

# Subsidized Guardianship Resource for Caregivers

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## **Acknowledgements**

This Resource was developed by the Wisconsin Child Welfare Professional Development System (WCWPDS) in conjunction with DCF's Bureau of Permanence and Out-of-Home Care within the Division of Safety and Permanence. Written by Britny Isaacs (DCF) and Megan Baltz (WCWPDS) and designed by Jennifer Filz (WCWPDS) and Jamie Fuller (WCWPDS). It was developed with Federal Title IV-E funds.

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# INTRODUCTION

Welcome to the Subsidized Guardianship Resource for Caregivers. This Resource was developed to be utilized by caregivers who are caring for and supporting children involved in the Wisconsin child welfare system. You may be a caregiver trying to decide if subsidized guardianship is right for you and your family, just awarded guardianship, or have been guardians for a while and are coming back to check on something.

This Resource provides information about subsidized guardianship in Wisconsin, including eligibility requirements to become a subsidized guardian, annual subsidized guardianship obligations, and links to resources and information. It gathers all the information about subsidized guardianship in one place.

All decisions regarding subsidized guardianship are made by the county or tribal child welfare agency that is working with the child you're caring for.

# **IS SUBSIDIZED GUARDIANSHIP RIGHT FOR ME AND MY FAMILY?**

When reunification cannot occur, there are two viable permanency options – guardianship or adoption. Choosing the best permanency option is individualized to the well-being and best interests of each child and family. This section will support your decision making by exploring the benefits of subsidized guardianship from the perspectives of the child, prospective guardian, and the child's parents.

## *For the Child*

- Adoption legally terminates parents' rights, legal relationship, and legal responsibility to their child. This can be detrimental to the child's well-being and not in their best interests due to their desire to maintain a relationship with and connection to their parents and extended family.
- **Guardianship promotes** child well-being because permanence with a relative or fictive kin leads to greater placement stability and higher likelihood that siblings are kept together. Guardianship facilitates positive identity formation by maintaining a child's sense of belonging and connection to their extended family and culture.
- **Guardianship maintains** the legal relationship and family dynamics between the child and their parents, siblings, and extended family. For example, Grandma stays Grandma. Therefore, this option may feel like a natural progression for the child because their relationship and their role in the family stays intact.
- **Guardianship honors** and facilitates a common cultural practice and **belief of "families take care of their own."** Additionally, some tribal cultures do not believe in terminating parental rights. Consultation with the child's tribe is critical because each tribe has their own tribal traditions, customs or resolutions, codes and laws regarding child welfare practice, and this guidance does not supersede ICWA and WICWA requirements.
- **Guardianship also maintains parents' right to reasonable**

**visitation with their child.** There is not a legal definition of “reasonable visitation”, therefore the guardian and the child’s parents determine what that means, unless specified via court order. As in all families, navigating relationships can be tricky. Yet, over time, trust can be built and relationships mended when families build upon their emotional connections and healing as a family.

- With subsidized guardianship, the **child maintains eligibility for services and support including:**
  - Foster Care Medicaid (FSTMA) coverage until the Subsidized Guardianship Agreement terminates: <https://dcf.wisconsin.gov/medicaid#support>
  - If the child leaves out-of-home care on or after their 16th birthday, they can continue receiving Independent Living Services up to age 23 (in most cases): <https://dcf.wisconsin.gov/ys/independentliving>
    - Which includes paying for college, career planning, getting a job, finding a safe and steady place to live, money management, increasing knowledge about medical coverage and obtaining important documents, and creating goals for the future: <https://dcf.wisconsin.gov/ys/college>



## *For the Child's Parents*

- Guardianship **does not permanently sever their rights**, legal relationship, and legal responsibility to their child, which is often referred to as the death penalty of child welfare.
- Guardianship **honors and facilitates** a common cultural practice and **belief of “families take care of their own.”** The relationship and family dynamics between the child, their parents, guardians, and extended family remain intact. For instance, Grandma stays Grandma. Therefore, it may feel natural for parents to transfer guardianship to a relative or fictive kin.
- They **may retain some parental duties** of their child which would be specified in the guardianship court order.
- Guardianship also **maintains parents' right to reasonable visitation with their child.** There is not a legal definition of “reasonable visitation”, therefore the guardian and the child's parents determine what that means, unless specified via court order. As in all families, navigating relationships can be tricky. Yet, over time, trust can be built and relationships mended when families build upon their emotional connections and healing as a family.
- **A guardianship court order can be terminated** if the child's parent(s) is able to resume guardianship of their child.

## *For the Child's Guardian(s)*

- **Guardianship honors** and facilitates a common cultural practice and **belief that “families take care of their own.”** The relationship and family dynamics between the child, their parents, guardians, and extended family remain intact. For instance, Grandma stays Grandma. Therefore, it may feel natural for the caregiver to assume guardianship because family roles remain intact.
- Guardians care and commitment to a child **creates relational permanency that is essential to well-being of children** and facilitates positive identity formation by maintaining a child's sense of belonging and connection to their extended family and culture.
- Guardians have the authority to **make necessary legal decisions** for the child, including but not limited to consenting to medical treatment, consenting to the child obtaining a driver's license, and requesting an IEP for the child.
- With subsidized guardianship, the originating court order placing the child outside their home is required to be closed and the **child welfare agency's intervention with the family would end.**
  - This can be both **positive and negative** at the same time.
    - **Positive** because the family can begin to establish an identity and sense of routine without the child welfare agency involved in

their day-to-day family operations.

