



State of Tennessee
Department of Children's Services

Subsidy Manual for Adoption Assistance And Subsidized Permanent Guardianship

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Part I-Adoption Assistance

Adoption Assistance Introduction

The objective of the Adoption Assistance program is to facilitate the placement of children with special needs in permanent adoptive homes and thus preventing long inappropriate stays in foster care.

Introduction

A fundamental premise of adoption is that every child is entitled to the love, security, and stability of a family that will be his/her permanent home. The Adoption Assistance Program contributes financially to assist families, otherwise lacking the financial resources, in adopting eligible children with special needs. Such families are untapped resources for children with special needs for whom permanent homes would be unavailable without Adoption Assistance. The state periodically evaluates the rates used in the Adoption Assistance Program on the same schedule that it evaluates foster care rates.

There are two (2) types of adoption assistance:

1. Active Adoption Assistance

Active Adoption assistance means the child has met the special needs definition and the adoptive family will receive a monthly maintenance payment until the child reaches the age of 18 or 21. This category also includes non-recurring adoption assistance expenses

2. Deferred Adoption Assistance

Deferred Adoption Assistance is reserved for children at high risk of developing significant medical, psychological, emotional, and/or behavioral issues due to their past history. A child who has a deferred application will not receive a monthly maintenance payment.

After determining a child's eligibility for Adoption Assistance and a family has been approved to adopt, DCS negotiates the amount of the Adoption Assistance payment with the adoptive family based on the child's needs and the family's circumstances. The Tennessee Adoption Assistance Program state funded, federal financial participation under Title IV-E of the Social Security Act or a combination of the two programs funds Adoption Assistance.

The categories of Title IV-E Adoption Assistance and State Funded Adoption Assistance are:

- Daily rate amount;
- Payment for non-recurring expenses related to the adoption for children who meet the special needs criteria
- TennCare/Medicaid coverage.

DCS may re-evaluate Adoption Assistance benefits any time a circumstance occurs that affects the amount or type of assistance provided. DCS does not delay action until the renewal of the assistance.

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The Title IV-E Adoption Assistance Act provides that families who adopt children with special needs will have needed services available regardless of their state of residence. Therefore, DCS is responsible for ensuring that families whom DCS has approved for Tennessee Adoption Assistance and who reside out of state receive services. Another state may also request DCS to help families who are Tennessee residents and whom that state approves for Adoption Assistance.

Information for all adoption Assistance processes and procedures will be maintained in TFACTS as well as the paper file.

Legal Base

TCA 36-1-201, 36-1-202, 36-1-203, 36-1-204, 36-1-205, 36-1-206

TCA 36-1-102

Public Law 96-272 (42 USC 670 et. seq)

Fostering Connections to Success and Increasing Adoptions Act 2008 (P.L. 110-351).

Section 473 Social Security Act

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Section 1: CRITERIA FOR ADOPTION ASSISTANCE ELIGIBILITY

What: Determine child's eligibility for Adoption Assistance.

When: Prior to completion of application for Adoption Assistance

Who: Permanency Specialist, FSW, or Child Welfare Benefits Counselor

Criteria for Determining Eligibility

In order for a child to be eligible for Adoption Assistance the child must meet the following guidelines:

- DCS has determined and documented in the TFACTS that the child can not or should not be returned to the home of his parents;
- DCS determined that the child was in custody of DCS or a Tennessee Licensed Child-Placing Agency (public or non-profit) immediately preceding the filing of the adoption petition or that the child was in full guardianship;
- There must be reasonable efforts and proof documented in the TFACTS that the child can not be placed with adoptive parents without providing adoption assistance (**See Section 3, Determining Reasonable Efforts for Adoption Assistance**);
- The child must be under the age of 18;
- The child must be legally free for adoption; and
- The child must meet the criteria for special needs.-(**See Section 2, Special Needs Determination**).

Process to Determining Legally Free for Adoption

- Review all documents in a child's record to determine if the mother's and father's (birth/putative and/or legal father's) parental rights have been terminated. Documents may include the following:
 - Evidence of a juvenile, chancery, or circuit court order terminating the parental rights (TPR)
 - A voluntary placement agreement signed by the parent(s) and appropriate DCS representative terminating parental rights and/or;
 - Legal verification of the death of the parent(s).

NOTE: Children in partial guardianship are not eligible for Adoption Assistance.

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- To determine a child's eligibility for Adoption Assistance, use information in TFACTS, and/or [*Certification of Eligibility for Title IV-E /State Funded Adoption Assistance form CS-0821*](#), or [*Certification of Eligibility for Title IV-E Fostering Connections Adoption Assistance, form CS-0931*](#).

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Section 2: SPECIAL NEEDS DETERMINATION

- What:** Determining special needs criteria
- When:** Prior to completing the Adoption Assistance Application and Agreement prior to adoption finalization
- Who:** The Permanency Specialist and or the Family Service Worker
-

A child's eligibility for Title IV-E or State funded adoption assistance is based on a determination by DCS that the child is a child with special needs.

Prior to finalization, DCS has to come to the conclusion that **one or more** of the following factors or conditions exist to classify the child as being a child with "special needs." ([See Policy 15.11, Adoption Assistance](#))

- The child is a part of a sibling group of two (2) or more children who are placed together in one family, at the same time, for the purpose of adoption. This criteria also extends to a child adopted in the future who will be joining a biological sibling group.
- The child is of minority heritage, age 2 years or older;
- The child is Caucasian children age 9 or over.
- The child's life experiences include neglect, physical abuse or sexual abuse; which rises to the level of severe child abuse as defined by T.C.A. 37-1-102 (b) (21) and as indicated by DCS or adjudicated by a court.
 - The knowing exposure of a child to or the knowing failure to protect a child from abuse or neglect that is likely to cause great bodily harm or death and the knowing use of force on a child that is likely to cause great bodily harm or death;
 - Specific brutality, abuse or neglect towards a child that in the opinion of qualified experts has caused or will reasonably be expected to produce severe psychosis, severe neurotic disorder, severe depression, severe developmental delay or retardation, or severe impairment of the child's ability to function adequately in the child's environment, and the knowing failure to protect a child from such conduct;
 - The commission of any act towards the child prohibited by TCA 39-13-502 - 39-13-504, 39-13-522, 39-15-302, and 39-17-1005 or the knowing failure to protect the child from the commission of any such act towards the child; or
 - Knowingly allowing a child to be present within a structure where the act of creating methamphetamine, as that substance is identified in TCA § 39-17-408(d)(2), is occurring;

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- The child has a moderate to severe medical, physical or psychological condition, diagnosed by a licensed physician, psychologist or licensed mental health professional and the identified condition requires treatment.
- The child meets all of the medical or disability requirements of SSI.

Section 3: DETERMINING REASONABLE EFFORTS FOR ADOPTION ASSISTANCE

- What:** Determine if an appropriate resource family needs Adoption Assistance or Title XIX medical assistance (TennCare/Medicaid)
- When:** An eligible child is identified for the resource family and circumstances prevent the resource family from adopting without financial assistance or Title XIX medical assistance (TennCare/Medicaid)
- Who:** Permanency Specialist or FSW
-

DCS must make a reasonable, but unsuccessful effort for adoption with appropriate adoptive parent(s) without providing adoption assistance.

The Permanency Specialist/FSW must ask the perspective parent whether or not they can adopt without adoption assistance and Title XIX medical assistance. The conversation must be documented and their response indicated on the application and in TFACTS.

Note: The only exception to this requirement is in situations where it would not be in the child's best interests due to such factors as the existence of significant emotional ties with the prospective adoptive parent(s) while in their care as a foster child. This exception also extends to other circumstances that are not in the child's best interests, including adoption by a relative in keeping with the statutory emphasis on the placement of children with relatives: *Social Security Act 471 (a) (19); 473 (c)*

Reasonable efforts to place the child without adoption assistance have been achieved if the following conditions exist and are documented in TFACTS:

- Child is listed on REACT, Adopt US Kids or other adoption exchanges;
- Resource Parents are adopting;
- Relative adoption; and/or
- Full Disclosure is presented to a new adoptive family and there exist specific factors or conditions which prevent the prospective adoptive parent from adopting.

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Section 4: **DETERMINING ELIGIBILITY FOR TITLE IV-E; TITLE IV-E FOSTERING CONNECTIONS; and STATE FUNDED ADOPTION ASSISTANCE**

What: Determining a child's funding source for Adoption Assistance

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

Who: Permanency Specialist and/or the Family Service Worker and the Child Welfare Benefits Staff

1. There are three (3) types of adoption assistance funding source:

A. Title IV-E Adoption Assistance

This is the primary federal support for providing subsidies to eligible families who adopt children with special needs.

Any child who is determined by DCS to be a child with special needs and meets one of the four Title IV-E eligibility requirements will be eligible for Title IV-E in Adoption Assistance.

The four Title IV-E eligibility requirements are:

- A child who was eligible for Aid to Families with Dependent Children (AFDC); or
- A child who is eligible for Supplemental Security Income (SSI) benefits; or
- A child who is a child of a minor parent in Title IV-E foster care; or
- A child who was eligible for Title IV-E adoption assistance in a previous adoption.

B. Title IV-E Fostering Connections Adoption Assistance

In order for a child to be eligible for Title IV-E Adoption Assistance through the Fostering Connections eligibility requirement, they must:

- Meet one of the Title IV-E "applicable child" criteria; and
- Reasonable efforts must be made to place the child without adoption assistance as outlined in the Manual Section 3; and
- Meets one or more of the special need criteria as outlined in Section 2 of this manual; and

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- Meets one of the Fostering Connection Title IV-E eligibility requirements as outlined in [DCS Policy 15.11, Adoption Assistance](#).

Note: Beginning January 1, 2010, DCS must enter into a Title IV-E adoption agreement with the adoptive parent of any child who meet the Title IV-E eligibility criteria for an “Applicable Child” as defined in section 473(a)(2)(A)(ii) of the Fostering Connections to Success and Increasing Adoption Act of 2008 (P.L. 110-351)

An “Applicable Child” is defined as any child who meets the applicable age requirement; has been in foster care for at least 60 consecutive months; or a sibling to either an applicable child by virtue of age or time in foster care and is placed together in one family, at the same time, for the purpose of adoption. (See [Adoption Assistance, Policy 15.11](#)).

