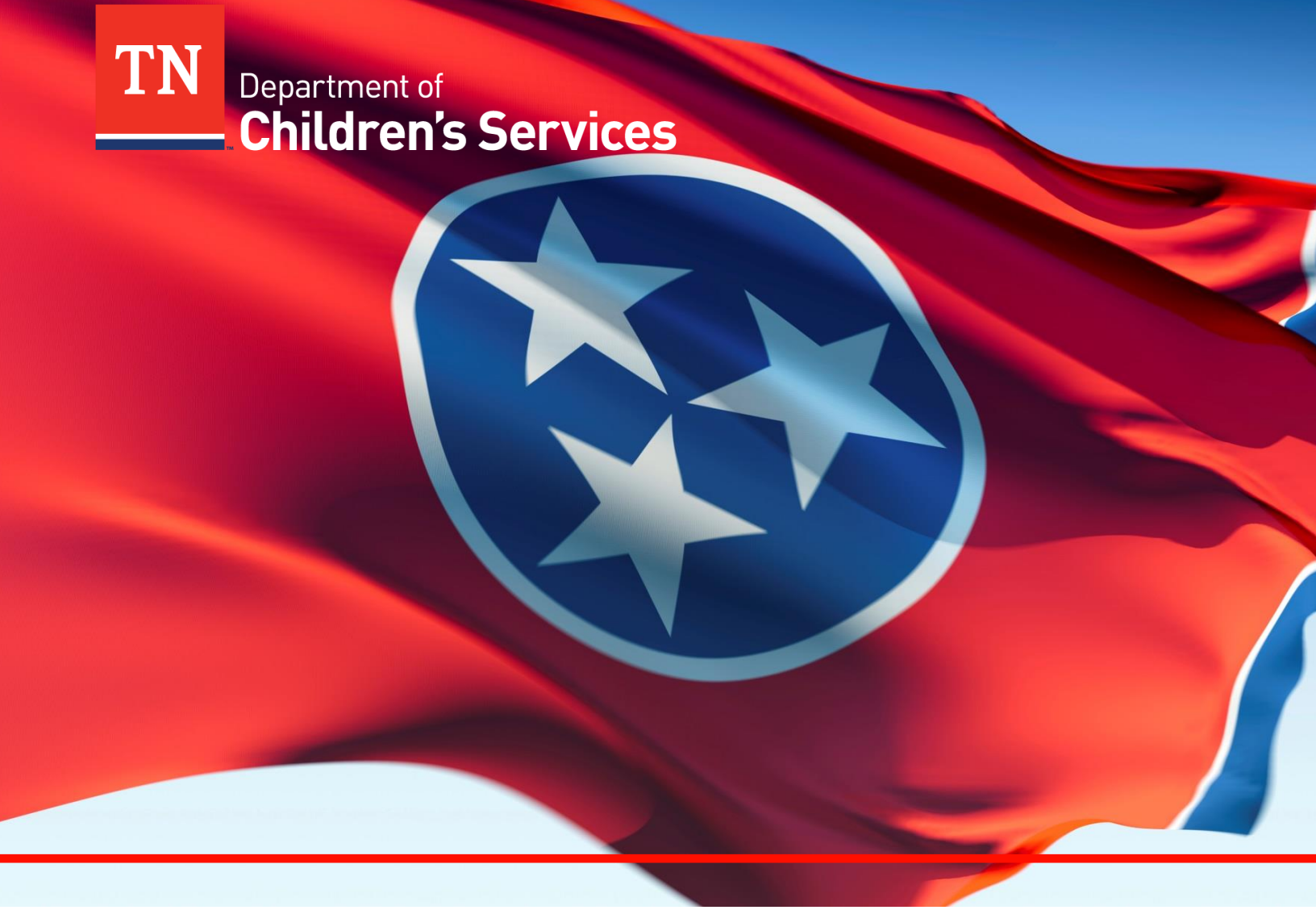


Subsidy Manual for Adoption Assistance and Subsidized Permanent Guardianship

Tennessee Department of Children's Services | Office of Child Permanency | December 2021

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Introduction, Purpose, and Provision of Adoption Assistance and Subsidized Permanent Guardianship

The Subsidy Manual for Adoption Assistance and Subsidized Permanent Guardianship details the purpose, provision, and administration of the Adoption Assistance (AA) and Subsidized Permanent Guardianship (SPG) programs in Tennessee. It also outlines procedural applications necessary for determining eligibility and maintaining the adoption and guardianship subsidy agreement once eligibility is established.

A fundamental premise of adoption and permanent guardianship is that every child is entitled to the love, security, and stability of a family that will be his or her permanent home. The Adoption Assistance and Subsidized Permanent Guardianship programs support and promote this premise by contributing financially to families, otherwise lacking the financial resources to adopt eligible children with special needs, or obtaining permanent guardianship of children in DCS foster care who are placed with relatives and kin.

In Tennessee, Adoption Assistance and Subsidized Permanent Guardianship may be federally funded under Title IV-E of the Social Security Act or state-funded for children who do not meet Title IV-E eligibility criteria. The Adoption Assistance and Subsidized Permanent Guardianship programs include the reimbursement of a one-time expense, also known as non-recurring fees, to cover the costs directly associated with finalizing an adoption or subsidized permanent guardianship, TennCare/Medicaid benefits, and monthly subsidy payment. These benefits are made available to adoptive and guardianship families on behalf of the child until he/she attains the age of eighteen (18) or in some instances age twenty-one (21), so long as there is a legally executed AA or SPG agreement in effect, and the child/youth continues to meet the criteria for eligibility.

Part I-Adoption Assistance

Administration of the Adoption Assistance Program

The Tennessee Department of Children's Services shall administer procedures, determine eligibility, and approve Adoption Assistance benefits in accordance with applicable laws, policy, rules, and regulations stipulated by DCS, federal regulations, and AA program requirements.

The Tennessee Department of Children's Services (DCS) serves as the Title IV-E agency responsible for administering the Adoption Assistance program in the state of Tennessee.

Adoptive parent (s) may apply for the Adoption Assistance (AA) program when:

1. DCS or Private Licensed Child Placing agency has obtained full guardianship of the child as evidenced by a court order awarding guardianship of the child to DCS or a Private Licensed Child Placing agency.
2. The adoptive parent(s) has/have an approved home study in accordance with the DCS guidelines.
3. The child has been matched with prospective adoptive parent(s) and is placed in the adoptive home for the purpose of adoption.
4. The child meets the eligibility requirements for Title XVI supplemental security income (SSI) benefits and the child is in the custody or guardianship of the State agency or a Licensed Child Placing Agency, or the subject of a subsequent Title IV-E adoption.

Legal Base and Policy Reference

- DCS Policy 15.11, Adoption Assistance
- DCS Policy, 15.14, Protocol for Adoption Assistance Case File Contents
- DCS Policy, 16.4, Foster Home Approval
- DCS Policy, 15.1 Adoption Related Disclosure
- TCA 36-1-201, 36-1-202, 36-1-203, 36-1-204, 36-1-205, 36-1-206
- TCA 36-1-102
- TCA 37-4-201
- TCA 37-4-207
- TCA 37-1-102 (b) (21)
- TCA 4-58-103
- Administration for Children and Families Child Welfare Policy Manual
- The Personal Responsibility and Reconciliation Act of 1996 (PRWORA) Public Law (P.L. 104-193)
- The Tax Reform Act of 1986 (P.L.99-514)
- The Omnibus Budget and Reconciliation Act of 1987 (P.L. 100-203)
- The Foster Care Independence Act of 1999 (P.L. 106-169)
- The Deficit Reduction Act of 2005 (P.L. 109-171)
- Public Law 96-272 (42 USC 670 et. seq)
- Public Law (P.L. 105-89) Adoption and Safe Families Act
- Public law 109-239 (Safe and Timely Interstate Placement of Children in Foster Care)
- Fostering Connections to Success and Increasing Adoptions Act 2008 (P.L. 110-351).
- Section 471 Social Security Act
- Section 473 Social Security Act
- Section 475 Social Security Act
- The Family First Prevention Services Act (P. L. 115-123)

Section 1: Availability of Adoption Assistance

What: Advising of Availability of Adoption Assistance

When: Prior to adoption

Who: The DCS Permanency Specialist in collaboration with the Contract Provider Agency Representative, as applicable

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Overview

The Department of Children's Services shall make known to prospective foster, adoptive, and kinship families the availability of Adoption Assistance to include Title XIX medical assistance (TennCare), non-recurring adoption expenses, and the eligibility requirements for the Adoption Assistance program in Tennessee. See DCS Policy ***15.11, Adoption Assistance***

The DCS Permanency Specialist and/or Contract Provider Representative shall advise the prospective adoptive parent(s) of the availability of Adoption Assistance, the application and approval process, and provisions of the program when they are matched with a child who is in full guardianship of DCS or any potential foster, adoptive, or kinship parent who makes an inquiry about the Adoption Assistance program and its services and benefits.

The availability of Adoption Assistance can be discussed with prospective parents during several junctures throughout their relationship with DCS, so that parents and caregivers are made aware of the financial supports and services available through Adoption Assistance if they choose to adopt. See DCS Policy ***16.59, Disclosure of Permanency Options and Available Services for Relatives and Kin Caregivers*** and ***Guide to Full Disclosure of Permanency Options***

Benefits and Services

1. Adoption Assistance is made available on behalf of any child who meets the special needs definition for Adoption Assistance, in accordance with the requirements of section 473 of Social Security Act, ***DCS Policy 15.11, Adoption Assistance***, and as described in this manual.

2. Provisions of the Adoption Assistance program can include the reimbursement of a one-time adoption expense also known as non-recurring fees which are expenses necessary to finalize the adoption, TennCare/Medicaid benefits, and a monthly subsidy payment, depending on eligibility and approval for the Adoption Assistance program. Non-recurring expenses can include any of the following:

   a) Attorney Fees;

   b) Court Costs;

   c) Birth Certificate Fees;

   d) The application fee, a home study by a private agency and supervision of the adoptive placement;

   e) Travel expenses such as transportation and lodging of the prospective adoptive parent(s) related to the placement of the child with an out of county or out of state family. Travel must be in accordance with the state travel regulations;

   f) Health and psychological examination, if required, related to the completing of the home study; or

   g) Other expenses directly related to the finalization of an adoption, as determined allowable by DCS.

3. Prospective adoptive parent(s) can apply for one or more of these benefits based on the needs of the child and the family's capacity to permanently integrate the child into their home.

4. Benefits, services, and the time frame for which a child can remain eligible for the Adoption Assistance program is contingent upon whether the child's Adoption Assistance agreement is funded through Title IV-E Fostering Connections, Title IV-E, or State Funded Adoption Assistance, and the effective date of the Adoption Assistance agreement. Specific provisions and requirements for approval and on-going eligibility for Adoption Assistance benefits are uniquely outlined in the Adoption Assistance agreement, based on the unique circumstance of each case.

5. Title IV-E Fostering Connections and Title IV-E eligible children are categorically eligible for XIX medical assistance (TennCare); therefore application made on behalf of these children will receive an automatic approval for TennCare/Medicaid benefits so long as the adoptive parent enters into an agreement with DCS, on behalf of the child they are adopting, and the Title IV-E agreement is legally executed and remains in effect.

6. Title IV-E Fostering Connections and Title IV-E eligible children can remain eligible for the Adoption Assistance program until they attain the age of eighteen (18) or in some instances, age twenty-one (21), based on the youth meeting certain eligibility requirements for continued approval. Ongoing or continued eligibility for the Adoption Assistance program, past the youth's 18 birthday is determined through a Review of Eligibility process completed in TFACTS.

7. Title XIX medical assistance (TennCare) is available for any child who meets the criteria for State Funded Adoption Assistance if the child has been determined by a licensed professional to have a medical rehabilitative care need. Approval of these benefits is based on documentation which supports the existence of such medical/rehabilitative care needs prior to adoption finalization and a determination, made by DCS, that the existence of those needs would have precluded the adoption without the Medicaid benefit.

8. State Funded eligible children can remain eligible for the Adoption Assistance program until age eighteen (18) or in some instances, age nineteen (19) if the child meets certain criteria for continued approval of the state funded assistance.

9. See DCS form ***CS-0930, Application for Adoption Assistance*** and DCS form ***CS-0513, Adoption Assistance Agreement.***

Section 2: Determining Active and Deferred Adoption Assistance

What: Determining a Child's Eligibility for Active or Deferred Adoption Assistance

When: Prior to adoption finalization, during the eligibility determination process.

Who: The DCS Permanency Specialist and/or FSW, in collaboration with or the Child Welfare Benefits Counselor

Overview

Tennessee's Adoption Assistance program consists of two categories which include Active and Deferred Adoption Assistance. Both categories require that the Department (DCS) enter into an Adoption Assistance agreement with the prospective adoptive parent(s) prior to finalization of the adoption, and that the child be determined eligible for AA benefits. The eligibility determination process which qualifies a child for either category is completed and approved within TFACTS and is based on state and federal policy requirements which govern Title IV-E and State Funded Adoption Assistance.

1. **Active Adoption Assistance:** Active Adoption Assistance means a child has met the Special Needs definition, as described under section 473 of the Social Security Act, and in DCS administrative policy ***15.11, Adoption Assistance***. These children qualify as meeting the special needs criteria for Active Adoption Assistance and are eligible to be approved for a regular, special, or extraordinary Adoption Assistance daily rate.

2. **Deferred Adoption Assistance:** Deferred Adoption Assistance is reserved for children who only meet the deferred special needs factors prior to the finalization of an adoption, making them ineligible for Adoption Assistance payments. These children are recognized as being at a high risk of developing significant medical, psychological, emotional, and/or behavioral issues due to their history.
   - Children determined eligible, under the deferred category for Adoption Assistance, must meet the three-part requirement for "Special Needs". However, they do not qualify as meeting at least one or more of the active special needs factors that would make them eligible for a subsidy payment (active Adoption Assistance).
   - A child approved for Adoption Assistance under the deferred category will receive a zero payment amount until he/she meets the criteria for active Adoption Assistance, but may be determined eligible for other benefits through the deferred agreement such as TennCare and payment for non-recurring expenses directly associated with the finalization of the adoption.
   - Deferred agreement may become an active agreement when a medical, psychological, emotional, or behavioral condition manifests whereby the condition is directly related to the reason(s) for which the child was initially approved for deferred assistance and is verifiable through documentation by a licensed professional.

3. **Benefits of Active and Deferred Adoption Assistance**
   - Active and Deferred Adoption Assistance Agreements can be funded through Title IV-E Fostering Connections, Title IV-E, or State dollars.
   - Active and Deferred Adoption Assistance provides payment for non-recurring adoption expenses directly related to the legal adoption of a child who meets the special needs criteria.
   - Children determined eligible for Title IV-E or Title IV-E Fostering Connections (active or deferred) Adoption Assistance are categorically eligible for Title XIX Medical Assistance/Medicaid (TennCare).

- DCS custodial children determined eligible for State-Funded Adoption Assistance (active or deferred) are not categorically eligible for Medicaid (TennCare). However, they may qualify as meeting the criteria for Medicaid/TennCare, if it is established, prior to adoption, that the child had a medical rehabilitative care need that would have prevented the adoption without providing the prospective adoptive parent(s) with Adoption Assistance/Medicaid.

4. **Roles and Responsibilities:** Roles and responsibilities of DCS and/or the Contract Provider staff, during the eligibility determination process, are outlined in the TFACTS story board,
   - See Subsidy Story board, How to Add AA (Regular Rate)
   - See Subsidy Story board, How to Add Subsidy (Special/Extraordinary Request)
   - See Subsidy Story board, How to Add AA Subsidy (Deferred)

Section 3: Determining Special Needs for Adoption Assistance Eligibility

What: Determination of Special Needs Criteria for Adoption Assistance Eligibility

When: Prior to the finalization of adoption

Who: The DCS Permanency Specialist and/or FSW, in collaboration with the Child Welfare Benefits Division

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Overview

Eligibility for Title IV-E, Title IV-E Fostering Connections, and State Funded Adoption Assistance is based, in part, on a Special Needs Determination made by DCS. This determination is a three-part requirement established in section 473 (c) of the Social Security Act. All three parts of the special needs provision must be met for a child to be considered a child with special needs. This determination must be made prior to completing the Adoption Assistance agreement and the finalization of adoption, and requires DCS to establish and document the following:

1. The child cannot or should not return to the home of his or her parents (s) which means the child must be legally free for adoption and in the full guardianship of DCS or a Licensed Child Placing Agency prior to the adoption;
2. A specific factor or condition exists which makes it reasonable to conclude that the child cannot be adopted without providing Adoption Assistance or Title XIX medical assistance/Medicaid (TennCare) which means the child must meet at least one of the special needs factors or conditions outlined in DCS administrative policy, 15.11, Adoption Assistance and under this section; and
3. Reasonable, but unsuccessful, efforts have been made to place the child for adoption with appropriate adoptive parent (s), without providing Adoption Assistance or Title XIX medical assistance/Medicaid (TennCare). The only exception to this requirement is in situations where it would be against the best interests of the child due to such factors as the existence of significant emotional ties with the prospective adoptive parent (s) while in their care as a foster child, or adoption by a relative (in keeping with the statutory emphasis on the placement of children with relatives).

DCS must also establish that the child is under the age of 18 years and is a U.S. citizen or qualified alien.

Once a child's eligibility for Adoption Assistance has been determined, in TFACTS, the DCS Permanency Specialist/FSW or Contract Provider Representative should discuss the child's eligibility or ineligibility with the prospective adoptive parent. Ideally, this discussion should occur during the Full Disclosure meeting, but can occur at any juncture throughout the life of the child's case.

Section 4: Determining if a Child Cannot or Should Not Return to His/Her Parents

What: Establishing child cannot or should not return to the home of his/her parents

When: Prior to adoption finalization

Who: The DCS Permanency Specialist and or the Family Service Worker in collaboration

Overview

DCS must determine that the child being considered for approval of the Adoption Assistance program cannot or should not be returned to the home of his/her parents.

1. This determination must be reached based on evidence by a court order legally clearing the child through Termination of Parental Rights (TPR) of both parents; in the case of an orphan child, there must be verification of the death of both parents.

2. In order to document that this criterion has been met, the DCS Permanency Specialist and/or the Family Service Worker (FSW) should review information in the child's case file to determine if the parental rights of the mother and father have been terminated. Documents verifying the termination of parental rights may include:
   a) Evidence of a juvenile, chancery, or circuit court order terminating the parental rights (TPR); and/or

   b) A voluntary surrender signed by the parents before an appropriate official and accepted by the DCS or a licensed child placing agency

   c) Legal verification of the death of the parent(s).

3. In Tennessee, eligibility for Adoption Assistance is based, in part, on a child being in the ***full guardianship*** of DCS or a Licensed Child Placing Agency. Therefore, children in partial guardianship are not eligible for the Adoption Assistance program. Families applying to adopt a child who is in the full guardianship of a Licensed Child Placing agency **are only eligible and can be approved for Title IV-E or Title IV-E Fostering Connections Adoption Assistance if the Title IV-E requirements are met.**

Section 5: Determining Special Needs Factors

What: Determining the Special Needs factors or conditions which qualify a Child for Adoption Assistance

When: Prior to adoption finalization

Who: The DCS Permanency Specialist and/or the Family Service Worker in collaboration with the Contract Provider representative, as applicable

Overview

The determination of eligibility for Adoption Assistance involves establishing, prior to finalization of adoption, that specific factors or conditions exist which makes it reasonable to conclude that the child being placed for adoption cannot be adopted without providing Adoption Assistance or Title XIX medical assistance/Medicaid (TennCare).

Special Needs Factors

The special needs criteria and the required documentation to support each eligibility factor or condition is described below.

1. The child has a medical/mental health condition or developmental delay which substantially limits one or more major life activities, requires professional treatment, and assistance in self-care;

   - ***Required Documentation***: It is necessary to obtain documentation from the licensed provider or in some instances a Certified ABA provider who is responsible for the child's treatment and care related to the diagnosed disability/condition of the child, to certify the child meets this criterion. Information documented in the child's Psychological, Psychiatric Evaluations, Psycho-educational Evaluation, Individual Education Plan (IEP) or 504 Plan are also acceptable forms of documentation. *Documentation to support this criterion should be uploaded in TFACTS.*

2. The child is diagnosed by a qualified professional to have a behavioral or emotional disorder characterized by inappropriate behavior, which deviates substantially from behavior appropriate to the child's age or significantly interferes with child's intellectual, social, and personal functioning;

   - ***Required Documentation:*** It is necessary to obtain documentation from the licensed provider or in some instances a Certified ABA provider who is responsible for the child's treatment and care related to the diagnosed disability/condition of the child, to certify the child meets this criterion. Information documented in the child's Psychological, Psychiatric Evaluations, Psycho-educational Evaluation, Individual Education Plan (IEP) or 504 Plan are also acceptable forms of documentation. *Documentation to support this criterion should be uploaded in TFACTS.*

3. The child is diagnosed to be intellectually disabled by a qualified professional;

   - ***Required Documentation***: It is necessary to obtain documentation from the licensed provider who is responsible for the child's treatment and care related to the diagnosed disability/condition of the child, to certify the child meets this criterion. Information documented in the child's Psychological, Psychiatric Evaluations, Psycho-educational Evaluation, Individual Education Plan (IEP) or 504 Plan are also acceptable forms of documentation. *Documentation to support this criterion should be uploaded in TFACTS.*

4. The child has a moderate to severe medical, physical, or psychological condition, diagnosed by a licensed professional and the identified condition requires treatment;

   - ***Required Documentation***: It is necessary to obtain documentation from the licensed provider or in some instances a Certified ABA provider who is responsible for the child's treatment and care related to the diagnosed disability/condition of the child, to certify

the child meets this criterion. Information documented in the child's Individual Education Plan (IEP) or 504 Plan are also acceptable forms of documentation. In order to certify the child as meeting the special needs factor under the criteria, the documentation MUST indicate a Moderate or Severe diagnosis. If the severity of the child's diagnosis is not indicated on the documentation or if the severity is indicated as Mild, the child will not qualify as meeting the special needs factor under this criterion. *Documentation to support this criterion should be uploaded in TFACTS.*

5. The child is of a minority race or ethnic group, two (2) years of age or older.

   - ***Required Documentation***: Age and race can be verified via the child's birth certificate, medical records, school records, documentation from another third party, or documentation provided by the caregiver during client intake or surrender of parental rights in conjunction with information documented in TFACTS and in the child's case file. *Documentation to support this criterion should be uploaded in TFACTS***.**

6. The child is Caucasian, nine (9) years of age or older.

   - ***Required Documentation***: Age can be verified via the child's birth certificate, medical records, school records, or documentation from another third party in conjunction with information documented in TFACTS and in the child's case file. *Documentation to support this criterion should be uploaded in TFACTS.*

7. The child is a member of a sibling group of two (2) or more children to be placed in the same adoptive home.

   - ***Required Documentation:***
     - Sibling group status can be verified through birth certificates, medical records, or other forms of verification from a third party, in conjunction with information documented in TFACTS. *Documentation to support this criterion should be uploaded in TFACTS.*
     - If a sibling (or sibling group) was previously determined eligible for and is receiving Active Adoption Assistance, a child may join as a sibling and qualify based on sibling status as long as they are placed in that same adoptive home. *Documentation to support this criterion should be uploaded in TFACTS.*

8. The child's life experiences include three (3) or more consecutive years in Tennessee custody.

   - ***Required Documentation***: TFACTS can be used as evidence to support this criterion. In order to qualify as meeting the special needs factor under this criterion, the documentation must demonstrate that the child has been in foster care for three (3) or more consecutive years. If there is a custodial break within the three (3) year period (the child is released from foster care and returns to DCS custody), the child will not qualify as meeting the special needs factor under this criteria until such time the child has been continuously in foster care for at least (3) or more years.