- **Negative** because the family loses a potential support service who knows their history and situation. Resources to address these concerns can be found in the “Resources” section.
- With subsidized guardianship, **additional financial support is available to the family:**
  - Monthly payment to offset the costs of caring for the child.
  - Child remains eligible for Foster Care Medicaid (FSTMA) coverage until the Subsidized Guardianship Agreement terminates: <https://dcf.wisconsin.gov/medicaid#support>
  - If the child leaves out-of-home care on or after their 16th birthday, they can continue receiving Independent Living Services up to age 23 (in most cases): <https://dcf.wisconsin.gov/ys/independentliving>
  - Income eligibility for Wisconsin Shares (childcare subsidy) is based upon the child’s parents’ income at the time of the child’s removal from their home.
    - [Wisconsin Shares for Children in Out-of-Home Care Placements](#) (English)
    - [Wisconsin Shares for Children in Out-of-Home Care Placements](#) (Spanish)

## WHAT IS SUBSIDIZED GUARDIANSHIP?

Subsidized guardianship is a program that provides financial support to the guardian to offset the costs for caring for the child after permanency is achieved. Guardianship is a legal, long-term permanency option for children placed in out-of-home care by a child welfare agency.

Guardianship transfers the duty and authority to make important legal decisions for the child to another adult, like a relative or fictive kin, without severing the child's legal relationship with their parents and other family members. Fictive kin are individuals with a significant emotional relationship with the child or the child's family.

### **Subsidized guardianship is an option for families when:**

- The child cannot safely return to their parents.
- The child would like to remain with their relative or fictive kin.
- Terminating parental rights and adoption is not in the child's best interest.
- The child and their parents want continued contact and visitation with one another.
- Child welfare intervention can end when a relative or fictive kin obtains guardianship.

## AM I ELIGIBLE FOR SUBSIDIZED GUARDIANSHIP?

Subsidized guardianship has specific eligibility criteria for the child and their caregiver(s). To determine if you are eligible, review the criteria in the five sections of this chapter. Note, if guardianship of the child is already established, subsidized guardianship **cannot** be retroactively applied because the eligibility requirements were not met.

## *Child*

- Has been removed from their home or voluntarily placed under a Wisconsin court order or a substantially similar tribal court order containing a finding that continued placement of the child in their home would be contrary to the welfare of the child. Consult with the child's child welfare professional to determine if they meet this eligibility requirement.
- Has been living with their caregiver for at least six consecutive months before guardianship is established.
  - Note, if the child was placed with the caregiver for 2 months, returned home, and was later placed back with the caregiver that 6-month timeframe would restart.
- Reunification and adoption are determined to not be in the child's best interest.
- Has been consulted regarding the guardianship arrangement if they are age 14 or older.
- Has a strong attachment to the caregiver.
- When the child is an Indian Child, the Indian child's parent, Indian custodian, and tribe have been provided with notice of the child's placement in the home of the caregiver and is in compliance with the order of placement preference unless the court found good cause for departing from that order.

## Caregiver

- Is a relative or fictive kin to the child.
  - Fictive kin is defined as a person who had a significant relationship with the child or child's family before the child's placement in out of home care, OR
  - A person who developed a significant relationship with the child or the child's family during the child's placement in out of home care and **all the following apply**:
    - The person is a foster parent who has had a relationship with the child for at least two years;
    - The child is 14 years of age or older;
    - The child has been placed in out-of-home care for 15 out of the last 22 months; and
    - The child welfare agency or court determines that placement with a fit and willing relative is not in the child's best interest.
  - The child and their family should determine who their fictive kin are.
  - Note, this was previously referred to as "like-kin," but the title changed in July 2024 to not conflict with Wisconsin Act 119 Like-kin Legislation that defines like-kin "as an individual who has a significant emotional relationship with a child or the child's family that is similar to a familial relationship and who is not and has not previously been the child's licensed foster parent. For an

Indian child, “like-kin” includes individuals identified by the child’s tribe according to tribal tradition, custom or resolution, code, or law.”

- Is a licensed foster parent for at least six consecutive months before guardianship is established.
  - It is **strongly encouraged** that you get certified as a Level 2+ because caregivers licensed as a Level 1 **are not eligible** to have the supplemental and exceptional portion of the rate included in their total subsidized guardianship payment.
  - After guardianship is established, you are not required to maintain your foster care license. The child welfare agency may have a specific recommendation of how long the license should be kept open for appeals purposes.
- Has a strong commitment to permanently care for the child long term.



## *Additional Eligibility*

- Caregiver enters into a Subsidized Guardianship Agreement with the child welfare agency prior to the guardianship being established.
- Guardianship is established under Wisconsin Statute 48.977 or under a tribal court order that is substantially similar to an order under Wisconsin Statute 48.977.
- After guardianship is established, the underlying court order placing the child or continuing the placement of the child outside their home must be dismissed or terminated.

## *Sibling Exception*

There is a special exception to the eligibility requirements for siblings. If a child who meets the eligibility criteria for subsidized guardianship has a sibling that does not meet the requirements, the sibling can be excluded from the eligibility requirements and receive subsidized guardianship payments if the child welfare agency and caregiver agree on the appropriateness of placing the sibling in the same home.

## *Eligibility Criteria References*

All the eligibility criteria derive from Wisconsin statutes [DCF 55.03](#) and [s. 48.623\(1\)](#). There are no exceptions to this eligibility criteria.

