C.R.S.A. § 26-7-101

§ 26-7-101. Legislative declaration

- (1) The general assembly finds and declares that:
- (a) Colorado children and youth who reside in or have previously resided in an out-of-home placement deserve and can benefit from the stability and security of permanent, safe adoptive homes;
- (b) In particular, adoption is an important tool to help increase the number of permanent and stable homes for Colorado's abused and neglected children and youth; and
- (c) Many children and youth who are adopted in Colorado have experienced prior abuse, neglect, multiple placements, and institutionalization. These prior experiences often cause physical, psychological, emotional, and developmental harm that affects these children and youth throughout their lives.
- (2) Therefore, the general assembly declares that it is the intent of this article 7 to:
- (a) Encourage families of any economic status to adopt eligible children and youth and to provide such families with benefits that will enable them to meet the needs of eligible children and youth who meet the criteria for the benefits as established in this article 7;
- (b) Ensure that all families and eligible children and youth in Colorado have equal opportunities to access the benefits established in this article 7;
- (c) Ensure that all families and eligible children and youth in Colorado have equal access to consistent information, guidance, and practices to ensure that the needs of each child or youth receive consistent consideration, regardless of the agency that is administering benefits pursuant to this article 7;
- (d) Ensure that families are able to maintain safe and stable homes for the eligible children and youth they adopt through benefits tailored to accommodate and support the needs of the adopted eligible children and youth; and
- (e) Ensure that any agency providing benefits pursuant to this article 7 has clear guidance and support in its efforts to help eligible children and youth find and maintain safe, permanent adoptive homes.

C.R.S.A. § 26-7-102 Formerly cited as CO ST § 26-7-101

§ 26-7-102. Definitions

Effective: August 2, 2019 Currentness

As used in this article 7, unless the context otherwise requires:

- (1) "Agreement" means an adoption assistance agreement negotiated and entered into pursuant to section 26-7-107.
- (2) "Anticipated needs" means those needs that are reasonably foreseeable and as defined in the eligibility criteria listed in subsection (8) of this section that are known at the time of finalization of the adoption. Consideration of these anticipated needs and services are part of the good-faith negotiation of the amount of the adoption assistance payment and services and must comply with the funding requirements in section 26-7-103.
- (3) "Benefit" means any subsidy or service available to adoptive families pursuant to this article 7, including monthly subsidy payments. These payments must not include payments for services that are reasonably accessible and can be funded through other public or private sources, including but not limited to social security and medicaid, as required in 20 U.S.C. sec. 1440.
- (4) "Child placement agency" means any entity that, pursuant to the requirements in section 26-6-102(7), may place, facilitate placement, or arrange for the placement of an eligible child or youth for the purpose of adoption, treatment, or foster care. Only eligible children or youth who are placed by a county department or through a child placement agency that is designated as a nonprofit entity and licensed by the state department are eligible to receive benefits pursuant to this article 7.
- (5) "Circumstances of the family" means the capacity of the family, including but not limited to financial capacity, to meet the anticipated needs of the eligible child or youth.
- (6) "County department" means a county department of human or social services.
- (7) "Dissolved adoption" means an adoption in which the legal relationship between the adoptive parents and adoptive child or youth is severed, either voluntarily or involuntarily, after the adoption is legally finalized. This may result in the child or youth's return to, or entry into, foster care.
- (8) "Eligible child or youth" means a child or youth who meets the medical and disability requirements for federal supplemental security income or is a child or youth with one or more specific factors or conditions that would make it reasonable to conclude

C. R. S. A. § 26-7-102, CO ST § 26-7-102

Current through the end of the 2019 Regular Session and the amendments adopted at the Nov. 5, 2019 election

End of Document

C.R.S.A. § 26-7-103

§ 26-7-103. Adoption assistance program--created--administration-funding--reporting--rules--definition

Effective: August 2, 2019
Currentness

- (1) The adoption assistance program is created in the state department and supervised by the state department. The program shall be administered by county departments pursuant to this article 7. The state department shall, through the state board of human services, adopt any rules necessary to implement the provisions of this article 7.
- (2) In addition to any money appropriated to the state department by the general assembly for the program, the state department is also authorized to accept, on behalf of the program, any federal funds made available for any purpose consistent with the provisions of this article 7.
- (3) The state department shall keep data as necessary to evaluate the program's effectiveness in providing stability to eligible children, youth, and families involved in adoption through the child welfare system. On or before November 1, 2020, and every November 1 thereafter, the state department shall prepare and make available to the public a report that includes, but is not limited to, information concerning:
- (a) The cost of administering the program, including expenditures for monthly subsidies and other benefits;
- (b) The types of services awarded through the program on a statewide basis;
- (c) The number of dissolved adoptions involving children and youth who qualified for or received benefits from the program;
- (d) The results of any program evaluation performed by the state department.

