

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Distribution: X and Z

Policy Guide 2001.14

ADOPTION INCENTIVE PAYMENTS

RELEASE DATE: August 31, 2001

TO: Rules and Procedures Book Holders and Child Welfare Staff

FROM: Jess McDonald, Director

EFFECTIVE: Immediately

I. PURPOSE

The purpose of this Policy Guide is to issue instructions regarding the \$3000.00 incentive payment the Department will pay to youth upon termination of an adoption assistance or guardianship subsidy as implemented by emergency rulemaking effective March 15, 2001.

II. PRIMARY USERS

The primary users of this Policy Guide are all Department and private agency staff who negotiate adoption assistance and subsidized guardianship agreements with families.

III. BACKGROUND

Effective March 15, 2001, the Department adopted emergency amendments 89 Ill. Adm. Code 302, Services Delivered by the Department, which created a \$3000.00 payment to Department wards, between the ages of 14 and 18 years, who are adopted or transferred to subsidized guardianship between March 15, 2001 and June 30, 2002. Youth meeting these criteria since the effective date of the amendment have been identified in the computer system and will receive the payment directly when their adoption or guardianship subsidy ends, as will youth who meet the criteria prior to June 30, 2002.

Staff have been reporting that judges and Guardians ad litem have been delaying adoption finalizations and guardianship orders due to the fact that the incentive payments are not included in the subsidy agreements. As an alternative to including the payment in the subsidy, the Department is adopting the following procedure:

At the time prospective adoptive parents and subsidized guardians sign the subsidy agreements (CFS 470-C for adoption and CFS 482-A for subsidized guardianship), the worker shall give the parent/guardian the appropriate attached letter signed by the Department's Director along with a copy of Rule 302 which contains the incentive payment policy. Copies of Rule Sections 302.310 and 302.405 are

attached for your convenience. The letter will serve as the Department's guarantee that the youth will receive the payment at the time the adoption or guardianship subsidy is terminated. The payment will be mailed in six monthly installments to the address of the final subsidy check.

In addition to the initial letter given to adoptive parents/guardians at the time the subsidy agreement is being signed, a letter will be sent from Central Office to the youth shortly before the subsidy will end. This letter will remind the youth that the Department will be sending the money in six monthly installments to the youth in the month immediately following the month the subsidy ends. The letter will also contain a phone number to call in order to report any change of address.

In addition to informing the youth about the incentive payment, the letter will also inform the youth of the availability of housing advocacy services and assistance with financial planning and budgeting. A phone number and contact person will be identified for these services.

IV. LETTERS

The letters to be given to adoptive parents and guardians are the CFS 470-5 for Adoption Assistance and the CFS 482-6 for Subsidized Guardianship. Both letters are attached. The letters, which are being translated into Spanish, will be available in Central Stores and as a SACWIS template. Each letter will have a copy of its respective policy, Rule 302.310 or 302.405 attached.

The letter to be sent prior to the termination of the subsidy is also attached for your information.

V. QUESTIONS

Questions concerning this Policy Guide may be directed to the Office of Child and Family Policy at 217/524-1983 or e-mail through Outlook at OCFP Mailbox or cfpolicy@idcfs.state.il.us for non-Outlook users.

VI. FILING INSTRUCTIONS

File this Policy Guide immediately following white page Rules 302, Services Delivered by the Department.

George H. Ryan
Governor



Jess McDonald
Director

Department of Children & Family Services

Date: _____

RE: _____

(Child)

ADOPTION ASSISTANCE

Dear

As part of our efforts to help older children in our care make a successful transition to adulthood, we offer them a variety of services to become independent. Some of the services we provide are life skills training, vocation and career planning, help with finding housing, and in some cases, college scholarships. These are the same types of help parents normally provide to their own teenage children approaching independence, regardless of whether they are their children by birth or adoption.