## HOW DO I BECOME A SUBSIDIZED GUARDIAN?

The child's child welfare professional or legal counsel representing the child's best interest should consult with you to determine if guardianship is in the child's best interests. You may also submit a request in writing to the child welfare agency to determine your eligibility for subsidized guardianship.

## *What to Expect from the Child Welfare Professional*

The child welfare professional will provide you with an overview of all applicable permanency options for the child using a form called Permanency Options in Brief. On this form, you'll see what sets subsidized guardianship apart from other options. The child welfare professional will ask for you to sign the form, to acknowledge it has been reviewed with you.

[Permanency Options in Brief](#) (English)

[Permanency Options in Brief](#) (Spanish)

Note, Tribes are not required to use this form to facilitate this conversation with families and have the option to modify this form to best reflect their tribal traditions, customs or resolutions, codes, and laws.

After consultation with you and the child (as applicable), the child welfare agency will determine if you and the child are eligible for this option or not. If there are two caregivers who both want to be appointed as the child's guardian, both caregivers are required to meet all the eligibility criteria.

### *Right to Appeal Eligibility Decision*

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If determining your eligibility is not done in a timely manner or you are determined to not be eligible for subsidized guardianship, you are able to appeal that decision. Your appeal must be submitted to the Division of Hearing and Appeals within 45 days of the child welfare agency's eligibility

determination or failure to act. You can send the appeal via mail or hand deliver it.

**Mailing Address:**

Division of Hearings and Appeals

P.O. Box 7875

Madison, Wisconsin 53707

**Physical Address:**

4822 Madison Yards Way

5th Floor North

Madison, WI 53705

## *Subsidized Guardianship Agreement*

If the child welfare agency has determined you and the child meet the eligibility criteria, then they will create a Subsidized Guardianship Agreement indicating your monthly payment amount and other agreement terms and conditions. If there are two caregivers who both want to be appointed as the child's guardian, both caregivers should be listed on the Subsidized Guardianship Agreement.

An important part of the Subsidized Guardianship Agreement is designating a prospective successor guardian. A successor guardian is an individual the guardian determines would be best to assume the duty and authority of guardian of the child in the event of the guardian's death or incapacitation. A successor guardian may also be eligible to enter into a new Subsidized Guardianship Agreement with the child welfare agency, which includes continuation of subsidized guardianship payments and the child's Foster Care Medicaid if specific eligibility requirements are met. It is **heavily encouraged** to name a prospective successor guardian on your Subsidized Guardianship Agreement for these reasons. When the child has two caregivers, but only one is planning to be appointed the guardian, you may want to list the other caregiver as the prospective successor guardian. The individual(s) listed as the prospective successor guardian can be changed at any time prior to the death or incapacitation of the guardian(s).

The child welfare professional will review the Subsidized Guardianship Agreement with you and require your signature to acknowledge this review and that you agree to the terms and conditions. The child welfare professional will also sign the Subsidized Guardianship Agreement, and

**this serves as a binding agreement** between you and the child welfare agency. Below is an example of what the Subsidized Guardianship Agreement looks like.

- [Subsidized Guardianship Agreement \(English\)](#)
- [Subsidized Guardianship Agreement \(Spanish\)](#)

After the Subsidized Guardianship Agreement is created and signed, the legal process of appointing you as the child's guardian will begin. You will receive notice of the court hearings and may be asked to testify in court. After guardianship is established, the court must terminate the court order placing or continuing the placement of the child outside their home and the subsidized guardianship payments would begin.



## *Foster Care Medicaid (FSTMA)*

One of the benefits of subsidized guardianship is the child's extended Foster Care Medicaid coverage. Foster Care Medicaid (FSTMA) is a full benefit, fee-for-service Medicaid plan, which means there are no co-pays, premiums, or deductibles for members. The child remains eligible for FSTMA as long as their Subsidized Guardianship Agreement is in effect (e.g., not terminated).

After guardianship is established, you are not required to add the child to your private health insurance policy but may do so if you wish. If you do, your insurance would become the child's primary insurance and FSTMA would be their secondary coverage.

If the child has an active Subsidized Guardianship Agreement when they turn 18, they may be eligible for BadgerCare+ (WI Medicaid) coverage until their 26th birthday without income or resource testing. Refer to this memo 2020-37i for more details: <https://dcf.wisconsin.gov/files/cwportal/policy/pdf/memos/2020-37i.pdf>.

If you have any questions about Foster Care Medicaid, please contact the Department of Children and Families Medicaid Program at 833-543-5265 or [dcfmbdspmedicaid@wisconsin.gov](mailto:dcfmbdspmedicaid@wisconsin.gov).

### *Out of State Coverage*

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There are specific exclusions to subsidized guardianship FSTMA coverage if you move outside the state of Wisconsin. This depends on the child's IV-E eligibility. Consult with the child welfare agency that entered into the

Subsidized Guardianship Agreement with you to determine the child's IV-E status.

