

**RATE  
DETERMINATION  
OVERVIEW**

After a child is determined eligible for guardianship assistance, a guardianship assistance payment rate is determined. A two-step process is used to establish the ongoing monthly guardianship assistance payment.

1. The Department of Human Services (DHS) subsidy office determines the maximum guardianship assistance rate, based on the state's foster care rates (see FOM 905-3).
2. The prospective guardian and the assigned worker discuss the child's needs and negotiate the ongoing monthly assistance payment up to the maximum rate. The agreed upon monthly payment is documented on the DHS-3313, Guardianship Assistance Agreement. The DHS-3313 must be signed by the guardian and the DHS designee prior to the court's appointment of the guardian.

**MAXIMUM RATE  
DETERMINATION**

The DHS subsidy office determines a maximum rate for the child's guardianship assistance payment. The rate is determined based on the foster care rate the child received prior to application for guardianship assistance without regard to the income of the guardian. The rate determination includes any Determination of Care (DOC) rate that is approved for the child.

**Children Not  
Receiving Family  
Foster Care  
Payments**

For children whose care has been funded through financial support other than foster care payments (e.g., Department of Community Health funds, Retirement, Survivors, Disability Insurance (RSDI), Supplemental Security Income (SSI)), a foster care rate must be determined and approved by the DHS local office. The rate must be determined based on the foster care payment the child would receive in a family foster home, including any DOC, if the alternate financial support was not being paid. The maximum guardianship assistance rate will be set using the foster care rate approved by the DHS local office.

**Required  
Documentation of  
Child's Needs**

The following documentation must be attached to the Certification of Guardianship Assistance Eligibility and Request for Agreement (DHS-3310) in order to establish the maximum guardianship assistance rate.

Standard rate

A standard foster care maintenance payment does not require additional documentation.

DOC Rate

A foster care rate that exceeds the DHS current standard maintenance payment is considered a Determination of Care (DOC) Rate (see Foster Care Payment Resources, CFF 903-3). If a child has care needs above a standard foster care maintenance rate, copies of the following foster care documents must be attached.

DOC I, II, III

- A DOC Level I, II and III requires:
  - A copy of a current **DHS-approved** DOC assessment (DHS-470, 470A, or 1945) dated within six months. This may be the approval for a projected rate if the child is not currently receiving foster care payments.
  - A copy of the DHS-67, Parent-Agency Treatment Plan & Service Agreement (for children receiving foster care payments).

DOC Rate Above Level III

- A DOC above Level III requires all of the above, plus:
  - A copy of the supporting documents that were submitted to the designated DHS manager to justify the rate.
  - A copy of the approval memo from the designated DHS manager.
  - A description of the child's special needs and specific information showing how the exceptional rate was calculated.

**Note:** The DHS subsidy office may request additional information in order to clarify information in the DOC determination.

**Rate Changes before Guardianship Approval**

When a child's DOC increases or decreases after a guardianship agreement has been issued, but prior to the court's appointment of the guardian, the assigned worker must notify the DHS subsidy office. The assigned worker must submit a completed Change Request form (DHS-4817G) and attach a current DOC form (DHS-470, 470A, or 1945) if applicable. The DHS subsidy office will review the DOC form and all supporting documentation. The guardianship assistance maximum rate will be reviewed and a new Guardianship Assistance Agreement (DHS-3313) will be issued with a new guardianship assistance maximum rate.

If the DOC rate has decreased, the guardianship assistance maximum rate will decrease. If the DOC rate has increased, the maximum guardianship assistance rate will increase. After the DHS-3313 is issued, the agreement must be signed by the prospective guardian and the DHS designee prior to the court's appointment of the guardian.

**Base Rate Increases After the Guardianship Appointment**

Guardianship assistance base rates increase when the child has a birthday which would affect the base guardianship assistance rate or when the legislature authorizes an increase in the base guardianship assistance rate. DOC rates are set prior to the appointment of the guardian and are not subject to increases after the guardianship begins.

**Negotiation of the  
Ongoing Monthly  
Payment**

The ongoing monthly guardianship assistance payment is negotiated in discussion between the guardian and the assigned worker by taking into account the child's needs and circumstances. The ongoing monthly payment may be set at any rate up to the maximum guardianship assistance rate determined by the DHS subsidy office.

The assigned worker assists the prospective guardian in determining the amount that is needed to support the addition of the child to the prospective guardian's family.

The Guardianship Assistance Agreement (DHS-3313) includes both the maximum rate set by the DHS subsidy office and the ongoing monthly rate requested by the prospective guardian. The agreement must be signed by the prospective guardian and the DHS designee prior to the court's appointment of the guardian.

**Negotiated  
Changes in  
Ongoing  
Guardianship  
Payments**

Payments  
Established  
Below the  
Maximum Rate

If the guardian agrees to an ongoing monthly assistance payment that is less than the maximum guardianship assistance rate indicated on the DHS-3313, they may request a change in the payment at a later date.

The ongoing monthly guardianship assistance payment may not exceed the maximum guardianship assistance rate determined prior to the court's appointment of the guardian. The rate may include any increases to the base guardianship assistance rate due to legislated or age-appropriate increases.

If the child's or guardian's circumstances change and the guardian decides that the ongoing monthly guardianship assistance payment needs to be increased, they may request an increase of the ongoing monthly guardianship assistance payment up to the maximum rate that was established by the DHS subsidy office prior to the guardianship.

Payments  
Established at  
the Maximum  
Rate

Guardians may request a decrease in the ongoing monthly guardianship assistance payment if they decide that it is appropriate.

Address for  
Requesting Rate  
Changes

Requests for ongoing monthly rate changes must be made in writing and sent to:

DHS Subsidy Office  
Michigan Department of Human Services  
Grand Tower, Suite 412

P.O. Box 30037  
Lansing, MI 48909

Effective Date of  
Rate Changes

The effective date of a rate change is based on the date of DHS approval but no more than 30 calendar days from the date the written request for rate change was received by the DHS subsidy office. The child is not eligible for an increased payment prior to the effective date. The rate change is activated when both the DHS designee and guardian have signed the new agreement.

**OTHER FINANCIAL  
BENEFITS**

When the court appoints the guardian, the guardian should apply to become the representative payee for children who are eligible for Supplemental Security Income (SSI), Retirement, Survivors, Disability Insurance (RSDI) or Veteran's Administration (VA) benefits. Guardians should contact their local Social Security Administration office regarding SSI and RSDI. Guardians may apply to become the representative payee for VA benefits by contacting the Veteran's Administration. The assigned worker must assist the guardian in applying for these benefits by providing the claim number under which benefits are received.

A child may be eligible for both guardianship assistance payments and SSI. In the case of children who have been eligible for SSI prior to guardianship, the guardian must notify SSI of the guardianship and the amount of the ongoing monthly guardianship assistance payment. The Social Security Administration will determine the child's continued eligibility for SSI after guardianship and the amount of the payment.

If a guardian chooses not to request guardianship assistance because the child receives other financial support and does not have a guardianship assistance agreement signed by both the guardian and the DHS designee prior to the court's appointment of the guardian, they will not be eligible for guardianship assistance payments in the future.

The assigned worker must inform the prospective guardian that RSDI, SSI, and VA benefit payments may not provide ongoing assistance through age 18, depending on the source of the benefits and possible eligibility requirements based on income or continued disability.