



Iowa Department of Health and Human Services
Guardianship Subsidy Agreement

Agreement Type: Initial Revision

Parties To The Agreement:

Iowa Department of Health and Human Services

Address	Phone ()
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Guardians

Name	Name	
Address	Phone ()	
Child's Name	Birth Date	Placement Date

Successor Guardians

Name	Name
Address	Phone ()

Summary of Benefits:

Maintenance:	Daily Subsidy Payment \$	Special Daily Allowance \$	Total Daily Rate \$	Effective Date
Medical Assistance:	Eligibility: <input type="checkbox"/> IV-E <input type="checkbox"/> Not IV-E			Effective Date
Nonrecurring Expenses:	Fees Associated With Attaining Legal Guardianship \$			
Special Services Needed by the Child			Amount	Duration
			\$	
			\$	
			\$	

Provisions of Agreement:

A. Purpose

This agreement is entered into to facilitate the subsidized guardianship placement of the named child. The guardianship subsidy maintenance will assist the guardian in providing proper care for this child. The agreement shall remain in effect regardless of the state in which the guardian or child resides.

The initial *Guardianship Subsidy Agreement* is completed before guardianship is established by court order. This document must be completed and signed before the Department can authorize any subsidy.

B. Maintenance Payment

If provided for by this agreement, the amount of the daily cash payment (i.e., guardianship subsidy maintenance) is based on the age and special needs of the child or sibling allowance for which the child may be eligible. The amount of payment has been negotiated by mutual agreement between the guardians and the Department. This amount shall not exceed the maximum allowable maintenance payments the eligible child received in family foster care. The Department will make every effort to approve payments to the guardians on the first business day of the month.

The Department may make adjustments in guardianship subsidy maintenance payments automatically to reflect “across the board” adjustments in accordance with foster family care maintenance rates.

Adjustments to the daily guardianship subsidy maintenance rate due to the child’s age must be requested by the guardians. The rate is not automatically changed.

Any changes to the daily guardianship subsidy maintenance rate become effective the first day of the month following the change.

C. Non-Recurring Expenses

Reasonable and necessary guardianship fees, court costs, attorney fees, and other expenses incurred by the proposed guardian that are directly related to finalizing the legal guardianship of a child. These expenses shall be limited to attorney fees, court filing fees, and other court costs. The total costs does not exceed \$2,000.

D. Medical Assistance

The child is only categorically eligible for Medicaid under the IV-E Guardianship Assistance Program if there is an ongoing IV-E guardianship assistance payment.

If the child moves to another state with or without the guardian and is receiving an IV-E guardianship assistance payment, medical assistance will be provided by the state of residence.

If the child is receiving a non-IV-E guardianship assistance payment, medical benefits may be available to this child in accordance with the procedures and benefits of the state where the child resides. A guardian who moves from the state of Iowa will apply for medical assistance in the state of residence.

E. Special Services

- The Department shall provide reimbursement to the guardian, or direct payment may be made to a provider for supplies, outpatient therapy and counseling, or other allowable special services required by the child’s special needs and not covered by Medicaid.
- The guardian shall provide documentation of expenses to the Department before reimbursement of any expenses.
- If the child with the guardian, or without the guardian, resides in another state, allowable special services needed by the child will be provided by the Department, if they are not provided by the state in which the child resides. To access special services, the family should contact the public agency worker in the state of residence to apply for the special services. If the special service is unavailable to the family in the state of residence, the family shall contact the Department guardianship subsidy worker in Iowa for procedures to follow.
- The cost of inpatient psychiatric services, residential treatment, boarding school, foster family care or other out-of-home placement settings shall not be paid with special services subsidy funding.
- Special services that exceed \$500 per state fiscal year (July 1 to June 30) must have prior approval by the Department, whether the child resides in the state of Iowa or out of state. The guardian will contact the Department guardianship subsidy worker to initiate the process for approval.

