



State of South Carolina

Department of Social Services

Policies and Procedures: Child Welfare Services

Subject:	930 Subsidized Legal Guardianship Assistance Program
Authority:	SC Code Sections 63-9-2200 through 63-9-2290 ; Foster Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) ; Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239) ; Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) Regulations ; S.C. Code Sections 63-7-20, 63-7-1700, 63-7-1705, 63-7-2810 et. seq.; 63-9-2200 et. seq.
Standards:	Guiding Principles and Standards Practice Model (GPS)
Application:	All Child Welfare Services Staff
Purpose:	To outline the policy and procedures for governing the eligibility for and participation in the Subsidized Legal Guardianship (SLG) Assistance Program.
Policy Statement:	If a child cannot be safely reunified with his or her parents, after assessing viability of adoption and determining termination of parental rights is not in the child's best interests, DSS may pursue a permanent plan of Subsidized Legal Guardianship (SLG) if eligibility requirements as outlined in this policy are met. DSS enters into a written agreement to provide Subsidized Legal Guardianship Benefits on behalf of a child to Kin and Fictive Kin who assume Legal Guardianship of a child for whom the Kin or Fictive Kin have cared as foster parents and for whom the Kin or Fictive Kin have committed to care on a permanent basis. Subsidized Legal Guardianship Benefits shall not exceed the foster care maintenance payment which would have been paid on behalf of the child if the child had remained in a foster family home. Subsidized Legal Guardianship Benefits may be made available in cases involving in-state placement and out-of-state placement pursuant to the Interstate Compact on Placement of Children (ICPC).
Policy Administration:	The Office of Permanency, within Child Welfare Services is the owner of this policy. The Director of the Office of Permanency, or designee shall review this policy on an annual basis and request updates as needed.
Procedures:	
A. General Eligibility Criteria for Subsidized Legal Guardianship Benefits	For a child to be eligible for Subsidized Legal Guardianship benefits, the department shall determine the child meets the following eligibility requirements: 1. The child is in the legal custody of DSS by a removal action brought pursuant to S.C. Code Section 63-7-1700.

2. DSS has determined that reunification and adoption are not in the child's best interest. Specific reasons regarding why reunification and adoption are deemed inappropriate must be documented in CAPSS, Child and Family Team Meeting (CFTM) notes, and the child's guardianship financial file within State Office Adoptions.
3. The child demonstrates a strong attachment to the Kin or Fictive Kin. A strong attachment is defined as a meaningful relationship that exists between the Kin or Fictive Kin and the child or family prior to or formed during the current DSS foster care episode.
4. The Kin or Fictive Kin demonstrates a strong commitment to the child by agreeing to care for the child on a permanent basis. Confirmation of the Kin or Fictive Kin's commitment to caring for the child, permanently, is documented in CAPSS case recordings and/or CFTM notes.
5. The child has resided in the home of the prospective guardian for a consecutive, six-month period during which the child was in the legal custody of DSS and the Kin or Fictive Kin was fully licensed to provide foster care.
6. Youth, 14 years of age or older, must be consulted regarding the SLG arrangement.
 - a. The case manager provides the counseling/consultation to the youth regarding permanent guardianship and its impact on the youth's life.
 - b. Youth, age 14 years or older, must be present in the CFTM and confirm that they were consulted and were allowed to express their views about permanent guardianship, unless they could not be consulted due to mental or physical conditions that prevent their involvement, or it has been determined that it would not be in the youth's best interest due to other factors or circumstances that would be detrimental to the youth's well-being.
7. Discussion regarding possible eligibility for SLG as a permanent plan must be held within the context of a CFTM. This discussion can be held in a single CFTM or multiple CFTM meetings. The SLG eligibility criteria must be documented in CAPSS, the Subsidized Legal Guardianship Benefits financial file, and CFTM notes.
8. Due to death or incapacity of a Legal Guardian, the child has been placed with the court ordered Successor Legal Guardian named in the Subsidized Legal Guardianship Benefits agreement.

