

GUARDIANSHIP ASSISTANCE ACT (EXCERPT)
Act 260 of 2008

722.875 Guardianship assistance; negotiating and entering guardianship assistance agreement; specifications; duration; limitation on payment; review by department; eligibility determination.

Sec. 5. (1) Subject to the provisions of this act, the department may pay guardianship assistance to an eligible guardian on behalf of an eligible child.

(2) The guardian shall apply for guardianship assistance under this act to the department.

(3) For a child who is eligible under section 3 and a guardian who is eligible under section 4, the department may negotiate and enter into a written, binding guardianship assistance agreement with the child's prospective guardian and shall provide the prospective guardian a signed copy of the guardianship assistance agreement.

(4) The guardianship assistance agreement shall specify all of the following:

(a) The amount of the guardianship assistance to be provided under the agreement for each eligible child, and the manner in which the payment may be adjusted periodically in consultation with the guardian, based on the guardian's circumstances and the child's needs.

(b) The additional services and assistance the child and the guardian will be eligible for under the guardianship assistance agreement.

(c) The procedure by which the guardian may apply for additional services, if needed.

(d) That the department will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of an eligible child, to the extent the total cost does not exceed \$2,000.00.

(5) The guardianship assistance agreement shall remain in effect without regard to the state residency of the guardian.

(6) A guardianship assistance payment on a child's behalf shall not exceed the foster care maintenance payment that would have been paid on that child's behalf if he or she had remained in a foster family home.

(7) The department shall review the eligibility of the guardian and the child for continuation of guardianship assistance annually. The guardian shall provide the eligibility information requested by the department for purposes of the annual review.

(8) The department shall make an eligibility determination within 30 days after receipt of a request for guardianship assistance.

History: 2008, Act 260, Imd. Eff. Aug. 4, 2008;—Am. 2009, Act 15, Imd. Eff. Apr. 9, 2009.