Credits

Repealed and reenacted by Laws 2019, Ch. 180, § 1, eff. Aug. 2, 2019.

C. R. S. A. § 26-7-103, CO ST § 26-7-103

Current through the end of the 2019 Regular Session and the amendments adopted at the Nov. 5, 2019 election

End of Document

C.R.S.A. § 26-7-104

§ 26-7-104. General information for prospective adoptive families

- (1) At the time that the family is matched for adoption of a child or youth who is potentially eligible for benefits pursuant to this article 7, the state department, a county department, or a nonprofit child placement agency, as appropriate, shall provide the prospective adoptive family, in writing, with information concerning the following:
- (a) The availability of benefits, with an explanation of the differences between these benefits and foster care maintenance payments;
- (b) The availability of reimbursement for any nonrecurring expenses incurred in the adoption of an eligible child or youth;
- (c) The availability of mental health services through the state medical assistance program pursuant to articles 4, 5, and 6 of title 25.5 or other programs;
- (d) The federal adoption tax credit for an individual who is adopting or is considering adopting a child or youth in foster care or through a nonprofit child placement agency, in accordance with section 403 of the federal "Fostering Connections to Success and Increasing Adoptions Act of 2008", Pub.L.110-351;
- (e) Notice of the general right to bring to the adoption assistance negotiation process:
- (I) Parties who possess relevant information about a child's or youth's history and needs, including the child's guardian ad litem or the family's advocate; and
- (II) Legal representation for a child or youth or prospective adoptive family;
- (f) Notice of the right to appeal and be represented by legal counsel, at the prospective adoptive parents' expense, in accordance with the "State Administrative Procedure Act", article 4 of title 24, and pursuant to section 26-7-109; and
- (g) Notice of the general right to request a negotiation meeting.
- (2) The state department shall also make the information described in this section available on its website.

C.R.S.A. § 26-7-105 Formerly cited as CO ST § 26-7-103

§ 26-7-105. Eligibility for adoption benefits

Effective: August 2, 2019 Currentness

- (1) Only an eligible child or youth who has special needs that create a barrier to his or her adoption is eligible for adoption benefits.
- (2) The following conditions must be present at the time the eligible child or youth was placed for adoption; except that a child or youth who meets the medical and disability requirements for federal supplemental security income does not need to meet the additional conditions:
- (a) The eligible child or youth was in the custody of a county department, a person to whom the custody of the child has been given by proper order of a dependency and neglect court, or a nonprofit child placement agency, and is legally available for adoption, including the resolution of all appeals; and
- (b) It has been determined that the eligible child or youth cannot or should not be returned home to his or her biological parents;
- (c) Reasonable but unsuccessful efforts to place the eligible child or youth for adoption without benefits have been made, except under the following circumstances:
- (I) It is determined that such efforts would be against the best interest of the eligible child or youth because of factors that include, but are not limited to, the existence of a significant bond with the prospective adoptive parents or a search for a nonsubsidized adoptive placement would delay a child's or youth's right to permanency in a timely manner; or
- (II) The eligible child or youth is being placed by a birth parent with designated adoptive parents through a nonprofit child placement agency; and
- (d) The county department or nonprofit child placement agency has determined that the adoptive family has the capability of providing for the nonfinancial needs of the eligible child or youth.

Credits

Relocated and amended by Laws 2019, Ch. 180, § 1, eff. Aug. 2, 2019.