F. Responsibilities of the Guardian

- The guardian must notify the Department immediately in writing if the child is no longer living with the guardian.
- The guardian must complete the medical application or review form at least yearly, or more often if requested. If this is not done, the child could lose medical benefits.
- The guardian must report any unearned income of the child to the Department. The amount of unearned income may be considered when negotiating the amount of the subsidy.
- The guardian must complete a yearly report to the court and provide a copy to the Department.
- The guardian shall explore and use other services available to them free of charge to meet the needs of the child, such as federal, state, and local governmental programs, before the expenditure of guardianship subsidy funds.
- The guardian shall pay their attorney any fees and costs related to finalizing the guardianship. The Department will reimburse the guardian for non-recurring expenses at the allowable rate. Fees in excess of the maximum reimbursement are the responsibility of the guardian. The guardian may request a review of the subsidy agreement whenever there is a change in the family's circumstances or a change in the child's needs. The guardian shall provide a written description of the change in the child's needs and how renegotiation will assist the guardian in meeting the child's needs.
- The guardian shall notify the Department within 30 days of a change of address.
- The guardian shall report any changes in the child's living situation to the Department within 30 days of the child leaving the home.
- The guardian shall use the guardianship subsidy maintenance and special services funds to financially support the medical, educational, and basic living needs of the child.
- The guardian shall immediately notify the Department in writing when they are no longer legally responsible for the child or no longer using guardianship subsidy maintenance funds to meet the medical, educational, and basic living needs of the child.
- The guardian shall cooperate when the Department initiates a review of the guardianship subsidy agreement when the child enters out-of-home care, such as residential care, foster family care, or informal relative or kinship care. The review may result in the Department renegotiating with the guardian for the payment of a lower guardianship subsidy maintenance amount. The rate may be renegotiated based on the needs of the child and reunification efforts of the guardian with the child.

G. Responsibilities of the Department

- The Department shall issue guardianship subsidy payments to the guardian on the first business day of the month.
- The Department will inform the guardian of any changes in laws, rules or policies that may affect the guardianship subsidy maintenance payment.
- The Department will notify the guardian when the child turns 17½ to initiate a review of eligibility for guardianship subsidy to age 21 based on a diagnosed medical, mental or intellectual disability.
- If a youth is determined to be eligible for continued subsidy after age 18 due to working toward courses leading to a high school diploma or equivalency funds are not IVE eligible and payments to the family will be all state dollars.

H. Review of Guardianship Subsidy Maintenance Payments

Eligibility for continuation of guardianship subsidy shall be evaluated when the Department has reasonable cause to suspect the guardian is not using guardianship subsidy maintenance funds to support the medical, educational, and basic living needs of the child, or the guardian is no longer legally responsible for the child. This includes, but is not limited to, the following circumstances:

- The child is placed in out-of-home care.
- A person alleges the guardian is not financially supporting the medical, educational or basic living needs of the child.
- A person other than the parent is awarded legal custody of the child.
- A person other than the parent is appointed as the guardian of the child.
- The child has applied for food assistance or other benefits.
- The child has not resided with the parent for the past 30 consecutive days.
- The guardian is awaiting trial for criminal charges related to harm caused to a child in the home.

The Department will work with the guardian to determine if guardianship subsidy maintenance funds are being used to financially support the medical, educational, and basic living needs of the child. The adoptive guardian shall provide documentation, such as receipts, as part of the review.

The Department may suspend guardianship subsidy maintenance payments if the guardian cannot be located or does not cooperate with the review.

The Department shall pay in full the suspended subsidy funds to the guardian when it is determined the funds are being used to support the child.

I. Termination

Guardianship subsidy payments will cease upon termination of this agreement. Termination will occur in any of the following circumstances:

- The child reaches the age of 18, unless the department determines that the subsidy may continue until the child reaches the age of 21 to facilitate the child's completion of high school or a high school equivalency diploma; or the Department determines the child is eligible to receive subsidy to the age of 21 due to the child's physical, intellectual, or mental health disability.
- The child marries or enlists in the military.
- The child no longer lives with the guardian, except for placement outside of the guardian's for treatment and the plan is for the child to return to the guardian's home.
- The relationship ends due to the death of the child or the death of the guardian of the child (one in a single-parent family or both in a two-parent family).
- The death of the guardian when a successor guardian is not named in the *Guardian Subsidy Agreement*,
- The terms of the *Guardianship Subsidy Agreement* are concluded.
- The guardian requests that the guardianship payment cease.
- Due to incapacity, the guardian can no longer discharge the responsibilities necessary to protect and care for the child, the guardianship has been or will be vacated, and a successor guardian was not named in the *Guardianship Subsidy Agreement*.
- The guardian fails to abide by the terms of form 470-3631, *Guardianship Subsidy Agreement*.
- The guardianship case is terminated by court order.

- Guardianship subsidy payments have been suspended and it has been determined the guardian is no longer legally responsible for the child or has not been providing financial support to the child.
- The Department funds for subsidized guardianship are no longer available.

J. Appeal

The Department will provide a *Notice of Decision: Services*, form 470-0602 to both the guardian and the child that includes the appeal rights.

The guardian may appeal the Department’s decision to reduce, change or terminate assistance in accordance with rules and procedures of the Department’s appeal process. Information on the appeal process may be obtained from the Department.

Signatures:

Guardian	Date	Guardian	Date
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Signed for the Department By:

HHS Worker	Date
HHS Supervisor	Date
Effective Date of Subsidy Agreement (Initial is date guardianship order is signed.)	Date Signed Agreement Given to Guardian