Note: DSS does not begin paying Subsidized Legal Guardianship Benefits to a Successor Legal Guardian until the departments conducts a fingerprint based criminal background check, a check of the S.C. Sex Offender registry and National Sex Offender Registry, an in-state child abuse and neglect registry and database check, and an out-of-state child abuse and neglect registry check for any state in which the Successor Guardian has resided

	during the five years preceding placement and concludes the Successor Guardian meets safety requirements.
B. Eligibility Criteria for Title IV-E Subsidized Legal Guardianship Benefits	To be eligible for Title IV-E Subsidized Legal Guardianship Benefits, the child must meet all the program eligibility requirements listed in Section A and Section D of this policy and the following Title IV-E criteria must be met: 1. The child is removed from his or her home pursuant to a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child or a Voluntary Placement Agreement; 2. The child is eligible for Title IV-E foster care maintenance payments during at least a consecutive 6-month period during which the child resided in the home of the prospective legal guardian who was fully licensed (standard license) as a foster family home. 3. The sibling of a child who is eligible to receive Title IV-E funded Subsidized Legal Guardianship Benefits is categorically eligible to receive Subsidized Legal Guardianship Benefits, if the following is true: a. The Title IV-E eligible child and siblings are placed in the same SLG arrangement; b. DSS and the Kin or Fictive Kin agree the SLG arrangement is appropriate and in the best interest of the sibling(s); c. The Title IV-E eligible child and his or her siblings are exiting DSS custody within the same federal fiscal year; and d. Funding is available Note: Eligibility for Title IV-E SLG assistance is determined by utilizing DSS Form: 3048 Subsidized Legal Guardianship Eligibility.
C. Eligibility Criteria for Non-Title IV-E Funded SLG Assistance	To be eligible for Non-Title IV-E funded Subsidized Legal Guardianship Benefits, the child must: 1. Meet all of the program eligibility requirements listed in Section A and Section D of this policy; and 2. DSS determines eligibility by utilizing DSS Form 3048: Subsidized Legal Guardianship Eligibility. Note: A month may be counted in the six-consecutive month period if the child met all the Non-Title IV-E foster care maintenance payment eligibility criteria for at least one day of that particular month while in the prospective guardian's home and is therefore eligible for Non-Title IV-E funded foster care maintenance payments for at least a portion of that month. The prospective guardian must have been issued their standard license and are no longer under a provisional license.
D. Verification of U.S. Citizenship or	1. Non-Title IV-E a. The DSS must verify citizenship or immigration status of any person 18 years or older who applies for or is a recipient of public benefits,

Immigration Status	including foster care board, adoption assistance, and Subsidized legal guardianship assistance payments. b. Non-Title IV-E assistance payments (foster care board, adoption, and Subsidized legal guardianship) are available to children under the age of 18, regardless of immigration status. However, upon attaining the age of 18, a child who is receiving Non-Title IV-E assistance payments and who is not a U.S. citizen, legal permanent resident, or “qualified alien” is ineligible for continued assistance. c. Verification of lawful presence in the United States must occur as follows: i. The applicant (young adult) must execute an affidavit that he or she is a U.S. citizen or a legal permanent resident; or ii. The applicant (young adult) must execute an affidavit that he or she is a “qualified alien” or nonimmigrant under the Federal Immigration and Nationality Act P.L. 82-414 and lawfully present in the U.S. d. For any person (young adult) who has executed an affidavit that he or she is an alien lawfully present in the U.S., eligibility for assistance shall be made through the Systematic Alien Verification of Entitlement (SAVE) Program operated by the U.S. Department of Homeland Security. 2. Title IV-E a. The DSS must verify the citizenship or immigration status of any child in the legal custody of the DSS, without regard to whether the child is receiving Title IV-E foster care board payments. b. Title IV-E assistance payments (foster care board, adoption, and Subsidized legal guardianship) are limited to U.S. citizens and “qualified aliens,” as defined in 8 USC 1641(b), which includes certain permanent residents, asylees, and refugees. Children who are undocumented immigrants are not eligible for Title IV-E assistance payments. c. Generally, a “qualified alien” must live in the United States for five years before becoming eligible for Title IV-E assistance payments. However, the five-year residency requirement does not apply to the child if the adoptive parents/legal guardians are U.S. citizens or “qualified aliens.” d. However, a child who is not a U.S. citizen or resident of the U.S. and was adopted outside the U.S. or brought into the U.S. for the purpose of being adopted may be eligible for assistance payments if the initial adoption of the child is a failure and the child is subsequently placed in foster care.
E. Explanation of Benefits and Services	1. The prospective guardian must be given an explanation of all legal permanency options and available services during a formal CFTM. Refer to DSS Policy Child and Family Team Meeting. 2. Information regarding the child’s eligibility for Title IV-E or Non-Title IV-E funded Subsidized Legal Guardianship Benefits is provided to the

