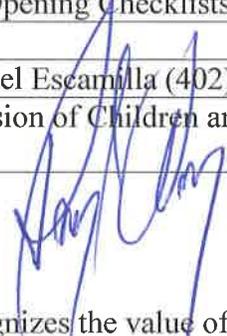


<b>Division of Children and Family Services Protection and Safety Procedure #20-2016</b>	
Regarding:	Adoption & Guardianship Subsidy Opening Checklists
Date Effective:	July 21, 2016
Contact:	Chris Jones (402) 471-9254 or Manuel Escamilla (402) 471-9333
Issue by:	Douglas J. Weinberg, Director, Division of Children and Family Services



**Procedure:**

The Division of Children and Family Services (DCFS) recognizes the value of permanency through adoption and guardianship. Similarly, the Division of Children and Family Services recognizes the importance of providing appropriate subsidized assistance balanced with fiscal responsibility and transparency.

**Philosophy:**

**Purpose and Scope of Subsidy Checklist**

When a child exits state custody and enters a subsidized adoption or subsidized guardianship, there is necessary paperwork which must be provided in order to open the subsidy program case within N-FOCUS and issue payments for the services in the subsidy agreement. The Adoption and Guardianship Subsidy Opening Checklists will be used to provide for an audit-ready Income Maintenance-Foster Care (IM-FC) file.

Each checklist has two parts which both a Children and Family Services (CFS) Specialist and an Income Maintenance- Foster Care, or IM-FC, Social Service Worker’s (SSW) have shared responsibility to ensure the necessary documents are provided and retained to ensure payments are made appropriately. The initial section is to be completed by the CFS Specialist and CFS Supervisor prior to submission to IM-FC SSW to open the subsidy program case. The purpose is to ensure all necessary documents are present, executed fully with required signatures, dates, in accordance with DCFS Regulations and Policy. The remaining section is to be completed by the IM-FC SSW prior to opening the subsidy program case within N-FOCUS. All applicable items from CFS Checklist must be present prior to opening the subsidy case.

Every effort to obtain the necessary documents must be made for the subsidy case to be opened timely as the family will not be receiving the subsidy until the checklist is completed. When there are questions about the documents in the packet, or the checklist’s sufficiency of completion, the CFS Administrator and IM-FC Administrator will communicate to resolve the issue as soon as possible. Consultation with DHHS Legal Services may be necessary for matters regarding court orders (orders terminating jurisdiction).

## **Distinctions between Adoption & Guardianship Checklist Components, Format and Completion**

For both adoption and guardianship, every effort to retain original, ink signed documents for the subsidy file should be made, however copies are acceptable.

Guardianship subsidy forms are required if the subsidy is state or federally funded:

- | <u>Federal</u>  | <u>State</u>  |
|---|---|
| <ul style="list-style-type: none"><li>• Federal Guardianship Assistance Program (GAP) Determination of Eligibility form (PS-84),</li><li>• Sibling of GAP Eligible Child (PS-85) (if a sibling exists),</li><li>• GAP Application (PS-86), and</li><li>• GAP Agreement (PS-96).</li></ul> | <ul style="list-style-type: none"><li>• Federal Guardianship Assistance Program (GAP) Determination of Eligibility form (PS-84),</li><li>• Eligibility Determination (PS-84), and</li><li>• Subsidized Guardianship Assistance Agreement (PS-74).</li></ul> |

The Nebraska Caregiver Responsibility (NCR) tool must have the rate determination printed on it and signed by all caregivers, the CFS Specialist and CFS Supervisor within six months of the adoption or guardianship subsidy. The reason the NCR is included is to demonstrate the approved and finalized rate is less than if the child remained in foster care, per Nebraska Administrative Code and federal Title IV-E regulation. The print from N-FOCUS is preferred to the handwritten template completed by the worker and family. For enhanced and intensive rates, CFS Specialist narrative documentation of caregiver responsibilities is required when completing the tool.

Some Orders of Guardianship are conditional upon the issuance of Letters of Guardianship. If this is the case, the letters must also be attached to the order. Not all county/juvenile courts have the same expectation and can vary by jurisdiction. In an adoption, an order terminating jurisdiction is issued. Contact DCFS court attorney when there are problems getting the order. Unlike adoptions, a guardianship court case remains open and there is not typically an order closing the child's court case, but DHHS can be dismissed from the case. Some county courts will not issue a separate closing order. The CFS Specialist will make an attempt to obtain an order dismissing DHHS custody, but if not available, the order establishing the guardianship will be sufficient.

