



ADMINISTRATIVE RULES OF MONTANA



37.50.1103 FEDERALLY SUBSIDIZED GUARDIANSHIP

- (1) Under the Title IV-E State Plan, Guardianship Assistance Program, approved by the United States Department of Health and Human Services (HHS), the department is authorized to utilize federal funds to pay guardianship subsidy on behalf of children who meet the requirements established under the terms and conditions of the Title IV-E State Plan, Guardianship Assistance Program, July 16, 2013. The terms and conditions approved by the HHS and the department are adopted and incorporated by reference. Copies of the Title IV-E State Plan, Guardianship Assistance Program may be obtained on the department's web site at www.dphhs.mt.gov/cfsd/ or from the Department of Public Health and Human Services, Child and Family Services Division, P.O. Box 8005, Helena, MT 59620-8005.
- (2) Federally subsidized guardianship payments may be made to the guardian of an eligible child when:
 - (a) the prospective guardian meets the definition of a "kinship guardian" as established in the Title IV-E State Plan, Guardianship Assistance Program terms and conditions;
 - (b) the requirements of ARM 37.51.1101 are met; and
 - (c) the requirements established under the Title IV-E State Plan, Guardianship Assistance Program terms and conditions and the requirements of ARM 37.50.1102(1) through (6) are met.
- (3) Title IV-E nonrecurring costs that are directly related to obtaining legal guardianship may not exceed \$2000.
- (4) 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.

Authorizing statute(s): 52-2-603, MCA

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

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