9. The child's life experiences include neglect, physical abuse, or sexual abuse which rises to the level of severe child abuse as substantiated by DCS or adjudicated by a court and defined in TCA 37-1-102 (b) (27), "Severe child abuse". The commission of any act towards the

child prohibited by §§ 39-13-502, 39-13-504, 39-13-522, 39-15-302, 39-15-402 and 39-17-1005 or the knowing failure to protect the child from the commission of any such act toward the child; or (B) Knowingly allowing a child to be present within a structure where the act of creating methamphetamine, as that substance is identified in 39-17-408 (d) (2) is occurring.

- ***Required Documentation***: Evidence from a court order documenting a Severe Abuse Finding and/or information from DCS substantiating Severe Abuse can be used as supporting evidence of the child meeting this criterion. *Documentation to support this criterion should be uploaded in TFACTS.*

10. The child meets all the medical and disability requirements for Supplemental Security Income (SSI).

- ***Required Documentation***:
  - Denial letter from the Social Security Administration documenting the child met that Medical/Disability requirement for SSI.
  - Other documentation which supports the child met all Medical and Disability Requirements for SSI.
  - *Documentation to support this criterion should be uploaded in TFACTS.*

11. The child meets the criteria for a deferred subsidy due to one or more or the following:
    a. The child is at risk for a condition described above due to prenatal exposure to toxins, genetic/medical history, or a child who has a history of multiple (three or more) disrupted foster or adoptive placements that are documented in TFACTS.
    b. The child meets the definition of Safe Haven. See Chapter 14, ***Child Protective Services Tasks Manual*** for the definition of "Safe Haven".
    c. The child is diagnosed with Neonatal Abstinence Syndrome.

- ***Required Documentation***: Documentation from the child's birth records, information from the child's TFACTS record, parental psychological/psychiatric reports/evaluations, positive maternal drug screens during pregnancy, or documentation from the licensed provider responsible for the child's care and treatment can be used to support this criterion. *Documentation to support this criterion should be uploaded in TFACTS.*

Section 6: Determining Reasonable Efforts for Adoption Assistance

What: Determining Reasonable Efforts in Adoption Assistance

When: When a prospective adoptive family has been identified for a child or youth and prior to the finalization of adoption.

Who: DCS Permanency Specialist and/or FSW and Contract Provider Representative, as appropriate

Overview

In accordance with section 473 of the Social Security Act, reasonable efforts must be made to place the child being considered for adoptive placement with appropriate adoptive parent(s) without Adoption Assistance or Title XIX medical assistance (TennCare).

Process for Determining Reasonable Efforts to Place the Child for Adoptive Placement Without Adoption Assistance

1. Such an effort might include the use of adoption exchanges, or other such activities in order to identify a family who is willing and able to adopt without adoption assistance or Title XIX medical assistance (TennCare). These efforts must be clearly documented in the child's case file and explicit to the reasonable, but unsuccessful efforts which were made to place the child for adoption without providing the prospective adoptive family with adoption assistance or Title XIX medical assistance (TennCare). The only exception to this requirement is when it would not be in the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of those parents as a foster child. The exception also extends to other circumstances that are not in the child's best interest, as well as adoption by a relative, in keeping with the statutory emphasis on the placement of children with relatives.

2. DCS must document in each child's case record the specific factor(s) that make the child difficult to place and describe the efforts to place the child for adoption without providing assistance.

3. Once DCS has determined that placement with a certain family is in the child's best interest, the agency should make full disclosure about the child's background, as well as known or potential problems in accordance with DCS Administrative Policy, ***15.1 Adoption Related Disclosure***.

4. If DCS has determined that the child cannot or should not return home and the child meets the definition of special needs, as outlined in DCS Administrative policy 15.11 Adoption Assistance and in this manual, then the FSW/DCS Permanency Specialists or Contract Provider representative can pose the question of whether the prospective adoptive parent (s) are willing to adopt without Adoption Assistance.

5. If the prospective adoptive parent (s) say they cannot adopt the child without Adoption Assistance, the requirement for a reasonable, but unsuccessful, effort to place the child without providing Adoption Assistance will be met and must be documented on DCS forms, ***CS-0930 Application for Adoption Assistance***, and in TFACTS.

Section 7: Determining the Funding Source for Adoption Assistance

What: Determine the Funding Source

When: Prior to completion of the Adoption Assistance Application and Agreement

Who: DCS Permanency Specialist and/or the Family Service Worker in collaboration with the Child Welfare Benefits Division

Overview

In Tennessee, Adoption Assistance may be federally funded, under Title IV-E Fostering Connections or Title IV-E, or state funded for certain children who do not meet IV-E eligibility criteria. The criteria used to establish the funding source is documented below.

Title IV-E Fostering Connections (Applicable Child)

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351), enacted on October 7, 2008, amended the eligibility requirements for the Title IV-E Adoption Assistance program. The revised eligibility criteria will be phased in for specific children beginning in Federal Fiscal Year (FFY) 2011(October 1, 2010) in Tennessee. A child, for whom the revised eligibility criteria apply, is referred to as an "**applicable child**". An applicable child is defined as a child who meets the special needs definition, in addition to applicable age requirements, or a child who has been in foster care for at least sixty (60) consecutive months, or a sibling to either such child if both are to be placed in the same adoptive home.

Applicable Child by Age: The applicable age requirement applies to any child who has attained the applicable age before the end of the Federal Fiscal Year (FFY) in which their Adoption Assistance Agreement was signed.

- The applicable age for a child began at fourteen (14) years of age in Federal Fiscal Year 2011 and decreased by two (2) years for each Fiscal Year until October 1, 2017.
- Beginning October 1, 2017 through December 31, 2017, children of all ages met the applicable child criteria.
- Effective January 1, 2018 through June 30, 2024, any child age two (2) and older will meet the applicable age criteria, so long as the child has attained the age of two (2) within the federal fiscal year in which their Adoption Assistance agreement is signed. The applicable age will remain at age two (2) years through June 30, 2024.

Applicable Child by Time in Foster Care: A child who has been in foster care for at least sixty (60) consecutive months preceding adoption.

Applicable Child by Sibling: A child who is a sibling of an applicable child by virtue of age or time in foster care and is placed together in the same adoptive home. It is not necessary that the applicable child and the eligible siblings be adopted at the same time if the siblings are placed in the same adoptive home within the same federal fiscal year and the siblings meet all other eligibility criteria for Adoption Assistance.

DCS must also determine an applicable child with special needs is a U.S. citizen or qualified alien and meets one of the four (4) following eligibility requirements for Title IV-E Fostering Connections Adoption Assistance.

1. At initiation of adoption proceedings, the child was in care of the Department of Children's Services or a Licensed Private Child Placement agency or an Indian tribal organization pursuant to:

    - A removal court order with a judicial determination to the effect it was contrary to the child's welfare to remain in the home; or
    - A Voluntary Placement Agreement or Voluntary Surrender.

2. The child meets all the medical or disability requirements for Social Security Income (SSI). An "applicable child" does not have to meet the needs-based requirements for SSI.

3. The child of a minor parent and residing in the foster home or a childcare institution with his/her minor parent and was removed from the home pursuant to:

   - A removal court order with a judicial determination to the effect it was contrary to the child's welfare to remain in the home; or
   - A Voluntary Placement Agreement or Voluntary Surrender; or

4. The child was adopted and determined eligible for Title IV-E Adoption Assistance in a prior adoption.

Title IV-E (Non-Applicable Child)

A child who is a Title IV-E "non-applicable child" is one for whom the revised eligibility criteria for an applicable child (Title IV-E Fostering Connections) does not apply. In addition, the eligibility criteria require that the child must also be either a United States citizen or a Qualified Alien, meets the definition of a child with special needs, and meets the requirements in at least one of the four (4) following Title IV-E (non-applicable) eligibility pathways:

1. The child was eligible for Aid to Families with Dependent Children (AFDC) at the time of removal from the home and the removal was the result of either:

   - A court ordered removal with a finding that continuation in the home would be contrary to the child's welfare;
   - A Voluntary Placement Agreement (VPA) between the child's parent/ legal guardian and DCS, under which at least one Title IV-E foster care maintenance payment had been made on behalf of the child; or
   - A Voluntary Surrender- If there is a petition to the court to remove the child from his or her home within six (6) months of the date the child lived with the specified relative from whom the child was removed and there is a subsequent judicial determination to the effect that remaining in the home would be contrary to the child's welfare.

2. The child was eligible for Supplemental Security Income (SSI) prior to adoption finalization.

3. The child's minor parent is currently in foster care and is receiving Title IV-E foster care payment that covers both the child and the minor parent.

4. The child was eligible for Adoption Assistance through Title IV-E funding in a previous adoption.

State Funded Adoption Assistance

Children who are ineligible for Title IV-E Adoption Assistance (applicable or non-applicable), may be eligible for State Funded Adoption Assistance, so long as they meet the three-part Special Needs requirement, and are determined to be a U.S. citizen or Qualified Legal Alien.

In Tennessee, children in the guardianship of a Licensed Child Placing Agency are **ONLY** eligible for Title IV-E Fostering Connections and Title IV-E Adoption Assistance, so long as the eligibility criteria

are met. Therefore, children in the guardianship of a Licensed Child Placing Agency are **INELIGIBLE** for a State-Funded Subsidy to include those youth who were determined eligible for Title IV-E Adoption Assistance prior to age 18, but later determined **INELIGIBLE** for Title IV-E or Title IV-E Fostering Connection Adoption Assistance on or after his/her 18th birthday.

Section 8: Process for Making Application for Adoption Assistance

What: Application for Adoption Assistance

When: Prior to adoption

Who: The DCS Permanency Specialist in collaboration with the Contract Provider Agency Representative, or Licensed Child Placing Agency, as applicable

Overview

Adoptive parent(s) may apply for Adoption Assistance (AA) only after the following has occurred:

1. DCS or Private Licensed Child Placing agency has obtained full guardianship of the child through evidence of a court order awarding guardianship of the child to the State agency or Private Licensed Child Placing agency;
2. The adoptive parent(s) have an approved home study in accordance with the DCS guidelines for an approved home-study;
3. The child has been matched with prospective adoptive parent(s) and is placed in the adoptive home for the purpose of adoption; **or**
4. The child meets the eligibility requirements for Title XVI supplemental security income (SSI) benefits.

Adoption Assistance through Title IV-E funding is requested in either the child's state of placement or residence. When the child is placed for adoption by the state agency, Adoption Assistance must be requested in the child's state of jurisdiction.

State Funded (not Title IV-E eligible) Adoption Assistance must be requested in the child's state of jurisdiction.

Process

1. Prospective adoptive parents must request Adoption Assistance, Title XIX medical assistance (TennCare), and non-recurring expenses, by applying to the Department of Children's Services, utilizing DCS form ***CS-0930, Application for Adoption Assistance.***

2. Once the family decides to move forward with adoption, the DCS Permanency Specialist shall initiate creating a subsidy record and the process of determining eligibility for Adoption Assistance, in TFACTS.

3. The DCS Permanency Specialist and Contract Provider representative, when appropriate, shall assist the family with applying for AA to include gathering documentation which supports the child's eligibility for Adoption Assistance.

4. A child's eligibility, approval, or denial for Adoption Assistance is determined through a certification of eligibility process within TFACTS and documented on ***CS-4200***, ***Adoption Assistance Eligibility*** and in the TFACTS subsidy record.

5. If the child is determined to be eligible for adoption assistance, as evidenced or confirmed or documented by ***CS-4200, Adoption Assistance Eligibility***, the Department of Children's Services will enter into an Adoption Assistance agreement with the adoptive family prior to the finalization of the adoption, and the Adoption Assistance agreement will be made effective the date of the adoption finalization.

6. If the child is determined ineligible for Adoption Assistance, the Department of Children's Services will provide the prospective adoptive family with a notification of denial along with their right to appeal the denial by the Department utilizing DCS form***, CS-0686, Notice of Denial, Termination, or Change in Adoption Assistance*** and ***CS-0403, Appeal for Fair Hearing***. This does not include the denial of an Adoption Assistance rate in cases where the Department has not entered into an Adoption Assistance agreement with the prospective

adoptive family. Prospective adoptive parents who disagree with the denial of an Adoption Assistance rate can request an administrative review by the Central Office Subsidy Unit.

7. The ***CS-4200, Adoption Assistance Eligibility*** is provided to the adoptive family, documenting their application for assistance and the system generated decision concerning the approval or denial for Adoption Assistance benefits.

Section 9: Determining Eligibility for Non-Recurring Expense for Adoption Assistance

What: Determine eligibility for non-recurring expenses for a child meeting the definition of "Special Needs"

When: Prior to finalization of the adoption

Overview

1. The term non-recurring adoption expense is defined in section 473 (c) of the Social Security Act as reasonable and necessary fees, court costs, attorney fees, or other expenses which are directly related to legal finalization of the adoption of a "special needs" child.

2. Parents adopting special needs children are eligible for reimbursement of non-recurring costs of the adoption up to a maximum of $1,500.00 for each adoptive placement (per adoption episode).

3. In cases where siblings are placed and adopted, either separately or as a sibling group, each child is treated as an individual with separate reimbursement for non-recurring expenses up to the maximum amount allowable for each child.

4. For the purpose of payment of non-recurring expenses of adoption, DCS must determine that the child is a "child with special needs" as defined in section 473(c) of the Act and as defined in DCS administrative policy ***15.11***, and that the child has been placed for adoption in accordance with applicable laws, rules, and regulation of the State; the child need not meet the categorical eligibility requirements in section 473(a)(2) of the social security act.

Benefits and Services

1. Non-recurring expenses may include one or a combination of the following related to the finalization of the adoption:

   a) Attorney fees should not typically exceed $1,000.00;

   b) Court Costs – (Typically an attorney-billed expense);

   c) Birth Certificate Cost – (Typically an attorney- billed expense);

   d) The application fee, a home study by a private child placing agency, and supervision of placement;

   e) Travel expenses such as transportation and lodging for the prospective adoptive parent(s) related to the placement of a child with an out of county or out of state family. Any exceptions related to the transportation of a child during the process of placement must be referred to the Regional Administrator or his or her designee. Travel must be in accordance with state travel regulations; or

   f) Health and psychological examination, if required and related to completing the home study.

2. Non-recurring legal expenses will not be reimbursed until:

   a) Finalization of the adoption (except in cases of a disruption);

   b) A final decree of adoption has been received in the local DCS office; and

c) The attorney has submitted an itemized bill for payment in all cases, including cases in which the adoptive placement has disrupted. In cases of disruption, DCS can only pay for services provided up to the point of the disruption.

3. Requests for Non-Recurring Expenses are submitted by the Permanency Specialist and approved by DCS Fiscal. Each request must include supporting documentation.

4. In instances where a ***DCS custodial child*** does not meet the criteria for Adoption Assistance, a request can be submitted to the Regional Administrator (or Designee) and the Director of Adoptions and Adoption Support (or Designee) to request assistance with payment of legal expenses associated with finalizing the adoption, if those expenses present a financial barrier, preventing the prospective adoptive parent from proceeding with adoption finalization utilizing DCS form ***CS-1203, Request for Payment for Non-Recurring/Legal Expenses for DCS custodial children INELIGIBLE for Adoption Subsidy***.

Request and Approval Process

1. The DCS Permanency Specialist and Contract Provider representative, when appropriate, shall assist the family with gathering documentation of non-recurring costs associated with finalizing the adoption.

2. The DCS Permanency Specialist will initiate a subsidy record within TFACTS and Child Welfare Benefits will determine eligibility.

3. After eligibility has been determined, the DCS Permanency Specialist will submit a request for approval of payment for non-recurring expenses within TFACTS through a case service request. The documentation of non-recurring costs associated with finalizing the adoption must be uploaded to TFACTS. Documentation could include the following:

   a) Initial invoice from the attorney with estimated costs and/or

   b) Documentation of other non-recurring expenses related to finalization of the adoption.

4. The appropriate DCS Fiscal staff will approve the request within TFACTS and provide the vendor with a service authorization. The request should be approved in TFACTS prior to the subsidy record being routed for approval and, consequently, prior to adoption finalization.

5. Finalized Adoptions
   a) In cases which result in an adoption finalization, the DCS Permanency Specialist and Contract Provider representative, when appropriate, will obtain documentation of confirmed costs related to the finalized adoption.
   b) The confirmed costs cannot exceed the amount initially approved prior to finalization of the adoption.
   c) The DCS Permanency Specialist will ensure that the final decree of adoption and documentation of confirmed costs are provided to DCS Fiscal and uploaded to TFACTS.

6. Disrupted Adoptions
   a) In cases of disruption, the DCS Permanency Specialist and Contract Provider representative, when appropriate, will obtain documentation of confirmed costs related to the anticipated adoption.

b) The confirmed costs can only be related to services provided up to the point of disruption and cannot exceed the amount initially approved.

c) The DCS Permanency Specialist will ensure that the documentation of confirmed costs is provided to DCS Fiscal and uploaded to TFACTS.

7. In situations where a child has been determined ineligible for Adoption Assistance, but the expenses related to finalizing the adoption present a barrier, preventing the prospective adoptive parents from proceeding with adoption finalization, the DCS Permanency Specialist should submit DCS form ***CS-1203, Request for Payment for Non-Recurring/Legal Expenses for DCS custodial children INELIGIBLE for Adoption Subsidy*** to the Regional Administrator (or Designee) and the Director of Adoption and Adoption Support (or Designee) for approval. The signed and approved CS-1203, must be uploaded with the case service request for approval.

8. DCS Fiscal will ensure that the non-recurring costs are paid to the appropriate vendor(s).

Section 10: Criteria for TennCare/Medicaid for Title IV-E and State Funded Adoption Assistance

What: Criteria for TennCare/Medicaid through Adoption Assistance

When: Prior to adoption finalization

Who: DCS Permanency Specialist, Central Office Subsidy, and Child Welfare Benefits

Overview

Under sections 473(b)(1) and 473(b)(3) of the Act, a youth on whose behalf title IV-E foster care maintenance payments or guardianship assistance payments are made, or who is subject to an adoption assistance agreement is categorically eligible for the title XIX (Medicaid) program available in the State of residence including a youth up to age 21 per section 475(8)(B) of the Act. Therefore, Children determined eligible for Title IV-E, Title IV-E Fostering Connections, and State Funded Adoption Assistance may be eligible for companion TennCare/Medicaid benefits, through the Adoption Assistance agreement if certain conditions are met.

Eligibility Criteria for TennCare/Medicaid Benefits

1. Children and youth who are determined eligible for Title IV-E and Title IV-E Fostering Connections Adoption Assistance are categorically eligible for TennCare/Medicaid regardless of their state of residence, so long as there is a Title IV-E or Title IV-E Fostering Connections Adoption Assistance agreement in effect.

2. DCS custodial children determined eligible for State Funded Adoption Assistance are eligible for Medicaid (TennCare), so long as the following is true:

    a) There is a legally executed state funded Adoption Assistance agreement in effect;

    b) Prior to adoption, the child was receiving or was eligible to receive Medicaid (TennCare) as either mandatory or optional categorically needy; and

    c) The child had a medical rehabilitative care need that would have prevented the adoption without the Medical Assistance.

3. In situations where the funding source, on the Adoption Assistance agreement, is revised from Title IV-E or Title IV-E Fostering Connections to State, the child or youth can remain eligible for Medicaid (TennCare) benefits, so long as the criteria in (2)(a)(b)(c) are met.

4. Children who do not meet the criteria, as defined in (1) or (2) of this section, or are determined ineligible for the Adoption Assistance program, are not eligible for Medicaid (TennCare) benefits through a Title IV-E, Title IV-E Fostering Connections or State Funded Adoption Assistance agreement. In this circumstance, the adoptive parent would be required to make application for TennCare (Medicaid) through the Market place via www.HealthCare.gov or add the adopted child/youth to their private insurance plan.

Section 11: Establishing TennCare/Medicaid

What: Process for Establishing TennCare/Medicaid for Title IV-E/State Funded Adoption Assistance

When: Prior to adoption finalization or after the Adoption Assistance Agreement has been made effective

Who: Permanency Specialist or Central Office Subsidy Staff, Child Welfare Benefits Staff

Overview

1. The DCS Permanency Specialist and/or the Contract Provider representative shall advise the adoptive family of the following information concerning TennCare/Medicaid eligibility for the adopted child/youth.

2. Once TennCare/Medicaid benefits have been established for the child they are seeking to adopt, the child/youth shall remain eligible for TennCare/Medicaid, so long as there is a legally executed Adoption Assistance agreement in effect, on behalf of the adoptee, and all other eligibility requirements are met. **(*See Section 10, Criteria for TennCare/Medicaid for Title IV-E or State Funded Adoption Assistance).***

3. Adoptive parents who receive letters regarding a renewal or recertification of their child's TennCare/Medicaid should contact the Central Office Subsidy Staff immediately in order to prevent the possibility of termination or suspension of these benefits

4. Because the category changes from DCS Foster Care to the Adoption Assistance category, the Managed Care Organization (MCO) for all Adoption Assistance children is subject to change. Adoptive parents have 45 days from the MCO change to request a different MCO for the Adoption Assistance.