We know this can be a challenging time financially for parents since the older child has many needs, such as finding their own apartments, financing their own health care, or paying for college or job training expenses. That is why the Department is currently taking advantage of money received from a Federal program designed to help youth achieve independence. Effective March 15, 2001, if you adopt a child:

- 1) who has been the legal responsibility of the Department; and
- 2) who is now between the ages of 14 and 18 years (up to the child's 18th birthday);
and
- 3) the adoption is finalized between March 15, 2001 and June 30, 2002;

the child is eligible to receive \$3000.00 from the Department when the child's adoption assistance subsidy ends.

Provided the above three requirements are met, the Department will give the money directly to your child in six monthly installments following the month the adoption assistance subsidy ends. The money can be used by the child to meet his or her needs including expenses for education, housing, or other forms of vocational or employment assistance. Your child does not have to do anything to obtain the money. The money will automatically be sent to the home address where you receive the final adoption subsidy check.

The Department will send a letter to your home shortly before the adoption subsidy is due to end. The letter will inform the child when the incentive payments will start. It will also ask the child to tell the Department if the child plans to move to a new address.

In addition to the \$3000.00 payment, your child will also be eligible for housing advocacy services. This means that if your child wants help finding an apartment or would like money management advice, such as how to make a budget or set up and manage a checking or savings account, the Department will help. This service will not automatically be given. The child must ask for it. This service can be provided even before the adoption assistance subsidy you are receiving for the child ends. The child can even come back to the Department and ask for housing advocacy services any time before he or she reaches their 21st birthday. However, there is no extra money above and beyond the initial \$3000 amount associated with housing advocacy services.

Attached is a copy of the Department's Administrative Rule governing this special payment. This letter along with the attached rule is the Department's guarantee that your child will receive the payment when your adoption assistance subsidy ends. Please remember the child is eligible for the \$3000 payment, if he or she meets the eligibility criteria described in the rule. To repeat, the criteria are as follows:

1. The child must have been the legal responsibility of the Department prior to adoption.
2. The child must be between the ages of 14 and 18 years old. 18 years old means up to the child's 18th birthday.
3. The adoption must be finalized between March 15, 2001 and June 30, 2002.

The Department is committed to achieving permanency for the children in its care and for helping older children with the challenge of moving out on their own. Thank you for welcoming this child into your home as part of your family. I wish you future success and happiness.

Sincerely,

Jess McDonald

George H. Ryan
Governor



Jess McDonald **Department of Children & Family Services**
Director

Dear

The adoption assistance subsidy your parents have been receiving on your behalf is about to end. Our computer system indicates that you are eligible for a \$3000 payment when that happens. We would like to explain how we will send you this money.

In the month after the subsidy to your parents ends, we will send you \$500.00 per month for six months. This money will be yours to spend. It is intended to help you with expenses related to continuing your education or finding a job or with expenses related to finding and furnishing your own apartment. The money will be sent to your current address. If you move, please call us at _____ with your new address.

If you need advice on how to manage and spend the money you will be receiving or general advice on learning to live independently, for example, advice on finding your own apartment, we hope you will consult your parents. However, we can also help. In addition to the \$3000.00 you will be receiving, you are also eligible for what is called housing advocacy services. This means that if you would like help in finding your own apartment, assistance with learning how to manage your money, set up a budget, or establish a bank account, we can help you. You can obtain this service now or anytime in the future up until your 21st birthday. For more information on this service and how to access it, please call the Housing Advocacy Coordinator at 312-814-5571.

We wish you well and future success in whatever endeavor in life you choose.