C. State Funded Adoption Assistance

Any child who was in the guardianship of DCS or a Tennessee Licensed Child-Placing Agency (public or non-profit) immediately prior to the initiation of adoption proceedings and is defined by DCS to be a child with special needs, but does not meet one of four the eligibility requirements for Title IV-E, will be eligible for State Funded Adoption Assistance.

Note: Once the funding source for adoption assistance has been established through the certification process, it can only be changed when the child turns 18 years old via the Date of Birth Report and Revised Adoption Assistance Agreement and the documentation has been entered into TFACTS (See, **Section 17, Date of Birth Report**).

2. Process for Determining Funding Source

- The [Certification of Eligibility for Title IV-E/State Funded Adoption Assistance, form CS-0821](#), is used to determine the type of funding source for adoption assistance.
- The Permanency Specialist/FSW completes part I of form CS-0821 and submits to the Child Welfare Benefits Unit.
- Child Welfare Benefits Counselors (CWBC) in each region completes Part II & III of form CS-0821 to determine the funding source for adoption assistance.
- After CWBC determines the funding source, the Certification is sent back to the Permanency Specialist/FSW to be identified on the Adoption Assistance Application and Adoption Assistance Agreement.
- **Legal and Related References for Determining Eligibility for Adoption Assistance**
 - Section A of [DCS Adoption Assistance Policy, 15.11](#)
 - Section 473(a)(2)(C) of the Social Security Act
 - Child Welfare Policy Manual, Sections 8.2A.1 (4); 8.2B (1); and 8.2B.4 (1-2)
 - DCS form [CS-0821, Certification of Title IV-E/State Funded Adoption Assistance](#)

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Section 5: NEGOTIATING RATE TYPE AND AMOUNT OF ADOPTION ASSISTANCE

What:	Negotiate the type and amount of assistance available to the family and all conditions of the assistance.
When:	Prior to the completion of the application for adoption assistance.
Who:	Permanency Specialist with assistance from FSW and/or Designated Staff

Adoption Assistance is available on behalf of a child if DCS enters into an adoption assistance agreement with the prospective adoptive parent(s) **prior to the finalization of the adoption**. The agreement must be signed by all parties (namely, the adoptive parent(s) and DCS/private agency representative), and a signed copy given to each party.

The agreement must specify the following and should be discussed with prospective adoptive parent(s):

- Duration of the agreement;
- Nature and amount of any payment, service and assistance to be provided;
- Agreement shall remain in effect regardless of the State in which the adoptive parent(s) reside;
- Interests of the child are protected in cases where the adoptive parent(s) and child move to another State;
- No coverage is available for educational expenses (i.e. school tuition and/or tutoring);
- No coverage for summer camp or day care;
- No coverage for riding therapy, dance or gymnastics;
- No coverage for computers and/or computer software;
- No coverage for vehicles to transport children;
- No coverage for major home renovations or additions (i.e. fences, pools, or accessibility modifications);
- Child's eligibility for title XIX Medicaid;
- No coverage for routine medical expenses (i.e. over the counter medications, doctor visits or hospitalizations unrelated to the child's documented special needs);
- No coverage for dentistry or orthodontia (exceptions may be for documented cases of medical necessity by the Director of Foster Care, Adoptions);
- Method of payment for medical expenses; Only if child is ineligible for TennCare/Medicaid and/or private insurance;

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- Method of payment for non-recurring adoption expenses;
- DCS' inability to authorize any new service unless such service is directly related to a condition that DCS documented as existing before the adoption was final; and
- Possible changes in the Adoption Assistance Agreement when the family no longer needs a service, when changes occur in resources available to meet the child's needs, when changes occur in the foster care board rate, or when changes occur because of the renewal process.

2. Resources/Benefits

Please explain to the adoptive family the following in regards to adoption assistance:

- The adoptive family is to use other resources available or that become available before using Adoption Assistance. Other resources include private insurance, TennCare/Medicaid, and other agency services;
- Adoption Assistance will not pay medical expenses for children who are eligible for TennCare or private insurance and other non-profit agency services;
- DCS expects the adoptive family to apply for and provide ongoing private insurance coverage through their current family coverage if the child is ineligible for TennCare/Medicaid; and
- DCS expects the adoptive family to apply for and notify DCS of receipt of other available benefits (SSA or other benefits) and that these benefits may affect the amount of Adoption Assistance they receive.

3. Change of Circumstances

Explain to the adoptive family that it is their responsibility to notify DCS of circumstances that affect the availability of Adoption Assistance, including the following:

- Any reason the need for assistance changes/ceases;
- The child marries or enlists in the military;
- The child graduates from high school (children adopted after October 1, 1997) or college or post secondary school (children adopted before October 1, 1997);
- The child's custodial status change;
- any change of address;
- The child is no longer in the home;
- The child is no longer a legal member of the family;
- The family is no longer legally responsible for supporting the child;
- The adoptive family is no longer supporting the child.

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- The child has his/her eighteenth and twenty-first birthdays (These ages are significant for Adoption Assistance, whether IV-E or state funded.);
- The child dies;
- A non-emergency medical care treatment that will cost \$300 or more, if the child does not have TennCare/Medicaid and/or private insurance; and
- The child requires institutionalization and/or inpatient psychiatric hospitalization (Only for those children who are not eligible for TennCare and/or private insurance).

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Section 6: DETERMINING THE DAILY RATE AMOUNT

- What:** Determine the amount of the daily rate when the child is eligible to receive an Adoption Assistance payment due to special needs.
- When:** Prior to finalization or at time of request for an adjustment if an Adoption Assistance Agreement is in effect.
- Who:** Permanency Specialist, Designated Central Office Adoption Staff
-

1. Determine the Child's Resources

Permanency Specialist will assist the family to determine the needs, identify resources to address the needs, and assess amount of daily rate based on the needs of child.

2. Negotiate

Negotiate the daily rate, which must be less than the current DCS foster care board rate with resource parents.

- **Regular Rates:** Check the following web link for all current adoption assistance rates. <http://www.intranet.state.tn.us/chldserv/boardrates.shtml>
- **Special Circumstances Rate:**

The special circumstances rate may be used in those situations where the child was receiving an approved special circumstances rate while in a DCS approved resource home.

When negotiating rates for children who are in Private Provider homes, the DCS rate structure should be used when negotiating adoption assistance daily maintenance payments.

The rate must be in effect 90 days prior to the signing of the adoption assistance agreements. If this requirement presents a barrier or delays permanency for any child, a waiver can be obtained from the Director of Foster Care, Adoptions & Kinship or his/her designee waiving the 90 day requirement. (See [DCS Policy 15.11, Adoption Assistance](#)).

- **Extraordinary Circumstance**

Permanency Specialist or designated staff will determine the child's needs based on diagnosis, prognosis, and other documentation from medical/mental health providers who have knowledge of child's current circumstances. The Permanency Specialist/FSW will provide the licensed health care provider [form CS-0934, Special or Extraordinary Rate Justification Form](#), to be completed for a child who is being considered for a special or extraordinary rate. The Permanency Specialist will complete [Special or Extraordinary Rate Request, form CS-0674](#), and submit, to the Designated Central Office Adoption Staff, along with the Special or Extraordinary Rate Justification form, and any other documentation, for review and signature.

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The Designated Central Office Adoption Staff will review information and documentation to determine if the documentation justifies the requested rate. If the documentation supports the requested rate, the request will be approved. If it does not justify the rate, Designated Central Office Adoption Staff will consult with the Permanency Specialist to determine if additional documentation should be obtained to support the initial requested rate; or if further negotiations are needed with the perspective parents in negotiating a different rate.

The Permanency Specialist will advise the adoptive family of the decision.

NOTE: A child who received an extraordinary foster care board rate would not automatically receive an extraordinary Adoption Assistance maintenance payment. The above procedure must be followed. An extraordinary rate must be in place 90 days prior to signing adoption assistance.

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Section 7: DETERMINING THE EFFECT OF SOCIAL SECURITY and VETERAN BENEFITS ON ADOPTION ASSISTANCE

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

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

Who: Permanency Specialist, Designated Central Office Adoption Staff

1. Eligibility

The child's Permanency Specialist or designated staff must ensure that Central Office Adoption Staff receives specific information about the child's eligibility for Social Security and Veteran benefits.

2. Adoptive Parents

The resource parents should apply for the benefits upon finalization of the adoption. If the resource parents refuse to apply for these benefits, contact the Adoption Assistance Staff in DCS Central Office.

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

3. Daily Payment

When the adoptive parents become the payee for the child's benefits, the daily adoption assistance payment is adjusted by the amount of the Social Security and Veteran benefits.

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

4. Stopping Payment

When the benefits exceed the amount of the monthly adoption assistance payment, stop the monthly adoption assistance maintenance payment. For children eligible for Title IV-E, ensure that DCS makes minimal monthly cash payment or includes medical services so that the Adoption Assistance Agreement remains in effect.

5. Benefits to the Child

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

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Section 8: DETERMINING ELIGIBILITY FOR NON-RECURRING ADOPTION EXPENSES

What: Determine the eligibility for the adoptive family to receive non-recurring expenses. (See [DCS Policy 15.11, Adoption Assistance](#))

When: Prior to finalization of the adoption.

Who: Permanency Specialist or Designated Central Office Adoption Staff

1. Determining Eligibility

Any child eligible who meets the special needs criteria for Title IV-E or State funded Adoption Assistance is eligible for non-recurring adoption expenses.

Note: For those children who do not meet the special needs criteria for payment of non-recurring expenses and payment of those expenses will be a barrier or cause a delay to finalizing the adoption, submit the request for payment in the form of a memo justifying payment to the Director of Foster Care and Adoptions for final approval.

DCS payment of expenditures for non-recurring expenses is a one time expense of adoption for which parents are ultimately responsible and may not exceed \$1500.00 per child.

The non-recurring expenses may include one or a combination of the following related to finalization of the adoption:

- Attorney fees;
- Court costs (Typically an attorney billed expense);
- Birth certificate cost (Typically an attorney billed expense);
- The application fee, a home study by a private child placing agency and supervision of placement;
- Travel expenses such as transportation and lodging for the prospective adoptive parent(s) related to the placement of a child with an out of county or out of state family. Any exceptions related to the transportation of a child during the process of placement must be referred to Central Office Designated Staff. Travel must be in accordance with state travel regulations; and
- Health and psychological examination, if required, related to completing the home study.

2. Procedures for Approval

When attorney fees are a part of non-recurring expenses, all non-recurring expenditures must be approved in writing by the permanency specialist Team Leader.

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The Permanency Specialist will submit documents of cost along with a request for approval to the Team Leader of the Permanency Specialist.

