

Juvenile Guardianship Assistance Program (GAP)

Michigan law allows the court to order a juvenile guardianship in a child protective proceeding as an “alternative placement plan.” An alternative placement plan may be considered at a permanency planning hearing only after the court determines not to return the child home or order DHS to initiate termination of parental rights. The guardian’s appointment may be made pre- or post-termination of parental rights. [MCL 712a.19a and MCL 712a.19c]

Guardianship Assistance Act [MCL 772.871-881]

The Guardianship Assistance Act allows DHS to implement the Guardianship Assistance Program (GAP), which provides funding to juvenile guardians in support of eligible children and is similar to the adoption subsidy program for adoptive parents. Under the guidelines of the statute, DHS is **solely** responsible for determining GAP eligibility. The court cannot order DHS to provide GAP assistance in a juvenile guardianship case. To be eligible for GAP assistance, DHS must determine that reunification or placing the child for adoption are not appropriate permanency options.

Following the statutory framework of MCL 722.873 and MCL 722.875a, the DHS Central Office reviews the case service plan for the required documentation that establishes the eligibility criteria have been met. For more information, refer to [DHS Child Guardianship Manual \(GDM\) 715](#).

A child is eligible for guardianship assistance if **all** of the following conditions are met:

- The child was removed from his/her home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child.
- The guardian must be a licensed foster parent and the child has resided in the home of the prospective guardian for at least six consecutive months before filing an application for guardianship assistance.
- Reunification and/or adoption have been ruled out as appropriate permanency options for the child.
- The child has been consulted about the guardianship arrangement if he/she is age 14 years or more.
- The child is strongly attached to the prospective guardian and the guardian has a strong commitment to caring permanently for the child.

For more information, please contact Casey Anbender at AnbenderC@courts.mi.gov, or (517) 373-5234.

GAP FACTS

- ❑ The court may order the juvenile guardianship regardless of GAP assistance. Before finalizing the guardianship, the court should consider the guardian’s financial needs and the possibility that the guardian may not be interested in pursuing the guardianship without GAP assistance.
- ❑ DHS does not consider the child’s placement with a relative, in and of itself, a determination that adoption is not an appropriate permanency option. If a court orders a juvenile guardianship instead of the initiation of termination of parental rights proceedings only because a child is placed with a relative, DHS may not provide GAP assistance to the guardian.
- ❑ Juvenile guardianships are meant to provide a permanent home for the child. If the facts in the record demonstrate that the guardian may only intend the arrangement to be temporary, DHS may not provide GAP assistance to the guardian.