An adoptive home study is a filing requirement of the court. Background checks must be completed as part of the adoptive home study. Household members ages 13 to 17 only require APS/CPS checks. Household members ages 18 and up require State Patrol, FBI, Sex Offender Registry and APS/CPS checks. It is the expectation of the contracted Child Placement Agencies to update checks when a household member moves into the home, or reaches the age of 13 or 18. The checks do not expire independently of the home study, however there may be times when an addendum to the home study or a new adoption home study must be completed based on changes in circumstances. An adoptive home study shall be updated within 12 months of the most recent adoptive home study and the adoption did not occur. The update will include whether there were

any changes to the background checks. When a child turns 13 or 18 after the adoptive home study has been completed, and prior to the adoption date, the appropriate background checks must be completed and included as part of the adoption subsidy checklist. For more details regarding the Home Study, see Program Guidance Memo entitled “Completion of a Home Study for Licensed, Relative, Kinship, Adoptive, Parental and ICPC Foster Homes and Standardized Format.”

To petition for guardianship, a home study is not required. Current background checks must be provided with the Guardianship Subsidy Packet Checklist. “Current” is defined as within the last two years in the context of Subsidy Packet Checklists. There is an exception to finger printing and FBI checks. If a household member has completed fingerprints anytime in the history of placement, it is not required to be redone for the purposes of a Guardianship filing, nor subsidy. Children who have turned 13 or 18 since the last background checks, must have the appropriate checks, as stated above for adoption, completed in preparation for the guardianship.

**Documentation and Records Retention:**

When the CFS Specialist and Supervisor have ensured the necessary documents are present and it is ready to be submitted to IM-FC, scan a copy into the child’s N-FOCUS CFS Program Case under the appropriate Protection & Safety Sub-Adopt or Sub-Guard heading, and provide the hard copy to IM-FC.

When the IM-FC receives the checklist and packet of documents, IM-FC will review for completion, open the subsidy program case and scan a copy into the adoptive parent or guardian’s master case. The hard copy will be retained in an IM-FC file. Closed IM-FC files are sent to the vault for storage.

**References:**

479 NAC Chapters 7 & 8 Subsidized Guardianship/Adoption Program  
395 NAC Chapter 3 Foster Care: Licensure, Approval, and Home Studies

**Attachments:**

PS-747 Guardianship Subsidy Packet Checklist  
PS-748 Adoption Subsidy Packet Checklist

Children and Family Services  
**Guardianship Subsidy Packet Checklist**

This section is to be completed by the CFS Specialist and CFS Supervisor prior to submission to IM-FC to open the Guardianship subsidy checklist. It is to ensure all necessary documents are present, executed fully with required signatures, dates, in accordance with DCFS Regulations and Policy.

Current Master Case #: \_\_\_\_\_

Date of Guardianship: \_\_\_\_\_

Child's name: \_\_\_\_\_

**Prior to Guardianship Hearing**

1. PS-84 Federal GAP Determination of Eligibility
2. PS-74 Subsidized Guardianship Agreement- State Funded (if applicable)
3. PS-85 Sibling of GAP Eligible Child (if applicable)
4. PS- 86 GAP Application (if applicable)
5. PS-96 GAP Agreement (if applicable) - Nomination of Guardian and Conservator attachment
6. Nebraska Caregiver Responsibility (NCR)  
 Print from N-FOCUS & Both Guardians, CFS & Supervisor Signed Copy
7. Documentation supporting NCR for Enhanced/Intensive Rates
8. Verification Parental Rights: Parent Consent to Guardianship, Court Order Termination of Parental Rights (TPR), Publications, Relinquishment, or Death Certificate [One verification for each legal parent]

Mother \_\_\_\_\_ Father \_\_\_\_\_

9. Background Checks for applicable household members prior to the Guardianship.

**Household members age 13 to 17 only require APS and CPS checks. Household members age 18 and older require all the below checks. Do not include foster youth.**

	Name				
	Age:				
State Patrol (copy/print out)	Date:				
FBI (copy pass/fail sheet)	Date:				
Sex Offender Registry (screenshot)	Date:				
APS (screenshot)	Date:				
CPS (screenshot)	Date:				

**10. Child Care Forms, (when applicable)**

- a. Child Care Request form (CC-25)
- b. Understanding the Child Care Subsidy Program (CC-1)
- c. Incapacity Statement (CC-3E)
- d. Documentation of Special Needs for Child Care (CC-6)

Children and Family Services  
**Guardianship Subsidy Packet Checklist**

11. W-9

**After Guardianship**

12. Order Appointing Guardian (and Letters of Guardianship, if applicable)

13. Order Dismissing DHHS Jurisdiction/Custody (if available)

14. Attorney Bill/Invoice (if applicable)

CFSS Worker: \_\_\_\_\_

CFSS Supervisor: \_\_\_\_\_ Date of Approval: \_\_\_\_\_

Date Submitted to IM-FC: \_\_\_\_\_

**IM-FC Checklist**

This section is to be completed by the IM-FC SSW prior to opening the SG Program Case within N-FOCUS. All applicable items (1-14) on the CFS Checklist MUST BE present prior to opening the subsidy case.

