

Title of Proposed Rule: Child Welfare Adoption Rules 7.306 – Division of Child Welfare

CDHS Tracking #: 22-12-08-01 - 2509-4 Part 3 of 3

Office, Division, & Program: Rule Author: Sheila Dalton
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RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

- a. Board Executive Director
b. Regular Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

AG Initial Review Initial Board Reading AG 2nd Review Second Board Reading / Adoption

This package contains the following types of rules: *(check all that apply)*

Number
 X Amended Rules
 X New Rules
 X Repealed Rules
 Reviewed Rules

What month is being requested for this rule to first go before the State Board?	TBD
What date is being requested for this rule to be effective?	TBD
Is this date legislatively required?	No

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ **Date:** _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated Dates: 1st Board _____ 2nd Board _____ Effective Date _____

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**STATEMENT OF BASIS AND
PURPOSE**

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

The Division of Child Welfare is working with stakeholders and county departments to review and make modifications to the Code of Colorado Regulations 7.306 to clearly reflect federal and state law regulations regarding the adoption program. The Child Protection Ombudsman recommended the Colorado Department of Human Services' Division of Child Welfare work with stakeholders to amend Colorado Code of Regulations to ensure they accurately reflect the federal and state law regarding the adoption program. Currently the rules are outdated and lack clarity regarding adoption practice in Colorado. The Division of Child Welfare is revising (CCR)- 7.306 through the Permanency Task Group, which includes stakeholders, county departments of human/social services, the Child Protection Ombudsman's office, adoption advocates and community members by reviewing and making modifications to rule, to reflect federal and state law regarding the adoption assistance program and adoption practice in Colorado. The revisions to these rules will ensure county departments of human/social services accurately interpret rules regarding the adoption assistance program and adoption practice. Code of Colorado Regulation Rule revisions have been divided into to 3 packets: Pre- Adoption (Packet 1) Post Adoption (Packet 2) and Adoption Assistance (Packet 3). This is packet 3 of 3.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

- to comply with state/federal law and/or
 to preserve public health, safety and welfare

Justification for emergency:

State Board Authority for Rule:

Code	Description
26-1-107(5), (6), C.R.S. (2022)	State Board to promulgate rules.
26-1-109(3), (4), (5), C.R.S. (2022)	State department rules to coordinate with federal programs.
26-1-111(2), C.R.S. (2022)	State department to promulgate rules for public assistance and welfare activities.

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
§§ 26-7-101 to 110, C.R.S.	Colorado's Adoption Assistance Statute

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(2019)	
26-1-111, C.R.S. (2015)	State department to promulgate rules for public assistance and welfare activities
§ 26-1-111, C.R.S. (2019)	State department to promulgate rules for public assistance and welfare activities
42 U.S.C. § 673	Adoption and guardianship assistance program
P.L. 96-272	Adoption Assistance and Child Welfare Act Of 1980
42 U.S.C. § 670	The Adoption and Safe Families Act of 1997

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Does the rule incorporate material by reference?

Yes

No

Does this rule repeat language found in statute?

Yes

No

If yes, please explain.

Due to this packet outlining the adoption assistance program, there are new rules that have been developed from statute that were not previously in this section.

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REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Children, youth, and families who are served in child welfare will benefit from this rule change. This will promote equity, consistency, and alignment with federal and state regulations as there are 64 counties serving Colorado families through the adoption assistance program. There is no adverse impact identified for this rule change.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

Families with children/youth who are served in the child welfare system will have better defined adoption rules that will allow for more clarity in the adoption assistance program. County department staff will be responsible for implementing these changes through their adoption practice and work with families. This will need additional training and there is an impact on the amount of time to implement new practice. However, this will promote equity, consistency across the state, and align with federal and state regulations. This rule packet outlines the adoption assistance components of an adoption case. This is rule packet 3 of 3. There are no other adverse impacts identified for this rule change.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just “no impact” answer should include “no impact because....”***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

The State receives an annual appropriation for adoption assistance. The appropriation includes General Fund as one of the funding sources. Depending on the results/outcomes of using the tool to calculate the amount of the adoption assistance will determine the impact on the appropriation.

County Fiscal Impact

The State receives an annual appropriation for adoption assistance. The appropriation includes a 10% county match on all expenditures. Depending on the results/outcomes of using the tool to calculate the amount of the adoption assistance will determine the impact on the appropriation.

Federal Fiscal Impact

The State receives an annual appropriation for adoption assistance. The appropriation includes federal funds (Title IV-E) as one of the funding sources. Depending on the results/outcomes of using the tool to calculate the amount of the adoption assistance, as well as the Title IV-E eligibility of the child, will determine the impact on the appropriation.

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Other Fiscal Impact (*such as providers, local governments, etc.*)

There is no other fiscal impact as a result of these changes.

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

The Child Protection Ombudsman provided information to the Division of Child Welfare through report CPO 2016-2074. This investigation highlighted the need for rules regarding adoption assistance to be more consistent and equitable across the state of Colorado. There was also an actuarial analysis completed by Leif and Associates in 2019. This provided information regarding the lack of consistency regarding adoption assistance agreements and county adoption assistance policies.

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5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just “no alternative” answer should include “no alternative because...”

There is no alternative action because adoption rules in CCR 7.306 are outdated. Without these rule changes and modifications, county departments adoption practice could be negatively impacted as children, youth and families in Colorado may not receive equitable and consistency adoption assistance.

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OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
7.306.4 Adoption Assistance Services		<p>Colorado operates two adoption assistance programs: the Title IV-E program and the state and county-only (non-Title IV-E) program.</p> <p>A. Applicable to both programs:</p> <p>1. The federal government participates in adoption assistance agreements on behalf of children who meet the eligibility criteria for the Title IV-E adoption assistance program.</p> <p>2. The state and county participate in adoption assistance agreements on behalf of children who are not eligible for the Title IV-E program.</p> <p>3. Adoption assistance is a program that provides assistance to adoptive parent(s) in certain defined</p>	<p>Colorado operates two adoption assistance programs: the Title IV-E program and the state and county-only (non-Title IV-E) program.</p> <p>A. Applicable to both programs:</p> <p>1. The federal government participates in adoption assistance agreements on behalf of children/YOUTH who meet the eligibility criteria for the Title IV-E adoption assistance program.</p> <p>2. The state and county DEPARTMENTS participate in adoption assistance agreements on behalf of children/YOUTH who are not eligible for the Title IV-E program.</p> <p>3. PROSPECTIVE ADOPTIVE PARENTS MUST BE INFORMED OF THE ADOPTION ASSISTANCE PROGRAM. Adoption assistance is a program that</p>		

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		<p>and limited ways to provide for the needs of an eligible adopted child. Adoption assistance is intended to help or remove financial or other barriers to the adoption of Colorado children with special needs by providing assistance to the parent(s) in caring for and raising the child.</p> <p>a. The county department may make adoption assistance payments and/or provide Medicaid or medical assistance at the time of adoptive placement, continue them after the adoption has been finalized and continue them until the adopted child has reached the age of eighteen (18), or the age of twenty-one (21) years when the county department has determined that the child has a developmental or physical disability which warrants continuance of assistance.</p> <p>a. The determination for expiration of the agreement must be made and</p>	<p>provides assistance to adoptive parent(s) in certain defined and limited ways to provide for the needs of an eligible adopted child/YOUTH. Adoption assistance is intended to help or remove financial or other barriers to the adoption of ELIGIBLE Colorado children/YOUTH with IDENTIFIED needs by providing assistance to the parent(s) in caring for and raising the child/YOUTH.</p> <p>a. The county department may make adoption assistance payments and/or provide Medicaid or medical assistance at the time of adoptive placement, continue them after the adoption has been finalized and continue them until the adopted child/YOUTH has reached the age of eighteen (18). or the age of twenty-one (21) years when the county department has determined that the child has a developmental or physical disability which warrants continuance of assistance AS DEFINED IN SECTION CCR 7.306.54, ADOPTION ASSISTANCE MAY CONTINUE TO THE 21ST BIRTHDAY OF THE ADOPTEE. IN SITUATIONS WHERE ADOPTION ASSISTANCE CONTINUES THROUGH THE 21ST BIRTHDAY, ADOPTION MEDICAID WILL STILL CONTINUE THROUGH THE END OF THE MONTH OF THE 21ST BIRTHDAY.</p> <p>b. The determination for expiration of the agreement must be made and documented in the</p>		
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		<p>documented in the original negotiation and noted in the original paperwork for the adoption assistance agreement.</p> <p>b. The county department must determine that in each case a reasonable, but unsuccessful, effort to place the child for adoption has been made before negotiating adoption assistance, unless the best interest of the child would not be served by such an effort.</p> <p>1. Where appropriate, the current caregiver will be given priority as the prospective adoptive family. Reasonable effort requires listing with the Colorado Adoption Resources Registry and may include presentation in the media and consultation with the state.</p>	<p>original negotiation and noted in the original paperwork for the adoption assistance agreement.</p> <p>THE COUNTY DEPARTMENT SHALL EXTEND THE ADOPTION ASSISTANCE AGREEMENT UPON THE APPROACHING EXPIRATION DATE IF THE YOUTH MEETS CRITERIA FOR EXTENSION PER CCR 7.306.54 AND THE EXTENSION IS REQUESTED BY THE ADOPTIVE PARENT(S).</p> <p>c. The county department must determine that in each case a reasonable, but unsuccessful, effort to place the child/YOUTH for adoption WITHOUT ADOPTION ASSISTANCE has been made before negotiating adoption assistance, unless the best interest of the child/YOUTH would not be served by such an effort. REASONABLE EFFORT REQUIRES LISTING WITH THE COLORADO ADOPTION RESOURCE REGISTRY (CARR) AND MAY INCLUDE PRESENTATION IN THE MEDIA AND CONSULTATION WITH THE STATE. EXCEPTIONS TO THE REQUIREMENT:</p> <p>1. Where appropriate, The current caregiver will be given priority as the prospective adoptive family, WHEN APPROPRIATE. Reasonable effort requires listing with the Colorado Adoption Resources Registry and may include presentation in the media and consultation with the state.</p>		
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		<p>2. 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 parents 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.)</p> <p>d. There exists specific factor or condition (special need) to conclude that the child cannot be adopted without providing adoption assistance or medical assistance. A “special need” is one or more of the following special, unusual, or significant factors that act as a barrier to the child’s adoption:</p> <p>1. Physical disability (such as hearing, vision, or physical impairment; neurological conditions; disfiguring defects; and, heart defects).</p>	<p>2. The only exception to this requirement is In situations where it would be against the best interests of the child/YOUTH, due to such factors as:</p> <p>a. The existence of significant emotional ties with the prospective adoptive parents while in their care as a foster child/YOUTH, or</p> <p>b. Adoption by a relative KINSHIP CAREGIVER (in keeping with the statutory emphasis on the placement of children with relatives)</p> <p>c. THE ELIGIBLE CHILD/YOUTH IS BEING PLACED BY A BIRTH PARENT WITH DESIGNATED ADOPTIVE PARENTS THROUGH A NON-PROFIT CHILD PLACEMENT AGENCY.</p> <p>d. There exists specific factor or condition (special need) to conclude that the child cannot be adopted without providing adoption assistance or medical assistance. A “special need” is one or more of the following special, unusual, or significant factors that act as a barrier to the child’s adoption:</p>		
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		<p>2. Mental disability (such as developmental delay or mental retardation, perceptual or speech/language disability, or a metabolic disorder).</p> <p>3. Developmental disability resulting in educational delays or significant learning processing difficulties.</p> <p>4. Educational disability that qualifies for section 504 of the rehabilitation act of 1973 or special education services.</p> <p>5. Emotional disturbance (such as post-traumatic stress disorder, bi-polar disorder and other diagnoses).</p> <p>6. Heredity factors that have been documented by a physician or psychologist.</p> <p>7. High risk children (such as HIV-positive, drug exposed, or alcohol-exposed in utero).</p>	<p>1. Physical disability (such as hearing, vision, or physical impairment; neurological conditions; disfiguring defects; and, heart defects):</p> <p>2. Mental disability (such as developmental delay or mental retardation, perceptual or speech/language disability, or a metabolic disorder):</p> <p>3. Developmental disability resulting in educational delays or significant learning processing difficulties:</p> <p>4. Educational disability that qualifies for section 504 of the rehabilitation act of 1973 or special education services:</p> <p>5. Emotional disturbance (such as post-traumatic stress disorder, bi-polar disorder and other diagnoses):</p> <p>6. Heredity factors that have been documented by a physician or psychologist:</p> <p>7. High risk children (such as HIV positive, drug exposed, or alcohol-exposed in utero):</p>		
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d. ELIGIBLE CHILD OR YOUTH MEANS A CHILD OR YOUTH WHO MEETS THE MEDICAL AND DISABILITY REQUIREMENTS FOR FEDERAL SUPPLEMENTAL SECURITY INCOME OR IS A CHILD OR YOUTH WITH ONE OR MORE SPECIFIC FACTORS OR CONDITIONS THAT WOULD MAKE IT REASONABLE TO CONCLUDE THAT A CHILD OR YOUTH CANNOT BE ADOPTED WITHOUT PROVIDING BENEFITS TO ASSIST IN THE ADOPTION. SUCH FACTORS MAY INCLUDE BUT ARE NOT LIMITED TO:

1. A PHYSICAL DISABILITY, THAT HAS BEEN DOCUMENTED BY A QUALIFIED LICENSED PROFESSIONAL SUCH AS HEARING, VISION, OR PHYSICAL IMPAIRMENT; NEUROLOGICAL CONDITIONS; DISFIGURING DEFECTS; METABOLIC DISORDER; A CHILD OR YOUTH INFECTED WITH THE HUMAN IMMUNODEFICIENCY VIRUS; OR HEART DEFECTS;
2. A MENTAL, INTELLECTUAL, OR DEVELOPMENTAL DISABILITY THAT HAS BEEN DOCUMENTED BY A QUALIFIED LICENSED PROFESSIONAL, SUCH AS A PERCEPTUAL, SPEECH, OR LANGUAGE DISABILITY OR ANY DISABILITY THAT RESULTS IN EDUCATIONAL DELAYS OR SIGNIFICANT LEARNING DIFFICULTIES;
3. AN EMOTIONAL HANDICAP, SUCH AS POST-TRAUMATIC STRESS DISORDER, BIPOLAR DISORDER, OR OTHER MENTAL HEALTH DISORDER THAT HAS BEEN DOCUMENTED BY A QUALIFIED LICENSED PROFESSIONAL;