C.R.S.A. § 26-7-106

§ 26-7-106. Available benefits

Effective: August 2, 2019 Currentness

- (1) A county department may authorize or administer one or more of the types of benefits available pursuant to this article 7, as described in subsection (2) of this section.
- (2) The benefits available pursuant to this article 7 include:
- (a) Monthly subsidy payments;
- (b) Medical assistance pursuant to articles 4, 5, and 6 of title 25.5;
- (c) Reimbursement for nonrecurring expenses incurred by or on behalf of the adoptive parent in connection with the adoption, included but not limited to:
- (I) Any fees ordinarily assessed by the state department, a county department, or a child placement agency for adoption investigations and home study reports; and
- (II) Any reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of the child as described in 42 U.S.C. sec. 673(a)(1); and
- (d) Payment or reimbursement for other services or benefits as defined in section 26-7-102(3).

Credits

Repealed and reenacted by Laws 2019, Ch. 180, § 1, eff. Aug. 2, 2019.

C. R. S. A. § 26-7-106, CO ST § 26-7-106

Current through the end of the 2019 Regular Session and the amendments adopted at the Nov. 5, 2019 election

End of Document

C.R.S.A. § 26-7-107

§ 26-7-107. Determination of benefits--adoption assistance agreement-review--definitions

- (1) The benefits provided in any case pursuant to this article 7 must be determined through an agreement between the adoptive parents and the county department administering the program. The terms of the agreement must be reached through a discussion and good-faith negotiation process that addresses the needs of the eligible child or youth. Once the terms of the agreement are reached by the respective parties, the parties shall sign the agreement prior to adoption finalization. If an agreement cannot be reached with the concurrence of the adoptive parents, the adoptive parents' request for adoption assistance may be reviewable through the administrative law appeals process.
- (2) The use of a means test is prohibited in the process of selecting an adoptive family. A means test also must not be substituted for the negotiation of an adoptive family's benefits. The circumstances of the family, as defined in section 26-7-102(5), should be considered in negotiating a family's benefits.
- (3) Determination of the type and amount of benefits to be provided must take into consideration the circumstances of the adoptive family and the current and anticipated needs of the eligible child or youth being adopted. In no case may the amount of the monthly subsidy payment exceed the foster care maintenance payment that would have been paid if the eligible child or youth had been in foster care at the time of the eligible child or youth's adoption or at the time of renegotiation in the case of adoption assistance adjustment. The amount of payments may be adjusted periodically if either the needs of the eligible child or youth or the circumstances of the family change, but only with the concurrence of the adoptive parents.
- (4) In cases where a subsidy is not provided in an agreement, the county department shall document:
- (a) The child's or youth's special needs in the services record and in the state department's automated child welfare system; and
- (b) The potential need for financial subsidies that exist and may need to be activated at a future time.
- (5) An agreement entered into pursuant to this section must be reviewed at least every three years. The county departments shall provide written notice of the upcoming review to the adoptive family.
- (6) Any new agreement must include the circumstances under which the county department may suspend subsidy payments.

C.R.S.A. § 26-7-108

§ 26-7-108. Suspension of subsidies

Effective: August 2, 2019 Currentness

- (1) The county department may suspend the payment of subsidies available pursuant to this article 7 when contact with the adoptive family cannot be established and the county department cannot establish that the adoptive parent is providing any support, which includes financial support as determined by the Title IV-E agency.
- (2) Prior to suspension, the county department shall provide notice to the adoptive parents of intent to suspend subsidy payments at least ten days prior to suspension and shall include in the notice:
- (a) A statement of the county department's intent to suspend subsidy payments, as well as the reasons and legal basis for the intended suspension;
- (b) A description of the adoptive parents' right to request a fair hearing pursuant to 45 CFR 205.10;
- (c) A description of the circumstances under which adoption assistance must be continued if a hearing is requested; and
- (d) The circumstances under which a suspension may be reversed without a fair hearing.
- (3) When the subsidy payment is suspended, the eligible child or youth remains Title IV-E eligible, the Title IV-E agreement remains in effect, and the eligible child or youth remains eligible for, and in receipt of, medical assistance pursuant to articles 4, 5, and 6 of title 25.5, if applicable.

Credits

Repealed and reenacted by Laws 2019, Ch. 180, § 1, eff. Aug. 2, 2019.

