



# Practice Alert

## Medicaid Only Agreements Shall Not Be Negotiated For Guardianship Subsidy Cases

The purpose of this practice alert is to clarify guardianship subsidy cases shall not be negotiated to include Medicaid only. According to Federal Policy and the Social Security Act (Section 473 (d) (1) (B)), guardianship assistance agreements shall specify, at a *minimum* the amount of, and manner in which, each payment will be provided under the agreement. The Social Security Act (Section 473 (b) (3) (B)), states that children who receive a Title IV-E Guardianship assistance payment via subsidy are categorically eligible for Title XIX (Medicaid) in the State where the child resides. Section 4 Chapter 30 Subsection 3 has been updated to clarify this requirement.

<http://dss.mo.gov/cd/info/cwmanual/section4/ch30/sec4ch30sub3.htm>

*Adoptive parent(s) may decline any or all of these services; guardian(s) may decline services as well, however are required to receive maintenance of at least one dollar.*

*In the event that services are declined, the parent(s) or guardian(s) must sign a dated statement indicating specifically which services they are declining. This statement is to be filed in the subsidy record and documented in the explanation section of the agreement.*

*Basic services declined cannot be approved at a future date. All basic subsidy services must be addressed in the explanation section in some manner.*

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