

## DEPARTMENT OF SOCIAL SERVICES

## CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

February 3, 2025

## M E M O R A N D U M

TO: CHILDREN'S DIVISION AND CONTRACTED STAFF

FROM: KAYLA UELIGGER, INTERIM DIRECTOR

SUBJECT: Adoption and Guardianship Subsidy Regulations

## DISCUSSION:

The purpose of this memorandum is to provide notification that the adoption and guardianship subsidy regulations and Child Welfare Manual have been updated to reflect changes that have occurred within the Subsidy Program. The subsidy program and program eligibility criteria are set out in the Division's Regulation at [13 CSR 35-38.010](#). All staff responsible for administration of the subsidy program must read and be familiar with the new regulations, policy and forms summarized in this memorandum.

**Rulemaking Summary**

The Children's Division published emergency and proposed regulations governing the Missouri adoption and guardianship subsidy program on June 10, 2024. These regulations were necessary due to changes in how the Division handles child care and residential treatment for children and youth served by the adoption and guardianship subsidy program. The emergency regulation became effective June 25, 2024. The comment period for the proposed permanent amendments concluded October 11, 2024, and a final Order of Rulemaking has been issued in the Missouri Register that will become effective January 30, 2025.

**Definitions, 13 CSR 35-38.010(1)**

The Adoption and Guardianship Subsidy definitions were amended to:

- Remove definitions of "Registered Childcare Provider" and "Kinship," and
- Update definitions of "relative" and "licensed foster family" to be consistent with current statutes.

**Child Care, 13 CSR 35-38.010(10)**

On August 28, 2021, Executive Order 21-02 transferred the child care program authority in Missouri from the Department of Social Services (DSS), Family Support Division to the Department of Elementary and Secondary Education (DESE), Office of Childhood. The Adoption and Guardianship Subsidy regulations have been amended to reflect the delegation of authority to DESE and the changes that have already been implemented.

Child Welfare Manual updates will be issued in a separate memorandum that addresses the protective service child care program.

### **Additional Services, 13 CSR 35-38.010(12)**

On January 1, 2023, the Department of Social Services implemented changes in how it administers residential treatment programs by consolidating the delivery of MO HealthNet covered services for children in the care and custody of the state and children receiving subsidy into a single managed care health plan, and by carving in behavioral health services (including residential treatment) as a covered service.

Adoption and Guardianship Subsidy regulations have now been amended to reflect these changes and to ensure consistent eligibility criteria, procedures and timely access of services for children in need of residential treatment services.

The following briefly outlines changes to 13 CSR 35-38.010(12) Additional Services:

- Elimination of the requirement for residential treatment services to be approved and signed by the authorized signature of the Department of Social Services before services may begin (13 CSR 35-38.010(12)(B)).
- Updated residential treatment eligibility criteria (13 CSR 35-38.010(12)(B)(1)).
- Authority to waive the requirement for prior authorization from the child's insurer in specified circumstances (13 CSR 35-38.010(12)(B)(1)(G)).
- Addition of adoptive parent or guardian responsibilities (13 CSR 35-38.010(12)(B)(2)).
- Clarification regarding what residential treatment services are/are not eligible for payment under a subsidy agreement (13 CSR 35-38.010(12)(B)(3)).
- Payment for residential treatment services may only be made directly to the provider pursuant to a contract (13 CSR 35-38.010(12)(B)(4)).
- Requirements for determining a specific level of care is necessary (13 CSR 35-38.010(12)(B)(5)).
- Required documentation for eligibility determinations (13 CSR 35-38.010(12)(B)(6)).
- Creation of continuing stay reviews requirements (13 CSR 35-38.010(12)(B)(9)).
- Updates to the residential referral process (13 CSR 35-38.010(12)(B)(10)).

### **Child Welfare Manual Changes**

Section 4, Chapter 9, Subsection 6.5.3 Residential Treatment Services has been updated to reflect changes to policy and procedure because of the regulation changes summarized above and include:

- A residential treatment overview.
- Clarification regarding initial requests and community service referrals.
- Updates to the required initial referral meetings.
- Creation of a new Eligibility Determination section that outlines criteria for subsidized residential treatment when there is
  - an approved prior authorization from the child's insurer, and
  - when a prior authorization waiver may be approved by the Division.
- Streamlining of Child Specific Contract requests.
- Updates to residential treatment subsidy case management activities.

- Creation of a new Continuing Stay Review section that outlines required criteria to extend subsidized residential treatment services beyond six months when the Division has approved a Prior Authorization Waiver.
- Clarification regarding Discharge Planning and Residential Aftercare.
- Creation of the Adoptive Parent/Guardian Responsibilities section.

**Forms/Reference Document Changes**

The following forms have been updated or created to support the policy and procedural changes summarized above:

- Initial referral Meeting, CD-232 (replaces existing CD-232)
- Continuing Stay Review, CD-233 (replaces existing CD-233)
- Prior Authorization Waiver, CD-302 (replaces existing CD-302)
- Subsidized Residential Treatment Flyer
- Adoption and Guardianship Subsidy Checklist

**Implementation and Effective Dates:**

Effective with this Memorandum, prior authorization documentation from the child’s insurer for residential treatment will replace the Adoption and Guardianship Subsidy Residential Referral, CD-302.

All subsidy agreements for residential treatment services signed by parents/guardians on or after March 1, 2025 must include the required residential treatment language and documentation as indicated in the Adoption and Guardianship Subsidy Checklist.

A training will be held on Monday, February 24, 2025 from 10 a.m.-12 p.m. to review the changes in policy and procedure. The training will be held via Teams at the following link: [Join the meeting now](#)

Questions regarding this Memorandum or the administration of the subsidy program should be referred through supervisory lines to the Regional Office and to the Central Office Program Development Specialist, when necessary.

<b>NECESSARY ACTION</b>	
<ol style="list-style-type: none"> <li>1. Review this memorandum with all Children’s Division staff.</li> <li>2. Review revised Child Welfare Manual chapters as indicated below.</li> <li>3. All questions should be cleared through normal supervisory channels and directed to:</li> </ol>	
<b>PDS CONTACT</b> Stephanie Flowers 417-895-7857 <a href="mailto:Stephanie.Flowers@dss.mo.gov">Stephanie.Flowers@dss.mo.gov</a>	<b>MANAGER CONTACT</b> Lauren Masterson 573-576-2130 <a href="mailto:Lauren.Masterson@dss.mo.gov">Lauren.Masterson@dss.mo.gov</a>
<b>CHILD WELFARE MANUAL REVISIONS</b> <a href="#">Section 4, Chapter 9 (Adoption and Guardianship Process), Subsection 6 – Subsidizing an Adoption/Legal Guardianship – DSS Manuals</a>	
<b>FORMS AND INSTRUCTIONS</b> <a href="#">Initial Referral Meeting, CD-232</a> <a href="#">Continuing Stay Review, CD-233</a>	

[Prior Authorization Waiver, CD-302](#)

**REFERENCE DOCUMENTS AND RESOURCES**

[Subsidized Residential Treatment Flyer](#)

[Checklist for Subsidy Agreements](#)

**RELATED STATUTE**

[13 CSR 35-38.010](#) Adoption and Guardianship Subsidy