# Guardianship Assistance Program (GAP) Implementation Checklist

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Pending (describe)</th>
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<tr>
<td><strong>Submit Plans to the Regional Children’s Bureau</strong></td>
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<td>Submit state plan amendment to regional Children’s Bureau for GAP</td>
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<td>If necessary (discuss with regional Children’s Bureau), submit Medicaid state plan amendment (children eligible for Title IV-E GAP are categorically eligible for Medicaid)</td>
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<td><strong>Fiscal and Data Analysis</strong></td>
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<td>Conduct fiscal analysis of how many children are potentially eligible</td>
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<td>Finalize cost allocation plan</td>
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<td>Include GAP in SACWIS, including tracking the number of children benefitting from GAP and the impact it is having on permanence for children</td>
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<td><strong>Develop Kinship Guardianship Agreement Form</strong></td>
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<td>Agreement form should include:</td>
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<td>(1) The amount the guardian will receive for the child up to the foster care maintenance rate the child would have/could have received if remained in a foster family home</td>
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<td>(2) The manner in which the payment will be made</td>
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<td>(3) How the amount can be adjusted periodically in consultation with the guardian based on the circumstances of the caregiver and needs of the child</td>
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<td>(4) Information about the additional services and assistance the child and guardian will be eligible for</td>
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<td>(5) Specifies how the guardian can apply for additional services</td>
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<td>(6) Specifies that the state will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship, not to exceed $2,000 (These costs include travel expenses to the court and/or attorney, legal fees, and court filing fees.)</td>
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<td>(7) Names a successor guardian in the event of the guardian’s death or incapacitation (The successor does not have to be a relative. See US HHS Child Welfare Policy Manual.)</td>
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<td>(8) states that the agreement remains in effect regardless of the state of</td>
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residence of the guardian

(9) Makes clear that a child who is eligible for Title IV-E adoption assistance when s/he receives GAP will be eligible for IV-E adoption assistance if the child is later adopted by the guardian as if s/he had never been in guardianship

(10) Specifies when guardianship assistance ends (Federal law requires a minimum of (a) no longer legally responsible for a child under age 18, (b) no longer providing any support to the child/youth, and (c) child reaches age 18 or extended age (if approved by feds.))

(11) Indicates how/when the agreement will be reviewed (Most states do an annual mail in form where the caregiver indicates if s/he still raising the child.)

(12) states that the agreement must be in place before the court awards guardianship

Develop GAP Policies

Policies should:
(1) Reflect Federal eligibility requirements for the child/youth:
   (a) has been in state custody
   (b) is eligible for Title IV-E
   (c) has been living in the home of a licensed relative guardian for at least 6 consecutive months (The Feds have explained that a month may be counted in the six consecutive month period if the child met all of the title IV-E foster care maintenance payment eligibility criteria for at least one day of that particular month while in the prospective guardian’s home, and is therefore eligible for a title IV-E foster care maintenance payment for at least a portion of that month. See Children’s Bureau, Child Welfare Policy Manual.)

   (2) Reflect Federal eligibility requirements for the guardian:
   (a) Has a strong commitment to caring permanently for the child
   (b) All federally required fingerprint-based criminal records checks of the national crime information databases and child abuse and neglect registries of the potential guardian and other adults living in the potential guardian's home have been completed before making GAP payments to the guardian on behalf of the child (NOTE: If the agency has established an appropriate timeframe that the criminal and child abuse and neglect registry background checks remain valid and such timeframe has not expired for the foster parent who previously received the background checks and is now seeking to become a
guardian, the agency can consider this requirement met without conducting new background checks. See Children’s Bureau Child Welfare Policy Manual.)

(3) Define “relative” for purposes of GAP. Ensure that the definition includes parents of “siblings,” which must include individuals who would have been considered siblings by the state, except for the fact that their parents’ rights were terminated or their parents died. State written policies should reflect this federal requirement even if there is no formal definition. (See Preventing Sex Trafficking and Strengthening Families Act.)

(4) Define “sibling” for purposes of GAP. This definition must include individuals who would have been considered siblings by the state, except for the fact that their parents’ rights were terminated or their parents died. Written policies should reflect this federal requirement even if the state does not have a formal definition of sibling. (NOTE: Siblings placed with a Title IV-E eligible child who is eligible for a GAP payment in the home of a guardian are also eligible for GAP payments and nonrecurring expenses even if they do not meet federal eligibility requirements for GAP. Also, for the siblings to qualify, the siblings do not have to be placed with the guardian simultaneously with the title IV-E eligible child.)