C. R. S. A. § 26-7-108, CO ST § 26-7-108

Current through the end of the 2019 Regular Session and the amendments adopted at the Nov. 5, 2019 election

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C.R.S.A. § 26-7-109

§ 26-7-109. Termination of adoption assistance agreement

Effective: August 2, 2019 Currentness

- (1) The county department shall terminate the payment of subsidies available pursuant to this article 7 when any of the following situations occur:
- (a) The child or youth reaches eighteen years of age; except that, in cases where the county department has determined that the child or youth has a mental or physical handicap that warrants continued assistance, the payment of subsidies shall continue until the child or youth reaches twenty-one years of age;
- (b) The adoptive parent or parents are no longer legally responsible for the support of the child or youth;
- (c) The child or youth is no longer receiving support from the adoptive family, which includes financial support as determined by the Title IV-E agency; or
- (d) The county department certifies the death, marriage, or enrollment in military service of the child or youth.
- (2) Adoptive parents who receive subsidies shall keep the county department that is administering the program informed of circumstances that would make them ineligible to continue to receive subsidies pursuant to this article 7.

Credits

Added by Laws 2019, Ch. 180, § 1, eff. Aug. 2, 2019.

C. R. S. A. § 26-7-109, CO ST § 26-7-109

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C.R.S.A. § 26-7-110 Formerly cited as CO ST § 26-7-107

§ 26-7-110. Appeals

Effective: August 2, 2019 Currentness

a hearing before a state department administrative law judge in accordance with the "State Administrative Procedure Act article 4 of title 24.
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- (2) The following situations are subject to appeal:
- (a) A determination of a child's or youth's eligibility for benefits pursuant to section 26-7-105;
- (b) Any determination, redetermination, or reduction of benefits pursuant to this article 7;
- (c) Termination of the agreement entered into pursuant to section 26-7-107; or
- (d) The failure of the state department, county department, or nonprofit child placement agency to notify the adoptive family of an eligible child or youth about the availability of benefits pursuant to this article 7.

Credits

Relocated and amended by Laws 2019, Ch. 180, § 1, eff. Aug. 2, 2019.

C. R. S. A. § 26-7-110, CO ST § 26-7-110

Current through the end of the 2019 Regular Session and the amendments adopted at the Nov. 5, 2019 election

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Date: January 14, 2020

To: All County Human/Social Services Directors

From: Joe Homlar, Director

Regarding: Adoption Assistance Program and Relative Guardianship Assistance Program as Opportunities to Support Stable Permanency for Children/Youth Exiting Foster Care

Key Words: Adoption assistance, continuation of assistance, permanency, reimbursement, relative

guardianship assistance, timely, stability, statute, support

Number: IM-CW-2020-0001

Information Memorandum

The purpose of this memorandum from the Division of Child Welfare (DCW) is to reiterate statutory support for increased State reimbursement to county departments of human/social services for the costs incurred through the Adoption Assistance Program and Relative Guardianship Assistance Program, as well as an exemption from the annual closeout process for these programs. In addition, county departments may support continuation of young people in these programs with Title IV-E (as applicable) and Non Title IV-E funding up to the age of 21, when criteria are met.

Statute:

During the 2018 legislative session, the Colorado General Assembly passed Senate Bill 18-254 which required an increased state reimbursement rate to 90% for county departments supporting permanency through adoption assistance and relative guardianship assistance.

The requirement is contained in \$26-5-104 (1) (b), C.R.S.: The state department shall reimburse the county departments ninety percent of the amounts expended by county departments for adoption and relative guardianship assistance.

In addition, the statute requires that adoption and relative guardianship assistance is exempt from the close-out process and the capped allocation for child welfare services.

These provisions decreased the county departments' financial responsibilities and required fiscal responsibility at the state level, rather than through county departments' allocations. This is an opportunity for county departments of human/social services to focus their permanency efforts toward children/youth that will not be reunified and could achieve legal and stable permanency through other court processes and assistance programs.

Providing assistance through adoption and relative guardianship helps families to better achieve and maintain stable permanency because they have the individualized support to meet the needs of the child/youth and with consideration of the circumstances of the permanent family.

State Title-IV-E Plan:

Operation memo (OM) CW-2019-001, issued January 3, 2019 shared the following information: The Children's Bureau, a division of the Administration for Children and Families (ACF), approved an amendment to the State Title IV-E Plan which allows Title IV-E eligibility to extend up to age 21 for other programs, including adoption assistance and relative guardianship assistance, when they meet criteria allowed in Section 475 [42 U.S.C 675] (8) (B), retroactive to January 10, 2018.



