



United States  
Department of  
Agriculture

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Food and  
Consumer  
Service

## FOOD STAMP PROGRAM - REGIONAL LETTER 99-10

Northeast Region

10 Causeway St.  
Room 501  
Boston, MA 02222

Subject: Guardianship Payments

Recently we have received several inquiries regarding guardianship payments. Demonstration projects that allow States to make guardianship payments to persons who have agreed to become guardians of minors under 18 are now authorized under Title IV-E of the Social Security Act. Several States have approved demonstration projects, and these programs are expected to be expanded to cover more children.

Under Title IV-E, foster care payments are made to persons who take care of children while the welfare agency has legal responsibility for the child. Adoption payments are made to families that legally adopt a child, and the adoption is permanent. The new demonstration projects fall between these two types of payments.

Guardianship payments are made to a person who becomes a child's legal guardian. There are two types of guardianship payments. One is called Kinship Care which enables children and families to remain connected to their family of origin. Adoption may not be considered because the children are already viewed to be "family." In addition, relatives frequently report that they do not want to negatively affect the children's relationship with their parents.

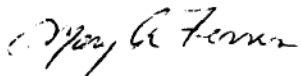
The other type is called subsidized guardianships for foster care. It is focused on enabling children who cannot be adopted, and do not live with relatives to have a greater degree of permanency. If foster parents are willing to provide for the children in their care a permanent home, this will improve the overall sense of well-being and belonging critical to a child's development. One of the advantages of subsidized guardianship is that it allows for a return to parenting by the biological families since parental rights are not terminated. Further, the guardian can petition a court to have his or herself removed as a guardian whenever they want. Increasingly caregivers, regardless of their good intentions and commitment to family, are plagued with economic stressors which challenge their desire to care for another child. A subsidized guardianship provides economic relief and supports the principles of child-centered and family-focused practice while attending to the needs of children to remain safe, maintain access to their family members, and retain their cultural identity.

We have determined that these guardianship payments should be treated the same as foster care payments for food stamps purposes, and children under such a guardianship program should be treated as boarders. In accordance with 7 CFR 273.1(c)(6), this gives families the choice of including the child as a member of the household and counting the guardianship payment as unearned income or of excluding the child and the guardianship payment. We believe that these situations are more like foster care situations than permanent adoptions.



If you have any questions concerning this policy, please contact Katie Blanchette at (617) 565-6415.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary A. Ferris".

Mary A. Ferris, Chief  
State Program Improvement Section  
Food Stamp Program  
Northeast Region