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		<p>8. Other conditions that act as a serious barrier to the child’s adoption. Conditions may include, but are not limited to, a healthy child over the age of seven or a sibling group that should remain intact and medical conditions likely to require further treatment.</p> <p>9. Ethnic background or membership in a minority group which may be difficult to place.</p> <p>e. The county department shall not use an income eligibility requirement (income means test) for the prospective adoptive parent(s) in determining eligibility for adoption assistance.</p>	<p>4. HEREDITARY FACTORS THAT HAVE BEEN DOCUMENTED BY A QUALIFIED LICENSED PROFESSIONAL;</p> <p>5. AN EDUCATIONAL DISABILITY THAT QUALIFIES FOR SECTION 504 OF THE FEDERAL REHABILITATION ACT OF 1973, OR SPECIAL EDUCATION SERVICES;</p> <p>6. FACTORS THAT PLACE A CHILD OR YOUTH IN A “HIGH-RISK” CATEGORY, SUCH AS BEING DRUG- OR ALCOHOL-EXPOSED IN UTERO;</p> <p>7. Other conditions that act as a serious barrier to the child/YOUTH’S adoption, Conditions may include, INCLUDING but are not limited to, a healthy child OR YOUTH over SEVEN YEARS OF AGE the age of seven or a sibling group that should remain intact and medical conditions THAT ARE likely to require further treatment; OR</p> <p>8. Ethnic background or membership in a minority group which may be difficult to place.</p> <p>e. The county department shall not use an income eligibility requirement (income means test) for the prospective adoptive parent(s) in determining eligibility for adoption assistance. INSTEAD, THE PARTICULAR AGREEMENT THAT IS NEGOTIATED SHALL BE BASED ON THE CHILD/YOUTH’S CURRENT AND ANTICIPATED NEEDS AND THE FAMILY CIRCUMSTANCES.</p>		
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		<p>a. Families applying for adoption of a child with special needs must be informed of the adoption assistance program. The particular agreement that is negotiated shall be based on the child’s need and the family’s circumstances.</p> <p>a. Available public programs for which the child is eligible shall be used first to address the child’s needs before an adoption assistance agreement is negotiated.</p> <p>a. The county department may authorize the following types of adoption assistance agreements:</p> <p>1. “Long-Term Adoption Assistance Agreement” means to partially meet a child’s daily needs on an indefinite basis. A long-term agreement is made when the family’s financial situation precludes adoption and is unlikely to change or when a child’s needs take an excessive toll on the family’s financial and emotional resources. This sort of monthly payment may continue until the family’s or child’s circumstances change, or the agreement terminates as outlined</p>	<p>f. Families applying for adoption of a child with special needs must be informed of the adoption assistance program. The particular agreement that is negotiated shall be based on the child’s need and the family’s circumstances.</p> <p>g. f. Available public programs for which the child/YOUTH is eligible shall be used first to address the child’s/YOUTH’S needs before an adoption assistance agreement is negotiated.</p> <p>h. g. The county department may authorize the following types of adoption assistance agreements:</p> <p>1) “Long-Term Adoption Assistance Agreement” means to partially meet a child’s/YOUTH’S daily needs on an indefinite basis UNLESS THE ADOPTIVE FAMILY’S OR CHILD/YOUTH’S CIRCUMSTANCES CHANGE OR THE AGREEMENT TERMINATES AS OUTLINED IN THE TERMINATION OF ADOPTION ASSISTANCE, SECTION 7.306.48, OF THE ADOPTION ASSISTANCE AGREEMENT RULES AND AS CITED IN C.R.S. 26-7-109. A long-term agreement is made</p>		
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		<p>in Termination of Adoption Assistance, Section 7.306.59, of the Adoption Assistance agreement rules.</p> <p>2. “Time-Limited Adoption Assistance Agreement” means to partially meet the everyday needs of the child for a specified period. These are start-up costs for those things that children placed for adoption do not always have, such as sufficient clothing. Agreement partially covers unmet needs that are time limited and non-renewable.</p> <p>3. “Dormant” or “Medicaid Only Adoption Assistance Agreement” means there is no adoption assistance payment provided at this time. County departments shall document special needs for the child in the services record and in the State Department’s automated system that the potential need for financial adoption assistance</p>	<p>when the family’s financial situation precludes adoption and is AND/OR THE CHILD/YOUTH'S NEEDS ARE unlikely to change or when a child’s/YOUTH's needs take an excessive toll on the family’s financial and emotional resources. This sort of monthly payment may continue until the family’s or child’s circumstances change, or the agreement terminates as outlined in Termination of Adoption Assistance, Section 7.306.59, of the Adoption Assistance agreement rules.</p> <p>2. “Time-Limited Adoption Assistance Agreement” means to partially meet the everyday needs of the child/YOUTH for a specified period. These are start-up costs for those things that children placed for adoption do not always have, such as sufficient clothing. Agreement partially covers unmet needs that are time limited and non-renewable.</p> <p>3. “Dormant” or “Medicaid Only Adoption Assistance Agreement” means there is no adoption assistance payment provided at this THE time OF THE AGREEMENT. County departments shall document special needs for the child’s/YOUTH'S ELIGIBILITY in the services record and in the COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM (CCWIS) State Department’s automated system that the potential need for financial</p>		
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		<p>exists and may need to be activated at a future time.</p> <p>0. If the Child is legally available for adoption and reunited with his/her birth parent(s), the child is not eligible for adoption assistance.</p> <p>0. Medicaid is available to all Colorado children who have an adoption assistance agreement.</p> <p>0. Families who adopt children who meet the criteria for adoption assistance are eligible for non-recurring adoption expenses.</p> <p>0. The contact requirements in Section 7.001.6 shall be used prior to finalization and contacts shall be documented in the case file.</p> <p>0. Case services payments may be part of an adoption assistance agreement; these payments can be made directly to the providers of service or to the adoptive parent(s).</p> <p>B. Target groups for adoption assistance agreements:</p>	<p>adoption assistance exists and may need to be activated at a future time.</p> <p>4. If the child/YOUTH is legally available for adoption and reunited with his/her THEIR birth parent(s), the child/YOUTH is not eligible for adoption assistance.</p> <p>4. Medicaid is available to all Colorado children/YOUTH who have an adoption assistance agreement.</p> <p>4. Families who adopt children/YOUTH who meet the criteria for adoption assistance are eligible for non-recurring adoption expenses.</p> <p>4. The contact requirements in Section 7.001.6 shall be used prior to finalization and contacts shall be documented in the case file.</p> <p>7. Case services payments may be part of an adoption assistance agreement; these payments can be made directly to the providers of service PROVIDERS or to the adoptive parent(s).</p> <p>B. Target groups for adoption assistance agreements:</p>		
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		<p>1. Children whose special needs are a barrier to their adoption are legally available for adoption and are in the custody of a county department and the county has guardianship of the child with the right to consent for adoption.</p> <p>2. Children who are in the custody of a relative, tribe, or licensed non-profit child placement agency and meet the eligibility criteria to participate in one of Colorado’s adoption assistance programs.</p> <p>3. The county department, agency, tribe, or relative requesting the adoption assistance agreement is financially responsible for the care of the child.</p> <p>C. County requirements for adoption assistance: 1. The county department shall obtain and document the diagnoses and</p>	<p>1. Children/YOUTH WHO MEET THE ELIGIBILITY CRITERIA TO PARTICIPATE IN ONE OF COLORADO’S ADOPTION ASSISTANCE PROGRAMS AND whose special IDENTIFIED needs are a barrier to their adoption are legally available for adoption and are in the custody of a county department and the county has guardianship of the child/YOUTH with the right to consent for adoption OR</p> <p>2. Children/YOUTH who are in the custody of a relative, tribe, PERSON TO WHOM CUSTODY OF THE CHILD/YOUTH HAS BEEN GIVEN BY PROPER ORDER OF A DEPENDENCY AND NEGLECT COURT, or licensed non-profit child placement agency and meet the eligibility criteria to participate in one of Colorado’s adoption assistance programs AND</p> <p>3. The county department, LICENSED NON-PROFIT CHILD PLACEMENT AGENCY, tribe, PERSON TO WHOM CUSTODY OF THE CHILD/YOUTH HAS BEEN GIVEN BY PROPER ORDER OF A DEPENDENCY AND NEGLECT COURT, or relative requesting the adoption assistance agreement is financially responsible for the care of the child/YOUTH.</p> <p>C. County requirements for adoption assistance:</p>		
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		<p>prognoses of the child’s needs that are barriers to the adoption.</p> <p>2. The documentation shall include, but is not limited to:</p> <ul style="list-style-type: none"> a. Medical a. Psychological b. Psychiatric c. Placement history <p>d. Special needs: if the county department determines that the child is one with special needs for whom services will be purchased, it must confirm the special needs by a second opinion of a social worker, doctor, psychologist or mental health specialist who is outside the department.</p> <p>e. Other appropriate reports.</p> <p>0. The county department shall determine the child’s eligibility for adoption assistance on the State-prescribed form no later than the</p>	<p>1. The county department shall obtain and document the diagnoses and prognoses of the child/YOUTH needs that are barriers to the adoption.</p> <p>2. The documentation shall include, but is not limited to: SPECIFIC ELIGIBILITY FACTORS USED TO DETERMINE ELIGIBILITY FACTORS AS OUTLINED IN CCR 7.306.4 A.</p> <ul style="list-style-type: none"> a. Medical b. Psychological c. Psychiatric d. a. Placement history e. Special needs: b. ELIGIBLE CHILD/YOUTH: if the county department determines that the child/YOUTH is one AN ELIGIBLE CHILD/YOUTH, with special needs for whom services will be purchased, it must confirm the special needs by a second opinion of a social worker, doctor, psychologist or mental health specialist QUALIFIED LICENSED PROFESSIONAL who is outside the department. f. c. Other appropriate reports. <p>3. The county department shall determine the child/YOUTH’S TITLE IV-E STATUS FOR</p>	
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		<p>calendar month that the adoption petition is filed.</p> <p>0. The county department shall ensure that all parties sign the adoption assistance agreement before the adoption is finalized.</p> <p>0. The family shall be informed in writing of its rights to a fair hearing.</p>	<p>ADOPTION ASSISTANCE IN THE COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM (CCWIS) PRIOR TO ADOPTION FINALIZATION AND NO later than the calendar month the adoption petition is filed.</p> <p>3. The county department shall ensure that all parties sign the adoption assistance agreement before the adoption is finalized.</p> <p>5. The family shall be informed in writing of its rights to a fair hearing. AT THE TIME THAT THE FAMILY IS MATCHED FOR ADOPTION OF A CHILD/YOUTH WHO IS POTENTIALLY ELIGIBLE FOR ADOPTION ASSISTANCE BENEFITS, THE PROSPECTIVE ADOPTIVE FAMILY SHOULD BE INFORMED IN WRITING, WITH THE FOLLOWING INFORMATION:</p> <p>a. THE AVAILABILITY OF BENEFITS, WITH AN EXPLANATION OF THE DIFFERENCES BETWEEN THESE BENEFITS AND FOSTER CARE MAINTENANCE PAYMENTS;</p> <p>b. THE AVAILABILITY OF REIMBURSEMENT FOR NON-RECURRING EXPENSES INCURRED IN THE ADOPTION OF AN ELIGIBLE CHILD/YOUTH NOT TO EXCEED THE FEDERAL LIMIT;</p> <p>c. THE AVAILABILITY OF MENTAL HEALTH SERVICES</p>		
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			<p>THROUGH THE STATE MEDICAID ASSISTANCE PROGRAM OR OTHER PROGRAMS;</p> <p>d. THE FEDERAL ADOPTION TAX CREDIT FOR AN INDIVIDUAL WHO IS ADOPTING OR IS CONSIDERING ADOPTING A CHILD/YOUTH IN FOSTER CARE OR THROUGH A NONPROFIT CHILD PLACEMENT AGENCY;</p> <p>e. NOTICE OF THE GENERAL RIGHT TO REQUEST A NEGOTIATING MEETING;</p> <p>f. NOTICE OF THE GENERAL RIGHT TO BRING TO THE ADOPTION ASSISTANCE NEGOTIATION PROCESS:</p> <ol style="list-style-type: none">1. PARTIES WHO POSSESS RELEVANT INFORMATION ABOUT A CHILD/YOUTH'S HISTORY AND NEEDS, INCLUDING THE CHILD'S GUARDIAN AD LITEM OR THE FAMILY'S ADVOCATE; AND2. LEGAL REPRESENTATION FOR A CHILD/YOUTH OR PROSPECTIVE ADOPTIVE FAMILY. <p>g. NOTICE OF THE RIGHT TO AN ADMINISTRATIVE APPEAL AND BE REPRESENTED BY LEGAL COUNSEL, AT THE PROSPECTIVE ADOPTIVE PARENT'S EXPENSE.</p> <p>h. THE COLORADO ADOPTION ASSISTANCE NEGOTIATION WORKSHEET MUST BE PROVIDED TO ALL PARTICIPANTS 5 BUSINESS DAYS PRIOR TO THE NEGOTIATION MEETING.</p>		
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<p>7.306.41</p> <p>Title IV-E Adoption Assistance Program</p>		<p>A. Pathways to Eligibility: Title IV-E assistance services may be provided to children whose special needs are a barrier to their adoption, who are legally available for adoption, and:</p> <ol style="list-style-type: none"> 1. Are in the custody of the county department via a court-ordered removal; 2. Have Social Security Income (SSI) eligibility; 3. Are IV-E eligible in a previous adoption; 4. Are in mutual foster care placement with a county department; 5. Were initially removed via voluntary placement agreement; 6. Were voluntarily relinquished to a public or private licensed non-profit child placement agency; 7. Are in the custody of a relative and the children are IV-E eligible; 8. Are otherwise IV-E eligible but do not meet AFDC requirements, and are eligible via the requirements in Section B, 7, of this section. <p>B. Requirements for Eligibility</p>	<p>A. Pathways to Eligibility Title IV-E assistance services may be provided to children/YOUTH whose special NEEDS are a barrier to their adoption, who are legally available for adoption, and MEET ONE OF THE FOLLOWING PATHWAYS:</p> <ol style="list-style-type: none"> 1. Are in the custody of the county department via a court-ordered removal; 2. Have Social Security Income (SSI) eligibility; 3. Are IV-E eligible in a previous adoption; 4. Are in mutual foster care placement with a county department; 5. Were initially removed via voluntary placement agreement; 6. Were voluntarily relinquished to a public or private licensed non-profit child placement agency; 7. Are in the custody of a relative and the children are IV-E eligible; 8. Are otherwise IV-E eligible but do not meet AFDC requirements, and are eligible via the requirements in Section B, 7, of this section. <p>B. Requirements for Eligibility</p>		
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		<p>1. A child must be removed from his/her home by a court order that contains the requirements in Section 7.001.41, B.</p> <p>2.</p> <p>a. For the purposes of Title IV-E adoption assistance only, there is no requirement for a “reasonable efforts” judicial determination; and</p> <p>b. Aid to Families with Dependent Children (AFDC) related requirement defined in Section 7.001. 41, D.</p> <p>2. Have Social Security Income (SSI) eligibility.</p> <p>a. This factor must be met at any time prior to finalization of the adoption.</p>	<p>1. A child/YOUTH WAS must be removed from A SPECIFIED RELATIVE his/her home by a court order that contains the requirements in Section 7.001.41, B 7.601.71.</p> <p>a. For the purposes of Title IV-E adoption assistance only, there is no requirement for a “reasonable efforts” judicial determination AT THE TIME OF THE INITIAL REMOVAL, and</p> <p>b. Aid to Families with Dependent Children (AFDC) related requirement defined in Section 7.001. 41, D. THE FEDERAL APPLICABLE CHILD CRITERIA (DELINKING) ALLOWS FOR IV-E ADOPTION ASSISTANCE TO CHILD(REN)/YOUTH WHO ARE TWO OR TURN TWO IN THE FEDERAL FISCAL YEAR IN WHICH THE ADOPTION IS FINALIZED.</p> <p>c. FOR TITLE IV-E FUNDING TO BE AN OPTION IN ADOPTION ASSISTANCE A REMOVAL MUST HAVE BEEN ENTERED AND AN INITIAL TITLE IV-E FOSTER CARE DETERMINATION MUST HAVE BEEN ENTERED INTO THE CCWIS SYSTEM.</p> <p>2. Have Social Security Income (SSI) eligibility.</p> <p>a. This factor must be met at any time prior to finalization of the adoption.</p>		
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		<p>b. If eligible, the child may simultaneously receive SSI and Title IV-E adoption assistance payments.</p> <p>c. If a child is SSI eligible, there are no requirements for the AFDC requirements or the statement regarding efforts to place the child without adoption assistance.</p> <p>3. Are IV-E eligible in a previous adoption and the adoptive parents have relinquished, had their parental rights terminated, or died and the children are placed in a subsequent adoptive placement, then the children retain Title IV-E eligibility for adoption assistance in their new adoptive placement. Additional requirements for this pathway to eligibility include:</p> <p>a. A new determination regarding the children’s continuing special needs.</p> <p>b. Completion of new adoption assistance agreements with the new prospective adoptive parents.</p> <p>c. If the previous adoptive parents are deceased, a copy of the death certificate must be provided.</p>	<p>b. If eligible, the child/YOUTH may simultaneously receive SSI and Title IV-E adoption assistance payments.</p> <p>e- 2. If a child/YOUTH is SSI eligible, there are no requirements for the AFDC FEDERAL APPLICABLE CHILD CRITERIA or the statement regarding efforts to place the child/YOUTH without adoption assistance.</p> <p>3. Are IV-E eligible in a previous adoption and the adoptive parents have relinquished, had their parental rights terminated, or died and the child/YOUTH are placed in a subsequent adoptive placement, then the child/YOUTH retain Title IV-E eligibility for adoption assistance in their new adoptive placement. Additional requirements for this pathway to eligibility include:</p> <p>a. A new determination regarding the child/YOUTH’s continuing special needs.</p> <p>b. Completion of new adoption assistance agreements with the new prospective adoptive parents.</p> <p>c. If the previous adoptive parents are deceased, a copy of the death certificate must be provided.</p>		
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		<p>4. Are in mutual foster care placement with a county department. a.The children must be placed with their teen parent; and b.The foster care payment included both the children and the teen parent.</p> <p>5. Are in foster care by voluntary placement agreement with a county department (a tribe or another public agency with which the state/county has a Title IV-E agreement). The child must meet the requirement outlined in Section 7.001.41, E.</p> <p>a.There must have been at least one Title IV-E foster care maintenance payment made on behalf of the children under the voluntary placement agreement.</p> <p>b.Under this factor, there is no specified amount of time that the children must have been in foster care under the voluntary placement agreement.</p>	<p>4. Are IS in mutual foster care placement with a county department. a. The children must be placed with their teen parent; and b.The foster care payment included both the children and the teen parent.</p> <p>5. Are IS in foster care by voluntary placement agreement with a county department (a tribe or another public agency with which the state/county has a Title IV-E agreement). The child/YOUTH must meet the requirement outlined in Section 7.001.41, E. 7.601.71.</p> <p>a. There must have been at least one Title IV-E foster care maintenance payment made on behalf of the children/YOUTH under the voluntary placement agreement.</p> <p>b. Under this factor, there is no specified amount of time that the child/YOUTH must have been in foster care under the voluntary placement agreement.</p>		
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		<p>6. A child who was voluntarily relinquished to a public or private licensed non-profit agency must meet the requirements in Section 7.001.41, F, and:</p> <p>a. A petition was filed in court to place the child outside of the home within six months of the time the child lived with the relinquishing parent; and</p> <p>b. A subsequent order was issued which included findings that it is in the best interest of the child to be placed out of the home; and</p> <p>c. Legal orders placing the child in the custody of a public or private licensed non-profit child placement agency with authority to consent to the child's adoption;</p> <p>d. The agency must provide documentation of the efforts the agency made to place the children for adoption without an adoption assistance agreement when the child meets the AFDC-related requirements.</p>	<p>6. A child/YOUTH who was voluntarily relinquished to a public or private licensed non-profit agency must meet the requirements in Section 7.001.41; F; 7.601.71, F and:</p> <p>a. A petition was filed in court to place the child/YOUTH outside of the home within six months of the time the child/YOUTH lived with the relinquishing parent; and</p> <p>b. A subsequent order was issued which included findings that it is in the best interest of the child/YOUTH to be placed out of the home; and</p> <p>c. Legal orders placing the child/YOUTH in the custody of a public or private licensed non-profit child placement agency with authority to consent to the child/YOUTH's adoption;</p> <p>d. The agency must provide documentation of the efforts the agency made to place the child/YOUTH for adoption without an adoption assistance agreement, EXCEPT AS PROVIDED IN 7.306.4(A)(3)(C), when the child/YOUTH meets the AFDC-related requirements FEDERAL</p>		
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		<p>7. Effective on the dates listed in this section, if the child does not meet AFDC IV-E eligibility criteria, has special needs, and meets the following requirements in the Federal Fiscal Year in which the adoption assistance agreement is signed by all parties, the child will become categorically eligible for Title IV-E adoption assistance:</p> <p>a. October 1, 2009 (Federal Fiscal Year 2010)</p> <p>1. Turns sixteen (16) years of age or older at any time during the Federal Fiscal Year; or</p> <p>2. Has been in foster care for any sixty (60) consecutive months prior to finalization; or</p>	<p style="text-align: center;">APPLICABLE CHILD CRITERIA.</p> <p>7. Effective on the dates listed in this section, If the child/YOUTH does not meet THE FEDERAL APPLICABLE CHILD AFDC IV-E eligibility criteria, has IDENTIFIED needs, AND IF THEY ARE BETWEEN THE AGES OF 2 AND 18 YEARS in the Federal Fiscal Year in which the adoption assistance agreement is signed by all parties, the child/YOUTH will become categorically eligible for Title IV-E adoption assistance (DELINKING). A CHILD/YOUTH STILL MUST MEET REMOVAL REQUIREMENTS OF 7.601.71. THIS REQUIREMENT IS IN EFFECT DURING THE PERIOD OF JANUARY 1, 2018, THROUGH JUNE 30,2024. THIS INCLUDES CHILDREN/YOUTH WHO TURN TWO DURING THE CURRENT FEDERAL FISCAL YEAR IN WHICH THEY ARE ADOPTED.</p> <p>a. October 1, 2009 (Federal Fiscal Year 2010)</p> <p>1) Turns sixteen (16) years of age or older at any time during this Federal Fiscal Year; or,</p> <p>2) Has been in foster care for any sixty (60) consecutive months prior to finalization; or,</p> <p>3) Is a sibling to a child who is eligible due to age or time in foster care and placed with the aforementioned sibling.</p>		
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		<p>3. Is a sibling to a child who is eligible due to age or time in foster care and placed with the aforementioned sibling.</p> <p>b. October 1, 2010 (Federal Fiscal Year 2011)</p> <p>1. Turns fourteen (14) years of age or older at any time during this Federal Fiscal Year; or</p> <p>2. Has been in foster care for any sixty (60) consecutive months prior to finalization; or</p> <p>3. Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling.</p> <p>c. October 1, 2011 (Federal Fiscal Year 2012)</p> <p>1. Turns twelve (12) years of age or older at any time during this Federal Fiscal Year; or</p> <p>2. Has been in foster care for any sixty (60) consecutive months prior to finalization; or</p> <p>3. Is a sibling to a child who is eligible due to his age or time in foster</p>	<p>b. October 1, 2010 (Federal Fiscal Year 2011)</p> <p>1) Turns fourteen (14) years of age or older at any time during this Federal Fiscal Year; or,</p> <p>2) Has been in foster care for any sixty (60) consecutive months prior to finalization; or,</p> <p>3) Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling.</p> <p>c. October 1, 2011 (Federal Fiscal Year 2012)</p> <p>1) Turns twelve (12) years of age or older at any time during this Federal Fiscal Year; or,</p> <p>2) Has been in foster care for any sixty (60) consecutive months prior to finalization; or,</p> <p>3) Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling.</p> <p>d. October 1, 2012 (Federal Fiscal Year 2013)</p> <p>1) Turns ten (10) years of age or older at any time</p>		
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		<p>care and placed with the aforementioned sibling.</p> <p>d. October 1, 2012 (Federal Fiscal Year 2013)</p> <ol style="list-style-type: none"> 1. Turns ten (10) years of age or older at any time during this Federal Fiscal Year; or 2. Has been in foster care for any sixty (60) consecutive months prior to finalization; or 3. Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling. <p>e. October 1, 2013 (Federal Fiscal Year 2014)</p> <ol style="list-style-type: none"> 1. Turns eight (8) years of age or older at any time during this Federal Fiscal Year; or 2. Has been in foster care for any sixty (60) consecutive months prior to finalization; or 3. Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling. <p>f. October 1, 2014 (Federal Fiscal Year 2015)</p>	<p>during this Federal Fiscal Year; or,</p> <p>2) Has been in foster care for any sixty (60) consecutive months prior to finalization; or,</p> <p>3) Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling.</p> <p>e. October 1, 2013 (Federal Fiscal Year 2014)</p> <p>1) Turns eight (8) years of age or older at any time during this Federal Fiscal Year; or,</p> <p>2) Has been in foster care for any sixty (60) consecutive months prior to finalization; or,</p> <p>3) Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling.</p> <p>f. October 1, 2014 (Federal Fiscal Year 2015)</p> <p>1) Turns six (6) years of age or older at any time during this Federal Fiscal Year; or,</p> <p>2) Has been in foster care for any sixty (60) consecutive months prior to finalization; or,</p> <p>3) Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling.</p>		
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		<p>1. Turns six (6) years of age or older at any time during this Federal Fiscal Year; or</p> <p>2. Has been in foster care for any sixty (60) consecutive months prior to finalization; or</p> <p>3. Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling.</p> <p>g. October 1, 2015 (Federal Fiscal year 2016)</p> <p>1. Turns four (4) years of age or older at any time during this Federal Fiscal Year; or</p> <p>2. Has been in foster care for any sixty (60) consecutive months prior to finalization; or</p> <p>3. Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling.</p> <p>h. October 1, 2016 (Federal Fiscal Year 2017)</p> <p>1. Turns two (2) years of age or older at any time during this Federal Fiscal Year; or</p> <p>2. Has been in foster care for any sixty (60) consecutive months prior to finalization; or</p> <p>3. Is a sibling to a child who is eligible due to his age or time in foster</p>	<p>g. October 1, 2015 (Federal Fiscal Year 2016)</p> <p>1) Turns four (4) years of age or older at any time during this Federal Fiscal Year; or,</p> <p>2) Has been in foster care for any sixty (60) consecutive months prior to finalization; or,</p> <p>3) Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling.</p> <p>h. October 1, 2016 (Federal Fiscal Year 2017)</p> <p>1) Turns two (2) years of age or older at any time during this Federal Fiscal Year; or,</p> <p>2) Has been in foster care for any sixty (60) consecutive months prior to finalization; or,</p> <p>3) Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling.</p> <p>i. Beginning on October 1, 2017 (Federal Fiscal Year 2018): rule 7.306.41, B, 7, applies to any child being adopted regardless of age, time in placement or sibling placement status</p> <p>8. Beginning on October 1, 2009 (Federal Fiscal</p>		
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		<p>care and placed with the aforementioned sibling.</p> <p>i. Beginning on October 1, 2017 (Federal Fiscal Year 2018): rule 7.306.41, B, 7, applies to any child being adopted regardless of age, time in placement or sibling placement status.</p> <p>8. Beginning on October 1, 2009 (Federal Fiscal Year 2010), if the youth reaches the age of sixteen (16) prior the signatures on the adoption assistance agreement, the agreement can continue up to age twenty-one (21), if the youth meets one of the following criteria:</p> <p>a. Completing secondary school (or equivalent); or</p>	<p>Year 2010), if the youth reaches the age of sixteen (16) prior the signatures on the adoption assistance agreement, the agreement can continue up to age twenty-one (21), if the youth meets one of the following criteria:</p> <p>COUNTY DEPARTMENTS OF HUMAN/SOCIAL SERVICES SHALL CONTINUE THE ADOPTION ASSISTANCE AGREEMENT IF THE EXTENSION IS REQUESTED BY THE ADOPTIVE PARENT(S) AND CLAIM TITLE IV-E FUNDS FOR YOUTH 18 YEARS OF AGE THROUGH THE 21ST BIRTHDAY (ADOPTION MEDICAID WILL STILL CONTINUE THROUGH THE END OF THE MONTH OF THE 21ST BIRTHDAY) WHEN ONE OF THE FOLLOWING CRITERIA IS MET:</p> <p>a. Completing secondary school (or equivalent); or THE COUNTY SHALL DOCUMENT IN THE RECORD THAT THE YOUTH IS ENROLLED FULL-TIME IN HIGH SCHOOL OR VOCATIONAL TRAINING AND IS MAKING PROGRESS IN THE PROGRAM; OR COMPLETING SECONDARY EDUCATION OR IS ENROLLED IN A PROGRAM LEADING TO AN EQUIVALENT CREDENTIAL or;</p> <p>b. Enrolled in post-secondary or vocational school; or ENROLLED IN AN INSTITUTION THAT PROVIDES POSTSECONDARY OR VOCATIONAL EDUCATION (CCR 7.306.54) or;</p> <p>c. Participating in a program or activity that</p>		
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		<p>b. Enrolled in post-secondary or vocational school; or</p> <p>c. Participating in a program or activity that promotes or removes barriers to employment; or</p> <p>d. Employed eighty (80) hours per month; or</p>	<p>promotes or removes barriers to employment; or A YOUTH WHO IS IDENTIFIED IN THE ORIGINAL ADOPTION ASSISTANCE AGREEMENT AS HAVING AN INTELLECTUAL AND OR DEVELOPMENTAL DISABILITY OR A PHYSICALLY HANDICAP, IS BETWEEN THE AGE OF 18-21, AND CONTINUES TO LIVE AT HOME, MAY CONTINUE TO BE ELIGIBLE FOR THE ADOPTION ASSISTANCE PROGRAM AS LONG AS THESE DISABILITIES WERE IDENTIFIED AND DOCUMENTED IN THE ORIGINAL AGREEMENT PAPERWORK OR IS GENETIC IN NATURE or;</p> <p>d. Employed eighty (80) hours per month; or PARTICIPATION IN A PROGRAM OR ACTIVITY DESIGNED TO PROMOTE OR REMOVE BARRIERS TO EMPLOYMENT or;</p> <p>e. Determined incapable of any of the above due to a documented medical condition. EMPLOYED FOR AT LEAST EIGHTY HOURS PER MONTH.</p> <p>9. After A children YOUTH HAS have been determined eligible for Title IV-E adoption assistance payments and/or Title IV-E Medicaid benefits, Title IV-E eligibility continues as long as there is an adoption assistance agreement in effect as outlined below:</p>		
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		<p>e. Determined incapable of any of the above due to a documented medical condition.</p> <p>9. After children have been determined eligible for Title IV-E adoption assistance payments and/or Title IV-E Medicaid benefits, Title IV-E eligibility continues as long as there is an adoption assistance agreement in effect as outlined below:</p> <p>a. The children meet the requirements regardless of the family’s state of residence.</p> <p>b. Eligibility may continue even though no payments or Medicaid benefit is currently paid; therefore, maintaining the potential Title IV-E benefits if needed later.</p> <p>c. Until the expiration of the original agreement unless all parties to the agreement are in concurrence. This includes, but is not limited to, the situation where the family fails to complete and return paperwork related to the three-year review of the assistance agreement.</p> <p>10. The county shall obtain</p>	<p>a. The children/YOUTH meet the requirements regardless of the family’s state of residence.</p> <p>b. Eligibility may continue even though no payments or Medicaid benefit is currently paid; therefore, maintaining the potential Title IV-E benefits if needed later.</p> <p>c. Until the expiration of the original agreement unless all parties to the agreement are in concurrence IN A SUBSEQUENT WRITTEN AND SIGNED DOCUMENT. This includes, but is not limited to, the situation where the family fails to complete and return paperwork related to the three year review of the assistance agreement</p> <p>10. The county shall obtain ANNUAL documentation of school attendance or reasons for inability to attend. The documentation must demonstrate that each child/YOUTH who is eligible for adoption assistance and who has attained the minimum age for compulsory school attendance is:</p> <p>a. Enrolled or in the process of enrolling in an institution that provides elementary or secondary education; or</p>		
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		<p>documentation of school attendance or reasons for inability to attend. The documentation must demonstrate that each child who is eligible for adoption assistance and who has attained the minimum age for compulsory school attendance is:</p> <p>a. Enrolled or in the process of enrolling in an institution that provides elementary or secondary education; or</p> <p>b. Instructed in elementary or secondary education at home in accordance with the home school statute; or</p> <p>c. In an independent study elementary or secondary education program in accordance with statute, and which is administered by the local school, school district, or Board of Cooperative Education (BOCES); or</p> <p>d. Incapable of attending school on a full-time basis due to the medical condition of the youth or child. The reasons shall be supported by regularly updated information in the educational plan maintained by the school district, or BOCES.</p>	<p>b. Instructed in elementary or secondary education at home in accordance with the home school statute; or</p> <p>c. In an independent study elementary or secondary education program in accordance with statute, and which is administered by the local school, school district, or Board of Cooperative Education (BOCES); or</p> <p>d. Incapable of attending school on a full-time basis due to the medical condition of the youth or child. The reasons shall be supported by regularly updated information in the educational plan maintained by the school district, or BOARDS OF COOPERATIVE EDUCATIONAL SERVICES (BOCES).</p> <p>C. Foster Care Placement B. OUT OF HOME PLACEMENT of a child/YOUTH WHO IS IN THE CUSTODY OF THE COUNTY WHILE RECEIVING ADOPTION ASSISTANCE Under an Adoption Assistance Agreement</p> <p>1. Title IV-E eligibility must be determined when a child/YOUTH is dually placed in foster care and adoption assistance. The child/YOUTH does not automatically retain the Title IV-E</p>		
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		<p>C. Foster Care Placement of a Child Under an Adoption Assistance Agreement</p> <p>1. Title IV-E eligibility must be determined when a child is dually placed in foster care and adoption assistance. The child does not automatically retain the Title IV-E eligibility.</p> <p>2. The State prescribed form must be completed using the adoptive parent's income.</p> <p>3. The child, upon returning to the adoptive parent(s)' home, continues to be eligible for the Title IV-E adoption assistance agreement.</p>	<p>eligibility WHILE IN FOSTER CARE AND OUT OF HOME PLACEMENT.</p> <p>2. The State prescribed form must be completed using the adoptive parent(s) income.</p> <p>3. The child/YOUTH, upon returning to the adoptive parent(s)' home, continues to be eligible for the Title IV-E adoption assistance agreement.</p> <p>4. IF THE ADOPTIVE FAMILY DOES NOT RESIDE IN THE STATE OF COLORADO THIS DOES NOT APPLY.</p> <p>C. ASSESSMENT OF PARENTAL FEES FOR PLACEMENT OUT OF THE HOME FOR CHILDREN/YOUTH RECEIVING TITLE IV-E ADOPTION ASSISTANCE:</p> <p>1. IF THE ADOPTIVE PARENT(S) ARE RECEIVING TITLE IV-E ADOPTION ASSISTANCE AND THE CHILD/YOUTH IS UNDER THE CUSTODY OF THE DEPARTMENT AND PLACED IN OUT-OF-HOME FOR A DURATION OF OVER THIRTY (30) CALENDAR DAYS, THE DEPARTMENT AND THE FAMILY HAVE TWO OPTIONS:</p> <p>a. TO ASSESS A PARENTAL FEE (CHILD SUPPORT) FROM THE FAMILY NOT TO EXCEED THE AMOUNT OF THE ADOPTION ASSISTANCE PAYMENT THEY ARE</p>		
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			<p>RECEIVING UNDER THEIR ADOPTION ASSISTANCE AGREEMENT, OR;</p> <p>b. TO EXECUTE AN AMENDED AGREEMENT, WHICH WOULD REDUCE THE ADOPTION ASSISTANCE PAYMENT TO \$0 AND PLACE IT ON MEDICAID-ONLY STATUS UNTIL SUCH TIME THAT THE CHILD/YOUTH RETURNS TO THE CUSTODY OF THE PARENT(S).</p> <p>2. THE PARENTAL FEE WILL NOT BE DISCONTINUED BECAUSE THE CHILD/YOUTH RETURNS TO THE HOME OF THE ADOPTIVE PARENTS FOR HOLIDAYS OR VISITS WHILE THE CHILD/YOUTH IS UNDER THE CUSTODY OF THE DEPARTMENT.</p> <p>2. DURING THE TIME THE ADOPTION ASSISTANCE PAYMENT IS IN MEDICAID-ONLY STATUS, THE PARENT(S) WILL NOT BE ASSESSED A PARENTAL SHARE FEE FOR THE CHILD/YOUTH'S OUT-OF-HOME PLACEMENT</p> <p>D. Eligibility Determination for Medicaid in Title IV-E Adoption Assistance</p> <p>1. Children/YOUTH with an effective adoption assistance agreement are eligible for Medicaid in the state they reside. See Medical Resources section, 7.402 Medicaid for children/YOUTH covered by the Interstate Compact on Adoptions and Medical Assistance ICAMA).</p>		
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		<p>D. Eligibility Determination for Medicaid in Title IV-E Adoption Assistance</p> <p>1. Children with an effective adoption assistance agreement are eligible for Medicaid in the state they reside. See Medical Resources section, 7.402 Medicaid for children covered by the Interstate Compact on Adoptions and Medical Assistance ICAMA).</p> <p>2. An adoption assistance payment is not required to extend Medicaid coverage.</p> <p>3. Colorado is a member of the Interstate Compact to Adoption and Medicaid Assistance. Procedures for completing and complying with the compact are in the Medical Resources section, Children Moving from Colorado (Section 7.420.3, B.)</p> <p>4. Medicaid eligibility shall be continued for IV-E eligible children who are out of the home for more than thirty (30) calendar days unless it is determined that they are eligible for Medicaid under another program by completing the State approved form.</p>	<p>2. An adoption assistance payment is not required to extend Medicaid coverage.</p> <p>3. Colorado is a member of the Interstate Compact to Adoption and Medicaid Assistance (ICAMA). Procedures for completing and complying with the compact are in the Medical Resources section, Children Moving from Colorado (Section 7.420.3, B.)</p> <p>4. Medicaid eligibility shall be continued for IV-E eligible children/YOUTH who are out of the home for more than thirty (30) calendar days unless it is determined that they are eligible for Medicaid under another program by completing the State approved form.</p> <p>5. Medicaid eligibility for all children/YOUTH receiving Medicaid shall be re-determined yearly only if the child/YOUTH continues to be eligible for Medicaid. This can be done by completing the State prescribed form or completing a form letter that the children/YOUTH continue to be eligible for Medicaid. This form letter shall be sent to the other states by the county department to ensure</p>		
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		<p>5. Medicaid eligibility for all children receiving Medicaid shall be re-determined yearly only if the child continues to be eligible for Medicaid. This can be done by completing the State prescribed form or completing a form letter that the children continue to be eligible for Medicaid. This form letter shall be sent to the other states by the county department to ensure continuation of Medicaid for a child who is residing out of state.</p> <p>E. County Process for Title IV-E Adoption Assistance Agreements</p> <p>1. Determine and document a child’s special needs and eligibility for adoption assistance.</p> <p>2. Utilize financial information regarding the family including assets, liabilities and insurance benefits in negotiating the initial agreement, and</p>	<p>continuation of Medicaid for a child/YOUTH who is residing out of state.</p> <p>6. UPON VERIFICATION THAT MEDICAID HAS BEEN OPENED BY THE RECEIVING STATE, THE COUNTY DEPARTMENT WILL ENSURE COLORADO MEDICAID IS CLOSED.</p> <p>E. County Process for Title IV-E Adoption Assistance Agreements</p> <p>1. Determine and document a child/YOUTH’s special IDENTIFIED needs and eligibility for adoption assistance.</p> <p>2. Utilize financial information regarding the family including assets, liabilities and insurance benefits in negotiating the initial agreement, and any subsequent increases in adoption assistance. DENIAL OF ASSISTANCE BASED SOLELY ON A MEANS TEST OF THE ADOPTIVE FAMILY IS NOT ALLOWED AND MUST NOT BE SUBSTITUTED FOR THE AGREEMENT.</p> <p>a. THE CIRCUMSTANCES OF THE FAMILY, AS DEFINED IN SECTION 26-7-102(5), SHOULD BE CONSIDERED IN NEGOTIATING THE ADOPTION ASSISTANCE AGREEMENT. “CIRCUMSTANCES OF THE FAMILY” IS</p>		
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		<p>any subsequent increases in adoption assistance.</p> <p>3. The adoption assistance agreement shall be established in accordance with the county department's written policy. The policy shall outline the criteria used for</p>	<p>DEFINED AS THE CAPACITY OF THE FAMILY, INCLUDING BUT NOT LIMITED TO FINANCIAL CAPACITY, TO MEET THE ANTICIPATED NEEDS OF THE ELIGIBLE CHILD OR YOUTH. THE COUNTY IS ENTITLED TO REQUEST AND RECEIVE FINANCIAL INFORMATION REGARDING THE FAMILY, INCLUDING ASSETS, LIABILITIES, AND INSURANCE BENEFITS IN NEGOTIATING THE INITIAL AGREEMENT AND ANY SUBSEQUENT INCREASES IN ADOPTION ASSISTANCE BUT MAY NOT BE USED AS THE SOLE FACTOR.</p> <p>3. The adoption assistance agreement shall be established in accordance with the STATES county department's written policy AND IS CONSISTENT WITH STATE AND FEDERAL REGULATIONS. The policy shall outline the criteria used for determining the amount of adoption assistance.</p> <p>a. COUNTY DEPARTMENTS SHALL USE THE COLORADO ADOPTION ASSISTANCE NEGOTIATION WORKSHEET WITH THE POTENTIAL ADOPTIVE FAMILY FOR ALL ADOPTION ASSISTANCE DETERMINATIONS AND NEGOTIATIONS.</p> <p>1. IF ADOPTIVE PARENT(S) CHOOSE TO REFUSE ALL ADOPTION ASSISTANCE</p>		
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determining the amount of adoption assistance.