- If a child is Title IV-E eligible, they are eligible to receive FSTMA in all 50 states, Washington D.C., and Puerto Rico.
  - For these children, Wisconsin FSTMA will be cancelled, and a referral will be sent to their new state of residence through the Interstate Compact on Adoption and Medical Assistance (ICAMA) system.
  - Families may instead choose to keep the child's Wisconsin FSTMA open by writing an email request to [DCFDSPIICAMA@wisconsin.gov](mailto:DCFDSPIICAMA@wisconsin.gov).
- If a child is not Title IV-E eligible, they will only receive FSTMA in states that have made the choice to provide FSTMA to non-IV-E eligible youth. As of August 2023, this includes California, Connecticut, Georgia, Idaho, Louisiana, Massachusetts, Michigan, Missouri, New Jersey, Oklahoma, Oregon, Texas, Vermont, Wyoming, and Washington D.C.
  - For non-IV-E eligible children moving to one of the states above, Wisconsin FSTMA will be cancelled, and a referral will be sent to their new state of residence through the ICAMA system.
    - Families may instead choose to keep Wisconsin FSTMA open by writing an email request to [DCFDSPIICAMA@wisconsin.gov](mailto:DCFDSPIICAMA@wisconsin.gov).
  - For non-IV-E eligible children moving to a state beyond those 14 & Washington D.C., families will have two options:
    - Leave Wisconsin FSTMA open. They may not apply for any sort of Medicaid (including income-based) in the new state if they choose to leave Wisconsin FSTMA open. They may still enroll in private insurance. They may travel back to WI to receive medical care or may try to locate

providers in their new state of residence that accept Wisconsin FSTMA. This is a common choice for families living in Illinois and Minnesota.

- Close Wisconsin FSTMA. The family is then free to apply for another type of Medicaid in the new state of residence instead. They may still enroll in private insurance.

For more information see: <https://dcf.wisconsin.gov/files/publications/pdf/5676.pdf>.

## Payments

The monthly payment and continuation of the child's Foster Care Medicaid makes subsidized guardianship a beneficial option for families, especially when their long-term financial planning did not include raising additional children.

### How is the payment rate determined?

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The amount of the monthly payment is based upon the needs of the child at the time the initial Subsidized Guardianship Agreement is created. The Uniform Foster Care Rate Setting Policy is used to determine the child's needs and the associated rate.

- [Foster Care Rate Setting Policy](#)

### Can the payment rate change?

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Adjustments can be made to the rate after guardianship is established. This is called an amendment and is based on a substantial change in the child's physical, behavioral, or emotional needs. Please see the "[Changes for the Child](#)" section for more details.

### How long will I receive these payments?

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Payments will continue throughout the duration of the terms stated in the Subsidized Guardianship Agreement. Generally, most Subsidized

Guardianship Agreements expire when the child turns 18 but may extend until their 21st birthday.

If circumstances change and the terms of the Subsidized Guardianship Agreement no longer apply, payments may be suspended or terminated prior to the child's 18th birthday. Possible changes are outlined in the "[Changes for the Child](#)" section.

The child welfare agency is required to review your and the child's eligibility for continued payments annually and whenever there is a change in circumstance as indicated on the Subsidized Guardianship Agreement.

- [Subsidized Guardianship Agreement \(English\)](#)
- [Subsidized Guardianship Agreement \(Spanish\)](#)

### Why did my payments stop?

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When the child welfare agency learns that there has been a change of circumstances, they should seek additional information from you to determine if it impacts your eligibility to continue receiving subsidized guardianship payments prior to them being suspended or terminated.

If the child welfare agency suspends or terminates your subsidized guardianship payments, they must provide you notice of this decision and your right to appeal it.

- [Notification of Subsidized Guardianship Suspension or Termination](#) (English)
- [Notification of Subsidized Guardianship Suspension or Termination](#) (Spanish)

If the child welfare agency **suspends your payments**, they can be resumed when the circumstances that led to suspension of the payment are no longer occurring.

If the child welfare agency **terminates your payments**, that means the Subsidized Guardianship Agreement and the child's Foster Care Medicaid (FSTMA) coverage also terminates. Once a Subsidized Guardianship

Agreement is terminated, it **cannot** be reopened. Please see the "[Changes for the Child](#)" section for more details.

If you would like to appeal a suspension or termination decision, you can send the appeal via mail or hand deliver it to:

Mailing Address:

Division of Hearings and Appeals

P.O. Box 7875

Madison, Wisconsin 53707

Physical Address:

4822 Madison Yards Way

5th Floor North

Madison, WI 53705

## **WHAT HAPPENS AFTER SUBSIDIZED GUARDIANSHIP IS ESTABLISHED?**

Once you have been appointed the child's guardian by the court, you will remain in contact with the child welfare agency to maintain the subsidized guardianship. The following section describes what to expect from the child welfare agency and circumstances when you need the contact them.

## *Annual Reviews*

A yearly review of eligibility is required to maintain subsidized guardianship payments. The child welfare agency will send you a form titled Subsidized Guardianship Request for Information to Determine Continued Eligibility shortly before the calendar year mark of when the guardianship was established. It is important to complete the form and return it to the child welfare agency timely. Failing to return this form on time may result in payments being suspended.

- [Subsidized Guardianship Request for Information to Determine Continued Eligibility](#) (English)
- [Subsidized Guardianship Request for Information to Determine Continued Eligibility](#) (Spanish)

To assist you in tracking the annual review steps, use the Annual Subsidized Guardianship Review Process flowchart available in the [Subsidized Guardianship Process Flow Charts](#) section of this resource.



