

 <b>VERMONT</b> DEPARTMENT FOR CHILDREN AND FAMILIES Child Care Financial Assistance Resource Manual		<b>IV</b>
Chapter:	<b>ELIGIBILITY DETERMINATION Case Management</b>	
Subject:	<b>Legal Guardianship</b>	
Approved:	Reeva S. Murphy, Deputy Commissioner	Effective: 12/08/2011
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## PURPOSE

To ensure proper verification of legal guardianship in the processing of child care financial assistance eligibility determinations.

## POLICY

If an applicant is not the biological, adoptive, or foster parent of the child for whom they are requesting child care financial assistance, the eligibility specialist must verify through court documentation that the primary caretaker is the legal guardian of the child. Legal guardianships can be created with the consent of the parents; however, if the parents are incapable or unfit, guardianship may be created over their objection. Both the Probate Court and the Family Court may grant legal guardianship.

## PROCEDURE

When a legal guardian applies for childcare for a child who is eligible for TANF the financial assistance eligibility specialist will need to:

1. Request a copy of the guardianship papers to establish exactly who is involved.
2. Request a copy of the TANF award
3. Verify the legal guardian's service need
4. Child care should be authorized and based on service need.
5. Guardian's income will not be counted, and child care will be at 100% of the state rate.
6. File will be opened in the legal guardian's name. In the event that the biological parent returns and requests that the child care financial assistance services be placed in their name, the specialist must request court documentation showing that the parent has regained custody of the child.

When a legal guardian applies for childcare for a child who does not receive TANF, the financial assistance eligibility specialist will need to:

1. Request a copy of the guardianship papers to establish exactly who is involved. If only one person is named, eligibility will be based only on that person's income and service need, regardless of whether that person is married. If the legal guardianship was awarded to two people, determination is based upon the eligibility of both.
2. Verify the legal guardian's service need
3. Verify and count the income (including income received by child, i.e., SS)
4. If the guardian is income eligible, childcare should be authorized based on service need.
5. If documentation shows that the parent signed over guardianship because of the parent's temporary absence from the home, the file will be opened in the guardian's name. If the parent returns to the home and ends the temporary guardianship, the subsidy specialist must close the guardians file and open a new file in the parent's name.