



## ADMINISTRATIVE RULES OF MONTANA



### **37.50.1102 STATE-SUBSIDIZED GUARDIANSHIP**

- (1) A child is eligible to have state subsidized guardianship payments made on the child's behalf if the child has been adjudicated a youth in need of care pursuant to Title 41, chapter 3, part 4, MCA.
- (2) Subsidized guardianship payments may be made to the guardian of an eligible child when:
  - (a) the child meets the guardianship criteria found in 41-3-444, MCA;
  - (b) the prospective guardian and guardian's home meet the requirements of ARM 37.50.1101;
  - (c) the court has issued a decree of guardianship;
  - (d) an agreement describing the terms and conditions of the guardianship subsidy has been negotiated by the department with the prospective guardian; and
  - (e) the prospective guardian and the department have signed an agreement describing the negotiated terms and conditions of the subsidy prior to the issuance of the guardianship decree.
- (3) Monthly payments and medical coverage as provided under Montana Medicaid programs may be provided under a subsidized guardianship agreement. A child in a subsidized guardianship arrangement is not eligible for the foster care support services as provided for in ARM 37.50.501, 37.50.502, 37.50.505, 37.50.506, 37.50.510, 37.50.511, 37.50.512, 37.50.520, 37.50.521, and 37.50.525.
- (4) The monthly payment must not exceed the family foster care maintenance payment for which the child is eligible at the time the guardianship is established.
- (5) The subsidized guardianship agreement may be renegotiated at the request of either the guardian or the department.
- (6) The subsidized guardianship agreement may be terminated if requested by or agreed to by the guardian.
- (7) The subsidized guardianship agreement will be terminated:
  - (a) if the guardian resigns the guardianship;
  - (b) if the guardianship is revoked by the court;
  - (c) if the department determines that the subsidy is not being used to support the child; or
  - (d) when the child reaches age 18.

- (8) The subsidy may continue until the child reaches the age of 19 if the child is a full-time student in a secondary school and is reasonably expected to obtain a secondary-school diploma or its equivalent on or before the month of the child's 19th birthday.

**Authorizing statute(s):** 41-3-444, 52-2-603, MCA

**Implementing statute(s):** 41-3-444, 52-2-603, MCA

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**History:** NEW, 2000 MAR p. 864, Eff. 3/31/00; AMD, 2014 MAR p. 976, Eff. 5/9/14.