



Administrative Policies and Procedures: 15.15

Subject:	Subsidized Permanent Guardianship
Authority:	TCA 37-5-105 (3); TCA 37-5-106; 37-1-801 et seq., Fostering Connections to Success and Increasing Adoptions Act 2008 (P.L. 110-351), Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183), TCA 37-2-417, TCS 37-4-201, Interstate Compact on the Placement of Children.
Standards:	DCS 2-102 A, 2-104 A, 2-501, 2-600; COA: PA FKC 4.02, PA-FKC 4.04, PA-FKC 12.03, PA-FKC 12.07, PA-FKC 14.04, PA-FKC 15.01-15.04
Application:	All Department of Children's Services Family Service Workers, Permanency Specialists and Supervisory Staff
Policy Statement:	
The Subsidized Permanent Guardianship (SPG) program implements provisions of the Fostering Connections to Success and Increasing Adoptions Act 2008 (P.L. 110-351). The act allows the State to enter into guardianship agreements to provide assistance payments to grandparents and other relatives who have assumed the legal guardianship of children for whom they have cared as a licensed or approved foster parent and for whom they have committed to care on a permanent basis. This policy also applies to children in out-of-state placement pursuant to the Interstate Compact on the Placement of Children.	
Purpose:	
To inform staff and guardians of the basic eligibility criteria, the process of applying for SPG and requirements for maintaining the SPG payments.	
Procedures:	
A. Eligibility Criteria for Subsidized Permanent Guardianship	<ol style="list-style-type: none"> 1. The child has been removed from his or her home pursuant to a Voluntary Placement Agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare and best interest of the child. 2. The child has resided with a licensed or approved kinship foster parent for at least six (6) consecutive months Refer to DCS Policy 16.4, Foster Home Selection and Approval, for more information. 3. The child should have a goal of Permanent Guardianship where reunification and adoption have been deemed inappropriate. 4. The child demonstrates a strong attachment to the prospective relative guardian and the prospective relative guardian demonstrates a strong commitment to caring for the child on a permanent basis.

	<p>Note: A “strong attachment” is defined as a relationship that existed between the potential guardian and the child or family prior to DCS custody.</p> <ol style="list-style-type: none"> 5. A child, twelve (12) years of age or older, must be consulted regarding the SPG arrangement. 6. A child does not meet all the SPG criteria listed above but the child’s IV-E funded sibling meets all the SPG criteria and the child resides in the same potential relative guardian’s approved foster home with that sibling. 7. Children are eligible for the SPG program until they reach eighteen (18) years of age. Children may receive guardianship assistance payments until they are twenty-one (21) years of age if specific conditions are met. <ul style="list-style-type: none"> ◆ See Work Aid-Subsidized Permanent Guardianship for further information.
<p>B. Determining Funding Source</p>	<ol style="list-style-type: none"> 1. A child’s SPG funding source will be determined by the completion of form CS-0917, Certification of Eligibility for Subsidized Permanent Guardianship or within the TFACTS system. 2. In order for a child to be determined eligible for Title IV-E Subsidized Permanent Guardianship, the child is determined to be eligible for Title IV-E foster care maintenance payments (DCS Policy 16.36, Title IV-E Foster Care Funds) for at least a six (6) consecutive months during which the child resided in the home of the prospective relative guardian that was licensed or approved as meeting all requirements as a foster family home. 3. If a child is eligible for Title IV-E funded guardianship assistance but has a sibling who is not eligible, the child and any of the child’s siblings may be placed in the same relative guardianship arrangement if DCS and the relative agree that the arrangement is appropriate for the sibling, and Title IV-E funded relative guardianship assistance may be paid on behalf of each sibling. <p>NOTE: These siblings must exit within the same fiscal year.</p> 4. A child who was not eligible for Title IV-E foster care maintenance payments, who was placed with a guardian, related or unrelated, and who met the eligibility criteria described in Section A, could be eligible for state-funded guardianship assistance.
<p>C. Subsidized Permanent Guardianship Request Process</p>	<ol style="list-style-type: none"> 1. Prospective guardians who wish to apply for any of the services available under the SPG program will complete form CS-0719, Intent to Obtain Permanent Guardianship Placement Agreement (Part 1) and Application for Subsidized Permanent Guardianship (Part 2). 2. To determine whether the child is eligible for SPG, the Permanency Specialist completes a SPG request in TFACTS, three weeks prior to the child/youth’s exiting custody to Permanent Guardianship. Permanency Specialists refer to Protocol for Court Exit of a Child to Permanent Guardianship for more information.