Sincerely,

Jess McDonald

SERVICES DELIVERED BY DCFS
August 31, 2001 –P.T. 2001.22

Section 302.310 Adoption Assistance

- a) Adoption assistance may be provided to those persons adopting children who are legally free for adoption, for whom the Department is legally responsible, who are residents of Illinois, and who the Department has determined have special needs because of which it is reasonable to conclude that the child cannot be adopted unless adoption assistance is provided. Although eligibility for adoption assistance shall be determined regardless of the financial circumstances of the adoptive parents, the types and amounts of assistance under each adoption assistance agreement shall be determined by the Department and the adoptive parents on an individual basis. The Department shall take into consideration the specific circumstances of the adoptive parents and any special care needs of the child being adopted as described in subsection (b)(2) of this Section. The types of adoption assistance that may be provided include:
- 1) one-time only payments of non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child, up to a maximum of \$1500 for each adopted child;
 - 2) payments for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a condition whose onset has been established as occurring prior to the completion of the adoption. Such payments include medical benefits as provided under Title XIX of the Social Security Act (Medicaid) and include services such as physician and clinic fees, hospitalization costs, and prescriptions;
 - 3) in cases where a child also meets the eligibility requirements of subsection (d) of this Section, ongoing monthly payments in an amount determined in each case by the Department not to exceed the applicable licensed foster care payment level the child would be receiving if the child were in foster care and subject to adjustment at a review every two years, or more frequently based on changes in the circumstances of the adopted parents and the needs of the child being adopted. However, while payments may be increased based on changes in the level of care the child needs, payments will not be decreased based on changes in the level of care. In no event shall the monthly adoption assistance payment be greater than the applicable licensed foster family care payment level;
 - 4) an incentive payment of \$3000 for children who are 14 to 18 years of age when adopted during the time period of March 15, 2001 through June 30, 2002. For a further description of the purpose and terms of this payment, see subsection (k) of this Section.

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- b) For purposes of this Section, a child shall not be considered a child with special needs unless the Department has first determined that:
- 1) the child cannot or should not be returned to the home of his or her parents, as determined by:
 - A) a judicial adjudication that the child is abused, neglected or dependent or other judicial determination that there is probable cause to believe that a child is abused, neglected or dependent; and
 - B) a determination by the Department that the child is likely to suffer further abuse or neglect or will not be adequately cared for if returned to the parent(s); and
 - 2) the child meets one of the following criteria:
 - A) has an irreversible or non-correctable physical, mental or emotional disability; or
 - B) has a physical, mental or emotional disability correctable through surgery, treatment, or other specialized services; or
 - C) is three years of age or older; or
 - D) is a member of a sibling group being adopted together where at least one child meets one of the criteria in subsection (b)(2)(A) through (C) above; or
 - E) is a child being adopted by adoptive parents who have previously adopted, with adoption assistance, another child born of the same mother or father; and
 - 3) a reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing adoption assistance and the prospective adoptive parents are either unwilling or unable to adopt the child without adoption assistance, as evidenced by a written statement from the adoptive parents. A documented search for alternative adoptive placements without adoption assistance shall be made unless the Department determines that such a search is against the best interests of the child because the child has developed significant emotional ties with the prospective adoptive parents while in their foster care.
- c) Adoption assistance as a one-time only payment for non-recurring adoption expenses shall be provided to parents adopting a child who is determined by the Department to have special needs as provided in subsection (b) of this section. This includes expenses incurred by or on behalf of such parents, in connection with the adoption of a special needs child, either directly or through another public or private agency. These

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expenses include reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a child with special needs and that are not incurred in violation of State or Federal law. The amount of payments to be made in any specific case shall be determined by the needs of the child being adopted and the availability of pro bono services, and shall not exceed \$1500 per adoptive child. The adoptive parents may refuse any or all payments available under this subsection (c) of this Section.