	prospective guardianship family. This information includes the availability of post guardianship supports and services once the child exits foster care, as well as services and benefits included in the Subsidized Legal Guardianship Benefits agreement. The post guardianship supports and services that are available include but are not limited to the following: - Referral to other State agencies as needed for services, these referrals include but are not limited to the following: - Babynet; - Continuum of Care; - Department of Mental Health; and - Department of Disabilities and Special Needs. - Chafee/Educational Training Voucher (ETV) funds if the child is 16 or older when exiting to guardianship; - Kinship Navigation Services through a contracted providers funded through DSS; - Therapeutic In-home Services; - Therapeutic Community-based Services; and - DSS assistance in obtaining records as available and allowed by State and Federal statute. Note: The family may contact DSS regarding post-legal services and supports at slgpostlegal@dss.sc.gov or call (803) 898-3956. - DSS explains the duration of Subsidized Legal Guardianship Benefits and reasons for termination of benefits when reviewing the content of the Subsidized Legal Guardianship Benefits agreement with the family. - Youth who exit foster care to Subsidized Legal Guardianship after attaining age 16 are eligible for Independent Living Services. - In the event that the Legal Guardian dies or becomes incapacitated, Subsidized Legal Guardianship Benefits can be transferred to the Successor Guardian, named in the court order establishing Legal Guardianship and Subsidized Legal Guardianship Benefits agreement, after the Successor Guardian has been vetted by background checks and a home study has been completed, in accordance with DSS Policy. Required background checks include the following: - FBI Fingerprint based criminal background; - SLED or comparable state law enforcement checks, if they reside outside of South Carolina; - Central Registry checks, for all states they have resided in the last five years; and - State and National Sex Offender Checks
F. Subsidized Legal Guardianship as a	The case manager informs the Kin or Fictive Kin of any known, medical, psychological/psychiatric, and educational information concerning the child.

Permanency Plan	2. If the Kin or Fictive Kin decides to move forward in obtaining legal guardianship, the case manager, shall complete the required paperwork for the financial folder and submit it to designated State Office program for determination and approval in preparation for upcoming court proceedings and legal review. 3. Kin or Fictive Kin who wish to apply for any service available under the SLG program must complete DSS Form 3051: Subsidized Legal Guardianship Agreement. 4. The child's eligibility for Subsidized Legal Guardianship Benefits is determined utilizing DSS Form 3048: Subsidized Legal Guardianship Eligibility prior to the permanent guardianship exit date. 5. The case manager, if applicable, obtains the signature of the Kin or Fictive Kin.
G. Subsidized Legal Guardianship Agreement and Family Permanency Plan Requirements	1. When the Kin or Fictive Kin has given the case manager a completed DSS Form 3051: Subsidized Legal Guardianship Agreement and DSS Form 3048: Subsidized Legal Guardianship Eligibility. The DSS form 3051: SLG Agreement must be reviewed and approved by all parties to the agreement (namely the legal guardian and the DSS representative) and the family's attorney if one has been retained. 2. The Subsidized Legal Guardianship Agreement must be signed and in effect prior to the issuance of a court order establishing Subsidized Legal Guardianship and must specify the following: a. The amount of and manner in which Subsidized Legal Guardianship Benefits are provided to the Legal Guardian; b. The manner in which the payment may be periodically adjusted based on the circumstances of the Legal Guardian and the needs of the child, and that prior to an adjustment, DSS must consult with the Legal Guardian; c. Additional services and assistance for which the child or Legal Guardian may be eligible under the Subsidized Legal Guardianship Agreement; d. When and how the Legal Guardian may request additional services; and e. The name of the Successor Guardian in the event Legal Guardian becomes incapacitated or in the event of the Legal Guardian's death; f. The agreement remains in effect without regard to the state of residency of the Legal Guardian, as long as Legal Guardianship and the Subsidized Legal Guardianship Benefits agreement remains in effect; and g. The agency reimburses the total cost of non-recurring expenses associated with obtaining Legal Guardianship of the child to the extent the total cost does not exceed \$2,000.00;