3. During the initial SPG negotiation, the following information will be explained to the prospective guardian(s):
 - a) All known medical, psychological or psychiatric needs of the child;
 - b) If the guardian *elects* not to cover the child under an *available* group family plan, TennCare will be the only available payment option for medically necessary expenses;
 - c) Title IV-E eligible children who subsequently transition into the SPG (SPG) Program are categorically eligible for the state sponsored insurance plan (*i.e.*, TennCare); (Refer to [Criteria for Authorizing TennCare](#) for more information.)
 - d) Children that are not Title IV-E eligible may qualify for TennCare according to the current Medicaid eligibility rules; and
 - e) SPG will not pay medical, psychological, psychiatric, dental, hospitalization, residential treatment services or for medical equipment for a child who is eligible for private insurance or TennCare/Medicaid. In cases where such services are paid, the amount will be based on the TennCare rate for that service.
 - f) In the event that the Guardian dies or becomes incapacitated, the SPG subsidy can be transferred to the Successor Guardian named in the subsidy agreement after they have been vetted by background checks and a home study in accordance to DCS Policy [16.20, Expedited Custodial Placements](#) and obtained a court order identifying them as the child's legal guardian.
4. The Permanency Specialist and the foster family will complete form **CS-0719, Intent to Obtain Subsidized Permanent Guardianship Placement Agreement (Part 1) and Application for Subsidized Permanent Guardianship (Part 2)**. Review and discussion of the supporting documentation to determine the child's eligibility for SPG will:
 - a) Solidify the foster family's intention to provide permanence through permanent guardianship for the child;
 - b) Allow the foster family to request a subsidy; and
 - c) Inform the foster family of the proposed SPG benefits prior to the transfer of guardianship.
5. In cases where a child's needs are beyond the scope of a regular rate, form **CS-0674, Special or Extraordinary Board Rates Request** will also be presented with form **CS-0719, Intent to Obtain Permanent Guardianship Placement Agreement (Part 1) and Application for Subsidized Permanent Guardianship (Part2)**. If a Special or Extraordinary Rate is requested, the Permanency Specialist, along with the Family Service Worker (FSW) or the Contract Provider representative, gathers their initial supporting documentation from the licensed professional who diagnosed or is treating the child. The documentation is used to complete form **CS-0674, Special/Extraordinary Rate Request**.