Approval must be in writing.

NOTE: Denials will be addressed in writing by the Team Leader of the Permanency Specialist.

3. Procedures for Reimbursement

- A. All Non-recurring legal expenses will not be reimbursed until:
 - a. Finalization of the adoption of the child, except in cases of a disruption.
 - b. A final decree of adoption has been received in the DCS office, and
 - c. The attorney has submitted an itemized bill for payment in all cases, including cases in which the adoptive placement has disrupted. In cases of disruption, DCS can only pay for services provided up to the point of disruption.
 - d. Information should be submitted in the child's birth name.
- B. All other non-recurring expenses may be paid upon receipt of the attorney's bill and at the time of adoptive placement and the adoptive assistance agreement is in effect.
- C. The Permanency Specialist, and Private Provider when appropriate, will obtain an original, signed itemized final invoice/billing statement from the attorney following finalization of the adoption. The amounts on the [Adoption Assistance Application, CS-0930](#), and the [Adoption Assistance Agreement, CS-0513](#), must be consistent in order for payment to be made.
- D. The original signed, itemized final invoice/billing statement from the attorney, and the original written approval of the non-recurring adoption expenses, along with the supporting documentation must be submitted to DCS Payment System. Copies of all related non-recurring expenses billing documentation must be maintained in the adoption assistance case file.

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Section 9: ESTABLISHING TENNCARE/MEDICAID FOR A CHILD

What: Establish TennCare/Medicaid coverage for a child

When: Prior to adoption finalization

Who: Permanency Specialist or Designated Central Staff, Child Welfare Benefit Staff

1. Circumstances

A Federal Title IV-E adoption assistance child is categorically eligible for TennCare/Medicaid regardless where the child resides.

When an adopted child is eligible for State-funded Adoption Assistance, the child is eligible for TennCare, if the child has a medical/psychological rehabilitative need.

2. Permanency Specialist or Designated Staff Responsibilities

Follow these procedures when finalizing an adoption for a child residing in Tennessee:

- Provide the Child Welfare Benefits Counselor (CWBC) the following information:
 - The child's birth date;
 - The child's Social Security number in the adoptive name will be provided when available;
 - Date of finalization;
 - Copy [Application for Adoption Assistance, CS-0930](#); and
 - Copy of the [Adoptive Assistance Agreement, CS-0513](#)
 - Copy of [CS-0821, Certification of Eligibility for Title IV-E State Funded Adoption Assistance](#) or [CS-0931, Certification of eligibility for Title IV-E Fostering Connections Adoption Assistance](#).

An application for TennCare is not required. A completed [Application for Adoption Assistance, CS-0930](#) serves as an application for TennCare.

Notify the local/regional Child Welfare Benefit Unit whenever there is a change in circumstances for children who receive adoption assistance, which might affect the status of their TennCare/Medicaid.

- Termination of the Adoption Assistance Agreement
- Change in funding source

Follow these procedures when a child is placed out of state:

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- Inform the adoptive parents of a Title IV-E eligible child of the availability of Medicaid coverage in their state of residence.
- Upon a child's placement for adoption out of state, a referral will be made for Medicaid benefits through Interstate Compact on the Placement of Children.
- After the adoption has been finalized, an ICAMA Referral will be completed by the Central Office Adoption Staff and forwarded to the child's new state of residence for Medicaid. This will be done for adopted children who are Title IV-E and State Funded eligible **(See Section 10, Establishing Medicaid in Another State for Families who Receive Tennessee Adoption Assistance.)**

Section 10: ESTABLISHING MEDICAID IN ANOTHER STATE FOR FAMILIES WHO RECEIVE TENNESSEE ADOPTION ASSISTANCE

What:	Establish service in another state for families who receive Tennessee Adoption Assistance
When:	Upon receipt of a request from the adoptive family
Who:	Central Office Designated Adoption Staff

1. Negotiation

Subsidy Payments, non-recurring expenses, payment of medical expenses, etc., will continue as agreed upon by the adoptive family and DCS.

2. ICAMA (Interstate Compact Adoption Medical Assistance) Referral

Send referral packet with a copy of the initial Adoption Assistance Agreement, supporting documentation, current Renewal Affidavit, along with the cover letter to Central Office Adoption Staff.

The cover letter should include the following information:

- Child/Children's name, DOB, social security number
- Funding source
- Child's race
- Parents full name
- Current address and telephone number
- Ending date for TennCare
- The requested begin date for Medicaid in the new state of residence

If there are problems establishing Medicaid for a child in their new state of residence, Central Office Adoption Staff will work with the parents and state's children's agency to get resolution to the problem.

Section 11: AVAILABILITY OF ADOPTION ASSISTANCE SUBSIDY BASED ON CHILD'S AGE

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

When: The child's age change resulting in increased payment or the child reaches age 18 or 21

Who: Designated Central Office Adoption Staff

1. Renewal/Renegotiation due to change in age

An increase, due to a child's birthday, is given upon the request of the adoptive parents or at the time of the renewal. Due to the change in the adoption assistance rate, the adoption assistance staff will have to complete [Adoption Assistance Agreement, CS-0513](#), to show the new rate.

Note: Increase the new rate effective the first day of the month after the child's birthday. Otherwise, increases in rates will be completed at the renewal.

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

Prior to November 1, 2004, the breakdown of monthly adoption assistance rates consisted of 4 age categories. The 4 categories were: ages 0-2, ages 3-4, ages 5-12, and ages 13 and above. An increase in the adoption assistance rates were given on the child's 5th and 13th birthdays.

Beginning November 1, 2004 the adoption assistance age categories changed from 4 age groups to two age groups. The new age groups for adoption assistance children are: ages 0-11 and ages 12 and above. An increase in the adoption assistance rate is given on the child's 12th birthday.

3. Renewal Process at age eighteen

- State funded children who were adopted before October 1, 1997 can continue to receive adoption assistance as long as they attend any accredited school full time. School attendance has to be documented yearly.
- State funded children who were adopted after October 1, 1997 can receive adoption assistance as long as they are in high school full time. School attendance has to be documented yearly.
- Children adopted after March 1, 2008, who have state funded adoption assistance and remain in high school full time, their adoption assistance ends at high school graduation or age 19, whichever comes first.
- Children who are adopted on or after January 1, 2010 and meet the Fostering Connections eligibility guidelines can continue to receive adoption assistance if **one** of the following exists.

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- I. Child is completing secondary education or a program leading to an equivalent credential;
or;
 - II. Incapable of doing any of the activities above due to medical condition, which has to be documented in the file. (See: [DCS Policy 15.11, Adoption Assistance](#))
- Title IV-E funded Adoption Assistance is available until the child reaches age 18 or up to age 21 if he/she has a mental or physical handicapping condition as established in the initial Adoption Assistance Agreement. Documentation of this condition must be provided on a yearly basis. If they do not meet handicapping conditions at age 18, the IV-E case must be closed. A state-funded case can be opened if the child remains in high school. (CR: Policy 15.10 Adoption Assistance Agreements Created Prior to October, 1997 and [DCS Policy 15.11, Adoption Assistance](#))

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Section 12: ESTABLISHING MEDICAID FOR FAMILIES IN TENNESSEE WHO RECEIVE ADOPTION ASSISTANCE FROM ANOTHER STATE

What:	Establish Medicaid for adoptive families living in Tennessee who receive Adoption Assistance from another state
When:	Upon receipt of a referral from the child's new state of residence
Who:	Central Office Adoption Staff and Child Welfare Benefits Staff

1. Referral

Upon receipt of an ICAMA referral from another state requesting TennCare/Medicaid for a child who has moved to Tennessee and child receives adoption assistance, Central Office Adoption staff will forward the following information to the Grand Region Child Welfare Benefits Unit to be completed.

- Cover letter from Central Office Adoption Staff
- Signed ICAMA form 6.01 from the adoption assistance state
- ICAMA form 6.02
- Child's Adoption Assistance Agreement

2. Services Provided by Tennessee

Notify the parent and the sending state, via ICAMA form 6.03, letter, or e mail, that TennCare/Medicaid has been authorized for the child.

Assist family, if necessary, with problems and/or issues around TennCare, by providing them with TennCare informational numbers to help with problems.

3. Communication with Child Welfare Benefits Staff (CWB)

When necessary, provide CWB Staff regarding changes in child's circumstances.

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Section 13: APPROVING DEFERRED ADOPTION ASSISTANCE

What:	Approve Deferred Adoption Assistance for a child who has high risks of developing future medical or psychological problems. (See DCS Policy 15.11, Adoption Assistance)
When:	Prior to finalization
Who:	Permanency Specialist or Designated Central Office Staff

1. Circumstances

Determine a child's eligibility for Deferred Adoption Assistance when he/she does not meet the current definition of special needs, but has a high risk of developing severe medical or psychological/psychiatric problems in the future. The following risks may be considered:

- Any child whose genetic background or birth parent's medical history indicates significant potential for developing physical/psychological problems;
- A drug/alcohol exposed infant and is documented in the child's birth record;
- A child who has a history of multiple foster/adoptive disrupted placement of three (3) or more.

Note: All of the above information must be documented in TFACTS.

2. Documentation

The FSW/Permanency Specialist must obtain and submit documentation of the potential impact of the risk factors to the child in the future from the licensed physician, psychiatrist, psychologist, or mental health profession to request Deferred Adoption Assistance.

Tennessee Licensed Child Placing Agency must obtain approval of the child's high risk and eligibility for deferred adoption assistance from the Team Leader of the Permanency Specialist.

3. Services Availability

- Active Adoption Assistance may be requested by the adoptive parents at the time they believe their child meets special needs definition based on high risk factors identified in their adoption assistance application.
- No adoption assistance payments will be made until special needs definition is met.
- No non-recurring expenses or other services will be included in deferred adoption assistance.
- If a child who had a deferred application for Adoption Assistance becomes eligible for Adoption Assistance maintenance payment, no retroactive payments or services can be made.
- TennCare is not available to children who are eligible for deferred adoption assistance

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- No services are identified for deferred adoption assistance until the child exhibits problems related to those high risk factors that are identified and documented in the [Adoption Assistance Application, CS-0930](#).

4. Completion of Forms

[Application for Adoption Assistance, CS-0930](#), is the only form completed for Deferred Adoption Assistance. The application must be signed and approved by Central Office Adoption Staff prior to finalization of the adoption. Copies of the [Application for Adoption Assistance, CS-0930](#), must be given to the adoptive parent and a copy maintained in the adoption assistance file.