- INCLUDING MONTHLY CASH ASSISTANCE, MEDICAID, AND/OR CASE SERVICES, THEY MUST SIGN THE PERMANENT REFUSAL OF ADOPTION ASSISTANCE FORM.
2. IF ADOPTION PARENT(S) REQUEST A MEDICAID ONLY ADOPTION ASSISTANCE AGREEMENT AND/OR NON-RECURRING ADOPTION EXPENSES THEY MAY CHOOSE TO DECLINE COMPLETING THE ADOPTION ASSISTANCE NEGOTIATION WORKSHEET AND SIGN THE REQUEST FOR MEDICAID ONLY ADOPTION ASSISTANCE FORM. HOWEVER, THEY STILL MUST SIGN AN ADOPTION ASSISTANCE AGREEMENT.
 - b. COUNTY DEPARTMENTS SHALL ADOPT THE POLICIES AND PROCEDURES OUTLINED IN THE STATE OF COLORADO'S ADOPTION ASSISTANCE POLICY. A COPY OF THE WRITTEN POLICY SHALL BE PROVIDED TO ADOPTIVE PARENT(S) AT LEAST 5 BUSINESS DAYS PRIOR TO A NEGOTIATION MEETING.

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		<p>4. It is not permissible for a county to include a statement in the adoption assistance agreement that IV-E adoption assistance payments and/or services are subject to the appropriation of state funds.</p> <p>5. Make a good faith effort to negotiate an adoption assistance agreement with the adoptive parent(s). The county shall base the negotiation on the special needs of the child and the circumstances of the adoptive parent(s). If the parties cannot come to an agreement, the county department shall establish the subsidy amount. If the</p>	<p>3. It is not permissible for a county to include a statement in the adoption assistance agreement that IV-E adoption assistance payments and/or services are subject to the appropriation of state funds.</p> <p>3. THE COUNTY DEPARTMENT SHALL make a good faith effort to negotiate an adoption assistance agreement with the adoptive parent(s). The county shall base the negotiation on the special CURRENT AND ANTICIPATED needs of the child/YOUTH and the circumstances of the adoptive parent(s). If the parties cannot come to an agreement, the county department shall establish the subsidy amount. If the family disagrees with the decision, a fair hearing can be requested.</p> <p>a. A GOOD FAITH NEGOTIATION MEANS TO DEAL HONESTLY AND FAIRLY WITH ONE ANOTHER. THERE MUST BE A DISCUSSION BETWEEN THE COUNTY DEPARTMENT AND THE ADOPTIVE PARENT(S).</p> <p>b. AT THE NEGOTIATION MEETING, THE COUNTY DEPARTMENT WILL EXPLAIN ALL ASPECTS OF THE PROGRAM AND THE AGREED-UPON AMOUNT OF ASSISTANCE WHICH CONSIDERS THE NEEDS OF THE CHILD/YOUTH.</p> <p>c. IF THE PARTIES CANNOT COME TO AN AGREEMENT, THE COUNTY DEPARTMENT</p>		
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		<p>family disagrees with the decision, a fair hearing can be requested.</p> <p>6. Negotiate with the adoptive parents to request the amount that is needed by the family to meet the child's special needs. This may be less than the amount for which the child qualifies.</p> <p>7. The county shall establish a maximum amount that could be provided to a family. The amount shall be no more than the rate that is being paid for the child's current out-of-home</p>	<p>SHALL ESTABLISH THE ADOPTION ASSISTANCE AMOUNT. IF THE FAMILY DISAGREES WITH THE DECISION, A FAIR HEARING CAN BE REQUESTED.</p> <p>6. Negotiate with the adoptive parents to request the amount that is needed by the family to meet the child/YOUTH's special needs. This may be less than the amount for which the child/YOUTH qualifies.</p> <p>6. The county shall establish a maximum amount that could be provided to a family. THE COUNTY MAY NEGOTIATE UP TO THE MONTHLY FOSTER CARE RATE IN APPROPRIATE CASES. The amount shall be no more than the rate that is being paid for the child/YOUTH's current out-of-home care or that would have been paid if the child/YOUTH were in paid out-of-home care today. The monthly respite care payment that is provided under the foster care program is not a benefit under the adoption assistance program. IF THE COUNTY AND THE PROSPECTIVE ADOPTIVE FAMILY DO NOT AGREE TO AN AMOUNT, THE COUNTY SHALL MAKE AN OFFER. THE ADOPTIVE FAMILY MAY REJECT THAT OFFER AND TAKE THE MATTER TO A FAIR HEARING.</p>		
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		<p>care or that would have been paid if the child were in paid out-of-home care today. The monthly respite care payment that is provided under the foster care program is not a benefit under the adoption assistance program.</p> <p>8. If a child with developmental disabilities is receiving an allowance in addition to the foster care payment at the time the child is placed for adoption, the allowance may continue under the adoption assistance program if the child continues to meet the criteria outlined in “Child with Adoption assistance”, Section 7.306.4, A.</p> <p>9. County departments who pay more than the county’s foster care rate based on the child’s original or amended adoption assistance agreement shall reimburse the State for eighty percent</p>	<p>6. If a child/YOUTH with MENTAL, INTELLECTUAL OR developmental DISABILITY THAT IS DOCUMENTED AND DEFINED BY A LICENSED MEDICAL PROFESSIONAL disabilities is receiving an allowance in addition to the foster care payment at the time the child/YOUTH is placed for adoption, the allowance may continue under the adoption assistance program if the child/YOUTH continues to meet the criteria outlined in “Child with Adoption assistance”, Section 7.306.4, A.</p> <p>6. County departments who pay more than the county’s CHILD/YOUTH’S foster care rate OR IN THE EVENT THAT THE CHILD/YOUTH IS NOT IN FOSTER CARE, THE RATE THAT WOULD HAVE BEEN PAID based on the child/YOUTH’S original or amended adoption assistance agreement shall reimburse the State for eighty percent (80%) NINETY PERCENT (90%) of the payment that is over the foster care rate.</p> <p>6. Use the State prescribed forms to document the negotiated agreement for IV-E adoption assistance and attach supporting documentation.</p> <p>6. Complete and sign the adoption assistance agreement form specifying:</p>		
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		<p>(80%) of the payment that is over the foster care rate.</p> <p>10. Use the State prescribed forms to document the negotiated agreement for IV-E adoption assistance and attach supporting documentation.</p> <p>11. Complete and sign the adoption assistance agreement from specifying:</p> <p>a. The dollar amount of the adoption assistance being provided, if applicable.</p> <p>b. The duration date of the agreement:</p> <ol style="list-style-type: none"> 1. Until the adopted child reaches the age of 18 years; or 2. 21 years in the case of a child who is physically or mentally handicapped; or 	<p>a. The dollar amount of ANY the adoption assistance AND A SUMMARY OF CASE SERVICES AGREED UPON being provided, if applicable.</p> <p>b. The duration date of the agreement:</p> <ol style="list-style-type: none"> 1. Until the adopted child/YOUTH reaches the age of 18 years; or 2. UP TO 21 years in the case of a child/YOUTH who HAS A PHYSICAL, INTELLECTUAL OR DEVELOPMENTAL DISABILITY is physically or mentally handicapped; or <p>a. THE COUNTY SHALL DOCUMENT IN THE RECORD THAT THE YOUTH IS ENROLLED FULL-TIME IN HIGH SCHOOL OR VOCATIONAL TRAINING AND IS MAKING PROGRESS IN THE PROGRAM OR COMPLETING SECONDARY EDUCATION OR IS ENROLLED IN A PROGRAM LEADING TO AN EQUIVALENT CREDENTIAL.</p> <p>b. ENROLLED IN AN INSTITUTION THAT PROVIDES POSTSECONDARY OR VOCATIONAL EDUCATION.</p> <p>c. A YOUTH WHO IS IDENTIFIED IN THE ORIGINAL ADOPTION</p>		
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			<p>ASSISTANCE AGREEMENT HAS AN INTELLECTUAL AND OR DEVELOPMENTAL DISABILITY OR A PHYSICAL HANDICAP, IS BETWEEN THE AGE OF 18-21, AND CONTINUES TO LIVE AT HOME, MAY CONTINUE TO BE ELIGIBLE FOR THE ADOPTION ASSISTANCE PROGRAM AS LONG AS THESE DISABILITIES WERE IDENTIFIED;</p> <p>d. PARTICIPATING IN A PROGRAM OR ACTIVITY DESIGNED TO PROMOTE OR REMOVE BARRIERS TO EMPLOYMENT; OR</p> <p>e. EMPLOYED FOR AT LEAST EIGHTY HOURS PER MONTH.</p> <p>3. On a case-by-case basis, the duration of an agreement may be sooner than this time. All parties must be in agreement with the earlier termination date.</p> <p>4. The services and dates of services that are covered by an effective adoption assistance agreement.</p> <p>5. ANY REIMBURSEMENT FOR NON-RECURRING EXPENSES INCURRED BY OR ON BEHALF OF THE ADOPTIVE PARENT IN</p>		
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		<p>3. On a case-by-case basis, the duration of an agreement may be sooner than this time. All parties must be in agreement with the earlier termination date.</p> <p>c. The services and dates of services that are covered by an effective adoption assistance agreement.</p> <p>d. That the adoption assistance agreement must be signed and dated by all parties prior to the effective date of the agreement and before the adoption is finalized. If the county fails to completely execute the initial adoption assistance agreement prior to the effective date and prior to the finalization of the adoption, the assistance payment will become non-reimbursable by the State and IV-E moneys.</p> <p>12. Review the agreement every three</p>	<p>CONNECTION WITH THE ADOPTION.</p> <p>d. c. That the adoption assistance agreement must be signed and dated by all parties prior to the effective date of the agreement and before the adoption is finalized. If the county fails to completely execute the initial adoption assistance agreement prior to the effective date and prior to the finalization of the adoption, the assistance payment will become non-reimbursable by the State and IV-E monies.</p> <p>12. THE ADOPTION ASSISTANCE AGREEMENT MUST BE REVIEWED AT LEAST EVERY THREE YEARS. THE COUNTY DEPARTMENT SHALL PROVIDE WRITTEN NOTICE OF THE UPCOMING REVIEW TO THE ADOPTIVE FAMILY. Review the agreement every three years from the date of the initial agreement.</p> <p>a. Any change in the adoption assistance agreement shall be related to the original barrier(s), identified at the time the decision was made that adoption assistance was needed. THE AGREEMENT MAY BE ADJUSTED AFTER GOOD-FAITH NEGOTIATION AND WITH THE</p>		
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		<p>years from the date of the initial agreement.</p> <p>a. Any change in the adoption assistance agreement shall be related to the original barrier(s), identified at the time the decision was made that adoption assistance was needed.</p> <p>b. In Title IV-E adoption assistance agreements, the agreement cannot be changed in any way without the agreement of all parties. The only exception is when there is an across-the-board reduction or increase in the foster care maintenance payment</p>	<p>CONCURRENCE OF THE ADOPTIVE FAMILY. AN ADJUSTMENT IS REVIEWABLE THROUGH THE ADMINISTRATIVE LAW PROCESS UPON THE REQUEST OF THE FAMILY. ANY PARTY MAY REQUEST A REVIEW OF THE AGREEMENT PRIOR TO THE THREE-YEAR MANDATORY REVIEW IF CHANGES OCCUR IN THE NEEDS OF THE ADOPTIVE CHILD OR YOUTH OR IN THE CIRCUMSTANCES OF THE FAMILY.</p> <p>b. In Title IV-E adoption assistance agreements, the agreement cannot be changed in any way without the agreement of all parties. The only exception is when there is an across-the-board reduction or increase in the foster care maintenance payment rate. In that circumstance, the State may adjust the adoption assistance payment without the adoptive parent(s)' concurrence. BENEFITS PROVIDED THROUGH THE PROGRAM MUST BE CONTINUED IF THE ADOPTIVE PARENTS LEAVE THE STATE OF COLORADO WITH THE ADOPTED CHILD OR YOUTH. (FOR ADDITIONAL INFORMATION REGARDING STATE-TO-STATE MEDICAID SERVICES SEE CCR 7.402.4 MEDICAID FOR CHILDREN AND YOUTH COVERED BY THE INTERSTATE COMPACT ON ADOPTIONS AND MEDICAL ASSISTANCE (ICAMA)).</p> <p>c. The county department shall not add</p>		
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		<p>rate. In that circumstance, the State may adjust the adoption assistance payment without the adoptive parent(s)' concurrence.</p> <p>c. The county department shall not add additional needs for adoption assistance payment after the adoption decree has been issued that is not directly related to the originally identified special needs of the child, or unless genetic in nature.</p> <p>13 The county or adoptive family may at any time negotiate changes to an existing adoption assistance agreement based on information related to the child's original condition or the family's circumstances.</p>	<p>additional needs for adoption assistance payment after the adoption decree has been issued that is not directly related to the originally identified special needs of the child, or unless genetic in nature.</p> <p>13. The county or adoptive family may REQUEST TO RENEGOTIATE AN EXISTING ADOPTION ASSISTANCE AGREEMENT at any time negotiate changes to an existing adoption assistance agreement based on information CHANGES IN THE NEEDS OF THE ADOPTED CHILD OR YOUTH OR IN THE CIRCUMSTANCES OF THE FAMILY related to the child's original condition, or the family's circumstances RELATED TO THE ORIGINAL ELIGIBILITY CRITERIA KNOWN AND DOCUMENTED AT THE TIME OF THE FINALIZATION OF THE ADOPTION.</p> <p>a. ANY NEW AGREEMENT MUST INCLUDE THE CIRCUMSTANCES UNDER WHICH THE COUNTY DEPARTMENT MAY SUSPEND ADOPTION ASSISTANCE PAYMENTS.</p> <p>b. THE AGREEMENT MAY BE ADJUSTED AFTER GOODFAITH NEGOTIATION AND WITH THE CONCURRENCE OF THE ADOPTIVE FAMILY. AN ADJUSTMENT IS REVIEWABLE THROUGH THE ADMINISTRATIVE LAW PROCESS UPON THE</p>		
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Title of Proposed Rule: Child Welfare Adoption Rules 7.306 – Division of Child Welfare

CDHS Tracking #: 22-12-08-01 - 2509-4 Part 3 of 3

Office, Division, &
Program: OCYF/ DCW/
Permanency

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		<p>F. There are situations after finalization when adoptive parents can request a state level fair hearing before an Administrative Law Judge concerning the adopted child's eligibility for adoption assistance benefits or the amount of those benefits. These situations include but are not limited to:</p>	<p>REQUEST OF THE FAMILY. ANY PARTY MAY REQUEST A REVIEW OF THE AGREEMENT PRIOR TO THE THREE-YEAR MANDATORY REVIEW IF CHANGES OCCUR IN THE NEEDS OF THE ADOPTIVE CHILD OR YOUTH OR IN THE CIRCUMSTANCES OF THE FAMILY.</p> <p>F. There are situations after finalization when adoptive parents can request a state level fair hearing before an Administrative Law Judge concerning the adopted child/YOUTH's eligibility for adoption assistance benefits or the amount of those benefits. These situations include but are not limited to:</p> <ol style="list-style-type: none">1. Relevant facts regarding the child/YOUTH that were known and not presented to the adoptive parent(s) prior to the finalization of the adoption.2. Denial of assistance based upon a means test of the adoptive family.3. Erroneous determination that a child/YOUTH is ineligible for adoption assistance.4. Denial of a request for a change in payment level due to a change IN THE CHILD/YOUTH'S NEEDS AND/OR in the adoptive parent(s)' circumstances.		
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Title of Proposed Rule: Child Welfare Adoption Rules 7.306 – Division of Child Welfare

CDHS Tracking #: 22-12-08-01 - 2509-4 Part 3 of 3

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1. Relevant facts regarding the child that were known and not presented to the adoptive parent(s) prior to the finalization of the adoption.

2. Denial of assistance based upon a means test of the adoptive family.

3. Erroneous determination that a child is ineligible for adoption assistance.

4. Denial of a request for a change in payment level due to a change in the adoptive parent(s)' circumstances.

5. Failure by the county or non-profit child placement agency to advise the adoptive parent(s) about the availability of adoption assistance for children who have been identified with special needs.

6. Decrease in the amount of adoption assistance without the concurrence of the adoptive parent(s) (for Title IV-E adoption assistance agreements, only).

5. Failure by the county or non-profit child placement agency to advise the adoptive parent(s) about the availability of adoption assistance for children/**YOUTH** who have been identified with special needs.

6. Decrease in the amount of adoption assistance without the concurrence of the adoptive parent(s) (for Title IV-E adoption assistance agreements, only).