(5) Develop procedures for determining whether reunification and adoption are not appropriate

(6) Specify that the agency consult with children age 14 and older about the guardianship

(7) Specify that guardianship agreement must be in place before the court grants guardianship

(8) Develop successor guardianship policies:
   (a) Require fingerprint-based criminal records checks of the national crime information databases and child abuse and neglect registries of the successor guardian and other adults living in the successor guardian’s home
   (b) Require a kinship assistance agreement be put in place between the successor guardian and the agency.
   (c) Specify in the agreement that the agency will pay the total cost of nonrecurring expenses associated with the successor obtaining legal guardianship of the child up to $2,000. The nonrecurring expenses limit is applied per guardianship.
(9) Develop requirements that the case plans for GAP children include descriptions of:
(a) Steps taken to determine that it is not appropriate for a child to be returned home or adopted
(b) Reasons why adoption is not being pursued after a discussion with the child’s relative foster parent about adoption as a more legally permanent alternative to guardianship
(c) Reasons for any separation of siblings during placement in the guardianship arrangement
(d) Why guardianship is in the child’s best interests
(e) The ways the child meets the eligibility requirements for GAP payments
(f) The efforts made to discuss with the child’s parent(s) the guardianship arrangement or reasons why efforts were not made

Include GAP Information in Other Agency Documents

Include GAP information:
1. In relative notice letters, which are required by the Federal Fostering Connections Act, as an option that is available to relatives
2. In a chart or brochure for relative caregivers comparing and contrasting the various placement options and their practical and financial implications

Court and Legal Considerations and Documents

Determine if agency attorneys or private attorneys will file for guardianship
Work with judicial and legal stakeholders to determine if any court forms or documents need to be developed for GAP implementation. Possible documents include:
- Request for order of kinship guardian
- Parental consent to appointment of kinship guardian
- Order appointing kinship guardian and naming successor guardian
- Consent of appointment of guardian by child age 18 or older
- Acceptance of Appointment as Kinship Guardian
- Bench card with questions for the judge to ask in GAP cases

Develop successor guardian process, including notification of all parties and creation of new guardianship order

Train All Stakeholders

Ensure agency leadership kicks off any training with words re: commitment to GAP

Stakeholders to train:
- Agency staff, including
  - Intake, reunification, adoption and guardianship workers and supervisors
  - Data, SACWIS, and fiscal staff
  - Interstate compact staff
- Foster care licensors
- Trainers of foster parent applicants/parents
- Adoption staff
- Judges and other court staff
- Attorneys for parents and children and Court Appointed Special Advocates (CASA)
- Tribes
- Other government agencies – e.g., Aging, Human Services (TANF), and Education Departments
- Relative foster parents and other relative caregivers
- Community organizations serving kinship families

### Some key components of training:
- How kinship care benefits children
- Brief history of GAP and the many benefits it provides to children
- Philosophy of the department supporting relative placement, the importance of family and why the agency chose the GAP option
- Steps required for putting GAP in place and the roles of each stakeholder – potential guardian, youth, caseworker, attorney, judge – in that process
- How Medicaid coverage will be handled, and any other supportive services available with GAP
- How GAP fits in relation to other permanency options
- Follow-up after training

### Items to consider about the state’s existing training structure:
- How do you normally train caseworkers when there’s a new policy/program? Methods for GAP training have included in-person/on site, webinars, video conferences, teleconferences, and conference sessions
- How are licensors trained? Getting them involved is crucial since potential guardians must be licensed foster parents first.
- How do the courts train their judges? Getting the Court Improvement Project (CIP) Director on board is helpful
- Are relative caregivers and youth involved in any relevant working groups that can be tapped into? What other existing mechanisms are there for outreach to community stakeholders?
- Do you partner to train attorneys and Court Appointed Special Advocates in other areas of program/policy?
- How do you currently train and stay in contact with Indian Tribes?

### Review Licensing Standards and Procedures

Review state family foster home licensing standards and use crosswalk tool to compare state standards with NARA Model Family Foster Home Licensing Standards (See
Determine if existing state standards pose unnecessary barriers to licensing
Align standards with NARA Model Standards as helpful to removing barriers
Review licensing processes and determine if elements can be improved to speed and otherwise improve the licensing of relatives

### Tribal Considerations for GAP

Definition of “relative” recognizes and values the importance of tribal relationships (For example, WA state’s definition of relative includes “…Extended family members, as defined by the law and custom of the Indian child’s tribe or, in the absence of such law or custom, a person who has reached the age of 18 and who is the Indian child’s grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child…”)

State Title IV-E agreements with tribes address the provision of GAP to American Indian/Alaskan Native families
State Title IV-E agreements with tribes address the continuation of Medicaid coverage for American Indian/Alaskan Native children for whom GAP payments are made
State Title IV-E agreements with tribes address the use of federal funds under the Chafee Foster Care Independence Program to provide services and supports to American Indian/Alaskan Native youths who after reaching their 16th birthdays leave foster care for adoption or guardianship

Work with tribes to apply for direct access to Title IV-E and assist the tribes to develop the capacity to implement GAP (NOTE: 6 tribes in the US have their own GAP)

Review tribal model family foster home licensing standards and work with the tribes to develop standards that work well for tribal families. (See [http://nicwa.org/resources/booklets/documents/DevelopmentandImplementationofTribalFosterCareStandards.pdf](http://nicwa.org/resources/booklets/documents/DevelopmentandImplementationofTribalFosterCareStandards.pdf))

### Additional Best Practice Considerations

Consider designating a central point person in the agency who staff can call to ask GAP questions
Make Independent Living Services available to children who exit foster care to guardianship after age 16
Make Education and Training Vouchers available to children who exit foster care to guardianship after age 16