1. Previous Court Orders with Contrary to Welfare (CTW)

2. Previous Court Orders with Reasonable Efforts (RE)

3. Previous Court Orders used for Permanency Plan Reviews (PPRs) (if applicable)

4. Copy of screenshot of CFS Budget verifying child's original eligibility for IV-E while in foster care **during month guardianship** is established (If applicable)

**IM-FC Actions:**

a. Close CFS Authorizations

b. Close State Ward Accounts, return benefits to SS

c. Mail letter to Adoptive Parents of assigned IM-FC/SSW

d. Notice of Action (IM-8D)

e. Narrative indicating if guardianship is IV-E or State Funded and WHY

Guardianship Master Case #: \_\_\_\_\_

IM-FC Worker: \_\_\_\_\_

IM-FC Supervisor: \_\_\_\_\_

Applicable Staffing Date(s): \_\_\_\_\_

Date Subsidy Opened: \_\_\_\_\_

Children and Family Services  
**Adoption Subsidy Packet Checklist**

This section is to be completed by the CFS Specialist and CFS Supervisor prior to submission to IM-FC to open the adoption subsidy checklist. It is to ensure all necessary documents are present, executed fully with required signatures, dates, in accordance with DCFS Regulations and Policy.

Current Master Case #: \_\_\_\_\_

Date of Adoption: \_\_\_\_\_

Child's name: \_\_\_\_\_

Child's adoptive name: \_\_\_\_\_

**Prior to Adoption Day**

1. Original PS-AS-50 (Determination of Eligibility)

PS-AS-50 Supporting Documentation (if Applicable)

2. Original PS-AS-51 (Application for Subsidy)

3. Original PS-AS-52 (Subsidized Adoption Agreement)

If Applicable- MLTC IM-60

Copy of front & back of Private Health Insurance Card (if enrolled)

4. Nebraska Caregiver Responsibility (NCR)

Print from N-FOCUS & Both Adoptive Parent Signed Copy

5. Documentation supporting NCR for Enhanced/Intensive Rates

6. Verification Parental Rights have been severed: Court Order Termination of Parental Rights (TPR), Publications, Relinquishment, or Death Certificate [One verification for each legal parent]

Mother \_\_\_\_\_ Father \_\_\_\_\_

7. Background Checks for applicable household members prior to the adoption.

**Household members age 13 to 17 only require APS and CPS checks. Household members age 18 and older require all the below checks. Do not include foster youth.**

	Name:				
	Age:				
State Patrol (copy/print out)	Date Ran:				
FBI (copy pass/fail sheet)	Date Ran:				
Sex Offender Registry (screenshot)	Date Ran:				
APS (screenshot)	Date Ran:				
CPS (screenshot)	Date Ran:				

8. Child Care Forms, (when applicable)

a. Child Care Request form (CC-25)

b. Understanding the Child Care Subsidy Program (CC-1)

Children and Family Services  
**Adoption Subsidy Packet Checklist**

- c. Incapacity Statement (CC-3E)
- d. Documentation of Special Needs for Child Care (CC-6)
- 9. W-9
- 10. Review of Child's File Form
- 11. Tax Credit Information Form

**After Adoption**

- 12. Order Terminating DHHS Custody
- 13. Adoption Decree
- 14. Copy of Attorney Bill/Invoice (if applicable)

CFSS Worker: \_\_\_\_\_

CFSS Supervisor: \_\_\_\_\_ Date of Approval: \_\_\_\_\_

Date Submitted to IM-FC: \_\_\_\_\_

**IM-FC Checklist**

This section is to be completed by the IM-FC SSW prior to opening the SA Program Case within N-FOCUS. All applicable items (1-14) on the CFS Checklist MUST BE present prior to opening the subsidy case.

- 1. Previous Court Orders with Contrary to Welfare (CTW)
- 2. Previous Court Orders with Reasonable Efforts (RE)
- 3. Previous Court Orders used for Permanency Plan Reviews (PPRs) (if applicable)
- 4. Copy of screenshot of CFS Budget verifying child's original eligibility for IV-E while in foster care for the month of adoption. (If applicable)

**IM-FC Actions:**

- a. Close CFS Authorizations
- b. Close State Ward Accounts, return benefits to SS
- c. Mail letter to Adoptive Parents of assigned IM-FC/SSW
- d. Notice of Action (IM-8D)
- e. Narrative stating whether adoption is IV-E or State Funded and WHY

Adoption Master Case #: \_\_\_\_\_

IM-FC Worker: \_\_\_\_\_

IM-FC Supervisor: \_\_\_\_\_

Applicable Staffing Date(s): \_\_\_\_\_

Date Subsidy Opened: \_\_\_\_\_