<p>D. Subsidized Permanent Guardianship Agreement</p>	<ol style="list-style-type: none"> 1. DCS negotiates and enters into a written, binding SPG Agreement with the prospective relative guardian and provide the prospective relative guardian with a copy of the agreement. 2. The <u>initial</u> form CS-0721, Subsidized Permanent Guardianship Agreement, is completed, reviewed, approved, and signed by the Supervisor of the Permanency Specialist. DCS provides the prospective relative guardian with a copy of the agreement. 3. The SPG Agreement specifies the following: <ol style="list-style-type: none"> a) The amount of and manner in which the SPG assistance payment will be provided to the prospective relative guardian; b) The manner in which the payment may be periodically adjusted based on the circumstances of the relative guardian and the needs of the child. The information on form CS-0721, Subsidized Permanent Guardianship Agreement, includes rates to be paid for the conditions discussed during the negotiation period and approved on form CS-0719, Intent to Obtain Permanent Guardianship Placement Agreement (Part 1) and Application for Subsidized Permanent Guardianship (Part 2). c) The additional services and assistance for which the child or relative guardian is eligible under the agreement (related to a diagnosis documented prior to transfer of guardianship) is included in the initial agreement with a notation under cost as “TennCare or a successor plan rate”; d) The procedure by which the relative guardian may apply for additional services; and e) The name of the Successor Guardian. If one has not been named by the caretaker at the time the original agreement is entered into with the agency, the agreement may be amended to name a Successor Guardian to ensure continuation of the SPG payment to the Successor. 4. The SPG Agreement provides that the agreement remains in effect without regard to the state residency of the relative guardian, as long as guardianship remains in effect or has not been terminated for another reason; and 5. The SPG Agreement specifies that the agency pays the total cost of non-recurring expenses associated with obtaining legal guardianship of the child to the extent the total cost does not exceed \$2,000. 6. All SPG Agreements are completed prior to the transfer of guardianship. The Permanency Specialist reviews form CS-0721, Subsidized Permanent Guardianship Agreement, with the guardian(s) and secures their signature prior to transfer of guardianship. SPG payments begin following the transfer of guardianship and cannot be made prior to that time. The family will receive foster care board payments until the transfer of guardianship occurs. 7. SPG applications or Subsidized Guardianship Agreements must be signed by the appropriate DCS staff to be valid.
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	<p>8. When the prospective guardian has given the Permanency Specialist a completed application, form CS-CS-0719, Intent to Obtain Permanent Guardianship Placement Agreement (Part 1) and Application for Subsidized Permanent Guardianship (Part 2), which requests specific subsidy services, the Permanency Specialist will prepare form CS-0721, Subsidized Permanent Guardianship Agreement. The agreement is reviewed by the family’s attorney, if one has been retained, prior to sign-off by all parties. The agreement may include any or all of the subsidy services outlined in form CS-0721, Subsidized Permanent Guardianship Agreement.</p>
<p>E. Requirements for Payment and Services</p>	<ol style="list-style-type: none"> 1. Payments and/or services included in the SPG agreement are based on the conditions supported by the accompanying documentation. 2. A statement from the treatment professional is obtained documenting that treatment is medically necessary when requesting a Special or Extraordinary rate. 3. When the child is ineligible for private insurance and TennCare (Medicaid), the state ensures the maximum TennCare payment rate. 4. If the state does not have a contract with the provider, the maximum payment for the service is the TennCare (Medicaid) rate for that service.
<p>F. Payments and Services Not Included in Subsidized Permanent Guardianship</p>	<p>The following items or services cannot be considered in determining the SPG rate if a Special or Extraordinary rate is being requested:</p> <ol style="list-style-type: none"> a) School Tuition and/or tutoring; b) Summer Camp or Day Care; c) Riding Therapy, Dance or Gymnastics; d) Computers and/or Computer Software; <ul style="list-style-type: none"> ◆ (Exceptions may made be made for severely handicapped children by the Director of Foster Care and Adoptions). e) Dentistry or Orthodontia; <ul style="list-style-type: none"> ◆ (Exceptions may be made for documented cases of medical necessity by the Director of Foster Care and Adoptions). f) Vehicles to transport children; g) Major Home Renovations (<i>i.e.</i>, fences, pools, extra rooms, or accessibility modifications); or h) Routine medical expenses (<i>i.e.</i>, over the counter medications, doctor visits, or hospitalizations unrelated to the child’s documented special needs).
<p>G. Subsidized Permanent Guardianship Rates</p>	<ol style="list-style-type: none"> 1. SPG payments are made monthly based on a daily subsidy amount for the previous month’s care. 2. SPG assistance payments made on behalf of a child will not exceed the foster care maintenance payment that would have been paid on behalf of the

