

**COLORADO'S
ADOPTION
AND
ADOPTION
ASSISTANCE
PROGRAM**

October 2011

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Adoption Process

You have decided to explore adoption. What are the first steps?

Colorado is a state-supervised, county-administered organization. As a result the steps for adoption are not exactly the same in every county. This publication will attempt to identify the steps that might differ depending on the county. There are steps that must be taken prior to moving through the actual adoption process, including:

- ◇ Making the decision to explore adoption – Adoption is a serious, long-term commitment to a child. For more information to help you make that commitment go to www.changealifeforever.org or see some other resources in the Resource section of this publication.
- ◇ Contacting the Department of Human/Social Services – If you have decided to adopt through the public system, a local county department of human or social services is the agency with which you will be working. You may contact your local county department. Because some of the county departments in Colorado are very small, there might not be an adoption program in your local county. Your office will, however, be able to refer you to a nearby county that will assist you in your quest to adopt a child through this system. Any of these counties will have an adoption orientation/information meeting for prospective families.
- ◇ Reviewing the information the Department sends you – After you have made contact, the Department will send you information about the approval process, and about adoption through the public services system. Many times the information that is sent to you is the application for adoption/foster care. In Colorado, the same application and home study process is employed for foster care and adoption.
- ◇ Applying for adoption – In Colorado some counties require that adoptive families be licensed as foster care homes prior to being approved for adoption. This is not the case in every county. Ask the county you have chosen whether this is the case. Most counties will also require that you complete several hours of training prior to beginning the approval process. This training will also help you make sure that you are making the right decision regarding adoption.
- ◇ For more information about the foster care licensing process or these early steps, contact your county department.

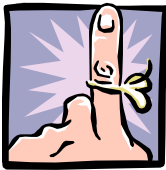
Pre-Placement Activities

Foster Care and Adoption Training

Most counties in Colorado will require you (and your partner) to complete several hours of training before the actual approval process begins. The exact number of hours varies, according to what each county requires. It is provided to you at no cost. This training will contain, but not be limited to:

- ◇ The requirements for becoming a foster or adoptive parent,
- ◇ The rules regarding the care of children who are in the custody of the department,
- ◇ The court process relating to children being removed from their parents' care,
- ◇ Some ideas of what might have happened to the children before they come to your home,
- ◇ How "the system" affects the children who are part of the process,
- ◇ What will be expected of you and your family, should you decide to move ahead in the process,
- ◇ Proper treatment and care of children who are placed in your home,
- ◇ Help you consider how this decision could affect your immediate and extended family and friends.

In addition to this county-specific training, you can access more state-provided training by going to www.cdhsacademy.com. This training is also provided free-of-charge to county-certified and approved foster and adoptive parents in Colorado. The training is offered at various locations around the state.



Remember!

You can say no at any time, especially at the end of your training and before taking the child into your home (placement). During this process, some families decide adoption is not for them.

The Home Study Process

The home study is a detailed report about your home and family environment. It is usually compiled after a worker has visited your home on a number of occasions. During those visits, the worker will assess your parenting skills and abilities as well as your physical home. There is also necessary paperwork to complete as part of the approval of an adoptive home. The process of collecting information for the home study will take several months.

The worker will talk with **all** members of your immediate family and all people who reside in your home. You will discuss some of the following topics:

- ◇ Your family background.
- ◇ How you were raised and how your parents disciplined you.
- ◇ How you parent.
- ◇ Your strengths as a family.
- ◇ Why you want to adopt.
- ◇ Your discipline practices and philosophies.
- ◇ Your health and the health of all members of your family.
- ◇ Your current employment status and history.
- ◇ The characteristics of potential adoptive children that will match well with your family.
- ◇ Whether you are financially able to care for a child(ren).

You and the home in which you live must be approved. In order to adopt a child in Colorado, you must be approved for adoption. If you are already licensed or approved to provide foster family care, it is likely that your home already meets those requirements.

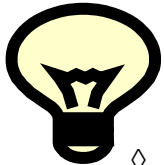
Background checks necessitating fingerprints (Colorado Bureau of Investigation, Federal Bureau of Investigation, child abuse or neglect in Colorado and any other state in which each person has resided during the past five years), are required for any person over the age of 18 who resides or is frequently in your home.