When a child meets the definition of special needs and is eligible for Adoption Assistance, all Adoption Assistance forms are required. The Permanency Specialist/Designee will notify and submit - documentation to the Central Office Subsidy Specialist to review and determine the appropriateness of initiating adoption assistance daily rate. (See [DCS Policy 15.11, Adoption Assistance](#)).

NOTE: Children with a Deferred Adoption Assistance will be **State funded** if the adoption assistance becomes active.

5. Case Maintenance

No renewal is required for Deferred Adoption Assistance.

Deferred Adoption Assistance must be terminated when any of the following conditions exist:

- The child reaches age 18;
- The parents are no longer legally responsible for the support of the child;
- The child is no longer receiving support from the adoptive parents; or
- The adoptive parent in a one-parent family dies or both adoptive parents in a two-parent family die.

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Section 14: REVISING/RENEGOTIATING ADOPTION ASSISTANCE

What:	Revise adoption assistance agreements
When:	A change in circumstances is reported
Who:	Designated Central Office Adoption Staff

1. When should an Adoption Subsidy be renegotiated?

- At parent(s) request;
Adoptive parents may request a revision/renegotiation in their adoption assistance at any time the child's circumstances change.
- Child re-enter state's custody;
When a child re-enters state custody, the Central Office Adoption Staff will renegotiate the amount of the daily adoption assistance rate with the adoptive parent. (See [Protocol for Adoption Assistance When Children Re-enter Care](#), and use Form [CS-0936, Adoption Assistance Renegotiations](#)).
- When a child returns home from a re-entry custody episode
- At renewal of adoption assistance agreement;
- Social security and veterans benefits are modified;
When the change results from Social Security and Veterans Benefits, request a copy of the award letter and file in the Adoption Assistance case record.
- If DCS determines a renegotiation is deemed necessary due to treatment needs of the child increases or decreases; or
- Child reaches 18th birthday.
Evaluate the child's eligibility for either Title IV-E or state funding based on written documentation submitted by the adoptive parent. Complete form: [CS-0792, Review of Eligibility for Adoption Assistance for Child Turning 18, 19 and 20 Years Old](#). (See [DCS Policy 15.11, Adoption Assistance](#) and [Section 11, Availability of Adoption Assistance based on Child's Age](#)).

2. What should DCS consider in their renegotiation with adoptive parents?

- The needs of the child and family and
- The supporting documentation to justify the requested adoption assistance rate.

3. Processing a renegotiated or revise agreement

- The Permanency Specialist (prior to finalization) or Central Office Adoption staff will review documentation provided by the adoptive family.

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- Complete [Special or Extraordinary Rate Request, CS-0674](#), and submit with supporting documentation, along with [Special or Extraordinary Rate Justification Form, CS-0934](#), to Designated Central Office Staff (if extraordinary rate request) for approval.
- All revisions must begin the first day of the month and end the last day of the month. A revision only in the Adoption Assistance Agreement does not change the renewal date.
- All required Adoption Assistance forms must be fully completed when doing the renewal. **(See Section 15, Renewing Adoption Assistance).**
- Complete [Adoption Assistance Agreements Applied for Prior to October 1, 1997, CS-0461](#), or [Adoption Assistance Agreement, CS-0513](#), as appropriate.
- Complete a new [Adoption Assistance Agreement, CS-0461](#), or, [Adoption Assistance Agreement, CS-0513](#), to reflect a change in the amount of the daily rate amount or change in the funding source. **(See Section 6, Determining the Daily Rate)**

4. Obtaining approval

Upon completion of the revision, forward the following necessary documents to the Designated Central Office Staff for approval:

- Adoption Assistance Agreement;
- Verification of school attendance if age 18;
- Statement from employer specifying number of hours worked during the month
- If attending and enrolled in a Job Training program to prepare for employment, verification of attendance;
- Benefit award letter; and/or
- Report from the treatment facility.
- [Special or Extraordinary Rate Justification Form, CS-0934](#) (if applicable)

NOTE: If the child is 18, is receiving Title IV-E Adoption Assistance, and does not have a physical or mental condition, continue assistance through state funding if you receive written verification of high school attendance. **(See [DCS Policy 15.10, Adoption Assistance Agreements Created Prior to October, 1997](#) and [DCS Policy 15.11 Adoption Assistance](#)).**

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Section 15: RENEWING ADOPTION ASSISTANCE

- What:** Ensure the correct process for the adoptive parents to renew Adoption Assistance.
- When:** Begin process 60 days prior to the renewal date.
- Who:** Central Office Designated Adoption Staff
-

1. First Notice

The Adoption Assistance Designee must send the renewal affidavit to the adoptive parent at least 60 days prior to the renewal date, requesting that they review, sign and have document notarized before returning the form to the Central Office Designated Adoption Staff. Staff person will provide the parents with the appropriate documents to complete the renewal process.

2. Second Notice

If the Adoption Assistance Renewal Affidavit, with supporting documentation and all other necessary information, has not been received, send a second letter by certified mail at least 30 days prior to the renewal date.

The adoptive parents must return a completed form [Adoption Assistance Renewal Affidavit, CS-0459](#) within the timeframes outlined in the Adoption Assistance Agreement to the Central Office Designated Adoption Staff.

Unless the adoptive parents can show good cause, failure by the adoptive parents to return the Adoption Assistance Renewal Affidavit within the specified timeframes, may result in termination of the Adoption Assistance and the case will not be reopened.

NOTE: Designated Central Office Adoption Staff must give written approval when the Renewal is late. This is attached to the renewal packet and maintained in the record, and/or TFACTS.

3. Verifying Assistance

Written verification must be obtained of the following:

- Medical/psychological/psychiatric needs when these services are being utilized;
Note: For children receiving Special or Extraordinary rates, parent(s) are required to submit verification from their child's licensed treatment services provider.
- Verification if the child continues to reside in the family home;
- For children not residing in the family home. Central Office Adoption Staff should ask the parent(s) to submit a letter to DCS providing the child's current address, explaining if they (the parents) are still legally responsible; and how they are providing financial support to the child;

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- If the parents continue to be legally responsible for the child;
- If the parents continue to provide support to the child; and
- If the child is 18 and has state-funded assistance, verify in writing that the child is in school by using [Verification of Full Time School Attendance Form, CS-0809](#);

Note:

- For Agreements prior to October 1, 1997, the child may be attending any accredited school on a full time basis using [Verification of Full Time School Attendance Form, CS-0809](#). For agreements entered after March 1, 2008, state funded assistance ends at graduation or age 19, whichever comes first;
- If the child is 18 and has Title IV-E funded assistance, verify the child has a mental or physical handicapping condition; (Verify existence of a physical or mental condition through reports/documents used to establish reason for assistance)
- Children who are 18 and Title IV-E eligible due to the Fostering Connections legislation, verify that the child is completing secondary education or a program leading to an equivalent credential or incapable or doing any of the activities mentioned above due to a documented medical condition; or
- If the child is 18, is receiving Title IV-E Adoption Assistance, and does not have a physical or mental handicapping condition, continue assistance through state funding if written verification of school attendance is provided by using [Verification of Full Time School Attendance Form, CS-0809](#). For agreements entered after March 1, 2008, state funded assistance ends at graduation or age 19, whichever comes first.

4. Renewal Process

The renewal/renegotiation of all adoption assistance is required in order for adoption assistance, at any rate, to continue.

Upon receipt of the renewal information from the adoptive parent, the CO Adoption Staff will review documents submitted by the parent for accuracy, and to make sure that supporting documentation continues to justify rates that are above the regular adoption assistance rate.

If the child receives a Special Circumstance or Extraordinary adoption assistance rate, and the documentation does not justify the rate, the parent will be notified to discuss what additional information might be needed to continue the rate, or if the submitted documentation is not enough to justify the rate and the rate has to be renegotiated to another rate. If the rate has to be renegotiated and/or revised, follow steps in **Section 14, Revising/Renegotiating Adoption Assistance**.

If there is no revising/renegotiating of the rate, proceed with the distributing for the forms to the appropriate individuals, as listed below.

5. Forms Distribution

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

- Send the copies of the Affidavit to the adoptive family;

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- Copy to Child Welfare Benefits Counselor;
- Maintain local office copy of Adoption Assistance Renewal Affidavit; and
- Upload into TFACTS
- Copy to fiscal.

6. Packet Contents

The Adoption Assistance renewal packet must contain the following:

- [**Adoption Assistance Renewal Affidavit, CS-0459;**](#)
- Statement verifying child's school attendance, if required ([**Verification of Full Time School Attendance, CS-0809;**](#));
- Verification that child continues to reside in the home with the family or for children not residing in the family home. Staff should ask the parent(s) to submit a letter to DCS providing the child's current address, explaining if they (the parents) are still legally responsible; and how they are providing financial support to the child; and
- [**Special or Extraordinary Rate Justification, Form CS-0934,**](#) verifying child's physical or mental handicapping condition, if required. (When a child is currently receiving a medical/psychological/psychiatric service, a professional statement must be provided at the time of the renewal each year documenting the ongoing need and treatment.

NOTE: File all of the above with the most recent documentation on top, and uploaded into TFACTS. Adoption Assistance files must be in accordance with Protocol for Adoption Assistance Case File Contents and TFACTS.

Section 16: DENYING ADOPTION ASSISTANCE

What:	Deny Adoption Assistance benefits
When:	Any eligibility requirement is not met
Who:	Central Office Designated Adoption Staff

1. Circumstances

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

- The child does not have special needs ([See *DCS Policy 15.11, Adoption Assistance*](#));
- DCS cannot provide the service requested within the Adoption Assistance guidelines;
- Finalization of the adoption has occurred;
- The child was not in the guardianship of DCS or a Tennessee Licensed Child Placing Agency immediately prior to finalization of the adoption; and/or
- The adoptive family does not have an approved home study.

2. Completing Form

Central Office Adoption Staff will complete [Application for Adoption Assistance, CS-0930](#) stating specific reason for denial.

3. Notification

The Central Office Adoption Staff will notify the adoptive family in writing within five working days of the decision of the reason for denial and the right to appeal. ([See *Section 20, Processing Appeals*](#)).

A copy of the denial notification is to be filed in the Adoption Assistance Case Record, and into TFACTS.

