

GUARDIANSHIP ASSISTANCE ACT (EXCERPT)
Act 260 of 2008

722.872 Definitions.

Sec. 2. As used in this act:

(a) "Certification" means a determination of eligibility by the department that a foster child is eligible for guardianship assistance or a medical subsidy, or both.

(b) "Child" means an individual less than 18 years of age.

(c) "Child placing agency" means that term as defined in section 1 of 1973 PA 116, MCL 722.111.

(d) "Department" means the department of health and human services.

(e) "Eligible child" means a child who meets the eligibility criteria under section 3 for receiving guardianship assistance.

(f) "Guardian" means a person appointed by the court to act as a legal guardian for a child under section 19a or 19c of chapter XIIA of the probate code, MCL 712A.19a and 712A.19c, another state's law or code, or applicable tribal law or code.

(g) "Guardianship assistance agreement" means a negotiated binding agreement regarding financial support as described in section 5 for children who meet the qualifications for guardianship assistance as specified in this act or in the department's administrative rules.

(h) "Legal custodian" means an individual who is at least 18 years of age in whose care a child remains or is placed after a court makes a finding under section 13a of chapter XIIA of the probate code, MCL 712A.13a, another state's law or code, or tribal law or code.

(i) "Probate code" means the probate code of 1939, 1939 PA 288, MCL 710.21 to 712B.41.

(j) "Prospective guardian" means an individual seeking guardianship of a child if an order appointing that guardianship has not been finalized by the court.

(k) "Relative" means that term as defined in section 13a of chapter XIIA of the probate code, MCL 712A.13a.

(l) "Successor guardian" means a person appointed by the court to act as a legal guardian when the preceding guardian is no longer able to act, as a result of his or her death or incapacitation, under section 19a or 19c of chapter XIIA of the probate code, MCL 712A.19a and 712A.19c, another state's law or code, or tribal law or code. Successor guardian does not include an individual appointed as a guardian if that individual's parental rights to the child have been terminated or suspended.

(m) "Title IV-E" refers to the federal assistance provided through the United States Department of Health and Human Services to reimburse states for foster care, adoption assistance payments, and guardianship assistance payments.

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. 2022, Act 210, Imd. Eff. Oct. 7, 2022;—Am. 2023, Act 69, Imd. Eff. July 12, 2023.