	h. The Legal Guardian and the Successor Legal Guardian must receive a copy of the court order establishing Subsidized Legal Guardianship and the Subsidized Legal Guardianship Agreement. 3. In addition to the information in Section E, of this policy, the case manager ensures the prospective guardian is provided with original copies of the child's birth certificate, social security card, and educational passport, if available, prior to the child exiting DSS custody to Legal Guardianship. 4. The case manager shall update the Family Permanency Plan and prepare a permanency planning hearing Subsidized report with the following information supporting the permanency plan of Subsidized Legal Guardianship: - How the child meets the eligibility requirements for Subsidized Legal Guardianship Benefits; - The steps DSS has taken to determine that the child's return home and termination of parental rights and adoption are not appropriate - DSS's efforts to discuss adoption with the relative or fictive kin, and the reason why adoption is not an option; - DSS's effort to discuss SLG with the child's parent or reason why effort were not made; - The reason why SLG is in the child's best interest; - If the child's placement with Kin or Fictive Kin does not include siblings, the reason why the child is separated from siblings during placement; - If the child is 14 years or older the child has been consulted regarding SLG and; - That the Kin or Fictive Kin meets all requirements for licensure as a foster parent 5. The case manager shall provide the County Managing Attorney with a copy of the permanency planning Subsidized report and Subsidized Legal Guardianship Agreement, thereby notifying the local legal department the child's permanency plan is Subsidized Legal Guardianship for the initiation of appropriate legal proceedings in Family Court. 6. If the prospective guardian decides not to pursue permanent guardianship, the child's medical, psychological, birth, and education information is returned to the DSS case manager.
H. Medicaid Eligibility	- Children determined to be eligible for Title IV-E Subsidized Legal Guardianship Benefits are categorically eligible for Medicaid benefits. - Children who are eligible for Non-Title IV-E funded Subsidized Legal Guardianship benefits are not categorically eligible for Medicaid benefits but may be able to independently establish Medicaid benefits eligibility.
I. Subsidized Legal	SLG payments are made monthly based on a daily subsidy amount for the previous month's care

Guardianship Rates	2. SLG assistance payments made on behalf of a child will not exceed the foster care maintenance payment that would have been paid on behalf of the child if the child had remained in a DSS foster home. 3. Each payment rate is a negotiated amount based on the child's current board rate. a. If the child is receiving Difficulty of Care Board Rate (DCBR) funding, a current (within the current year of placement) DCBR approval letter must be provided in the financial file. b. If the Legal Guardian is licensed by a Child Placing Agency (CPA) the case manager must obtain a letter from the CPA stating how much is currently being paid to the Legal Guardian on a daily rate. This daily rate would then be multiplied by 30 days for a monthly total. 4. Any approved SLG rate is paid according to the terms outlined in DSS Form 3051: Subsidized Legal Guardianship Agreement. Payment may be modified, due to changes in policy, or significant changes in the child's circumstances, with prior notice to the Legal Guardian.
J. Non-Recurring Legal Costs	DSS reimburses for the Non-Recurring Legal Costs associated with establishing SLG. Non-recurring Legal Costs are one-time expenses that are directly related to the transfer of Legal Guardianship of a child. Funding for non-recurring Legal Costs related to obtaining Legal Guardianship is available to any child who meets the eligibility criteria outlined in Section A of this policy and cannot exceed \$2,000.00 per child for each guardianship arrangement.
K. Subsidized Legal Guardianship Recertification and Renegotiation	1. Guardians who receive SLG assistance have an obligation to inform DSS (State Office Adoptions at slgsubsidy@dss.sc.gov) of circumstances, which might impact changes in their payment amounts. Payment can be received via Direct Deposit and E-pay card. The family may contact DSS regarding payment issues at slgpostlegal@dss.sc.gov or call (803) 898-3956. • Recertification of the SLG agreement is required by the end of the child's birth month annually for Title IV-E and Non-Title IV- E agreements to confirm that the guardian continues to provide any support to the child for SLG payments to continue. The Legal Guardian must return a completed DSS Form 3048: Subsidized Legal Guardianship and DSS Form 3050: Subsidized Legal Guardianship and Adoption Assistance Recertification Documentation List. 2. Legal Guardians may request to renegotiation at any time that there is a significant change in the child's circumstances to include providing DSS with the required documentation to support their request. The two forms used for renegotiation are DSS Form 3055: Application for Subsidized Legal Guardianship Renegotiation and DSS Form 3054: Subsidized Legal Guardianship Renegotiation Agreement Addendum, second form is only use after the SLG renegotiation has been approved.