- d) Adoption assistance for ongoing monthly payments and medical assistance may be provided to parents adopting a child who:
- 1) is determined by the Department to have special needs as provided in subsection (b) of this Section; and
 - 2) meets one of the following conditions:
 - A) was eligible at the time the adoption petition was filed for Aid to Families with Dependent Children (AFDC) under the provisions of Title IV-A of the Social Security Act in effect as of July 16, 1996; or
 - B) was eligible for foster care maintenance payments under Title IV-E of the Social Security Act at the time the adoption petition was filed; or
 - C) was eligible for Supplemental Security Income (SSI) prior to finalization of the adoption; or
 - D) is a child for whom the Department of Children and Family Services was legally responsible when the adoption petition was filed; and
 - 3) in all cases, other than a child determined to have special needs under subsection (b)(2) of this Section because of a documented physical, mental, or emotional disability, the child has been in the care of the Department or another agency or person other than his or her parents pursuant to an order of the court for at least one year prior to the adoption unless the child is being adopted after October 1, 1997 and is a child who had previously been adopted with adoption assistance, but the adoption was dissolved and the parental rights of the adoptive parents were terminated, or the adoptive parents have died. However, the one year placement requirement is not applicable for sibling groups where at least one sibling is determined to be special needs because of a documented physical, mental, or emotional disability and meets all requirements for adoption assistance.
- e) The Department shall make an initial determination whether to provide ongoing monthly payments and the amount of the payment in each individual case by taking into consideration the circumstances of the

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adoptive parents and the needs, age, and type of placement of the child being adopted as adjusted for any benefits the child will be receiving, such as Social Security, Veterans' benefits, railroad retirement or black lung benefits. Supplemental Security benefits (SSI) are not to be considered in the determination of the ongoing monthly payment. If a child is receiving SSI, the receipt of adoption assistance is taken into consideration by the Social Security Administration when calculating the amount of the SSI benefit.

- f) In cases where the determination under subsection (b)(2) of this Section is based on a diagnosis that the child may eventually require care for a documented medical condition or disability related to pre-existing physical, mental, or emotional conditions or risk factors that do not yet require treatment at the time of the adoption, no such payments shall be made at that time. The adoption assistance agreement may provide that such payments be initiated when the child's pre-existing condition or identified risk factors warrant treatment or professional intervention. If such payments are commenced, the ongoing monthly payment shall in no event exceed the amount the child would receive if the child was in foster care at the time the payments are initiated.

- g) The adoption assistance agreement providing for ongoing monthly payments and medical assistance shall include an agreement with the adoptive parents that the amount of any ongoing monthly payments shall be reviewed at least every two years and may be readjusted every two years or more frequently, based on changes in the circumstances of the adoptive parents and the needs of the child being adopted. However, while payments may be increased based on changes in the level of care that the child needs, payments will not be decreased based on changes in the level of care. If the adoptive parents or the adopted child disagree with the Department's determination, they may appeal the determination in accordance with 89 Ill. Adm. Code 337 (Service Appeal Process). Adoptive parents may refuse any or all payments offered by the Department.

- h) A prospective adoptive family being presented with a child determined to be a special needs child shall be made aware of the availability of adoption assistance and the types of adoption assistance and, in the case of ongoing monthly adoption assistance payments, that such payments are subject to review at least every two years and may be terminated or readjusted based on subsections (i) and (j). In order to receive adoption assistance, the child must be placed in the adoptive home and the adoption assistance agreement signed prior to finalization of the adoption.

- i) The type(s), amount and duration of adoption assistance shall be agreed to in writing by the Department and the adoptive parent(s) prior to the finalization of the adoption, and shall be set forth in the adoption assistance agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the adoptive parents reside currently or in the future and shall contain provisions for the protection of

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the interests of the child in cases where the adoptive parents and child move to another state while the agreement is in effect. The duration of adoption assistance may extend until age 18 years, or until age 19 years if the child is still in high school, although adoption assistance may be provided at the Department's option until the child's 21st birthday if the child has a physical, mental or emotional disability that warrants the continuation of assistance. The adoptive parents or the adoptive child may appeal the Department's decision to discontinue adoption assistance at age 18 or 19 for a child still in high school.