Title of Proposed Rule: Child Welfare Adoption Rules 7.306 – Division of Child Welfare

CDHS Tracking #: 22-12-08-01 - 2509-4 Part 3 of 3

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<p>7.306.42 Non-Title IV-E Adoption Assistance</p>		<p>A. Pathways to Eligibility</p> <p>The following are ways to become eligible for non-Title IV-E adoption assistance:</p> <ol style="list-style-type: none"> 1. The county department has guardianship of the person (children) with the authority to consent to adoption. 2. The county department has guardianship of the person (children) with the right to consent to adoption, but the current caregiver has custody of the children. 3. The child(ren) is not a citizen or a qualified alien but is being adopted by a U.S. citizen or qualified alien. 4. The child was not IV-E eligible in foster care. 5. The child was placed in foster care with the county department via voluntary placement agreement with the 	<p>A. Pathways to Eligibility</p> <p>The following are ways to become eligible for non-Title IV-E adoption assistance:</p> <ol style="list-style-type: none"> 1. The county department has guardianship of the person(S) (children/YOUTH) with the authority to consent to adoption. 2. The county department OR NONPROFIT CHILD PLACEMENT AGENCY has guardianship of the person (children/YOUTH) with the right to consent to adoption, but the current caregiver has PHYSICAL custody of the children/YOUTH. 3. The child(ren)/YOUTH is not a citizen or a qualified alien CITIZEN but is being adopted by a U.S. citizen or qualified alien CITIZEN. 4. A PERSON HAS CUSTODY OF A CHILD/YOUTH GIVEN BY PROPER ORDER OF A DEPENDENCY AND NEGLECT COURT. 4 5. The child/YOUTH was not IV-E eligible in foster care AND DOES NOT MEET THE APPLICABLE CHILD CRITERIA (DELINKING). 5. The child was placed in foster care with the county department via voluntary placement 		
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Title of Proposed Rule: Child Welfare Adoption Rules 7.306 – Division of Child Welfare

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		<p>county, but:</p> <p>a. There was no subsequent petition with the court and a court order within 180 days of living with his/her specified relative that includes the “best interest” or “contrary to the welfare” language; or,</p> <p>b. There was no foster care payment made while in care under the voluntary placement agreement.</p>	<p>agreement with the county, but:</p> <p>a. There was no subsequent petition with the court and a court order within 180 days of living with his/her specified relative that includes the “best interest” or “contrary to the welfare” language; or,</p> <p>b. There was no foster care payment made while in care under the voluntary placement agreement.</p> <p>6. ALL COUNTY DEPARTMENTS OF HUMAN/SOCIAL SERVICES AND IVE ELIGIBILITY STAFF ARE REQUIRED TO DETERMINE CHILDREN AND YOUTH ELIGIBLE FOR IV-E ADOPTION ASSISTANCE, IF THE FOLLOWING APPLIES:</p> <p>a. THE CHILD OR YOUTH WAS IN THE CUSTODY OF RELATIVES OR KIN AT THE TIME OF TERMINATION OF PARENTAL RIGHTS IN A DEPENDENCY AND NEGLECT ACTION; AND/OR</p> <p>b. THE CHILD OR YOUTH WAS IN THE CARE OR CUSTODY OF A PUBLIC OR LICENSED PRIVATE NON-PROFIT CHILD PLACEMENT AGENCY OR INDIAN TRIBAL ORGANIZATION PURSUANT TO:</p> <p>1. AN INVOLUNTARY REMOVAL OF THE CHILD OR YOUTH FROM THE HOME IN ACCORDANCE WITH A JUDICIAL DETERMINATION TO THE EFFECT THAT CONTINUATION IN THE HOME WOULD BE CONTRARY TO THE WELFARE OF THE CHILD OR</p>		
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		<p>B. Foster Care Placement of a Child Under an Adoption Assistance Agreement</p> <p>1. The state prescribed form must be completed to determine IV-E eligibility using the adoptive parent(s)' income.</p> <p>2. The child, returning to the adoptive parent(s)' home, returns to the previous non-IV-E adoption assistance agreement.</p> <p>C. Eligibility Determination for Medicaid in Non-Title IV-E Eligible</p>	<p>YOUTH; OR</p> <p>2. A VOLUNTARY PLACEMENT AGREEMENT OR VOLUNTARY RELINQUISHMENT; AND</p> <p>3. THE TERMINATION OF PARENTAL RIGHTS/RELINQUISHMENT ORDERS CONTAIN THE JUDICIAL DETERMINATION TO THE EFFECT THAT THE COUNTY DEPARTMENT/INDIAN TRIBAL ORGANIZATION HAS GUARDIANSHIP OF THE CHILD OR YOUTH TO CONSENT TO THAT CHILD OR YOUTH'S ADOPTION; AND THE CHILD OR YOUTH HAS BEEN DETERMINED BY THE COUNTY, PURSUANT TO 7.306.4, A, D TO BE AN ELIGIBLE CHILD OR YOUTH.</p> <p>B. Foster Care Placement of a Child/YOUTH Under an Adoption Assistance Agreement</p> <p>1. The state prescribed form must be completed to determine IV-E eligibility using the adoptive parent(s)' income.</p> <p>2. The child/YOUTH, returning to the adoptive parent(s)' home, returns to the previous non-IV-E adoption assistance agreement.</p>		
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Title of Proposed Rule: Child Welfare Adoption Rules 7.306 – Division of Child Welfare

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		<p>1. Colorado children/YOUTH who are eligible for an adoption assistance agreement, but are not IV-E eligible for Medicaid in Colorado or reciprocal states, only.</p> <p>2. An adoption assistance payment is not required to extend Medicaid coverage.</p> <p>3. Medicaid eligibility may or may not be continued for non-IV-E eligible children who are out of the home for more than thirty (30) calendar days depending on the county's individual policy.</p> <p>4. Medicaid eligibility for all children receiving Medicaid shall be redetermined yearly only if the child continues to be eligible for Medicaid. This can be done by completing the State prescribed form.</p> <p>D. Non-Title IV-E Adoption Assistance Payments</p> <p>1. Determine and document a child's special needs and eligibility for adoption</p>	<p>C. Eligibility Determination for Medicaid in Non-Title IV-E Eligible</p> <p>1. Colorado children/YOUTH who are eligible for an adoption assistance agreement, but are not IV-E ARE eligible for Medicaid in Colorado or reciprocal states, only.</p> <p>2. An adoption assistance payment is not required to extend Medicaid coverage.</p> <p>3. Medicaid eligibility may or may not be continued for non-IV-E eligible children/YOUTH who are out of the home for more than thirty (30) calendar days depending on the county's individual policy.</p> <p>4. Medicaid eligibility for all children/YOUTH receiving Medicaid shall be redetermined yearly only if the child/YOUTH continues to be eligible for Medicaid. This can be done by completing the State prescribed form.</p> <p>D. Non-Title IV-E Adoption Assistance Payments</p>		
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		<p>assistance.</p> <p>3. Utilize financial information regarding the family including assets, liabilities and insurance benefits in negotiating the initial agreement, and any subsequent increases in adoption assistance.</p> <p>3. The adoption assistance agreement shall be established in accordance with the county department's written policy. The policy shall outline the criteria used for determining the amount of adoption assistance.</p>	<p>1. Determine and document a child/special YOUTH'S IDENTIFIED needs and eligibility for adoption assistance.</p> <p>2. Utilize financial information regarding the family including assets, liabilities and insurance benefits in negotiating the initial agreement, and any subsequent increases in adoption assistance. DENIAL OF ASSISTANCE BASED SOLELY ON A MEANS TEST OF THE ADOPTIVE FAMILY IS NOT ALLOWED AND MUST NOT BE SUBSTITUTED FOR THE AGREEMENT.</p> <p>3. The adoption assistance agreement shall be established in accordance with the county department's STATES written policy. The policy shall outline the criteria used for determining the amount of adoption assistance.</p> <p>a. COUNTY DEPARTMENTS SHALL USE THE COLORADO ADOPTION ASSISTANCE NEGOTIATION WORKSHEET WITH THE POTENTIAL ADOPTIVE FAMILY FOR ALL ADOPTION ASSISTANCE DETERMINATIONS AND NEGOTIATIONS.</p> <p>1. IF ADOPTIVE PARENT(S) CHOOSE TO REFUSE ALL ADOPTION ASSISTANCE INCLUDING MONTHLY CASH ASSISTANCE, MEDICAID, AND/OR CASE SERVICES, THEY MUST</p>		
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		<p>4. Make a good faith effort to negotiate an adoption assistance agreement with the adoptive parent(s). The county shall base the negotiation on the special needs of the child and the circumstances of the adoptive parent(s). If the parties</p>	<p>SIGN THE PERMANENT REFUSAL OF ADOPTION ASSISTANCE FORM.</p> <p>2. IF ADOPTION PARENT(S) REQUEST A MEDICAID ONLY ADOPTION ASSISTANCE AGREEMENT AND/OR NON-RECURRING ADOPTION EXPENSES THEY MAY CHOOSE TO DECLINE COMPLETING THE ADOPTION ASSISTANCE NEGOTIATION WORKSHEET AND SIGN THE REQUEST FOR MEDICAID ONLY ADOPTION ASSISTANCE FORM. HOWEVER, THEY STILL MUST SIGN AN ADOPTION ASSISTANCE AGREEMENT.</p> <p>b. COUNTY DEPARTMENTS SHALL ADOPT THE POLICIES AND PROCEDURES OUTLINED IN THE STATE OF COLORADO'S ADOPTION ASSISTANCE POLICY. A COPY OF THE WRITTEN POLICY SHALL BE PROVIDED TO ADOPTIVE PARENT(S) AT LEAST 5 BUSINESS DAYS PRIOR TO A NEGOTIATION MEETING.</p> <p>4. Make a good faith effort to negotiate an adoption assistance agreement with the adoptive parent(s). The county shall base the negotiation on the special CURRENT AND ANTICIPATED needs of</p>		
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		<p>cannot come to an agreement, the county department shall establish the adoption assistance amount. If the family disagrees with the decision, a fair hearing can be requested.</p> <p>5. Negotiate with the adoptive parents to request the amount that is needed by the family to meet the child’s special needs; this may be less than the amount for which the child qualifies.</p> <p>6. The county shall establish a maximum amount that could be provided to a family. The monthly respite care payment that is provided under the foster care program is not a benefit under the adoption assistance program.</p> <p>7. If a child with developmental disabilities is receiving an allowance in addition to the foster care payment at the time the child is placed for adoption, the allowance may continue under the adoption assistance program if the child continues to meet the criteria outlined in “Child with Adoption assistance”, Section 7.306.4, A, 3, d.</p> <p>8. County departments who pay more than the county’s foster care rate based</p>	<p>the child/YOUTH and the circumstances of the adoptive parent(s). If the parties cannot come to an agreement, the county department shall establish the adoption assistance amount. If the family disagrees with the decision, a fair hearing can be requested.</p> <p>5. Negotiate with the adoptive parents to request the amount that is needed by the family to meet the child’s special needs; this may be less than the amount for which the child qualifies.</p> <p>6. 5. The county shall establish a maximum amount that could be provided to a family. The monthly respite care payment that is provided under the foster care program is not a benefit under the adoption assistance program.</p> <p>7. 6. If a child/YOUTH with PHYSICAL, MENTAL, INTELLECTUAL AND developmental disabilities is receiving an allowance in addition to the foster care payment at the time the child/YOUTH is placed for adoption, the allowance may continue under the adoption assistance program if the child/YOUTH continues to meet the criteria outlined in “Child with Adoption assistance”, Section 7.306.4, A e, d.</p> <p>6. 7. County departments who pay more than the county’s foster care rate OR IN THE EVENT THAT</p>		
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		<p>on the child’s original or amended adoption assistance agreement shall reimburse the State for eighty percent (80%) of the payment that is over the foster care rate.</p> <p>9. Use the State prescribed forms to document the negotiated agreement for non-Title IV-E adoption assistance, and attach supporting documentation.</p> <p>10. Complete and sign the Adoption assistance Agreement form specifying:</p> <p>a. The dollar amount of the adoption assistance being provided, if applicable.</p> <p>b. Duration of the agreement:</p> <p>1) In non-Title IV-E adoption assistance agreements, duration is decided by county policy, according to the special needs of the child and family circumstances. It may not continue past the child’s 21st birthday.</p>	<p>THE CHILD/YOUTH IS NOT IN FOSTER CARE, THE RATE THAT WOULD HAVE BEEN PAID based on the child/YOUTH’s original or amended adoption assistance agreement shall reimburse the State for eighty NINETY percent (80%) (90%) of the payment that is over the foster care rate.</p> <p>9. 8. Use the State prescribed forms to document the negotiated agreement for non-Title-IV-E adoption assistance and attach supporting documentation.</p> <p>10. 9. Complete and sign the Adoption assistance Agreement from specifying:</p> <p>a. The dollar amount of the adoption assistance being provided, if applicable.</p> <p>b. Duration of the agreement:</p> <p>1. In non-Title-IV-E adoption assistance agreements, duration is decided by county THE STATES WRITTEN policy, according to the special IDENTIFIED needs of the child/YOUTH and family circumstances. It may not continue past the child 21st birthday. THE COUNTY DEPARTMENT SHALL EXTEND THE ADOPTION ASSISTANCE AGREEMENT UPON THE APPROACHING EXPIRATION DATE IF THE YOUTH MEETS CRITERIA FOR EXTENSION AND THE EXTENSION IS REQUESTED BY THE ADOPTIVE PARENT(S). AS DEFINED IN SECTION CCR 7.306.54,</p>		
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		<p>2) On a case-by-case basis, the duration of an agreement may be sooner than this time. All parties must be in agreement with the earlier termination date.</p> <p>3) In the case of a child who turns eighteen (18), is still in high school, and has been eligible for Title IV-E adoption assistance, the child's eligibility must be changed from Title IV-E. New forms must be completed to reflect the change in the child's eligibility.</p>	<p>ADOPTION ASSISTANCE MAY CONTINUE TO THE 21ST BIRTHDAY. IN SITUATIONS WHERE ADOPTION ASSISTANCE CONTINUES THROUGH THE 21ST BIRTHDAY, ADOPTION MEDICAID WILL STILL CONTINUE THROUGH THE END OF THE MONTH OF THE 21ST BIRTHDAY.</p> <p>2. On a case-by-case basis, the duration of an agreement may be sooner than this time. All parties must be in agreement with the earlier termination date.</p> <p>3. In the case of a child who turns eighteen (18), is still in high school, and has been eligible for Title IV-E adoption assistance, the child's eligibility must be changed from Title IV-E. New forms must be completed to reflect the change in the child's eligibility.</p> <p>3. THE ADOPTION ASSISTANCE AGREEMENT MUST BE REVIEWED AT LEAST EVERY THREE YEARS. THE COUNTY DEPARTMENT SHALL PROVIDE WRITTEN NOTICE OF THE UPCOMING REVIEW TO THE ADOPTIVE FAMILY.</p> <p>a. ANY NEW AGREEMENT MUST INCLUDE THE CIRCUMSTANCES UNDER WHICH THE COUNTY DEPARTMENT MAY SUSPEND SUBSIDY PAYMENTS.</p>		
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		<p>c. The services and dates of services that are covered by an effective adoption assistance agreement.</p> <p>d. That the adoption assistance agreement must be signed and dated by</p>	<p>b. THE AGREEMENT MAY BE ADJUSTED AFTER GOODFAITH NEGOTIATION AND WITH THE WRITTEN CONCURRENCE OF THE ADOPTIVE FAMILY. AN ADJUSTMENT IS REVIEWABLE THROUGH THE ADMINISTRATIVE LAW PROCESS UPON THE REQUEST OF THE FAMILY. ANY PARTY MAY REQUEST A REVIEW OF THE AGREEMENT PRIOR TO THE THREE-YEAR MANDATORY REVIEW IF CHANGES OCCUR IN THE NEEDS OF THE ADOPTIVE CHILD/YOUTH OR IN THE CIRCUMSTANCES OF THE FAMILY.</p> <p>c. BENEFITS PROVIDED THROUGH THE PROGRAM MUST BE CONTINUED IF THE ADOPTIVE PARENTS LEAVE THE STATE OF COLORADO WITH THE ADOPTIVE CHILD OR YOUTH.</p> <p>e. d. The services and dates that are covered by an effective adoption assistance agreement.</p> <p>e. ANY REIMBURSEMENT FOR NON-RECURRING ADOPTION EXPENSES INCURRED BY OR ON BEHALF OF THE ADOPTIVE PARENT IN CONNECTION WITH THE ADOPTION.</p> <p>d. f. That the adoption assistance agreement must be signed and dated by all parties prior to the effective date of the agreement and before the adoption is finalized. If the county fails to</p>		
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		<p>all parties prior to the effective date of the agreement and before the adoption is finalized. If the county fails to completely execute the initial adoption assistance agreement prior to the effective date and prior to the finalization of the adoption, the assistance payment will become non-reimbursable by the State.</p> <p>11. Review the agreement every three years from the date of the initial agreement.</p> <p>a. Any change in the adoption assistance agreement shall be related to the original barrier(s), identified at the time the decision was made that adoption assistance was needed.</p> <p>b. In non-Title IV-E adoption assistance agreements, any changes must be made related to the special needs of the child, the family circumstances and county policy.</p> <p>c. The county department shall not add additional needs for adoption assistance payment after the adoption decree has been issued that is not directly related to the originally-identified special needs of</p>	<p>completely execute the initial adoption assistance agreement prior to the effective data and prior to the finalization of the adoption, the assistance payment will become non-reimbursable by the State.</p> <p>11. Review the agreement every three years from the date of the initial agreement.</p> <p>a. Any change in the adoption assistance agreement shall be related to the original barrier(s), identified at the time the decision was made that adoption assistance was needed.</p> <p>b. In non-Title IV-E adoption assistance agreements, any changes must be made related to the special needs of the child, the family circumstances and county policy.</p> <p>c. The county department shall not add additional needs for adoption assistance payment after the adoption decree has been issued that is not directly related to the originally-identified special needs of the child, unless they are genetic in nature.</p>		
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the child, unless they are genetic in nature.

10. THE ADOPTION ASSISTANCE AGREEMENT MUST BE REVIEWED AT LEAST EVERY THREE YEARS. THE COUNTY DEPARTMENT SHALL PROVIDE WRITTEN NOTICE OF THE UPCOMING REVIEW TO THE ADOPTIVE FAMILY.

a. ANY NEW AGREEMENT MUST INCLUDE THE CIRCUMSTANCES UNDER WHICH THE COUNTY DEPARTMENT MAY SUSPEND ADOPTION ASSISTANCE PAYMENTS.

b. THE AGREEMENT MAY BE ADJUSTED AFTER GOODFAITH NEGOTIATION AND WITH THE WRITTEN CONCURRENCE OF THE ADOPTIVE FAMILY. AN ADJUSTMENT IS REVIEWABLE THROUGH THE ADMINISTRATIVE LAW PROCESS UPON THE REQUEST OF THE FAMILY. ANY PARTY MAY REQUEST A REVIEW OF THE AGREEMENT PRIOR TO THE THREE-YEAR MANDATORY REVIEW IF CHANGES OCCUR IN THE NEEDS OF THE ADOPTIVE CHILD OR YOUTH OR IN THE CIRCUMSTANCES OF THE FAMILY.

c. BENEFITS PROVIDED THROUGH THE PROGRAM MUST BE CONTINUED IF THE ADOPTIVE PARENT LEAVES THE STATE OF COLORADO WITH THE ADOPTED CHILD OR YOUTH.

~~12:~~ 11. The county or adoptive family may at any

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		<p>12. The county or adoptive family may at any time negotiate changes to an existing adoption assistance agreement based on information related to the child’s original condition or the family’s circumstances.</p>	<p>time negotiate changes to an existing adoption assistance agreement based on information related to the child/YOUTH’s original condition CURRENT AND/or ANTICIPATED NEEDS OR the family’s circumstances.</p>		
<p>7.306.57 State Monitoring/Sanction Process of Adoption Assistance Programs in Counties</p> <p>7.306.43 REVIEW OF ELIGIBILITY FOR ALL ONGOING ADOPTION ASSISTANCE AGREEMENTS</p> <p>Section 7.306.57 was created in a</p>		<p>Monitoring will be conducted annually on county departments by State Child Welfare staff using a risk based approach looking at the number and kinds of complaints received by consumers, advocates or the general public.</p> <p>A. The state will randomly select cases from the adoption assistance caseload.</p> <p>B. Each county will be given three opportunities to pass the review before a fiscal sanction is established.</p> <p>1. Counties passing the initial Stage I review will be reviewed every three years.</p> <p>2. If the county fails the initial review, a Stage II review will be conducted in the</p>	<p>Monitoring will be conducted annually on county departments by State Child Welfare staff using a risk based approach looking at the number and kinds of complaints received by consumers, advocates or the general public.</p> <p>A. The state will randomly select cases from the adoption assistance caseload.</p> <p>B. Each county will be given three opportunities to pass the review before a fiscal sanction is established.</p> <p>1. Counties passing the initial Stage I review will be reviewed every three years.</p> <p>2. If the county fails the initial review, a Stage II review will be conducted in the second year.</p>		

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<p>prior rule packet and currently exists there. 7.306.43 was struck out in prior rule packet.</p>		<p>second year.</p> <p>3. If the Stage II review is failed, the county will go to a Stage III the next year.</p> <p>C. At each stage, the county will be given an opportunity to provide information to the state that will enable the case that is out of compliance to pass the review.</p> <p>D. A county failing the review will be offered technical assistance based on issues identified during the review and will be required to develop a corrective action plan.</p> <p>E. If the county fails all three stages, the reviewed cases that are out of compliance in the third stage will be converted to county-only funding in the third year.</p>	<p>3. If the Stage II review is failed, the county will go to a Stage III the next year.</p> <p>C. At each stage, the county will be given an opportunity to provide information to the state that will enable the case that is out of compliance to pass the review.</p> <p>D. A county failing the review will be offered technical assistance based on issues identified during the review and will be required to develop a corrective action plan.</p> <p>E. If the county fails all three stages, the reviewed cases that are out of compliance in the third stage will be converted to county-only funding in the third year.</p> <p>REVIEW OF ELIGIBILITY FOR ALL ONGOING ADOPTION ASSISTANCE AGREEMENTS</p> <p>A. THE COUNTY SHALL REVIEW THE CURRENT ADOPTION ASSISTANCE AGREEMENT EVERY THREE (3) YEARS.</p> <p>1. THE COUNTY DEPARTMENT SHALL INITIATE THE WRITTEN NOTICE OF THE REVIEW FOR ADOPTION ASSISTANCE SIXTY (60) DAYS PRIOR TO THE THREE-YEAR ANNIVERSARY OF THE AGREEMENT.</p> <p>2. THE ADOPTIVE FAMILY MAY REQUEST A REVIEW</p>		
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			<p>OF THE AGREEMENT PRIOR TO THE THREE-YEAR REVIEW IF CHANGES IN THE NEEDS OF THE CHILD/YOUTH OR FAMILY CIRCUMSTANCES OCCUR.</p> <p>3.THE ADOPTIVE PARENTS MAY REQUEST A REVIEW OF THE ADOPTION ASSISTANCE AGREEMENT IF CHANGES IN THE NEEDS OF THE CHILD/YOUTH OR FAMILY CIRCUMSTANCES OCCUR. ANY CHANGES IN THE AGREEMENT MUST BE RELATED TO THE ORIGINAL BARRIERS IDENTIFIED AT THE TIME THE DECISION WAS MADE THAT ADOPTION ASSISTANCE WAS NEEDED OR TO THE CHILD/YOUTH'S NEEDS THAT ARE GENETIC IN NATURE, REGARDLESS OF WHETHER THOSE NEEDS WERE IDENTIFIED PRIOR TO ADOPTION.</p> <p>B. THE COUNTY SHALL ANNUALLY REVIEW DOCUMENTATION OF SCHOOL ATTENDANCE OR REASONS FOR INABILITY TO ATTEND. THE DOCUMENTATION MUST DEMONSTRATE THAT EACH CHILD/YOUTH WHO IS ELIGIBLE FOR ADOPTION ASSISTANCE AND WHO HAS ATTAINED THE MINIMUM AGE FOR COMPULSORY SCHOOL ATTENDANCE IS:</p> <ol style="list-style-type: none">1. ENROLLED (OR IN THE PROCESS OF ENROLLING) IN AN INSTITUTION THAT PROVIDES ELEMENTARY OR SECONDARY EDUCATION, OR,2. INSTRUCTED IN ELEMENTARY OR SECONDARY EDUCATION AT HOME IN ACCORDANCE WITH THE HOMESCHOOL STATUTE, OR,3. IN AN INDEPENDENT STUDY ELEMENTARY OR		
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			<p>SECONDARY EDUCATION PROGRAM IN ACCORDANCE WITH STATUTE, AND WHICH IS ADMINISTERED BY THE LOCAL SCHOOL, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE EDUCATION (BOCES), OR,</p> <p>4. INCAPABLE OF ATTENDING SCHOOL ON A FULL-TIME BASIS DUE TO THE MEDICAL CONDITION OF THE CHILD/YOUTH. THE REASONS SHALL BE SUPPORTED BY REGULARLY UPDATED INFORMATION IN THE EDUCATIONAL PLAN MAINTAINED BY THE SCHOOL, SCHOOL DISTRICT, OR BOCES.</p>		
<p>7.306.44 Basis for Establishing the Amount of an Adoption Assistance Subsidy</p> <p>7.306.44 SOCIAL SECURITY BENEFITS FOR CHILDREN/YOUTH IN</p>		<p>This section has been moved in order to consolidate rules related to adoption assistance in one location. Refer to Sections 7.306.41 and 7.306.42.</p> <p>A. The county department shall inform adoptive parents of the potential eligibility for Social Security benefits of any child placed with them for adoption.</p> <p>B. When a child becomes eligible for Social Security benefits and the child is receiving adoption</p>	<p>This section has been moved in order to consolidate rules related to adoption assistance in one location. Refer to Sections 7.306.41 and 7.306.42.</p> <p>A. The county department shall inform adoptive parents of the potential eligibility for Social Security benefits of any child/YOUTH placed with them for adoption.</p> <p>B. When a child becomes eligible for Social Security benefits and the child is receiving adoption</p>		