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Section 17: DATE OF BIRTH REPORT

What:	Determines child's continued eligibility for adoption assistance
When:	Begin process 60 days prior to child's 18 th , 19 th , and 20 th birthday
Who:	Central Office Adoption Staff

1. What is the Date of Birth Report?

The monthly date of birth report is the result of continued audit findings that caused overpayments in adoption subsidy payments. The monthly report is used to determine if a child 18, 19 or 20 years of age continues to be eligible to receive adoption subsidy payments.

2. When is the Date of Birth Report Completed?

The date of birth report is completed on a monthly basis by designated Central Office Adoption Staff.

3. What Documentation is needed when submitting information for the Date of Birth Report?

- **Continuing Funding through Title IV-E**

Children whose adoption assistance is funded through IV-E dollars are eligible to continue receiving adoption assistance until age 21. Documentation to continue the subsidy with IV-E funds should include the date of birth report form [CS-0792, Review of Eligibility for Adoption Assistance for Child Turning 18, 19, and 20 Years Old](#), and documentation from a licensed physician or health care professional regarding ongoing treatment related to the initial condition for which the child was approved for Adoption Assistance.

- **Requesting Change in Funding from IV-E to State**

Pre 1997 Adoption Assistance Requesting State Funding Continue:

State Funded Adoption Assistance cases approved prior to October 1, 1997 are eligible for adoption assistance until age 21 if they attend any accredited school full-time. Documentation needed to continue the subsidy with state funds should include the date of birth report form CS-0792 and Verification of Full Time School Attendance form CS-0809.

Post 1997 Adoption Assistance Requesting State Funding Continue:

State Funded Adoption Assistance cases approved on or after October 1, 1997 are eligible for adoption assistance until graduation from high school or age 19, whatever event occurs first. Documentation needed should include the form [Date of Birth Report, CS-0792](#) and [Verification of Full Time School Attendance, CS-0809](#).

Who Approves the Date of Birth Report?

The date of birth report is approved by Central Office Adoption Staff.

Section 18: TERMINATING ADOPTION ASSISTANCE

What:	Terminate Adoption Assistance benefits when circumstances occur that create a change in eligibility
When:	Change in circumstances causes termination
Who:	Central Office Designated Staff

1. Evaluation

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

- The adoptive family requests termination;
- Eligibility for the benefit ceases. (That is, the state-funded eligible child reaches age 18 and is not in high school; the Title IV-E eligible child reaches age 18 and has no physical/mental handicapping condition; or a child reaches age 21.) **(See Section 11, Availability of Adoption Assistance Subsidy Based on Child's Age);**
- The adoptive parents are no longer legally responsible for the support of the child or no longer contributes to the child's support **(See Section 14, Revising/Renegotiating Adoption Assistance).**
- The adoptive parent in a one-parent family dies or both adoptive parents in a two-parent family die;

Note: When the person with whom a subsidy agreement is made dies before the adoptive child reaches age eighteen (18), maintenance subsidy payments can be continued to the legal guardian of the child until he or she reaches age eighteen (18) or, in some cases twenty-one (21), once the guardian legally adopts the child. The request and agreement procedure would be the same as outlined in Sections D & E above.

- DCS determines that the family fails to complete the renewal/renegotiation process within the time frames outlined in the adoption assistance agreement;
- Upon conclusion of the terms of the Adoption Assistance Agreement;
- If the child marries;
- If the child joins active the military service; or
- If the child dies.
- For Title IV-E Fostering Connections applicable children adoption assistance will be provided until the child is age 20 and if they are a full-time high school student or in approved secondary educational program and is expected to graduate by their 20th birthday; or

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- Determined incapable of employment /attending school due to a documented medical condition.

NOTE: If a child is in DCS custody, residential treatment, living outside the home of the adoptive parents, or over age 18 and in school, and meets the criteria for continuing to receive Adoption Assistance and the parents are continuing to contribute to the support of the child, the child may continue to receive Adoption Assistance. However, if the parents are not contributing to the support of child, DCS will discontinue Adoption Assistance. **(See Section 14, Revising/Renegotiating Adoption Assistance).**

2. Completing Form

Complete [Adoption Assistance Agreement, CS-0513](#). Make sure to include reason for termination on the agreement.

3. Effective Date

Adoption Assistance may be terminated at any time during the month when the child ceases to be eligible.

4. Distribution

In adversarial situations, submit all copies to the Central Office Adoption Program Staff for approval.

In non-adversarial situations, submit all copies to the Central Office Adoption Program Staff for approval.

One copy of the agreement is to be maintained in the Adoption Assistance case record, one copy is uploaded into TFACTS, one copy is sent to the Child Benefits Worker. (See: [DCS Policy 15.14, Adoption Assistance Case File](#) and [Protocol for Adoption Assistance Case File Content](#)).

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Section 19: RECOVERING AN ADOPTION ASSISTANCE OVERPAYMENT

What:	DCS will seek repayment of any benefits received to which the adoptive parents were not entitled.
When:	An overpayment has occurred.
Who:	Adoption Assistance Designee, Central Office Fiscal Services, or Designated Central Office Staff

1. Circumstances

An overpayment may occur in any of the following situations:

- Both the child's resource family and adoptive family receive a monthly payment for the same period of time;
- The adoptive family received both a foster care payment and adoption assistance payment for the child for the same period of time;
- The adoptive family receives a payment for the time period when the child is no longer their legal responsibility;
- The adoptive family receives duplicate SSA/ VA benefits and a monthly payment for the same period;
- The adoptive family is no longer supporting the child and receives payment;
- The adoptive family is no longer legally responsible for the child and receives payment;
- The child reaches the maximum age and case was not closed and receives payment ; or
- The adoptive family failed to report a change in circumstances (child left school, marriage of child) (See [DCS Policy 15.11, Adoption Assistance.](#))

2. Process

The Designated Central Office Staff completes the adjustment form explaining the reason for the overpayment and the effective date.

Central Office Designated Adoption Staff will send completed adjustment form and documentation, if necessary, to Central Office Adoption Supervisory Staff for review and approval of adjustment.

Central Office Supervisory Adoption Staff will provide response to Staff when adjustment is forwarded to DCS Fiscal.

Repayment will be made in accordance with procedures established by Fiscal Services (See [DCS Policy 3.2, Overpayment Made to Adoption Assistance Parents.](#))

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Section 20: PROCESSING APPEALS

What: Process appeals of decision to revise, terminate, or deny adoption assistance benefits.

When: An appeal is requested by the adoptive family.

Who: Central Office Designated Staff

Note: This process should be documented in TFACTS in the Appeals Section.

1. Circumstances

Whenever DCS revises, terminates, or denies Adoption Assistance, the Adoptive parents may appeal the decision in accordance with the rules and procedures of the State's fair hearing and appeal process. If they appeal within ten days of the written notice from DCS, assistance continues pending appeal.

NOTE: If the parents request termination, it is not necessary to give notice of appeal.

NOTE: If the Adoption Assistance is terminating due to the child/youth reaching the age of 21, it is not necessary to give notice of appeal. (See: [DCS Policy 15.11, Adoption Assistance](#)).

2. Contact/Written Notice

Contact the adoptive family and discuss case revision/termination/denial, giving reasons for the decision.

Also, provide a written notice, listing all reasons for the decision utilizing [Notice of Denial, Termination or Change in Adoption Assistance, CS-0686](#).

An [Appeal for Fair Hearing, CS-0403](#), must be given to the adoptive parent(s) at the same time the notice of [Notice of Denial, Termination or Change in Adoption Assistance, CS-0686](#) letter is given.

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

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

3. Completing Form

Upon the adoptive family's decision to appeal, have the adoptive family complete the form for an [Appeal for Fair Hearing, CS-0403](#).

Fax the original of the form to Administrative Procedures Division and a copy of the form to the following:

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- Central Office Designated CM3;
- Adoption Assistance case record;
- Adoptive Family or their representative;
- Commissioner's Office (only in cases where discrimination is at issue); and
- Area legal counsel.

NOTE: Attach to each form a copy of the notice that was mailed to the adoptive family notifying them of the decision.

4. Appeal Summary

Prepare an Appeals Summary within time frame requested by the Administrative Procedures Division (**See *Work Aid Appeals Summary***) and distribute the copies to the following:

- Appeals Hearing Officer (original)Administrative Review Judge;
- Adoptive family or their representative;
- Central Office Designated CM3;
- Commissioner's Office (only if discrimination is the issue);
- Adoption Assistance case record; and
- Area legal counsel.

5. Appeal Hearing

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

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

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

6. Decision of Appeal Hearing Officer

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

DCS will comply with the final order in this case.

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Section 21: REQUEST FOR ADOPTION ASSISTANCE AFTER FINALIZATION

- What:** Provide Adoption Assistance Application for the family to complete.
- When:** Upon request of the adoptive family.
- Who:** Central Office Designated Adoption Staff, or Permanency Specialist.
-

1. Request for Adoption Assistance after Finalization

The [Application for Adoption Assistance, CS-0930](#), will be made by the adoptive parents in the area office serving the adoptive parents' county of residence.

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

Tennessee residents who adopted and moved out-of-state may apply for Adoption Assistance in the area office serving the county of their residence at the time of finalization.

2. Process

The application is made by the adoptive parents completing the [Adoption Assistance Application, CS-0930](#).

The [Application for Adoption Assistance, CS-0930](#), filed after the finalization of the adoption must be denied on the basis the adoption has been finalized.

The adoptive parents may appeal DCS's denial of Adoption Assistance in accordance with the rules and procedures of the State's fair hearing and appeal process. **(See Section 20, Processing Appeals).**

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

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

Adoption Assistance Forms

[CS-0403 Appeal for Fair Hearing](#)

[CS-0459 Adoption Assistance Renewal Affidavit](#)

[CS-0460 Intent to Adopt Placement Agreement](#)

[CS-0461 Adoption Assistance Agreements Applied for Prior to October 1, 1997](#)

[CS-0476 Notification of Change of Circumstances-Child Welfare Benefits Form](#)

[CS-0513 Adoption Assistance Agreements Created on or After October 1, 1997](#)

[CS-0674 Special or Extraordinary Rate Request](#)

[CS-0686 Notice of Denial, Termination, or Change in Adoption Assistance](#)

[CS-0792 Review of eligibility for adoption assistance for child turning 18, 19, and 20 years old](#)

[CS-0809 Verification of Full Time School Attendance](#)

[CS-0821 Certification of Eligibility for Title IV-E State Funded Adoption Assistance](#)

[CS-0930 Application for Adoption Assistance](#)

[CS-0931 Certification of Eligibility for Title IV-E Fostering Connections Adoption Assistance](#)

[CS-0936 Adoption Assistance Renegotiation](#)

Part II- Subsidized Permanent Guardianship

Subsidized Permanent Guardianship Introduction

Subsidized Permanent Guardianship first began in Tennessee as a IV-E waiver demonstration project on December 6, 2006. The project was successful in improving permanency and safety outcomes for children and families in approved relative and kin placement settings. The state of Tennessee used the waiver demonstration to test whether the introduction of a subsidized permanent guardianship benefit would result in an increase of permanency and safety for children and provide improvement in a range of child outcomes such as reduced length of stay in foster care and improved stability in care.