- j) The adoptive parent shall notify the Department as soon as practically possible in writing of a change in address or when the following changes occur which will affect the amount of adoption assistance:
- 1) the child is no longer the legal responsibility of the adoptive parent;
 - 2) the child is no longer receiving financial support from the adoptive parent;
 - 3) the child's condition has changed to the extent that, if the child were in foster care, an increase in the child's level of care would be required; or
 - 4) a change has occurred in the circumstances of the family that is relevant in determining the amount of assistance payments. Such circumstances pertain to the parents' ability to incorporate the child into their household in relation to their standard of living, future plans and overall capacity to meet the immediate and future needs of the child.
- k) The Department will provide a payment of \$3000 to be awarded to an adopted child under the following circumstances in the manner described:
- 1) In order to assist youth who have been adopted to make the transition to adulthood, the Department will provide a payment of \$3000 directly to the youth upon termination of his or her adoption subsidy.
 - 2) The payment is intended to assist the child's transition to adulthood by helping pay for education, housing, or other forms of vocational training or employment assistance.
 - 3) In order to be eligible for this payment, the child:
 - A) must have been the legal responsibility of the Department prior to the adoption; and
 - B) must have been 14 to 18 years of age when adopted, during the time period of March 15, 2001 through June 30, 2002.

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- 4) Children in adoptive placements within this time period who do not have their adoptions finalized by June 30, 2002 will not be eligible for this grant award.
- 5) The payment will be awarded directly to the child.
- l) If an adoption is dissolved because of the termination of the parental rights of the adoptive parents or the death of the adoptive parents, a child adopted with adoption assistance continues to be eligible for such assistance if he or she is adopted again on or after October 1, 1997.

(Source: Amended at 25 Ill. Reg., effective August 31, 2001)

Section 302.311 Nonrecurring Adoption Expenses (Repealed)

(Source: Repealed at 20 Ill. Reg. 6670, effective May 1, 1996)

George H. Ryan
Governor



Jess McDonald
Director

Department of Children & Family Services

Date: _____

RE: _____
(Child)

SUBSIDIZED GUARDIANSHIP

Dear

As part of our efforts to help older children in our care make a successful transition to adulthood, we offer them a variety of services to become independent. Some of the services we provide are life skills training, vocation and career planning, help with finding housing, and in some cases, college scholarships. These are the same types of help parents normally provide to their own teenage children approaching independence, regardless of whether they are their children by birth or adoption.

We know this can be a challenging time financially for parents since the older child has many needs, such as finding their own apartments, financing their own health care, or paying for college or job training expenses. That is why the Department is currently taking advantage of money received from a Federal program designed to help youth achieve independence. Effective March 15, 2001, if you assume private guardianship of a child:

- 1) who has been the legal responsibility of the Department; and
- 2) who is now between the ages of 14 and 18 years (up to the child's 18th birthday); and
- 3) the transfer of guardianship is finalized between March 15, 2001 and June 30, 2002

the child is eligible to receive \$3000.00 from the Department when the child's guardianship subsidy ends.

Provided the above three requirements are met, the Department will give the money directly to your child in six monthly installments following the month the guardianship subsidy ends. The money can be used by the child to meet his or her needs including expenses for education, housing, or other forms of vocational or employment assistance. Your child does not have to do anything to obtain the money. The money will automatically be sent to the home address where you receive the final guardianship subsidy check.

The Department will send a letter to your home shortly before the subsidy is due to end. The letter will inform the child when the incentive payments will start. It will also ask the child to tell the Department if the child plans to move to a new address.

In addition to the \$3000.00 payment, your child will also be eligible for housing advocacy services. This means that if your child wants help finding an apartment or would like money

management advice, such as how to make a budget, set up and manage a checking or savings account, the Department will help. This service will not automatically be given. The child must ask for it. This service can be provided even before the guardianship subsidy you are receiving for the child ends. The child can even come back to the Department and ask for housing advocacy services any time before he or she reaches their 21st birthday. However, there is no extra money above and beyond the initial \$3000 amount associated with housing advocacy services.