PUEBLO COUNTY DEPARTMENT OF SOCIAL SERVICES SUBSIDIZED ADOPTION POLICY

GENERAL STATEMENT: Pueblo County provides adoption subsidies to assist families in the care of children adopted through the Pueblo County Department of Social Services who have documented/demonstrated need for such assistance and who meet federal, state, and county guidelines.

PHILOSOPHICAL STATEMENT: The Subsidized Adoption Program of the Pueblo County Department of Social Services is based on the premise that parenthood means caring for and nurturing a child. The act of adoption shifts responsibility for the care of the child from the Department to the adoptive parent(s). The County is no longer the custodian with sole responsibility of the child contracting with an agent for service. Instead, the adopting parent(s) is/are willingly accepting custody of the child and all of the responsibilities inherent in that role. An adoption subsidy may be available if the child they are adopting has documented special needs.

POLICY: Pueblo County's Adoption Assistance Program has been developed in accordance with guidelines established by the Colorado Department of Human Services Policy and Procedures for Child Welfare Manual Volume VII including Subsidized Adoption services (7.306.4).

An adoption subsidy is a payment made directly to the adoptive parent(s) to provide for the special needs of an eligible adopted child (7.203.2). The Adoption Assistance Program was established to help remove financial barriers to the adoption of children with special needs by providing assistance to the adopting parent(s). A subsidy is based on the special needs of the child and relates to the original barriers to adoption and circumstances of the family. A subsidy payment is not intended to cover all of the routine costs associated with raising a child, that is the responsibility of the adoptive parent(s). The Department will assist with a subsidy payment related to the special needs of the child.

Available public programs and insurance benefits for which the child is eligible shall be used first to address the child's needs before subsidy payments are used. All children who qualify for adoption subsidies are eligible for Medicaid benefits in Colorado. IV-E children with an effective Subsidized Adoption agreement will be eligible for Medicaid in the state in which they reside.

In order for a child to be eligible for subsidized adoption all of the following factors must be present at the time the child is placed for adoption. These are the eligibility requirements stated in 7.703.22: the goal for the child is adoption and the court has determined that the child cannot or should not return to their parents; the county department, agency, or relative requesting the adoption subsidy is financially responsible for the care of the child; all reasonable efforts to place the child for adoption without a

The maximum adoption assistance subsidy rates for Pueblo County are:

Ages 0-10 \$359.00 Ages 11-14 \$403.00 Ages 15-18 \$435.00 Up to -21 \$435.00 (physically or mentally disabled)

A special needs allowance, in addition to the above rates, may be applied for physically disabled or mentally disabled children. The amount of the payment for services, based on each child served to the extent of services needed, in the age categories listed above and is \$91.00, \$136.00 or \$183.00. The Medical Adaptive Section form will be used to determine the level and amount.

An additional subsidy allowance will be added for the adoption of sibling groups. This will be in the form of \$50.00 added to the subsidy of each sibling.

Pueblo County Department of Social Services reserves the right to make exceptions to the adoption subsidy based on extreme special needs of a child at the discretion of the county director.

Pueblo County will make a good faith effort to negotiate an adoption assistance subsidy rate payment with the adoptive parent(s), initially with the assigned adoption caseworker and then with the negotiation team. If the parties cannot come to an agreement, the County Department shall establish the subsidy amount according to the Colorado Department of Human Services Policy and Procedures for Child Weifare Services Manual, Volume VII.

NON-RECURRING ADOPTION EXPENSES: Subsidies may reimburse adoptive parent(s) for non-recurring adoption expenses, which includes legal fees, adoption fees, new adoption birth certificate, court filing fees, home study fees, and other expenses such as travel or lodging to facilitate an adoption placement. Reimbursement of up to \$800.00 is available one time only for one or a combination of these above stated expenses. If there are extenuating circumstances, the adopting parent(s) may make a request to the Adoption Caseworker and Supervisor asking for the Department's assistance with these expenses.

REVIEW OF ADOPTION ASSISTANCE SUBSIDY: All ongoing subsidies will be reviewed every three years. If a change in the current subsidy is requested due to changes in the child's needs or the family's circumstances the parent(s) will submit supporting documentation from the child's physician, mental health clinician or other professionals to the Pueblo County Department of Social Services. Only those needs that are related to the original barriers to adoption, which existed at the time the child was initially placed for adoption, will be considered in determining approval of the subsidy. Such services require pre-authorization and approval of the Pueblo County Department of Social Services and those needs identified at the time of the initial agreement.

