

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 8: Out-of-Home Services	Effective Date: June 1, 2008
	Section 40: Guardianship	Version: 1

POLICY	OLD POLICY: N/A
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The Indiana Department of Child Services (DCS) will offer guardianship as a permanency option, if it is in the best interest of the child and if all other permanency goals (e.g., reunification, adoption, planned living arrangement) are not feasible.

Code References

1. [IC 29-3-1-6: Definition of Guardian](#)
2. [IC 29-3-5-5: Consideration for appointment of Guardian](#)
3. [IC 29-3-5-6: Two or more minors; or incapacitated persons; Petition for appointment of Guardian](#)
4. [IC 29-3-6-1: Notice of petition and hearing; Persons to whom notice must be given](#)
5. [IC 29-3-6-2: Notice, form and contents, copy of petition](#)
6. [IC 29-3-8-1: Enumerated responsibilities of guardian](#)
7. [IC 29-3-12-1: Conditions for termination of guardianship](#)

PROCEDURE

The Family Case Manager (FCM) will:

1. Convene a Child and Family Team (CFT) Meeting or Case Plan Conference to review and discuss guardianship as a permanency goal for the child. The discussion should include the following:
 - a. Information regarding the guardianship process as well as any provisions needed for assistance and supports to the family and the child to help ensure the child's safety and permanence in the home, and
 - b. Determine whether the child qualifies for the Assisted Guardianship (AG) Program utilizing the AG checklist.
2. The FCM should consult with their DCS Local Office Director to determine if there are any AG slots available;
3. Get court approval of guardianship as the permanency option if the CFT determines this is the best permanency option for the child;
4. Conduct criminal background checks for the proposed guardians. See separate policy [8.6 Conducting Background Checks for Unlicensed Placements](#);
5. Ensure that a petition for guardianship is filed for each child for whom a guardianship is being sought; and
6. Notify the parents (if their whereabouts are known), the proposed guardians, the minor if he or she is at least 14 years of age by the date, and time of the guardianship hearing.

ASSISTED GUARDIANSHIP CHECKLIST

Note: These things need to be in place prior to the creation of an AG case in Indiana Child Welfare Information System (ICWIS).

1. Child is a ward of DCS under a dispositional decree;
2. Child is currently placed with the relative who will be obtaining guardianship and has been placed with that relative under a dispositional decree for at least the past six (6) months;
3. Relative that child is placed with is currently an approved relative home. (Per Policy, relative does not have to have been an approved home for six (6) months, but must *be* approved as of the time of the AG case);
4. Relative child is placed with a resident of Indiana;
5. Child is at least 13 years old; sibling of a 13 year old in the same home; has a diagnosed special need; or court has identified a "compelling reason" that AG is the best plan for the child;
6. Child is under the age of 18 as of the start of the guardianship;
7. Court has approved a Case Plan goal of guardianship as being preferable to reunification or adoption;
8. Notice of Guardianship hearing was sent to any living parent unless Termination of Parental Rights (TPR) approved, to child if age 14 or over, and to other interested parties identified by the court, and documentation of these notices are in the case record;
9. Relative has obtained guardianship on child(ren), and worker has obtained documentation of the guardianship;
10. Financial information regarding each child has been entered into the 'Eligibility' section of ICWIS;
11. Relative has completed the necessary paperwork (application, assignment of child support, etc.) for AG program. (Forms are on ICWIS Bulletin Board, under AG); and
12. Bookkeeper (Fiscal) has been contacted to confirm the latest month on which they have already paid foster care on child.

Once these items are in place, an AG case can be created with a start date of the first of the month of the guardianship.

As soon as the AG case is created, these factors must also occur:

1. Request dismissal of wardship from the court (if not dismissed on the same day Guardianship was granted);
2. Bookkeeper (Fiscal) must be notified that child is to receive AG, who the payee is, and what the start date is;
3. Supervisor must assign the AG case to the appropriate person (as determined by county protocol); and
4. Once the episode is ended in ICWIS, check the next day to make sure that your FC History has a status of 'Closed.'

NOTE: If FC History is still open on the first of the following month, no payment record will be created.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. AG checklist
2. Notice of Hearing
3. Consent Form
4. [Guardianship Assistance Agreement \(SF49836/CW0029\)](#)

RELATED INFORMATION

Guardianship

Guardianship involves the legal assumption of authority for another individual to consent to marriage, to enlist in the armed forces, to consent and authorize major medical, surgical, and psychiatric treatment. Guardianship is also legal custody, if custody is not vested in another person, agency, or institution. Guardianship is the transfer of legal responsibility for a minor child from the state to a caregiver. The transfer of legal custody and guardianship removes the child from the Child Welfare System, and allows a caregiver to make important decisions on the child's behalf and creates a permanent and self-sustaining relationship for the child.

Guardianship is a permanency option explicitly promoted by the [Federal Adoption and Safe Families Act of 1997](#).