Additional requirements

You (and your partner) will be asked to complete an application. In addition, you and any person over the age of 18 who resides or is frequently in your home will be required to complete two questionnaires that are part of the home study format in Colorado. These questionnaires cover many of the topics included in the home study, so it is useful in helping you think through many of the issues the home study worker will want to discuss with you and your family. Finally, you'll be asked to provide some references for the home study worker to include in the written report.

Both parents and all residents in the home over the age of 18 must have a medical evaluation. In addition, all children in the home must have a complete bill of health from their doctor as well as proof that all immunizations are current, unless there are religious reasons for refusing immunizations.

As stated previously, the home study process for foster care and adoption are the same in Colorado. If you decide (or are required) to become a foster parent first, you will not have to repeat the entire home study process.



Tips on Preparing for the Adoption Home Study

- ◇ Complete the county-provided training process. This is your first important step.
- ◇ Before beginning the home study process, think about the characteristics of children who will fit well with your family and discuss these kinds of things with other family members.
- ◇ Educate yourself about the adoption process, by reading this publication or reviewing other resources such as those listed in the **Resource** section of this publication. The Colorado Department of Human Services is also a good resource for support and information.
- ◇ Think about questions you may have for the home study worker in advance of the visit.
- ◇ Think about why you want to adopt
- ◇ Be patient. The adoption home study process and adoption takes time.

What is the Adoption Placement Process?

The Process

Once your family has been identified as having the ability and characteristics to meet a specific child's needs, you will be notified. The child's worker and other people who are concerned with the well being of the child will coordinate initial contact with you about the child. These people could include, but are not limited to:

- ◇ Your designated county contact,
- ◇ The child's worker,
- ◇ The child's worker's supervisor,
- ◇ The child's Guardian ad Litem (the child's representative in the Court process),
- ◇ The child's current caregiver,
- ◇ The child's therapist(s),
- ◇ The child's CASA (Court-Appointed Special Advocate) Volunteer,
- ◇ The child's teacher(s).

Very detailed information is shared at that time. You should receive a lot of written information and, possibly, an audio or digital recording of the meeting that you can take with you following this meeting. The child's worker and all of the previously mentioned people will provide you with complete background information on the child. At this meeting, you can expect to learn about the child's:

- ◇ Strengths and interests,
- ◇ Social, genetic, medical, psychological, and educational backgrounds,
- ◇ Current development, personality, and special needs (if any).
- ◇ Child's behaviors, including:
 - Acting out in school,
 - Problems getting along with other children,
 - History or problems of a sexual or violent nature.

- ◇ Anticipated future needs,
- ◇ Requests or expectations regarding continued contact between the child and members of his/her family (siblings, aunts, uncles, grandparents).

A written summary should be prepared by the child's worker and provided to you and your family.

The worker will discuss your financial responsibility for the child and, if appropriate, the availability of adoption assistance. When you adopt the child, you are financially responsible for that child. However, when the child qualifies for adoption assistance due to his/her special needs, you can negotiate an adoption assistance agreement with the county. This agreement is designed to assist with, not fully cover, expenses related to parenting and raising this child. It is important that the county-designated adoption assistance worker and your family work together as a team to determine how you will meet the child's needs and how the negotiated agreement can assist you and your family.

Pre-placement visits

You may be asked to prepare an introductory photo album or video picturing your family. The worker gives this book/video to the child to introduce you to him/her prior to your first face-to-face meeting. This book/video may include pictures of your family, pets, home, school where the child will attend, and other important places in that child's life like doctors' and dentists' offices, grandparents' homes, etc. It should also contain pictures of your extended family and friends that the child is likely to meet and see on a regular basis.

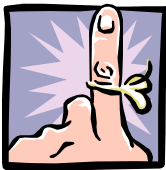
You will first meet the child in a comfortable setting – probably his current residence. Assuming your family and the child are interested in proceeding with further visitation, you will have a series of planned, pre-placement visits spanning several weeks. You should ensure those visits are not always special events or outings, but include time that is just normal family routine, so the child can observe and participate in your family's everyday activities.



Tips on deciding whether to accept the child in your home

- ◇ Review the material provided carefully. Share appropriate information with your immediate family, as everyone will be affected by opening your home to this child.