## *Changes for the Child*

On the Subsidized Guardianship Agreement, it indicates that you are **required to notify the child welfare agency within 10 days** of the following:

- The guardian's address changes
- There is a change in the child's guardian
- Child enters the military
- Child gets married
- Child is no longer living in the home of the guardian
- Child dies
- Child graduated, completed, or dropped out from a full-time, kindergarten to 12th grade educational program or its equivalent
- Child is covered by the guardian's health insurance and the guardian's health insurance benefits changed or if the child was not covered by the guardian's health insurance and becomes covered
- Guardian is no longer supporting the child
- Guardian's legal responsibility for the child ended
- Child has been placed outside the guardian's home
- Child's parent is residing with the guardian and child

The child welfare agency may send you a form titled Subsidized

Guardianship Request for Information to Determine Continued Eligibility to confirm this change.

- [Subsidized Guardianship Request for Information to Determine Continued Eligibility](#) (English)
- [Subsidized Guardianship Request for Information to Determine Continued Eligibility](#) (Spanish)

### *Child Nearing Age 18*

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As adulthood nears, several circumstances may change and opportunities appear, including to extend the child's eligibility for subsidized guardianship benefits in the following circumstances:

- The child is 18 years old and is enrolled in and regularly attending a secondary education classroom program leading to a high school diploma or the equivalent.
  - There is not a definition for "regularly attending" but it includes youth who have completed requirements for their diploma or the equivalent and are waiting to graduate at the end of the school year.
- The child is 19 or 20 **and all the following apply:**
  - The child is enrolled in and regularly attending a secondary education classroom program leading to a high school diploma or the equivalent.
  - The child has a physical, emotional, or behavioral need.
  - The Social Security Administration has determined that the child is ineligible for Social Security disability insurance or Supplemental Security Income for not meeting the disability standard in 42 USC 423 (d) or 42 USC 1382c (a).
  - The child welfare agency determines that the child's physical, emotional, or behavioral need warrants the continuation of assistance under s. 48.623, Stats.

To determine whether eligibility is expected to continue after the child turns 18, the child welfare agency will send you a form titled Advance Notice of Termination of Subsidized Guardianship at Age 18 to complete.

- [Advance Notice of Termination of Subsidized Guardianship at Age 18](#) (English)
- [Advance Notice of Termination of Subsidized Guardianship at Age 18](#) (Spanish)

If the Advance Notice of Termination of Subsidized Guardianship at Age 18 form is not returned to the child welfare agency 30 days prior to the child's 18th birthday, then the last payment you will receive will be for the month of the child's 18th birthday.

The child welfare agency must provide you notice of this decision and your right to appeal it.

- [Notice of Decision on Subsidized Guardianship Eligibility Status After Age 18](#) (English)
- [Notice of Decision on Subsidized Guardianship Eligibility Status After Age 18](#) (Spanish)

## *Suspension and Termination Determinations*

The child welfare agency has the authority to continue the payment, suspend the payment, or terminate the payment upon the receipt of the completed Subsidized Guardianship Request for Information to Determine Continued Eligibility.

Some of the considerations child welfare agencies keep in mind when making these determinations are:

- The length of the change impacting eligibility.
- If you are continuing to provide for the child emotionally, physically, and financially.
- Family arranged plans that support the child's well-being.

If the child welfare agency **suspends** your payments, they can be resumed when the circumstances that led to suspension of the payment no longer occurring.

If the child welfare agency **terminates** your payments, that means the Subsidized Guardianship Agreement and the child's Foster Care Medicaid (FSTMA) coverage also terminates. Once a Subsidized Guardianship Agreement is terminated, it **cannot** be reopened.

If the child welfare agency suspends or terminates your subsidized guardianship payments, they must provide you notice of this decision and your right to appeal it.

- [Notification of Subsidized Guardianship Suspension or Termination](#) (English)
- [Notification of Subsidized Guardianship Suspension or Termination](#) (Spanish)

You can send the appeal via mail or hand deliver it.

Mailing Address:

Division of Hearings and Appeals

P.O. Box 7875

Madison, Wisconsin 53707

Physical Address:

4822 Madison Yards Way

5th Floor North

Madison, WI 53705

If you request a hearing within 10 days after the date of notice that your subsidized guardianship payment is being suspended or terminated, those payments cannot be discontinued until a decision is rendered by the Division of Hearings and Appeals. Those payments may be recovered by the child welfare agency if the contested action or failure to act is upheld, or if you withdraw or abandon the petition.

## SUBSIDIZED GUARDIANSHIP AMENDMENTS

Children's needs can increase and change over time and developmental stages. The subsidized guardianship program recognizes that with increased needs comes more time and financial resources to support children and families' long-term stability. As the guardian, you are able and **encouraged** to ask for a review of the child's needs that may result in increased financial assistance, also known as an amendment to the Subsidized Guardianship Agreement. Guardians who were licensed at Level 1 prior to guardianship being established are ineligible for amendments because it is based on the child's supplemental rate.

There are specific timeframes in which you can request an amendment:

- Not less than 12 months after:
  - The guardianship was established, or
  - A previous request for an amendment was denied.
- Within 120 days before the expiration date of a current amendment.

### *Request an Amendment*

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To request an amendment, you need to notify the child welfare agency that

there is a change in the child's physical, behavioral, or emotional needs. Then the child welfare agency will send you a packet of paperwork to document how the child's needs have changed. You will need to complete a form and have forms completed by a professional who can confirm the current needs of the child, such as a physician, therapist, or school personnel.

