

**INTRODUCTION**

State and federal law require that the Department of Human Services (DHS) enter into Guardianship Assistance Agreements (DHS-3313) and state-funded Juvenile Guardianship Medical Subsidy Agreements (DHS-3013GA) with the guardian as a condition of eligibility for:

- Guardianship assistance.
- Nonrecurring expenses.
- Guardianship assistance-related Medicaid.
- State-funded medical subsidy.

Guardianship assistance and medical subsidy agreements are written legally binding arrangements between the department and the guardian(s) which include the agreement provisions.

**AGREEMENT  
PROVISIONS****Guardianship  
Assistance/  
Nonrecurring  
Expenses**

The following provisions are included in both title IV-E and state funded guardianship assistance agreements:

- Type of assistance to be paid.
- Maximum guardianship assistance rate.
- Amount of negotiated ongoing monthly guardianship assistance payment agreed to by the guardian(s) and the Department of Human Services (DHS) and any services and other assistance to be provided under the agreement.
- Provisions for the protection of the interests of the child in cases where the guardian(s) and child move to another state while the agreement is in effect.
- The guardianship agreement is in effect regardless of the state in which the guardian and child reside.
- Nature and amount of nonrecurring expenses to be paid.
- Medicaid eligibility.
- Conditions for continued payment of guardianship assistance.
- Legislative increases and decreases that affect all cases.
- Duration of the ongoing guardianship assistance monthly payment.
- The procedures by which the guardian may apply for additional services as needed.

**Note:** If a needed service specified in the agreement is not available in the state of residence, the state making the original guardianship assistance payment remains financially responsible for providing the specified service.

### **Medical Subsidy (State-Funded)**

The following provisions are included in state-funded medical subsidy agreements:

- Medical conditions covered by medical subsidy.
- Requirements for continued payment of medical subsidy.
- Continuation of eligibility regardless of a change in state residency.
- Duration of the medical subsidy agreement.
- Reimbursement requirements.

## **OBTAINING AGREEMENTS**

### **Guardianship Assistance Agreements**

The DHS-3313, Guardianship Assistance Agreement, is issued by the DHS subsidy office. The assigned worker applies for this agreement by submitting a DHS-3310, Certification of Guardianship Assistance Eligibility and Request for Agreement, to the DHS subsidy office.

Ongoing monthly guardianship assistance is paid in the amount negotiated between the guardian(s) and DHS, up to the maximum amount entered by the DHS subsidy office on the DHS-3313, Guardianship Assistance Agreement. Details of the rate determination process are in GDM 720.

### **Nonrecurring Expenses (NRE) Agreements**

The guardian(s) and DHS enter into an agreement for reimbursement of nonrecurring expenses as a result of submission and approval of the DHS-3310, Certification of Guardianship Assistance Eligibility and Request for Agreement. Approval of the DHS-3310 application results in the issuance of the DHS-3313, Guardianship Assistance Agreement.

All agreements must be signed by both the guardian(s) and the DHS designee prior to the court's appointment of the guardian. If the court's appointment of the guardian is signed by the court prior to completion of all signatures on the agreement, reimbursement is not available.

Claims for reimbursement of expenses by the guardian or authorized third party may be initiated after the agreement is signed by all parties. Processing of reimbursement payments will begin after the appointment of the guardian, the DHS-1344G, Guardianship Case Opening Request, and appropriate receipts/documentation have been received by the DHS subsidy office. (See GDM 745, Guardianship Assistance Case Opening and Duration.)

Nonrecurring expenses claims may be paid up to two (2) years after the date of the appointment of the guardian. The guardian(s) or authorized third party must claim the reimbursement for eligible expenses not later than two (2) years from the date of the court's appointment of the guardian. (See GDM 730, Nonrecurring Expenses Reimbursement.)

### **Medical Subsidy Agreements**

The Medical Subsidy Agreement (DHS-3013GA) is issued by the DHS subsidy office after approval of the DHS-1341G, Juvenile Guardianship Medical Subsidy Application. Prior to guardianship, the assigned worker assists the prospective guardian in applying for the medical subsidy agreement by submitting the DHS-1341G to the DHS subsidy office. After the guardian is appointed, the guardian(s) apply for the medical subsidy agreement by submitting the DHS-1341G to the DHS subsidy office.

The medical subsidy agreement must be signed by the guardian(s) and the DHS designee after the child's eligibility has been determined by the DHS subsidy office. If the medical subsidy is signed by all parties on or before the court's signature on the guardian's appointment, the effective date of the agreement will be the date of the court's appointment of the guardian.