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<p>ADOPTIVE PLACEMENT</p> <p>Original section 7.306.44 has been moved in order to consolidate rules related to adoption assistance in one location. Refer to Sections 7.306.41 and 7.306.42. This is now new language in 7.306.44.</p>		<p>assistance, the family must inform the agency of the receipt of these benefits.</p>	<p>assistance, the family must inform the agency of the receipt of these benefits.</p> <p>B. IN CASES WHERE THE CHILD/YOUTH IS ELIGIBLE FOR BOTH SUPPLEMENTAL SECURITY INCOME (SSI) AND TITLE IV-E ADOPTION ASSISTANCE, THE PROSPECTIVE ADOPTIVE PARENTS MAY MAKE APPLICATION FOR BOTH PROGRAMS AND THE CHILD/YOUTH, IF ELIGIBLE, MAY RECEIVE BENEFITS FROM BOTH PROGRAMS. IN CONSIDERING THE MOST APPROPRIATE CHOICE OF PROGRAMS AND DECIDING WHETHER TO MAKE APPLICATION FOR ONE OR BOTH, THE PROSPECTIVE ADOPTIVE PARENTS SHOULD BE MADE AWARE OF THE DIFFERENCES BETWEEN SSI AND THE ADOPTION ASSISTANCE PROGRAM BY THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES.</p> <p>C. WHEN A CHILD/YOUTH IS RECEIVING SUPPLEMENTAL SECURITY INCOME PRIOR TO ADOPTION, THE ADOPTIVE PARENTS CAN SEEK A MONTHLY ADOPTION ASSISTANCE PAYMENT FROM THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES UP TO THE FOSTER CARE MAINTENANCE PAYMENT THAT HAS BEEN PAID OR WOULD HAVE BEEN PAID IF THE ELIGIBLE CHILD OR YOUTH HAD BEEN IN FOSTER CARE AT THE TIME OF THE ELIGIBLE CHILD OR YOUTH'S ADOPTION. IN CASES WHERE THE CHILD/YOUTH IS ELIGIBLE FOR BOTH SUPPLEMENTAL SECURITY INCOME (SSI) AND TITLE IV-E ADOPTION ASSISTANCE THE ADOPTIVE PARENTS CANNOT RECEIVE MORE THAN THE MAXIMUM FOSTER CARE RATE. NOTHING IN THIS</p>		
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			PARAGRAPH SHALL LIMIT THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES FROM PROVIDING CASE SERVICES WHEN A CHILD/YOUTH IS SSI ELIGIBLE.		
<p>7.306.45 Authorized Types of Adoption Assistance Subsidies</p> <p>7.306.45 ACCEPTING AND PROCESSING APPLICATIONS FOR ADOPTION ASSISTANCE FROM CHILD PLACEMENT AGENCIES AND PROSPECTIVE ADOPTIVE PARENTS SEEKING A PRIVATE ADOPTION</p>		<p>This section has been moved in order to consolidate rules related to adoption assistance in one location. Refer to Section 7.306.4.</p> <p>A. Colorado non-profit licensed adoption agencies can access adoption assistance if the child is in their custody and meets Title IV-E eligibility, as outlined in Section 7.001.41.</p>	<p>This section has been moved in order to consolidate rules related to adoption assistance in one location. Refer to Section 7.306.4.</p> <p>A. Colorado non-profit licensed adoption agencies can access adoption assistance if the child/YOUTH is in their custody and meets Title IV-E eligibility, as outlined in Section 7.001.41. 7.601.7. PROSPECTIVE ADOPTIVE PARENTS CAN ALSO ACCESS ADOPTION ASSISTANCE IN A PRIVATE ADOPTION IF THE CHILD/YOUTH IS DETERMINED TO BE ELIGIBLE FOR SOCIAL SECURITY INCOME OR IS IN THEIR CUSTODY THROUGH A COURT ORDER OF A DEPENDENCY AND NEGLECT COURT, SUCH AS GUARDIANSHIP OR ALLOCATION OF PARENTAL RESPONSIBILITIES, AND MEETS TITLE IV-E ELIGIBILITY AS OUTLINED IN SECTION 7.601.7. THE ADOPTION ASSISTANCE APPLICATION, WHETHER BEING MADE BY A LICENSED ADOTPTION AGENCY OR PROSPECTIVE ADOPTIVE PARENTS, SHOULD BE MADE IN THE FIRST INSTANCE TO THE COLORADO DIVISION OF CHILD WELFARE.</p> <p>1. UPON RECEIPT OF THE COMPLETE APPLICATION, THE COLORADO DIVISION OF CHILD WELFARE</p>		

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			<p>SHALL DETERMINE THE OVERALL ELIGIBILITY OF THE CHILD/YOUTH. IF THE DIVISION OF CHILD WELFARE DETERMINES THERE IS AN ELIGIBLE CHILD/YOUTH, WITHIN TEN (10) BUSINESS DAYS THE COLORADO DIVISION OF CHILD WELFARE SHALL REQUEST FINANCIAL IV-E ELIGIBILITY FROM THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES WHERE THE PROSPECTIVE ADOPTIVE FAMILY RESIDES. THE COUNTY DEPARTMENT SHALL SEND VERIFICATION OF THAT DETERMINATION TO THE COLORADO DIVISION OF CHILD WELFARE. SUCH DETERMINATION BY THE COUNTY DEPARTMENT SHALL BE MADE WITHIN TEN (10) BUSINESS DAYS.</p> <p>2. UPON RECEIPT OF FINANCIAL IV-E ELIGIBILITY FROM THE COUNTY DEPARTMENT, THE COLORADO DIVISION OF CHILD WELFARE ADOPTION ADMINISTRATOR SHALL PROVIDE THE FORMAL TITLE IV-E DETERMINATION LETTER TO THE APPLICANT WITHIN FOURTEEN (14) BUSINESS DAYS. THE COLORADO DIVISION OF CHILD WELFARE ADOPTION ADMINISTRATOR SHALL SEND THE REQUIRED DOCUMENTS TO THE COLORADO COUNTY DEPARTMENT 47 OF HUMAN/SOCIAL SERVICES WITHIN FOURTEEN (14) BUSINESS DAYS AND THE COUNTY DEPARTMENT WILL START THE ADOPTION NEGOTIATION PROCESS WITH THE PROSPECTIVE ADOPTIVE PARENTS.</p> <p>3. IF THE CHILD/YOUTH IS DETERMINED TO BE NON-TITLE IV-E ELIGIBLE, THE COLORADO DIVISION OF CHILD WELFARE ADOPTION ADMINISTRATOR</p>		
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		<p>B. The county department where the adoptive family lives will process the</p>	<p>WILL PROVIDE THE ADOPTIVE FAMILY AND COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES A DENIAL LETTER OF ADOPTION ASSISTANCE. IF THE CHILD/YOUTH IS DETERMINED TO BE NON-TITLE IV-E ELIGIBLE, THE FAMILY MAY CONSULT WITH THE COUNTY DEPARTMENT ON OTHER SERVICES FOR WHICH THEY OR THE CHILD/YOUTH MAY BE ELIGIBLE. IT IS AT THE DISCRETION OF THE COLORADO COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES IF THEY CHOOSE TO PROVIDE ADOPTION ASSISTANCE AS ALL ASSISTANCE, WOULD BE SOLELY FUNDED BY THE COUNTY. THE PROVISION OF MEDICAL INSURANCE FOR THESE CHILDREN/YOUTH CAN ONLY OCCUR THROUGH COMMERCIAL INSURANCE PLANS SOLELY PAID THROUGH COUNTY ONLY FUNDS. THE ONLY PATH FOR THESE CHILD(REN)/YOUTH IS THAT THE FAMILY MEETS MEDICAID INCOME PARAMETERS, OR THE CHILD(REN)/YOUTH MEETS WAIVER, OR CHILDREN AND DISABILITIES BUY-IN PARAMETERS.</p> <p>4. IF IT IS DETERMINED THAT THE CHILD/YOUTH IS NOT ELIGIBLE FOR TITLE IV-E ADOPTION ASSISTANCE, THE COLORADO DIVISION OF CHILD WELFARE ADOPTION ADMINISTRATOR SHALL INFORM ALL PARTIES IN WRITING THE BASIS FOR THE DENIAL AND THEIR RIGHT TO APPEAL THE STATE'S DECISION.</p> <p>B. The county department where the adoptive family lives will process the application for</p>		
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		<p>application for assistance.</p> <p>C. If the child is being placed out-of-state the state in which the family resides will process the application.</p> <p>D. The county department reviews the material submitted by the child placement agency and determines the</p>	<p>assistance:</p> <p>B. IF THE CHILD/YOUTH IS BEING PLACED IN THE STATE OF COLORADO WITH A PROSPECTIVE ADOPTIVE FAMILY WORKING WITH A COLORADO NON-PROFIT ADOPTION AGENCY, COLORADO DEPARTMENT OF HUMAN SERVICES WILL PROCESS AND APPROVE ADOPTION ASSISTANCE FUNDED BY COLORADO COUNTY DEPARTMENTS IF THE CHILD/YOUTH MEETS THE FOLLOWING CRITERIA:</p> <p>1.HAVE SOCIAL SECURITY INCOME (SSI) ELIGIBILITY; OR</p> <p>2. IF THE CHILD/YOUTH MEETS THE FEDERAL APPLICABLE CHILD CRITERIA (DELINKING), HAS IDENTIFIED NEEDS, AND MEETS THE REQUIREMENTS IN THE FEDERAL FISCAL YEAR IN WHICH THE ADOPTION IS FINALIZED, THE CHILD/YOUTH WILL BECOME CATEGORICALLY ELIGIBLE FOR TITLE IV-E ADOPTION ASSISTANCE.</p> <p>C. If the child/YOUTH is being placed out-of-state out of the state OF COLORADO BY A COLORADO NON-PROFIT ADOPTION AGENCY, IT IS AT THE DISCRETION OF THE OTHER STATE TO PROCESS AND FUND ADOPTION ASSISTANCE. The state in which the family resides will process the application.</p> <p>D. The county department reviews the material submitted by the child placement agency and determines the child's eligibility for Title IV-E adoption assistance.</p>		
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		<p>child's eligibility for Title IV-E adoption assistance.</p> <p>E. The county department shall advise the child placement agency and the family in writing within ten working days of the date of approval or denial and inform the family of its right to appeal the decision.</p> <p>F. After the county department approves the adoption assistance, it shall open the case on the Department's automated reporting system.</p> <p>G. Approved adoption assistance payments may begin as of the date of the signing of the agreement. The child placement agency is responsible for any costs before the initiation of the adoption assistance agreement and prior to finalization.</p> <p>H. Adoption assistance available to the eligible child are: 1. Medicaid (Title XIX). 2. Adoption assistance payment. 3. Non-recurring adoption expenses.</p> <p>I. Before finalization of the adoption, the</p>	<p>E. The county department shall advise the child placement agency and the family in writing within ten working days of the date of approval or denial and inform the family of its right to appeal the decision.</p> <p>F. D. After the county department approves the adoption assistance AND FINALIZATION HAS OCCURRED, it shall open the case on the Department's automated reporting system COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM (CCWIS).</p> <p>G. E. Approved adoption assistance payments will begin on the date of adoption finalization. The child placement agency OR THE PROSPECTIVE ADOPTIVE PARENTS, WHICHEVER IS APPLICABLE, is responsible for any costs before the initiation of the adoption assistance agreement and prior to finalization.</p> <p>H. F. Adoption assistance available to the eligible child/YOUTH are: 1. Medicaid (Title XIX). 2. Adoption assistance payment. 3. Non-recurring adoption expenses. 4. ADOPTION CASE SERVICES</p> <p>I. G. Before finalization of the adoption, the child placement agency that arranged the adoption, IF</p>		
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		<p>child placement agency that arranged the adoption, retains responsibility for continued services to the adoptive family should they be requested.</p> <p>J. The county department shall terminate adoption assistance payments and eligibility for Medicaid as outlined in Termination of Adoption Assistance.</p>	<p>APPLICABLE, retains responsibility for continued services to the adoptive family should they be requested.</p> <p>J. H. The county department shall terminate adoption assistance payments and eligibility for Medicaid as outlined in Termination of Adoption Assistance (7.306.59).</p>		
<p>7.306.46 Reinstatement of Subsidy ADOPTION ASSISTANCE</p>		<p>A. Non-Title IV-E adoption assistance agreements may be reinstated if the services requested relate to the child's special needs which were identified at the time of the original subsidy.</p> <p>B. Reinstatement of adoption assistance agreements is not possible if the original adoptive parents no longer have legal custody of the child.</p> <p>C. When adoptive parents have relinquished, have had their parental rights terminated, or have died and the child is placed in a subsequent adoptive placement, then the child retains IV-E eligibility for reinstatement of the adoption assistance agreement in his/her new adoptive placement.</p>	<p>A. Non-Title IV-E Adoption assistance agreements may be reinstated if the services requested relate to the child/YOUTH's special IDENTIFIED needs OR FAMILY CIRCUMSTANCES, which were identified at the time of the original subsidy.</p> <p>B. Reinstatement of adoption assistance agreements is not possible if the original adoptive parents no longer have legal custody of the child.</p> <p>C. B. When adoptive parents have relinquished, have had their parental rights terminated, or have died and the child/YOUTH is placed in a subsequent adoptive placement, then the child/YOUTH retains IV-E eligibility for reinstatement of the adoption assistance agreement in his/her THEIR new adoptive placement. THE ONLY DETERMINATION THAT MUST BE MADE FOR ADOPTION ASSISTANCE ELIGIBILITY PRIOR TO THE FINALIZATION OF</p>		

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			<p>THE SUBSEQUENT ADOPTION IS WHETHER THE CHILD/YOUTH IS A CHILD/YOUTH WITH ONE OR MORE SPECIFIC FACTORS OR CONDITIONS AS SET FORTH IN COLORADO REVISED STATUTES SECTION 26-7-102(8).</p>		
<p>7.306.47 SUSPENSION OF ADOPTION ASSISTANCE</p>			<p>1. THE COUNTY DEPARTMENT MAY SUSPEND THE PAYMENT OF ADOPTION ASSISTANCE AVAILABLE WHEN CONTACT WITH THE ADOPTIVE FAMILY CANNOT BE ESTABLISHED AND THE COUNTY DEPARTMENT CANNOT ESTABLISH THAT THE ADOPTIVE PARENT IS PROVIDING ANY SUPPORT, WHICH INCLUDES FINANCIAL SUPPORT AS DETERMINED BY THE TITLE IV-E AGENCY.</p> <p>2. PRIOR TO SUSPENSION, THE COUNTY DEPARTMENT SHALL PROVIDE NOTICE TO THE ADOPTIVE PARENTS OF INTENT TO SUSPEND ADOPTION ASSISTANCE PAYMENTS AT LEAST TEN DAYS PRIOR TO SUSPENSION AND SHALL INCLUDE IN THE NOTICE:</p> <p>a. A STATEMENT OF THE COUNTY DEPARTMENT'S INTENT TO SUSPEND ADOPTION ASSISTANCE PAYMENTS, AS WELL AS THE REASONS AND LEGAL BASIS FOR THE INTENDED SUSPENSION;</p> <p>b. A DESCRIPTION OF THE ADOPTIVE PARENTS' RIGHT TO REQUEST A FAIR HEARING PURSUANT TO 45 CFR 205.10;</p> <p>c. A DESCRIPTION OF THE CIRCUMSTANCES UNDER WHICH ADOPTION ASSISTANCE MUST BE CONTINUED IF A HEARING IS REQUESTED; AND</p>		

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			<p>d. THE CIRCUMSTANCES UNDER WHICH A SUSPENSION MAY BE REVERSED WITHOUT A FAIR HEARING.</p> <p>3. WHEN THE ADOPTION ASSISTANCE PAYMENT IS SUSPENDED, THE ELIGIBLE CHILD OR YOUTH REMAINS TITLE IV-E ELIGIBLE, THE TITLE IVE AGREEMENT REMAINS IN EFFECT, AND THE ELIGIBLE CHILD OR YOUTH REMAINS ELIGIBLE FOR, AND IN RECEIPT OF, MEDICAL ASSISTANCE.</p>		
<p>7.306.48 TERMINATION OF ADOPTION ASSISTANCE AGREEMENT</p>			<p>1. THE COUNTY DEPARTMENT SHALL TERMINATE THE PAYMENT OF ADOPTION ASSISTANCE AVAILABLE WHEN ANY OF THE FOLLOWING SITUATIONS OCCUR:</p> <p>a. THE CHILD OR YOUTH REACHES EIGHTEEN YEARS OF AGE; EXCEPT THAT, IN CASES WHERE THE COUNTY DEPARTMENT HAS DETERMINED THAT THE YOUTH MEETS ELIGIBILITY FOR EXTENSION OF THE ADOPTION ASSISTANCE AGREEMENT WHICH WARRANTS CONTINUED ASSISTANCE, THE PAYMENT OF ADOPTION ASSISTANCE SHALL CONTINUE UNTIL THE CHILD OR YOUTH REACHES TWENTYONE YEARS OF AGE;</p> <p>b. THE ADOPTIVE PARENT OR PARENTS ARE NO LONGER LEGALLY RESPONSIBLE FOR THE SUPPORT OF THE CHILD OR YOUTH;</p> <p>c. THE CHILD OR YOUTH IS NO LONGER RECEIVING SUPPORT FROM THE ADOPTIVE FAMILY, WHICH INCLUDES FINANCIAL SUPPORT AS DETERMINED BY THE TITLE IV-E AGENCY, OR</p>		

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			<p>d. THE COUNTY DEPARTMENT CERTIFIES THE DEATH, MARRIAGE, OR ENROLLMENT IN MILITARY SERVICE OF THE CHILD OR YOUTH.</p> <p>2. ADOPTIVE PARENTS WHO RECEIVE ADOPTION ASSISTANCE SHALL KEEP THE COUNTY DEPARTMENT THAT IS ADMINISTERING THE PROGRAM INFORMED OF CIRCUMSTANCES THAT WOULD MAKE THEM INELIGIBLE TO CONTINUE TO RECEIVE ADOPTION ASSISTANCE.</p>		
<p>7.306.34 Adoption Records</p>		<p>A. The county department shall maintain a record for the child in its custody who is approved for adoptive placement. It shall ensure that all documentation related to the child's adoption is in the record. The following must be included, but is not limited to:</p> <ol style="list-style-type: none"> 1. Court order issued at the time of initial removal; 2. Voluntary placement agreement, if applicable; 3. Order for termination of parental rights or order for relinquishment of parental rights; 4. Child study (social history); 5. Adoptive family's application; 6. Adoptive family's home study and any updates, as necessary; 7. Documentation of the child's special needs (7.306.4, A, 3, d, 1-5); 8. Documentation of child's tribal 	<p>THIS SECTION WAS ADDED IN PREVIOUSLY RULE PACKET TO 7.306.56 ADOPTION RECORDS AND NEEDS TO BE DELETED FROM 7.306.34.</p>		

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		<p>affiliation, if applicable;</p> <p>9. Time and date stamped petition for adoption;</p> <p>10. Final decree of adoption:</p> <p>B. Upon completion of legal adoption, the county department shall close the case on the Department's automated reporting system within 30 calendar days, unless the child receives adoption assistance:</p> <p>C. Within 90 calendar days of the date of finalization of the adoption, the county will send to the Division of Child Welfare basic data on the family and children for entry in the statewide database using the State's approved form. This information shall be supported and reflect what is in the automated case management system:</p> <p>D. In adoption assistance cases, the county department shall maintain a separate record to include the following items as long as the adoption assistance agreement is in effect for the child and family. Upon termination of this adoption assistance agreement, the record shall be closed:</p> <ol style="list-style-type: none">1. Current adoptive home study and any necessary updates;2. Child's Summary and Application for			
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	<p>Adoption Assistance; 3. Initial Adoption Assistance Agreement; 4. Court Order issued at time of initial removal; 5. Voluntary Placement Agreement, if applicable; 6. Subsequent Order on Review for Need of Placement, if applicable; 7. Review of Adoption Assistance Agreement and three-year reviews of need for adoption assistance or any amendments of the original adoption assistance agreement; 8. Adoption Assistance Title IV-E Eligibility Determination Form; 9. Title IV-E Foster Care Eligibility Determination Form; 10. Title IV-E Redetermination of Eligibility Determination Form(s); 11. A copy of the Social Security Income Eligibility Notification; 12. Petition to Adopt time and date stamped by the court; 13. Final Adoption Decree; 14. Orders terminating parental rights; 15. Appeal Petition of the termination and Final Order resolving appeal of the termination; 16. Indian Child Welfare cases, if known tribal affiliation; 17. Documentation of the child's special needs (7.306.4, A, 3, d, 1-5);</p>			
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18. Motion to court to expedite the date of the final hearing, if applicable:

E. County departments providing adoption assistance to children from private non-profit adoption agencies or relatives shall maintain in a secure location at the county the records containing the adoption assistance information listed in subsection D, above:

F. County departments providing a subsequent adoption assistance agreement to children whose previous adoption was dissolved shall maintain, in a secure location at the county department, the records containing the adoption assistance information listed in subsection D, above. Additional required information includes:

1. New documentation assessing and identifying the child's continuing special needs; and,
2. All of the adoption assistance forms and documentation from the previous adoptive family.

G. County departments providing an adoption assistance agreement to children who were in foster care with their teen parents shall maintain, in a secure location at

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		the county department, the records containing the adoption assistance information listed in subsection D, above. Additional required information must include proof of foster care payment made that includes both the child and his/her teen parent.			
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Title of Proposed Rule: Child Welfare Adoption Rules 7.306 – Division of Child Welfare
CDHS Tracking #: 22-12-08-01 - 2509-4 Part 3 of 3

Office, Division, &
Program: OCYF/ DCW/
Permanency

Rule Author: Sheila Dalton

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STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

Permanency Task Group, Office of the Children’s Representative, Child Welfare Sub PAC, Child Protection Ombudsman, and Community Partners, Child Placement Agencies, and the Adoption Exchange.

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

Permanency Task Group, Office of the Children’s Representative, Child Welfare Sub Pac, Colorado Trials User Group (CTUG), Community Partners, Child Placement Agencies, and the Adoption Exchange.

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes No

If yes, who was contacted and what was their input?

Health Care Policy and Finance- SSI eligibility

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes No

Child Welfare		
<i>For</i>	<i>Against</i>	<i>Abstain</i>

Name of
Sub-PAC Date
presented

What issues were raised?

Vote Count

If not presented, explain why.

PAC

Title of Proposed Rule: Child Welfare Adoption Rules 7.306 – Division of Child Welfare

CDHS Tracking #: 22-12-08-01 - 2509-4 Part 3 of 3

Office, Division, & Program: Rule Author: Sheila Dalton
OCYF/ DCW/ Permanency

Phone: 720-456-9837

E-Mail: Sheila.Dalton@state.co.us

Have these rules been approved by PAC?

Yes No

<i>For</i>	<i>Against</i>	<i>Abstain</i>

Date
presented
What issues
were raised?
Vote Count

If not presented, explain why.

Other Comments

Comments were received from stakeholders on the proposed rules:

Yes No

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

**EXAMPLE OF RULES WITH
SECRETARY OF STATE'S STYLE CODING
REPLACE WITH YOUR OWN RULES**

7.306.4 Adoption Assistance Services

Colorado operates two adoption assistance programs: the Title IV-E program and the state and county-only (non-Title IV-E) program.

A. Applicable to both programs:

1. The federal government participates in adoption assistance agreements on behalf of children/**YOUTH** who meet the eligibility criteria for the Title IV-E adoption assistance program.

2. The state and county **DEPARTMENTS** participate in adoption assistance agreements on behalf of children/**YOUTH** who are not eligible for the Title IV-E program.