### Subsidized Guardianship Amendment Request Packets

|                           | For children under age 5   | For children aged 5-21  |
|---------------------------|--|---|
| Completed by guardian     | <a href="#">Subsidized Guardianship Amendment Request — Age Birth to 5 Child and Adolescent Needs and Strengths (CANS) Version</a> (DCF-F-2867-E)        | <a href="#">Subsidized Guardianship Amendment Request — Age 5 to 17 Child and Adolescent Needs and Strengths (CANS) Version</a> (DCF-F-2868-E)        |
| Completed by professional | <a href="#">Subsidized Guardianship Amendment Request — Confirmation of Needs Emotional Characteristics (Age Birth to 5)</a> (DCF-F-2869-E)              | <a href="#">Subsidized Guardianship Amendment Request — Confirmation of Needs Emotional Characteristics (Age 5 to 17)</a> (DCF-F-2870-E)              |
| Completed by professional | <a href="#">Subsidized Guardianship Amendment Request — Confirmation of Needs Behavioral Characteristics (Age Birth to 5)</a> (DCF-F-2871-E)             | <a href="#">Subsidized Guardianship Amendment Request — Confirmation of Needs Behavioral Characteristics (Age 5 to 17)</a> (DCF-F-2872-E)             |
| Completed by professional | <a href="#">Subsidized Guardianship Amendment Request — Confirmation of Needs Physical/Personal Care Characteristics (Age Birth to 5)</a> (DCF-F-2873-E) | <a href="#">Subsidized Guardianship Amendment Request — Confirmation of Needs Physical/Personal Care Characteristics (Age 5 to 17)</a> (DCF-F-2874-E) |

The child welfare agency must either approve the request, request additional information from you, or deny the request within 45 days of receiving all the completed amendment documentation. If the request is approved, you will receive an Amended Subsidized Guardianship Agreement reflecting the new payment rate, which is only effective for 12 months.

Amendments expire each year and need to be reviewed on an annual basis. Therefore, guardians with an amendment to their Subsidized Guardianship Agreement will have two eligibility reviews per year (e.g., review of amendment and annual eligibility review). The child welfare agency must send you a notice of your amendment expiring and the instructions to renew it.

### *First Renewal*

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At the first amendment renewal, you have two options – to continue with the same amended rate for one additional year or to request another amendment to the rate (if you think the child's needs have substantially changed since the previous year and the rate should be higher than the current amended amount). Both options should be presented to you. You can only select the option to continue with the same payment amount for one consecutive year before you must request an amendment to the rate and follow the same process that was done to establish the amendment in the first place.

You may appeal the following child welfare agency actions or failures to act:

- The child welfare agency denied your request for an amendment or continuation of an amendment to the subsidized guardianship payment.
- The child welfare agency approved your request for an amendment at an amount that is less than the amount that you consider appropriate.

You can send the appeal via mail or hand deliver it.

**Mailing Address:**

Division of Hearings and Appeals  
P.O. Box 7875  
Madison, Wisconsin 53707

**Physical Address:**

4822 Madison Yards Way  
5th Floor North  
Madison, WI 53705

If you request a hearing within 10 days after the date of notice that your amended subsidized guardianship payment is being **decreased**, those payments cannot be discontinued until a decision is rendered by the Division of Hearings and Appeals. Those payments may be recovered by



the child welfare agency if the contested action or failure to act is upheld, or if you withdraw or abandon the petition.

## CHANGES FOR YOUR FAMILY

This section outlines some common family structure changes. If you have a question that is not covered in this section, please contact the child welfare agency that entered into the Subsidized Guardianship Agreement with you.

## *Have you Moved Out of State?*

The Subsidized Guardianship Agreement follows you and will remain in effect if you move out of Wisconsin. Therefore, you will continue receiving subsidized guardianship payments from the child welfare agency in Wisconsin. Be sure to notify the child welfare agency of your new address.

There are specific exclusions to subsidized guardianship Foster Care Medicaid (FSTMA) coverage if you move outside the state of Wisconsin. Therefore, it is important to consult with the child welfare agency to determine if the child's coverage will continue or you need to establish a plan for new coverage.

This resource is geared towards child welfare professionals, but may be helpful to explore all of your options: [County/State Subsidized Guardianship and Out-of-State Medicaid: Guidance for Child Welfare Professionals](#)

## *Are you Applying for Social Security Insurance (SSI)/Social Security Disability Insurance (SSDI) on Behalf of the Child?*

Follow these links for more information about applying for social security benefits for the child or applying to be the child's representative payee for already established benefits.

[Social Security Office Locator, SSA Office Locator Social Security Office Locator, Social Security](#)

[SSA – POMS: GN 00502.105 – Preferred Representative Payee Order of Selection Charts – 05/23/2023](#)

## *Has the Child Moved Out of your Home?*

Children may move out of your home for a variety of circumstances, such as high school graduation, marriage, joining the military, or seeking independence.

If the child has moved out of your home for an extended period of time, you are required to notify the child welfare agency to determine if that impacts your eligibility for continued payments.

## *Has the Child's Parent(s) Moved into your Home?*

Sometimes the child's parent(s) may move into your home as part of a family arranged plan. You are required to notify the child welfare agency to determine if that impacts your eligibility for continued payments.

However, if the child's parent(s) is a minor or subject to an order for adult protective services or protective placement, this should not impact your continued eligibility for subsidized guardianship.

## WHAT IF I AM UNABLE TO CONTINUE CARING FOR THE CHILD?

Many families create plans in case they won't be able to care for their children in the future. Establishing a prospective successor guardian for the child is a way to formalize this plan. Completion ahead of time will minimize the effects on the child and prevent additional involvement in the child welfare system. Note, the process to designate a successor guardian for the transfer of subsidized guardianship under the subsidized guardianship program and the appointment of a successor guardian via court order are two separate things. If you have questions about the legal procedures for appointing a successor guardian, please consult with the child welfare agency. The guidance in this section refers to the process under the subsidized guardianship program.