5. Adoptive parents must provide the Social Security Administration with the final decree of adoption and the child's new birth certificate in their adoptive name so that a new social security card can be issued. Otherwise, the adopted child will continue to remain eligible and receive TennCare (Medicaid) benefits in their birth name until the adoptive parent reports the change in circumstance to the social security administration and a new social security card in the child's adoptive name is issued. Adoptive parents must provide the Central Office Subsidy Unit with a copy of the new social security card and the new birth certificate so that the Subsidy Unit can send this information to the DCS Child Welfare Benefits Unit. By providing this information, it will initiate the process of establishing TennCare (Medicaid) benefits in the child's adoptive name.

Process for Establishing TennCare (Medicaid)

1. An application for TennCare is not required. A completed CS-0930, Application for Adoption Assistance serves as an application for TennCare.

2. Once the adoption is legally finalized, the ***DCS Permanency Specialist*** is responsible for providing the Child Welfare Benefits division with the following child specific information in order to facilitate the process of establishing TennCare/Medicaid for the adopted child/youth:

   a) Child Name;

   b) Child TFACTS person ID; and

   c) Date of Adoption Finalization

3. The CWB counselor will utilize this information to access the signed form CS-0930, Application for Adoption Assistance, form CS-4200 Adoption Assistance Eligibility, form CS-0513, Adoption Assistance agreement, and the final decree for adoption to establish

TennCare (Medicaid) benefits for the adopted child in the appropriate TennCare (Medicaid) category.

4. The Central Office Subsidy Specialist will request, from the adoptive parent, a copy of the child's social security card and birth certificate in his/her adoptive name after adoption finalization and provide a copy to the Child Welfare Benefits unit when made available.

5. Once TennCare/Medicaid has been established for the adopted child/youth, the Central Office Subsidy Specialist is responsible for notifying the regional Child Welfare Benefits Counselor whenever there is a change in circumstances for children who receive Adoption Assistance, which might affect the status of their TennCare/Medicaid to include the termination of the Adoption Assistance Agreement or change in funding source on the Adoption Assistance agreement.

Section 12: Adoption Assistance Agreement

What: Establishing a legally executed Adoption Assistance agreement with the prospective adoptive parent(s)

When: Prior to the finalization of the adoption.

Who: The agreement must be signed by all parties (namely, the adoptive parent(s) and DCS

Overview

1. Prior to the Department entering into an Adoption Assistance agreement with the prospective adoptive family, the DCS Permanency Specialist and/or contract provider representative, shall provide the family with all known medical, psychological, psychiatric information concerning the child and child's birth family during the full disclosure process; this includes informing the family about the child's eligibility for Adoption Assistance. It is not necessary that an Adoption Assistance rate be approved, at this juncture, but merely a determination made as it relates to the child's eligibility or ineligibility for AA. See DCS Policy ***15.1, Adoption Related Disclosure***, DCS Policy ***15.11 Adoption Assistance*** and the ***Protocol for Making an Adoptive Placement***.

2. Once full disclosure has been given to the prospective adoptive family and the family decides to move forward in the adoption process, the DCS Permanency Specialist and/or Contract Provider representative shall assist the prospective adoptive family with making application for the Adoption Assistance program and initiate discussions with the prospective adoptive family concerning the Adoption Assistance rate.

3. The DCS Permanency Specialist and/or Contract Provider Representative will assist the prospective adoptive parent(s) with completing the application for Adoption Assistance to include explaining the application process and benefits and services that are available through the Adoption Assistance program.

4. DCS form***, CS-4200, Adoption Assistance Eligibility*** is generated in TFACTS and documents the approval, denial, and eligibility outcome for Adoption Assistance.

5. Once CS-4200, Adoption Assistance Eligibility has been approved, the DCS Permanency Specialist and/or Contract Provider Representative can move forward with securing an Adoption Assistance agreement with the prospective adoptive family.

6. The Adoption Assistance Agreement must be entered into with the prospective adoptive parent(s) before the finalization of the adoption. The agreement must be signed by all parties (namely the adoptive parent(s) and the DCS and/or Contract Provider representative), at least one (1) day before the adoption finalization date, and a signed copy given to all parties. Only in extenuating circumstances should an Adoption Assistance agreement be signed on the same date that the adoption is made final. When extenuating circumstances exist, the DCS Permanency Specialist or Contract provider representative, when applicable, is responsible for documenting the reason(s) that precluded the respective parties from signing the adoption assistance agreement at least one day before the hearing date. Regardless, in any circumstance, whether the agreement is signed before the adoption finalization date or on the same date, the Adoption Assistance agreement must be approved and signed before the court proceeding legally granting the adoption.

7. The DCS Permanency Specialist and/or Contract Provider representative shall review and fully explain, to the adoptive parent(s), the content in the Adoption Assistance agreement to include the following information:

    a) The agreement is a written instrument that is legally binding on all the parties. The agreement must be reviewed, approved, and signed by the State agency representative(s) and the adoptive parent(s) prior to the finalization of adoption;

b) The Rights and Responsibilities of all parties to the agreement;

c) The duration of the agreement;

d) The nature and amount of the payment, service and assistance to be provided;

e) The Agreement shall remain in effect regardless of the State in which the adoptive parent (s) reside;

f) The interests of the child are protected in cases where the adoptive parent (s) and child move to another state;

g) Provisions of the Adoption Assistance agreement;

h) Parents who receive Adoption Assistance payment have the responsibility to keep the State agency informed of circumstances which would make them ineligible for Adoption Assistance payments, or eligible for assistance payments in a different amount (Section 473 (a)(4)(B) of the Social Security Act); and

i) Whoever knowingly obtains, or attempts to obtain, or aids, or abets any person to obtain, by means of a willfully false statement or representation or by impersonation, or other fraudulent device, any assistance on behalf of a child or other person pursuant to the Interstate Compact on Adoption Assistance and Medical Assistance to which such child or other person is not entitled or assistance greater than such child or other person is entitled, commits a Class E felony (TCA 36-1-205).

NOTE: The payee of the Adoption Assistance agreement may only be altered by agreement of the parties to the AA agreement or pursuant to a court order consistent with these rules and federal laws and guidelines or by written, notarized consent of the designated payee.

Process for Generating the Adoption Assistance Agreement

The DCS Permanency Specialist is responsible for completing the electronic contract and generating the Adoption Assistance agreement in TFACTS. See Storyboard

- See Subsidy Story board, How to Add AA (Regular Rate)
- See Subsidy Story board, How to Add Subsidy (Special/Extraordinary Request)
- See Subsidy Story board, How to Add AA Subsidy (Deferred)

Electronic Filing of the Adoption Assistance Agreement

Once the form CS-0915, Adoption Assistance Agreement is complete, to include securing signatures of all responsible parties, a copy of the agreement, along with the CS-0930, Application for Adoption Assistance, the CS-4200, Adoption Assistance Eligibility, and any supporting documentation must be electronically filed in TFACTS in the adoption assistance subsidy case.

- See Work Aid-Electronic Filing for Adoption Assistance

Section 13: Negotiating the Initial Daily Rate Amount

What: Determine the amount of the daily rate when the child is eligible to receive an Adoption Assistance payment due to special needs.

When: After eligibility for Adoption Assistance has been determined but prior to Adoption Finalization.

Who: Permanency Specialist, Central Office Subsidy Staff

Overview

Once full disclosure is completed and the adoptive family decides to move forward in the adoption process, the DCS Permanency Specialist and/or Contract Provider representative shall initiate adoption assistance negotiations with the prospective adoptive family, based on the needs of the child and circumstances of the family.

The DCS Permanency Specialists and/or Contract Provider Representative will assist the family in determining the needs of the child and make known, to the family, any available resource to the child such as SSA, SSI, or VA benefits.

Rate Categories

All children who meet the special needs definition for active adoption assistance will qualify for the regular adoption assistance rate; however, depending on the needs of the child, a higher rate can be requested and negotiated with the prospective adoptive family. The current adoption assistance rates can be found on the DCS website at (ADD LINK). Adoption Assistance rates are categorized in three (3) payment categories to include the following:

1. ***Regular Adoption Assistance Rate:*** All children who meet the special needs definition for active adoption assistance will qualify for the regular adoption assistance rate based on the age of the child at the time of adoption finalization.

2. ***Special Circumstance Adoption Assistance Rates*** are designed for children who require a higher level of care and their needs cannot be met at the regular board rate. These children must qualify as meeting all three of the following criteria in order to be approved for a rate in this category as documented by the licensed provider who is responsible for the child's treatment and care:
    a) Have unique needs due to a diagnosed medical/mental health condition or developmental delay that substantially limits a major life activity (for example: walking, speaking, breathing, working, learning, performance of manual tasks, vision, hearing, self-care, social skills, or interpersonal relationships); and

    b) Requires a level of supervision exceeding that of his/her peers; and

    c) Requires extra care (treatment) due to physical, emotional, or mental disability;

3. ***Extraordinary Adoption Assistance Rates*** are reserved for children who meet the three special circumstances rate criteria but have additional needs that are so unique and extensive that they cannot be met at the regular or special circumstance rate. The criteria for an Extraordinary Adoption Assistance rate are outlined in ***CS-0674, Special or Extraordinary Rate Request***.

NOTE: For children placed in a DCS Foster Home, the Adoption Assistance rate may not exceed the amount of a child's final or most recent foster home board payment.

Request & Approval Process

1. Once it is determined that a Special Circumstances or Extraordinary Adoption Assistance rate will be requested, the DCS Permanency Specialist and/or Contract Provider Representative will begin gathering documentation from the licensed providers who have knowledge of child's current circumstances to support a Special Circumstances or Extraordinary Adoption Assistance rate.

- The preferred documentation is form ***CS-0934, Special Needs Justification*** but could also include current Psychological/Psychiatric Evaluations, Psycho-educational Evaluation, Individual Education Plan (IEP), 504 Plan, medical records, and/or any other form of documentation signed by a licensed provider, or board certified ABA provider, responsible for the child's care and treatment.

2. Once the documentation has been gathered, it is the DCS Permanency Specialist's and/or Contract Provider Representative's responsibility, as the first reviewer, to evaluate the documentation and determine if the information submitted is sufficient to support the request for the approval of a Special Circumstances or Extraordinary rate.

3. After reviewing the documentation, the DCS Permanency Specialist and/or Contract Provider Representative together with the prospective adoptive parent(s) will determine the rate to be requested.

4. In order to initiate the rate request, the DCS Permanency Specialist will add or complete a Special Circumstances or Extraordinary Rate Request (Spec/Extra Rate Request) in TFACTS, indicating which Special Circumstances and/or Extraordinary rate criteria are supported by the documentation. The documentation must be uploaded to TFACTS and linked to the Subsidy Record.

5. The DCS Permanency Specialist will submit the Special Circumstances or Extraordinary Rate Request (Spec/Extra Rate Request) and the Subsidy Record to the Central Office Subsidy Unit for review and approval in TFACTS.

6. The Central Office Subsidy Unit will review the request and documentation to determine if the documentation justifies the requested rate.

   a) If the documentation supports the requested rate, the Central Office Subsidy Unit will approve the rate request and Subsidy Record in TFACTS.

   b) If the documentation does not justify the rate, the Central Office Subsidy Unit will consult with the DCS Permanency Specialist to determine if additional documentation should be obtained to support the initial request; or if further negotiations are needed with the prospective adoptive parent(s).

   c) If it is determined that additional documentation will be obtained to support the initial request, the DCS Permanency Specialist will upload the additional documentation and link it to the Subsidy Record.

   d) If additional documentation cannot be obtained to support the initial request, the Central Office Subsidy Unit will deny the rate request and subsidy record in TFACTS.

7. A Special Circumstances or Extraordinary Rate approved prior to finalization of the adoption will go in effect on the date of adoption finalization.

8. If a consensus cannot be reached regarding the requested Special Circumstances or Extraordinary rate, the prospective adoptive parent(s) can request an administrative review by the Central Office Subsidy Unit.

Section 14: Continuation of Enhanced Subsidies at Periodic Review

What: Review and Evaluation of Documentation to Support Continuation of a Special Circumstances, Unique, Extraordinary, or Negotiated Rate (Enhanced Rates)

When: At each scheduled periodic review

Who: Central Office Subsidy Specialist and Central Office Subsidy Approver

Overview

1. At each renewal or periodic review period, the Subsidy Specialist is responsible for gathering the necessary documents needed to support the approval of the enhanced subsidy rate and submitting the Special or Extraordinary Rate Request to the Designated Central Office Approver.

2. When evaluating the enhanced Adoption Assistance rate during the subsidy renewal or periodic subsidy review period, the Subsidy Staff and Designated Central Office approver should consider the rate criterion which was in effect at the time the enhanced rate was initially approved. This evaluation method should only apply in instances where the enhanced rate is being considered for continued approval of the subsidy at the same rate amount.

3. If during the evaluation period, the Subsidy Specialist determines that the child no longer meets the criteria for the current approved enhanced rate, the Subsidy Specialist should utilize the criteria established in the Adoption Assistance policy that is effective at the time the AA rate is being reviewed for approval. ***See Section 19: Revising the Adoption Assistance Agreement.***

4. If documentation is not submitted to support the continuation of the approved rate and the approved rate is less than the current regular AA rate for the child's age group, the designation of the rate type should be changed, but the Adoption Assistance subsidy should remain in effect at the same amount.

5. **Refer to the storyboards below regarding the process for review, approval, or denial of Special, Extraordinary, Unique, or Negotiated rates.**

Section 15: Determining the Effect of Social Security and Veteran Benefits on Adoption Assistance

What: Determine the effect of Social Security and Veteran benefits on Adoption Assistance.

When: When child is receiving those benefits and will be placed with Adoption Assistance.

Who: Permanency Specialist, Central Office Subsidy Staff

1. **Eligibility**
   The child's Permanency Specialist or designated staff must ensure that Central Office Adoption Staff receives specific information about the child's eligibility for Social Security Administration (SSA) and Veterans Administration (VA) benefits.

2. **Adoptive Parents**
   Prior to finalization the Permanency Specialist or designated staff must discuss child's eligibility for benefits. The foster parents must be aware that this is a direct link to the birth family. Information required by Social Security to make application to become the representative payee for these benefits must be given to the adoptive parents prior to the finalization. After finalization, request for release of any information must be referred to the Post Adoption Services in DCS Central Office.

3. **Daily Payment**
   When the adoptive parents become the payee for the child's benefits, the daily Adoption Assistance payment is adjusted by the amount of the Social Security and Veteran benefits for State Funded Agreements only.

4. **Stopping Payment**
   When the benefits exceed the amount of the monthly State Funded Adoption Assistance payment, the monthly Adoption Assistance maintenance payment should be stopped.

5. **Benefits to the Child**
   After finalization of the adoption, if the child receives Social Security and Veteran benefits as a result of the adoptive parent's circumstances (disability, age), consider these benefits as the adoptive family's income. These benefits are not considered when negotiating monthly payment.

NOTE: If a child receives SSI benefits, the Adoption Assistance rate will not be affected.

When Does Social Security or Veteran Benefits Affect Adoption Assistance Payments?			
	State Funded	**Fostering Connections**	**Standard IV-E**
Supplemental Security Income (SSI)	No	No	No
SSA Title II or Veteran Benefits due to An Adoptive Parent	No	No	No
SSA Title II or Veteran Benefits due to A Biological Parent's Circumstances	Yes	No	No

Section 16: Rate Changes in the Adoption Assistance Subsidy Based on the Child's Age

What: Determine continuing eligibility for a child. (*See* DCS Policy ***15.11, Adoption Assistance***)

When: Adoptive parent requests increase based on the child's age

Who: Central Office Subsidy Staff

Renewal/Renegotiation due to change in age

1. An increase, due to a child's 12th birthday, is given upon the request of the adoptive parents. Due to the change in the Adoption Assistance rate, the Central Office Subsidy staff will complete ***CS-0513, Adoption Assistance Agreement,*** to show the new rate.

   Note: Increase the new rate effective the first day of the month following the parent's request for the increase.

2. Increases due to a child's birthday are available only for those children who receive regular and special circumstances Adoption Assistance rates.

Section 17: Establishing Medicaid through ICAMA

What: Establish service in another state for families who receive Tennessee Adoption Assistance

When: Upon receipt of a request from the adoptive family

Who: ICAMA Administrator, Central Office Subsidy Staff, and Child Welfare Benefits

ICAMA Overview

The Interstate Compact on Adoption and Medical Assistance (ICAMA) was established in 1986 to safeguard and protect the interstate interests of children covered by an adoption assistance agreement when they move or are adopted across state lines. ICAMA is an agreement between and among its member states that enables them to coordinate the provision of medical benefits and services to children receiving adoption assistance in interstate cases. Any child/youth determined eligible for Title IV-E/Title IV-E Fostering Connections/State Funded Adoption Assistance and meets the Medicaid eligibility requirements shall remain eligible for Medicaid benefits, ***regardless of their state of residence***, so long as their Adoption Assistance Agreement remains in effect.

ICAMA (Interstate Compact Adoption Medical Assistance) Referral*: Establishing Medicaid in Another State for Families approved for Tennessee Adoption Assistance*

1. All adoptive families in receipt of Adoption Assistance are required to inform the Tennessee Interstate Compact on Adoption and Medical Assistance (TN ICAMA) Administrator, when they plan to relocate to another state.

2. Once the Tennessee ICAMA Administrator has been made aware of the adoptive family's plan to relocate, he/she is responsible for processing an ICAMA referral. This process includes coordinating with the adoptive family, the new state of residence, and the TN Child Welfare Benefits division to terminate TennCare benefits in Tennessee and determine an effective date for Medicaid to be activated in the new residence state.
   The ICAMA referral packet consists of the following documents:
   - ICAMA Form 7.00, Notice of Medicaid Eligibility/Case Activation
   - Initial Adoption Assistance Agreement, or the most recent revised AA agreement;

3. The TN ICAMA Administrator uploads a copy of the Adoption Assistance agreement and enters the child and adoptive family specific information into the ICAMA database to include the following:
   - Child's name
   - Child's DOB
   - Child's Social Security Number
   - Child's Gender
   - Child's Race
   - Child's Funding Source
   - Parent Name
   - Address in new state of residence
   - Phone number and email address

4. A copy of ICAMA form 7.00, Notice of Medicaid Eligibility/Case Activation and ICAMA form 7.02, Notice to Families is sent to the adoptive family, notifying them that TN has taken the necessary actions to initiate Medicaid benefits in the new residence state.
5. TN ICAMA Administrator will forward any status changes, Medicaid extension requests, and address changes to the child's state of residence, when received from the Central Office Subsidy Staff.

ICAMA (Interstate Compact Adoption Medical Assistance) Referral*: Establishing Medicaid for Out of State families Approved for Adoption Assistance in Another State*

1. **Referral**
   Upon notification from the ICAMA database or an email from the child's Adoption Assistance state, that the family has relocated to Tennessee, the TN ICAMA Administrator will work with the Child Welfare Benefit division to ensure that the referral is processed as quickly as possible. The TN ICAMA Administrator will forward the following to the CWB division for processing:

   - ICAMA Form 7.00, Notice of Medicaid Eligibility/Case Activation
   - Initial Adoption Assistance Agreement

2. **Services Provided by Tennessee**
   - Notify the sending state, via the ICAMA database and e-mail, that TennCare/Medicaid has been authorized for the child.
   - Notify adoption assistance state of issues related to processing Medicaid referral
   - Assist family, if necessary, with TennCare/Medicaid issues
   - Provide status changes to sending state that might impact the child's Medicaid (address changes, termination of Adoption Assistance, or requests to continue the child's Medicaid past the age of 18)

3. **Communication with Child Welfare Benefits Staff (CWB)**

   - Forward CWB notices of an address change within Tennessee, via the 7.00 or 7.5 (Information exchange form), or email
   - Forward request for Medicaid extension to CWB
   - Provide termination request, upon receipt, to CWB via the 7.00 or 7.5 (Information exchange form), or email

Section 18: Approving Deferred Adoption Assistance

What: Approve Deferred Adoption Assistance for a child who has high risks of developing future medical or psychological problems. (*See* DCS Policy ***15.11, Adoption Assistance***).

When: Prior to finalization or upon receipt of a request from the adoptive family

Who: Permanency Specialist or Central Office Subsidy Staff

Overview

Deferred Adoption Assistance is a type of Adoption Assistance reserved for children who only meet the deferred criteria prior to finalization of an adoption, making them ineligible for Adoption Assistance payments. These are children that are recognized as high risk and have the potential to develop significant medical, psychological, emotional, or behavioral issues due to their history to include:

- Risk for developing one or more of the special needs factors related to:
    - Genetic/medical background or birth parent's medical history indicates potential for developing physical/psychological problems;
    - An infant who was exposed to alcohol/drugs where such exposure is documented in the child's birth record or positive maternal drug screen during pregnancy; or
    - A child who has a history of multiple (three or more) disrupted foster or adoptive placements that are documented in **TFACTS.**
- A child who meets the definition of Safe Haven
- A child diagnosed with Neonatal Abstinence Syndrome (NAS)

Children eligible for Title IV-E or Title IV-E Fostering Connections deferred Adoption Assistance can receive Medicaid, but will receive a "zero" amount monthly payment until a diagnosis is made. A child determined eligible for state funded deferred Adoption Assistance is eligible for Medicaid if the child has been diagnosed with a medical or rehabilitative care need that would have prevented the family from adopting without the adoption assistance. The application and approval process for deferred Adoption Assistance are the same as those enumerated in section 8 of this manual and in DCS Policy ***15.11, Adoption Assistance***.

Process for Activating Deferred Adoption Assistance

1. The adoptive parents may request active Adoption Assistance at the time they believe their child meets an active special needs factor, based on the high-risk factor(s) identified in their Application for Adoption Assistance, Adoption Assistance Eligibility, and/or Adoption Assistance Agreement for Deferred Adoption Assistance.
2. The family will make a request to their DCS Subsidy Specialist so that their request can be reviewed and processed for approval. The Subsidy Specialist will provide the family with ***CS-0934, Special Needs Justification*** form for completion by the child's licensed provider.
3. When the request is approved for a deferred agreement to become active, the effective date to begin the payment should be the first day following the month the approval was granted.
4. Once approval is granted, the Central Office Subsidy Specialist will revise the deferred agreement to change the Adoption Assistance category from "Deferred" to "Active"; include the daily subsidy rate and effective date that payment will begin.
5. The Central Office Subsidy Specialist will provide revised agreements to the adoptive parent(s), Child Welfare Benefits staff, and include in the TFACTS subsidy record.
6. See Storyboard for Activating Deferred Adoption Assistance.

