

## DEPARTMENT OF SOCIAL SERVICES

## CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

MAY 26, 2016

**What's Inside:**

Revised  
Guardianship  
Subsidy Agreement  
and Addition of  
Successor Guardian

## M E M O R A N D U M

TO: REGIONAL DIRECTORS, FIELD SUPPORT MANAGERS,  
CIRCUIT MANAGERS AND SUPERVISORS

FROM: TIM decker, DIRECTOR

SUBJECT: REVISED GUARDIANSHIP SUBSIDY AGREEMENT AND  
ADDITION OF SUCCESSOR GUARDIAN

DISCUSSION:

The purpose of this memorandum is to inform staff of revisions made to the legal guardianship subsidy agreement (CD-SG) to accommodate the naming of a successor guardian, instructions for the negotiation or re-negotiation of a guardianship agreement, a standardized letter (CD-222) to send to all guardians and the Adoption and Legal Guardianship Subsidy brochure and policy.

A successor guardian is a person(s) named in the guardianship agreement or amendment who becomes the successor guardian in the event the legal guardian dies or becomes incapacitated.

Successor guardian provisions, authorized by P.L. 113-183, were signed into federal law on September 29, 2014, which amended titles IV-B and IV-E of the Social Security Act. P.L. 113-183 requires continuation of title IV-E guardianship assistance payments if the guardian dies or is incapacitated and a successor legal guardian is named in the agreement or any amendments to the agreement (section 473(d)(3)(C) of the Act).

Children who have a subsequent guardianship because of the incapacitation or the death of their guardian(s) may be eligible for assistance under Title IV-E or Missouri funded subsidy in a subsequent guardianship if:

- They were previously eligible *and* the successor guardian was named in the agreement or
- They are placed in the legal custody of the Children's Division and a new IV-E eligibility determination is completed prior to the establishment of a subsequent guardianship.

Language has been added to the Guardianship Subsidy Agreement form CD-SG, the instructions, and policy. At the time of initial negotiation of the agreement or at the time of any amendments, staff must discuss and advise the guardian(s) to exercise the option to name a successor guardian. If the guardian(s) dies or is incapacitated and a successor guardian is not named in the agreement, the child may not be eligible to

receive guardianship assistance payments in a subsequent guardianship. If after being advised of the option of naming a successor guardian, the guardian(s) elect not to exercise the option, staff are to document this refusal in the narrative section of the subsidy file.

To assist in this discussion, the Successor Guardian Information letter (CD-222), has been developed with help of subsidy staff. This letter may be given to the family, completed, signed and placed in the file. This letter serves as documentation the discussion occurred and the option was given.

These changes will go into effect the date of this memo. Staff should start using the subsidy agreement, CD-SG, with the revision date of 05/16 for initial agreements.

For agreements already in place, staff shall notify all legal guardians of the option to name a successor guardian. If an amendment is needed, staff shall use the following in the explanation box; "The Division has explained the term successor guardian and the legal guardian(s) has named the following as successor guardian: (name, relationship to child, address, phone number and email address). The Guardian(s) agree to notify the Division in writing at the address specified in the agreement within ten (10) days of any change to the named successor guardian(s) contact information. The Division agrees to complete background screenings on the successor guardian prior to negotiation of a subsequent guardianship subsidy."

<b>NECESSARY ACTION</b>	
<ol style="list-style-type: none"> <li>1. Review this memorandum with all Children's Division staff.</li> <li>2. Review revised Child Welfare Manual chapters as indicated below.</li> <li>3. All questions should be cleared through normal supervisory channels and directed to:</li> </ol>	
<b>PDS CONTACT</b> Sarah Bashore 573-751-0311 Sarah.Bashore@dss.mo.gov	<b>PROGRAM MANAGER</b> Amy Martin 573-751-3171 Amy.L.Martin@dss.mo.gov
<b>CHILD WELFARE MANUAL REVISIONS</b>	
<a href="#">Section 4 Chapter 22 Guardianship</a> <a href="#">Section 4 Chapter 30 Attachment A: Subsidy Coverage Limitations</a> <a href="#">Section 4 Chapter 30 Subsection 2: Legal Basis and Funding Source</a> <a href="#">Section 4 Chapter 30 Subsection 3: General Policy</a> <a href="#">Section 4 Chapter 30 Subsection 4: Child's Eligibility Criteria for Adoption or Legal Guardianship Subsidy</a> <a href="#">Section 4 Chapter 30 Subsection 7: Maintenance of the Agreement</a> <a href="#">Section 4 Chapter 30 Subsection 8: Review Process</a> <a href="#">Section 4 Chapter 30 Subsection 9: Termination of Subsidy Agreements</a> <a href="#">Section 4 Chapter 30 Subsection 10: Miscellaneous</a>	
<b>FORMS AND INSTRUCTIONS</b>	
<a href="#">Subsidized Guardianship Agreement, CD-SG</a> <a href="#">Subsidized Guardianship Agreement Instructions</a> <a href="#">Successor Guardian Information Letter, CD-222</a> <a href="#">Successor Guardian Information Letter Instructions</a> <a href="#">Adoption and Guardianship Subsidy Program Brochure, CS-350</a>	
<b>REFERENCE DOCUMENTS AND RESOURCES</b>	
<a href="#">Public Law 113-183-September 24, 2014</a>	

<b>RELATED STATUTE</b> <a href="#">Chapter 453 RSMo</a> <a href="#">Chapter 211 RSMo</a>
<b>ADMINISTRATIVE RULE</b> <a href="#">13 CSR 35-38.010 Adoption and Guardianship Subsidy</a>
<b>COUNCIL ON ACCREDITATION (COA) STANDARDS</b> N/A
<b>CHILD AND FAMILY SERVICES REVIEW (CFSR)</b> N/A
<b>PROTECTIVE FACTORS</b> N/A
<b>FACES REQUIREMENTS</b> As noted in this memorandum and outlined on FACES Information.