- ◇ You may want to meet with the child’s physician, therapist, previous foster parents, placement staff, teachers or other professionals working with the child. The child’s worker will help coordinate meetings. **Make sure that you and your family maintain confidentiality when gathering this information!**
- ◇ Remember the pre-adoptive placement visits provide time for you and the child to see whether or not you are all willing to make a permanent commitment. It is a very serious and life-long decision that requires careful consideration.
- ◇ Make sure all members of your immediate family—children and adults—are willing to accept the child coming to your home.
- ◇ Adoption can impact your relationships with your extended family members. Consider this as you make your decision.
- ◇ Talk with other adoptive parents.



Remember!

You can decide not to accept a child and still be considered for other children.

Before the child is placed with your family, the worker will assess everyone’s readiness, including the following:

- ◇ Your acceptance of the child’s links with his/her past,
- ◇ Whether other children in the home (biological and other) are prepared,
- ◇ Whether assessments are completed on your family and the special needs assessment of the child, if relevant,
- ◇ Whether the child has begun to work through grief and separation,
- ◇ Your understanding of the grief process,
- ◇ Whether your family and the child have accepted support services.

When the placement date has been scheduled, the worker will:

- ◇ Notify the court, the child's Guardian ad Litem, and the current foster parents.
- ◇ Provide you with the most current medical information, including names of physicians and dentists, immunization records, child's health record, and any other significant medical information.
- ◇ Meet with, or notify, the school the child will attend, if different from his/her current school.
- ◇ Clarify your rights and responsibilities after placement, including:
 - The financial responsibility you will have after the placement,
 - The purpose of post-placement services to your home by the worker,
 - If you still have questions about the possibility of adoption assistance, this might be a time to ask the worker for clarification.



Tip

You should start thinking about resources available in your community that would support the child and your family. Resources to consider may include childcare, respite and recreational activities.

Placement

What happens on placement day?

You may consider planning a moving day celebration to welcome the child to your home. If you have not already received the relevant information about the child, the worker will provide written copies of the information about the child and will ensure that you have signed the placement agreement.

Each county's policies will vary related to the paperwork that you receive at the time of the actual placement. You should receive psychological/psychiatric evaluations, school reports, medical assessments, etc.

When does a foster care placement become an adoptive placement?

Each county's policies will vary regarding the moment when the child is considered an adoptive child rather than a foster child. The minimum and consistent conditions across the state include the following:

- ◇ The child is legally free for adoption (all appeals are exhausted),
- ◇ The family is approved for adoption,
- ◇ The adoptive placement agreement has been signed,
- ◇ The adoption has been finalized.

Federal law (Adoption and Safe Families Act, 1997, or ASFA) and Colorado Statute allow use of concurrent planning. It is the process of developing and implementing a plan to reach a permanency objective for a child while simultaneously developing and implementing a plan to reach an alternative permanency objective for that same child.

Through concurrent planning, the county will place the child with a foster family that is willing to work toward reunification, including being involved with the birth parents. At the same time, the family will agree to become the adoptive family for the child should adoption become the alternative permanency plan or help prepare the child for the move to another home, for purposes of adoption.

Does the county supervise the placement?

In some counties, the case will be transferred to an adoption worker, in others; the same worker keeps the case through finalization. Whoever the worker is, supervision will continue, including, at least, monthly face-to-face visits with you and the child until finalization. Colorado Statute requires a child to live in the adoptive home for a minimum of six months before finalization can occur.

Finalized Adoption What Does that Mean?

When the child is legally free and can be adopted, the child's worker will initiate and complete the necessary paperwork to legally finalize the adoption.

- ◇ Make sure there is a current annual update of the adoptive family's home study.
- ◇ Make sure the Adoption Assistance agreement paperwork is signed and approved.
- ◇ Complete the agency's consent for adoption of the child by his/her adoptive family.

- ◇ File all necessary paperwork with the Court and obtain a date for the Final Adoption Hearing. (Some counties require that the adoptive family hire an attorney to help with this process.)

When a child is adopted, the adoptive parents become the child's legal parents. Adoptive parents have the same rights and responsibilities as if the child was born to them. These rights/responsibilities include financial and legal accountability and liability for the child. The adoptive family is expected to meet the child's basic needs for clothing, food, and shelter.

At the Final Adoption Hearing, the child's name is usually changed to the adoptive family's choice. As a result of this legal process, the child's original birth certificate is sealed and is not accessible by any party, except by Court Order. All records related to the child's biological family are also sealed and not available for review except by Court Order. Colorado's Department of Vital Records creates an adoption birth certificate. This certificate becomes the only legal birth certificate for the child. It names his/her adoptive parents as his/her legal parents. The other important document created as a result of this hearing is the Final Decree of Adoption. This document should be stored in a safe place and accessible for review when needed.