## *Successor Guardian*

A successor guardian can only be enacted in the event of the subsidized guardian's death or incapacitation. If you want to terminate your guardianship for another reason, successor guardianship does not apply.

To determine if the subsidized guardianship can be transferred to a successor guardian the child welfare agency must determine that the following eligibility requirements are met:

- The prospective successor guardian was listed on the current Subsidized Guardianship Agreement prior to the death or incapacitation of the subsidized guardian.
  - This is why you are highly encouraged to identify a prospective successor guardian on your Subsidized Guardianship Agreement. Consult with the child welfare agency to identify a prospective successor guardian if no one is currently listed or you want to update who is listed.
- The child welfare agency confirms that if the child is 14 or older, that they have been consulted with regarding this arrangement.
- The child welfare agency determines the prospective successor guardian has a strong commitment to caring permanently for the child and the arrangement is in the child's best interests.
- The child welfare agency completes background checks on the prospective successor guardian and the other residents in their home.



- The child welfare agency completes a home visit and safety assessment of the prospective successor guardian's home.

If the prospective successor guardian is deemed eligible, the child welfare agency may enter into a new Subsidized Guardianship Agreement with the prospective successor guardian before the individual is appointed the successor guardian via court order.

## *Interim Caregiver*

Subsidized guardianship payments can be transferred to an interim caretaker **for up to 12 months** in the event of the death or incapacity of the original subsidized guardian **or** termination of the guardianship.

Below are some examples of when interim caretaker may be an option:

- Subsidized guardian dies and did not name anyone as a prospective successor guardian for the child on their Subsidized Guardianship Agreement.
- Subsidized guardian dies and the person they named as the prospective successor guardian for the child no longer wants to or is ineligible to become the successor guardian.
- Subsidized guardian petitions the court to resign or terminate their guardianship.
  - Note: if the guardian only requests to terminate the Subsidized Guardianship Agreement, that terminates the monthly payment and child's Foster Care Medicaid (FSTMA) coverage. It **does not** terminate the guardianship court order.

If there is an individual identified to act as an interim caretaker for the child, the child welfare agency must determine if that individual meets the eligibility requirements under the subsidized guardianship program:

- The child welfare agency completes background checks of the identified interim caretaker and the other residents in their home.

- The child welfare agency completes a home visit and safety assessment of the identified interim caretaker's home to determine if it is in the best interests of the child.
- The identified interim caretaker understands if they want to receive this subsidy for more than 12 months that they are required to become licensed as a foster parent and be willing to become the legal guardian of the child or help locate a different permanency option.

If the identified interim caretaker is deemed **eligible**, the child welfare agency can transfer the subsidized guardianship payment to the interim caretaker.

If the interim caretaker decides they want to become the child's legal guardian and receive subsidized guardianship payments beyond 12 months, both the child and the interim caretaker must meet the eligibility criteria that the original guardian did when initially pursuing subsidized guardianship.

## RESOURCES

Wisconsin Department of Children and Families (DCF) information about subsidized guardianship: <https://dcf.wisconsin.gov/guardian/subsidized>

[Grandfamilies.org](https://www.grandfamilies.org) serves as a national legal resource in support of grandfamilies within and outside the child welfare system.

The [Wisconsin Family Connections Center \(WiFCC\)](https://wifamilyconnectionscenter.org/help-me-find/guardianship-information-resources/) offers information resources, trainings, support groups and events for relative, like-kin, guardianship, and adoptive families. Guardianship specific information can be found at this link: <https://wifamilyconnectionscenter.org/help-me-find/guardianship-information-resources/>

[Caregiver Respite Grant Program](#) provides financial support for caregivers to utilize respite (planned or emergency care provided to a child to provide temporary relief to caregivers).

The [Children's Long-Term Support \(CLTS\) Program](#) helps children with disabilities. Children who are eligible for the CLTS Program work with support and service coordinators to obtain services like respite care, counseling and therapeutic services, physical aids, and housing support services to help the child and family reach their goals.

[Wisconsin Kinship Navigator](#) is an online portal designed to provide caregivers with resources and eligibility requirements for state-sponsored services.

[211 Basic Needs Guided Search](#) is a database for caregivers to find local resources based on keywords and specific topics of interest.

[Kids Matter Inc.](#) operates a Fostering Healing program, comprised of therapists, legal advocates, social workers, and resource specialists to provide:

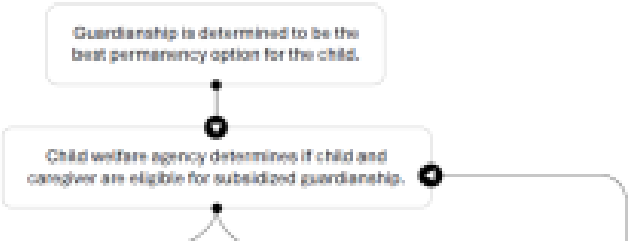
- Caregiver support and education regarding child behavior and adjustment; assessment of need for medical, mental health, education, and legal services; support groups and navigating complex systems
- Legal advocacy and representation
- Emergency support with school placement
- Assistance with Crime Victim Compensation

# SUBSIDIZED GUARDIANSHIP PROCESS FLOW CHARTS

Included in this resource are two flow charts, the Initial Subsidized Guardianship Process and Annual Subsidized Guardianship Review Process.

