reduced or eliminated.

(3) If the anticipated enhanced GAP payment will be greater than the amount being received as an SSI payment, the guardian may elect to receive a GAP payment. In turn, the guardian must report the GAP payment as income to the Social Security Administration office. This income may reduce the SSI payment received as determined by the Social Security Administration office.

NOTE: An updated GAA is not generated when there is a change in fund source from TANF to state funds due to the family failing to correspond with the Department.

8-6. Ongoing Funding Type Determination.

a. A child who is determined Title IV-E eligible for GAP, remains eligible and an ongoing funding eligibility determination is not applicable. As long as the child/guardian remain eligible per program requirements, participation will continue to be funded through Title IV-E.

b. If a child is determined TANF eligible for GAP, annual TANF Eligibility redeterminations must be completed every 12 months or when a change in circumstances occurs.

(1) The "Guardianship Assistance Program Eligibility Redetermination" (form CF-FSP [5441](#), available in DCF Forms) shall be used to gather current information from the guardian(s) to support TANF Eligibility redeterminations.

(2) The form shall be sent to the relative guardian(s) 60 days prior to the expiration date of the current TANF determination.

(3) If a response is not received, a subsequent form shall be sent to the relative guardian(s) 30 days prior to the expiration date of the current TANF determination.

(4) If still no response, the child welfare professional or designee shall attempt telephonic communication with the guardian(s) to obtain the information. A FSFN case note shall be entered regarding the response.

(5) When a change in the child's state of residency or income occurs, a GAP TANF Eligibility redetermination is required.

(6) If the TANF Eligibility status changes, an Updated GAA shall be executed between the guardian(s) and the Department designee reflecting the new funding source.

8-7. Termination of Payment. Payment continues through the month of the child's 18th birthday, unless the child's date of birth is the first day of the month. GAP payments are terminated upon program termination pursuant to section [39.6225](#), F.S. Please refer to CFOP 170-10, [Chapter 13](#), Guardianship Assistance Program, for program policy.

8-8. FSFN Documentation.

a. Initial Funding Type Determination. The GAP funding eligibility determination must be completed in FSFN prior to the completion of GAP program eligibility determination which consists of:

(1) A foster care Title IV-E Eligibility Determination shall be completed in FSFN within 15 calendar days of notification by the child welfare professional. All supporting documentation shall be uploaded into the FSFN File Cabinet under the relevant Image Category and Image Type.

(2) If foster care Title IV-E Ineligible, a TANF Eligibility determination shall be initiated in FSFN prior to the execution of the GAA. A funding determination shall be provided to the child welfare professional. All supporting documentation shall be uploaded into the FSFN File Cabinet under the relevant Image Category and Image Type. The TANF Eligibility determination with an Effective From date that reflects the same date the GAA is effective, must be approved in FSFN within 10 calendar days from the GAA effective date.

(3) The Initial GAA shall be uploaded in the FSFN File Cabinet under the Image Category of Guardianship Assistance Program and Image Type of Guardianship Assistance Agreement (signed).

b. Ongoing Funding Type Determination. Lead agency revenue maximization staff or designee shall complete an annual TANF Eligibility redetermination in FSFN within 10 calendar days of the current TANF expiration or notification of a change in circumstances. The effective date of the TANF Eligibility redetermination shall be no more than one day after the expiration of the prior determination.

(1) The Guardianship Assistance Program Eligibility Redetermination (form CF-FSP [5441](#), available in DCF Forms) shall be uploaded into the FSFN File Cabinet under the Image Category of Guardianship Assistance Program and the Image Type of GAP Annual Redetermination. If additional income documentation is received, such as Social Security Administration award letter, such documentation shall be uploaded under the corresponding Image Category and Image Type.

(2) If a response is not received after the second mailing of form CF-FSP [5441](#) and after telephonic contact attempt, the TANF eligibility redetermination shall be completed in FSFN utilizing the "No Response Received" checkbox. The TANF Eligibility status will result as Ineligible.

(3) If the funding type or any other element of the GAA changes, the Updated GAA shall be uploaded into the FSFN File Cabinet under the Image Category of Guardianship Assistance Program and Image Type of Guardianship Assistance Agreement (signed).