On October 7, 2008 the Fostering Connections to Success and Increasing Adoptions Act (P.L. 110-351) was signed. This Act provides the most significant federal reforms for abused and neglected children in more than a decade. Tennessee's modified state plan was approved by the Children's Bureau effective April 1, 2009.

The Federal Subsidized Permanent Guardianship (SPG) program in Tennessee can be referred to as the Guardianship Assistance Program (GAP). The points below are the highlights of the federal legislation requirements:

- The requirement for identification of and notice to relatives within 30 days when a child is removed from the custody of the birth parents.
- A requirement to maintain sibling connections. DCS always makes an effort made to place siblings together unless contrary to their safety or well being.
- When siblings are not placed together, reasonable efforts to maintain frequent sibling visitation or other ongoing interactions unless contrary to safety or well being.
- There are considerations for case by case waivers for non-safety standards for relative/kin homes.

Requirement specific to SPG:

- State option to use Title IV-E for assistance to children who leave foster care for legal guardianship with a relative who they have lived with in foster care.
- Title IV-E SPG ensures children:
 - Non-recurring costs of establishing guardianship (up to \$2,000 or amount determined by DCS)
 - On-going financial assistance up to foster care payment amounts.
 - Medicaid Eligibility.
 - Eligibility for Title IV-E adoption assistance if eligible at time of guardianship.
- Tennessee is able to claim reimbursement on the first day of the quarter in which a state plan amendment is submitted.

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Children/youth are eligible for SPG if they:

- Are eligible for Title IVE foster care maintenance payments for at least 6 consecutive months while living with the prospective relative/kin guardian **OR** the child/youth is state funded and has lived with the fully approved prospective relative/kin guardian for 6 consecutive months.
- Have a strong attachment to prospective guardian
- Reunification and adoption are not appropriate permanency options for the child/youth and
- If age 14 or older the child must be consulted about the guardianship.

Eligible guardians:

- Must be a “relative”. See definition:

“All children and youth in Tennessee who have been living for a consecutive six months in an approved home of a person with whom he or she is related to by blood, marriage or adoption or with whom the child had a significant relationship that pre-existed DCS placement such as godparent, friend, neighbor, church member, minister or teacher.”

- This definition does not include traditional Resource Parents unless the Resource Parent had a pre-existing significant relationship with the child/youth.

Legal Base:

- Fostering Connections to Success and Increasing Adoptions Act 2008 (P.L. 110-351)
- TCA 37-5-106, 37-1-801 et seq

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

Policies:

- [16.4 Resource Home Approval](#)
- [16.20 Expedited Custodial Placements](#)
- [16.36 Title IV-E Foster Care Funds](#)
- [16.39 Subsidized Permanent Guardianship](#)

Protocols:

- [Protocol for Subsidized Permanent Guardianship Case Planning](#)
- [Protocol for Subsidized Permanent Guardianship Case File Content](#)
- [Subsidized Permanent Guardianship \(SPG\) Process](#)

SECTION 1: CRITERIA FOR SUBSIDIZED GUARDIANSHIP ELIGIBILITY

What:	Determine Child's Eligibility for Subsidized Permanent Guardianship
Who:	Permanency Specialist, FSW, Child Welfare Benefits Counselor and Supervisors
When:	Prior to completion of application for Subsidized Guardianship

1. Characteristics/Conditions for Determining Eligibility:

In order for a child to be eligible for Subsidized Guardianship the child must meet all of the following guidelines:

1. Determine that the child was in custody and/or guardianship of DCS immediately prior to the initiation of permanent guardianship proceedings;
2. The custody and/or guardianship court order must reflect that the child has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination.
3. The child must be under age 18;
4. A guardian is defined for the subsidized permanent guardianship program as "The legal guardian of a child with whom the child is related to by blood, marriage, or adoption or with whom the child had a significant relationship that pre-existed placement such as a godparent, friend, neighbor, church member or teacher".;
5. The prospective guardian must complete all requirements as outlined in [DCS Policy 16.4, Resource Home Approval](#) and be fully approved for six months;
6. The child must be placed in the prospective guardian's home for six consecutive months at the time that the prospective guardian's home is fully approved;
7. Being returned home or adopted are not appropriate permanency options for the child;
8. The child demonstrates a strong attachment to the prospective guardian and the guardian has a strong commitment to caring permanently for the child; and
9. A child who has attained 14 years of age must be consulted regarding the Permanent Subsidized Guardianship arrangement; and
10. Permanency Specialists need to refer to the outlined **SPG Process** as needed;

2. Title IV-E Eligibility Criteria

In order for a child to be eligible for Title IV-E Subsidized Guardianship through the Fostering Connections eligibility requirements they must:

- Meet all eligibility criteria listed in item 1; and the removal court order includes judicial determination by the court to the effect that continuation in the home would be contrary to the welfare of the child.
- Meet all Title IV-E Foster Care Maintenance payment eligibility criteria for a consecutive six-month period. (See [DCS Policy 16.36, Title IV-E Foster Care Funds](#)).

3. State Funded Criteria

In order for a child to be eligible for State Funded Guardianship they must:

- Meet all eligibility criteria listed in item 1.
- Meet all eligibility criteria for state funded foster care maintenance payments for a consecutive six-month period.

Note: All children who meet Title XIX criteria medical assistance due to special needs or rehabilitative services are categorically eligible for Medicaid and may qualify for Subsidized Permanent Guardianship if all eligibility criteria in item 1 are also met.

A child's funding source will be determined by the completion of Form [CS-0917, Certification of Eligibility for Subsidized Permanent Guardianship](#).

Note: Children may exit custody to permanent guardianship without a subsidy in accordance with [DCS Policy 16.31, Permanency Planning for Children/Youth in Department of Children's Services Custody](#) if it is determined to be in the child/youth's best interest.

SECTION 2: OBTAINING SUBSIDIZED GUARDIANSHIP FOR A CHILD IN DCS CUSTODY/GUARDIANSHIP

What:	Obtaining approval for subsidized guardianship for a child in DCS custody/guardianship
Who:	Permanency Specialist, FSW, Team Leaders, and Team Coordinators
When:	The decision is made that placement with the guardian will occur.

1. Child's Eligibility

The child's Permanency Specialist or designated staff will obtain Central Office approval of the child's eligibility for Subsidized Guardianship by reviewing the documentation in the child's case file and the TFACTS.

- Consult with DCS attorney to ensure the custody order has the appropriate language;
- Consult with Child Welfare Benefits about funding source; and
- Consult with Resource Parent Support about the status of the relative/guardian's resource home.

2. Pre-approval Child and Family Team Meetings

- Discussion of all eligibility criteria listed in Section 1 should be done in the context of Child and Family Team meetings (CFTMs) and documented on Form [CS-0747, Child and Family Team Meeting and Summary](#) and documented within the TFACTS.
- The following must be discussed and documented prior to approval of Subsidized Permanent Guardianship:
 - Guardian's relative/kin relationship to the child/siblings;
 - Appropriateness of permanent guardianship goal;
 - Evaluation of Child-Guardian attachment and bonding;
 - For children/youth over age 12, inclusion of their opinion about placement in guardianship;
 - Guardian's commitment to the child/siblings;
 - Visitation;
 - Legal involvement/legal restrictions: includes court hearing, pending or current court orders, child support, or other legal mandates, etc;
 - Continued Well-Being needs to include educational, medical, mental health, insurance coverage and continuation of benefits if eligible; and

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- Community Resources to include post permanency services, DHS, relative caregiver programs, recreational/extra curricular programs, etc.

3. Post-CFTM approval

- Once eligibility has been determined and documented by the Child and Family Team, Form [CS-0916, Subsidized Permanent Guardianship \(SPG\) Checklist and Approval](#), must be submitted to Central Office.
- After approval is received from Central Office the Child and Family Team may move forward with the court proceedings.

4. Documentation

- The Permanency Specialist will ensure that the identified guardian completes Part 1 of the Form [CS-0719, Intent to Obtain Permanent Guardianship Placement Agreement and Application for Subsidized Guardianship](#).

SECTION 3: NEGOTIATING TYPE AND AMOUNT OF SUBSIDIZED GUARDIANSHIP PAYMENTS

What:	Negotiate the type and amount of subsidized guardianship payments available to families and all of the conditions of the assistance.
Who:	Permanency Specialist/Designee with assistance of FSW, Team Leaders and Team Coordinators
When:	Prior to the completion of the application for subsidized guardianship payments

1. Subsidized guardianship is available on behalf of a child if DCS enters into a subsidized guardianship agreement with the prospective guardian prior to the final permanent guardianship court hearing. The Form [CS-0721, Subsidized Permanent Guardianship Agreement](#), must be signed by all parties, specifically the guardian(s) and DCS representative(s).

The agreement must specify the following and should be discussed with the prospective guardian(s):

- Duration of the agreement;
- Nature and amount of any payment, service and assistance to be provided;
- Child's eligibility for Title XIX Medicaid; and
- Agreement shall remain in effect regardless of the State in which the guardian(s) reside.

NOTE: All Subsidized Guardianship Agreements must begin the exact day of the final hearing and end the last date of the month in the renewal year. Example: November 21, 2009 – October 31, 2010.

2. Prospective guardian(s) must be advised that no coverage is available for the following:

- School Tuition and/or tutoring;
- Summer Camp or Day Care;
- Riding Therapy, Dance or Gymnastics;
- Computers and/or Computer Software;

NOTE: Exceptions may be made for severely handicapped children by the Director of Foster Care and Adoptions.

- Dentistry or Orthodontia;

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NOTE: Exceptions may be made for documented cases of medical necessity by the Director of Foster Care and Adoptions.