The Initial Subsidized Guardianship Process flow chart highlights the decision-making process from the beginning when guardianship is chosen as the child’s best permanency option. Click on the title to access a printable version of the [Initial Subsidized Guardianship Process Flow Chart](#).

## Initial Subsidized Guardianship Process

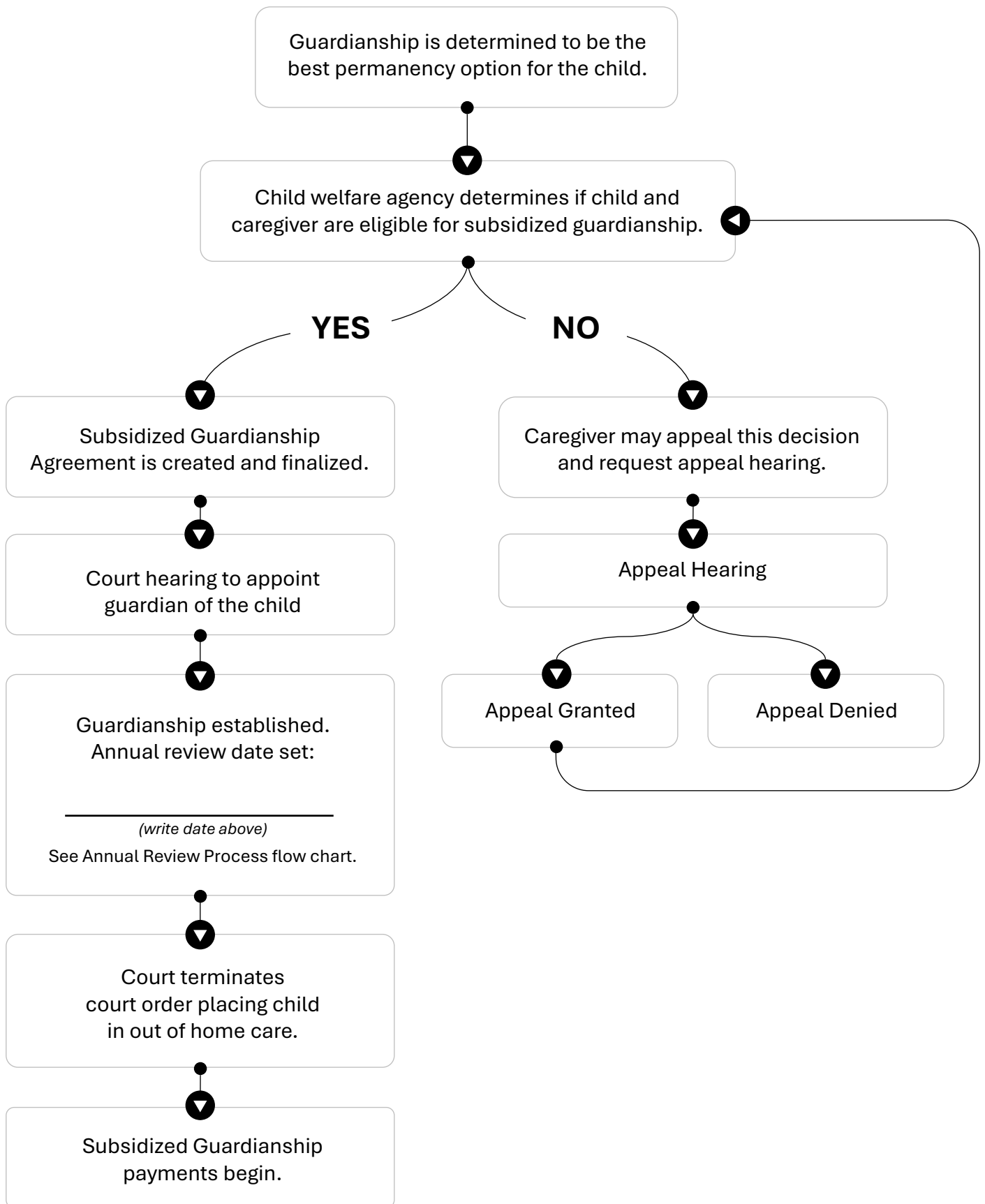


A yearly review is required to maintain subsidized guardianship payments. This process is described in the second flow chart entitled Annual Subsidized Guardianship Review Process. Click on the title to access a printable version of the [Annual Subsidized Guardianship Review Process Flow Chart](#).



You are encouraged to print these charts, write down the annual review date (the date guardianship was established), and keep these in a familiar place as a reminder of the steps necessary to maintain the subsidized guardianship.

# Initial Subsidized Guardianship Process





# Annual Subsidized Guardianship Review Process

Annual review date

Child welfare agency sends Subsidized Guardianship Request for Information to Continue form, 60 days prior to annual review date.

**Contact the child welfare agency if you haven't received it.**



**Guardian** sends completed form back to the child welfare agency, **within 30 days**.

**NOTICE:**

*Failure to do so will result in payment suspension or termination.*



Child welfare agency reviews form and decides if eligibility remains.

**YES**



Payments continue.  
See you next year!

**NO**



Child welfare agency sends notification that payment is suspended or terminated.



Remember to alert the child welfare agency of any change in circumstance within 10 days. See the Changes for Child section of the resource for more information

**Contact the child welfare agency with any questions**