	<p>child if the child had remained in a foster family home.</p> <p>3. In cases where siblings are placed in the guardianship of the same family, subsidy payments may be paid on behalf of each sibling so placed.</p> <p>4. The SPG Rates are categorized in three levels:</p> <p>a) The Regular Subsidized Permanent Guardianship Rate- Check the following web link for the most current SPG daily rate; https://www.tn.gov/content/dam/tn/dcs/documents/foster_care/TN_FCBoardRates.pdf</p> <p>b) The Special Circumstance Subsidized Permanent Guardianship Rate- Check the following web link for the most current SPG daily rate; https://www.tn.gov/content/dam/tn/dcs/documents/foster_care/TN_FCBoardRates.pdf; and</p> <p>c) The Extraordinary Subsidized Permanent Guardianship Rates are determined on a case-by-case basis, but do not exceed \$60.00 per day.</p> <p>5. Each rate is negotiated based on the age of the child and a review of the child’s documented level of need, and is <u>not</u> linked to the means of the foster family. The SPG rate may not exceed the amount of a child’s final or most recent foster home board rate payment.</p> <p>a) The DCS foster home rates must have been in place at least 90 days prior to signing Guardianship agreements. If this requirement presents a barrier or delays permanency for any child, a waiver can be obtained from the Director of Foster Care, Adoptions/Designee.</p> <p>b) When negotiating Guardianship rates for those children who are in Contract Provider homes, the DCS rate structure should be used.</p> <p>6. Any approved SPG rate will be paid according to the terms outlined in form CS-0721, Subsidized Permanent Guardianship Agreement. Payment is subject to funding availability and may be modified at the periodic renewal/renegotiation based on changes in policy or significant changes in the child’s circumstances.</p> <p>7. SPG Agreements/renewals are subject to review at any time for correction of error or oversight.</p>
<p>H. Regular Rates</p>	<p>1. The regular rate is available to any child who meets the criteria outlined in Section A of the procedural portion of this policy.</p> <p>2. If there are significant changes in the child’s circumstances, and the family wishes to request a different rate, the steps outlined for applying for the Special or Extraordinary rates will be completed (Section M of this policy).</p>
<p>I. Special Circumstance Subsidized Permanent Guardianship Rates</p>	<p>1. Special Circumstance Rates are designed for children:</p> <p>a) With unique needs due to a diagnosed medical or mental health condition that substantially limits one or more of the following major life activities: walking, speaking, breathing, working, learning performance of manual tasks, vision and self-care; and</p>

	<p>b) Who require a level of supervision exceeding that of his/her peers; and</p> <p>c) Who require extra care due to physical, emotional, or mental disability.</p> <p>2. Permanency Specialists will complete Section A of form CS-0674, Special or Extraordinary Board Rates Request, and submit it to the Central Office Subsidy Unit Supervisor.</p> <p>3. If the child is residing in a Contract Provider foster home and the family requests approval of the special circumstance rate, the Contract Provider representative, in collaboration with the Permanency Specialist, will complete form CS-0674, Special or Extraordinary Rate Request and submit it, along with supporting documentation from the licensed treating professional who diagnosed/treated/is treating the child. A completed form CS-0934, Special or Extraordinary Rate Justification will be included in the treating professional's supporting documentation. The request will include proof of the rate the Contract Provider pays the foster parent.</p> <p>Note: For those children/families participating in Applied Behavioral Analysis (ABA) Therapy, practitioners in the State of Tennessee are not licensed but considered to be Board Certified. For the purpose of documentation of eligibility of a special/extraordinary rate, Board Certification for ABA is acceptable in the absence of a Licensure.</p> <ul style="list-style-type: none"> ◆ When negotiating rates for those children who are in Contract Provider homes, the DCS rate structure should be used. <p>4. The Central Office Subsidy Unit Supervisor responds in writing to the request within five (5) working days from the receipt of the request. If the request is approved, a copy of the approval, along with the supporting documentation is filed in the child's SPG case file. If the request is denied, refer to Section P of this policy for more information.</p>
<p>J. Extraordinary Subsidized Permanent Guardianship Rates</p>	<p>1. Extraordinary Subsidized Permanent Guardianship rates are reserved for children whose needs are so unique and extensive that they cannot be met at the regular or special circumstance rate. The Permanency Specialist submits a request to the Central Office Subsidy Unit Supervisor for an approval of an extraordinary rate. The Central Office Subsidy Unit Supervisor works with the Regional Health Units regarding children who may meet criteria, as outlined in the scope of services, for medically fragile.</p> <p>2. The request is made in writing to Central Office Subsidy Unit Supervisor, utilizing form CS-0674, Special or Extraordinary Board Rates Request and includes documentation from the licensed , treating provider of medical or psychological care (to include a completed form CS-0934, Special or Extraordinary Rate Justification), as well as any additional material needed to adequately describe the child's condition.</p> <p>Note: For those children/families participating in Applied Behavioral Analysis (ABA) Therapy, practitioners in the State of Tennessee are not licensed but considered to be Board Certified. For the purpose of documentation of eligibility of a special/extraordinary rate, Board Certification for ABA is acceptable in the absence of a Licensure.</p>

