

GUARDIANSHIP ASSISTANCE ACT (EXCERPT)
Act 260 of 2008

722.874 Guardianship assistance; payment to eligible guardian; criteria; eligibility for federal funding under title IV-E; sibling ineligible for federal funding; successor guardian.

Sec. 4.

(1) Subject to subsection (2), a guardian who meets all of the following criteria may receive guardianship assistance on behalf of an eligible child:

(a) The guardian is the eligible child's relative or legal custodian.

(b) The guardian is a licensed foster parent and approved for guardianship assistance by the department. The approval process must include criminal record checks and child abuse and child neglect central registry checks on the guardian, all successor guardians, and all adults living in the guardian's or successor guardian's home as well as submission of the guardian's or successor guardian's fingerprints to the department of state police and the Federal Bureau of Investigation for a criminal history check.

(c) The eligible child has resided with the prospective guardian in the prospective guardian's residence for a minimum of 6 months before the application for guardianship assistance is received by the department.

(2) Only a relative who is a licensed foster parent caring for a child who is eligible to receive title IV-E-funded foster care payments for 6 consecutive months after licensure of the family is eligible for federal funding under title IV-E for guardianship assistance. A child who is not eligible for title IV-E funding who is placed with a licensed foster parent, related or unrelated, and who meets the requirements of section 3(a) to (e) may be eligible for state-funded guardianship assistance.

(3) If a child is eligible for title IV-E-funded guardianship assistance under section 3 but has a sibling who is not eligible under section 3, both of the following apply:

(a) The child and any of the child's siblings may be placed in the same relative guardianship arrangement in accordance with chapter XIA of the probate code, MCL 712A.1 to 712A.32, another state's law or code, or tribal law or code, if the department and the relative agree on the appropriateness of the arrangement for the sibling.

(b) Title IV-E-funded relative guardianship assistance payments may be paid on behalf of each sibling placed in accordance with this subsection.

(4) A successor guardian may receive guardianship assistance payments if the eligibility criteria set forth in section 3 are met.

History: 2008, Act 260, Imd. Eff. Aug. 4, 2008 ;-- Am. 2009, Act 15, Imd. Eff. Apr. 9, 2009 ;-- Am. 2015, Act 227, Imd. Eff. Dec. 17, 2015 ;-- Am. 2019, Act 95, Eff. Jan. 22, 2020 ;-- Am. 2023, Act 69, Imd. Eff. July 12, 2023