

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Child Development Division Policy Manual		IV
Chapter:	ELIGIBILITY DETERMINATION – Case Management	
Subject:	Legal Guardianship	
Approved:	Miranda Gray, Deputy Commissioner	Updated 07/03/2022

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 (Reach Up Child Only Grant) the 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. Authorize child care based on service need.
5. Guardian's income is not counted, and the family share is zero.
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 be placed in their name, the eligibility 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 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., Social Security Benefit)
4. If the guardian is income eligible, childcare should be authorized based on service need.

Additional Information

If documentation shows that a parent signed over guardianship because of the parent's temporary absence from the home and guardianship was not obtained through the courts, the file will be opened in the guardian's name. The eligibility period is set for 12 months. If the parent returns to the home and ends the temporary guardianship, the eligibility specialist must close the guardians file and open a new file in the parent's name.