

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

May 1, 2008

M E M O R A N D U M

What's Inside:

New Adoption and Legal Guardianship Contracts, Applications and Brochure.
 Revised Adoption and Legal Guardianship Policy and Procedures

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS, AND CHILDREN'S DIVISION STAFF

FROM: PAULA NEESE, DIRECTOR

SUBJECT: ADOPTION AND LEGAL GUARDIANSHIP SUBSIDY

DISCUSSION:

The purpose of this memorandum is to introduce policy revisions to the adoption and legal guardianship subsidy program and to introduce the new adoption and legal guardianship subsidy applications, agreements, and brochure and procedures.

The revisions in this policy apply **only** to any **new** subsidy agreements initiated by staff on or after May 1, 2008. Any agreements that were negotiated prior to May 1 are subject to the terms of that agreement and will be honored as they were written.

Workers who are involved in developing an Adoption or Subsidized Guardianship Agreement are reminded that the Division's philosophy and practice is that it is to be a collaborative plan, developed with the adoptive parent/guardian. The purpose of the adoption/guardianship subsidy is to provide assistance to the family in meeting the specific needs of the child. In keeping with the Division's philosophy and practice in the subsidy program the following revisions are made:

Subsidy Brochure

The Adoption Subsidy Program Brochure has been revised. The subsidy brochure (CS-350) should be given to adoptive/guardianship parents when the family has been chosen as the permanency resource for the child or when they have filed a petition to adopt or obtain guardianship. Families should be given an opportunity to ask questions about the program after reviewing the brochure and staff should at that point begin negotiation of the subsidy agreement.

Subsidy Applications

New applications for both the Adoption and Legal Guardianship subsidy programs have been developed, CD APP AD for Adoption and CD APP SG for Guardianship. An application should be completed for each family requesting adoption or legal

guardianship. For cases negotiated by the Children's Division or Foster Care Case Management contractors, the application should accompany the agreement through normal approval chains, all applications should be kept in the local Children's Division office in a subsidy file. For private agency negotiations, the application should be completed and sent to the Children's Division liaison who should then send the application back to the private agency with a letter indicating the child's application is eligible for a subsidy agreement or not eligible and stating the reason why. A copy of the application and letter is to be housed in a subsidy file in the local office in the event that the decision is appealed.

Reference the Subsidy Application Forms instructions

Adoption and Legal Guardianship Subsidy Agreement

The adoption and legal guardianship subsidy agreements have been revised and should be utilized for any subsidy being negotiated after May 1, 2008. The new agreements are the CD AD, Adoption Subsidy Agreement, and the CD SG, Subsidized Guardianship Agreement. The initial agreement should utilize the service section of the agreement to indicate services requested to meet the child's needs. When a service is no longer needed but has not yet expired, the adoptive parent or guardian may request the service be inactivated on their subsidy agreement. At that time the inactive date is indicated and adjustments made on the SS-61 in FACES or CS-67 or 67A to deactivate the service for payment and a copy of the agreement sent to Central Office so the service may be deactivated in the contracting system. If a service is to be added an amendment needs to be completed and added into the body of the agreement. The amendment is to be considered a portion of the overall agreement and will require that a copy of the agreement in its entirety be sent to Central Office when an amendment is being made.

Reference the Adoption and Legal Guardianship Forms Instructions

18+ Adoption Subsidy Agreement

Effective May 1, 2008 all new agreements will expire at the end of the month of the youth's 18th birthday. There will be no guardianship agreements negotiated beyond age 18 as guardianship is no longer valid legally beyond age 18.

A youth not having completed high school will no longer be a reason for extending an Adoption Subsidy Agreement in regard to agreements negotiated after May 1, 2008. This change has been made to be compliant with current federal policy.

In regard to adoption, if a youth has a documented physical, dental or mental health need, an 18+ Adoption Subsidy Agreement may be negotiated with the family. Initiation of this agreement should begin six months prior to the 18th birthday. The purpose of these one year agreements is to give the adoptive parents the opportunity and support to access services that will be available to the youth after subsidy is no longer an option. Each year past age 18 that an agreement is negotiated the agreement should demonstrate the progression from subsidy services to adult services through such agencies as Department of Mental Health, Vocational Rehabilitation, Bureau for the Blind etc.

However, agreements negotiated prior to May 1, 2008 also indicate they expire at the end of the month of the youth's 18th birthday. The Division recognizes that in many cases the Children's Division has documented on the attachment to those agreements that the agreement will remain in effect until the youth's graduation from high school, the Division is committed to honoring current contracts and will negotiate with those families as promised in the agreement.

Reference the 18+ Adoption Subsidy Agreement Form Instructions

Ages 18 and 13 as Limits in the Agreement

Subsidy services should utilize end of the month of the 18th birthday on standard maintenance and age 13 on childcare services. If the family requests respite services and can provide documentation of the benefit to the child of this service, respite may also be approved to age 18 and de-activated at the request of the parent or guardian if the need no longer exists.

Declination Statement

Adoptive and guardianship parents have the right to decline any of the basic package services of Maintenance, Childcare and MO HealthNet that is offered to them. However, if any of these services are declined when a new agreement is negotiated; a signed statement from the parents is to be included in the record indicating which specific services have been declined.