After an adoption is finalized, no county or agency employee will be supervising the adopted child or family. It is the responsibility of the adoptive family to locate services or supports that they feel will adequately provide for any need that arises for the child and/or their family.

When Foster Parents Adopt

Many foster parents become adoptive parents of children they have parented through the foster care program. In foster parent adoptions, not all foster care services or foster care providers will be available to the child following finalization. It is helpful in the discussion of adoption to understand the difference between foster care and adoption services.

Foster care is a temporary placement for children whose parents are unable or unwilling to care for them. The biological parents are the legal parents of the child. The local county department of human/social services is given custody of the child by the district court.

Foster care services are an entitlement for the child. Maintenance payments are decided by the county agency, and every child in foster care receives benefits regardless of his/her circumstances. Foster care is designed to meet the child's basic needs for clothing, food, and shelter. The county agency is, legally, the acting parent for the child.

In a foster parent adoption, the time as a foster child in the adoptive home counts toward the six months necessary to move towards finalization of the adoption.

Overview of Colorado's Adoption Assistance Program

Colorado's adoptive parents assume all financial responsibility for their adopted children. Colorado has an adoption assistance program. It is not meant to supplement the parents' income or reward them for the adoption.

The Adoption Assistance Program in Colorado is supervised and regulated by the Colorado Department of Human Services and (hereafter known as "State") administered by each county according to each County Department of Human/Social Services' (hereafter known as "County") individual policies. The purpose of the Colorado Adoption Assistance Program is to obtain permanent families for Colorado's children who are legally free for adoption and whose special needs present barriers for adoptive placement. Assistance is provided to the parents in providing medical coverage and, possibly, payment of meeting the special needs' expenses of these children. Families applying for adoption of a child with special needs must be informed of the adoption assistance program by the custodian/guardian of the child at the time of consideration of placement of a child into their prospective adoptive homes.

Adoption Assistance through Colorado's Adoption Assistance Program is based on the child's special needs and the family and community's ability to meet those needs. Adoption assistance and services are negotiated between the child's adoptive parents and the designated county worker prior to adoption finalization. Adoption Assistance Agreements may include a monthly maintenance payment, medical coverage, special services and/or payments to service providers.

Remember!

If the child is eligible and an adoption assistance agreement is not negotiated and approved before finalization, it cannot be approved later. Medicaid coverage must be approved before finalization, as it is part of the adoption assistance agreement.

Colorado's Definition of Special Needs for the Purposes of Determining an Adoption Assistance Agreement

Colorado's regulations determine a child to have special needs, if the child meets any of the following criteria:

- ◇ Physical disability (such as hearing, vision or physical impairment; neurological conditions; disfiguring defects; and, heart defects).
- ◇ Mental retardation (such as developmental delay or disability, perceptual or speech/language disability or a metabolic disorder).
- ◇ Developmental disability resulting in educational delays or significant learning processing difficulties.
- ◇ Educational disability that qualifies for Section 504 of the Rehabilitation Act of 1973 or special educational services.
- ◇ Emotional disturbance.
- ◇ Hereditary factors that have been documented by a physician or psychologist.
- ◇ High-risk children (such as HIV-positive, drug-exposed, or alcohol-exposed in utero).
- ◇ Other conditions that act as a serious barrier to the child's adoption. Conditions may include, but are not limited to, a healthy child over the age of seven or a sibling group that should remain intact and medical conditions likely to require further treatment.
- ◇ Other conditions that act as a serious barrier to the child's adoption. Conditions may include but are not limited to a healthy child over the age of seven, a sibling group that should remain intact and medical conditions likely to require further treatment, or membership in a minority group.
- ◇ Ethnic background or membership in a minority group which may be difficult to place.

The child's special needs and his/her risk factors may be considered to verify eligibility for adoption assistance and case services. The adoptive family and the county's designated worker should discuss the child's background, history, and risk factors to determine the child's level of care and special needs prior to adoptive placement.

Is Special Needs Adoption Right for You?

All children need and deserve permanence. Parenting children with special needs can be rewarding and challenging. Potential adoptive parents should consider the impact that adoption will have on their family. This may include, but is not limited to, family finances, personal and family relationships, employment flexibility, community resources, neighborhood response to the adopted child, and, bedroom and space accommodations.