L. Duration and Termination of Subsidized Legal Guardianship	1. Subsidized Legal Guardianship Benefits may terminate at any time with the concurrence of the legal guardian or under the following circumstances. 2. Non-Title IV-E Subsidized Legal Guardianship Benefits terminate: a. When the child reaches age 18; or b. When the child reaches age 19, 20, or 21 if Subsidized Legal Guardianship Benefits continued beyond the child's 18th birthday because the child met at least one of the following requirements i. is completing secondary education or a program leading to an equivalent credential; ii. is enrolled in an institution which provides post-secondary or vocational education; iii. is participating in a program or activity designed to promote or remove barriers to employment; iv. is employed for at least 80 hours a month; or v. is incapable of doing any of the above-described activities due to a physical, intellectual, emotional, or psychiatric condition that limits participation; or c. When the child has attained age 21, and the child has a mental or physical disability which warrants the continuation of assistance to age 21; or d. When the child has not attained 18 years of age, and the Kin or Fictive Kin are no longer legally responsible for the support of the child; or e. When the child is no longer receiving any support from the Kin or Fictive Kin. 3. Title IV-E Subsidized Legal Guardianship Benefits terminate: a. When the child reaches age 18; or b. For a child who attained age 16 before a Subsidized Legal Guardianship Benefits agreement went into effect, when the child reaches age 19, 20, or 21, if Subsidized Legal Guardianship Benefits continued beyond the child's 18th birthday because the child met at least one of the following conditions: i. is completing secondary education or a program leading to an equivalent credential; ii. is enrolled in an institution which provides post-secondary or vocational education iii. is participating in a program or activity designed to promote or remove barriers to employment; iv. is employed for at least 80 hours a month; or v. is incapable of doing any of the above-described activities due to a physical, intellectual, emotional, or psychiatric condition that limits participation; or c. When the child has attained age 21, and the child has a mental or physical disability which warrants the continuation of assistance to age 21; or
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	d. When the child has not attained 18 years of age, and the Kin or Fictive Kin are no longer legally responsible for the support of the child; or e. When the child is no longer receiving any support from the Kin or Fictive Kin. 4. The Kin or Fictive Kin are required to inform DSS of any circumstance that would make the Kin or Fictive Kin ineligible for Subsidized Legal Guardianship Benefits or eligible for benefits in a different amount. 5. Legal Guardian(s) must submit written documentation to DSS containing reason for extending Subsidized Legal Guardianship Benefits beyond a child's 18th birthday. DSS will determine if such submitted documentation is sufficient to warrant continued financial assistance and any such determination will be memorialized in writing. 6. In no case may a child receive Subsidized Legal Guardianship Benefits beyond the child's 21st birthday.
M. Transfer of SLG Payment to a Successor Guardian	1. The SLG Benefits can transfer to the Successor Guardian identified in the SLG Agreement and can occur if the guardian becomes incapacitated or dies, without a new determination of eligibility. 2. The Successor Guardian must provide evidence that the Legal Guardian has died or has become incapacitated, and that the child is now in the Successor Guardian's care. 3. After making the Department aware of the Successor Guardian's legal responsibility for the child, the Department will complete background checks and a home study on the Successor Guardian identified in the court order establishing Legal Guardianship. 4. The Successor Guardian must submit to the following background checks prior to receiving any benefits: a. FBI Fingerprint based on criminal backgrounds; b. SLED or comparable State law enforcement checks if they reside outside of South Carolina. c. Central Registry Checks for all states they have resided in the last 5 years; and d. State and National Sex Offender Checks 5. If the results of the background checks and home study are determined to be satisfactory and do not present safety concerns for the child, the Successor Guardian is entitled to all payments for any child named in the court order establishing Legal Guardianship. The DSS and the Subsidized Legal Guardianship Agreement. The Successor Guardian will be responsible for any future renewals, reports of changes in circumstances and requests for revisions to the SLG Agreement as outlined in this policy.

