

**GUARDIANSHIP ASSISTANCE ACT (EXCERPT)**  
**Act 260 of 2008**

**722.875 Guardianship assistance; negotiating and entering guardianship assistance agreement; specifications; limitation on payment; review by department; eligibility determination.**

Sec. 5. (1) Subject to the provisions of this act, the department may pay guardianship assistance to an eligible guardian on behalf of an eligible child.

(2) The guardian must apply for guardianship assistance under this act to the department.

(3) For a child who is eligible under section 3 and a guardian who is eligible under section 4, the department must negotiate and enter into a written, binding guardianship assistance agreement with the child's prospective guardian and must provide the prospective guardian a signed copy of the guardianship assistance agreement.

(4) The guardianship assistance agreement must specify all of the following:

(a) The additional services and assistance the child and the guardian are eligible for under the guardianship assistance agreement.

(b) The procedure by which the guardian may apply for additional services, if needed.

(c) That the department will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of an eligible child, to the extent the total cost does not exceed \$2,000.00.

(5) The guardianship assistance agreement must remain in effect without regard to the state residency of the guardian.

(6) The department must determine eligibility for the guardianship assistance without regard to the income of the prospective guardian. A guardianship assistance payment on a child's behalf may not exceed the foster care maintenance payment that would have been paid on that child's behalf if that child had remained in a foster family home. The payment includes the determination of care rate that was paid or would have been paid for the child in a foster care placement, except that the amount must be increased to reflect the increase made in the standard age-appropriate foster care rate paid by the department.

(7) The department must review the eligibility of the guardian and the child for continuation of guardianship assistance annually. The guardian must provide the eligibility information requested by the department for purposes of the annual review.

(8) The department must make an eligibility determination within 30 days after receipt of a complete application for guardianship assistance.

**History:** 2008, Act 260, Imd. Eff. Aug. 4, 2008;—Am. 2009, Act 15, Imd. Eff. Apr. 9, 2009;—Am. 2023, Act 68, Imd. Eff. July 12, 2023.