When considering adoption of a child with special needs, it is important for a family to ask themselves, “What resources does our family require to meet the needs of this child?”

Successful adoptive placements do not usually just happen. Success takes commitment, knowledge, patience, flexibility, community and agency support and guidance and a lot of hard work. Potential adoptive families need to make informed decisions regarding the child they will adopt.

Are You Able to Parent a Child with Special Needs?

When a potential adoptive family is considering an adoptive placement of a child with special needs, the family, their assigned worker (if applicable), the Guardian ad Litem, and the county worker for the child must determine if the family can best meet the child’s needs.

For a family to make an informed adoption decision, it is important that they have all of the pertinent information that is available about the child. The county’s worker for the child should provide all of the relevant information about the child to the potential adoptive family. This information should include but not be limited to a written, detailed background report (family, social, and genetic history) psychological, developmental and medical reports, school information, placement history, legal custody documents and anticipated future needs of the child. Information should be updated when changes occur or additional information is available that would affect the child's readiness for adoption or the family’s ability to meet the child’s needs.

The adoptive family must decide if they can make an informed decision about adopting a child and a life-long commitment to the child based on the available information about their ability to provide for the future needs of the child. There may be gaps in information and some information may not be available. Basic information, such as medical history, where the child has lived, and what has happened to the child before placement in foster care is, sometimes, unknown to the county and providers.

The family may need to do a lot of research in the adoption process: reading the portions of the case file available to them; talking with significant people in the child’s life; and, meeting with past and current providers. The adoptive family should be an expert about the child’s past so they can help the child in the future. All preparatory effort will be worthwhile for the family and the child.

Adoption Assistance in Colorado

In Colorado, each county has a policy that interprets the State’s regulations regarding the Adoption Assistance Program. The specific portions of individual

interpretation relate to the negotiation process, the highest monthly maintenance amount and the use of other services paid by the county or reimbursed to the family.

Eligibility for adoption assistance is decided by State and Federal regulations. There are several ways in which a family may access adoption assistance. Children who qualify for Adoption Assistance in Colorado are in the legal custody of a county department; or, the county department has guardianship of the children with the right to consent to adoption; or, in the custody of Colorado non-profit licensed adoption agencies and the children are IV-E eligible; or, in the custody of a relative and the children are IV-E eligible.

Colorado operates two adoption assistance programs: Title IV-E program and the state and county-only program (non Title IV-E). The federal government participates in adoption assistance payments on behalf of children who meet the eligibility criteria for the Title IV-E Adoption Assistance program. The state and county participate in adoption assistance payments on behalf of the non-title IV-E eligible Adoption Assistance program. Medicaid is available to adopted children with special needs who have an adoption assistance agreement. Children who meet the criteria for the adoption special needs determination are eligible to receive non-recurring adoption expenses.

Adoptive parents may negotiate with the designated county worker for the following adoption assistance for the child:

- ◇ Monthly maintenance payment
- ◇ Medical coverage through the Medicaid Program that covers medical, mental health, and dental care
- ◇ Reimbursement of non-recurring one-time only adoption expenses
- ◇ Case services

Any identified special services should have yearly maximum amounts specified in the agreement. If the services exceed these amounts, prior approval must be obtained from the county responsible for the payment of the adoption assistance.

The adoptive family should negotiate the child's adoption assistance maintenance payment and special service assistance with the designated county worker. The amount should only be for what the family actually requires in order to meet all of the special needs of their child. Negotiation and final agreement of the adoption assistance should be completed and signed by all parties prior to the adoption finalization.

Maintenance Adoption Assistance

Adoption assistance maintenance payments are negotiated monthly payments to partially assist in covering additional costs of raising a child with special needs. The adoptive family is expected to meet the child's basic needs for clothing, food and shelter. There are three types of assistance payments:

- ◇ Long-term assistance – payments made to a family for an indefinite amount of time.
- ◇ Time-limited assistance – payments for start-up costs, for those things that an adopted child might not have or for services/payments that will end before the adopted child reaches the age of 18 or in the next few months or years. These costs are time-limited.
- ◇ Dormant or Medicaid only assistance – no payment is made at this time. The child's special needs are documented in the agreement and a statement is made that financial assistance might be necessary in the future.