Services & Benefits

1. Active Adoption Assistance may be requested by the adoptive parents at the time they believe their child meets special needs definition based on high risk factors identified in their Adoption Assistance application.
2. No Adoption Assistance payments will be made until an active special needs factor is met.
3. If a child who had a deferred application or agreement for Adoption Assistance becomes eligible for an active Adoption Assistance maintenance payment, no retroactive payments or services can be made.
4. ***Exceptions for approval may be made on a case by case basis with the approval of the Director of Adoptions and Adoption Support so long as the child meets one or more of the special needs factors as outlined in DCS Policy 15.11, Adoption Assistance.***

Case Maintenance

1. No renewal is required for Deferred Adoption Assistance.
2. Deferred Adoption Assistance must be terminated when any of the following conditions exist:
   a) The child reaches age 18;
   b) The parents are no longer legally responsible for the support of the child;
   c) The child is no longer receiving support from the adoptive parents; or
   d) The adoptive parent in a one-parent family dies or both adoptive parents in a two-parent family die.

Section 19: Revising the Adoption Assistance Agreement

What: Revise Adoption Assistance Agreements

When: A change in circumstances is reported

Who: Central Office Subsidy Staff

Overview

Adoption Assistance may be revised at any point after approval when there is a change in circumstances. A revision to the adoption assistance agreement can be initiated by DCS or at the request of the adoptive parent. All revisions to the adoption assistance agreement require supporting documentation, and in most instances, concurrence of the adoptive family.

When should an Adoption Subsidy be revised?

1. At parent(s) request, adoptive parents may request a revision/renegotiation in their Adoption Assistance at any time the child's circumstances change;
2. When a child re-enters state's custody, if indicated;
3. When a child returns home from a re-entry custody episode;
4. At renewal of a State Funded Adoption Assistance Agreement, if warranted;
5. If there is a change in the child's treatment needs or circumstances that would warrant a modification in the subsidy rate;
6. When DCS determines a correction is needed due to errors or oversight in the Adoption Assistance Agreement;
7. At the child's 12th birthday (for regular and special circumstances rates); or
8. At the youth's 18th, 19th, or 20th birthday.

What should DCS consider in their renegotiation with adoptive parents?

1. The needs of the child and family; and
2. The supporting documentation to justify the Adoption Assistance rate and/or funding source.

Revising the Adoption Assistance Agreement

1. As the first reviewer, it is the Subsidy Specialist's responsibility to evaluate the documentation and determine if the information submitted is sufficient to support the approval for a modification to the subsidy rate.
2. If the Subsidy Specialist determines the information is sufficient to support the revision, he/she is responsible for completing the following steps:
   a) Adding a subsidy review in TFACTS;
   b) Completing the Special or Extraordinary Rate Request in TFACTS based on the uploaded supporting documentation (if applicable);
   c) Generating the revision Adoption Assistance Agreement; and
   d) Obtaining the approval signature from the designated Central Office approver.
3. As the final reviewer, the Central Office Approver will determine if the documentation is sufficient and the rate change is warranted.
4. The Subsidy Specialist will provide the adoptive parent(s) with the revised ***CS-0513, Adoption Assistance Agreement,*** ***CS-0686, Notice of Denial, Termination, or Change in Adoption Assistance***, and ***CS-0403, Appeal for Fair Hearing***. The adoptive parent(s) will concur to the revision by signing and returning the revision agreement.

5. All revisions must begin the first day of the month. However, if the rate is being revised at a Renewal/Periodic Review or Review of Eligibility for Youth Turning 18, 19, and 20 Years Old, then the effective date for the revised (new) rate should be the effective date of the scheduled review.

NOTE: The effective date for the revised (new) rate can be made effective on a different date, under certain circumstances, on a case by case basis, with the approval of the Director of Adoptions and Adoption Support.

6. Once the Adoption Assistance Agreement is complete, to include securing signatures of all responsible parties, a copy of the agreement, along with any supporting documentation must be electronically filed in TFACTS in the adoption assistance subsidy case. Supporting documentation could include:

   a) ***CS-0513, Adoption Assistance Agreement***, signed by all parties;

   b) Verification of school attendance (if applicable);

   c) Benefit award letter;

   d) Report from the treatment facility;

   e) ***CS-0934, Special Needs Justification*** *Form;*

   f) Medical/psychological documentation;

   g) ***CS-0686, Notice of Denial, Termination, or Change in Adoption Assistance***; and/or

   h) ***CS-0403, Appeal for Fair Hearing***

NOTE: Adoption Assistance benefits or the time frame in which the child remains eligible for the Adoption Assistance program, are subject to guidelines set forth in the revised agreement and in DCS policies, rules, and regulations, which govern the Adoption Assistance program. All revised agreements shall supersede and replace any previous agreements between DCS and the Adoptive Parent(s).

Section 20: Reviewing State Funded Adoption Assistance

What: Periodic Renewal of State Funded Adoption Assistance.

When: Begin process 90 days prior to the renewal date.

Who: Central Office Subsidy Staff

Overview

Renewal of State Funded Adoption Assistance is required periodically in order for Adoption Assistance, at any rate, to continue.

Process

1. Enhanced Adoption Assistance rates will be reviewed annually. The renewal date will be the first day of the month, in which the adoption was made final, the following year. **Example**: The adoption was finalized at a Special or Extraordinary Adoption Assistance rate on November 13, 2020. The effective date will be November 13, 2020. The renewal date will be November 1, 2021.

2. The renewal date can vary from the month of adoption finalization.

3. Regular Adoption Assistance rates will be reviewed periodically.

4. Renewals not completed within the designated time frame will require a renewal agreement to cover the renewal period. It is permissible to continue the Adoption Assistance payment during the missed renewal period, as long as there is sufficient documentation to support the Adoption Assistance rate.

5. Once a youth reaches the age of 18, a periodic renewal is no longer required as eligibility is reviewed annually. (See Section 21, Review of Eligibility for Youth turning 18, 19, or 20)

First Notice

The Subsidy Specialist will enter a subsidy review in TFACTS, which includes reviewing the electronic contract and generating the ***CS-0513, Adoption Assistance Agreement***. See Storyboard-Add Subsidy Review (Regular Rate) and Storyboard-Add Subsidy Review (Special or Extraordinary Rate).

The Subsidy Specialist must send the renewal agreement to the adoptive parent at least 90 days prior to the renewal date, requesting that they review and sign before returning the form to the Subsidy Specialist. The Subsidy Specialist will provide the parents with the appropriate documents to complete the renewal process which could include ***CS-0809, Verification of Full-Time School Attendance, CS-4220, Verification of Medical/Mental Health Provider Visit (for Adoption Assistance)***, and/or ***CS-0934, Special Needs Justification***.

Second Notice

If the Renewal Agreement, with supporting documentation and all other necessary information, has not been received, send a second letter at least 60 days prior to the renewal date.

Verifying Assistance

Written verification must be obtained of the following:

1. Medical/psychological/psychiatric needs when these services are being utilized;

   Note: For children receiving Special or Extraordinary rates, parent(s) are required to submit verification from their child's licensed provider.

2. Verification that the child continues to reside in the home with the family. Acceptable forms of address verification include:

   - ***CS-0809, Verification of Full-Time School Attendance***

     NOTE: The only acceptable form of verification for home-schooled children is medical/mental health documentation.

   - ***CS-0934, Special Needs Justification***, with a documented appointment within the last year; and/or

   - ***CS-4220, Verification of Medical/Mental Health Provider Visit (for Adoption Assistance)*** with a documented appointment within the last year.

   - For children not residing in the family home (to include children in foster care), the Subsidy Specialist should ask the parent(s) to submit documentation regarding the child's current address and if they (the parents) are still legally responsible, and how they are providing financial support to the child using ***CS-0017, Verification of Financial Responsibility for Adoption Assistance***.

3. If the parents continue to be legally responsible for the child; and/or
4. If the parents continue to be legally responsible for the financial support to their child or are providing any support to the child.

Renewal Process

1. The adoptive parents must return a completed form ***CS-0513, Adoption Assistance Agreement*** within the timeframes outlined in the Adoption Assistance Agreement to the Central Office Subsidy Unit.

2. Unless the adoptive parents can show good cause, failure by the adoptive parents to return the Renewal Agreement within the specified timeframes, may result in termination of the Adoption Assistance and the case will not be reopened. Decisions to allow late submissions of documentation will be made on a case-by-case basis and approved at the discretion of the Director of Adoptions and Adoption Support.

3. In cases where documentation or the Renewal Agreement is received after the due date, the effective date will be the date the documentation is reviewed and determined sufficient to continue the Adoption Assistance payment or can be made effective on a different date as determined by the Director of Adoption and Adoption Support so long as the agency has sufficient documentation to support the approved adoption assistance rate. If the documentation is determined insufficient, the Subsidy Specialist will contact the family to renegotiate the rate and revise the agreement to reflect the appropriate rate. The effective date for the revised rate will be the first date of the month in which the approval was granted or can be made effective on a different date as determined by the Director of Adoption and Adoption Support so long as the agency has sufficient documentation to support the approved adoption assistance rate.
4. Upon receipt of the renewal information from the adoptive parent, the Subsidy Specialist will review documents submitted by the parent for accuracy, and to make sure that supporting documentation continues to justify rates that are above the regular Adoption Assistance rate.
5. At the time of renewal, if the child has been approved for an enhanced Adoption Assistance rate, and it is determined that the documentation is insufficient to support continued

approval, the reviewer/Central Office Subsidy Specialist is responsible for contacting the parent to discuss what additional information is needed to support the existing rate. When speaking with the adoptive parent, the Subsidy Specialist should be specific in terms of the additional documentation needed to meet the requirements for the continued approval of the enhanced rate and time frames for which the Department can accept additional documentation. The adoptive parent will be advised that if the submitted documentation is not enough to justify the rate, the rate must be renegotiated. If the rate has to be renegotiated and/or revised, follow steps in **Section 19, Revising Adoption Assistance.**

6. Once it has been determined that sufficient documentation has been received to support renewal of the Agreement at the existing rate, the Subsidy Specialist will complete the subsidy review, to include completion of the Special or Extraordinary Rate Request if applicable, and route it to the Central Office Subsidy Supervisor for approval. See Storyboard-Add Subsidy Review (Regular Rate) and Storyboard-Add Subsidy Review (Special or Extraordinary Rate).
7. Once the Adoption Assistance Agreement is complete, to include securing signatures of all responsible parties, a copy of the agreement, along with any supporting documentation must be electronically filed in TFACTS in the adoption assistance subsidy case. See Work Aid-Electronic Filing for Adoption Assistance. Supporting documentation includes:
   a) ***CS-0513, Adoption Assistance Agreement***, signed by all parties;
   b) ***CS-0809, Verification of Full-Time School Attendance***;
   c) ***CS-4220, Verification of Medical/Mental Health Provider Visit (for Adoption Assistance)***
   d) Benefit award letter;
   e) Report from the treatment facility;
   f) ***CS-0934, Special Needs Justification*** *Form;*
   g) Medical/psychological documentation;
   h) ***CS-0686, Notice of Denial, Termination, or Change in Adoption Assistance***; and/or
   i) ***CS-0403, Appeal for Fair Hearing***

Forms Distribution

Ensure that the Adoption Assistance Renewal Agreement is completed and distribute copies as follows:

1. Send the copies of the Agreement to the adoptive family, upon request of the adoptive parent;
2. Copy to Child Welfare Benefits Counselor; and
3. Upload into TFACTS.

Section 21: Review of Eligibility for Youth Turning 18, 19, or 20 Years Old

What: Determines child's continued eligibility for Adoption Assistance

When: Begin process 90 days prior to child's 18th, 19th, and 20th birthday

Who: Central Office Subsidy Staff

Overview

An eligibility determination must be completed, in TFACTS, for all youth turning 18, 19, or 20 years old to determine if the youth will remain eligible for the Adoption Assistance subsidy past the age of 18. Continued eligibility for these youth regardless of their funding source is determined through a Review of Eligibility process within TFACTS based on the Adoption Assistance program requirements. If during the review process, it is determined that the youth meets the continued eligibility qualifications, the subsidy can remain in effect, if all the other AA program eligibility requirements are met. Conversely, if through the review of eligibility process it's determined that the youth does not meet any of the conditions for continued approval, through IV-E, IV-E Fostering Connections, or State, the subsidy agreement will be terminated.

Adoption Assistance Program Requirements

1. Title IV-E Adoption Assistance: A child/youth determined eligible for Title IV-E Adoption Assistance can continue to have their adoption subsidy funding through Title IV-E until the age of 21 if one of the following is true:

    a) The youth is under the age of 21 and the initial Adoption Assistance agreement was made effective prior to July 1, 2012 and has a disability/handicapping condition, documented by a licensed provider, which requires treatment, to warrant the continuation of the Title IV-E subsidy payment; In situations where the youth is considered to have a permanent mental health/medical condition as documented by a licensed professional, but is not receiving ongoing treatment, it is permissible for the state agency (DCS) to continue the subsidy payment past the youth's 18th birthday so long as the permanent condition is documented in the youth's adoption assistance file; or

    b) The youth is under the age of 21 and the initial Adoption Assistance agreement was effective on or after July 1, 2012 to current date and has moderate to severe disability/handicapping condition, documented by a licensed provider, which requires treatment or substantially limits the child or youth in one or more major life functions, to warrant the continuation of the Adoption Assistance subsidy payment.

    Title IV-E Fostering Connections Adoption Assistance who was ***UNDER the age of 16 at the time of adoption finalization:*** A child/youth determined Title IV-E Fostering Connections Eligible and was under the age of 16 years at the time of adoption finalization can continue to receive an Adoption Assistance subsidy payment through Title IV-E Fostering Connections until the age of 18. The subsidy can be evaluated prior to the youth's 18th birthday to determine if youth can continue to receive a subsidy through Non-Applicable Title IV-E or State Funded Adoption Assistance.

2. Title IV-E Fostering Connections Adoption Assistance for youth ***who were age 16 or older at the time of adoption finalization:*** A child/youth determined Title IV-E Fostering Connections eligible and was ***16 or older at the time of adoption finalization*** can continue to receive Adoption Assistance subsidy payment until they reach the age of 21 years if one of the following are true:

    a) The youth is under the age of 21 and is a full-time student in high school or in an approved secondary educational program leading to an equivalent credential; or

b) The youth is under the age of 21 and is a full-time student in an institution which provides post-secondary or vocational education; or

c) The youth is determined incapable for employment or attending school due to a medical condition documented by a licensed provider.

3. State Funded Adoption Assistance is available to youth beyond the age of 18 years provided they meet certain eligibility requirements to include one of the following below:

   a) The youth is under the age of 21 years, is a full-time student in high school and their initial Adoption Assistance agreement was made effective between October 1, 1997 through February 29, 2008.

   b) The youth is under the age of 19 years, is a full-time student in high school and their initial Adoption Assistance agreement was made effective on or after March 1, 2008;

      - Verification of full-time school attendance is required to determine continued eligibility.

4. Youth determined ineligible to continue funding through Title IV-E (non-applicable) or Title IV-E Fostering Connections (applicable) can have their Adoption Assistance agreement funded through another funding source provided the youth meets certain requirements to include the following:

   a) Title IV-E Fostering Connections eligible youth **who was under the age of 16 when the adoption was made final** can have their subsidy payment funded through Title IV-E if the following are true;

      - Youth was determined eligible for Title IV-E Fostering Connections and Title IV-E prior to adoption;
      - Youth has been determined ineligible to continue funding through Title IV-E Fostering Connections for youth 18 or older;
      - The initial Adoption Assistance agreement was effective prior to 7/1/2012 and the youth has a handicapping condition/disability, which requires treatment, and warrants the continuation of the subsidy payment (See requirement #1A above). The initial Adoption Assistance agreement was effective on or after 7/1/2012 and the youth has a moderate to severe condition/disability or substantially limits the child/youth in one or more major life functions, which requires treatment, and warrants the continuation of the subsidy payment (See #1B above):
      - Documentation from licensed provider is required to determine continued eligibility. The only exception is for youth receiving ABA services. In this situation, the provider must be board certified (See DCS Policy ***15.11, Adoption Assistance***, Section G.1).

   b) Title IV-E Fostering Connections eligible youth **who were at least 16 years old at the time of adoption** can have their Adoption Assistance funded through Title IV-E if the following is true:

      - The youth was determined eligible for Title IV-E Fostering Connections and Title IV-E prior to adoption;
      - The youth has been determined ineligible to continue funding through Title IV-E Fostering Connections for youth 18 or older;

- The initial Adoption Assistance agreement was effective prior to 7/1/2012 and the youth has a handicapping condition/disability, which requires treatment, and warrants the continuation of the subsidy payment. The initial Adoption Assistance agreement was effective on or after 7/1/2012 and the youth has a moderate to severe condition/disability or substantially limits the child/youth in one or more major life functions, which requires treatment, and warrants the continuation of the subsidy payment;
- Documentation from a licensed provider is required to determine continued eligibility. The only exception is for youth receiving ABA services. In this situation, the provider must be board certified, (DCS Policy ***15.11, Adoption Assistance***, Section G.1).

c) Youth determined Title IV-E eligible can have their Adoption Assistance agreement funded through State Funds if one of the following is true:

- The youth is under the age of 21 years, is a full-time student in high school and their initial Adoption Assistance agreement was made effective between October 1, 1997 through February 29, 2008;
- The youth is under the age of 19 years, is a full-time student in high school and their initial Adoption Assistance agreement was made effective on or after March 1, 2008;
- Verification of full-time school attendance is required to determine continued eligibility.

d) Youth determined Fostering Connection eligible can have their subsidy funded through State Funds if the following is true:

- The youth was under the age of 16 at adoption finalization;
- The youth has been determined ineligible for Title IV-E Fostering Connections;
- The youth is under the age of 19 and attending high school full time;
- Verification of full-time school attendance is required to determine continued eligibility through state funds.

Youth who are determined eligible for continuation of State Funded and Title IV-E Fostering Connections Adoption Assistance beyond his/her 18th birthday, must maintain continual full-time school enrollment and attendance. Breaks in full-time attendance and enrollment will disqualify the youth for continued eligibility. The only exception is in instances where the educational institution considers the break to be normal or customary for the school year. Other exceptions can be made on a case by case basis at the discretion of the Director of Adoptions and Adoption Support so long as the exception does not violate state and federal law concerning Adoption Assistance program eligibility requirements.

During the evaluation period, if it is determined that the youth does not meet any of the conditions to continue IV-E or Fostering Connections IV-E, but does meet one of the criteria for State Funded Adoption Assistance, the agency (DCS) will allow the Adoption Assistance agreement to remain in effect, but change the funding from IV-E to State, effective the date of the youth's birthday in which the child became ineligible for Title IV-E. The same logic would apply for youth who are no longer eligible to continue Title IV-E Fostering Connections but are determined eligible to continue Adoption Assistance through standard IV-E or State Funding.

Verifying Assistance

Written verification must be obtained to document that the youth meet the continued eligibility qualifications. Acceptable forms of documentation may include:

- ***CS-0809, Verification of Full-Time School Attendance*** and/or

  NOTE: The only acceptable form of verification for home-schooled children is medical/mental health documentation.

- ***CS-0934, Special Needs Justification***, with a documented appointment within the last year.

Section 22: Terminating Adoption Assistance

What: Terminate Adoption Assistance Benefits when circumstances occur that create a change in eligibility

When: Change in circumstances causes termination

Who: Central Office Subsidy Staff

Overview

Adoption Assistance can be terminated when DCS determines that the child/youth has become ineligible for the Adoption Assistance program.

Evaluation

DCS must terminate Adoption Assistance benefits any time after approval when one of the following conditions exists:

1. Upon the adoptive parents(s) request;
2. DCS determines that the adoptive parents are no longer providing any financial support to the child;
3. DCS determines that the adoptive parents are no longer legally responsible for support of the child;
4. Upon the conclusion of the terms of the Adoption Assistance Agreement;
5. The child marries;
6. The child enlists in military service;
7. The youth is approved for and begins receiving benefits from the Extension to Foster Care (EFC) program;
8. The child dies;
9. The adoptive parent in a one-parent family dies or both adoptive parents in a two-parent family die;
    - When the person(s) with whom a subsidy agreement is made dies before the adoptive child reaches age eighteen (18), Adoption Assistance Subsidy payments can be continued to the legal guardian of the child until he or she reaches age eighteen (18) or, in some cases, age twenty-one (21) once the guardian legally adopts the child. The request and agreement procedure would be the same as outlined in *Sections D and E* of DCS Policy ***15.11, Adoption Assistance***. ***(See Section 26: Eligibility for Adoption Assistance of a child whose prior adoption is dissolved or whose adoptive parents are deceased.)***
10. DCS determines that the family fails to complete the renewal/renegotiation process within the timeframes outlined in the Adoption Assistance Agreement **(for state-funded adoption agreements, only**);
11. The child no longer meets the continuing eligibility criteria used to continue the Adoption Assistance beyond the eighteenth (18) birthday (**See Section 21, Review of Eligibility for Youth Turning 18, 19, or 20); or**
12. If the Department determines that a child was made eligible for the Adoption Assistance program in error. DCS reserves the right to terminate the Adoption Assistance agreement due to error or oversight concerning the determination of eligibility for the adoption assistance program.

NOTE: For children placed in DCS custody, residential treatment, or living outside the home of the adoptive parents, see ***Protocol for Adoption Assistance/Subsidized Permanent Guardianship When Children Re-Enter State Custody or Placed in Out of Home Care***

Forms Distribution

Ensure that the Adoption Assistance Termination Agreement is completed and distribute copies as follows:

1. Copy to the adoptive family,
2. Copy to Child Welfare Benefits Counselor, and
3. Upload into TFACTS.

NOTE: Termination of the Adoption Assistance Agreement is considered final. However, decisions to allow terminated Adoption Assistance to be reinstated will be made on a case-by-case basis and approved at the discretion of the Director of Adoptions and Adoption Support.