	<ol style="list-style-type: none"> 3. If the child is residing in a Contract Provider foster home, the Contract Provider representative, in collaboration with the Permanency Specialist, will submit the request using form CS-0674, Special or Extraordinary Rate Request and supporting documentation to the Central Office Subsidy Unit responsible for approving SPG. The request will include proof of the rate the Contract Provider pays the foster parent. 4. The Central Office Subsidy Unit Supervisor reviews the request for an Extraordinary rate within five (5) working days from the receipt of the request. If the request is approved, a copy of the approval, along with the supporting documentation, is filed in the child’s SPG file. 5. An approval of an Extraordinary Foster Home Board Rate does not guarantee approval of an Extraordinary SPG rate. Only after a review of the current documentation presented with form CS-0674, Special or Extraordinary Rate Request will it be possible to determine the appropriate SPG rate. 6. A permanent guardian may request re-negotiation of the SPG rate at any point after the initial approval, if the child’s needs have changed. When the guardian requests an increase in the SPG rate, he/she will be informed that current documentation from a licensed professional is required. 7. The documentation is reviewed by the Central Office Subsidy Unit Supervisor to determine whether the current level of assistance is still appropriate or if an increase in the SPG rate is warranted.
<p>K. Non-Recurring Subsidized Permanent Guardianship Assistance</p>	<ol style="list-style-type: none"> 1. Non-recurring expenses are one-time expenses related to subsidy reviews that are directly related to the transfer of guardianship of a child, subject to the <u>maximum total</u> of \$2,000.00 per child. Funding for non-recurring expenses related to obtaining legal guardianship is available to any child who meets the eligibility criteria outlined in Section A of the procedural portion of this policy. 2. Once the documentation of the non-recurring costs is received, the Permanency Specialist verifies the expenses and enters them onto Part 2 of form CS-0719, Intent to Obtain Permanent Guardianship Placement Agreement (Part 1) and Application for Subsidized Permanent Guardianship (Part 2).
<p>L. Eligibility for Voluntary Post-Custody Services as Provided by DCS</p>	<p>For information on eligibility for Voluntary Post Custody Services, refer to DCS Policy <u>16.53, Eligibility for Independent Living Services</u>.</p>
<p>M. Subsidized Permanent Guardianship Revisions or Renewal/ Renegotiations</p>	<p>Guardians who receive SPG subsidies have an obligation to inform DCS of circumstances, which might impact changes in their subsidy payments.</p> <ol style="list-style-type: none"> 1. Renewal/renegotiation of SPG is required periodically for state funded agreements to confirm that the guardian continues to provide any support to the child for SPG payments to continue. The guardian will return a completed form CS-0459, Subsidized Permanent Guardianship Subsidy Renewal Affidavit within the periods outlined on form CS-0721, Subsidized

Permanent Guardianship Agreement.

2. Guardian parents may request revisions at any time that there is a significant change in the child's circumstance. The permanent guardian will provide the required/requested documentation to support their request.
3. For all children who are approved for a Special or Extraordinary SPG rate, the guardian will request the licensed service provider responsible for the child's treatment and care to complete form **CS-0934, Special or Extraordinary Rate Justification**, as well as any documentation received from the licensed, treating service provider, in addition to form **CS-0674, Special or Extraordinary Rate Request**. This documentation will verify the following:
 - a) Current diagnosis, prognosis, and summary of treatment services for the previous year; and
 - b) An estimated summary of services, which will be necessary to meet the continued special or exceptionally uncommon needs of the child.
4. At the time of renewal (for state-funded agreements), if the supporting documentation shows that the child's condition has improved, the state will work with the guardian to renegotiate the subsidy agreement to the age appropriate SPG rate.
5. Documentation of continued eligibility is required periodically for children who receive state-funded SPG at any rate. The SPG payments granted at the time of renewal will reflect the child's current, documented level of need.
6. Documentation of continued eligibility is required for all children who receive SPG at any rate. An eligibility determination is completed in TFACTS, for all youth turning 18, 19, or 20 years old to determine if this child will continue to remain eligible for the SPG subsidy past age 18.
7. Title IV-E children who are the subject matter of a SPG agreement at age 16 or older on or after October 1, 2010, are eligible for guardianship assistance payments until the child is age 21 under the following conditions:
 - a) If he/she is a full time high school student; or
 - b) In an approved secondary program leading to an equivalent credential;
 - c) Is expected to graduate by their 21st birthday;
 - d) Is enrolled in an institution which provides post-secondary or vocational education; or
 - e) Is determined incapable of employment/attending school due to a documented medical condition.
8. Title IV-E children, who were the subject of a SPG Agreement entered into on or after December 1, 2006, can remain eligible until the child is age 21 if the child has a documented mental or physical disability, which warrants continuation as determined through the Review of Eligibility in TFACTS.
9. State funded children, who were age 16 years of age or older when their SPG Agreement went into effect on or after October 1, 2010, will remain eligible beyond the age of 18 up until the child graduates from high school or turns 19 years old, whichever comes first