N. Appeals of Adverse Decisions	1. Guidelines a. DSS must provide written notice of any adverse decision related to the Subsidized Legal Guardianship Benefits. This notice must explain the basis for the adverse decision and shall be served upon the Legal Guardian by certified mail, return receipt requested. b. Unless there is a case pending in Family Court that can dispose of the issue, the Legal Guardian(s) may appeal the department's decision to deny, terminate, or change Subsidized Legal Guardianship Benefits in accordance with rules and procedures of the department's fair hearing and appeal process. c. If an appeal is desired, the Legal Guardian must appeal an Adverse Decision within ten business days of receiving written notice of Adverse Decision. d. Subsidized Legal Guardianship Benefits may continue pending the determination of an appeal, but payments are suspended for appeal filed for circumstances identified in Section M above. e. Families who receive a favorable ruling in their hearing would be entitled to assistance that has been suspended. f. If the adverse decision is upheld on appeal, payment continued during the appeal period are considered an overpayment and are subject to recovery. 2. Process The following are steps of the appeals process: a. If DSS determines that SLG will be denied, terminated, or changed, the Permanency or Subsidized Specialist notifies the guardianship family immediately, in writing, utilizing DSS Form 3048: Subsidized Legal Guardianship Eligibility. b. DSS Form 3048: Subsidized Legal Guardianship Eligibility is dated with the same date it is mailed or, if hand delivered, the date it is hand delivered to the family. c. The Administrative Procedures Division is also sent a copy of all notification documents that were provided to the family. d. If there is a case pending in Family Court that can dispose of the issue, the County Managing Attorney must receive notice of the Adverse Decision to schedule an appropriate hearing, i.e., a permanency planning hearing or judicial review hearing. e. The family is informed about the timeframe in which they have to file an appeal. They may email slgsubsidy@dss.sc.gov to send a written request to appeal the SLG determination. f. The Administrative Procedures Division notifies the appropriate Central Office Subsidized Staff if an appeal related to SLG is received. Once notified by the Administrative Procedures Division, the Central Office Subsidized Unit ensures the due process protocol is followed.
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O. Records Management	Complete information about a child's or youth's eligibility, requests, agreements, revisions, renewals, and closures of SLG assistance payments are maintained at State Office Adoptions office in the child or youth's guardianship financial file. A copy of all documents will also be uploaded, as they are created, to the child's CAPSS case.
P. Notification of Change	Subsidized Legal Guardians are responsible for notifying State Office Adoptions of any changes in circumstances as soon as possible. Changes in circumstances may include the following: 1. The child is no longer the legal responsibility of the guardian; 2. The guardian is no longer financially supporting the child; 3. There is a change of residential address or mailing address of the guardian or the child; 4. The child marries; 5. The custodial status of the child changes; 6. The child dies; 7. The child becomes an emancipated minor; 8. The child enlists in the military; 9. The child is approved for and begins receiving benefits from the Extension of Foster Care (EFC) program; 10. The guardians are made payees of SSA or VA benefits on behalf of the child as well as any changes in benefits; 11. There is a change in the child's treatment needs that would warrant an increase or decrease to the Subsidized Legal Guardianship Benefits; 12. When a Title IV-E funded child or youth turns age 21 or if the child ceases to have a documented mental or physical disability, which warrants continuation as determined through the Review of Eligibility in CAPSS; and 13. When a Title IV-E child that was age 16 or older when their initial Subsidized Legal Guardianship Benefits agreement went into effect: a. Completes high school or an approved secondary educational program, or turns age 21, whichever comes first; b. Graduates from an institution which provides post-secondary or vocational education or turns age 21, whichever comes first; c. Becomes capable of employment or attending school that has previously been identified as incapable by a medical professional or turns age 21, whichever comes first; or d. Ceases to have a documented mental or physical disability, which warrants continuation as determined through the Review of Eligibility in CAPSS or turns age 21, whichever comes first.

Q. Certifications and Assurances	The Department certifies and assures that the following foster care and adoption assistance program requirements are applicable to the Subsidized Legal Guardianship Assistance Program: 1. DSS is the administrator of the SLG Program; 2. Once in effect, the State Plan for the SLG Program is in effect statewide and is mandatory; 3. The State Plan for SLG at the local level is coordinated with State or local programs assisted under Titles IV-A and IV-B, subtitle I of Title XX and any other appropriate provision of Federal Law; 4. In the administration of the SLG Program, DSS uses such methods relating to the establishment and maintenance of personnel standards on a merit basis as are found by the Secretary to be necessary for the proper and efficient operation of the programs. 5. DSS will make such reports, in such form and containing such information as the Secretary may from time to time require and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports. 6. DSS will monitor and conduct periodic evaluations of SLG program activities. 7. DSS Provides safeguards which restrict the use of or disclosure of information concerning individuals assisted under the State plan to purposes directly connected with (a) the administration of the plan of the State approved under this part, the plan or program of the State under part A, B, or D of this title or under title I, V, X, XIV, XVI (as in effect in Puerto Rico, Guam, and the Virgin Islands), XIX, or XX, the program established by title II, or the Subsidized security income program established by title XVI, (b) any investigation, prosecution, or criminal or civil proceeding, conducted in connection with the administration of any such plan or program, (c) the administration of any other Federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need, (d) any audit or similar activity conducted in connection with the administration of any such plan or program by any governmental agency which is authorized by law to conduct such audit or activity, and (e) reporting and providing information pursuant to paragraph (9) to appropriate authorities with respect to known or suspected child abuse or neglect; and the safeguards so provided shall prohibit disclosure, to any committee or legislative body (other than an agency referred to in clause (d) with respect to an activity referred to in such clause), of any information which identifies by name or address any such applicant or recipient; except that nothing contained herein shall preclude a State from providing standards which restrict disclosures to purposes more limited than those specified herein, or which, in the case of adoptions, prevent disclosure entirely. Note: The use of Child Welfare records in state court proceedings shall not
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be construed to limit the flexibility of a State in determining State policies relating to public access to court proceedings to determine child abuse and neglect or other court hearings held pursuant to part B of this part, except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and family.