Attached is a copy of the Department's Administrative Rule governing this special payment. This letter along with the attached rule is the Department's guarantee that your child will receive the payment when your subsidy ends. Please remember the child is eligible for the \$3000 payment, if he or she meets the eligibility criteria described in the rule. To repeat, the criteria are as follows:

1. The child must have been the legal responsibility of the Department prior to the transfer of guardianship.
2. The child must be between the ages of 14 and 18 years old. 18 years old means up to the child's 18th birthday.
3. The transfer of guardianship must be finalized between March 15, 2001 and June 30, 2002.

The Department is committed to achieving permanency for the children in its care and for helping older children with the challenge of moving out on their own. Thank you for welcoming this child into your home as part of your family. I wish you future success and happiness.

Sincerely,

Jess McDonald

George H. Ryan
Governor



Jess McDonald
Director

Department of Children & Family Services

Dear

The subsidized guardianship payments your guardian has been receiving on your behalf are about to end. Our computer system indicates that you are eligible for a \$3000 payment when that happens. We would like to explain how we will send you this money.

In the month after the subsidy to your guardian ends, we will send you \$500.00 per month for six months. This money will be yours to spend. It is intended to help you with expenses related to continuing your education or finding a job or with expenses related to finding and furnishing your own apartment. The money will be sent to your current address. If you move, please call us at _____ with your new address.

If you need advice on how to manage and spend the money you will be receiving or general advice on learning to live independently, for example, advice on finding your own apartment, we hope you will consult your guardian. However, we can also help. In addition to the \$3000.00 you will be receiving, you are also eligible for what is called housing advocacy services. This means that if you would like help in finding your own apartment, assistance with learning how to manage your money, set up a budget or establish a bank account, we can help you. You can obtain this service now or anytime in the future up until your 21st birthday. For more information on this service and how to access it, please call the Housing Advocacy Coordinator at 312-814-5571.

We wish you well and future success in whatever endeavor in life you choose.

Sincerely,

Jess McDonald

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Section 302.405 Subsidized Guardianship Program

a) Description

Subsidized guardianship is a program for which the Department has received waivers from the federal Department of Health and Human Services under Section 1130 of the Social Security Act to operate a child welfare demonstration project. The program offers a subsidized private guardianship arrangement for children for whom the permanency goals of return home and adoption have been ruled out as evidenced by an assessment documented in the service plan. The types of assistance that may be provided include:

- 1) payments of one-time court costs and legal fees, if required, in connection with the establishment of guardianship, up to a maximum of \$500;
- 2) payments for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a medical condition whose onset has been established as occurring prior to the transfer of guardianship. Such payments include medical benefits as provided under Title XIX of the Social Security Act (Medicaid) and includes services such as physician and clinic fees, hospitalization costs, and prescriptions; and
- 3) ongoing monthly payments in an amount determined in each case by the Department in accordance with subsection (e) below;
- 4) an incentive payment of \$3000 for children 14 to 18 years of age, when guardianship with subsidized guardianship was awarded to the private guardian during the time period of March 15, 2001 through June 30, 2002. For a further description of the purpose and terms of this payment see subsection (f) of this Section.

b) When Subsidized Guardianship is Appropriate

Subsidized guardianship is a program available for only those children who meet the following criteria.

- 1) The child must have been in the legal custody of the State for two years or more immediately prior to establishing subsidized guardianship.
- 2) The child must have resided with the prospective private guardian (relative caregiver or non-relative licensed foster care provider) for at least one year immediately prior to establishing the subsidized guardianship. However, the one year placement requirement is not applicable for sibling groups when at least one sibling meets all other subsidized guardianship requirements.

