

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

M E M O R A N D U M

TO: CHILDREN'S DIVISION AND CONTRACTED STAFF

FROM: JOANIE ROGERS, INTERIM DIRECTOR

SUBJECT: UPDATED SUBSIDY AGREEMENT POLICY

DISCUSSION:

The purpose of this memo is to provide information and specific instructions on the completion of a subsidy contract when only one parent from a current two parent foster/relative home license/contract pursues guardianship or adoption. This memo also updates and clarifies what expenses are included in legal fees covered by subsidy.

For the Division to subsidize an adoption or legal guardianship, the adoptive parent(s) or guardian(s) must sign an agreement. In the event that a two parent family has an active foster home license/contract, but only one parent will be pursuing guardianship/adoption; only the guardian/parent pursuing guardianship/adoption will sign the subsidy agreement. Both names, however, will remain on the DVN and in FACES for the duration of the foster care period. Once the guardianship/adoption finalizes, the second parent will need to be removed from the DVN and the foster care license/contract closed. IF both parents are continuing to foster other children together or have an active subsidy, a new DVN will need to be created for the one parent on the guardianship/adoption subsidy. A new AD approval will need to be added under the new DVN for the adoptive parent/guardian to be associated with the guardianship/adoption subsidy.

If the parent with the primary tax ID in FACES is the one who needs to be removed from the DVN, it can only be removed by the payment unit. This can be completed by emailing your request to DFAS.FACESPaymentUnit@dss.mo.gov.

The statute pertaining to GAL attorney fees has been updated in the Child Welfare Manual to reflect the correct statute of 453.025 RSMo. According to 453.025 RSMo, *the GAL may be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the proceedings or from public funds. Such an award of GAL fees shall constitute a final judgment in favor of the GAL.*

The Nonrecurring expenses for legal fees, NRLG, on the AD and LG subsidy agreement include the entitlement of GAL fees in the financial cap amounts of \$1,500.00 in non-

contested adoption cases, \$3,000.00 in contested adoption cases, and \$2000 in guardianship cases contested or non-contested.

Per Adoption and Guardianship Subsidy regulations, 13 CSR 35-38.010. *“Legal fees include attorney’s fees, court costs, publication expenses, and Guardian Ad Litem (GAL) costs for the adoptive parent(s) or guardian(s) in adoption or the guardianship cases filed in a court of competent jurisdiction.”*

If staff receives an invoice from petitioner’s attorney over the cap amounts stated above, they are to inform the attorney of Children’s Division policy and regulations and ask that the invoice be updated to reflect the correct cap amounts. If the attorney declines to make the changes per requested, staff is directed to make a DLS referral so DLS may contact the attorney. If there is an order for petitioner’s attorney’s fees, staff is directed to make a DLS referral immediately for setting aside.

NECESSARY ACTION	
<ol style="list-style-type: none"> 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: 	
PDS CONTACT Vickie Stoneberger 573-751-0311 Vickie.Stoneberger@dss.mo.gov	MANAGER CONTACT Amy Martin 573-526-8040 Amy.L.Marting@dss.mo.gov
CHILD WELFARE MANUAL REVISIONS	
9.6.3 Subsidy Agreements 9.6.3.1 Legal Attorney Fees	
FORMS AND INSTRUCTIONS	
N/A	
REFERENCE DOCUMENTS AND RESOURCES	
N/A	
RELATED STATUTE	
453.025 RSMo 13 CSR 35-38.010	