Determining the Adoption Assistance Maintenance Rate

Adoption assistance payments are based on the special needs of the child, the family's ability to meet the child's needs (financially, emotionally and physically) and the need to purchase services that are not available in the community free of charge. The exact rate is negotiated between the adoptive family and the designated county worker.

Remember!

Each county in Colorado determines its own policies that dictate how the adoption assistance maintenance rate is determined. The only state and federal regulation prescribing the amount of the maintenance payment is that the adoption assistance maintenance rate shall not exceed the current foster care maintenance rate for a child with the same special needs.

Medical Assistance

In Colorado, a child with special needs is eligible to receive Medicaid coverage regardless of his/her Title IV-E status as long as he/she resides in Colorado. If the child moves out of the state, a IV-E non-eligible child cannot receive Medicaid coverage unless the receiving state is reciprocal for Colorado's Medicaid.

Medicaid is designed to cover most of the child's medical, dental, pharmaceutical, hospitalization, psychiatric, and special medical services. A current medical card is provided to the child at the time of placement. Medicaid

requires prior authorization for some services and Medicaid does not cover all medical services. The family should inform the provider that the child carries Medicaid and verify that services are covered for Medicaid recipients. The provider will need to obtain the approval for services through Medicaid.

If the adoptive parents have private health insurance and the child is eligible, the family may choose to place him/her on their private insurance plan. Private insurance provides primary coverage for the child. Medicaid provides secondary coverage for services not covered by the private insurance. If there is an additional cost to add the child to the private health insurance plan, the family may request that the cost be reimbursed through the Adoption Assistance Case Services.

Non-Recurring Adoption Expenses

This is reimbursement to the adoptive family for costs associated with finalizing their adoption of the special needs child. In Colorado, the expenses are not reimbursed beyond \$800. Expenses include such things as:

- ◇ Adoption legal fees
- ◇ Home study costs
- ◇ Transportation and/or per diem to meet and visit with the child during pre-placement
- ◇ Costs associated with the child moving into the home, for example
 - Enlarging doorways or adding ramps for a wheelchair
 - Adding a room or bathroom

Case Services Payments

Case services payments are a type of purchased program services that support a case plan for children under an Adoption Assistance agreement. Case services are provided to meet a child's special needs identified when the child is placed for adoption and which are not covered by the Adoption Assistance agreement or Medicaid. Following are some examples of when case services might be included in an adoption assistance agreement:

- ◇ The additional cost to add the child to the family's health insurance when the family has chosen to add him/her to their plan, the child is not eligible for IV-E Medicaid and the family does not reside in a Medicaid-reciprocal state.
- ◇ Time-limited outpatient counseling and therapy not covered by the Medicaid program at the Medicaid rate.
 - Services that are not available from a Medicaid provider within a reasonable distance from the family (medical services not covered by the Medicaid program shall be limited to an additional premium amount to include the child in the family's health insurance coverage group).

- The child is receiving therapy or counseling from a non-Medicaid provider and it would not be in the best interest of the child to disrupt the service. It must be related to the child's special needs and the service provider makes a written plan available. The specifics of the plan are listed in State regulations.
- Supplies and equipment as required by a severely physically challenged child's special needs and unavailable through other resources not to exceed \$2,000 per year without a supervisor's permission.
- Orthodontia when related to the child's identified special needs.
- Additional eyeglasses (Medicaid pays for the first pair each year).
- Medication that is not covered by Medicaid but is prescribed by a licensed physician and related to the special need identified at the time of the original assistance agreement.
- Respite care.
- Child care while the parents are at work

Note:

Colorado's Adoption Assistance Program does not provide residential treatment services. For children requiring these services, they may be obtained through the foster care system. This requires court oversight after the child has been in treatment over 30 days. If a Colorado adopted child resides in another state, the adoptive family will need to access residential treatment services through that state.

Negotiation of Adoption Assistance

When an adoptive family is selected for placement of a child, the designated county worker meets with the adoptive family and negotiates and discusses the child's eligibility for adoption assistance and case services payments. The family and the county worker will:

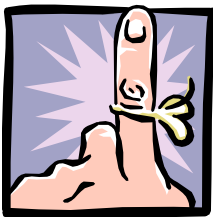
- ◇ Discuss the strengths and needs of the child and the family's ability to meet those needs
 - What can the adoptive family contribute toward the care of the child?
 - What services and resources are available in the community to assist in meeting the needs of the child now and in the future?
- ◇ Negotiate the child's eligibility for adoption assistance and case services payments available to meet the child's needs
 - What is the amount of adoption assistance needed to meet the special needs of the child?
 - What is the maximum amount of adoption assistance for which the child is eligible?