- Vehicles to transport children ;
- Major Home Renovation to include fences, pools, extra rooms, or accessibility modifications; and
- Routine medical expenses to include over-the-counter medications, doctor visits or hospitalizations unrelated to the child's documented special needs

Documentation: The Permanency Specialist will ensure that the identified guardian completes Part 2 of the [*Intent to Obtain Permanent Guardianship Placement Agreement and Application for Subsidized Guardianship, Form CS-0719.*](#)

SECTION 4: DETERMINING THE DAILY RATE AMOUNT

What: Determine the amount of daily rate

Who: Permanency Specialist/Designee, Team Leader, Team Coordinator, or Other Designated Staff

When: Prior to the completion of the application for subsidized guardianship payments or for an adjustment if a Subsidized Guardianship Agreement is in effect.

1. Determine the Child's Resources

Permanency Specialist and/or FSW will assist the family to determine the needs, identify resources to address the needs, and assess amount of daily rate based on the needs of the child.

2. Negotiate

Negotiate the daily rate, which must be less than the current DCS foster care board rate with resource parents.

- **Regular Rates:**

- Check the following link for all current Regular Subsidized Guardianship Rates: <http://www.intranet.state.tn.us/chldserv/boardrates.shtml>

- **Special Circumstances Rate**

- Check the following link for all current Special Circumstances Subsidized Guardianship Rates: <http://www.intranet.state.tn.us/chldserv/boardrates.shtml>

The special circumstances rate may be used in those situations where the child was receiving an approved special circumstances rate while in an approved DCS resource home.

- **Extraordinary Rate**

- Permanency Specialists or designated staff will determine the child's needs based on diagnosis, prognosis or other documentation from medical/mental health providers who have knowledge of the child's current circumstances and in addition will obtain Form [CS-0934, Special or Extraordinary Rate Justification](#), from the provider.
- Permanency Specialist or FSW will complete Form [CS-0934, Special or Extraordinary Board Rates Request](#), and submit both forms with supporting documentation to the Team Leader and Team Coordinator for review and signature.
- The recommendations for an extraordinary rate and supporting documentation with the approval of the Team Coordinator will be submitted to the RA/Designee for review and consideration of approval.
- The RA/Designee will notify the requestor in writing of the decision.

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- If approved the request including supporting documentation with all regional signatures will be forwarded to Central Office for final approval.
- Final rate determination is completed at Central Office.
- Permanency Specialist will advise the guardian of the decision.
- An eligibility determination for an Extraordinary Resource Home Board Rate does not guarantee eligibility for an Extraordinary Subsidized Permanent Guardianship Rate.
- Permanency Specialist, Team Coordinator and Team Leader will consult on all requests for special or extraordinary rates.

SECTION 5: DETERMINING THE EFFECT OF SOCIAL SECURITY AND VETERANS BENEFITS ON SUBSIDIZED GUARDIANSHIP PAYMENTS

What:	Determine the effect of Social Security and Veterans Benefits on daily rates
Who:	Permanency Specialist/Designee or Central Office Staff
When:	When a child is receiving those benefits and will be placed with Subsidized Permanent Guardianship payment

1. Eligibility

- The child's Permanency Specialist or designee must ensure Central Office Staff receives the award letter containing information about the child's eligibility for Social Security (SSA) and Veteran Benefits.

2. Guardian(s) Responsibility

- The guardian(s) should apply for benefits upon finalization of guardianship. If the guardians refuse to apply for these benefits, the Permanency Specialist should contact Central Office Fiscal Staff.

Note: Prior to the final guardianship court hearing, the Permanency Specialist or designated Staff must discuss child's eligibility for benefits with the guardians to make them aware that this is a direct link to the birth family. Information required by Social Security must be given to the guardians.

Documentation: *Trial Home Visit Authorization to File for Representative Payee Designation, [Form CS-0568](#)*

[Certification and Authorization for Release of Current SSA, SSI or Trust Fund Benefits for Home Trial Visit, Form CS-0478](#)

3. Daily Payment

- When the guardian(s) become payee for the child's benefits, the daily subsidized guardianship payments is adjusted by the amount of Social Security (SSA) and Veteran benefits.

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

SECTION 6: DETERMINING ELIGIBILITY FOR NON-RECURRING SUBSIDIZED GUARDIANSHIP EXPENSES

What:	Determine the effect of Social Security and Veterans Benefits
Who:	Permanency Specialist/Designee
When:	When a child is receiving those benefits and will be placed with Subsidized Permanent Guardianship payment

1. Determining Eligibility

Any child who meets criteria for Title IV-E or State Funded Subsidized Permanent Guardianship payments is eligible for non-recurring expenses.

DCS payment of expenditures for non-recurring expenses is a one time expense of subsidized permanent guardianship for which guardians are ultimately responsible and may not exceed \$2000 per child.

The non-recurring expenses may include one or a combination of the following related to finalization of the adoption:

- Legal fees to include attorney fees, court costs and guardian ad litem fees;
- Travel expenses such as transportation and lodging for guardians related to the placement of a child with an out of county or out of state family. Any exceptions related to the transportation a child during the process of placement must be referred to the Regional Administrator. Travel must be in accordance with state travel regulations; and/or

Note: All permanent guardianship court orders are to be initiated and submitted to the court for approval by DCS. There is seldom need for the guardian(s) to hire an attorney for subsidized permanent guardianship hearings, which differs from adoption assistance.

2. Procedures for Approval

When attorney fees are part of non-recurring expenses, all non-recurring expenditures must be approved in writing by the Regional Administrator.

The Permanency Specialist will submit documents of cost along with a request for approval to the Team Coordinator, Team Leader or Regional Designee.

Approvals must be in writing.

Note: Denials will be addressed in writing by the Regional Administrator or Regional Designee.

3. Procedures for Reimbursement

All non-recurring expenses will not be reimbursed until the final permanent guardianship hearing is convened, a final permanent guardianship order has been received, and a bill has been submitted for payment.

If a non-DCS attorney filed the permanent guardianship paperwork, the Permanency Specialist will obtain an original, signed itemized invoice/billing statement from the attorney

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following the hearing. The amounts on the [Subsidized Guardianship Application, form CS 0719](#) and the [Subsidized Guardianship Agreement, form CS 0721](#) must be consistent in order for payment to be made. The original signed/itemized bill, supporting documentation and the written approval must be submitted to regional fiscal designee.

All requests for payment of non-recurring expenses must also be submitted through Purchased Services and Goods System or TFACTS.

Copies of all non-recurring expenses billing documentation must be maintained in the subsidized permanent guardianship case file.

SECTION 7: ESTABLISHING TENNCARE/MEDICAID FOR A CHILD RECEIVING SPG PAYMENT

What:	Establish TennCare/Medicaid Coverage for a child
Who:	Permanency Specialist/Designee
When:	Prior to final permanent guardianship hearing

1. Circumstances

When a child is eligible for State-Funded Subsidized Permanent Guardianship, the child is categorically eligible for TennCare/Medicaid **IF** child has a medical/psychological rehabilitative need that requires treatment and services under Title XIX.

All children who are eligible for Title IV-E Subsidized Permanent Guardianship are categorically eligible for TennCare/Medicaid.

2. Permanency Specialist or Designated Staff Responsibilities

When a child in Tennessee's Permanent Guardianship remains in state. Provide Child Welfare Benefits Counselors the following information:

- The child's birth date;
- The child's social security number;
- Date of final permanent guardianship hearing;
- Copy of Part 2 of the [Intent to Obtain Permanent Guardianship Placement Agreement and Application for Subsidized Guardianship, Form CS-0719](#); and
- Copy of the [Subsidized Permanent Guardianship Agreement, Form CS-0721](#)

When a child in Tennessee's Permanent Guardianship is placed/moves out of state:

- Follow the same steps listed above and
- Inform the guardian of the availability of Medicaid coverage in their state of residence.

Note: If the Subsidized Guardianship Agreement is terminated, provide notice of the termination to the Child Welfare Benefits Counselor.

SECTION 8: AVAILABILITY OF SUBSIDY BASED ON CHILD'S AGE

What:	Determining continuing eligibility for a child/youth
Who:	Permanency Specialist/Designee or Central Office Adoption Assistance Staff
When:	Age change which results in subsidy increase or Prior to the child's 18 th birthday

1. Circumstances/Change in Age

Upon request by the guardian for an increase or at time of renewal complete the [Subsidized Guardianship Agreement, CS-0721](#).

Increase the new rate effective the first day of the month after the child's birthday. Otherwise increases in rates will be completed at renewal.

2. Circumstances at Age Eighteen

All Subsidized Guardianship Payments must end at age 18.

Exception: Subsidized Guardianship payments cannot continue after the child's 18th birthday unless the child exited to the subsidized permanent guardianship program **prior to 10/1/08** and **is still in high school**. The contract will continue through high school graduation or age 19 whichever comes first. [Verification of Full Time School Attendance, Form CS-0809](#), must be completed by the school and submitted to Central Office. Funding source must change from IV-E to state funded upon the child's 18th birthday.

SECTION 9: REVISING SUBSIDIZED PERMANENT GUARDIANSHIP

What:	Revise Subsidize Guardianship Agreements
Who:	Permanency Specialist/Designee or Central Office
When:	Prior to finalization (Permanency Specialist only) or when a revision is requested (Central Office)

1. Revision

Guardians may request a revision in their guardianship agreement at any time the child's circumstances change. The Permanency Specialist/Designee (prior to finalization) or Central Office Staff will review documentation provided by the guardian.

Note: [Complete Special or Extraordinary Board Rates Request, Form CS-0674](#) and [Special or Extraordinary Rate Justification, Form CS-0934](#) with supporting documentation if a special or extraordinary board rate is requested. (See **Subsidy Manual for Adoption Assistance and Subsidized Permanent Guardianship, Part 2, Section 4**).

All required Subsidized Guardianship forms must be completed when doing the renewal. Please review the funding source to ensure that it is marked correctly.

A revision in the Subsidized Permanent Guardianship agreement does not change the renewal date.

Complete the [Subsidized Permanent Guardianship Agreement, Form CS-0721](#) as appropriate.

2. Child Re-enters State Custody

When notified of a child re-entering state custody, all staff will follow the [Protocol for Subsidized Guardianship when Children Re-enter Care](#)

When a child re-enters state custody, the Central Office staff will re-negotiate the amount of daily subsidized guardianship rate with the guardian using the [Adoption Assistance Renegotiations, Form CS-0936](#).

3. Social Security and Veteran Benefits

When the change results from Social Security (SSA) and Veteran Benefits, request a copy of the award letter and file in the Subsidized Permanent Guardianship case record. (See **Subsidy Manual for Adoption Assistance and Subsidized Permanent Guardianship, Part 2, Section 5**).