Section 23: Denying Adoption Assistance

What: Deny Adoption Assistance Benefits

When: Any eligibility requirement is not met

Who: Permanency Specialist or Central Office Subsidy Staff

Overview

DCS will deny Adoption Assistance benefits at the time of application when one of the following conditions exists:

1. The child does not meet special need determination prior to adoption (See DCS Policy ***15.11, Adoption Assistance***);

2. An eligibility determination for Adoption Assistance is not made prior to adoption finalization;

3. DCS cannot provide the service requested within the Adoption Assistance guidelines;

4. An application for Adoption Assistance is made after finalization of the adoption has occurred;

5. All appropriate forms to include the Adoption Assistance application and agreement are not signed and approved by the adoptive parent (s) and the DCS representative prior to adoption finalization;

6. The child was not in the full guardianship of DCS or a Licensed Child Placing Agency immediately prior to finalization of the adoption;

7. The adoptive family does not have an approved home study; and/or

8. A child is placed by a Licensed Child Placing Agency but does not meet the requirements for Title IV-E or Title IV-E Fostering Connections Adoption Assistance.

Completing Form

Permanency Specialists or Central Office Subsidy Staff will complete ***CS-4200, Adoption Assistance Eligibility,*** stating the reason for denial.

Notification

The Permanency Specialist or Central Office Subsidy Staff will notify the adoptive family, in writing, within five working days of the decision of the reason for denial and the right to appeal, if applicable, as determined by the Division of Adoption and Adoption Support ***(See Section 24, Processing Appeals).*** A copy of the denial notification is to be filed into **TFACTS**.

Section 24: Processing Appeals

What: Process appeals of decision to revise, terminate, or deny Adoption Assistance benefits.

When: An appeal is requested by the adoptive family.

Who: Central Office Subsidy Staff

Overview

Whenever DCS revises, terminates, or denies Adoption Assistance, the Adoptive parents may appeal the decision in accordance with the rules and procedures of the State's fair hearing and appeal process. If they appeal within ten days of the written notice from DCS, assistance can continue pending the appeal. If an adverse action is upheld during an appeal, payments continued during the appeal period will be considered an overpayment and will be subject to recovery.

NOTE: If the parents request termination or the adoption assistance is terminating due to the youth turning age 21, it is not necessary to give notice of appeal (See DCS Policy ***15.11, Adoption Assistance***).

1. **Contact/Written Notice**
   a) Contact the adoptive family and discuss case revision/termination/denial, giving reasons for the decision.

   b) Also, provide a written notice, listing all reasons for the decision utilizing form ***CS-0686, Notice of Denial, Termination, or Change in Adoption Assistance.***

   c) Form ***CS-0403, Appeal for Fair Hearing,*** must be given to the adoptive parent(s) at the same time form ***CS-0686, Notice of Denial, Termination or Change in Adoption Assistance,*** is given.

   d) The family must be informed about the timeframe in which they have to file an appeal. They must also be provided with the fax number and mailing address to send form ***CS-0403, Appeal for Fair Hearing.***

   e) Explain the adoptive family's right to appeal the decision.

2. **Completing Form**
   Upon the adoptive family's decision to appeal, have the adoptive family complete the form ***CS-0403, Appeal for Fair Hearing.***

3. **Appeal Summary**
   Prepare an Appeal Summary within time frame requested by the Administrative Procedures Division and distribute the copies to the following:

   a) Appeal Hearing Officer/Administrative Review Judge;

   b) Adoptive family or their representative;

   c) Central Office Subsidy Supervisor;

   d) Commissioner's Office (only if discrimination is the issue);

   e) Adoption Assistance case record; and

   f) Area/Regional legal counsel.

4. **Appeal Hearing**
   The Appeal Hearing Officer/Administrative Review Judge schedules the hearing.

The adoptive family may have an attorney present. Designated CO Staff will contact area legal counsel to request their participation/advice.

Central Office Designated Staff will attend the hearing and testify giving policy/procedures which were in effect at the time of adoptive placement to support the decision to revise, terminate, or deny Adoption Assistance benefits.

5. Decision of Appeal Hearing Officer

The Appeal Hearing Officer/Administrative Review Judge will issue an order outlining the outcome of the appeal. The adoptive parents and/or the Central Office designated staff may request a reconsideration of the decision by the appeals officer. The adoptive parents may, as a final recourse, file such in Chancery Court.

DCS will comply with the final order in this case.

Section 25: Request for Adoption Assistance After Finalization

What: Provide Adoption Assistance Application for the family to complete.

When: Upon request of the adoptive family.

Who: Central Office Subsidy Staff

Overview

Adoptive parents may make application for Adoption Assistance after finalization of the adoption to determine if the child met the eligibility criteria for Active or Deferred Adoption Assistance prior to adoption.

Request for Adoption Assistance after Finalization

Form ***CS-0930***, ***Application for Adoption Assistance***, will be made by the adoptive parents.

Out-of-state adoptive parents who resided out-of-state at the time the child was placed by a Licensed Child Placing Agency may apply for Adoption Assistance in the area office serving the county from where the child was placed for adoption.

Tennessee residents who adopted and moved out-of-state may apply for Adoption Assistance by contacting the Central Office Subsidy Unit.

Process

1. The application is made by the adoptive parents by completing form ***CS-0930, Adoption Assistance Application.***

2. Form ***CS-0930***, ***Application for Adoption Assistance,*** filed after the finalization of the adoption, must be denied on the basis the adoption has been finalized and the Special Needs Determination was not made prior to adoption finalization. According to section 473 of the Social Security Act, the determination of special needs must be made by the State agency (DCS) prior to the finalization of the adoption.

3. The ineligible Adoption Assistance Eligibility will be mailed to the adoptive family along with the form ***CS-0686, Notice of Denial, Termination, or Change in Adoption Assistance***, and form ***CS-0403, Appeal for Fair Hearing*** explaining the reason for the denial.

4. The adoptive parents may appeal DCS's denial of Adoption Assistance in accordance with the rules and procedures of the State's fair hearing and appeal process. **(See *Section 24, Processing Appeals)***.

5. During the appeal process the adoptive parents are responsible for providing documentation of the child's eligibility for Adoption Assistance prior to finalization and that known information regarding child's eligibility was withheld.

6. The Department is responsible for reviewing the information provided by the parent as evidence that the child should have been eligible for Adoption Assistance prior to adoption finalization and requesting information from the sealed adoption record for the purpose of conducting a documentation review to establish if the child met the eligibility criteria for Active or Deferred Adoption Assistance. The following should be considered during the review and evaluation process:

    a) Determine if the child was in the full guardianship of DCS or a Licensed Child Placing Agency prior to the adoption episode in which it was determined that the child was ineligible for Adoption Assistance;

b) Determine if, at the time of adoption, that it was reasonable to conclude the child could not be adopted without Adoption Assistance or Title XIX medical assistance (TennCare) because the child met one or more of the special needs factors outlined in the Adoption Assistance policy that was in effect at the time the child was adopted;

c) Determine if there was evidence which supports the following;

- The adoptive parents expressed that they could not adopt the child without being awarded Adoption Assistance or Title XIX medical assistance (TennCare); or if
- The child was placed in the adoptive home as a foster care placement and the adoptive family and child had developed significant emotional ties and the department determined that it was in the child's best interest to be adopted by the adoptive family.

d) Determine if relevant facts regarding the child were known by DCS or the Licensed Child Placing Agency, but not presented to the adoptive parent (s) prior to the finalization of the adoption;

e) Determine if DCS or the Licensed Child Placing Agency failed to advise the adoptive family about the availability of Adoption Assistance;

f) Determine if DCS or the Licensed Child Placing Agency failed to complete the required paperwork for the approval of Adoption Assistance prior to the finalization of the adoption.

NOTE: If the appeal decision is in favor of the child receiving Adoption Assistance, the same procedures are to be followed as in an application filed prior to finalization. The effective date for payment will be the date the decision was made during the appeal hearing unless the Administrative Reviewer gives an alternate effective date for payment to begin or an alternative date is agreed upon between DCS and the adoptive family. (*See* DCS Policy ***15.11, Adoption Assistance***).

Section 26: Eligibility for Adoption Assistance of a Child Whose Prior Adoption is Dissolved or Whose Adoptive Parents are Deceased

What: Determining eligibility for Adoption Assistance of a child whose prior adoption is dissolved or whose adoptive parents are deceased for Title IV-E or Fostering Connections IV-E Adoption Assistance

When: Upon request of the prospective adoptive family in a subsequent adoption, prior to adoption finalization in a subsequent adoption.

Overview

A child who was previously determined eligible and was receiving Title IV-E or Fostering Connections IV-E adoption assistance, whose adoption dissolved by termination of the adoptive parents' parental rights or voluntary surrender, or whose adoptive parents are deceased while the child is still under the age of eighteen (18) at the time the application for adoption assistance is made, may be eligible for adoption assistance in a subsequent adoption.

1. The prior Adoption Assistance benefit is not transferrable to the new adoptive family, but the subsidy agreement shall be terminated, and a re-determination of eligibility made.

2. The re-determination shall not consider the financial circumstances of the child, at the time the new agreement is entered into. The child shall be eligible as if the circumstances that existed at the time of the first adoption still exist. The only determination that shall be made at the time of entering into the new AA agreement shall be whether the child continues to meet the special needs criteria pursuant to the definition of special needs outlined in the Department of Children's Services Adoption Assistance policy, rules, and regulations which govern the adoption assistance program at the time the eligibility determination is made.

3. The Department of Children's Services (DCS) shall use TFACTS in determining eligibility in the subsequent adoption.

4. Once the Department of Children's Services (DCS) determines that the child meets the special needs criteria, a new AA agreement shall be negotiated with the prospective adoptive parent, following the procedures for negotiation of an agreement.

5. Both the determination of special needs and a signed AA agreement must be completed prior to the finalization of the subsequent adoption.

6. The effective date for the new AA agreement shall be the date the subsequent adoption is made final.

Process

1. The prospective adoptive parent must obtain an approved home study by completing TN KEY.
2. The prospective adoptive parent must apply to receive Adoption Assistance utilizing Form ***CS-0930, Application for Adoption Assistance***.
3. The child's eligibility should then be determined in TFACTS.
4. The prospective adoptive parent should obtain an adoption attorney and itemized invoice regarding the non-recurring expenses related to the adoption.

5. Once the Adoption Assistance Eligibility has been approved, a Petition to Adopt can be filed and a court date secured.
6. The Adoption Assistance Agreement must be signed by all parties, namely the adoptive parents and the Department, prior to finalization of the adoption.
7. Once the adoption has finalized, then the Adoption Assistance Agreement will go in effect.

Adoption Assistance Forms

- ***CS-0403 Appeal for Fair Hearing***
- ***CS-0460 Intent to Adopt Placement Agreement***
- ***CS-0513 Adoption Assistance Agreement***
- ***CS-0686 Notice of Denial, Termination, or Change in Adoption Assistance***
- ***CS-0809 Verification of Full Time School Attendance***
- ***CS-0821 Certification of Eligibility for Title IV-E State Funded Adoption Assistance***
- ***CS-4200 Adoption Assistance Eligibility***
- ***CS-0930 Application for Adoption Assistance***
- ***CS-0931 Certification of Eligibility for Title IV-E Fostering Connections Adoption Assistance***
- ***CS-0934 Special Needs Justification***
- ***CS-0936 Adoption Assistance-Subsidized Permanent Guardianship Renegotiation***
- ***CS-1203 Request for Payment for Non-Recurring/Legal Expenses for DCS Custodial Children INELIGIBLE for Adoption Subsidy***
- ***CS-0017 Verification of Financial Responsibility for Adoption Assistance***
- ***CS-4220, Verification of Medical/Mental Health Provider Visit (For Adoption Assistance)***

TFACTS Adoption Assistance Story Boards

- How to Add AA Subsidy (Not Eligible)
- How to Add AA Subsidy (Deferred)
- How to Add AA Subsidy (Regular Rate)
- How to Add AA Private Licensed Child Placing Agency Subsidy (Regular Rate)

- How to Add AA Subsidy (Special or Extraordinary Rate)
- How to Add AA Private Licensed Child Placing Agency Subsidy (Special/Extraordinary Rate)
- How to Add Subsidy Review (Regular Rate)
- How to Add AA Subsidy Review (Special or Extraordinary Rate)
- AA Subsidy Return for Rework (Regular Rate)
- AA Subsidy Return for Rework (Special or Extraordinary Rate)
- AA Private Licensed Child Placing Agency Return for Rework (Regular Rate)
- AA Private Licensed Child Placing Agency Return for Rework (Special or Extraordinary Rate)
- AA Subsidy-Change before Finalization (Any Rate)
- How to add AA Private Licensed Child Placing Agency Subsidy-Change before Finalization
- AA Subsidy-Change After Finalization (Any Rate)

Definitions

(1) ***"Certification of Eligibility"*** - Process by which DCS determines a child eligible or ineligible for Title IV-E, Title IV-E Fostering Connections, or State Funded Adoption Assistance. The certification of eligibility shall be determined within TFACTS.

- The Certification of Eligibility process must be completed prior to the adoption finalization and prior to the completion and approval of DCS form ***CS-0934, Special Needs Justification***, DCS form CS-4200, Adoption Assistance Eligibility, and DCS form CS-0531, Adoption Assistance Agreement.
- DCS shall use TFACTS to determine or re-determine eligibility for the Adoption Assistance program.

(2) ***"Verification of Financial Responsibility for Adoption Assistance –*** Written verification which documents the adoptive parent(s) intent to financially support their adopted child, if for any reason the adopted child, for whom they are receiving Adoption Assistance, is temporarily placed in out of home care to include the re-entry into foster care after adoption.

(3) ***"Medical/Rehabilitative Care Needs or Handicapping Condition"*** - Conditions which require services to assist a child with reestablishing or reacquiring and maintaining life skills that may have been lost due to abuse, neglect, dependency or delinquency or who are disabled or have a handicapping condition as the result of genetics or life circumstances which are unrelated to abuse, neglect, dependency, or delinquency whereby Medical/Rehabilitative services are needed to enable the child to cope more effectively with his/her personal needs, and within his/her environment to raise the level of their physical, mental, social, educational, or vocational efficiency.

(4) ***"Medical/Rehabilitative Care Services"*** -Services provided to the child to remediate the conditions which caused the Medical/Rehabilitative Care Need to exist. These services may include, but are not limited to, case management, social skills training, activities of daily living, vocational training, medical services, counseling, psychosocial interventions, social psychotherapy, crisis services, treatment planning, educational services, and independent living skills training provided for a child or youth. Rehabilitative services also include any diagnostic assessment conducted to determine the services the child may need.

(5) **"Verification of Full Time School Attendance"** - Written verification which documents full time school attendance for a child or youth in receipt of adoption assistance or subsidized permanent guardianship. It is permissible for the form to not include the school's seal/stamp when the school does not have a seal/stamp or when other circumstances exist which prevent the school from providing the seal/stamp.

Part II-Subsidized Permanent Guardianship

The Federal Guardianship Assistance Program (GAP) in Tennessee is referred to as the Subsidized Permanent Guardianship (SPG) program. SPG first began in Tennessee as a Title IV-E waiver

demonstration project on December 6, 2006. The project successfully improved permanency and safety outcomes for children and families in approved relative and kin placement settings. The state of Tennessee used the waiver demonstration to test whether the introduction of Subsidized Permanent Guardianship benefits would increase permanency and safety for children and provide improvement in a range of child outcomes such as reduced length of stay in foster care and improved stability in care.

On October 7, 2008 the Fostering Connections to Success and Increasing Adoptions Act (P.L. 110-351) was signed into law. This legislation allowed States and Territories the option to implement a Guardianship Assistance Program statewide per section 471(a)(3) of the Social Security Act. Tennessee's modified state plan was submitted and approved by the Children's Bureau effective April 1, 2009, therefore allowing Tennessee to implement a Guardianship Assistance Program statewide.

Administration of the Subsidized Permanent Guardianship Program

The Department of Children's Services shall administer applicable procedures, determine eligibility, and approve Subsidized Permanent Guardianship benefits outlined in this manual per applicable laws, policy, rules, and regulations stipulated by DCS and federal and state program requirements.

The Tennessee Department of Children's Services (DCS) serves as the Title IV-E agency responsible for administering the Subsidized Permanent Guardianship program in the state of Tennessee.

Legal Base:

- Fostering Connections to Success and Increasing Adoptions Act 2008 (P.L. 110-351)
- TCA 37-5-106, 37-1-801 et seq
- Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183)

Standards: DCS 2-102, 2-104A, 2-501, 2-600

COA: PA FKC 4.02, PA-FKC 4.04, PA-FKC 12.03, PA-FKC 12.07, PA-FKC 14.04, PA-FKC 15.01-15.04

Policies:

- **15.16 Subsidized Permanent Guardianship Case File Contents**
- ***16.4 Foster Home Selection and Approval***
- ***16.8 Responsibilities of Approved Foster Homes***
- ***16.20 Expedited Custodial Placements***
- ***16.36 Title IV-E Foster Care Funds***
- ***15.15 Subsidized Permanent Guardianship***

Protocols:

- ***Protocol for Subsidized Permanent Guardianship Case Planning***
- ***Protocol for Court Exit of Child to Subsidized Permanent Guardianship***

- ***Protocol for Adoption Assistance/Subsidized Permanent Guardianship When Children Re-Enter State Custody or Placed in Out of Home Care***

Section 1: Availability of Subsidized Permanent Guardianship

What: Advising of Availability of Subsidized Permanent Guardianship

When: Prior to Guardianship

Who: The DCS Permanency Specialist/FSW or Contract Provider Agency Representative, as applicable

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Overview

The Department of Children's Services shall make known to relative and kinship families who are being considered as prospective permanent guardians of the availability of Subsidized Permanent Guardianship (SPG) to include Title XIX medical assistance (TennCare), non-recurring expenses, and the eligibility requirements for the SPG program in Tennessee. **See** DCS Policy ***15.15, Subsidized Permanent Guardianship***

The DCS Permanency Specialist and/or Contract Provider Representative shall advise relative and kin caregivers identified as potential permanency options of the availability of Subsidized Permanent Guardianship, the application and approval process, and provisions of the program.

The availability of Subsidized Permanent Guardianship can be discussed with relatives or kin during several junctures throughout their relationship with DCS, so they are aware of the financial supports and services available through SPG if they choose to pursue Permanent Guardianship. **See** DCS Policy ***16.59, Disclosure of Permanency Options and Available Services for Relatives and Kin Caregivers*** and ***Guide to Full Disclosure of Permanency Options***

Benefits and Services

1. Subsidized Permanent Guardianship is made available on behalf of any child who meets the requirements for the SPG program, in accordance with the federal and state policy requirements, and in congruence with program requirements that are described in this manual.

2. Provisions of the Subsidized Permanent Guardianship program can include the reimbursement of a one-time expense also known as non-recurring fees which are expenses necessary to finalize the permanent guardianship exit, TennCare/Medicaid benefits, and a monthly subsidy payment, depending on eligibility and approval for the SPG program. Non-recurring expenses can include any of the following:
    a) Attorney Fees;

    b) Court Costs;

    c) Travel expenses such as transportation and lodging of the prospective guardian(s) related to the placement of the child with an out of county or out of state family. Travel must be in accordance with the state travel regulations;

    d) Health and psychological examination, if required, related to the completing of the home study; or

    e) Other expenses directly related to the finalization of permanent guardianship, as determined allowable by DCS.

3. Prospective permanent guardians can apply for one or more of these benefits based on the needs of the child and the family's capacity to permanently integrate the child into their home.

4. Benefits, services, and the time frame for which a child can remain eligible for the SPG program is contingent upon whether the child's Subsidized Permanent Guardianship agreement is funded through Title IV-E or State and the effective date of the SPG agreement. Specific provisions and requirements for approval and on-going eligibility for SPG benefits are uniquely outlined in the Subsidized Permanent Guardianship agreement, based on the unique circumstance of each case.

5. Title IV-E eligible children are categorically eligible for XIX medical assistance (TennCare); therefore, application made on behalf of these children will receive an automatic approval for TennCare/Medicaid benefits so long as the prospective permanent guardian enters into an agreement with DCS, on behalf of the child which they are obtaining permanent guardianship, and the Title IV-E agreement is legally executed and remains in effect.

6. Title IV-E eligible children can remain eligible for the Subsidized Permanent Guardianship program until they attain the age of eighteen (18) or in some instances, age twenty-one (21), based on the youth meeting certain eligibility requirements for continued approval. Ongoing or continued eligibility for the SPG program, past the youth's 18th birthday, is determined through a Review of Eligibility process completed in TFACTS.

7. Title XIX medical assistance (TennCare) is available for any child who meets the criteria for State Funded Subsidized Permanent Guardianship if the child meets certain income and resource requirements, as determined by Tennessee's Medicaid/Tenncare eligibility requirements.

8. State Funded eligible children can remain eligible for the Subsidized Permanent Guardianship program until age eighteen (18) or in some instances, age nineteen (19) if the child meets certain criteria for continued approval of the state funded assistance.

9. Children may exit custody to Permanent Guardianship **without a subsidy** in accordance with DCS Policy 16.31, Permanency Planning for Children/Youth in Department of Children's Services Custody if it is determined to be in the child/youth's best interest.

Section 2: Eligibility Criteria for Title IV-E and State Funded Subsidized Permanent Guardianship

What: Determine the Funding Source

When: Prior to completion of the Subsidized Permanent Guardianship Application and Agreement

Who: DCS Permanency Specialist and/or the Family Service Worker in collaboration with the Child Welfare Benefits Division

Overview

All children who are determined eligible for Subsidized Permanent Guardianship must meet the program eligibility requirements for SPG. Subsidized Permanent Guardianship may be federally funded, under Title IV-E, or state-funded for children who do not meet the IV-E eligibility criteria.

Eligible guardians must meet the definition of relative or kin which means, any person with whom a DCS custodial child is related by blood, marriage, or adoption, or with whom the child has had a significant relationship that existed prior to DCS custody**,** such as godparent, friend, neighbor, church member, minister, or teacher. This definition does not include traditional Foster Parents unless the Foster Parent had a significant pre-existing relationship with the child/youth prior to the current DCS foster care episode.

The criteria used to establish program eligibility and the funding source for SPG are documented in the requirements below.