Tips on successful adoption assistance negotiations

- Understand the adoption assistance process!
- Obtain, read and understand all information available about the child and make notes of diagnoses, reports available or other indications of special needs.
- Assist the county worker in obtaining the necessary documentation. Make sure all the child's current and past diagnoses are listed in the adoption assistance agreement.
- Keep in mind the types of things that can be covered by adoption assistance, such as respite care, psychological, physical, and dental needs.
- Look to the future. Anticipate and plan for the child's needs.
- Negotiate the adoption assistance with the worker as close to the time of adoption as possible. It must be approved before the adoption is finalized.
- Request in writing a review of the instrument used to assess the child's level of need prior to finalization. (The instrument should offer a true assessment of the child and be as accurate as possible).
- Know your county worker who has the ongoing adoption assistance case. If you don't know the name of the worker, contact the adoption assistance supervisor in your county.

- If a medical or psychiatric professional has documentation of the child's predisposition for future problems, these concerns need to be documented in a letter or report from the professional and added to the assistance agreement.
- Understand that adoption assistance agreements terminate upon the death of the parents listed on the agreement, or, the parents listed on the agreement are no longer legally responsible for the child, or, the parents listed on the agreement have provided no support to the child. The agreement cannot be transferred from the adoptive parents to anyone else.



More things to remember:

The Department must approve the adoption assistance agreement in writing prior to finalization of adoption.

If the family moves out of Colorado, contact the county worker to inform him/her of the move and the new location. The move will affect the Medicaid eligibility of the child.

If the family is no longer caring for the child, the agreement may be terminated. It is the family's responsibility to notify the county of any change in circumstances. Receiving adoption assistance payments that are not used to support the child may be considered fraud.

The family must promptly report to the County any change in circumstance that would affect the adoption assistance agreement.

Resolving Adoption Assistance Negotiation Disputes

With proper documentation, assistance negotiation should be a smooth process. If an adoptive family is unable to reach an agreement with the designated county worker on the child's eligibility for assistance and case services, they may contact the worker and supervisor and request a clarification and review of the child's special needs and level of care. An evaluation or assessment of the child's needs may be warranted. If there is still a disagreement about services

and assistance, the adoptive family can continue to pursue the process by contacting the next person in the chain of command. This will vary from county to county. Any individual who has applied for, or is receiving adoption assistance is entitled to appeal any decision made by the county concerning adoption assistance that is considered adverse or unfair. If, after having exhausted all remedies in the county, the family may contact the Division of Administrative Hearings, Office of Administrative Courts. This office is located at 633-17th St., 13th Floor, Denver, Colorado 80202.

The family must write a letter to this office requesting a hearing. The letter should include who they are, the reason for the request, and the county with which the family has been negotiating. A copy of this letter should be sent to the county to the attention of the designated worker and his/her supervisor. The office of Administrative Courts will notify the family of a date and time for the hearing. These hearings can be in person or via the telephone.

Ongoing Review and Changes to the Adoption Assistance Agreement

Once the agreement has been negotiated and approved, and the adoption is finalized, you will no longer have a worker assigned to your family. In Colorado, the assigned County adoption assistance worker and the family must review adoption assistance agreements every three years. The family or the County may request changes in the agreement at any time. It is not necessary to wait until the review date has arrived.

Out of Home Placement and Adoption Assistance

Should it become necessary for your adopted child to be removed from your home and placed in a residential setting for any reason and your family continues to reside in Colorado, the county that is providing the out-of-home placement for your child can assess a fee from your family to assist with the cost of the placement. This assessment can be no more than the monthly adoption assistance payment that your family receives as part of your adoption assistance agreement.

- ◇ If your family continues to reside in the county that is providing the adoption assistance payment, you can negotiate your payment down to \$0. In this example, the assessed fee would be \$0.
- ◇ If your family resides in a county other than the adoption assistance county, the placement county should notify your adoption assistance county that the child has been placed in out-of-home care. In this case, the county where the child is placed would assess a fee from your family that does not exceed the monthly adoption assistance payment your family receives.
- ◇ The county does not have to take either of these options because rules allow for considering whether or not a fee assessment would be in the best interest of the child.