ADOPTION ASSISTANCE SOME TIPS FOR GALS

- 1. Note that prospective adoptive parents and/or adoptive children/youth may be eligible for different types of adoption assistance:
 - financial assistance such as adoption subsidies and/or Medicaid, as well as
 - services such as the Adoption Exchange, Catholic Charities, House Bill 1451
 (Collaborative Management Program), and even "case services funds" for counselors who specialize in working with adoptive families.

See C.R.S. 26-7-106(2).

- 2. Adoption subsidies may seem counterintuitive foster parents who received a large foster care payment during a D&N case may receive a small adoption subsidy, and/or an unlicensed/non-certified kinship care who did not receive financial assistance during a D&N case may receive hundreds of dollars a month through an adoption subsidy. Remember that this is because adoption benefits are meant to cover the needs of eligible children/youth whose special needs create a barrier to adoption. C.R.S. 26-7-105(1). The department resumes that all adoptive parents will provide for the basic needs of all adopted children.
- 3. Be aware of what Medicaid/other financial resources will/will not pay for. As an example, Medicaid will not pay for some special medical equipment such as strollers for children/youth who must lay flat/cannot sit up and/or ramps for homes for children/youth who use wheelchairs. Also, be aware that what Medicaid will/will not pay for is subject to change over the years.
- 4. Consider whether to request an evaluation of a child/youth post-termination and/or pre-adoption. Although the department may balk at having to pay for an evaluation, children/youth grow and change throughout D&N cases.
- 5. Although foster parents must receive notice of their right to involve GALS in the adoption assistance negotiation process (C.R.S. 26-7-104(1)(e)(i)), remember that GALs cannot give foster parents legal advice. Foster parents will have tons of questions. Beware of the slippery slope that goes from educating foster parents about the process to giving them advice on what they should/should not do.
- 6. Make sure that you have all information demonstrating that the child/youth is an eligible child/youth whose special needs create a barrier to adoption.
 - Such information includes financial records, the child's/youth's mental health records, medical records, therapy records, and IEPs.
 - Potential sources of such information include foster parents, caseworkers, physical therapists, occupational therapists, mental health therapists, psychiatrists, psychologists, and doctors.

West's Colorado Revised Statutes Annotated
Title 26. Human Services Code
Article 5. Child Welfare Services (Refs & Annos)

C.R.S.A. § 26-5-110

§ 26-5-110. Guardianship assistance program—legislative declaration--eligibility--rules

- (1) The general assembly declares that:
- (a) The state of Colorado has a strong interest in providing permanency options to children who are part of the foster care system;
- (b) Children and youth in the child welfare system are better served when family ties are preserved and strengthened because permanent family connections are critical to a child's overall well-being and development:
- (c) The general assembly has established through past legislation a statutory preference for placement with relatives and kin at all stages of a child welfare case;
- (d) To help support permanency with family and kin relationships when adoption and reunification are either unavailable or not appropriate permanency options for the child, the general assembly created the "Relative Guardianship Assistance Program" in 2010, as authorized by the federal "Fostering Connections to Success and Increasing Adoptions Act of 2008", Pub. L. 110-351;
- (e) The state of Colorado has a strong interest in providing permanency options to children who are part of the traditional foster care system and who are not otherwise able to be placed with relatives or kin:
- (f) It is appropriate to further the goal of permanency by passing legislation to provide financial assistance for the care of children, when it is in accordance with federal law, to relatives, kin, and foster parents who have a significant relationship with the child, as outlined in statute, and who have assumed legal guardianship or allocation of parental responsibilities of children who they previously cared for as certified foster parents through the federal "Title IV-E Adoption and Guardianship Assistance Program", 42 U.S.C. sec. 673(d); and
- (g) It is therefore the intent of the general assembly that the state guardianship assistance program will be utilized to enhance family preservation and provide a permanency option for children who have developed a significant relationship with their foster parent caregiver when reunification and adoption are either unavailable or not appropriate permanency options for the child, and provide stability in safe and stable placements with relatives, kin, and foster parent caregivers in circumstances set forth in this legislation.