Eligibility Criteria for Subsidized Permanent Guardianship

1. In order for DCS custodial children to be determined eligible for Title IV-E or State funded Subsidized Permanent Guardianship, they must meet the following program eligibility requirements.

    a) The child is in the custody or guardianship of DCS at the time of guardianship proceedings.

    b) The child must be under the age of 18.

    c) The child has a goal of Permanent Guardianship where reunification and adoption have been ruled out as appropriate permanency options. Specific reasons regarding why reunification and adoption are deemed inappropriate must be documented in TFACTS.

    d) The child demonstrates a strong attachment to the prospective guardian. A strong attachment is defined as a relationship that existed between the potential guardian and the child or family prior to the child entering DCS custody. A description of the child or family's pre-exiting relationship, with the prospective guardian, is documented in TFACTS.

    e) The prospective guardian demonstrates a strong commitment to the child by agreeing to care for the child on a permanent basis. Confirmation of the prospective guardian's commitment to caring for the child, permanently, is documented in TFACTS.

    f) A child, twelve (12) years of age or older, must be consulted regarding the SPG arrangement.
        - A Guardian Ad Litem, mental health professional, Family Service Worker, DCS Permanency Specialist, or Contract Provider Representative, if applicable, may

provide the counseling/consultation to the youth regarding permanent guardianship and its impact on the youth's life.

- Youth 12 or older **must** be present in the CFTM **and** confirm that they were consulted and were allowed to express their views about permanent guardianship **unless** they could not due to mental or physical conditions that prevent their involvement or it has been determined that it would not be in the youth's best interest to participate due to other factors or circumstances that would be detrimental to the youth's well-being.

Title IV-E SPG: To be eligible for Title IV-E Subsidized Permanent Guardianship, the SPG eligibility requirements listed above under *Eligibility Criteria for Subsidized Permanent Guardianship*, and the IV-E criteria listed below (a-e) must be met:

a) This child must be placed in the custody or guardianship of DCS via a judicial determination, voluntary surrender, or a voluntary placement agreement.

b) The removal court order must include a judicial determination that continuation in the home would be contrary to the welfare of the child.

c) If the child was removed from his or home pursuant a Voluntary Surrender, there must be a subsequent petition to the court to remove the child from his or her home within six (6) months of the date the child lived with the specified relative from whom the child was removed and there is a subsequent judicial determination to the effect that remaining in the home would be contrary to the child's welfare; or

d) The child is placed in DCS custody pursuant to a Voluntary Placement Agreement; **AND**

e) The child must be eligible for Title IV-E Foster Care Maintenance payments for a consecutive six-month period during which the child resided with the prospective guardian that was approved as meeting all the requirements for a foster home. (See DCS Policy ***16.36, Title IV-E Foster Care Funds***).

Sibling Exception for Title IV-E SPG: If a child is eligible for Title IV-E funded Subsidized Permanent Guardianship assistance but has a sibling who is not eligible, the Title IV-E funded SPG assistance may be extended and paid on behalf of each sibling, if the following is true:

a) The Title IV-E eligible child and any of his or her siblings are placed in the same SPG arrangement;

b) DCS and the prospective guardian agrees that the arrangement is appropriate and in the best interest of the sibling(s); and

c) The Title IV-E eligible child and his or her siblings are exiting DCS custody within the same federal fiscal year.

State Funded SPG: To be eligible for State funded Subsidized Guardianship Assistance, the child must meet all of the program eligibility requirements listed in part II, section 2 of this manual; and meet all of the eligibility criteria for State funded Foster Care maintenance payments for a consecutive six-month period while residing with a prospective guardian that is approved as meeting all of the requirements for a foster home.

Eligibility for Title IV-E and State funded SPG assistance is determined by the Child Welfare Benefits Unit within the state's Comprehensive Child Welfare Information System (TFACTS) or by utilizing

form ***CS-0917, Certification of Eligibility for Subsidized Permanent Guardianship*** if TFACTS is not available.

Section 3: Obtaining SPG Approval (Pre-Approval and Final Approval)

What: Obtaining SPG Approval for Children in DCS Custody or Guardianship

When: When the decision is made that placement with a relative or kin guardian will occur

Overview

When reunification and adoption are not sustainable permanency options for a child in the custody or guardianship of DCS and the child is already placed or the decision is made to place the child with a relative or kin guardian, the DCS Permanency Specialist is consulted, and a Child and Family Team Meeting (CFTM) is held to determine if Subsidized Permanent Guardianship (SPG) is a viable permanency option for that child. If Subsidized Permanent Guardianship is determined to be in the child's best interest, the DCS Permanency Specialist will begin the process of gathering documentation to support the SPG approval.

The SPG approval process is completed in two phases, pre-approval and final approval. The pre-approval stage provides an opportunity for the regional staff to learn whether the child or youth will be eligible for the SPG program. This information can then be shared with the prospective permanent guardians and the child and family team to assist in the permanency decision-making process.
Final approval occurs once all the eligibility factors have been met to include the child's placement into the fully approved relative/kin foster home for six consecutive months***. Refer to*** DCS Policy ***15.15, Subsidized Permanent Guardianship*** and the ***Work-Aid for Subsidized Permanent Guardianship***.

Pre-approval Child and Family Team Meeting

1. The DCS Permanency Specialist and FSW carefully follow DCS policy 15.15, Subsidized Permanent Guardianship and the Work Aid for Subsidized Permanent Guardianship to include the SPG Checklist when documenting the eligibility criteria for SPG.

2. Discussion of eligibility requirements listed under Eligibility Criteria for Title IV-E and State Funded Subsidized Permanent Guardianship should be done in the context of Child and Family Team meetings (CFTMs) and documented on form ***CS-0747, Child and Family Team Meeting and Summary*** and/or documented within **TFACTS.**

3. The DCS Permanency Specialist/FSW ensure the following eligibility and permanency factors (a-i) are adequately documented on the CFTM summary and/or TFACTS.

    a) Appropriateness of Permanent Guardianship goal;

    b) Rule out reunification and adoption as permanency options;

    c) Guardian's relative/kin relationship to the child/siblings;

    d) Guardian's commitment to the child/siblings;

    e) Evaluation of Child-Guardian attachment and bonding;

    f) For children/youth over age 12, inclusion of their opinion about placement in guardianship;

    g) Status of the relative/kin foster home being fully approved;

    h) Length of time the child has been placed in the fully approved relative/kin foster home;

i) Other permanency factors to consider or discuss:

- Visitation;
- Legal involvement/legal restrictions to include court hearing, pending or current court orders, child support, or other legal mandates, etc.;
- Continued Well-Being needs to include educational, medical, mental health, insurance coverage and continuation of benefits, if eligible; and
- Community Resources to include post permanency services, Department of Human Services (DHS) programs, relative caregiver programs, recreational/extra-curricular programs, etc.
- In circumstances where siblings will not be placed together or achieve permanency in the same relative/kin foster home, the DCS permanency specialist ensures there's an approval for a formal separation of siblings and documents a plan for ongoing contact and communication
- Confirmation that the family has been given full disclosure of their legal permanency options in accordance with DCS Policy ***16.59, Disclosure of Permanency Options and Available Services for Relatives and Kin Care Givers***.

4. Additionally, the DCS Permanency Specialist/FSW also ensures the following;

   a) Verifies the child's permanency goal, in TFACTS, reflects Permanent Guardianship;

   b) Consults with the DCS attorney and/or Child Welfare Benefits Division to ensure the court order which places the child in custody is appropriate;

   c) Consults with the Child Welfare Benefits Division regarding the foster care funding source;

   d) Consults with Foster Parent Support about the status of the relative/guardian's foster home approval and their need for the SPG assistance;

   e) Creates the TFACTS subsidy record;

   f) Submits and secures Central Office Approval for SPG; and

   g) A referral is made for Guardianship Support and Preparation Training, if applicable.

5. Requests for pre-approval are submitted via email by sending the following to the Central Office Subsidy Unit:

   a) The date of the CFTM(s),

   b) The child and prospective guardian's names, and

   c) The child's TFACTS case identification number.

   d) The status of completing the Guardianship Support and Preparation Training, if applicable.

   Note: Sibling requests can be submitted together.

6. The Central Office Subsidy Unit reviews TFACTS for eligibility criteria and notifies Permanency Specialists when the review has been completed.

7. If a request is denied, the Permanency Specialist notifies and consults with the FSW to determine if additional information is needed for approval or if another permanency option should be considered.

Final Approval

1. After the subsidy record has been created, the subsidy record must be submitted to the Central Office Subsidy Unit for approval.

2. After approval is received from the Central Office Subsidy Unit, the Permanency Specialist may move forward with creating the ***CS-4201, Application for Subsidized Permanent Guardianship***, ***CS-4199, Permanent Guardianship Eligibility*** and CS-0721, Subsidized Permanent Guardianship Agreement, securing signatures of the permanent guardian, and consulting the attorney concerning the court proceedings and SPG exit date.

Updating the TFACTS Record After Permanent Guardianship Finalization

1. Once Permanent Guardianship has been granted, the DCS Permanency Specialist or FSW updates the child's TFACTS legal status and foster care placement record to reflect the date of the child's exit from DCS foster care.

2. The date documented in the date on the Guardianship Order should be used as the legal status end date (Exit Date). In some instances, the exit date documented in the Guardianship Order may be different from the date in which the judge's signature date. However, the date on which the Order documents that Permanent Guardianship was as granted should be used as the legal status end date and the effective date for the SPG subsidy.

   Note: Refer to TFACTS Story Boards below for additional information regarding ending the Legal status in TFACTS for Subsidized Permanent Guardianship

   - How to Add SPG (Regular Rate)
   - How to Add SPG (Special/Extraordinary Rate)

Section 4: Process for Making Application for Subsidized Permanent Guardianship

What: Application for Subsidized Permanent Guardianship

When: Prior to completing the SPG agreement and prior to Permanent Guardianship Exit

Who: The DCS Permanency Specialist in collaboration with the Contract Provider Agency Representative

Overview

Prospective Permanent Guardian(s) may apply for Subsidized Permanent Guardianship once the SPG eligibility requirements identified in part II, sections 2 and 3, of this manual, have been met.

Process

1. Prospective permanent guardian(s) must request Subsidized Permanent Guardianship, Title XIX medical assistance (TennCare), and non-recurring expenses, by applying to the Department of Children's Services, utilizing DCS form ***CS-4201, Application for Subsidized Permanent Guardianship***.

2. The DCS Permanency Specialist and Contract Provider representative, when appropriate, shall assist the family with applying for SPG to include gathering documentation which supports the child's eligibility for the SPG program.

3. A child's final eligibility, approval, or denial for SPG is determined through a certification of eligibility process within TFACTS and documented on DCS form ***CS-4199, Subsidized Permanent Guardianship Eligibility*** and in the TFACTS subsidy record.

4. If the child is determined to be eligible for Subsidized Permanent Guardianship, and the prospective permanent guardian(s) meet the applicable requirements for SPG, the Department of Children's Services will enter into a SPG agreement with the guardianship family prior to the finalization of permanent guardianship, and the SPG agreement will be made effective the date the Permanent Guardianship is legally finalized.

5. If the child is determined ineligible for SPG, the Department of Children's Services will provide the prospective permanent guardians with a notification of denial along with their right to appeal the denial by the Department utilizing DCS forms ***CS-0720, Notice of Denial, Termination, or Change in Subsidized Permanent Guardianship*** and ***CS-0403, Appeal for Fair Hearing by State Department***. This does not include the denial of an SPG rate in cases where the Department has not entered into a SPG agreement with the prospective permanent guardians. Prospective permanent guardians who disagree with the denial of a SPG rate can request an administrative review by the Central Office Subsidy Unit.

6. DCS form ***CS-4199, Subsidized Permanent Guardianship Eligibility*** is provided to the permanent guardian(s), documenting their application for assistance and the system generated decision concerning the approval or denial for SPG benefits.

Section 5: Determining Eligibility for Non-Recurring Expenses for Subsidized Permanent Guardianship

What: Determine eligibility for non-recurring expenses for a child meeting the criteria for SPG

When: Prior to finalization of the permanent guardianship.

Who: DCS Permanency Specialist and/or Central Office Subsidy Staff

Overview

For the purpose of Subsidized Permanent Guardianship, the term non-recurring expense is defined in section 473 (c) of the Social Security Act as reasonable and necessary fees, court costs, attorney fees, or other expenses which are directly related to legal finalization of permanent guardianship.

1. Relatives or kin who obtain permanent guardianship of a child who is determined eligible for SPG qualify for reimbursement of non-recurring costs associated with finalizing the permanent guardianship up to a maximum of $2,000.00 for each SPG placement (per SPG episode).

2. In cases where siblings are placed in a permanent guardianship arrangement or exit foster care via SPG, either separately or as a sibling group, each child is treated as an individual with separate reimbursement for non-recurring expenses up to the maximum amount allowable for each child.

3. For the purpose of payment of non-recurring expenses of Subsidized Permanent Guardianship, DCS must determine that the child meets the criteria for Subsidized Permanent Guardianship as defined in DCS administrative policy 15.15, and applicable laws, rules, and regulations of the State.

Benefits and Services

1. Non-recurring expenses may include one or a combination of the following related to the finalization of subsidized permanent guardianship:

    a) Attorney fees should not typically exceed $1,000.00;

    b) Court Costs – (Typically an attorney-billed expense);

    c) Travel expenses such as transportation and lodging for the prospective permanent guardian(s) related to the placement of a child with an out of county or out of state family. Any exceptions related to the transportation of a child during the process of placement must be referred to the Regional Administrator or his or her designee. Travel must be in accordance with state travel regulations; or

    d) Health and psychological examination, if required and related to completing the home study.

2. Non-recurring legal expenses will not be reimbursed until:

    a) Finalization of the permanent guardianship (except in cases of a disruption);

    b) An order of guardianship has been received; and

    c) The attorney has submitted an itemized bill for payment in all cases, including cases in which the guardianship has disrupted. In cases of disruption, DCS can only pay for services provided up to the point of the disruption.

3. Requests for non-recurring expenses are submitted by the Permanency Specialist and approved by DCS Fiscal. Each request must include supporting documentation.

Request and Approval Process

1. The DCS Permanency Specialist and Contract Provider representative, when appropriate, shall assist the family with gathering documentation of non-recurring costs associated with finalizing the permanent guardianship.

2. The DCS Permanency Specialist will initiate a subsidy record within TFACTS and the Child Welfare Benefits Division will determine eligibility.

3. After eligibility has been determined, the DCS Permanency Specialist will submit a request for approval of payment for non-recurring expenses within TFACTS through a case service request. The documentation of non-recurring costs associated with finalizing the permanent guardianship must be uploaded to TFACTS. Documentation could include the following:
   a) Initial invoice from the attorney with estimated costs and/or
   b) Documentation of other non-recurring expenses related to finalization of the permanent guardianship.

4. The appropriate DCS Fiscal staff will approve the request within TFACTS and provide the vendor with a service authorization. The request should be approved in TFACTS prior to the subsidy record being routed for approval and, consequently, prior to finalization.

5. Finalized Permanent Guardianship

   a) In cases which result in a permanent guardianship finalization, the DCS Permanency Specialist and Contract Provider representative, when appropriate, will obtain documentation of confirmed costs related to the finalized permanent guardianship exit.

   b) The confirmed costs cannot exceed the amount initially approved prior to finalization of the permanent guardianship.

   c) The DCS Permanency Specialist will ensure that the final order of permanent guardianship and documentation of confirmed costs are provided to DCS Fiscal and uploaded to TFACTS.

6. Disrupted Subsidized Permanent Guardianship Placements

   a) In cases of disruption, the DCS Permanency Specialist and Contract Provider representative, when appropriate, will obtain documentation of confirmed costs related to the anticipated SPG exit.
   b) The confirmed costs can only be related to services provided up to the point of disruption and cannot exceed the amount initially approved.

   c) The DCS Permanency Specialist will ensure that the documentation of confirmed costs is provided to DCS Fiscal and uploaded to TFACTS.

7. DCS Fiscal will ensure that the non-recurring costs are paid to the appropriate vendor(s).

Section 6: Criteria for TennCare/Medicaid for Title IV-E and State Funded Subsidized Permanent Guardianship Assistance

What: Criteria for TennCare/Medicaid through SPG

When: Prior to finalization

Who: DCS Permanency Specialist, Central Office Subsidy, and Child Welfare Benefits

Overview

In accordance with sections 473(b)(1) and 473(b)(3) of the Social Security Act, a youth on whose behalf Title IV-E foster care maintenance payments or guardianship assistance payments are made, is categorically eligible for the Title XIX (Medicaid) program available in the State of residence, including a youth up to age 21 per section 475(8)(B) of the Act. DCS custodial children determined eligible for State Funded Subsidized Permanent Guardianship are eligible for Medicaid (TennCare), so long as certain resource and income requirements for Medicaid are met.

Eligibility Criteria for TennCare/Medicaid Benefits

1. Children who are determined eligible for Title IV-E Subsidized Permanent Guardianship are categorically eligible for TennCare/Medicaid regardless of their state of residence, so long as there is a Title IV-E Subsidized Permanent Guardianship agreement in effect.
2. If the child's Subsidized Permanent Guardianship is certified to be State Funded, the DCS Permanency Specialist will review the TFACTS person record to ascertain if the child has income, expenses, or resources known to DCS to determine if the SPG child will be eligible for continued Title XIX medical assistance/Medicaid (TennCare) benefits.

    - Information concerning the child's education, income, and resources should be documented on DCS form ***CS-4201, Application for Subsidized Permanent Guardianship*** and submitted to Child Welfare Benefits for review and approval of TennCare (Medicaid) benefits. ***Refer to part II, section 7 for additional information.***

3. Financial information obtained from the TFACTS review should be shared with the Guardian(s) as part of the full disclosure process.

Section 7: Establishing TennCare/Medicaid for Title IV-E and State Funded Subsidized Permanent Guardianship

What: Process for Establishing TennCare/Medicaid for Title IV-E/State Funded Subsidized

Permanent Guardianship Assistance

When: Prior to permanent guardianship exit or after the SPG agreement is made effective

Who: Permanency Specialist or Central Office Subsidy Staff, Child Welfare Benefits Division

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Overview

The DCS Permanency Specialist and/or the Contract Provider representative, when appropriate, shall advise the kin or relative prospective guardian(s) of the following information concerning TennCare/Medicaid eligibility for the SPG child/youth.

Securing Medicaid Approval Prior to Permanent Guardianship Exit

1. Children/youth who are determined eligible for Title IV-E SPG are categorically eligible for TennCare (Medicaid) benefits; however, prospective permanent guardians are still required to make an application and be approved for the Medicaid, on behalf of the child, utilizing DCS form ***CS-4201, Application for Subsidized Permanent Guardianship***.

2. For children and youth who are determined **Not Eligible** for Title IV-E SPG, the DCS Permanency Specialist/Contract Provider staff will work with the prospective permanent guardians to complete the TennCare Medicaid Enrollment for State Funded Subsidized Permanent Guardianship 3 weeks prior to child's guardianship exit, utilizing DCS form ***CS-4201, Application for Subsidized Permanent Guardianship***.
4. Form ***CS-4201, Application for Subsidized Permanent Guardianship*** should be submitted to the regional Child Welfare Benefits Counselor (CWBC) at least ten (10) working days prior to the guardianship exit date to allow adequate time for processing.
5. Within five (5) working days, the regional CWBC will e-mail confirmation of the Title XIX medical assistance/Medicaid (TennCare) eligibility decision back to the DCS Permanency Specialist.

6. The Title XIX medical assistance/Medicaid (TennCare) Eligibility determination should be documented on DCS form CS-4201, SPG Eligibility and discussed with the prospective permanent guardians during the SPG full disclosure meeting.

7. Medicaid eligibility is determined by the DCS Child Welfare Benefits Division prior to a child exiting foster care via Subsidized Permanent Guardianship utilizing DCS form ***CS-4201, Application for Subsidized Permanent Guardianship Eligibility***.

Process for Establishing TennCare (Medicaid) File after SPG Finalization

1. Once the permanent guardianship is legally finalized, the ***DCS Permanency Specialist*** is responsible for providing the Child Welfare Benefits Division with child specific information in order to facilitate the process of establishing TennCare/Medicaid for the SPG child/youth.
    - Child Name;
    - Child TFACTS person ID; and

- Date of Permanent Guardianship

2. The CWB Counselor will utilize this information to access the signed DCS form ***CS-4201, Application for Subsidized Permanent Guardianship***, form ***CS-4199, Subsidized Permanent Guardianship Eligibility***, and the form ***CS-0721, Subsidized Permanent Guardianship Agreement***, and the final decree for permanent guardianship to establish TennCare (Medicaid) benefits for the SPG child in the appropriate TennCare (Medicaid) category.
3. Because the category changes from DCS Foster Care to the SPG Assistance category, the Managed Care Organization (MCO) for all SPG children will change. Permanent Guardians have 45 days from the MCO change to request a different MCO for the SPG assistance.
4. Once TennCare/Medicaid benefits have been established, the child/youth shall remain eligible for TennCare/Medicaid, so long as there is a legally executed SPG agreement in effect, on behalf of the SPG eligible child/youth, and all other eligibility requirements for TennCare (Medicaid) eligibility are met. **(*See Section 6, Criteria for TennCare/Medicaid for Title IV-E or State Funded Subsidized Permanent Guardianship)***
5. The ***Central Office Subsidy Specialist*** is responsible for notifying the local/regional Child Welfare Benefit Counselor at renewal or whenever there is a change in circumstances for children who receive Subsidized Permanent Guardianship, which might affect the status of their TennCare/Medicaid to include a change in funding source or termination of the SPG Agreement.
6. Permanent Guardians who receive letters regarding a renewal or recertification of their child's TennCare/Medicaid should contact the Central Office Subsidy Staff immediately in order to prevent the possibility of termination or suspension of these benefits.
7. Continued eligibility for State Funded Title XIX medical assistance/Medicaid (TennCare) will be determined based on information submitted by the family during the renewal period to the Subsidy staff and in conjunction with the Regional Child Welfare Benefits Counselor.

Section 8: Subsidized Permanent Guardianship Agreement

What: Establishing a legally executed SPG agreement with the prospective permanent guardian(s)

When: Prior to the finalization of the Permanent Guardianship.

Who: The agreement must be signed by all parties (namely, the permanent guardian(s) and DCS and the Contract Provider representative, as applicable)

Overview

Prior to the Department entering into a Subsidized Permanent Guardianship agreement with the prospective guardian(s), the DCS Permanency Specialist and/or Contract Provider representative, shall ensure the prospective guardian(s) have been made aware of all known medical, psychological, psychiatric information concerning the child and the child's birth family; this includes informing the family about the child's eligibility for Subsidized Permanent Guardianship. It is not necessary that a SPG assistance rate be approved, at this juncture, but merely a determination made as it relates to the child's eligibility or ineligibility for SPG.