3. **PROSPECTIVE ADOPTIVE PARENTS MUST BE INFORMED OF THE ADOPTION ASSISTANCE PROGRAM.** Adoption assistance is a program that provides assistance to adoptive parent(s) in certain defined and limited ways to provide for the needs of an eligible adopted child/**YOUTH**. Adoption assistance is intended to help or remove financial or other barriers to the adoption of **ELIGIBLE** Colorado children/**YOUTH** with **IDENTIFIED** needs by providing assistance to the parent(s) in caring for and raising the child/**YOUTH**.

a. The county department may make adoption assistance payments and/or provide Medicaid or medical assistance at the time of adoptive placement, continue them after the adoption has been finalized and continue them until the adopted child/**YOUTH** has reached the age of eighteen (18). ~~or the age of twenty-one (21) years when the county department has determined that the child has a developmental or physical disability which warrants continuance of assistance~~ **AS DEFINED IN SECTION CCR 7.306.54, ADOPTION ASSISTANCE MAY CONTINUE TO THE 21ST BIRTHDAY. IN SITUATIONS WHERE ADOPTION ASSISTANCE CONTINUES THROUGH THE 21ST BIRTHDAY OF THE ADOPTEE, ADOPTION MEDICAID WILL STILL CONTINUE THROUGH THE END OF THE MONTH OF THE 21ST BIRTHDAY.**

b. The determination for expiration of the agreement must be made and documented in the original negotiation and noted in the original paperwork for the adoption assistance agreement. **THE COUNTY DEPARTMENT SHALL EXTEND THE ADOPTION ASSISTANCE AGREEMENT UPON THE APPROACHING EXPIRATION DATE IF THE YOUTH MEETS CRITERIA FOR EXTENSION PER CCR 7.306.54 AND THE EXTENSION IS REQUESTED BY THE ADOPTIVE PARENT(S).**

c. The county department must determine that in each case a reasonable, but unsuccessful, effort to place the child/**YOUTH** for adoption **WITHOUT ADOPTION ASSISTANCE** has been made before negotiating adoption assistance, unless the best interest of the child/**YOUTH** would not be served by such an effort. **REASONABLE EFFORT REQUIRES LISTING WITH THE COLORADO ADOPTION RESOURCE REGISTRY (CARR) AND MAY INCLUDE PRESENTATION IN THE MEDIA AND CONSULTATION WITH THE STATE. EXCEPTIONS TO THE REQUIREMENT:**

1. ~~Where appropriate, The current caregiver will be given priority as the prospective adoptive family, Reasonable effort requires listing with the~~ **WHEN APPROPRIATE.**

~~Colorado Adoption Resources Registry and may include presentation in the media and consultation with the state.~~

2. ~~The only exception to this requirement is~~ In situations where it would be against the best interests of the child/**YOUTH**, due to such factors as:

- a. The existence of significant emotional ties with the prospective adoptive parents while in their care as a foster child/**YOUTH**, or
- b. Adoption by a relative **KINSHIP CAREGIVER** (in keeping with the statutory emphasis on the placement of children with relatives)
- c. **THE ELIGIBLE CHILD/YOUTH IS BEING PLACED BY A BIRTH PARENT WITH DESIGNATED ADOPTIVE PARENTS THROUGH A NON-PROFIT CHILD PLACEMENT AGENCY.**

~~d. There exists specific factor or condition (special need) to conclude that the child cannot be adopted without providing adoption assistance or medical assistance. A “special need” is one or more of the following special, unusual, or significant factors that act as a barrier to the child’s adoption:~~

- ~~1. Physical disability (such as hearing, vision, or physical impairment; neurological conditions; disfiguring defects; and, heart defects).~~
- ~~2. Mental disability (such as developmental delay or mental retardation, perceptual or speech/language disability, or a metabolic disorder).~~
- ~~3. Developmental disability resulting in educational delays or significant learning processing difficulties.~~
- ~~4. Educational disability that qualifies for section 504 of the rehabilitation act of 1973 or special education services.~~
- ~~5. Emotional disturbance (such as post-traumatic stress disorder, bi-polar disorder and other diagnoses).~~
- ~~6. Heredity factors that have been documented by a physician or psychologist.~~
- ~~7. High risk children (such as HIV positive, drug exposed, or alcohol exposed in utero).~~

d. ELIGIBLE CHILD OR YOUTH MEANS A CHILD OR YOUTH WHO MEETS THE MEDICAL AND DISABILITY REQUIREMENTS FOR FEDERAL SUPPLEMENTAL SECURITY INCOME OR IS A CHILD OR YOUTH WITH ONE OR MORE SPECIFIC FACTORS OR CONDITIONS THAT WOULD MAKE IT REASONABLE TO CONCLUDE THAT A CHILD OR YOUTH CANNOT BE ADOPTED WITHOUT PROVIDING BENEFITS TO ASSIST IN THE ADOPTION. SUCH FACTORS MAY INCLUDE BUT ARE NOT LIMITED TO:

- 1. A PHYSICAL DISABILITY, THAT HAS BEEN DOCUMENTED BY A QUALIFIED LICENSED PROFESSIONAL SUCH AS HEARING, VISION, OR PHYSICAL IMPAIRMENT; NEUROLOGICAL CONDITIONS; DISFIGURING DEFECTS; METABOLIC DISORDER; A CHILD OR YOUTH INFECTED WITH THE HUMAN IMMUNODEFICIENCY VIRUS; OR HEART DEFECTS;**
- 2. A MENTAL, INTELLECTUAL, OR DEVELOPMENTAL DISABILITY THAT HAS BEEN DOCUMENTED BY A QUALIFIED LICENSED PROFESSIONAL, SUCH AS A PERCEPTUAL,**

- SPEECH, OR LANGUAGE DISABILITY OR ANY DISABILITY THAT RESULTS IN EDUCATIONAL DELAYS OR SIGNIFICANT LEARNING DIFFICULTIES;
- 3. AN EMOTIONAL HANDICAP, SUCH AS POST-TRAUMATIC STRESS DISORDER, BIPOLAR DISORDER, OR OTHER MENTAL HEALTH DISORDER THAT HAS BEEN DOCUMENTED BY A QUALIFIED LICENSED PROFESSIONAL;
- 4. HEREDITARY FACTORS THAT HAVE BEEN DOCUMENTED BY A QUALIFIED LICENSED PROFESSIONAL;
- 5. AN EDUCATIONAL DISABILITY THAT QUALIFIES FOR SECTION 504 OF THE FEDERAL REHABILITATION ACT OF 1973, OR SPECIAL EDUCATION SERVICES;
- 6. FACTORS THAT PLACE A CHILD OR YOUTH IN A "HIGH-RISK" CATEGORY, SUCH AS BEING DRUG- OR ALCOHOL-EXPOSED IN UTERO;
- 7. Other conditions that act as a serious barrier to the child/YOUTH'S adoption, ~~Conditions may include,~~ INCLUDING but are not limited to, a healthy child OR YOUTH over SEVEN YEARS OF AGE ~~the age of seven~~ or a sibling group that should remain intact and medical conditions THAT ARE likely to require further treatment; OR
- 8. Ethnic background or membership in a minority group which may be difficult to place.

e. The county department shall not use an income eligibility requirement (income means test) for the prospective adoptive parent(s) in determining eligibility for adoption assistance. **INSTEAD, THE PARTICULAR AGREEMENT THAT IS NEGOTIATED SHALL BE BASED ON THE CHILD/YOUTH'S CURRENT AND ANTICIPATED NEEDS AND THE FAMILY CIRCUMSTANCES.**

~~a. Families applying for adoption of a child with special needs must be informed of the adoption assistance program. The particular agreement that is negotiated shall be based on the child's need and the family's circumstances.~~

f. Available public programs for which the child/YOUTH is eligible shall be used first to address the child's/YOUTH'S needs before an adoption assistance agreement is negotiated.

g. The county department may authorize the following types of adoption assistance agreements:

1. "Long-Term Adoption Assistance Agreement" means to partially meet a child's/YOUTH's daily needs ~~on an indefinite basis~~ UNLESS THE ADOPTIVE FAMILY'S OR CHILD/YOUTH'S CIRCUMSTANCES CHANGE OR THE AGREEMENT TERMINATES AS OUTLINED IN THE TERMINATION OF ADOPTION ASSISTANCE, SECTION 7.306.48, OF THE ADOPTION ASSISTANCE AGREEMENT RULES AND AS CITED IN C.R.S. 26-7-109. A long-term agreement is made when the family's financial situation ~~precludes adoption and is~~ AND/OR THE CHILD/YOUTH'S NEEDS ARE unlikely to change or when a child's/YOUTH's needs take an excessive toll on the family's financial and emotional resources. ~~This sort of monthly payment may continue until the family's or child's circumstances change, or the agreement terminates as outlined in Termination of Adoption Assistance, Section 7.306.59, of the Adoption Assistance agreement rules.~~

2. "Time-Limited Adoption Assistance Agreement" means to partially meet the everyday needs of the child/YOUTH for a specified period. ~~These are start-up costs for those things that children placed for adoption do not always have, such as sufficient clothing.~~ Agreement partially covers unmet needs that are time limited and non-renewable.

3. "Dormant" or "Medicaid Only Adoption Assistance Agreement" means there is no adoption assistance payment provided at ~~this~~ THE time OF THE AGREEMENT. County departments shall

document ~~special needs~~ for the child's/**YOUTH'S ELIGIBILITY** in the services record and in the **COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM (CCWIS)** ~~State Department's automated system~~ that the potential need for financial adoption assistance exists and may need to be activated at a future time.

4. If the child/**YOUTH** is legally available for adoption and reunited with ~~his/her~~ **THEIR** birth parent(s), the child/**YOUTH** is not eligible for adoption assistance.

5. Medicaid is available to all Colorado children/**YOUTH** who have an adoption assistance agreement.

6. Families who adopt children/**YOUTH** who meet the criteria for adoption assistance are eligible for non-recurring adoption expenses.

~~7. The contact requirements in Section 7.001.6 shall be used prior to finalization and contacts shall be documented in the case file.~~

7. Case services payments may be part of an adoption assistance agreement; these payments can be made directly to the ~~providers of service~~ **PROVIDERS** or to the adoptive parent(s).

B. Target groups for adoption assistance agreements:

1. Children/**YOUTH WHO MEET THE ELIGIBILITY CRITERIA TO PARTICIPATE IN ONE OF COLORADO'S ADOPTION ASSISTANCE PROGRAMS AND** whose ~~special~~ **IDENTIFIED** needs are a barrier to their adoption are legally available for adoption and are in the custody of a county department and the county has guardianship of the child/**YOUTH** with the right to consent for adoption **OR**

2. Children/**YOUTH** who are in the custody of a relative, tribe, **PERSON TO WHOM CUSTODY OF THE CHILD/YOUTH HAS BEEN GIVEN BY PROPER ORDER OF A DEPENDENCY AND NEGLECT COURT**, or licensed non-profit child placement agency and meet the eligibility criteria to participate in one of Colorado's adoption assistance programs **AND**

3. The county department, **LICENSED NON-PROFIT CHILD PLACEMENT AGENCY**, tribe, **PERSON TO WHOM CUSTODY OF THE CHILD/YOUTH HAS BEEN GIVEN BY PROPER ORDER OF A DEPENDENCY AND NEGLECT COURT**, or relative requesting the adoption assistance agreement is financially responsible for the care of the child/**YOUTH**.

C. County requirements for adoption assistance:

1. The county department shall obtain and document the diagnoses and prognoses of the child/**YOUTH** needs that are barriers to the adoption.

2. The documentation shall include, ~~but is not limited to:~~ **SPECIFIC ELIGIBILITY FACTORS USED TO DETERMINE ELIGIBILITY FACTORS AS OUTLINED IN CCR 7.306.4 A.**

- a. ~~Medical~~
- b. ~~Psychological~~
- c. ~~Psychiatric~~

- ~~d.~~ a. Placement history
- e. ~~b. Special needs:~~ **ELIGIBLE CHILD/YOUTH:** if the county department determines that the child/**YOUTH** is ~~one~~ **AN ELIGIBLE CHILD/YOUTH**, with ~~special~~ needs for whom services will be purchased, it must confirm the special needs by a second opinion of a ~~social worker, doctor, psychologist or mental health specialist~~ **QUALIFIED LICENSED PROFESSIONAL** who is outside the department.
- e. ~~c.~~ Other appropriate reports.

3. The county department shall determine the child/**YOUTH'S TITLE IV-E STATUS FOR ADOPTION ASSISTANCE IN THE COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM (CCWIS) PRIOR TO ADOPTION FINALIZATION AND NO** later than the calendar month the adoption petition is filed.

4. The county department shall ensure that all parties sign the adoption assistance agreement before the adoption is finalized.

5. ~~The family shall be informed in writing of its rights to a fair hearing.~~ **AT THE TIME THAT THE FAMILY IS MATCHED FOR ADOPTION OF A CHILD/YOUTH WHO IS POTENTIALLY ELIGIBLE FOR ADOPTION ASSISTANCE BENEFITS, THE PROSPECTIVE ADOPTIVE FAMILY SHOULD BE INFORMED IN WRITING, WITH THE FOLLOWING INFORMATION:**

- a. **THE AVAILABILITY OF BENEFITS, WITH AN EXPLANATION OF THE DIFFERENCES BETWEEN THESE BENEFITS AND FOSTER CARE MAINTENANCE PAYMENTS;**
- b. **THE AVAILABILITY OF REIMBURSEMENT FOR NON-RECURRING EXPENSES INCURRED IN THE ADOPTION OF AN ELIGIBLE CHILD/YOUTH NOT TO EXCEED THE FEDERAL LIMIT;**
- c. **THE AVAILABILITY OF MENTAL HEALTH SERVICES THROUGH THE STATE MEDICAID ASSISTANCE PROGRAM OR OTHER PROGRAMS;**
- d. **THE FEDERAL ADOPTION TAX CREDIT FOR AN INDIVIDUAL WHO IS ADOPTING OR IS CONSIDERING ADOPTING A CHILD/YOUTH IN FOSTER CARE OR THROUGH A NONPROFIT CHILD PLACEMENT AGENCY;**
- e. **NOTICE OF THE GENERAL RIGHT TO REQUEST A NEGOTIATING MEETING;**
- f. **NOTICE OF THE GENERAL RIGHT TO BRING TO THE ADOPTION ASSISTANCE NEGOTIATION PROCESS:**
 - 1. **PARTIES WHO POSSESS RELEVANT INFORMATION ABOUT A CHILD/YOUTH'S HISTORY AND NEEDS, INCLUDING THE CHILD'S GUARDIAN AD LITEM OR THE FAMILY'S ADVOCATE; AND**
 - 2. **LEGAL REPRESENTATION FOR A CHILD/YOUTH OR PROSPECTIVE ADOPTIVE FAMILY.**
- g. **NOTICE OF THE RIGHT TO AN ADMINISTRATIVE APPEAL AND BE REPRESENTED BY LEGAL COUNSEL, AT THE PROSPECTIVE ADOPTIVE PARENT'S EXPENSE.**
- h. **THE COLORADO ADOPTION ASSISTANCE NEGOTIATION WORKSHEET MUST BE PROVIDED TO ALL PARTICIPANTS 5 BUSINESS DAYS PRIOR TO THE NEGOTIATION MEETING.**

7.306.41 Title IV-E Adoption Assistance Program

A. Pathways to Eligibility

Title IV-E assistance services may be provided to children/**YOUTH** whose **NEEDS** are a barrier to their adoption, who are legally available for adoption, and **MEET ONE OF THE FOLLOWING PATHWAYS:**

- 1. ~~Are in the custody of the county department via a court-ordered removal;~~

- ~~2. Have Social Security Income (SSI) eligibility;~~
- ~~3. Are IV-E eligible in a previous adoption;~~
- ~~4. Are in mutual foster care placement with a county department;~~

- ~~5. Were initially removed via voluntary placement agreement;~~
- ~~6. Were voluntarily relinquished to a public or private licensed non-profit child placement agency;~~
- ~~7. Are in the custody of a relative and the children are IV-E eligible;~~
- ~~8. Are otherwise IV-E eligible but do not meet AFDC requirements, and are eligible via the requirements in Section B, 7, of this section.~~

~~B. Requirements for Eligibility~~

1. A child/**YOUTH WAS** ~~must be removed from~~ **A SPECIFIED RELATIVE** ~~his/her home~~ by a court order that contains the requirements in Section ~~7.001.41, B 7.601.71.~~
 - a. For the purposes of Title IV-E adoption assistance only, there is no requirement for a “reasonable efforts” judicial determination **AT THE TIME OF THE INITIAL REMOVAL,** ~~and~~
 - b. ~~Aid to Families with Dependent Children (AFDC)-related requirement defined in Section 7.001.41, D.~~ **THE FEDERAL APPLICABLE CHILD CRITERIA (DELINKING) ALLOWS FOR IV-E ADOPTION ASSISTANCE TO CHILD(REN)/YOUTH WHO ARE TWO OR TURN TWO IN THE FEDERAL FISCAL YEAR IN WHICH THE ADOPTION IS FINALIZED.**
 - c. **FOR TITLE IV-E FUNDING TO BE AN OPTION IN ADOPTION ASSISTANCE A REMOVAL MUST HAVE BEEN ENTERED AND AN INITIAL TITLE IV-E FOSTER CARE DETERMINATION MUST HAVE BEEN ENTERED INTO THE CCWIS SYSTEM.**
2. Have Social Security Income (SSI) eligibility.
 - a. This factor must be met at any time prior to finalization of the adoption.
 - b. If eligible, the child/**YOUTH** may simultaneously receive SSI and Title IV-E adoption assistance payments.
 - c. If a child/**YOUTH** is SSI eligible, there are no requirements for the ~~AFDC~~ **FEDERAL APPLICABLE CHILD CRITERIA** or the statement regarding efforts to place the child/**YOUTH** without adoption assistance.
3. Are IV-E eligible in a previous adoption and the adoptive parents have relinquished, had their parental rights terminated, or died and the child/**YOUTH** are placed in a subsequent adoptive placement, then the child/**YOUTH** retain Title IV-E eligibility for adoption assistance in their new adoptive placement. Additional requirements for this pathway to eligibility include:
 - a. A new determination regarding the child/**YOUTH's** continuing ~~special~~ needs.
 - b. Completion of new adoption assistance agreements with the new prospective adoptive parents.
 - c. If the previous adoptive parents are deceased, a copy of the death certificate must be

provided.

4. ~~Are IS~~ in mutual foster care placement with a county department.

- a. ~~The children~~ must be placed with their teen parent; and
- b. The foster care payment included both the child and the teen parent.

5. ~~Are IS~~ in foster care by voluntary placement agreement with a county department (a tribe or another public agency with which the state/county has a Title IV-E agreement). The child/**YOUTH** must meet the requirement outlined in Section ~~7.001.41, E.~~ **7.601.71.**

a. There must have been at least one Title IV-E foster care maintenance payment made on behalf of the ~~children~~/**YOUTH** under the voluntary placement agreement.

b. Under this factor, there is no specified amount of time that the child/**YOUTH** must have been in foster care under the voluntary placement agreement.

6. A child/**YOUTH** who was voluntarily relinquished to a public or private licensed non-profit agency must meet the requirements in Section ~~7.001.41, E.~~ **7.601.71, F** and:

a. A petition was filed in court to place the child/**YOUTH** outside of the home within six months of the time the child/**YOUTH** lived with the relinquishing parent; and

b. A subsequent order was issued which included findings that it is in the best interest of the child/**YOUTH** to be placed out of the home; and

c. Legal orders placing the child/**YOUTH** in the custody of a public or private licensed non-profit child placement agency with authority to consent to the child/**YOUTH**'s adoption;

d. The agency must provide documentation of the efforts the agency made to place the child/**YOUTH** for adoption without an adoption assistance agreement, **EXCEPT AS PROVIDED IN 7.306.4(A)(3)(C), when the child/YOUTH meets the AFDC-related requirements FEDERAL APPLICABLE CHILD CRITERIA.**

7. ~~Effective on the dates listed in this section,~~ If the child/**YOUTH** does not meet **THE FEDERAL APPLICABLE CHILD AFDC IV-E eligibility** criteria, has **IDENTIFIED** needs, **AND IF THEY ARE BETWEEN THE AGES OF 2 AND 18 YEARS** in the Federal Fiscal Year in which the adoption assistance agreement is signed by all parties, the child/**YOUTH** will become categorically eligible for Title IV-E adoption assistance **(DELINKING). A CHILD/YOUTH STILL MUST MEET REMOVAL REQUIREMENTS OF 7.601.71. THIS REQUIREMENT IS IN EFFECT DURING THE PERIOD OF JANUARY 1, 2018, THROUGH JUNE 30,2024. THIS INCLUDES CHILDREN/YOUTH WHO TURN TWO DURING THE CURRENT FEDERAL FISCAL YEAR IN WHICH THEY ARE ADOPTED.**

~~a. October 1, 2009 (Federal Fiscal Year 2010)~~

~~-~~

~~1) Turns sixteen (16) years of age or older at any time during this Federal Fiscal Year; or,~~

~~2) Has been in foster care for any sixty (60) consecutive months prior to finalization, or,~~

~~3) Is a sibling to a child who is eligible due to age or time in foster care and placed with the~~

~~aforementioned sibling.~~

~~b. October 1, 2010 (Federal Fiscal Year 2011)~~

~~1) Turns fourteen (14) years of age or older at any time during this Federal Fiscal Year; or,~~

~~2) Has been in foster care for any sixty (60) consecutive months prior to finalization; or,~~

~~3) Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling.~~

~~c. October 1, 2011 (Federal Fiscal Year 2012)~~

~~1) Turns twelve (12) years of age or older at any time during this Federal Fiscal Year; or,~~

~~2) Has been in foster care for any sixty (60) consecutive months prior to finalization; or,~~

~~3) Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling.~~

~~d. October 1, 2012 (Federal Fiscal Year 2013)~~

~~1) Turns ten (10) years of age or older at any time during this Federal Fiscal Year; or,~~

~~2) Has been in foster care for any sixty (60) consecutive months prior to finalization; or,~~

~~3) Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling.~~

~~e. October 1, 2013 (Federal Fiscal Year 2014)~~

~~1) Turns eight (8) years of age or older at any time during this Federal Fiscal Year; or,~~

~~2) Has been in foster care for any sixty (60) consecutive months prior to finalization; or,~~

~~3) Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling.~~

~~f. October 1, 2014 (Federal Fiscal Year 2015)~~

~~1) Turns six (6) years of age or older at any time during this Federal Fiscal Year; or,~~

~~2) Has been in foster care for any sixty (60) consecutive months prior to finalization; or,~~

~~3) Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling.~~

~~g. October 1, 2015 (Federal Fiscal Year 2016)~~

- ~~1) Turns four (4) years of age or older at any time during this Federal Fiscal Year; or,~~
- ~~2) Has been in foster care for any sixty (60) consecutive months prior to finalization; or,~~
- ~~3) Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling.~~

~~h. October 1, 2016 (Federal Fiscal Year 2017)~~

- ~~1) Turns two (2) years of age or older at any time during this Federal Fiscal Year; or,~~
- ~~2) Has been in foster care for any sixty (60) consecutive months prior to finalization; or,~~
- ~~3) Is a sibling to a child who is eligible due to his age or time in foster care and placed with the aforementioned sibling.~~

~~i. Beginning on October 1, 2017 (Federal Fiscal Year 2018): rule 7.306.41, B, 7, applies to any child being adopted regardless of age, time in placement or sibling placement status~~

8. Beginning on October 1, 2009 (Federal Fiscal Year 2010), if the youth reaches the age of sixteen (16) prior the signatures on the adoption assistance agreement, the agreement can continue up to age twenty-one (21), if the youth meets one of the following criteria: **COUNTY DEPARTMENTS OF HUMAN/SOCIAL SERVICES SHALL CONTINUE THE ADOPTION ASSISTANCE AGREEMENT IF THE EXTENSION IS REQUESTED BY THE ADOPTIVE PARENT(S) AND CLAIM TITLE IV-E FUNDS FOR YOUTH 18 YEARS OF AGE THROUGH THE 21st BIRTHDAY (ADOPTION MEDICAID WILL STILL CONTINUE THROUGH THE END OF THE MONTH OF THE 21ST BIRTHDAY) WHEN ONE OF THE FOLLOWING CRITERIA IS MET:**

- a. ~~Completing secondary school (or equivalent); or~~ **THE COUNTY SHALL DOCUMENT IN THE RECORD THAT THE YOUTH IS ENROLLED FULL-TIME IN HIGH SCHOOL OR VOCATIONAL TRAINING AND IS MAKING PROGRESS IN THE PROGRAM; OR COMPLETING SECONDARY EDUCATION OR IS ENROLLED IN A PROGRAM LEADING TO AN EQUIVALENT CREDENTIAL or;**
- b. ~~Enrolled in post-secondary or vocational school; or~~ **ENROLLED IN AN INSTITUTION THAT PROVIDES POSTSECONDARY OR VOCATIONAL EDUCATION (CCR 7.306.54) or;**
- c. ~~Participating in a program or activity that promotes or removes barriers to employment; or~~ **A YOUTH WHO IS IDENTIFIED IN THE ORIGINAL ADOPTION ASSISTANCE AGREEMENT AS HAVING AN INTELLECTUAL AND OR DEVELOPMENTAL DISABILITY OR A PHYSICALLY HANDICAP, IS BETWEEN THE AGE OF 18-21, AND CONTINUES TO LIVE AT HOME, MAY CONTINUE TO BE ELIGIBLE FOR THE ADOPTION ASSISTANCE PROGRAM AS LONG AS THESE DISABILITIES WERE IDENTIFIED AND DOCUMENTED IN THE ORIGINAL AGREEMENT PAPERWORK OR IS GENETIC IN NATURE or;**
- d. ~~Employed eighty (80) hours per month; or~~ **PARTICIPATION IN A PROGRAM OR ACTIVITY DESIGNED TO PROMOTE OR REMOVE BARRIERS TO EMPLOYMENT or;**
- e. ~~Determined incapable of any of the above due to a documented medical condition.~~ **EMPLOYED FOR AT LEAST EIGHTY HOURS PER MONTH.**

9. After ~~A children/YOUTH HAS~~ have been determined eligible for Title IV-E adoption assistance payments and/or Title IV-E Medicaid benefits, Title IV-E eligibility continues as long as there is an adoption assistance agreement in effect as outlined below:

- a. The children/~~YOUTH~~ meet the requirements regardless of the family's state of residence.
- b. Eligibility may continue even though no payments or Medicaid benefit is currently paid; therefore, maintaining the potential Title IV-E benefits if needed later.
- c. Until the expiration of the original agreement unless all parties to the agreement are in concurrence **IN A SUBSEQUENT WRITTEN AND SIGNED DOCUMENT**. ~~This includes, but is not limited to, the situation where the family fails to complete and return paperwork related to the three-year review of the assistance agreement~~

10. The county shall obtain **ANNUAL** documentation of school attendance or reasons for inability to attend. The documentation must demonstrate that each child/~~YOUTH~~ who is eligible for adoption assistance and who has attained the minimum age for compulsory school attendance is:

- a. Enrolled or in the process of enrolling in an institution that provides elementary or secondary education; or
- b. Instructed in elementary or secondary education at home in accordance with the home school statute; or
- c. In an independent study elementary or secondary education program in accordance with statute, and which is administered by the local school, school district, or Board of Cooperative Education (BOCES); or
- d. Incapable of attending school on a full-time basis due to the medical condition of the youth or child. The reasons shall be supported by regularly updated information in the educational plan maintained by the school district, or **BOARDS OF COOPERATIVE EDUCATIONAL SERVICES (BOCES)**.

~~C. B. Foster Care Placement~~ **OUT OF HOME PLACEMENT** of a child/~~YOUTH WHO IS IN THE CUSTODY OF THE COUNTY WHILE RECEIVING ADOPTION ASSISTANCE~~ ~~Under an Adoption Assistance Agreement~~

1. Title IV-E eligibility must be determined when a child/~~YOUTH~~ is dually placed in foster care and adoption assistance. The child/~~YOUTH~~ does not automatically retain the Title IV-E eligibility **WHILE IN FOSTER CARE AND OUT OF HOME PLACEMENT**.

2. The State prescribed form must be completed using the adoptive parent(s) income.

3. The child/~~YOUTH~~, upon returning to the adoptive parent(s)' home, continues to be eligible for the Title IV-E adoption assistance agreement.

