

## **Subsidized Guardianship Program Requirements**

Current Wisconsin law provides for two types of guardianship for children. Under Chapter 48 Wisconsin Statutes, known as the Children Code, permanent legal guardianship can be awarded under s. 48.977 to relatives of children who have been placed with the relatives to protect the children from abuse and neglect. The Guardianship Permanency Initiative focuses on s. 48.977 guardianships for children in out-of-home care, including children in both licensed foster care and court-ordered Kinship Care. Under Chapter 880 Wisconsin Statutes, guardianship for decision making purposes can be awarded to persons caring for a child but Chapter 880 guardianship is not a permanency outcome.

State law under Chapter 48 will be revised as part of the Guardianship Permanency Initiative to clarify the nature of s. 48.977 guardianship as a permanency outcome and to allow the payment of guardianship subsidies. Guardianship will be awarded with permanence for children as the utmost concern so guardianships will not be easily disrupted. The guardianship process will include thoroughly educating caretakers about the responsibilities of guardianship and the differences between adoption and guardianship. The guardianship process will include discussions of contingency arrangements to ensure that children will be cared for in the event that the guardian dies or becomes incapacitated before the children reach adulthood.

Guardianship agreements will be used to address rights and responsibilities of all parties and ensure that caretakers make a long-term commitment to provide a permanent home for the children. The agreements will also be used to address issues such as visitation by biological parents. The guardianship agreement will be necessary for the caretaker to receive a guardianship payment. There will be no age limit for children to be considered for guardianship, although older children are expected to be the primary target population for guardianship. Sibling groups of children will be kept together to the fullest extent possible.

Under the guardianship program, eligibility for guardianship subsidy payments will be limited to children who have been in licensed out-of-home care for a minimum of one year. Exceptions will be made to the one-year period for children for whom reasonable efforts at reunification are not required. The one-year period will ensure that reunification is actively pursued for children and ruled out as a permanency option before proceeding to guardianship. For caretakers to be approved for guardianship payments, they must be licensed as foster parents and the children must have been successfully placed with the caretakers for several months to demonstrate the stability of the placement.

Guardianship subsidy payments will be allowed with non-relatives, but only under limited circumstances where guardianship with the non-relative is determined to be in the child's best interest and adoption has been ruled out. As part of the state legislation, s. 48.977 guardianship will be expanded to allow persons other than relatives to become guardians. Examples include extended family who do not meet the current statutory definition of relative, god parents or family friends who the child recognizes as a significant person in his/her life. This provision is not expected to affect many cases, but could prove valuable in achieving permanency for children in unique circumstances. Relatives will be the primary focus for the subsidized guardianship program.

The Subsidized Guardianship program applies to children placed with licensed foster parents receiving a foster care payment. For children placed by the court with relatives receiving payments under the Kinship Care program, the relatives can be awarded s. 48.977 guardianship under current law and continue to receive Kinship Care payments.