1. Once the prospective guardian(s) have been made aware of all known medical, psychological, psychiatric information concerning the child and their birth family, and the prospective guardian(s) decides to move forward with SPG, the DCS Permanency Specialist and/or Contract Provider representative shall assist the prospective guardian(s) with making application for the SPG program and initiate discussions, with the prospective guardian(s), concerning the SPG rate.

2. The DCS Permanency Specialist and/or Contract Provider Representative will assist the prospective guardian(s) with completing the application for Subsidized Permanent Guardianship to include explaining the application process and benefits and services that are available through the SPG program.

3. When the application has been approved, the DCS Permanency Specialist and/or Contract Provider Representative can move forward with securing a Subsidized Permanent Guardianship agreement with the prospective guardian(s).

4. The Subsidized Permanent Guardianship Agreement must be entered into with the prospective guardian(s) before finalization of the permanent guardianship. The agreement must be signed by all parties (namely the guardians(s) and the DCS and/or Contract Provider representative), at least one (1) day before the guardianship finalization date, and a signed copy given to all parties. Only in extenuating circumstances should a SPG agreement be signed on the same date that the Permanent Guardianship is made final. When extenuating circumstances exist, the DCS Permanency Specialist or Contract provider representative, when applicable, is responsible for documenting the reason(s) that precluded the respective parties from signing the SPG agreement at least one day before the hearing date. Regardless, in any circumstance, whether the agreement is signed before the Permanent Guardianship finalization date or on the same date, the SPG agreement must be approved and signed before the court proceeding legally granting the Permanent Guardianship.

5. The DCS Permanency Specialist and/or Contract Provider representative shall review and fully explain, to the guardian(s), the content in the SPG agreement to include the following information:

a) The agreement is a written instrument that is legally binding on all the parties. The agreement must be reviewed, approved, and signed by the State agency representative(s) and the permanent guardian(s) prior to the finalization of permanent guardianship.

b) The Rights and Responsibilities of all parties to the agreement;

c) The duration of the agreement;

d) The nature and amount of the payment, service and assistance to be provided;

e) The Agreement shall remain in effect regardless of the State in which the permanent guardian(s) reside;

f) The interests of the child are protected in cases where the permanent guardian(s) and child move to another state;

g) Provisions of the SPG agreement;

h) Guardians who receive SPG payment have the responsibility to keep the State agency informed of circumstances which would make them ineligible for SPG assistance, or eligible for assistance payments in a different amount (Section 473 (a)(4)(B) of the Social Security Act); and

i) Whoever knowingly obtains, or attempts to obtain, or aids, or abets any person to obtain, by means of a willfully false statement or representation or by impersonation, or other fraudulent device, any assistance on behalf of a child or other person pursuant to the Interstate Compact on Adoption Assistance and Medical Assistance to which such child or other person is not entitled or assistance greater than such child or other person is entitled, commits a Class E felony. (TCA 36-1-205).

NOTE: The payee of the SPG agreement may only be altered by agreement of the parties to the SPG or pursuant to a court order consistent with these rules and federal laws and guidelines or by written, notarized consent of designated payee.

Process for Generating the Subsidized Permanent Guardianship Agreement

The DCS Permanency Specialist is responsible for completing the electronic contract and generating the SPG agreement in TFACTS. See Storyboard

Electronic Filing of the Subsidized Permanent Guardianship Agreement

Once the SPG Agreement is complete, to include securing signatures of all responsible parties, a copy of the agreement, along with the Application for SPG and any supporting documentation must be electronically filed in TFACTS in the SPG subsidy case.

Section 9: Negotiating the Initial Daily Rate Amount for SPG

What: Determine the amount of the daily rate when the child is eligible for Subsidized Permanent Guardianship

When: After eligibility for Subsidized Permanent Guardianship has been determined but prior to SPG Exit.

Who: Permanency Specialist, Central Office Subsidy Staff

Overview

The DCS Permanency Specialists and/or Contract Provider Representative will assist the family in determining the needs of the child and make known, to the family, any available resource to the child such as SSA, SSI, or VA benefits.

Rate Categories
All children who meet the eligibility criteria for SPG will qualify for the regular SPG assistance rate; however, depending on the needs of the child, a higher rate can be requested and negotiated with the prospective permanent guardian(s). The current SPG rates can be found on the DCS website at (ADD LINK). SPG subsidy rates are categorized in three (3) payment categories to include the following:

1. ***Regular SPG Rate:*** All children who meet the eligibility criteria for SPG will qualify for the regular rate based on the age of the child at the time of SPG finalization.

2. ***Special Circumstances SPG Rates*** are designed for children who require a higher level of care and their needs cannot be met at the regular board rate. These children must qualify as meeting all three of the following criteria in order to be approved for a rate in this category as documented by the licensed provider who is responsible for the child's treatment and care:

    a) Have unique needs due to a diagnosed medical/mental health condition or developmental delay that substantially limits a major life activity (for example: walking, speaking, breathing, working, learning, performance of manual tasks, vision, hearing, self-care, social skills, or interpersonal relationships); and

    b) Requires a level of supervision exceeding that of his/her peers; and

    c) Requires extra care (treatment) due to physical, emotional, or mental disability;

3. ***Extraordinary SPG Rates*** are reserved for children who meet the three special circumstances rate criteria but have additional needs that are so unique and extensive that they cannot be met at the regular or special circumstance rate. The criteria for an Extraordinary SPG rate are outlined in form ***CS-0674, Special or Extraordinary Rate Request***.

NOTE: For children placed in a DCS Foster Home, the SPG rate may not exceed the amount of a child's final or most recent foster home board payment.

Request & Approval Process

1. Once it is determined that a Special Circumstances or Extraordinary SPG rate will be requested, the DCS Permanency Specialist and/or Contract Provider Representative will

begin gathering documentation from the licensed providers who have knowledge of the child's current circumstances to support a Special Circumstances or Extraordinary SPG Assistance rate.

- The preferred documentation is form ***CS-0934, Special Needs Justification*** but could also include current Psychological/Psychiatric Evaluations, Psycho-educational Evaluation, Individual Education Plan (IEP), 504 Plan, medical records, and/or any other form of documentation signed by a licensed provider, or board certified ABA provider, responsible for the child's care and treatment.

2. When the DCS Permanency Specialist and/or Contract Provider Representative has gathered the supporting documentation, it is their responsibility, as the first reviewer, to evaluate the information and determine if it's sufficient to support the request for the approval of a Special Circumstances or Extraordinary rate.

3. After reviewing the documentation, the DCS Permanency Specialist and/or Contract Provider Representative together with the prospective permanent guardian(s) will determine the rate to be requested.

4. In order to initiate the rate request, the DCS Permanency Specialist will add or complete a Special Circumstances or Extraordinary Rate Request (Spec/Extra Rate Request) in TFACTS, indicating which Special Circumstances and/or Extraordinary rate criteria are supported by the documentation. The documentation must be uploaded to TFACTS and linked to the Subsidy Record.

5. The DCS Permanency Specialist will submit the Special Circumstances or Extraordinary Rate Request (Spec/Extra Rate Request) and the Subsidy Record to the Central Office Subsidy Unit for review and approval in TFACTS.

6. The Central Office Subsidy Unit will review the request and documentation to determine if the documentation justifies the requested rate.

   a) If the documentation supports the requested rate, the Central Office Subsidy Unit will approve the rate request and Subsidy Record in TFACTS.

   b) If the documentation does not justify the rate, the Central Office Subsidy Unit will consult with the DCS Permanency Specialist to determine if additional documentation should be obtained to support the initial request; or if further negotiations are needed with the prospective permanent guardian(s).

   c) If it is determined that additional documentation will be obtained to support the initial request, the DCS Permanency Specialist will upload the additional documentation and link it to the Subsidy Record.

   d) If additional documentation cannot be obtained to support the initial request, the Central Office Subsidy Unit will deny the rate request and subsidy record in TFACTS.

4. A Special Circumstances or Extraordinary Rate approved prior to finalization of the permanent guardianship will go in effect on the date of SPG finalization.

5. If a consensus cannot be reached regarding the requested Special Circumstances or Extraordinary rate, the prospective permanent guardian(s) can request an administrative review by the Central Office Subsidy Unit.

Section 10: Determining the Effect of Social Security and Veteran Benefits on Subsidized Permanent Guardianship

What: Determine the effect of Social Security and Veteran benefits on Subsidized Permanent Guardianship.

When: When child is receiving those benefits and will be placed with Subsidized Permanent Guardianship.

Who: Permanency Specialist, Central Office Subsidy Staff

1. Eligibility

Prior to the final guardianship court hearing, the Permanency Specialist or designated Staff must discuss the child's eligibility for benefits with the guardian(s) to make them aware of the benefits and that this is a direct link to the birth family. Information required by Social Security to make application for these benefits must be given to the guardian(s) prior to obtaining Permanent Guardianship. The child's Permanency Specialist must ensure the Subsidy Specialist receives the award letter containing information about the child's eligibility for Social Security (SSA) and Veteran Benefits. The guardian(s) may apply for the benefits upon obtaining Permanent Guardianship.

2. Daily Payment

When the guardian becomes the payee for the child's benefits, the daily Subsidized Permanent Guardianship payment is adjusted by the amount of the Social Security and Veteran Benefits for State funded agreements only.

Note: If a child receives SSI benefits, the subsidized permanent guardianship rate will not be affected.

3. Suspending Payment

When the benefits exceed the amount of the monthly Subsidized Permanent Guardianship payment, the monthly Subsidized Permanent Guardianship maintenance payment should be suspended.

4. Benefits to the Child

After the final guardianship court hearing, if the child receives Social Security and Veteran benefits as a result of the guardian's circumstances (disability, age), consider these benefits as the guardian's income. These benefits are not considered when negotiating monthly payment.

When Does Social Security or Veteran Benefits Affect SPG Payments?		
	State Funded	**Standard IV-E**
Supplemental Security Income (SSI)	No	No
SSA Title II or Veteran Benefits to A Permanent Guardian	No	No
SSA Title II or Veteran Benefits to A Biological Parent's Circumstances	Yes	No

Section 11: Establishing Medicaid for SPG through ICAMA

What: Establish service in another state for families who receive Tennessee Subsidized Permanent Guardianship

When: Upon receipt of a request from the guardian(s)

Who: ICAMA Administrator, Central Office Subsidy Staff, and Child Welfare Benefits

The Interstate Compact on Adoption and Medical Assistance (ICAMA) was established in 1986 to safeguard and protect the interstate interests of children covered by a Subsidized Permanent Guardianship agreement, when they move across state lines. Children who exit foster care, with a Subsidized Permanent Guardianship Agreement (GAP), are now served by the ICAMA compact when they move or are placed across state lines. ICAMA is an agreement between and among its member states that enables them to coordinate the provision of medical benefits and services to children receiving guardianship assistance in interstate cases. Any child/youth determined eligible for Title IV-E GAP and meets the Medicaid eligibility requirements shall remain eligible for Medicaid benefits, ***regardless of their state of residence***, so long as their Guardianship Assistance Agreement remains in effect.

ICAMA (Interstate Compact Adoption Medical Assistance) Referral*: Establishing Medicaid in Another State for Families approved for Tennessee Subsidized Permanent Guardianship*

1. All guardians, in receipt of Subsidized Permanent Guardianship Assistance Agreements, are required to inform the Tennessee Interstate Compact on Adoption and Medical Assistance (TN ICAMA) Administrator, when they plan to relocate to another state.

2. Once the Tennessee ICAMA Administrator has been made aware of the guardians' plan to relocate, he/she is responsible for processing an ICAMA referral. This process includes coordinating with the family, the new state of residence, and the TN Child Welfare Benefits division to terminate TennCare benefits in Tennessee and determine an effective date for Medicaid to be activated in the new residence state.
   The ICAMA referral packet consists of the following documents:

   - ICAMA Form 7.00, Notice of Medicaid Eligibility/Case Activation
   - Initial Subsidized Permanent Guardianship Agreement, or the most recent revised SPG agreement

3. The TN ICAMA Administrator uploads a copy of the SPG agreement and enters the child and adoptive family specific information into the ICAMA database to include the following:

   - Child's name
   - Child's DOB
   - Child's Social Security Number
   - Child's Gender
   - Child's Race
   - Child's Funding Source
   - Guardian(s) Name(s)
   - Address in new state of residence
   - Phone number and email address

4. A copy of ICAMA form 7.00, Notice of Medicaid Eligibility/Case Activation and ICAMA form 7.02, Notice to Families is sent to the guardianship family, notifying them that TN has taken the necessary actions to initiate Medicaid benefits in the new residence state.

5. TN ICAMA Administrator will forward any status changes, Medicaid extension requests, and address changes to the child's state of residence, when received from the Central Office Subsidy Staff.

NOTE: Staff should contact the TN ICAMA Administrator, when notified by the guardian, that children with a State Funded Subsidized Guardianship Agreement are placed or moving to another state. These cases will be discussed on a case by case basis, regarding the procedure for processing their out of state Medicaid.

ICAMA (Interstate Compact Adoption Medical Assistance) Referral*: Establishing Medicaid for Out of State families Approved for IV-E Guardianship Assistance (GAP) in Another State*

1. **Referral:** Upon notification from the ICAMA database or an email from the child's Guardianship Assistance state, that the family has relocated to Tennessee, the TN ICAMA Administrator will work with the Child Welfare Benefit division to ensure that the referral is processed as quickly as possible. The TN ICAMA Administrator will forward the following to the CWB division for processing:

    - ICAMA Form 7.00, Notice of Medicaid Eligibility/Case Activation
    - Initial Guardianship Assistance Agreement

2. **Services Provided by Tennessee**
    - Notify the sending state, via the ICAMA database and e-mail, that TennCare/Medicaid has been authorized for the child.
    - Notify GAP assistance state of issues related to processing Medicaid referral
    - Assist family, if necessary, with TennCare/Medicaid issues

3. **Communication with Child Welfare Benefits Staff (CWB)**
    - Forward CWB notices of an address change within Tennessee, via the 7.00 or 7.5 (Information exchange form), or email
    - Forward request for Medicaid extension to CWB
    - Provide termination request, upon receipt, to CWB via the 7.00 or 7.5 (Information exchange form), or email

Section 12: Revising/Renegotiating Subsidized Permanent Guardianship Agreements

What: Revise/Renegotiate Subsidized Permanent Guardianship Agreements

When: A change in circumstances is reported

Who: Central Office Subsidy Staff

Overview

Subsidized Permanent Guardianship Agreements may be revised at any point after approval when there is a change in circumstances. A revision to the Subsidized Permanent Guardianship agreement can be initiated by DCS or at the request of the guardian(s). All revisions to the agreement require supporting documentation, and in most instances, concurrence of the guardian(s).

When should a Permanent Guardianship Subsidy be revised or renegotiated?

1. At guardian(s) request;
2. Guardian(s) may request a revision/renegotiation in their Subsidized Permanent Guardianship at any time the child's circumstances change:
3. When a child re-enters state custody, the Central Office Subsidy Specialist will renegotiate the amount of the daily Subsidized Permanent Guardianship rate with the guardian(s) (*See **Protocol for Adoption Assistance/Subsidized Permanent Guardianship when Children Re-enter State Custody or Placed in Out of Home Care**.)*
4. When a child returns home from a re-entry custody episode;
5. At renewal of a State Funded Subsidized Permanent Guardianship Agreement;
6. If there is a change in the child's treatment needs or circumstances that would warrant a modification in the subsidy rate;
7. When DCS determines a correction is needed due to errors or oversights in the Subsidized Permanent Guardianship Agreement;
8. When the child reaches their 18th, 19th, or 20th birthday.

What should DCS consider in their renegotiation with guardian(s)?

- The needs of the child and family; and
- The supporting documentation to justify the requested Subsidized Permanent Guardianship rate.

Processing a renegotiated or revised agreement

1. As the first reviewer, it is the Subsidy Specialist's responsibility to evaluate the documentation and determine if the information submitted is sufficient to support the approval for a modification to the subsidy rate.
2. If the Subsidy Specialist determines the information is sufficient to support the revision, he/she is responsible for completing the following steps:
   a) Adding a subsidy review in TFACTS;
   b) Completing the Special or Extraordinary Rate Request in TFACTS based on the uploaded supporting documentation (if applicable);
   c) Generating the revision Subsidized Permanent Guardianship Agreement; and
   d) Obtaining the approval signature from the designated Central Office approver.
3. As the final reviewer, the Central Office Approver will determine if the documentation is sufficient and the rate change is warranted.

4. The Subsidy Specialist will provide the permanent guardian(s) with the revised ***CS-0721, Subsidized Permanent Guardianship Agreement,*** ***CS-0720, Notice of Denial, Termination, or Change in Subsidized Permanent Guardianship***, and ***CS-0403, Appeal for Fair Hearing***. The permanent guardian(s) will concur to the revision by signing and returning the revision agreement.

5. All revisions must begin the first day of the month. However, if the rate is being revised at a Renewal/Periodic Review or Review of Eligibility for Youth Turning 18, 19, and 20 Years Old, then the effective date for the revised (new) rate should be the effective date of the review.

   NOTE: The effective date for the revised (new) rate can be made effective on a different date, under certain circumstances, on a case by case basis, with the approval of the Director of Adoptions and Adoption Support.

6. Once the Subsidized Permanent Guardianship Agreement is complete, to include securing signatures of all responsible parties, a copy of the agreement, along with any supporting documentation must be electronically filed in TFACTS in the Subsidized Permanent Guardianship subsidy case. Supporting documentation could include:
   a) ***CS-0721, Subsidized Permanent Guardianship Agreement***, signed by all parties;
   b) Verification of school attendance (if applicable);
   c) Benefit award letter;
   d) Report from the treatment facility;
   e) ***CS-0934, Special Needs Justification*** *Form;*
   f) Medical/psychological documentation;
   g) ***CS-0720, Notice of Denial, Termination, or Change in Subsidized Permanent Guardianship*** ; and/or
   h) ***CS-0403, Appeal for Fair Hearing***

   NOTE: Subsidized Permanent Guardianship benefits or the time frame in which the child remains eligible for the Subsidized Permanent Guardianship program, are subject to guidelines set forth in the revised agreement and in DCS policies, rules, and regulations, which govern the Subsidized Permanent Guardianship program. All revised agreements shall supersede and replace any previous agreements between DCS and the Permanent Guardian(s).

Section 13: Continuation of Enhanced Subsidies at Periodic Review for SPG

What: Review and Evaluation of Documentation to Support Continuation of a Special Circumstances, Unique, Extraordinary, or Negotiated Rate (Enhanced Rates)

When: At each scheduled periodic review

Who: Central Office Subsidy Specialist and Central Office Subsidy Approver

Overview

1. At each renewal or periodic review period, the Subsidy Specialist is responsible for gathering the necessary documents needed to support the approval of the enhanced subsidy rate and securing approval from the Designated Central Office Approver through a subsidy review in TFACTS.
    - **See Storyboard-Add Subsidy Review (Special or Extraordinary Rate).**

2. When evaluating the enhanced subsidy rate during the subsidy renewal or periodic subsidy review period, the Subsidy Staff and Designated Central Office approver should consider the rate criterion which was in effect at the time the enhanced rate was initially approved. This evaluation method should only apply in instances where the enhanced rate is being considered for continued approval of the subsidy at the same rate amount.

3. If during the evaluation period, the Subsidy Specialist determines that the child no longer meets the criteria for the current approved enhanced rate, the Subsidy Specialist should utilize the criteria established in the SPG policy that is effective at the time the subsidy rate is being reviewed for approval. ***See Section 12: Revising the Subsidized Permanent Guardianship Agreement.***

4. If documentation is not submitted to support the continuation of the approved rate and the approved rate is less than the current regular SPG rate for the child's age group, the designation of the rate type should be changed, but the SPG subsidy should remain in effect at the same amount.

Section 14: Rate Changes in the SPG Assistance Based on the Child's Age

What: Determine continuing eligibility for a child. (See DCS Policy ***15.15, Subsidized Permanent Guardianship***

When: Permanent Guardian(s) requests increase based on the child's age

Who: Central Office Subsidy Staff

Renewal/Renegotiation due to change in age

1. An increase, due to a child's 12th birthday, is given upon the request of the permanent guardian(s). Due to the change in the SPG rate, the Central Office Subsidy staff will complete ***CS-0721, Subsidized Permanent Guardianship Agreement,*** to show the new rate.

Note: Increase the new rate effective the first day of the month following the guardian's request for the increase.

2. Increases due to a child's birthday are available only for those children who receive regular and special circumstances SPG rates.

Section 15: Reviewing STATE FUNDED Subsidized Permanent Guardianship

What: Periodic Renewal of State Funded Subsidized Permanent Guardianship

When: Begin 90 days prior to the renewal date

Who: Central Office Subsidy Staff

Overview

State-funded Subsidized Permanent Guardianship Agreements will be reviewed periodically to determine continued eligibility.

1. **Process**

   a) Special Circumstances and Extraordinary Subsidized Permanent Guardianship will be reviewed annually. The renewal date will be the first day of the month, in which the guardianship was made final, the following year. **Example**: The Subsidized Permanent Guardianship was finalized at a Special or Extraordinary Subsidized Permanent Guardianship rate on November 13, 2020. The effective date will be November 13, 2020. The renewal date will be November 1, 2021.

   b) The renewal date can vary from the month of guardianship finalization;

   c) Regular Subsidized Permanent Guardianship rates will be reviewed periodically.

   d) Renewals not completed within the designated time frame will require a renewal agreement to cover the renewal period. It is permissible to continue the SPG payment during the missed renewal period, as long as there is sufficient documentation to support the SPG subsidy rate.

   e) Once a youth reaches the age of 18, a periodic renewal is no longer required as eligibility is reviewed annually. See Section 17 Review of Eligibility for Youth Turning 18, 19, 20

2. **First Notice**

   a) The Subsidy Specialist will enter a subsidy review in TFACTS, which includes reviewing the electronic contract and generating the ***CS-0721, Subsidized Permanent Guardianship Agreement***. See Storyboard-Add Subsidy Review (Regular Rate) and Storyboard-Add Subsidy Review (Special or Extraordinary Rate).

   b) At least 90 days prior to the renewal date, the Subsidy Specialist must send a letter to the guardian(s), requesting that they review, sign, and have the agreement notarized before returning the form to the Subsidy Specialist. The Subsidy Specialist will provide the guardian(s) with the appropriate documents to complete the renewal process which could include ***CS-0809, Verification of Full-Time School Attendance*** and/or ***CS-0934, Special Needs Justification***.