4. Daily Rate

Complete a new [Subsidized Permanent Guardianship Agreement, Form CS-0721](#) to reflect a change in the daily rate amount.

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5. Approval

Upon completion of the revision, forward the following necessary documents to the Team Leader/Supervisor for approval:

- [**Subsidized Permanent Guardianship Agreement, Form CS-0721**](#)
- [**Verification of Full Time School Attendance, Form CS-0809**](#) (if receiving the subsidy beyond their 18th birthday – (See Section 8 for further explanation)
- Report from all treatment provider(s) is required for special or extraordinary rate requests.
- [**Special or Extraordinary Rate Justification, Form CS-0674**](#) (if applicable)

SECTION 10: RENEWING SUBSIDIZED PERMANENT GUARDIANSHIP

What:	Ensure the correct process for the guardians to renew Subsidized Permanent Guardianship
Who:	Central Office Adoption Assistance Staff
When:	Bi-Annually (Begin 60 days prior to the renewal date)

1. First notice

At least 45 days prior to the renewal date, send a letter to the guardian reminding them of their renewal assistance. Enclose in the letter, the [Subsidized Guardianship Renewal Affidavit, Form CS-0722](#). Guardians must return this notarized form to the Central Office Designee.

To maintain a special circumstances or extraordinary rate, the guardian must take the [Special or Extraordinary Rate Justification, Form CS-0674](#) to the child's treatment provider to be completed and returned to the Central Office Designee with the affidavit and up-to-date supporting documentation.

2. Second Notice

If the renewal affidavit with supporting documentation is not received send a second letter by certified mail at least 20 days prior to the renewal date.

Unless the guardians can show good cause, failure by the guardians to return the renewal affidavit may result in the termination of the Subsidized Permanent Guardianship payments and the case will not be reopened.

The Central Office staff must give written approval to accept a late renewal. This approval is maintained in the record.

3. Verifying Assistance

Verification from the guardian must be obtained for the following:

- Medical/psychological needs when these services are utilized;
- If child no longer continues to reside in the family home;
- The guardian(s) no longer continues to be legally responsible for the child;
- The child is not receiving financial support from the guardian(s);
- The Subsidized Permanent Guardianship Agreement has ended/expired;
- The child has married;
- The child has turned 18;
- The child has joined the military; and
- The child died.

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4. Renewal Process

The renewal/renegotiation of all subsidized permanent guardianship contracts are required periodically in order for payments, at any rate, to continue.

The Central Office staff must send the renewal affidavit to the guardian at least 45 days in advance prior to the renewal date, requesting they review sign, and have the document notarized before returning the form.

All Subsidized Guardianship renewals must begin the first day of the month and end the last date of the month in the renewal year. Example: November 1, 2010 – October 31, 2011.

5. Forms Distribution

Ensure that a copy of the completed [Subsidized Guardianship Renewal Affidavit, Form CS-0722](#) is distributed as follows:

- Guardian
- Child Welfare Benefits Counselor
- Case Record
- Fiscal

6. Renewal Packet Contents

File the following with the most recent packet on top in accordance with the [Protocol for Subsidized Permanent Guardianship Case File Contents](#)

- [Subsidized Guardianship Renewal Affidavit, Form CS-0722](#)
- [Verification of Full Time School Attendance, Form CS-0809](#) (if receiving the subsidy beyond their 18th birthday – (See Section 8 for further explanation).
- [Special or Extraordinary Rate Justification, Form CS-0674](#) (if applicable) and supporting documentation

SECTION 11: DENYING SUBSIDIZED PERMANENT GUARDIANSHIP

What:	Deny Subsidized Permanent Guardianship payments
Who:	Permanency Specialist or Central Office Adoption Assistance Staff
When:	Any eligibility requirement is not met

1. Circumstances

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

- The child does not meet the criteria as outlined in Section 1;
- The final permanent guardianship hearing has occurred and the guardian applies; or
- The child was not in DCS custody/guardianship immediately prior to the final permanent guardianship hearing.

2. Completing Form

Complete Part 2 of [*Intent to Obtain Permanent Guardianship Placement Agreement and Application for Subsidized Guardianship, Form CS-0719*](#)

3. Notification

Notify the guardian in writing within five (5) working days of the decision of the reason for denial and the right to appeal.

Use [*Notice of Denial, Termination, or Change in Subsidized Permanent Guardianship, Form CS-0720*](#) and [*Appeal for Fair Hearing, Form CS-0403*](#) when a request is denied.

A copy of the denial notification is to be filed in the case record. (See [*Protocol for Subsidized Permanent Guardianship Case File Contents*](#))

SECTION 12: TERMINATING SUBSIDIZED PERMANENT GUARDIANSHIP

What:	Terminate Subsidized Permanent Guardianship payments when circumstances occur that cause a change in eligibility
Who:	Central Office, Adoption Assistance Staff
When:	Within five (5) working days of the change in circumstances

1. Evaluation

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

- The guardian(s) requests termination;
- Eligibility for the payment ceases (**See Subsidy Manual for Adoption Assistance and Subsidized Permanent Guardianship, Part 2, Section 8**);
- DCS determines that the guardian(s) are no longer responsible for the child;
- DCS determines that the guardian(s) are no longer contributing to the child's financial support;
- The guardian(s) in a one-parent family dies or both guardians in a two-parent family die;
- DCS determines that the family fails to complete renewal/renegotiation process outlined in the Subsidized Permanent Guardianship Agreement and Section 10;
- Conclusion of the Subsidized Guardianship Agreement;
- The child marries;
- The child dies; or
- The child joins the military.

Note: Subsidy payments are not transferrable to another family. A child must meet the criteria outlined in Section 1 to be eligible for the Subsidized Permanent Guardianship program.

2. Completing Form

Complete the [Subsidized Permanent Guardianship Agreement, Form CS-0721](#) and make sure to include reason for termination on the agreement.

3. Effective Date

Subsidized Permanent Guardianship may be terminated at any time during the month when the child ceases to be eligible.

4. Distribution

Submit copies to the immediate supervisor for approval.

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Maintain a copy in the case record. Submit a copy to the Child Welfare Benefits Counselor.

Use [Notice of Denial, Termination, or Change in Subsidized Permanent Guardianship, Form CS-0720](#) and [Appeal for Fair Hearing, Form CS-0403](#) when a request is terminated.

SECTION 13: RECOVERING A SUBSIDIZED GUARDIANSHIP OVERPAYMENT

What:	DCS will seek repayment of any benefits received to which the guardian was not entitled
Who:	Central Office Fiscal or Designated Central Office Adoption Assistance Staff
When:	An overpayment has occurred

1. Circumstances

An overpayment may occur in any of the following situations:

- The guardian(s) received both a foster care payment and a subsidized permanent guardianship payment for the child for the same period of time;
- The guardian(s) receives a payment for the time period when the child is no longer their legal responsibility;
- The guardian(s) receives duplicate SSA/VA benefits and a monthly payment for the same period;
- The guardian(s) is no longer supporting the child;
- The guardian(s) is no longer legally responsible for the child;
- The child reaches the maximum age and the case was not closed; and/or
- The guardian(s) fails to report a change in circumstances.

2. Process

The Permanency Designee completes the **Chip Fins Adjustment, Form C-0501** explaining the reason for overpayment and the effective date.

The Permanency Designee will send completed adjustment form and documentation necessary to Central Office Fiscal for review and approval of adjustment.

Repayment will be made in accordance with procedures established by Central Office Fiscal Services.

SECTION 14: PROCESSING APPEALS

What:	Process appeals of decisions to revise, terminate, or deny subsidized Permanent Guardianship agreements
Who:	Central Office Adoption Assistance Staff
When:	An appeal is requested by the guardian

1. Circumstances

Whenever DCS revises, terminates, or denies Subsidized Permanent Guardianship agreements, the guardian(s) may appeal the decision. If they appeal within 10 days of the written notice from DCS, assistance continues pending appeal.

Note: If guardian(s) request termination, it is not necessary to give notice of the appeal. If permanent guardianship is terminating due to the child/youth turning 18, it is not necessary to give notice of appeal.

2. Contact/Written Notice

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

Also provide written notice, listing all reasons for the decision.

Use [Notice of Denial, Termination, or Change in Subsidized Permanent Guardianship, Form CS-0720](#) and [Appeal for Fair Hearing, Form CS-0403](#) when an agreement is revised, terminated, or denied.

Explain the guardian's right to appeal the decision.

3. Completing Form

Upon the family's decision to appeal, have the guardian complete the [Appeal for Fair Hearing, Form CS-0403](#).

Fax the original of the form to Administrative Procedures Division and distribute a copy of the form to the following:

- Regional Administrator/Designee
- Subsidized Permanent Guardianship case record
- Guardian(s) or their representative
- Commissioner's Office (only when discrimination is claimed)
- Regional Legal Counsel

Note: Attach to each form a copy of the notice that was mailed to the guardian notifying them of the decision.

4. Appeal Summary

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

- Guardian(s) or their representative;
- Central Office Adoption Assistance Program Manager;
- Commissioner's Office (only if discrimination is claimed);
- Subsidized Guardianship case record; and
- Regional Legal Counsel.

Note: Appeals Hearing Officer/Administrative Review Judge gets the original.

5. Appeal Hearing

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

The guardian may have an attorney present. Designee will contact the regional counsel to request their participation.

The Designee will attend the hearing and testify giving policy/procedure which was in effect at the time of guardianship placement to support the decision to terminate, revise or deny subsidized permanent guardianship payments.

6. Decision of Appeal Hearing Officer

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

DCS will comply with the final order in this case.

Subsidized Permanent Guardianship Forms

[CS- 0403- Appeal for Fair Hearing](#)

[CS-0917 Certification of Eligibility for Subsidized Permanent Guardianship](#)

[CS-0721 Subsidized Guardianship Agreement](#)

[CS-0674 Special or Extraordinary Rate Request](#)

[CS-0722 Subsidized Permanent Guardianship Renewal Affidavit](#)

[CS-0719 Intent to Obtain Permanent Guardianship Placement Agreement and Application](#)

[CS-0809 Verification of Full Time School Attendance](#)

[CS-0931 Certification of Eligibility for Title IV-E Fostering Connections Adoption Assistance](#)

[CS-0720 Notice of Denial, Termination or Change in Subsidized Permanent Guardianship](#)

[CS-0476 Notification of Change of Circumstance](#)