8. DSS shall:

a. report to an appropriate agency or official, known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child receiving aid under part B or this part under circumstances which indicate that the child's health or welfare is threatened thereby;

b. provide such information with respect to a situation described in subparagraph (a) as the State agency may have; and

c. not later than—

(i) 1 year after the date of enactment of this subparagraph, demonstrate to the Secretary that the State agency has developed, in consultation with State and local law enforcement, juvenile justice systems, health care providers, education agencies, and organizations with experience in dealing with at-risk children and youth, policies and procedures (including relevant training for caseworkers) for identifying, documenting in agency records, and determining appropriate services with respect to—

(I) any child or youth over whom the State agency has responsibility for placement, care, or supervision and who the State has reasonable cause to believe is, or is at risk of being, a sex trafficking victim (including children for whom a State child welfare agency has an open case file but who have not been removed from the home, children who have run away from foster care and who have not attained 18 years of age or such older age as the State has elected under section 475(8) of this Act, and youth who are not in foster care but are receiving services under section 477 of this Act); and

(II) at the option of the State, any individual who has not attained 26 years of age, without regard to whether the individual is or was in foster care under the responsibility of the State; and

(ii) 2 years after such date of enactment, demonstrate to the Secretary that the State agency is implementing the policies and procedures referred to in clause (i).

9. DSS grants an opportunity for a fair hearing to any individual whose claim for benefits is denied or not acted upon with reasonable promptness;

10. DSS will arrange for a periodic and independent audit of the SLG program, no less frequently than once every 3 years;

11. DSS provides procedures for fingerprint-based criminal background checks on relative guardians and any adult living in the home of the relative guardian before the relative guardian receives an SLG payment;
12. DSS certifies that, before a child is foster care under the responsibility of the State is placed with a prospective guardian, the prospective guardians will be prepared adequately with the appropriate and skills to provide for the needs of the child and that the preparation will be continued, as necessary, after the placement of the child, and that the preparation shall include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting 1 or more days, and to decisions involving the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities;
13. Within 60 days after receiving a request from another State to conduct a home study for the purposes of assessing suitability of placing a child in the home, then DSS conducts and completes the home study and returns the results to the other State including whether the home meets the needs of the child; prospective placement need not have completed education and training requirements; DSS must treat a home study prepared by another State as meeting any DSS requirements for the completion of a home study, unless within 14 days after receiving the homes study, DSS determines, based upon specific grounds in the report, that a decision in reliance on the home study would be contrary to the welfare of the child; the State must not restrict the ability of social services agency to contract with a private agency to conduct these home studies;
14. At the option of the State, DSS enters into kinship guardianship assistance agreements to provide kinship guardianship assistance payments on behalf of children to grandparents and other relatives who have assumed legal guardianship of the children for whom they have cared as foster parents and for whom they have committed to care on a permanent basis, as provided in section 473(d)
15. Within 30 days after the removal of a child from the custody of the parent or parents of the child, DSS exercises due diligence to identify and provide notice to the following relatives: all adult grandparents, all parents of a sibling of the child, where such parent has legal custody of such sibling, and other adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family or domestic violence, that;

- a. specifies that the child has been or is being removed from the custody of the parent or parents of the child;
 - b. explains the options the relative has under Federal, State, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;
 - c. describes the requirements under paragraph (10) of this subsection to become a foster family home and the additional services and supports that are available for children placed in such a home; and
 - d. describes how the relative guardian of the child may subsequently enter into an agreement with the State under section 473(d) to receive the payments.
16. Each child who has attained the minimum age for compulsory school attendance under State law and with respect to whom there is eligibility for a payment under the State plan is a full-time elementary or secondary school student or has completed secondary school, and for purposes of this paragraph, the term “elementary or secondary” specifies that the child has been or is being removed from the custody of the parent or parents of the child;
- a. Enrolled or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of South Carolina or other jurisdiction in which the institution is located;
 - b. instructed in elementary or secondary education at home in accordance with a home school law of the State or other jurisdiction in which the home is located;
 - c. in an independent study elementary or secondary education program in accordance with the law of the State or other jurisdiction in which the program is located, which is administered by the local school or school district; or
 - d. incapable of attending school on a full-time basis due to the medical condition of the child which incapability is supported by regularly updated information in the case plan of the child.
17. DSS makes reasonable efforts:
- a. to place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless DSS documents that such a joint placement would be contrary to the safety or well-being of any of the siblings; and
 - b. in the case of siblings removed from their home who are not so jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless DSS documents that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.
18. DSS will negotiate in good faith with any Indian tribe, tribal organization or tribal consortium in the State that requests to develop an agreement with the State to administer all or part of the program under this part on behalf of Indian children who are under the authority of the tribe, organization, or