Example: The family negotiates for legal fees only at the time of the adoption or guardianship and declines the Maintenance, MO HealthNet and Childcare. A signed statement from the family is to be placed in the subsidy record indicating specifically which services the family has declined. Families should be counseled that declining services at this point will result in the contract being closed resulting in no future additions of services or maintenance. *If the family believes the need may arise for maintenance or special services to be added in the future MO HealthNet should be added to the agreement at the time that legal fees are approved. The MO HealthNet only agreement should remain in effect until age 18 in the event that other services become necessary.*

No Payment for Services before Agreement is Signed/No Backdating

No payment will be made for services received prior to the agreement being *signed by the parents and the Children's Division Director*, and there will be no backdating of agreements. In the event that a child needs to enter residential care and approval is needed immediately, arrangements should be made with Contract Management Unit to obtain a signed copy of an amendment to the agreement prior to the child entering and incurring expenses at a residential facility.

Families should be advised that no payment will be made for services received prior to the agreement being signed by them as well as the Children's Division Director, and directed to that section in the contract.

Childcare Administered by OEC

As of May 1, 2008, childcare services will be administered by the Office of Early Childhood. Subsidy agreements should utilize the code, DAYC, and indicate State Contracted Rate. In addition, the statement "Payment for childcare may only be made to or for licensed/contracted or registered providers for children to age 13 as long as both parents are working" must be included in the explanation section of the service section of the agreement or in the explanation section of the amendment if the service is added after the initial agreement.

The Children's Division acknowledges that many of the children covered by an adoption or legal guardianship subsidy agreement require supervision beyond age 13 because of their special needs. Each of these situations is to be reviewed on a case by case basis to determine if the care needed is supervision such as childcare or nursing care because of physical care required by the child's condition/special need. When documented these situations may be added to an agreement as a special service as determined by the review. However, it is still important to stress that any childcare services provided may only be provided by licensed/contracted or registered providers.

Approval Process Subsidy Clearance Form

As of May 1, 2008, the only parties that will sign the subsidy agreement will be the adoptive parents or guardians and the Division Director. A Subsidy Clearance Form, CD SCF, has been developed to accompany a subsidy contract through the review process insuring that each individual in the supervisory chain has an opportunity to review the agreement for completeness and correctness and to approve of the services being included by staff. This form should be utilized in lieu of the previous multiple Division, private agency or foster care case management contractor signatures. This form must be completed every time a new subsidy is negotiated or a service is added, deleted, changed or deactivated.

No Annual Reviews

There will be no annual reviews of subsidy agreements as this is not allowed by Federal Child Welfare Policy. However, to insure that we are providing the best services to Children and Families covered by an adoption or legal guardianship agreement, a contact via phone or letter should be attempted with the family annually to offer the agency's continued support.

NECESSARY ACTION:

1. Review this memorandum with all Children's Division staff.
2. Review revised Child Welfare Manual chapters as indicated below.
3. All questions should be cleared through normal supervisory channels and directed to:

PROGRAM MANAGER:

Amy Martin
573-751-8930
Amy.L.Martin@dss.mo.gov

DEPUTY DIRECTOR:

Bonnie Washeck
573-751-2427
Bonnie.R.Washeck@dss.mo.gov

CHILD WELFARE MANUAL REVISIONS:

Section 4 Chapter 30.1 [Introduction](#)
Section 4 Chapter 30.2 [Legal Basis and Funding Source](#)
Section 4 Chapter 30.3 [General Policy](#)
Section 4 Chapter 30.4 [Child's Eligibility Criteria for Adoption or Legal Guardianship Subsidy](#)
Section 4 Chapter 30.5 [Case Manager, Private Child-Placing Agency and Foster Care Case Management Contractor Responsibilities](#)
Section 4 Chapter 30.6 [Approval Process](#)
Section 4 Chapter 30.7 [Maintenance of the Agreement](#)
Section 4 Chapter 30.8 [Review Process](#)
Section 4 Chapter 30.9 [Termination of the Subsidy Agreement](#)
Section 4 Chapter 30.10 [Miscellaneous](#)
Section 4 Chapter 30.11 Deleted
Section 4 Chapter 30.12 Deleted
Section 4 Chapter 30 Attachment A [Subsidy Coverage Limitations](#)
Section 4 Chapter 30 Attachment B [Interstate Medicaid Guidelines](#)
Section 4 Chapter 30 Attachment C [Other Agency Use of Adoption Subsidy](#)
Section 4 Chapter 30 Attachment D [Nonrecurring Adoption Expense for Special Needs Children Not Eligible for the Missouri Adoption Subsidy Program](#)
Section 4 Chapter 30 Attachment E [Overpayment of Subsidy](#)
Section 4 Chapter 30 Attachment F [Missouri Special Needs Adoption Tax Credit](#)

[FORMS AND INSTRUCTIONS:](#)

CS-350	Adoption Subsidy Program Brochure
CD-APP-SG	Application for Subsidized Guardianship
CD-SG	Subsidized Guardianship Agreement
CD-APP-AD	Application for Adoption Subsidy
CD-AD	Adoption Subsidy Agreement
CD-AD18	18+ Adoption Subsidy Agreement
CD-SCF	Subsidy Clearance Form

RELATED STATUTES:

RSMo 453.072 [Adoption and Foster Care](#)
RSMo 453.073 [Adoption and Foster Care](#)
RSMo 453.074 [Adoption and Foster Care](#)

ADMINISTRATIVE RULES:

13 CSR 40-38.010 [Definition of Adoption Subsidy](#)
13 CSR 40-38.020 [Provision of Services](#)