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- 3) A child living in the home of a non-relative must be at least 12 years of age. However, the age criteria is not applicable for sibling groups when at least one sibling meets all subsidized guardianship criteria. However, if a child younger than 12 years of age is living in the home of a non-relative and has no older sibling for whom subsidized guardianship is being considered, the worker must determine that subsidized guardianship is in the child's best interests due to the length of time the child has been in the home, the age of the child, characteristics, limitations, and responsibilities including health and mobility of the caretakers or the special needs of the child. The basis for the best interest decision must be documented, and must be approved by the Department Guardianship Administrator.
- 4) The child must have a strong attachment to the potential guardian and the guardian must have a strong commitment to the child.
- 5) Reunification efforts of the child with his or her family must have been ruled out despite reasonable efforts having been made to reunite the child with his or her parents as documented in the case record.
- 6) Adoption must have been ruled out as a permanency goal for the child.
- 7) The parents may consent to the subsidized guardianship arrangement or the Department may proceed, for good cause, to seek a private guardian without parental consent provided that notice is given of the guardianship petition hearing in accordance with Section 11-10.1(a) of the Probate Act [755 ILCS 5/11-10.1].
- 8) A child 14 years of age or older must consent to the initiation of the subsidized guardianship living arrangement.
- 9) The prospective guardian must have no record of any felony convictions.

c) Responsibilities of the Private Subsidized Guardian

- 1) Private guardians are responsible for ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court.
- 2) Private guardians shall notify the Department as soon as practically possible in writing when the following changes occur which may affect the amount of the subsidy:
 - A) the child is no longer the legal responsibility of the subsidized guardian;

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- B) the child is no longer receiving financial support from the subsidized guardian;
- C) a change has occurred in the circumstances of the family that is relevant in determining the amount of assistance payments; or
- D) there is a change of address.

d) Responsibilities of Department

- 1) Prior to approving a subsidized guardianship arrangement for a child, the Department shall determine whether subsidized guardianship is in the best interests of the child. In making that determination the Department shall, through an assessment, consider all relevant factors including but not limited to:
 - A) the wishes of the child's prospective subsidized guardian;
 - B) the wishes of the child under the age of 14 or the consent of the child, if over age 14;
 - C) the interaction and interrelationship of the child with the prospective subsidized guardian;
 - D) the child's adjustment to the present home, school, and community;
 - E) the child's need for stability and continuity of relationship with the prospective subsidized guardian; and
 - F) the mental and physical health of all individuals involved.
- 2) The Department shall ensure that the subsidized guardianship arrangement is a safe and suitable placement by means of a safety check which shall include a CANTS and LEADS check.
- 3) The Department shall ensure that members of sibling groups are placed together, unless there is an explicit determination that they should not be placed together for the reasons described in 89 Ill. Adm. Code 301 (Placement and Visitation Services) when making placements under the subsidized guardianship program.
- 4) The Department will offer short-term support services for foster care and relative home providers prior to and during subsidized guardianship. Services will include preliminary screening, assessment, assistance in applying for subsidized guardianship, and payment for one time only court costs and legal fees, if required.

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- 5) The Department shall provide children in the subsidized guardianship program with a full range of services under the Medicaid program which includes health care services and mental health care services.
- 6) The Department shall ensure that an orientation is provided to the family of the subsidized guardian to assure that all family members understand the benefits and responsibilities of all the participants in the subsidized guardianship arrangement.
- 7) The Department shall ensure that each prospective guardian has access to a caseworker who will respond to requests for information and assistance.
- 8) The Department shall ensure that all guardians are provided access to fair hearings under 89 Ill. Adm. Code 337 (Service Appeal Process).
- 9) The Department shall accept custody of the child in accordance with the Abused and Neglected Child Reporting Act [325 ILCS 5] if the guardian does not care for him or her to the extent the child's health or well-being is endangered.
- 10) The Department shall provide financial assistance for these children in accordance with Section 302.405(e) (Subsidy for Subsidized Guardianship).