	consortium, including foster care maintenance payments on behalf of children who are placed in State or tribally licensed foster family homes, adoption assistance payments, and kinship guardianship assistance payments under section 473(d), and tribal access to resources for administration, training, and data collection under this part.
Forms:	DSS Form 3048: Subsidized Legal Guardianship Eligibility DSS Form 3050: Subsidized Legal Guardianship and Adoption Assistance Recertification Documentation List DSS Form 3051: Subsidized Legal Guardianship Agreement DSS Form 3054: Subsidized Legal Guardianship Renegotiation Agreement Addendum DSS Form 3055: Application for Subsidized Legal Guardian Renegotiation
Related Management Reports:	N/A

Glossary:
Adverse Decision: any action in which DSS denies, suspends, revokes, or refuses to renew a license or other permit to operate a child day care facility, foster home, child placing agency, residential child care facility or group home; disqualifies a person from receiving benefits, or terminates, suspends or decreases benefits, which the person was previously determined eligible to receive; or any other action defined as adverse within a program specific section of DSS' regulations. Child: For Non-Title IV-E 1. A person under the age of 18; or 2. A person 18, 19, or 20 who meets at least one of the following requirements: a. is completing secondary education or a program leading to an equivalent credential; b. is enrolled in an institution which provides post-secondary or vocational education; c. is participating in a program or activity designed to promote or remove barriers to employment; d. is employed at least 80 hours a month; or e. is incapable of doing any of the above-described activities due to a physical, intellectual, emotional, or psychiatric condition that limits participation, and the presence of the condition is supported by regularly updated information For Title IV-E 1. A person under the age of 18; 2. A child can remain Title IV-E eligible after turning 18, if they were disabled prior to their 18th birthday; 3. <i>With respect to a person for whom and Adoption Assistance Agreement went into effect after the person attained age 16</i>, a person 18, 19, or 20 who meets at least one of the following requirements: a. is completing secondary education or a program leading to an equivalent credential; b. is enrolled in an institution which provides post-secondary or vocational education; c. is participating in a program or activity designed to promote or remove barriers to

employment;

- d. is employed at least 80 hours a month; or
- e. is incapable of doing any of the above-described activities due to a physical, intellectual, emotional, or psychiatric condition that limits participation, and the presence of the condition is supported by regularly updated information

Kin: a relative within the first, second, or third degree to a parent or stepparent of a child who may be related through blood, marriage, or adoption.

Fictive Kin: a relative who is not related by blood, marriage, or adoption, but has a significant relationship with the child or the child's family.

Legal Guardian: a person appointed by the court through the judicial establishment of a legal guardianship to become the caretaker of a child.

Legal Guardianship: a judicially established relationship between a child and caretaker that is intended to be permanent and self-sustaining and transfers to the caretaker the following parental rights and responsibilities with respect to the child:

1. the duty to provide protection, support, food, clothing, shelter, supervision, education, and care;
2. physical custody of the child;
3. legal custody when family court has not awarded legal custody to another person, agency, or institution;
4. the right to consent to marriage, enlistment in the armed forces, and medical and surgical treatment;
5. the duty and authority to represent the child in legal actions and to make decisions of substantial legal significance affecting the child;
6. the right to determine the nature and extent of the child's contact with other persons; and
7. the right to manage the child's income and assets.

Unless the court so orders, legal guardianship does not terminate the parent-child relationship, including the right of the child to inherit from his parent, the parent's right to consent to the child's adoption, and the parent's obligation to provide financial, medical, or other support for the child as the court may order.

Sibling: any individual who:

1. Shares a common biological or adoptive parent with the child; or
2. Would share a common biological or adoptive parent with the child but for a termination or other disruption of parental rights (including the death of a parent).

Strong Attachment: a relationship that existed between the prospective Legal Guardian and the child or family prior to or formed during the current DSS foster care episode.

Successor Guardian: a person identified in the Initial Guardianship Agreement or Amendment/Renewal/Revision to the Guardianship Agreement that has now assumed Legal Guardianship of a child(ren), due to the Initial Guardian's incapacity or death. The Successor Guardian's role is not fulfilled until background checks and a home study of the Successor Guardian have been completed and approved. At that point, the Successor Guardian is entitled to any Subsidized Legal Guardianship Benefits, without a new determination of the child's eligibility.

Subsidized Legal Guardianship Benefits: monthly payments made by the department to a Legal Guardian pursuant to and after entering a written agreement with Kin or Fictive Kin to provide support for a child who without Subsidized support may not achieve permanency through Legal Guardianship.