	<ol style="list-style-type: none"> 10. State funded children, who were the subject of a SPG Agreement between Decemeber 1, 2006, and September 30, 2010, will remain eligible beyond the age of 18 up until the child graduates from high school or turns 19 years old, which ever occurs first. 11. State funded children, who were under the age 16 years when their SPG Agreement went into effect on or after October 1, 2010, are no longer eligible for the SPG payment once they reach the age of 18. 12. Verification of school attendance or medical incapacities will have to be provided annually by the educational institution or a medical professional. 13. Each time negotiations are completed, form CS-0721, Subsidized Permanent Guardianship Agreement, will be completed, and signed by the guardian and the Central Office Subsidy Unit.
<p>N. Transfer of SPG Subsidy Payments to a Successor Guardian</p>	<ol style="list-style-type: none"> 1. The SPG subsidy payment can transfer to the Successor Guardian identified in the CS-0721, Subsidized Permanent Guardianship Agreement and can occur if the caretaker becomes incapacitated or dies, without a new determination of eligibility. 2. The Successor Guardian will need to provide legal evidence to the Department that the child is now in the caretakers' guardianship. 3. After making the Department aware of their legal responsibility of the child, the Department will complete background checks and a home study on the Successor Guardian caregivers identified in the Guardianship Order, in accordance with DCS Policy 16.20 Expedited Custodial Placements. 4. If the results of the background checks and home study are determined to be satisfactory and do not present safety concerns for the child, the Successor Guardian will be entitled to all pending and future subsidy payments for eligible children in their care, after completing a new CS-0721, Subsidized Permanent Guardianship Agreement. The new Successor Guardian will be responsible for any future renewals, reports of changes in circumstances and requests for revisions to the SPG Agreement as outlined in this policy. 5. In the instances where a Successor Guardian is not identified in the Initial SPG Agreement, the caretaker can add a Successor in an amended revision or renewal agreement.
<p>O. Termination or Modification of Subsidized Permanent Guardianship Agreements</p>	<p>An approved SPG subsidy will terminate if any one of the following circumstances occur:</p> <ol style="list-style-type: none"> a) Upon the permanent guardian(s) request; b) DCS determines that the permanent guardian(s)' legal responsibility to the child ended; c) DCS determines that the child is no longer receiving financial support from the permanent guardian(s); <p>Note: If a child receives SPG and enters state custody, the agreement is suspended until such time that the child is reunified with the permanent guardian (Refer to Protocol for Adoption Assistance/Subsidized Permanent Guardianship When Children</p>

Re-enter State Custody or Placed in Out of Home Care).

- d) Upon the conclusion of the terms of the SPG Agreement;
- e) DCS determines that the family fails to complete the renewal re-negotiation process within; the time frames outlined in the SPG Agreement (for state funded agreements only);

f) If the guardian becomes incapacitated or dies;

Note: The effective date for termination of the SPG agreement will be the first day of the following month in which the Guardian died.

g) If the child marries;

h) If the child enlists active military service

i) If the child dies;

Note: The effective date for termination of the SPG agreement will be the first day of the following month in which the child died.

j) If a child who was the subject of a SPG Agreement prior to October 1, 2010, graduates from high school or turns 19, whichever comes first.