4. IF THE ADOPTIVE FAMILY DOES NOT RESIDE IN THE STATE OF COLORADO THIS DOES NOT APPLY.

C. ASSESSMENT OF PARENTAL FEES FOR PLACEMENT OUT OF THE HOME FOR CHILDREN/YOUTH RECEIVING TITLE IV-E ADOPTION ASSISTANCE:

1. IF THE ADOPTIVE PARENT(S) ARE RECEIVING TITLE IV-E ADOPTION ASSISTANCE AND THE CHILD/YOUTH IS UNDER THE CUSTODY OF THE DEPARTMENT AND PLACED IN OUT-OF-HOME FOR A DURATION OF OVER THIRTY (30) CALENDAR DAYS, THE DEPARTMENT AND THE FAMILY HAVE TWO OPTIONS:

- a. TO ASSESS A PARENTAL FEE (CHILD SUPPORT) FROM THE FAMILY NOT TO EXCEED THE AMOUNT OF THE ADOPTION ASSISTANCE PAYMENT THEY ARE RECEIVING UNDER THEIR ADOPTION ASSISTANCE AGREEMENT, OR;
- b. TO EXECUTE AN AMENDED AGREEMENT, WHICH WOULD REDUCE THE ADOPTION ASSISTANCE PAYMENT TO \$0 AND PLACE IT ON MEDICAID-ONLY STATUS UNTIL SUCH TIME THAT THE CHILD/YOUTH RETURNS TO THE CUSTODY OF THE PARENT(S).

2. THE PARENTAL FEE WILL NOT BE DISCONTINUED BECAUSE THE CHILD/YOUTH RETURNS TO THE HOME OF THE ADOPTIVE PARENTS FOR HOLIDAYS OR VISITS WHILE THE CHILD/YOUTH IS UNDER THE CUSTODY OF THE DEPARTMENT.

3. DURING THE TIME THE ADOPTION ASSISTANCE PAYMENT IS IN MEDICAID-ONLY STATUS, THE PARENT(S) WILL NOT BE ASSESSED A PARENTAL SHARE FEE FOR THE CHILD/YOUTH'S OUT-OF-HOME PLACEMENT

D. Eligibility Determination for Medicaid in Title IV-E Adoption Assistance

1. Children/**YOUTH** with an effective adoption assistance agreement are eligible for Medicaid in the state they reside. See Medical Resources section, 7.402 Medicaid for children/**YOUTH** covered by the Interstate Compact on Adoptions and Medical Assistance (ICAMA).

2. An adoption assistance payment is not required to extend Medicaid coverage.

3. Colorado is a member of the Interstate Compact to Adoption and Medicaid Assistance (**ICAMA**). Procedures for completing and complying with the compact are in the Medical Resources section, Children Moving from Colorado (Section 7.420.3, B.)

4. Medicaid eligibility shall be continued for IV-E eligible children/**YOUTH** who are out of the home for more than thirty (30) calendar days unless it is determined that they are eligible for Medicaid under another program by completing the State approved form.

5. Medicaid eligibility for all children/**YOUTH** receiving Medicaid shall be re-determined yearly only if the child/**YOUTH** continues to be eligible for Medicaid. This can be done by completing the State prescribed form or completing a form letter that the children/**YOUTH** continue to be eligible for Medicaid. This form letter shall be sent to the other states by the county department to ensure continuation of Medicaid for a child/**YOUTH** who is residing out of state.

6. UPON VERIFICATION THAT MEDICAID HAS BEEN OPENED BY THE RECEIVING STATE, THE COUNTY DEPARTMENT WILL ENSURE COLORADO MEDICAID IS CLOSED.

E. County Process for Title IV-E Adoption Assistance Agreements

1. Determine and document a child/**YOUTH**'s ~~special~~ **IDENTIFIED** needs and eligibility for adoption assistance.

~~2. Utilize financial information regarding the family including assets, liabilities and insurance benefits in negotiating the initial agreement, and any subsequent increases in adoption assistance.~~ **DENIAL OF ASSISTANCE BASED SOLELY ON A MEANS TEST OF THE ADOPTIVE FAMILY IS NOT ALLOWED AND MUST NOT BE SUBSTITUTED FOR THE AGREEMENT.**

a. THE CIRCUMSTANCES OF THE FAMILY, AS DEFINED IN SECTION 26-7-102(5), SHOULD BE CONSIDERED IN NEGOTIATING THE ADOPTION ASSISTANCE AGREEMENT. "CIRCUMSTANCES OF THE FAMILY" IS DEFINED AS THE CAPACITY OF THE FAMILY, INCLUDING BUT NOT LIMITED TO FINANCIAL CAPACITY, TO MEET THE ANTICIPATED NEEDS OF THE ELIGIBLE CHILD OR YOUTH. THE COUNTY IS ENTITLED TO REQUEST AND RECEIVE FINANCIAL INFORMATION REGARDING THE FAMILY, INCLUDING ASSETS, LIABILITIES, AND INSURANCE BENEFITS IN NEGOTIATING THE INITIAL AGREEMENT AND ANY SUBSEQUENT INCREASES IN ADOPTION ASSISTANCE BUT MAY NOT BE USED AS THE SOLE FACTOR.

3. The adoption assistance agreement shall be established in accordance with the ~~STATES-county department's~~ written policy **AND IS CONSISTENT WITH STATE AND FEDERAL REGULATIONS**. The policy shall outline the criteria used for determining the amount of adoption assistance.

a. COUNTY DEPARTMENTS SHALL USE THE COLORADO ADOPTION ASSISTANCE NEGOTIATION WORKSHEET WITH THE POTENTIAL ADOPTIVE FAMILY FOR ALL ADOPTION ASSISTANCE DETERMINATIONS AND NEGOTIATIONS.

1. IF ADOPTIVE PARENT(S) CHOOSE TO REFUSE ALL ADOPTION ASSISTANCE INCLUDING MONTHLY CASH ASSISTANCE, MEDICAID, AND/OR CASE SERVICES, THEY MUST SIGN THE PERMANENT REFUSAL OF ADOPTION ASSISTANCE FORM.

2. IF ADOPTION PARENT(S) REQUEST A MEDICAID ONLY ADOPTION ASSISTANCE AGREEMENT AND/OR NON-RECURRING ADOPTION EXPENSES THEY MAY CHOOSE TO DECLINE COMPLETING THE ADOPTION ASSISTANCE NEGOTIATION WORKSHEET AND SIGN THE REQUEST FOR MEDICAID ONLY ADOPTION ASSISTANCE FORM. HOWEVER, THEY STILL MUST SIGN AN ADOPTION ASSISTANCE AGREEMENT.

b. COUNTY DEPARTMENTS SHALL ADOPT THE POLICIES AND PROCEDURES OUTLINED IN THE STATE OF COLORADO'S ADOPTION ASSISTANCE POLICY. A COPY OF THE WRITTEN POLICY SHALL BE PROVIDED TO ADOPTIVE PARENT(S) AT LEAST 5 BUSINESS DAYS PRIOR TO A NEGOTIATION MEETING.

4. It is not permissible for a county to include a statement in the adoption assistance agreement that IV-E adoption assistance payments and/or services are subject to the appropriation of state funds.

5. **THE COUNTY DEPARTMENT SHALL** make a good faith effort to negotiate an adoption assistance agreement with the adoptive parent(s). The county shall base the negotiation on the ~~special~~ **CURRENT AND ANTICIPATED** needs of the child/**YOUTH** and the circumstances of the adoptive parent(s). ~~if the parties cannot come to an agreement, the county department shall establish the subsidy amount. If the family disagrees with the decision, a fair hearing can be requested.~~

a. A GOOD FAITH NEGOTIATION MEANS TO DEAL HONESTLY AND FAIRLY WITH ONE ANOTHER. THERE MUST BE A DISCUSSION BETWEEN THE COUNTY DEPARTMENT AND THE ADOPTIVE PARENT(S).

b. AT THE NEGOTIATION MEETING, THE COUNTY DEPARTMENT WILL EXPLAIN ALL ASPECTS OF THE PROGRAM AND THE AGREED-UPON AMOUNT OF ASSISTANCE WHICH CONSIDERS THE NEEDS OF THE CHILD/YOUTH.

c. IF THE PARTIES CANNOT COME TO AN AGREEMENT, THE COUNTY DEPARTMENT SHALL ESTABLISH THE ADOPTION ASSISTANCE AMOUNT. IF THE FAMILY DISAGREES WITH THE DECISION, A FAIR HEARING CAN BE REQUESTED.

6. Negotiate with the adoptive parents to request the amount that is needed by the family to meet the child/**YOUTH's** ~~special~~ needs. This may be less than the amount for which the child/**YOUTH** qualifies.

7. ~~The county shall establish a maximum amount that could be provided to a family.~~ **THE COUNTY MAY NEGOTIATE UP TO THE MONTHLY FOSTER CARE RATE IN APPROPRIATE CASES.** The amount shall be no more than the rate that is being paid for the child/**YOUTH**'s current out-of-home care or that would have been paid if the child/**YOUTH** were in paid out-of-home care today. The monthly respite care payment that is provided under the foster care program is not a benefit under the adoption assistance program. **IF THE COUNTY AND THE PROSPECTIVE ADOPTIVE FAMILY DO NOT AGREE TO AN AMOUNT, THE COUNTY SHALL MAKE AN OFFER. THE ADOPTIVE FAMILY MAY REJECT THAT OFFER AND TAKE THE MATTER TO A FAIR HEARING.**

8. If a child/**YOUTH** with **MENTAL, INTELLECTUAL OR** developmental **DISABILITY THAT IS DOCUMENTED AND DEFINED BY A LICENSED MEDICAL PROFESSIONAL** ~~disabilities~~ is receiving an allowance in addition to the foster care payment at the time the child/**YOUTH** is placed for adoption, the allowance may continue under the adoption assistance program if the child/**YOUTH** continues to meet the criteria outlined in "Child with Adoption assistance" Section 7.306.4, A.

9. County departments who pay more than the county's **CHILD/YOUTH'S** foster care rate **OR IN THE EVENT THAT THE CHILD/YOUTH IS NOT IN FOSTER CARE, THE RATE THAT WOULD HAVE BEEN PAID** based on the child/**YOUTH**'s original or amended adoption assistance agreement shall reimburse the State for ~~eighty percent (80%)~~ **NINETY PERCENT (90%)** of the payment that is over the foster care rate.

10. Use the State prescribed forms to document the negotiated agreement for IV-E adoption assistance and attach supporting documentation.

11. Complete and sign the adoption assistance agreement form specifying:

a. The dollar amount of **ANY** ~~the~~ adoption assistance **AND A SUMMARY OF CASE SERVICES AGREED UPON** being provided, if applicable.

b. The duration date of the agreement:

1. Until the adopted child/**YOUTH** reaches the age of 18 years; or

2. **UP TO 21** years in the case of a child/**YOUTH** who **HAS A PHYSICAL, INTELLECTUAL OR DEVELOPMENTAL DISABILITY** ~~is physically or mentally handicapped;~~ or

a. **THE COUNTY SHALL DOCUMENT IN THE RECORD THAT THE YOUTH IS ENROLLED FULL-TIME IN HIGH SCHOOL OR VOCATIONAL TRAINING AND IS MAKING PROGRESS IN THE PROGRAM OR COMPLETING SECONDARY EDUCATION OR IS ENROLLED IN A PROGRAM LEADING TO AN EQUIVALENT CREDENTIAL.**

b. **ENROLLED IN AN INSTITUTION THAT PROVIDES POSTSECONDARY OR VOCATIONAL EDUCATION.**

c. **A YOUTH WHO IS IDENTIFIED IN THE ORIGINAL ADOPTION ASSISTANCE AGREEMENT HAS AN INTELLECTUAL AND OR DEVELOPMENTAL DISABILITY OR A PHYSICAL HANDICAP, IS BETWEEN THE AGE OF 18-21, AND CONTINUES TO LIVE AT HOME, MAY CONTINUE TO BE ELIGIBLE FOR THE ADOPTION ASSISTANCE PROGRAM AS LONG AS THESE DISABILITIES WERE IDENTIFIED;**

d. **PARTICIPATING IN A PROGRAM OR ACTIVITY DESIGNED TO PROMOTE OR REMOVE BARRIERS TO EMPLOYMENT; OR**

e. **EMPLOYED FOR AT LEAST EIGHTY HOURS PER MONTH.**

3. On a case-by-case basis, the duration of an agreement may be sooner than this time.

All parties must be in agreement with the earlier termination date.

4. The services and dates of services that are covered by an effective adoption assistance agreement.

5. ANY REIMBURSEMENT FOR NON-RECURRING EXPENSES INCURRED BY OR ON BEHALF OF THE ADOPTIVE PARENT IN CONNECTION WITH THE ADOPTION.

~~d. c.~~ That the adoption assistance agreement must be signed and dated by all parties prior to the effective date of the agreement and before the adoption is finalized. If the county fails to completely execute the initial adoption assistance agreement prior to the effective date and prior to the finalization of the adoption, the assistance payment will become non-reimbursable by the State and IV-E monies.

12. THE ADOPTION ASSISTANCE AGREEMENT MUST BE REVIEWED AT LEAST EVERY THREE YEARS. THE COUNTY DEPARTMENT SHALL PROVIDE WRITTEN NOTICE OF THE UPCOMING REVIEW TO THE ADOPTIVE FAMILY. Review the agreement every three years from the date of the initial agreement.

a. ~~Any change in the adoption assistance agreement shall be related to the original barrier(s), identified at the time the decision was made that adoption assistance was needed.~~ THE AGREEMENT MAY BE ADJUSTED AFTER GOOD-FAITH NEGOTIATION AND WITH THE CONCURRENCE OF THE ADOPTIVE FAMILY. AN ADJUSTMENT IS REVIEWABLE THROUGH THE ADMINISTRATIVE LAW PROCESS UPON THE REQUEST OF THE FAMILY. ANY PARTY MAY REQUEST A REVIEW OF THE AGREEMENT PRIOR TO THE THREE-YEAR MANDATORY REVIEW IF CHANGES OCCUR IN THE NEEDS OF THE ADOPTIVE CHILD OR YOUTH OR IN THE CIRCUMSTANCES OF THE FAMILY.

b. ~~In Title IV-E adoption assistance agreements, the agreement cannot be changed in any way without the agreement of all parties. The only exception is when there is an across-the-board reduction or increase in the foster care maintenance payment rate. In that circumstance, the State may adjust the adoption assistance payment without the adoptive parent(s)' concurrence.~~ BENEFITS PROVIDED THROUGH THE PROGRAM MUST BE CONTINUED IF THE ADOPTIVE PARENTS LEAVE THE STATE OF COLORADO WITH THE ADOPTED CHILD OR YOUTH. (FOR ADDITIONAL INFORMATION REGARDING STATE-TO-STATE MEDICAID SERVICES SEE CCR 7.402.4 MEDICAID FOR CHILDREN AND YOUTH COVERED BY THE INTERSTATE COMPACT ON ADOPTIONS AND MEDICAL ASSISTANCE (ICAMA)).

c. ~~The county department shall not add additional needs for adoption assistance payment after the adoption decree has been issued that is not directly related to the originally identified special needs of the child, or unless genetic in nature.~~

13. The county or adoptive family may REQUEST TO RENEGOTIATE AN EXISTING ADOPTION ASSISTANCE AGREEMENT at any time ~~negotiate changes to an existing adoption assistance agreement based on information~~ CHANGES IN THE NEEDS OF THE ADOPTED CHILD OR YOUTH OR IN THE CIRCUMSTANCES OF THE FAMILY related to the child's original condition, or the family's circumstances RELATED TO THE ORIGINAL ELIGIBILITY CRITERIA KNOWN AND DOCUMENTED AT THE TIME OF THE FINALIZATION OF THE ADOPTION.

a. ANY NEW AGREEMENT MUST INCLUDE THE CIRCUMSTANCES UNDER WHICH THE COUNTY

DEPARTMENT MAY SUSPEND ADOPTION ASSISTANCE PAYMENTS.

b. THE AGREEMENT MAY BE ADJUSTED AFTER GOODFAITH NEGOTIATION AND WITH THE CONCURRENCE OF THE ADOPTIVE FAMILY. AN ADJUSTMENT IS REVIEWABLE THROUGH THE ADMINISTRATIVE LAW PROCESS UPON THE REQUEST OF THE FAMILY. ANY PARTY MAY REQUEST A REVIEW OF THE AGREEMENT PRIOR TO THE THREE-YEAR MANDATORY REVIEW IF CHANGES OCCUR IN THE NEEDS OF THE ADOPTIVE CHILD OR YOUTH OR IN THE CIRCUMSTANCES OF THE FAMILY.

F. There are situations after finalization when adoptive parents can request a state level fair hearing before an Administrative Law Judge concerning the adopted child/**YOUTH**'s eligibility for adoption assistance benefits or the amount of those benefits. These situations include but are not limited to:

1. Relevant facts regarding the child/**YOUTH** that were known and not presented to the adoptive parent(s) prior to the finalization of the adoption.
2. Denial of assistance based upon a means test of the adoptive family.
3. Erroneous determination that a child/**YOUTH** is ineligible for adoption assistance.
4. Denial of a request for a change in payment level due to a change **IN THE CHILD/YOUTH'S NEEDS AND/OR** in the adoptive parent(s)' circumstances.
5. Failure by the county or non-profit child placement agency to advise the adoptive parent(s) about the availability of adoption assistance for children/**YOUTH** who have been identified with special needs.
6. Decrease in the amount of adoption assistance without the concurrence of the adoptive parent(s) (for Title IV-E adoption assistance agreements, only).

7.306.42 Non-Title IV-E Adoption Assistance

A. Pathways to Eligibility

The following are ways to become eligible for non-Title IV-E adoption assistance:

1. The county department has guardianship of the person(**S**) (children/**YOUTH**) with the authority to consent to adoption.
2. The county department **OR NONPROFIT CHILD PLACEMENT AGENCY** has guardianship of the person (children/**YOUTH**) with the right to consent to adoption, but the current caregiver has **PHYSICAL** custody of the children/**YOUTH**.
3. The child(ren)/**YOUTH** is not a citizen or a qualified ~~alien~~ **CITIZEN** but is being adopted by a U.S. citizen or qualified ~~alien~~ **CITIZEN**.
4. **A PERSON HAS CUSTODY OF A CHILD/YOUTH GIVEN BY PROPER ORDER OF A DEPENDENCY AND NEGLECT COURT.**

~~4~~ **5. The child/YOUTH was not IV-E eligible in foster care AND DOES NOT MEET THE APPLICABLE CHILD CRITERIA (DELINKING).**

~~5. The child was placed in foster care with the county department via voluntary placement agreement with the county, but:~~

- a. ~~There was no subsequent petition with the court and a court order within 180 days of living with his/her specified relative that includes the “best interest” or “contrary to the welfare” language; or,~~
- b. ~~There was no foster care payment made while in care under the voluntary placement agreement.~~

6. ALL COUNTY DEPARTMENTS OF HUMAN/SOCIAL SERVICES AND IVE ELIGIBILITY STAFF ARE REQUIRED TO DETERMINE CHILDREN AND YOUTH ELIGIBLE FOR IV-E ADOPTION ASSISTANCE, IF THE FOLLOWING APPLIES:

a. THE CHILD OR YOUTH WAS IN THE CUSTODY OF RELATIVES OR KIN AT THE TIME OF TERMINATION OF PARENTAL RIGHTS IN A DEPENDENCY AND NEGLECT ACTION; AND/OR

b. THE CHILD OR YOUTH WAS IN THE CARE OR CUSTODY OF A PUBLIC OR LICENSED PRIVATE NON-PROFIT CHILD PLACEMENT AGENCY OR INDIAN TRIBAL ORGANIZATION PURSUANT TO:

- 1. AN INVOLUNTARY REMOVAL OF THE CHILD OR YOUTH FROM THE HOME IN ACCORDANCE WITH A JUDICIAL DETERMINATION TO THE EFFECT THAT CONTINUATION IN THE HOME WOULD BE CONTRARY TO THE WELFARE OF THE CHILD OR YOUTH; OR**
- 2. A VOLUNTARY PLACEMENT AGREEMENT OR VOLUNTARY RELINQUISHMENT; AND**
- 3. THE TERMINATION OF PARENTAL RIGHTS/RELINQUISHMENT ORDERS CONTAIN THE JUDICIAL DETERMINATION TO THE EFFECT THAT THE COUNTY DEPARTMENT/INDIAN TRIBAL ORGANIZATION HAS GUARDIANSHIP OF THE CHILD OR YOUTH TO CONSENT TO THAT CHILD OR YOUTH’S ADOPTION; AND THE CHILD OR YOUTH HAS BEEN DETERMINED BY THE COUNTY, PURSUANT TO 7.306.4, A, D TO BE AN ELIGIBLE CHILD OR YOUTH.**

B. Foster Care Placement of a Child/YOUTH Under an Adoption Assistance Agreement

1. The state prescribed form must be completed to determine IV-E eligibility using the adoptive parent(s)’ income.
2. The child/YOUTH, returning to the adoptive parent(s)’ home, returns to the previous non-IV-E adoption assistance agreement.

C. Eligibility Determination for Medicaid in Non-Title IV-E Eligible

1. Colorado children/YOUTH who are eligible for an adoption assistance agreement, but are not IV-E ARE eligible for Medicaid in Colorado or reciprocal states, only.
2. An adoption assistance payment is not required to extend Medicaid coverage.
3. Medicaid eligibility may or may not be continued for non-IV-E eligible children/YOUTH who are out of the home for more than thirty (30) calendar days ~~depending on the county’s individual policy.~~
4. Medicaid eligibility for all children/YOUTH receiving Medicaid shall be redetermined yearly only if the

child/**YOUTH** continues to be eligible for Medicaid. This can be done by completing the State prescribed form.

D. Non-Title IV-E Adoption Assistance Payments

1. Determine and document a child/**YOUTH's** ~~special~~ **IDENTIFIED** needs and eligibility for adoption assistance.

2. ~~Utilize financial information regarding the family including assets, liabilities and insurance benefits in negotiating the initial agreement, and any subsequent increases in adoption assistance.~~ **DENIAL OF ASSISTANCE BASED SOLELY ON A MEANS TEST OF THE ADOPTIVE FAMILY IS NOT ALLOWED AND MUST NOT BE SUBSTITUTED FOR THE AGREEMENT.**

3. The adoption assistance agreement shall be established in accordance with the ~~county department's~~ **STATES** written policy. ~~The policy shall outline the criteria used for determining the amount of adoption assistance.~~

a. COUNTY DEPARTMENTS SHALL USE THE COLORADO ADOPTION ASSISTANCE NEGOTIATION WORKSHEET WITH THE POTENTIAL ADOPTIVE FAMILY FOR ALL ADOPTION ASSISTANCE DETERMINATIONS AND NEGOTIATIONS.

3. IF ADOPTIVE PARENT(S) CHOOSE TO REFUSE ALL ADOPTION ASSISTANCE INCLUDING MONTHLY CASH ASSISTANCE, MEDICAID, AND/OR CASE SERVICES, THEY MUST SIGN THE PERMANENT REFUSAL OF ADOPTION ASSISTANCE FORM.

4. IF ADOPTION PARENT(S) REQUEST A MEDICAID ONLY ADOPTION ASSISTANCE AGREEMENT AND/OR NON-RECURRING ADOPTION EXPENSES THEY MAY CHOOSE TO DECLINE COMPLETING THE ADOPTION ASSISTANCE NEGOTIATION WORKSHEET AND SIGN THE REQUEST FOR MEDICAID ONLY ADOPTION ASSISTANCE FORM. HOWEVER, THEY STILL MUST SIGN AN ADOPTION ASSISTANCE AGREEMENT.

b. COUNTY DEPARTMENTS SHALL ADOPT THE POLICIES AND PROCEDURES OUTLINED IN THE STATE OF COLORADO'S ADOPTION ASSISTANCE POLICY. A COPY OF THE WRITTEN POLICY SHALL BE PROVIDED TO ADOPTIVE PARENT(S) AT LEAST 5 BUSINESS DAYS PRIOR TO A NEGOTIATION MEETING.

4. Make a good faith effort to negotiate an adoption assistance agreement with the adoptive parent(s). The county shall base the negotiation on the ~~special~~ **CURRENT AND ANTICIPATED** needs of the child/**YOUTH** and the circumstances of the adoptive parent(s). If the parties cannot come to an agreement, the county department shall establish the adoption assistance amount. If the family disagrees with the decision, a fair hearing can be requested.

~~5. Negotiate with the adoptive parents to request the amount that is needed by the family to meet the child's special needs; this may be less than the amount for which the child qualifies.~~

~~6. 5. The county shall establish a maximum amount that could be provided to a family.~~ The monthly respite care payment that is provided under the foster care program is not a benefit under the adoption assistance program.

~~7. 6. If a child/**YOUTH** with **PHYSICAL, MENTAL, INTELLECTUAL AND** developmental disabilities is~~

receiving an allowance in addition to the foster care payment at the time the child/**YOUTH** is placed for adoption, the allowance may continue under the adoption assistance program if the child/**YOUTH** continues to meet the criteria outlined in “Child with Adoption assistance”, Section 7.306.4, A e, d.

~~8:~~ **7.** County departments who pay more than the county’s foster care rate **OR IN THE EVENT THAT THE CHILD/YOUTH IS NOT IN FOSTER CARE, THE RATE THAT WOULD HAVE BEEN PAID** based on the child/**YOUTH**’s original or amended adoption assistance agreement shall reimburse the State for ~~eighty NINETY~~ percent ~~(80%)~~ **(90%)** of the payment that is over the foster care rate.

~~9:~~ **8.** Use the State prescribed forms to document the negotiated agreement for non-Title-IV-E adoption assistance and attach supporting documentation.