e) Subsidy for the Subsidized Guardianship Program

- 1) Although eligibility for a subsidy under the subsidized guardianship program shall be determined regardless of the financial circumstances of the prospective subsidized guardian, the types and amounts of assistance under each subsidized guardianship agreement shall be determined by the Department in the same manner as described for adoption assistance in Section 302.310(e) of this Part.
- 2) The subsidized guardianship agreement providing for ongoing monthly payments shall include an agreement with the subsidized guardian that the amount of any ongoing monthly payments, shall be reviewed at least every two years or more frequently and may be readjusted annually or more frequently. The amounts of ongoing subsidized guardianship payments are subject to change based on changes in State or federal law regarding adoption assistance payments. Subsidized guardians may refuse any or all payments offered by the Department.
- 3) A relative caregiver or licensed foster parent with a child determined to be eligible for the subsidized guardianship program shall be made aware of the availability of subsidized guardianship, the types of assistance available, the amount of payment, and, in the case of ongoing monthly subsidized guardianship payments,

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that such payments are subject to review at least at least every two years or more frequently and may be readjusted as set forth in subsection (e)(2) above. In order to receive a subsidized guardianship payment, the subsidized guardianship agreement must be signed prior to finalization of the transfer to private guardianship.

- 4) The type, amount and duration of subsidized guardianship shall be agreed to in writing by the Department and the subsidized guardian prior to the finalization of the transfer to private guardianship, and shall be set forth in the subsidized guardianship agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the subsidized guardian resides currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the subsidized guardian and child move to another state while the agreement is in effect. The duration of subsidized guardianship shall continue without further involvement by the court until termination when the child marries or dies, is emancipated, or reaches the age of 18 or 21 as specified in the agreement. The guardianship will also terminate upon the death, incapacity, resignation, or removal of the guardian.
- 5) While guardianship is terminated under the Probate Act when a child reaches age 18, financial assistance may be provided until age 19 for a child still in high school or until age 21 for children with certain mental or physical handicapping conditions only.
- f) The Department will provide a payment of \$3000 to be awarded to a child placed in subsidized guardianship under the following circumstances in the manner described:
 - 1) In order to assist youth who have been receiving subsidized guardianship to make the transition to adulthood, the Department will provide a payment of \$3000 directly to the youth upon termination of his or her subsidized guardianship subsidy.
 - 2) The payment is intended to assist the child's transition to adulthood by helping pay for education, housing, or other forms of vocational training or employment assistance.
 - 3) In order to be eligible for this payment, the child:
 - A) must have been the legal responsibility of the Department prior to the subsidized guardianship; and
 - B) must have been 14 to 18 years of age when guardianship was awarded to the private guardian during the time period of March 15, 2001 through June 30, 2002.

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- 4) Children in subsidized guardianship within this time period who do not have their private guardianship finalized by June 30, 2002 will not be eligible for this grant award.
- 5) The payment will be awarded directly to the child.

g) Demonstration and Cost Neutrality Groups

Although participation in the subsidized guardianship program is Statewide, for purposes of meeting the cost neutrality, federal funding, and evaluation requirements of the federal waiver demonstrations, clients will be randomly assigned in three geographical areas of the State to a demonstration group or a cost neutrality group. The demonstration group will be subject to the waiver provisions of the demonstration, and the cost neutrality group will be subject to the regular treatment services according to the Department's rules and procedures. The three areas are:

- 1) the Cook Central Region.
- 2) the East St. Louis sub-region serving the following counties:
 - A) Madison;
 - B) St. Clair;
 - C) Bond;
 - D) Clinton;
 - E) Washington;
 - F) Monroe; and
 - G) Randolph.
- 3) the Peoria sub-region serving the following counties:
 - A) Fulton;
 - B) Henderson;
 - C) Knox;
 - D) Warren;
 - E) Henry;
 - F) LaSalle;
 - G) McDonough;
 - H) Mercer;
 - I) Rock Island;
 - J) Tazewell;
 - K) Woodford;
 - L) Peoria;
 - M) Bureau;
 - N) Marshall;
 - O) Putnam; and
 - P) Stark.

(Source: Amended at 25 Ill. Reg., effective August 31, 2001)

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