k) If a Title IV-E funded child, who was the subject of a SPG Agreement, entered into on or after December 1, 2006, no longer has a documented mental or physical disability, which warrants continuation as determined through the Review of Eligibility in TFACTS, or turns 21, whichever comes first

l) If a Title IV-E funded child, was 16 years of age or older when their SPG Agreement went into effect on or after October 1, 2010, and if one of the following has been determined:

- ◆ The child completes high school or an approved secondary educational program or turns 21, whichever comes first; or
- ◆ The child graduates from an institution which provides post-secondary or vocational education or turns age 21, whichever comes first; or
- ◆ The child's health improves and no longer prevents the child from participating in employment or attending school or turns age 21, whichever comes first;

m) If a State funded child, who was under the age of 16 when their SPG Agreement went into effect on or after October 1, 2010, turns 18 years of age.

n) If a State funded child, who was age 16 years of age or older when their SPG Agreement went into effect on or after October 1, 2010, graduates from high school or turns 19, whichever comes first.

<p>P. Appeals</p>	<p>Permanent Guardian(s) may appeal the Department's decision to deny, terminate, or change their child's SPG in accordance with rules and procedures of the State's fair hearing and appeal process. Permanent Guardian(s) will appeal an adverse decision within ten (10) business days of written notice of adverse action. SPG may continue pending the determination of an appeal, but payments will be suspended for appeals filed for circumstances identified in Section O above. Families who receive a favorable ruling in their hearing would be entitled to assistance that had been suspended. If adverse action is upheld during an appeal, payments continued during the appeal period will be considered an overpayment and will be subject to recovery. The following are the steps of the appeals process:</p> <ol style="list-style-type: none"> 1. If DCS determines that SPG will be denied, terminated, or changed, the Permanency or Subsidy Specialist notifies the foster family immediately, in writing, utilizing form CS-0720, Notice of Denial Termination, or Change in Subsidized Permanent Guardianship. Form CS-0403, Appeal for Fair Hearing, is given to the guardian(s) at the same time form CS-0720, Notice of Denial, Termination, or Change in Subsidized Permanent Guardianship, is given. 2. Form, CS-0720, Notice of Denial, Termination, or Change in Subsidized Permanent Guardianship, is dated with the same date it is <u>mailed</u> or, if hand delivered, the date it is hand delivered to the family. 3. The Administrative Procedures Division is also sent a copy of all notification documents that were provided to the family. 4. The family is informed about the timeframe in which they have to file an appeal. They are provided with the fax number and the mailing address to send form CS-0403, Appeal for Fair Hearing. 5. The Administrative Procedures Division notifies the appropriate Central Office Subsidy Staff if an appeal of SPG is received. Once notified by the Administrative Procedures Division, the Central Office Subsidy Unit ensures the due process protocol is followed. 6. The Central Office Subsidy Unit completes an appeal summary as directed by the Administrative Procedures Division. 7. Additional information may be accessed by contacting the TN DCS Administrative Procedures Division at: <p style="text-align: center;">Plaza Tower – Metro Center 200 Athens Way, 2nd Floor, Suite B Nashville, TN 37243 Phone: 615-741-1110 FAX: 615-741-4518</p>
<p>Q. Records Management</p>	<p>Complete information about a child's/youth's eligibility for, including requests, agreements, revisions, renewals and closures will be maintained in a SPG case file. Case file documentation will be uniform for all active SPG cases. Refer to DCS Policy <u>15.16, Subsidized Permanent Guardianship Case File Contents.</u></p>

R. Notification of Change

Subsidized Guardians will notify the Central Office Subsidy Unit of any changes in circumstances as soon as possible. Changes in circumstances may include the following:

- a) The child is no longer the legal responsibility of the guardian;
- b) The guardian no longer financially supports the child;
- c) There is a change of residential address or mailing address of the guardian or the child;
- d) The child marries;
- e) The custodial status of the child changes (Refer to [Protocol for Adoption Assistance/Subsidized Permanent Guardianship When Children Re-enter State Custody or Placed in Out of Home Care](#));
- f) The child dies;
- g) The child becomes an emancipated minor;
- h) The child enlists in the military;
- i) The guardians are made payees of SSA or VA benefits on behalf of the child as well as any changes in benefits.
- j) There is a change in the child's treatment needs that would warrant an increase or decrease to the SPG payment.
- k) When a child/youth who exited to the SPG program prior to October 1, 2010 graduates from high school up to the youth's 19th birthday, whichever occurs first.
- l) When a Title IV-E funded child/youth, who is the subject of a SPG Agreement entered into on or after December 1, 2006, turns age 21 or if the child ceases to have documented mental or physical disability, which warrants continuation as determined through the Review of Eligibility in TFACTS.
- m) When a Title IV-E child/youth that was age 16 or older when their SPG Agreement on or after October 1, 2010:
 - ◆ Completes high school or an approved secondary educational program, or turns age 21, whichever comes first; or
 - ◆ Graduates from an institution which provides post-secondary or vocational education or turns age 21, whichever comes first ; or
 - ◆ Becomes capable of employment or attending school that has previously been identified as incapable by a medical professional.
- n) When a State funded child/youth, who was under the age of 16 when their SPG Agreement went into effect on or after October 1, 2010, reaches the age of 18.
- o) When a state-funded child/youth that was age 16 or older when their SPG Agreement went into effect on or after October 1, 2010, graduates from high school, their equivalent secondary educational program ends or the child/youth turns age 19, whichever comes first.

Forms:	<p><u>CS-0403, Appeal for Fair Hearing</u></p> <p><u>CS-0459, Subsidized Permanent Guardianship Subsidy Renewal Affidavit</u></p> <p><u>CS-0674, Special or Extraordinary Rate Request</u></p> <p><u>CS-0719, Intent to Obtain Subsidized Permanent Guardianship Placement Agreement (Part 1) and Application for Subsidized Permanent Guardianship (Part 2)</u></p> <p><u>CS-0720, Notice of Denial, Termination, or Change in Subsidized Permanent Guardianship</u></p> <p><u>CS-0721, Subsidized Permanent Guardianship Agreement</u></p> <p><u>CS-0917, Certification of Eligibility for Subsidized Permanent Guardianship</u></p> <p><u>FA-0825, ACH Automated Clearing House Credits</u></p> <p><u>CS-0934. Special or Extraordinary Rate Justification</u></p> <p><u>CS-0949, Review of Eligibility for Subsidized Permanent Guardianship for Child Turning 18, 19, and 20 Years Old</u></p>
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Collateral Documents:	<p>Documentation to support the Subsidized Permanent Guardianship Agreement</p> <p><u>Protocol for Adoption Assistance/Subsidized Permanent Guardianship When Children Re-enter State Custody or Placed or In Out of Home Care</u></p> <p><u>Protocol For Subsidized Permanent Guardianship Case File Contents</u></p> <p><u>Criteria For Authorizing TennCare</u></p> <p><u>Protocol for Subsidized Permanent Guardianship Case Planning</u></p> <p><u>The Interstate Compact on the Placement of Children Procedures Manual</u></p> <p><u>Protocol for Court Exit of Child to Permanent Guardianship</u></p> <p><u>Adoption Assistance/Subsidized Permanent Guardianship Manual</u></p> <p><u>Work Aid-Subsidized Permanent Guardianship</u></p>
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Glossary:	
Guardian:	The legal guardian of a child with whom the child is related to by blood, marriage, or adoption or with whom the child had a significant relationship that pre-existed placement in DCS custody such as a godparent, friend, neighbor, church member, or teacher.
Permanency Specialist:	This is a DCS term used to identify the position previously known as DCS Adoption Specialists. This person is principally responsible for preparing children and families for permanence through subsidy contracts negotiating and preparing Adoption Assistance, and maintaining technical knowledge of all permanency options.
Strong Attachment:	A relationship that existed between the potential guardian and the child prior to DCS custody.
Successor Guardian	A person identified in the Initial Guardianship Agreement or Amendment/Renewal/Revision to the Guardianship Agreement that has now assumed guardianship of a child(ren), due to the Initial Guardian's incapacity or death. The Successor Guardian's role is not fulfilled until background checks and a home study of the new caretakers have been completed and approved. At that point, the Successor is entitled to any pending or future Subsidized Permanent Guardianship subsidy payment, without a new determination of the child's eligibility.
TennCare (or successor plan) Rate:	The rates established by TennCare (Medicaid) or any subsequent plan for a particular medically necessary service or treatment.