~~10:~~ **9.** Complete and sign the Adoption assistance Agreement from specifying:

a. The dollar amount of the adoption assistance being provided, if applicable.

b. Duration of the agreement:

1. In non-Title-IV-E adoption assistance agreements, duration is decided by ~~county~~**THE STATES WRITTEN** policy, according to the ~~special~~ **IDENTIFIED** needs of the child/**YOUTH** and family circumstances. ~~It may not continue past the child 21st birthday.~~**THE COUNTY DEPARTMENT SHALL EXTEND THE ADOPTION ASSISTANCE AGREEMENT UPON THE APPROACHING EXPIRATION DATE IF THE YOUTH MEETS CRITERIA FOR EXTENSION AND THE EXTENSION IS REQUESTED BY THE ADOPTIVE PARENT(S). AS DEFINED IN SECTION CCR 7.306.54, ADOPTION ASSISTANCE MAY CONTINUE TO THE 21ST BIRTHDAY. IN SITUATIONS WHERE ADOPTION ASSISTANCE CONTINUES THROUGH THE 21ST BIRTHDAY, ADOPTION MEDICAID WILL STILL CONTINUE THROUGH THE END OF THE MONTH OF THE 21ST BIRTHDAY.**

2. On a case-by-case basis, the duration of an agreement may be sooner than this time. All parties must be in agreement with the earlier termination date.

~~3) In the case of a child who turns eighteen (18), is still in high school, and has been eligible for Title IV-E adoption assistance, the child’s eligibility must be changed from Title IV-E. New forms must be completed to reflect the change in the child’s eligibility.~~

3. THE ADOPTION ASSISTANCE AGREEMENT MUST BE REVIEWED AT LEAST EVERY THREE YEARS. THE COUNTY DEPARTMENT SHALL PROVIDE WRITTEN NOTICE OF THE UPCOMING REVIEW TO THE ADOPTIVE FAMILY.

a. ANY NEW AGREEMENT MUST INCLUDE THE CIRCUMSTANCES UNDER WHICH THE COUNTY DEPARTMENT MAY SUSPEND SUBSIDY PAYMENTS.

b. THE AGREEMENT MAY BE ADJUSTED AFTER GOODFAITH NEGOTIATION AND WITH THE WRITTEN CONCURRENCE OF THE ADOPTIVE FAMILY. AN ADJUSTMENT IS REVIEWABLE THROUGH THE ADMINISTRATIVE LAW PROCESS UPON THE REQUEST OF THE FAMILY. ANY PARTY MAY REQUEST A REVIEW OF THE AGREEMENT PRIOR TO THE THREE-YEAR MANDATORY REVIEW IF CHANGES OCCUR IN THE NEEDS OF THE ADOPTIVE CHILD/YOUTH OR IN THE CIRCUMSTANCES OF THE FAMILY.

c. BENEFITS PROVIDED THROUGH THE PROGRAM MUST BE CONTINUED IF THE ADOPTIVE PARENTS LEAVE THE STATE OF COLORADO WITH THE ADOPTIVE

CHILD OR YOUTH.

~~e. d.~~ The services and dates that are covered by an effective adoption assistance agreement.

e. ANY REIMBURSEMENT FOR NON-RECURRING ADOPTION EXPENSES INCURRED BY OR ON BEHALF OF THE ADOPTIVE PARENT IN CONNECTION WITH THE ADOPTION.

~~d. f.~~ That the adoption assistance agreement must be signed and dated by all parties prior to the effective date of the agreement and before the adoption is finalized. If the county fails to completely execute the initial adoption assistance agreement prior to the effective data and prior to the finalization of the adoption, the assistance payment will become non-reimbursable by the State.

~~11. Review the agreement every three years from the date of the initial agreement.~~

~~a. Any change in the adoption assistance agreement shall be related to the original barrier(s), identified at the time the decision was made that adoption assistance was needed.~~

~~b. In non-Title IV-E adoption assistance agreements, any changes must be made related to the special needs of the child, the family circumstances and county policy.~~

~~c. The county department shall not add additional needs for adoption assistance payment after the adoption decree has been issued that is not directly related to the originally identified special needs of the child, unless they are genetic in nature.~~

10. THE ADOPTION ASSISTANCE AGREEMENT MUST BE REVIEWED AT LEAST EVERY THREE YEARS. THE COUNTY DEPARTMENT SHALL PROVIDE WRITTEN NOTICE OF THE UPCOMING REVIEW TO THE ADOPTIVE FAMILY.

a. ANY NEW AGREEMENT MUST INCLUDE THE CIRCUMSTANCES UNDER WHICH THE COUNTY DEPARTMENT MAY SUSPEND ADOPTION ASSISTANCE PAYMENTS.

b. THE AGREEMENT MAY BE ADJUSTED AFTER GOODFAITH NEGOTIATION AND WITH THE WRITTEN CONCURRENCE OF THE ADOPTIVE FAMILY. AN ADJUSTMENT IS REVIEWABLE THROUGH THE ADMINISTRATIVE LAW PROCESS UPON THE REQUEST OF THE FAMILY. ANY PARTY MAY REQUEST A REVIEW OF THE AGREEMENT PRIOR TO THE THREE-YEAR MANDATORY REVIEW IF CHANGES OCCUR IN THE NEEDS OF THE ADOPTIVE CHILD OR YOUTH OR IN THE CIRCUMSTANCES OF THE FAMILY.

c. BENEFITS PROVIDED THROUGH THE PROGRAM MUST BE CONTINUED IF THE ADOPTIVE PARENT LEAVES THE STATE OF COLORADO WITH THE ADOPTED CHILD OR YOUTH.

~~12. 11.~~ The county or adoptive family may at any time negotiate changes to an existing adoption assistance agreement based on information related to the child/**YOUTH's original condition CURRENT AND/or ANTICIPATED NEEDS OR** the family's circumstances.

7.306.43 REVIEW OF ELIGIBILITY FOR ALL ONGOING ADOPTION ASSISTANCE AGREEMENTS

Monitoring will be conducted annually on county departments by State Child Welfare staff using a risk based approach looking at the number and kinds of complaints received by consumers, advocates or the general public.

- A. The state will randomly select cases from the adoption assistance caseload.
- B. Each county will be given three opportunities to pass the review before a fiscal sanction is established.
 - 1. Counties passing the initial Stage I review will be reviewed every three years.
 - 2. If the county fails the initial review, a Stage II review will be conducted in the second year.
 - 3. If the Stage II review is failed, the county will go to a Stage III the next year.
- C. At each stage, the county will be given an opportunity to provide information to the state that will enable the case that is out of compliance to pass the review.
- D. A county failing the review will be offered technical assistance based on issues identified during the review and will be required to develop a corrective action plan.
- E. If the county fails all three stages, the reviewed cases that are out of compliance in the third stage will be converted to county-only funding in the third year.

A. THE COUNTY SHALL REVIEW THE CURRENT ADOPTION ASSISTANCE AGREEMENT EVERY THREE (3) YEARS.

1. THE COUNTY DEPARTMENT SHALL INITIATE THE WRITTEN NOTICE OF THE REVIEW FOR ADOPTION ASSISTANCE SIXTY (60) DAYS PRIOR TO THE THREE-YEAR ANNIVERSARY OF THE AGREEMENT.

2. THE ADOPTIVE FAMILY MAY REQUEST A REVIEW OF THE AGREEMENT PRIOR TO THE THREE-YEAR REVIEW IF CHANGES IN THE NEEDS OF THE CHILD/YOUTH OR FAMILY CIRCUMSTANCES OCCUR.

3. THE ADOPTIVE PARENTS MAY REQUEST A REVIEW OF THE ADOPTION ASSISTANCE AGREEMENT IF CHANGES IN THE NEEDS OF THE CHILD/YOUTH OR FAMILY CIRCUMSTANCES OCCUR. ANY CHANGES IN THE AGREEMENT MUST BE RELATED TO THE ORIGINAL BARRIERS IDENTIFIED AT THE TIME THE DECISION WAS MADE THAT ADOPTION ASSISTANCE WAS NEEDED OR TO THE CHILD/YOUTH'S NEEDS THAT ARE GENETIC IN NATURE, REGARDLESS OF WHETHER THOSE NEEDS WERE IDENTIFIED PRIOR TO ADOPTION.

B. THE COUNTY SHALL ANNUALLY REVIEW DOCUMENTATION OF SCHOOL ATTENDANCE OR REASONS FOR INABILITY TO ATTEND. THE DOCUMENTATION MUST DEMONSTRATE THAT EACH CHILD/YOUTH WHO IS ELIGIBLE FOR ADOPTION ASSISTANCE AND WHO HAS ATTAINED THE MINIMUM AGE FOR COMPULSORY SCHOOL ATTENDANCE IS:

1. ENROLLED (OR IN THE PROCESS OF ENROLLING) IN AN INSTITUTION THAT PROVIDES ELEMENTARY OR SECONDARY EDUCATION, OR,

2. INSTRUCTED IN ELEMENTARY OR SECONDARY EDUCATION AT HOME IN ACCORDANCE WITH THE HOMESCHOOL STATUTE, OR,

3. IN AN INDEPENDENT STUDY ELEMENTARY OR SECONDARY EDUCATION PROGRAM IN ACCORDANCE WITH STATUTE, AND WHICH IS ADMINISTERED BY THE LOCAL SCHOOL, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE EDUCATION (BOCES), OR,

4. INCAPABLE OF ATTENDING SCHOOL ON A FULL-TIME BASIS DUE TO THE MEDICAL CONDITION OF THE CHILD/YOUTH. THE REASONS SHALL BE SUPPORTED BY REGULARLY UPDATED INFORMATION IN THE EDUCATIONAL PLAN MAINTAINED BY THE SCHOOL, SCHOOL DISTRICT, OR BOCES.

~~7.306.44 Basis for Establishing the Amount of an Adoption Assistance Subsidy~~

7.306.44 SOCIAL SECURITY BENEFITS FOR CHILDREN/YOUTH IN ADOPTIVE PLACEMENT

~~This section has been moved in order to consolidate rules related to adoption assistance in one location. Refer to Sections 7.306.41 and 7.306.42.~~

A. The county department shall inform adoptive parents of the potential eligibility for Social Security benefits of any child/YOUTH placed with them for adoption.

~~B. When a child becomes eligible for Social Security benefits and the child is receiving adoption assistance, the family must inform the agency of the receipt of these benefits.~~

B. IN CASES WHERE THE CHILD/YOUTH IS ELIGIBLE FOR BOTH SUPPLEMENTAL SECURITY INCOME (SSI) AND TITLE IV-E ADOPTION ASSISTANCE, THE PROSPECTIVE ADOPTIVE PARENTS MAY MAKE APPLICATION FOR BOTH PROGRAMS AND THE CHILD/YOUTH, IF ELIGIBLE, MAY RECEIVE BENEFITS FROM BOTH PROGRAMS. IN CONSIDERING THE MOST APPROPRIATE CHOICE OF PROGRAMS AND DECIDING WHETHER TO MAKE APPLICATION FOR ONE OR BOTH, THE PROSPECTIVE ADOPTIVE PARENTS SHOULD BE MADE AWARE OF THE DIFFERENCES BETWEEN SSI AND THE ADOPTION ASSISTANCE PROGRAM BY THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES.

C. WHEN A CHILD/YOUTH IS RECEIVING SUPPLEMENTAL SECURITY INCOME PRIOR TO ADOPTION, THE ADOPTIVE PARENTS CAN SEEK A MONTHLY ADOPTION ASSISTANCE PAYMENT FROM THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES UP TO THE FOSTER CARE MAINTENANCE PAYMENT THAT HAS BEEN PAID OR WOULD HAVE BEEN PAID IF THE ELIGIBLE CHILD OR YOUTH HAD BEEN IN FOSTER CARE AT THE TIME OF THE ELIGIBLE CHILD OR YOUTH'S ADOPTION. IN CASES WHERE THE CHILD/YOUTH IS ELIGIBLE FOR BOTH SUPPLEMENTAL SECURITY INCOME (SSI) AND TITLE IV-E ADOPTION ASSISTANCE THE ADOPTIVE PARENTS CANNOT RECEIVE MORE THAN THE MAXIMUM FOSTER CARE RATE. NOTHING IN THIS PARAGRAPH SHALL LIMIT THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES FROM PROVIDING CASE SERVICES WHEN A CHILD/YOUTH IS SSI ELIGIBLE.

~~7.306.45 Authorized Types of Adoption Assistance Subsidies~~

7.306.45 ACCEPTING AND PROCESSING APPLICATIONS FOR ADOPTION ASSISTANCE FROM CHILD PLACEMENT AGENCIES AND PROSPECTIVE ADOPTIVE PARENTS SEEKING A PRIVATE ADOPTION

~~This section has been moved in order to consolidate rules related to adoption assistance in one location. Refer to Section 7.306.4.~~

A. Colorado non-profit licensed adoption agencies can access adoption assistance if the child/YOUTH is in their custody and meets Title IV-E eligibility, as outlined in Section ~~7.001.41~~ 7.601.7. PROSPECTIVE

ADOPTIVE PARENTS CAN ALSO ACCESS ADOPTION ASSISTANCE IN A PRIVATE ADOPTION IF THE CHILD/YOUTH IS DETERMINED TO BE ELIGIBLE FOR SOCIAL SECURITY INCOME OR IS IN THEIR CUSTODY THROUGH A COURT ORDER OF A DEPENDENCY AND NEGLECT COURT, SUCH AS GUARDIANSHIP OR ALLOCATION OF PARENTAL RESPONSIBILITIES, AND MEETS TITLE IV-E ELIGIBILITY AS OUTLINED IN SECTION 7.601.7. THE ADOPTION ASSISTANCE APPLICATION, WHETHER BEING MADE BY A LICENSED ADOPTION AGENCY OR PROSPECTIVE ADOPTIVE PARENTS, SHOULD BE MADE IN THE FIRST INSTANCE TO THE COLORADO DIVISION OF CHILD WELFARE.

1. UPON RECEIPT OF THE COMPLETE APPLICATION, THE COLORADO DIVISION OF CHILD WELFARE SHALL DETERMINE THE OVERALL ELIGIBILITY OF THE CHILD/YOUTH. IF THE DIVISION OF CHILD WELFARE DETERMINES THERE IS AN ELIGIBLE CHILD/YOUTH, WITHIN TEN (10) BUSINESS DAYS THE COLORADO DIVISION OF CHILD WELFARE SHALL REQUEST FINANCIAL IV-E ELIGIBILITY FROM THE COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES WHERE THE PROSPECTIVE ADOPTIVE FAMILY RESIDES. THE COUNTY DEPARTMENT SHALL SEND VERIFICATION OF THAT DETERMINATION TO THE COLORADO DIVISION OF CHILD WELFARE. SUCH DETERMINATION BY THE COUNTY DEPARTMENT SHALL BE MADE WITHIN TEN (10) BUSINESS DAYS.

2. UPON RECEIPT OF FINANCIAL IV-E ELIGIBILITY FROM THE COUNTY DEPARTMENT, THE COLORADO DIVISION OF CHILD WELFARE ADOPTION ADMINISTRATOR SHALL PROVIDE THE FORMAL TITLE IV-E DETERMINATION LETTER TO THE APPLICANT WITHIN FOURTEEN (14) BUSINESS DAYS. THE COLORADO DIVISION OF CHILD WELFARE ADOPTION ADMINISTRATOR SHALL SEND THE REQUIRED DOCUMENTS TO THE COLORADO COUNTY DEPARTMENT 47 OF HUMAN/SOCIAL SERVICES WITHIN FOURTEEN (14) BUSINESS DAYS AND THE COUNTY DEPARTMENT WILL START THE ADOPTION NEGOTIATION PROCESS WITH THE PROSPECTIVE ADOPTIVE PARENTS.

3. IF THE CHILD/YOUTH IS DETERMINED TO BE NON-TITLE IV-E ELIGIBLE, THE COLORADO DIVISION OF CHILD WELFARE ADOPTION ADMINISTRATOR WILL PROVIDE THE ADOPTIVE FAMILY AND COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES A DENIAL LETTER OF ADOPTION ASSISTANCE. IF THE CHILD/YOUTH IS DETERMINED TO BE NON-TITLE IV-E ELIGIBLE, THE FAMILY MAY CONSULT WITH THE COUNTY DEPARTMENT ON OTHER SERVICES FOR WHICH THEY OR THE CHILD/YOUTH MAY BE ELIGIBLE. IT IS AT THE DISCRETION OF THE COLORADO COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES IF THEY CHOOSE TO PROVIDE ADOPTION ASSISTANCE AS ALL ASSISTANCE, WOULD BE SOLELY FUNDED BY THE COUNTY. THE PROVISION OF MEDICAL INSURANCE FOR THESE CHILDREN/YOUTH CAN ONLY OCCUR THROUGH COMMERCIAL INSURANCE PLANS SOLELY PAID THROUGH COUNTY ONLY FUNDS. THE ONLY PATH FOR THESE CHILD(REN)/YOUTH IS THAT THE FAMILY MEETS MEDICAID INCOME PARAMETERS, OR THE CHILD(REN)/YOUTH MEETS WAIVER, OR CHILDREN AND DISABILITIES BUY-IN PARAMETERS.

4. IF IT IS DETERMINED THAT THE CHILD/YOUTH IS NOT ELIGIBLE FOR TITLE IV-E ADOPTION ASSISTANCE, THE COLORADO DIVISION OF CHILD WELFARE ADOPTION ADMINISTRATOR SHALL INFORM ALL PARTIES IN WRITING THE BASIS FOR THE DENIAL AND THEIR RIGHT TO APPEAL THE STATE'S DECISION.

~~B. The county department where the adoptive family lives will process the application for assistance.~~

B. IF THE CHILD/YOUTH IS BEING PLACED IN THE STATE OF COLORADO WITH A PROSPECTIVE ADOPTIVE FAMILY WORKING WITH A COLORADO NON-PROFIT ADOPTION AGENCY, COLORADO DEPARTMENT OF HUMAN SERVICES WILL PROCESS AND APPROVE ADOPTION ASSISTANCE FUNDED BY COLORADO COUNTY DEPARTMENTS IF THE CHILD/YOUTH MEETS THE FOLLOWING CRITERIA:

1.HAVE SOCIAL SECURITY INCOME (SSI) ELIGIBILITY; OR

2. IF THE CHILD/YOUTH MEETS THE FEDERAL APPLICABLE CHILD CRITERIA (DELINKING), HAS IDENTIFIED NEEDS, AND MEETS THE REQUIREMENTS IN THE FEDERAL FISCAL YEAR IN WHICH THE ADOPTION IS FINALIZED, THE CHILD/YOUTH WILL BECOME CATEGORICALLY ELIGIBLE FOR TITLE IV-E ADOPTION ASSISTANCE.

C. If the child/YOUTH is being placed ~~out-of-state~~ out of the state OF COLORADO BY A COLORADO NON-PROFIT ADOPTION AGENCY, IT IS AT THE DISCRETION OF THE OTHER STATE TO PROCESS AND FUND ADOPTION ASSISTANCE. ~~The state in which the family resides will process the application.~~

~~D. The county department reviews the material submitted by the child placement agency and determines the child's eligibility for Title IV-E adoption assistance.~~

~~E. The county department shall advise the child placement agency and the family in writing within ten working days of the date of approval or denial and inform the family of its right to appeal the decision.~~

~~F. D.~~ After the county department approves the adoption assistance AND FINALIZATION HAS OCCURRED, it shall open the case on the ~~Department's automated reporting system~~ COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM (CCWIS).

~~G. E.~~ Approved adoption assistance payments will begin on the date of adoption finalization. The child placement agency OR THE PROSPECTIVE ADOPTIVE PARENTS, WHICHEVER IS APPLICABLE, is responsible for any costs before the initiation of the adoption assistance agreement and prior to finalization.

~~H. F.~~ Adoption assistance available to the eligible child/YOUTH are:

1. Medicaid (Title XIX).
2. Adoption assistance payment.
3. Non-recurring adoption expenses.
4. ADOPTION CASE SERVICES

~~I. G.~~ Before finalization of the adoption, the child placement agency that arranged the adoption, IF APPLICABLE, retains responsibility for continued services to the adoptive family should they be requested.

~~J. H.~~ The county department shall terminate adoption assistance payments and eligibility for Medicaid as outlined in Termination of Adoption Assistance (7.306.59).

7.306.46 Reinstatement of ~~Subsidy~~ ADOPTION ASSISTANCE

A. ~~Non-Title IV-E~~ Adoption assistance agreements may be reinstated if the services requested relate to the child/YOUTH's special IDENTIFIED needs OR FAMILY CIRCUMSTANCES. ~~which were identified at the time of the original subsidy.~~

B. Reinstatement of adoption assistance agreements is not possible if the original adoptive parents no longer have legal custody of the child.

B. When adoptive parents have relinquished, have had their parental rights terminated, or have died and the child/YOUTH is placed in a subsequent adoptive placement, then the child/YOUTH retains IV-E eligibility for ~~reinstatement of the adoption assistance agreement in his/her~~ THEIR new adoptive placement. THE ONLY DETERMINATION THAT MUST BE MADE FOR ADOPTION ASSISTANCE ELIGIBILITY PRIOR TO THE FINALIZATION OF THE SUBSEQUENT ADOPTION IS WHETHER THE CHILD/YOUTH IS A CHILD/YOUTH WITH ONE OR MORE SPECIFIC FACTORS OR CONDITIONS AS SET FORTH IN COLORADO REVISED STATUTES SECTION 26-7-102(8).

7.306.47 SUSPENSION OF ADOPTION ASSISTANCE

1. THE COUNTY DEPARTMENT MAY SUSPEND THE PAYMENT OF ADOPTION ASSISTANCE AVAILABLE WHEN CONTACT WITH THE ADOPTIVE FAMILY CANNOT BE ESTABLISHED AND THE COUNTY DEPARTMENT CANNOT ESTABLISH THAT THE ADOPTIVE PARENT IS PROVIDING ANY SUPPORT, WHICH INCLUDES FINANCIAL SUPPORT AS DETERMINED BY THE TITLE IV-E AGENCY.

2. PRIOR TO SUSPENSION, THE COUNTY DEPARTMENT SHALL PROVIDE NOTICE TO THE ADOPTIVE PARENTS OF INTENT TO SUSPEND ADOPTION ASSISTANCE PAYMENTS AT LEAST TEN DAYS PRIOR TO SUSPENSION AND SHALL INCLUDE IN THE NOTICE:

a. A STATEMENT OF THE COUNTY DEPARTMENT'S INTENT TO SUSPEND ADOPTION ASSISTANCE PAYMENTS, AS WELL AS THE REASONS AND LEGAL BASIS FOR THE INTENDED SUSPENSION;

b. A DESCRIPTION OF THE ADOPTIVE PARENTS' RIGHT TO REQUEST A FAIR HEARING PURSUANT TO 45 CFR 205.10;

c. A DESCRIPTION OF THE CIRCUMSTANCES UNDER WHICH ADOPTION ASSISTANCE MUST BE CONTINUED IF A HEARING IS REQUESTED; AND

d. THE CIRCUMSTANCES UNDER WHICH A SUSPENSION MAY BE REVERSED WITHOUT A FAIR HEARING.

3. WHEN THE ADOPTION ASSISTANCE PAYMENT IS SUSPENDED, THE ELIGIBLE CHILD OR YOUTH REMAINS TITLE IV-E ELIGIBLE, THE TITLE IVE AGREEMENT REMAINS IN EFFECT, AND THE ELIGIBLE CHILD OR YOUTH REMAINS ELIGIBLE FOR, AND IN RECEIPT OF, MEDICAL ASSISTANCE.

7.306.48 TERMINATION OF ADOPTION ASSISTANCE AGREEMENT

1. THE COUNTY DEPARTMENT SHALL TERMINATE THE PAYMENT OF ADOPTION ASSISTANCE AVAILABLE WHEN ANY OF THE FOLLOWING SITUATIONS OCCUR:

a. THE CHILD OR YOUTH REACHES EIGHTEEN YEARS OF AGE; EXCEPT THAT, IN CASES WHERE THE COUNTY DEPARTMENT HAS DETERMINED THAT THE YOUTH MEETS ELIGIBILITY FOR EXTENSION OF THE ADOPTION ASSISTANCE AGREEMENT WHICH WARRANTS CONTINUED ASSISTANCE, THE PAYMENT OF ADOPTION ASSISTANCE SHALL CONTINUE UNTIL THE CHILD OR YOUTH REACHES TWENTYONE YEARS OF AGE;

b. THE ADOPTIVE PARENT OR PARENTS ARE NO LONGER LEGALLY RESPONSIBLE FOR THE SUPPORT OF THE CHILD OR YOUTH;

c. THE CHILD OR YOUTH IS NO LONGER RECEIVING SUPPORT FROM THE ADOPTIVE FAMILY, WHICH INCLUDES FINANCIAL SUPPORT AS DETERMINED BY THE TITLE IV-E AGENCY, OR

d. THE COUNTY DEPARTMENT CERTIFIES THE DEATH, MARRIAGE, OR ENROLLMENT IN MILITARY SERVICE OF THE CHILD OR YOUTH.

2. ADOPTIVE PARENTS WHO RECEIVE ADOPTION ASSISTANCE SHALL KEEP THE COUNTY DEPARTMENT THAT IS ADMINISTERING THE PROGRAM INFORMED OF CIRCUMSTANCES THAT WOULD MAKE THEM INELIGIBLE TO CONTINUE TO RECEIVE ADOPTION ASSISTANCE.

~~7.306.34 Adoption Records~~

THIS SECTION WAS ADDED IN PREVIOUSLY RULE PACKET TO 7.306.56 ADOPTION RECORDS AND NEEDS TO BE DELETED FROM 7.306.34.