

 INDIANA DEPARTMENT OF CHILD SERVICES	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 8: Out-of-Home Services	Effective Date: February 21, 2011
	Section 40: Guardianship	Version: 2

POLICY

The Indiana Department of Child Services (DCS) will offer guardianship as a permanency option, if it is in the best interest of the child and if other permanency goals (e.g., reunification, adoption, another planned permanent living arrangement, placement with a fit and willing relative) are not feasible.

Code References

1. [465 IAC 2-8-1 to 465 IAC 2-8-12](#) Assisted Guardianship
2. [IC-29-3-1-6](#) Definition of a Guardian
3. [IC 29-3-2-1\(b\)](#): Jurisdiction of Probate Court in Guardianships
4. [IC 29-3-2-1\(c\)](#): Jurisdiction of Juvenile Court in Certain Guardianships
5. [IC 31-30-1-1](#) Exclusive Original Jurisdiction of Juvenile Court in Guardianship of CHINS

PROCEDURE

[REVISED] The Family Case Manager (FCM) will:

1. Convene a Child and Family Team (CFT) Meeting or Case Plan Conference to review and discuss guardianship as a permanency goal for the child. The discussion should include information regarding the guardianship process as well as any provisions needed for assistance and supports to the family and the child to help ensure the child's safety and permanence in the home;
2. Get court approval of guardianship as the permanency option if the CFT determines this is the best permanency option for the child;
3. Conduct criminal background checks for the proposed guardians. See separate policy [8.6 Conducting Background Checks for Unlicensed Placements](#);
4. Ensure that a petition for guardianship is filed for each child for whom a guardianship is being sought; and
5. Notify the parents (if their whereabouts are known), the proposed guardians, the minor if he or she is at least 14 years of age by the date, and time of the guardianship hearing.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. Notice of Guardianship Hearing
2. Assisted Guardianship Application
3. Assisted Guardianship Agreement
4. Notification of Termination of Assisted Guardianship (90 day letter)
5. Notification of Termination of Assisted Guardianship (30 day letter)
6. Application for Continuation of Assisted Guardianship
7. Consent Form

RELATED INFORMATION

[REVISED] Assisted Guardianship (AG) is a limited TANF funded program. This program is meant to help families where it has been determined that Guardianship is the best permanency plan for a child or sibling group and due to significant financial need, assistance is required for the child's permanency and well-being. Due to limited funding, the child may be put on a waiting list until an AG slot is available.

FCM's will:

1. Contact the Guardianship Specialist in the Central Eligibility Unit (317-234-5778 or centralized.eligibility@dcs.in.gov) to obtain the Assisted Guardianship Application
2. Complete the Assisted Guardianship Application with the proposed guardian
3. Submit the Assisted Guardianship Application and other appropriate documents to the Guardianship Specialist with the proposed final hearing date for the guardianship hearing.
4. Complete the Assisted Guardianship Agreement if the Guardianship Specialist approves the child for the program.
5. Send the Assisted Guardianship Agreement for signatures by the guardians and the DCS local office director prior to the finalization of the guardianship.
6. Notify the Guardianship Specialist when the guardianship order is issued by the court;
7. Place the original Assisted Guardianship Agreement in the child's foster care file, provide a copy to the guardian and send a copy to the Guardianship Specialist along with a copy of the guardianship order.
8. Open an Assisted Guardianship case in ICWIS (will require entry of the social security number for each guardian) effective as of the date the final guardianship order is entered by the court,;
9. Close the foster care case in ICWIS as of the same date that the Assisted Guardianship case is opened in ICWIS;
10. Update any address changes in ICWIS if notified by the guardian and notify the Resource Unit so they can send a new vendor information form to update KidTraks;
11. Notify the Guardianship Specialist if there are any changes in the guardianship order or if the AG child ever re-enters foster care, so that they

- can suspend or terminate the monthly assisted guardianship payment in KidTraks and ICWIS; and
12. Investigate the current situation of the youth and the guardian if requested by the Guardianship Specialist.

Guardianship Specialist with the Central Eligibility Unit will:

1. Determine if the child is eligible for guardianship assistance from the Assisted Guardianship Application submitted by the FCM.
2. Monitor and manage an Assisted Guardianship List to track the number of slots with available funding;
3. Place AG eligible youth on the Assisted Guardianship List for approximately 90 days;
4. Upon notification of finalization of guardianship, validate that:
 - a. the AG case has been opened in ICWIS effective the finalization date of the guardianship,
 - b. the Guardian(s) SSN's have been entered in ICWIS,
 - c. the foster care case is closed in ICWIS effective the finalization date of the guardianship,
 - d. a copy of the final guardianship order is in the CEU eligibility file; and
 - e. a copy of the signed AG agreement is in the CEU eligibility file;
5. Develop, monitor, and manage an Assisted Guardianship Waiting List (a list of finalized guardianships with assistance (AG) but a slot with funding is not available).
6. Place eligible youth on the Assisted Guardianship Waiting List if there are no slots with funding available.
7. Notify the FCM when an additional slot with funding becomes available
8. Input the payment information into KidTraks, begin the AG payment effective the finalization date, and immediately resolve any KidTraks voucher errors;
9. Set the end date of the AG payment in KidTraks the day before the youth's 18th birthday;
10. Transfer the AG case to themselves once the local office has notified that guardianship has been finalized, AG case opened and the foster care case closed;
11. Update address changes in AG in ICWIS and send a [Vendor Information form \(SF5 3788\)](#) to the Guardian when notified of such;
12. Complete the annual re-determination processes for the AG program;
13. Send suspension and termination notifications to the AG Guardian based on any violations of the terms of the Assisted Guardianship Agreement;
14. Send a Notification of Termination of Assisted Guardianship payments to the AG Guardian at their last known address, by certified mail, approximately 90 days prior to the termination and again 30 days prior to the date the youth will reach age 18;
15. If the guardian provides proof that the youth continues to be a full time student, extend the AG payments to the day prior to the youth's 19th birthday or the date the youth graduates, whichever is earlier;

16. End AG payments in KidTraks and Close the AG case in ICWIS, using the same date, once all payments have ceased regardless of the reason.