3. **Second Notice**

   a) If the renewal agreement with supporting documentation is not received, send a second letter by certified mail at least 60 days prior to the renewal date.

   b) The guardian(s) must return a completed form ***CS-0721, Subsidized Permanent Guardianship Agreement*****,** within the timeframes outlined in the Subsidized Permanent Guardianship Agreement to the Central Office Subsidy Staff.

   c) Unless the guardian(s) can show good cause, failure by the guardians to return the renewal agreement may result in the termination of the Subsidized Permanent Guardianship

payments and the case will not be re-opened. Decisions to allow late submissions of documentation will be made on a case-by-case basis and approved at the discretion of the Division of Adoptions.

4. **Verifying Assistance:** Written verification must be obtained of the following:
   a) Medical/psychological/psychiatric needs when these services are being utilized;

   Note: For children receiving enhanced rates, guardian(s) are required to submit verification from their child's licensed treatment services provider(s).

   b) Verification if the child continues to reside in the family home; acceptable forms of verification include:

      - ***CS-0809, Verification of Full-Time School Attendance*** and/or

      NOTE: The only acceptable form of verification for home-schooled children is medical/mental health documentation.

      - ***CS-0934, Special Needs Justification***, with a documented appointment within the last year.

      - For children not residing in the family home, the Subsidy Specialist should ask the guardian(s) to submit a letter to DCS providing the child's current address, explaining if they (the guardians) are still legally responsible; and how they are providing financial support to the child.

   c) If the guardian(s) continue to be legally responsible for the child;

   d) If the guardian(s) continue to provide support to the child; and

   e) If the child is 18 and has state-funded subsidized permanent guardianship, verify in writing that the child is in school by using DCS form, ***CS-0809, Verification of Full-Time School Attendance***.

      Note: State-Funded children who were 16 years of age or older when entering the Subsidized Permanent Guardianship Agreement effective on or after October 1, 2010 will be provided Subsidized Permanent Guardianship assistance payments until the child graduates from high school or turns 19, whichever comes first.

5. **Renewal Process**

   a) The renewal/renegotiation of State Funded Subsidized Permanent Guardianship contracts are required periodically in order for payments, at any rate, to continue.

   b) Upon receipt of the renewal information from the guardian(s), the Subsidy Specialist will review documents submitted by the guardian(s) for accuracy, and to make sure that supporting documentation continues to justify rates that are above the regular Subsidized Permanent Guardianship rate.

   c) At the time of renewal, if the child has been approved for an enhanced SPG rate, and it is determined that the documentation is insufficient to support continued approval, the reviewer/Central Office Subsidy Specialist is responsible for contacting the permanent guardian(s) to discuss what additional information is needed to support the existing rate. When speaking with the permanent guardian(s), the Subsidy Specialist should be specific in terms of the additional documentation needed to meet the requirements for the continued approval of the enhanced rate and time frames for which the Department can accept additional documentation. The permanent guardian(s) will be advised that if the submitted

documentation is not enough to justify the rate, the rate must be renegotiated. If the rate has to be renegotiated and/or revised, follow steps in **Section 14, Revising Subsidized Permanent Guardianship Agreement.**

d) Once it has been determined that sufficient documentation has been received to support renewal of the Agreement at the existing rate, the Subsidy Specialist will complete the subsidy review, to include completion of the Special or Extraordinary Rate Request if applicable, and route it to the Central Office Subsidy Supervisor for approval. See Storyboard-Add Subsidy Review (Regular Rate) and Storyboard-Add Subsidy Review (Special or Extraordinary Rate).

e) Once the SPG Agreement is complete, to include securing signatures of all responsible parties, a copy of the agreement, along with any supporting documentation must be electronically filed in TFACTS in the SPG subsidy case. See ***Work Aid- Electronic Filing for Subsidized Permanent Guardianship***.

6. **Forms Distribution**

Ensure that the form ***CS-0721 Subsidized Permanent Guardianship Agreement,*** is completed and distribute copies as follows:

a) Send the copies of the renewal agreement to the guardian(s), if requested;

b) Copy to Child Welfare Benefits Counselor; and

c) Upload into **TFACTS**.

Note: File all of the above with the most recent documentation on top, and uploaded into TFACTS. Subsidized Permanent Guardianship files must be in accordance with DCS Policy 15.16 ***Subsidized Permanent Guardianship Case File Contents*** and ***Protocol for Subsidized Permanent Guardianship Case File Contents***.

Section 16: Denying Subsidized Permanent Guardianship

What: Deny Subsidized Permanent Guardianship payments

When: Any eligibility requirement is not met

Who: Permanency Specialist or Central Office Subsidy Staff

1. Circumstances

DCS will deny Subsidized Permanent Guardianship at the time of application when one of the following conditions exists:

a) The child does not meet the eligibility criteria as outlined in Section 1, Criteria for Subsidized Permanent Guardianship Eligibility;

b) The guardian(s) are not a fully approved foster home (See DCS Policies ***16.4 Foster Home Selection and Approval*** and ***16.8 Responsibilities of Approved Foster Homes***)

c) The final Permanent Guardianship hearing has occurred before the guardian(s) applies; or

d) The child was not in DCS custody/guardianship immediately prior to the final Permanent Guardianship hearing.

2. Completing Form

Complete forms ***CS-4201, Application for Subsidized Permanent Guardianship*** and ***CS-4199 Subsidized Permanent Guardianship Eligibility***.

3. Notification

a. Notify the guardian(s) in writing within five (5) working days of the decision of the reason for denial and the right to appeal. (See **Section 16, Processing Appeals).**

b. A copy of the denial notification is to be filed in the Subsidized Permanent Guardianship case record.

Section 17: Review OF Eligibility FOR Youth Turning 18, 19, or 20

What: Determines child's continued eligibility for Subsidized Permanent Guardianship

When: Begin process 90 days prior to child's 18th, 19th, and 20th birthday

Who: Central Office Subsidy Staff

Overview

An eligibility determination must be completed, in TFACTS, for all youth turning 18, 19, or 20 years old to determine if the youth will remain eligible for the SPG payment past the age of 18. Continued eligibility for youth 18, 19, or 20 regardless of the funding source is determined through a Review of Eligibility process within TFACTS based on the SPG program requirements. If during the review process, it is determined that the youth meets the continued eligibility qualifications, the subsidy can remain in effect, if all the other SPG program eligibility requirements are met. Conversely, if through the review of eligibility process, it's determined that the youth does not meet any of the conditions for continued approval, through IV-E or State, the subsidy agreement shall be terminated.

Subsidized Permanent Guardianship Program Requirements

1. Title IV-E Subsidized Permanent Guardianship: A child/youth determined eligible for Title IV-E SPG can continue to have their SPG funding through Title IV-E until the age of 21 if one of the following is true:

a) The youth is under the age of 21 and the SPG agreement was made effective prior to October 1, 2010, and has a disability/handicapping condition, documented by a licensed provider, which requires treatment, to warrant the continuation of the Title IV-E subsidy payment; in situations where the youth is considered to have a permanent mental health/medical condition as documented by a licensed professional, but is not receiving ongoing treatment, it is permissible for the state agency (DCS) to continue the subsidy payment beyond the youth's 18th birthday so long as the permanent condition is documented in the youth's SPG file.

b) The youth is under the age of 21, the SPG agreement was made effective between October 1, 2010 and June 30, 2012, the youth was 16 or older at the time of the SPG exit, and one of the following is true:

- The youth is a full-time high school student, or the youth is in an approved secondary program leading to an equivalent credential; or
- The youth is enrolled in an institution which provides post-secondary or vocational education; or
- The youth is determined incapable of employment/attending school due to a documented medical condition; or
- The youth has a disability/handicapping condition, documented by a licensed provider, which requires treatment, to warrant the continuation of the Title IV-E subsidy payment; in situations where the youth is considered to have a permanent mental health/medical condition as documented by a licensed professional, but is not receiving ongoing treatment, it is permissible for the state agency (DCS) to continue the subsidy payment beyond the youth's 18th birthday so long as the permanent condition is documented in the youth's SPG file.

c) The youth is under the age of 21, the SPG agreement was made effective between October 1, 2010 and June 30, 2012, the youth was under the age of 16 at the time of the SPG exit and has a disability/handicapping condition, documented by a licensed provider, which requires treatment, to warrant the continuation of the Title IV-E subsidy payment; in situations where the youth is considered to have a permanent

mental health/medical condition as documented by a licensed professional, but is not receiving ongoing treatment, it is permissible for the state agency (DCS) to continue the subsidy payment beyond the youth's 18th birthday so long as the permanent condition is documented in the youth's SPG file.

d) The youth is under the age of 21, the SPG agreement was made effective on or after July 1, 2012, the youth was 16 or older at the time of the SPG exit, and one of the following is true:

- The youth is a full-time high school student, or the youth is in an approved secondary program leading to an equivalent credential; or
- The youth is enrolled in an institution which provides post-secondary or vocational education; or
- The youth is determined incapable of employment/attending school due to a documented medical condition; or
- The youth has a disability/handicapping condition documented to be moderate or severe by a licensed provider, which requires treatment, to warrant the continuation of the Title IV-E subsidy payment; or
- The youth has a disability/handicapping condition which substantially limits the youth in one or more major life functions as documented by a licensed provider to warrant the continuation of the Title IV-E subsidy payment.

e) The youth is under the age of 21, the SPG agreement was made effective on or after July 1, 2012, the youth was under the age of 16 at the time of the SPG exit, and one of the following is true:

- The youth has a disability/handicapping condition documented to be moderate or severe by a licensed provider, which requires treatment, to warrant the continuation of the Title IV-E subsidy payment; or
- The youth has a disability/handicapping condition which substantially limits the youth in one or more major life functions as documented by a licensed provider to warrant the continuation of the Title IV-E subsidy payment.

NOTE: Documentation from a licensed provider is required to determine continued eligibility. The only exception is for youth receiving ABA services. In this situation, the provider must be board certified (DCS Policy ***15.15, Subsidized Permanent Guardianship***, Section I.3 and J.2).

2. **State funded Subsidized Permanent Guardianship:** A child/youth determined eligible for State funded SPG can continue to have their SPG agreement funded through State funds until the age of 19 if one of the following is true:

a) The youth is under the age of 19, the SPG agreement was made effective prior to October 1, 2010, and documentation has been obtained to verify that the youth is enrolled in high school full-time to warrant the continuation of the State funded payment.

b) The youth is under the age of 19, the SPG agreement was made effective on or after October 1, 2010, the youth was 16 or older at the time of the SPG exit, and documentation has been obtained to verify that the youth is enrolled in high school full-time to warrant the continuation of the State funded payment.

NOTE: For SPG agreements made effective on or after October 1, 2010 and the youth was under the age of 16 at the time of the SPG exit, the SPG agreement will terminate at the youth's 18th birthday.

Review of Eligibility Process:

All subsidies must be evaluated to determine continued eligibility for Title IV-E or State Funded Subsidized Permanent Guardianship prior to age 18 and subsequently each year thereafter prior to each impending birthday until the youth reaches the age of 21. During the evaluation period, if it is determined that the youth does not meet any of the conditions to continue IV-E, but does meet one of the criterion for State Funded SPG, the agency (DCS) will allow the SPG agreement to remain in effect, but change the funding from IV-E to State, effective the date of the youth's birthday in which the child became ineligible for Title IV-E.

Verifying Assistance

Written verification must be obtained to document that the youth meet the continued eligibility qualifications. Acceptable forms of documentation may include:

1. ***CS-0809, Verification of Full-Time School Attendance*** and/or

   NOTE: The only acceptable form of verification for home-schooled children is medical/mental health documentation.

2. ***CS-0934, Special Needs Justification***, with a documented appointment within the last year.

Section 18: Terminating Subsidized Permanent Guardianship

What: Terminate Subsidized Permanent Guardianship payments when circumstances occur that cause a change in eligibility

When: The change in circumstances causes termination

Who: Central Office Subsidy Staff

Evaluation

DCS must terminate Subsidized Permanent Guardianship payments any time after approval when one of the following exists:

1. Upon the permanent guardian(s) request;
2. DCS determines that the permanent guardian(s)' legal responsibility to the child ended;
3. DCS determines that the child is no longer receiving financial support from the permanent guardian(s);
4. Upon the conclusion of the terms of the Subsidized Permanent Guardianship Agreement;
5. DCS determines that the family fails to complete the renewal re-negotiation process within the time frames outlined in the Subsidized Permanent Guardianship Agreement (**for state funded agreements only**);
6. If the child marries;
7. If the child enlists in the military;
8. The youth is approved for and begins receiving benefits from the Extension of Foster Care (EFC) program.
9. If the child dies;
10. If the guardian becomes incapacitated or dies;
11. The child no longer meets the continuing eligibility criteria used to continue the SPG beyond the eighteenth (18) birthday (See Section 17, Review of Eligibility for Youth Turning 18, 19, or 20); or
12. If the Department determines that a child was made eligible for the SPG program in error. DCS reserves the right to terminate the SPG agreement due to error or oversight concerning the determination of eligibility for the SPG program.

NOTE: For children placed in DCS custody, residential treatment, or living outside the home of the guardian(s), see Protocol for Adoption Assistance/Subsidized Permanent Guardianship When Children Re-enter State Custody or Placed in Out of Home Care.

Completing Form

Complete form ***CS-0721, Subsidized Permanent Guardianship Agreement,*** and make sure to include reason for termination.

Effective Date
Subsidized Permanent Guardianship can be terminated when DCS determines that the child/youth has become ineligible for the Subsidized Permanent Guardianship.

Distribution
Submit all copies to the Central Office Subsidy Staff for approval.

One copy of the agreement is to be maintained in the Subsidized Permanent Guardianship case record and one copy is sent to the Child Welfare Benefits Worker. (See: DCS Policy ***15.16 Subsidized Permanent Guardianship Case File Contents*** and ***Protocol for Subsidized Permanent Guardianship Case File Contents***).

For youth 18, 19, and 20 years old, eligibility for State funded SPG agreements and Title IV-E SPG agreements (entered into on or after October 1, 2010 and were 16 or older at the time of exit to guardianship) is based on continual full-time school enrollment and attendance. Breaks in full-time attendance and enrollment will disqualify the youth for continued eligibility. The only exception is in instances where the educational institution considers the break to be normal or customary for the school year. Other exceptions can be made on a case by case basis at the discretion of the Director of Adoption and Adoption Support so long as the exception does not violate state and federal law concerning SPG program eligibility requirements.

During the evaluation period, if it is determined that the youth does not meet any of the conditions to continue IV-E, but does meet one of the criterion for State-Funded SPG, the agency (DCS) will allow the SPG agreement to remain in effect, but change the funding from IV-E to State, effective the date of the youth's birthday in which the child became ineligible for Title IV-E.

Section 19: Successor Guardianship Approval Process

What: Transferring SPG subsidy payment to a Successor Guardianship

When: When a Guardian who has a Subsidized Permanent Guardianship Agreement with the Department of Children's Services becomes incapacitated or dies

Who: Central Office Subsidy Staff, Foster Parent Support (FPS), and the Resource Home Eligibility Team (RHET)

Overview

In the event the guardian becomes incapacitated or dies, the Subsidized Permanent Guardianship subsidy payment can be transferred to the Successor Guardian identified in the ***CS-0721, Subsidized Permanent Guardianship Agreement***, without a new determination of eligibility.

Process

1. The Successor Guardian will need to provide legal evidence to the Department that the child is now in the caretaker's guardianship.
2. After the Department has been made aware of the Successor Guardian's legal responsibility of the child, the departmental staff notified will provide the Successor Guardian with contact information for Central Office Subsidy Staff and send the Successor Guardian's contact information along with the name and date of birth of the eligible child to Central Office Subsidy Staff.

3. Central Office Subsidy Staff will notify appropriate regional FPS Team Leader.

4. Regional FPS Team Leader will assign a Foster Parent Support Worker (FPSW) to complete background checks and a home study on the Successor Guardian in accordance with Policy ***16.20, Expedited Custodial Placements***.

5. All findings identified as a result of these checks will be documented on form ***CS-0687, Background Check History and IV-E Eligibility Checklist***, with results attached.

6. The complete Successor Guardian Home Study forms include the following:

a) ***CS-0559, Authorization for Release of Information and HIPAA Protected Health Information TO or FROM the Department of Children's Services and Notification of Release***

b) ***CS-0750, Background Criminal History-Expedited/Emergency, Purpose Code X III Name Check,***

c) ***CS-0741, Database Search Results,***

d) ***CS-0921, Waiver of Criminal Convictions, Pre- and In-Service Training Requirements, Non-Safety Issues, CPS Substantiations and Education Requirements***, (if applicable),

e) ***CS-0676, Home Safety Checklist,***

f) ***CS-0687, Background Check History and IV-E Eligibility Checklist,***

g) ***CS-0682, Expedited Placement Assessment Summary***,

h) Form ***W-9***,

i) ***Supplier Direct Deposit Authorization (ACH)*** form (if applicable).

7. If the results of the background checks and home study are determined to be satisfactory and do not present safety concerns for the child, the FPSW will proceed with opening the Successor Guardian as an expedited home study in TFACTS and establishing the Successor Guardian as a vendor.

8. After the Successor Guardian's expedited home has been opened and approved in TFACTS, the FPSW will upload the expedited home study and backgrounds checks to TFACTS. In the comment section on TFACTS disposition page, the FPSW will notate this is a Successor Guardianship home. After information has been uploaded in TFACTS, FPSW will notify Central Office RHET Staff to request approval of the Successor Guardian's home. RHET staff will then review information in TFACTS and complete the RHET checklist in TFACTS.

9. After RHET checklist has been completed, regional FPS staff will monitor TFACTS to ensure Edison information has been linked to the foster home under the Avl.Serv./SH Agrmts/Pmt section and notify Central Office Subsidy Staff when the process has been completed.

10. Central Office Subsidy staff will complete a revised ***CS-0721, Subsidized Permanent Guardianship Agreement*** with the Successor Guardian. The Successor Guardian will be responsible for any future renewals, reports of changes in circumstances, and requests for revisions to the SPG Agreement as outlined in this policy.

11. Successor Guardian's expedited foster home will be closed and filed according to Records Disposition Authority (RDA) 2877 after the first guardianship payment has been received by the Successor Guardian.

12. In the instances where a Successor Guardian is not identified in the Initial Subsidized Permanent Guardianship Agreement, the caretaker can add a Successor in an amended revision or renewal agreement.

Section 20: PROCESSING APPEALS

What: Process appeals of decisions to revise, terminate, or deny Subsidized Permanent Guardianship agreements

When: An appeal is requested by the guardian

Who: Central Office Subsidy Staff

Overview

Whenever DCS revises, terminates, or denies Subsidized Permanent Guardianship agreements, the guardian(s) may appeal the decision in accordance with the rules and procedures of the State's fair hearing and appeal process. If they appeal within 10 days of the written notice from DCS, assistance may continue pending the outcome of the appeal. If an adverse action is upheld during an appeal, payments continued during the appeal period will be considered an overpayment and will be subject to recovery.

Note: If guardian(s) request termination or termination is due to the youth reaching the age of 21, it is not necessary to give notice of the appeal. See: DCS Policy ***15.15 Subsidized Permanent Guardianship***.

1. Contact/Written Notice

a) Contact the guardian(s) and discuss revision/termination/denial, giving reasons for the decision.

b) Also provide written notice, listing all reasons for the decision utilizing form ***CS-0720, Notice of Denial, Termination, or Change in Subsidized Permanent Guardianship***, when an agreement is revised, terminated, or denied.

c) Form ***CS-0403, Appeal for Fair Hearing***, must be given to the guardians) at the same time the form ***CS-0720, Notice of Denial, Termination or Change in Subsidized Permanent Guardianship***, is given.

d) The family must be informed about the timeframe in which they have to file an appeal. They must also be provided with the fax number and mailing address to send form ***CS-0403, Appeal for Fair Hearing***.

e) Explain the guardian's right to appeal the decision.

2. Completing Form

Upon the family's decision to appeal, have the guardian complete form ***CS-0403, Appeal for Fair Hearing***.

3. Appeal Summary

Prepare an Appeal Summary within the time frame requested by the Administrative Procedures Division and distribute copies to the following:

a) Appeals Hearing Officer/Administrative Review Judge;

b) Guardian(s) or their representative;

c) Central Office Subsidy Supervisor;

d) Commissioner's Office (only if discrimination is claimed);

e) Subsidized Permanent Guardianship case record; and

f) Regional Legal Counsel.

4. Appeal Hearing

a) The Appeals Hearing Officer/Administrative Review Judge schedules the hearing.

b) The guardian(s) may have an attorney present. The Subsidy Specialist may contact the regional counsel to request their participation.

c) The Central Office Subsidy Staff will attend the hearing and testify giving policy/procedure, which were in effect at the time of guardianship placement to support the decision to terminate, revise, or deny subsidized permanent guardianship payments.

5. Decision of Appeal Hearing Officer

The Appeals Hearing Officer/Administrative Review Judge will issue an order outlining the outcome of the appeal. The guardian(s) or the DCS representative may request a reconsideration of the decision by the Appeals Hearing Officer. The guardian(s) may, as a final recourse, file such in Chancery Court.

DCS will comply with the final order in this case.

CS-0403, Appeal for Fair Hearing

CS-0917, Certification of Eligibility for Subsidized Permanent Guardianship

CS-0721, Subsidized Guardianship Agreement

CS-0674, Special or Extraordinary Rate Request

CS-0720, Notice of Denial, Termination, or Change in Subsidized Permanent Guardianship

CS-0719, Intent to Obtain Subsidized Permanent Guardianship Placement Agreement

CS-4201, Application for Subsidized Permanent Guardianship

CS-4199, Subsidized Permanent Guardianship Eligibility

CS-0809, Verification of Full Time School Attendance

CS-0934, Special Needs Justification

TFACTS SPG Story Boards

- How to Add SPG Subsidy (Not Eligible)
- How to Add SPG Subsidy (Regular Rate)
- How to Add SPG Subsidy (Special or Extraordinary Rate)
- How to Add Subsidy Review (Regular Rate)
- How to Add Subsidy Review (Special or Extraordinary Rate)
- SPG Subsidy Return for Rework (Regular Rate)
- SPG Subsidy Return for Rework (Special or Extraordinary Rate)
- SPG Subsidy-Change before Finalization (Any Rate)
- SPG Subsidy-Change After Finalization (Any Rate)