- ◇ If your family resides in a state other than Colorado, the state where you reside would be responsible for the assessment of fees. In this case, Colorado's rules do not apply regarding fee assessment.

Services Available After the Child Turns 18

Continuing Adoption Assistance Payments/Eligibility

- ◇ In Colorado, if a child turns 18 before he/she has graduated from high school, the State has provided that adoption assistance payments and/or eligibility for Medicaid may continue until he/she has graduated or reached the age of 21, whichever comes first. The eligibility is via State and County funds, only.
- ◇ A child who is identified in the original adoption assistance agreement as being developmentally disabled or physically handicapped, is between the ages of 18-21, and continues to live at home, may continue to be eligible for the adoption assistance program until he/she reaches the age of 21.

Emancipation Medicaid

If a child who resides in the state of Colorado is receiving any kind of benefit from Colorado on the day before his/her 18th birthday, he/she is eligible to continue to receive Medicaid until he/she reaches the age of 21.

Termination of Adoption Assistance Agreements

The county departments terminate adoption assistance agreements when any of the following occurs:

- ◇ Family requests the payments to end,
- ◇ The child reaches age 18 or until age 21, if the county has determined that the child has a developmental or physical disability which warrants continuation of assistance,
- ◇ The adoptive parent(s) are no longer legally responsible for the support of the child,
- ◇ The child is no longer receiving any support from the adoptive family,
- ◇ The county of responsibility verifies the child's death, or marriage,

Adoption Resources

The Colorado Department of Human Services

When the prospective or finalized adoptive family has questions or concerns about adoption, they may contact this office for answers, referral to services or interpretation of issues raised by rules and regulations.

The local County Department of Human/Social Services

When the adoptive family has questions or concerns, they may contact the local county worker who has finalized the adoption. This worker can answer questions about the programs and services available to meet the needs of the child. He or she can also assist, if a referral for services is needed. If treatment is needed for the family and/or the child, the local county where the family currently resides will be responsible for approving and funding services for the child.

Colorado's Post-Adoption Resource Center

This agency is an available resource for Colorado families who have adopted or are receiving adoption assistance through the public human/social services system. This organization can provide the following:

- ◇ Lists of therapists who are adoption-competent
- ◇ Lists of services to adoptive families
- ◇ Respite providers
- ◇ Ongoing education to adoptive families
- ◇ Funding for adoption support groups throughout the state
- ◇ Lending libraries in Colorado
- ◇ Lists of adoption support groups all around the state
- ◇ Adoptive families may apply for funds to pay for resources for their adopted child(ren) or family that they cannot afford and that would benefit the family or the child(ren).

Their address is 14232 E. Evans Ave., Aurora, Colorado 80014. The phone number is 303-755-4756 or 800-451-5246. The website is www.adoptex.org.

Support Groups

Many support groups exist throughout Colorado for adoptive parents and children. There are groups for specific behavioral and emotional problems, as well as groups for medical conditions and disabilities. Contact the Colorado Post Adoption Resource Center.

North American Council on Adoptable Children

The North American Council on Adoptable Children (NACAC) is a good resource for issues concerning children with special needs and specific issues on adoption topics. Their address is 970 Raymond Avenue, Suite 196, St. Paul, Minnesota 55114. The phone number 612-644-3036 or 800-470-6665. The website is www.nacac.com for information on assistance representatives.

Colorado Coalition of Adoptive Families (COCAF)

The Colorado Coalition of Adoptive Families, COCAF was formed in 1999 by a group of families who desired to increase the amount of information and resources available to Colorado's pre- and post-adoptive and kinship families. Their primary goals are to provide information to and advocate for families at all phases of the foster-adopt/adoption/kinship process. The phone number is 303-562-9864. The website is www.cocaf.org.

Change a Life Forever

This website www.changealifeforever.org is a resource with links to the Adoption Exchange, Adopt Us Kids and Colorado's virtual Heart Gallery. There are also numbers and locations for local county departments of human/social services and Colorado's Child Placement Agencies. There is more general information about adoption and foster care in Colorado.

Colorado's Heart Gallery

This is a traveling exhibit of pictures of some of Colorado's waiting children who are looking for forever families. Premiered in 2004, it has proven to be a very moving experience for visitors to the exhibit and a resource for adoption for many of the pictured children. The virtual Heart Gallery location is at www.heartgalleryco.org.