If the medical subsidy agreement is signed after the court's signature on the appointment of the guardian, the effective date of the agreement will be the date of the appointment of the guardian or the effective date entered on the agreement by the DHS subsidy office, whichever is later.

Medical bills will not be processed for payment until the guardian(s) and the DHS designee have signed the agreement and the DHS-1344G, Guardianship Assistance Case Opening Request, has been processed by the DHS subsidy office.

## **AGREEMENT PROCEDURES**

### **Guardianship Assistance and Medical Subsidy**

The DHS subsidy office:

- Prepares the appropriate agreement for the child.
- Sends the guardianship assistance agreement to the assigned worker.
- Sends the medical subsidy agreement to the assigned worker with the DHS-3012GA, Medical Subsidy Agreement Instructions.

The assigned worker:

- Reviews each agreement with the guardian. For Guardianship Assistance Agreements, negotiates the ongoing monthly guard-

ianship assistance payment amount with the guardian. (See GDM 720.)

- Assists the guardian(s) in filling in all blanks on the agreement according to the agreement instructions.
- Returns the agreement to the DHS subsidy office.

The DHS subsidy office:

- Reviews the agreement for completeness and accuracy and resolves all problems before proceeding.
- Obtains the DHS designee signature on the agreement.
- Returns the agreement to the assigned worker.

The assigned worker:

- Provides the original signed agreement to the guardian and maintains a copy in the foster care case record. POS agencies must provide a copy of the agreement to the DHS foster care monitor.
- Proceeds with the guardianship process.

### **Post-Guardianship Medical Subsidy**

The DHS subsidy office:

- Prepares the Medical Subsidy Agreement (DHS-3013GA).
- Sends the agreement to the guardian with the DHS-3012GA, Medical Subsidy Agreement Instructions.

The guardian:

- Reviews the agreement, signs, and has a witness sign the agreement, following the instructions on the DHS-3012GA, Medical Subsidy Agreement Instructions.
- Returns the signed agreement to the DHS subsidy office.

The DHS subsidy office:

- Reviews the agreement for completeness and accuracy and resolves all problems before proceeding.
- Obtains the DHS designee signature on the agreement.
- Returns the signed agreement to the guardian.

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**AGREEMENT  
SIGNATURES****Guardianship  
Assistance**

A guardianship assistance agreement must be signed by both the guardian and the DHS designee prior to the court's appointment of the guardian and is effective on the date of guardian's appointment.

If the guardianship assistance agreement is not signed by all parties before the date of the court's appointment of the guardian, **the child will not be eligible for guardianship assistance.**

**Medical Subsidy**

A medical subsidy agreement can be signed any time after the child is certified eligible. If the medical subsidy agreement is signed before the date of the court's appointment of the guardian, the effective date of the agreement will be the date of the guardian's appointment.

If the medical subsidy agreement is signed after the court's appointment of the guardian, the effective date of the agreement will be the date of the court's appointment of the guardian, or the effective date entered on the agreement by the DHS subsidy office, whichever is later.

**GUARDIAN  
RESPONSIBILITIES**

The guardian(s) must notify the DHS subsidy office, in writing, no later than 7 days after a change in the guardian's address.

The guardian(s) must notify the DHS subsidy office, in writing, no later than 30 days after any of the following occur:

- The guardianship is revoked or terminated.
- The child's marriage.
- The child's death.
- The child enters the military service.
- The child becomes emancipated.
- The child is adopted.
- The child becomes a ward of the Juvenile Court through voluntary or involuntary action.
- The guardian is no longer providing any support of the child.

Recoupment procedures will be followed for changes that result in an overpayment.

**School Attendance**

All school-age children who receive juvenile guardianship assistance payments must be enrolled full-time (or in the process of enrolling) in elementary or secondary education through a school, home school, or

independent study program in accordance with the law in their residence state, or unable to attend school on a full-time basis due to a medical condition that is supported by documentation in the child's case record.

**Note:** Foster care policy does not permit home schooling for children who have open foster care cases.

The annual report is used to provide the above information to DHS.

### **Annual Review of Eligibility**

An annual report will be provided to all guardians receiving guardianship assistance to determine continuing eligibility of the child and guardian. Failure to complete and return the annual report to the DHS subsidy office will result in further action to determine the child's and guardian's continued eligibility for guardianship assistance programs.