



## TIPS FOR LAWYERS

### SUBSIDIZED GUARDIANSHIP

#### **What Connecticut statutes, regulations, and policies relate to subsidized guardianship?**

Conn. Gen. Stat. § 17a-126, DCF Regulations 17a-126-1 to -23, and DCF Policies 41-50-2 to -14 relate to subsidized guardianship.

#### **Who qualifies for a guardianship subsidy?**

Relative caregivers may apply for guardianship subsidies. Conn. Gen. Stat. § 17a-126(b); DCF Regulation 17a-126-3(a). The child must be under 18 years of age, must be living with the relative caregiver who has been licensed for at least 6 months, and reunification with the parents and adoption must not be viable options in the foreseeable future. DCF Policy 41-50-2. DCF must have conducted a thorough assessment of the child's placement with the relative caregiver and have recommended transfer of guardianship to the relative. DCF Policy 41-50-2 to -4.

Additionally, the child must have lived in foster care and with the relative caregiver for a certain period of time. Conn. Gen. Stat. § 17a-126(b) requires DCF to provide for subsidized guardianship for children in DCF care who are living with relative caregivers and who have been in foster care or certified relative care for eighteen months or longer. The statute provides that DCF *may* offer subsidized guardianship for these children if they have been living with the relative for at least six months. DCF indicates that its current policy is to provide guardianship subsidies for children who have lived with the relative caregiver for at least six months.

#### **What types of guardianship subsidies are available?**

- A monthly subsidy,
- A special-need subsidy, and
- A medical subsidy. Conn. Gen. Stat. § 17a-126(d).

#### **What is the monthly subsidy?**

The monthly subsidy equals DCF's prevailing foster care rate applicable to the child's age and special needs less the child's assets and income. Conn. Gen. Stat. § 17a-126(d); DCF Regulations 17a-126-5 to -7; DCF Policy 41-50-5.1.

## **What is the medical subsidy?**

Children who may or may not have private health insurance are eligible for the continuation of state Medicaid benefits provided to them before the granting of subsidized guardianship. Conn. Gen. Stat. § 17a-126(d); DCF Regulation 17a-126-8; DCF Policy 41-50-5.2.

The guardian is responsible for reapplying annually for eligibility. DCF Policy 41-50-7.

## **What is the special need subsidy?**

A one-time special need subsidy of not more than \$2,000 per child may be paid to the guardian for expenses incurred from the assumption of guardianship when no other resource, such as other state or federal programs, health or medical insurance, or other legally enforceable third-party payments, is available to pay for such expenses. It shall be agreed to prior to the transfer of guardianship. Conn. Gen. Stat. § 17a-126(d); DCF Regulation 17a-126-9; DCF Policy 41-50-5.3.

Examples of expenses allowed (DCF Policy 41-50-5.3):

- Out of state travel expenses for relative caregiver who must attend the court hearing
- Legal fees from assumption of care of the child
- Psychological or medical exams

Examples of expenses not allowed:

- Purchase of a vehicle, clothing, or furniture
- Home renovations
- Costs included in the monthly foster care reimbursement rate
- Day care expenses

## **When do subsidies terminate?**

Subsidies normally are available until child turns 18. However, if the youth is in continuous full time attendance at a secondary school, technical school or college or is in a state-accredited job-training program, subsidies may continue until age 21. Conn. Gen. Stat. § 17a-126(f); DCF Policy 41-50-2, 41-50-8.

DCF also will terminate a guardianship subsidy if the child ceases to receive financial support from the guardian for any reason or if the child is no longer in the guardian's physical or legal custody. DCF Policy 41-50-8.

If the child in subsidized guardianship enters another Department program which requires out-of-home placement, the monthly subsidy will be reassessed by the Department based on the current needs of the child and the circumstances of the family for the duration of the out-of-home placement since the child's needs will be met in whole or part by such other Department program. DCF Policy 41-50-12.

## **What remedies are available to a relative caregiver or subsidized guardian who is unhappy with a DCF decision regarding the denial, modification or termination of a subsidy?**

A relative caregiver or subsidized guardian may request an administrative hearing when he/she disagrees with the Department's decision regarding the denial, modification or termination of a subsidy. DCF Regulation 17a-126-15 to -23; DCF Policy 41-50-9, DCF Policy 41-50-11.