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Subsidized Adoption of Special Needs Children

Secs. 17a-116-1—17a-116-5.

Repealed, May 10, 1999.

Sec. 17a-116-6. Scope of regulations

The following regulations pertaining to subsidized adoption of special needs children are being adopted to establish and maintain an ongoing program of subsidized adoption.

(Effective March 22, 1994)

Sec. 17a-116-7. Definitions

(a) Department means Department of Children and Families.

(b) Commissioner means the Commissioner of the Department of Children and Families or designee.

(c) Current cost of foster maintenance care means the rates for foster or other family type homes (excluding group homes) including regular, individualized or special rates as established by the Department.

(d) High risk of physical or mental disability refers to a child who does not have a currently diagnosed physical or mental disability but a recognized authority (licensed physician, psychiatrist or psychologist) determines that the child's past experience and present condition or functioning indicate a probability for developing such disability in the future.

(e) Legal dependent means a child who qualifies as a dependent of the adoptive parent(s) under the Internal Revenue Code or as defined by future amendments to the Internal Revenue Code.

(Effective March 22, 1994)

Sec. 17a-116-8. Criteria for certification as a special needs child

(a) The child is a ward of the Commissioner or is to be placed in adoption by a licensed child-placing agency.

(b) The adopting family is approved for adoption placement by the Department or a licensed child-placing agency.

(c) The Commissioner or a licensed child-placing agency determines that a child appropriate for adoption is difficult to place (based on all reasonable efforts consistent with the best interests of the child) because of one or more conditions including, but not limited to:

(1) Physical disability (or high risk of such disability) which presents a barrier to adoption. A written diagnosis and recommendation for treatment must be made by a licensed physician.

(2) Mental disability (or high risk of such disability) which presents a barrier to adoption. A written diagnosis and recommendation for treatment must be made by a licensed psychiatrist or psychologist.

(3) Serious emotional maladjustment (or a high risk for such maladjustment) as indicated by a written diagnosis made by a licensed psychiatrist or psychologist. The written statement must include recommendation for treatment and prognosis.

(4) Age when considered with other factors in the child's functioning and circumstances present a barrier to adoption.

(5) Racial or ethnic factors when considered with other factors in the child's functioning and circumstances present a barrier to adoption.

(6) Member of a sibling group which should be placed together.

(7) The child has established significant emotional ties with prospective adoptive parents while in their care as a foster child.

(d) Upon determining that the child meets the eligibility criteria, the Commissioner shall certify the child as special needs prior to the finalization of the adoption by the Probate Court except as provided for in Section 17a-116-11 of these regulations.

(Effective March 22, 1994)

Sec. 17a-116-9. Types and duration of subsidy

(a) A written certification of the need for a subsidy shall be made by the Commissioner. The type, amount, and duration of the subsidy shall be mutually agreed to by the Commissioner and the adopting parents prior to the entry of the adoption decree. If the parties fail to agree, the adoptive parents may appeal to the Adoption Subsidy Review Board under Section 17a-116-14 of these regulations.

(b) Upon finalization of the adoption by the Probate Court, the Department will provide one or more of the following subsidies:

(1) a special needs subsidy in the form of a lump sum payment paid directly to the person, institution, or facility providing the required service to meet anticipated costs resulting from the adoption to the extent such costs are not covered by other state and federal programs, health or medical insurance, or other third-party payments.

(2) a periodic subsidy in the form of recurring periodic payment to the adoptive parents. Such payments may continue only until the child reaches the age of 18.

(3) In addition to the subsidy granted as outlined above, any medical benefits which are being provided prior to final approval of the adoption by the Probate Court in accordance with the fee schedule and payment procedures under the State Medicaid program as administered by the Department of Social Services shall continue as long as the child qualifies as a legal dependent of the adoptive parents. However, such medical subsidy may continue only until the child reaches age 21.

(4) In order to avoid duplication of medical coverage, the child determined to be eligible for medical subsidy under 17a-117 (a) shall not be eligible for such subsidy under 17a-120.

(c) A child, who is a resident of the State of Connecticut when eligibility for a subsidy is certified, shall remain eligible and continue to receive the subsidy regardless of the domicile or residence of the adoptive parents at the time of application for adoption, placement, legal decree of adoption or thereafter.

(Effective March 22, 1994)

Sec. 17a-116-10. Amount of periodic subsidy

(a) The amount of periodic subsidy payment shall not exceed the current cost of foster maintenance care as determined by the Department. Such payments shall be adjusted to reflect any changes in the Department's foster maintenance care rates.

(b) Payments of less than the full cost of foster maintenance care may be made if the adoptive parents indicate that a lesser amount would be adequate to facilitate the adoption placement of the child.

(c) The Department will take into consideration any other income available to the child and will reduce the amount of subsidy payment to reflect the child's own income from other sources such as Social Security, Veteran's Administration, etc.

(Effective March 22, 1994)

Sec. 17a-116-11. When subsidy is granted

(a) The subsidy may be granted only for the child certified as a special needs child prior to adoption (except as provided for below).

(b) A request by the adoptive parent(s) for subsidy after a final approval by the Probate Court may be considered at the discretion of the Commissioner for conditions resulting from or directly related to the totality of circumstances surrounding the child which existed prior to adoption. Such requests will be considered in those cases where a review of all the circumstances surrounding the child prior to placement in adoption indicates that, had those circumstances been made known to the Department, at the time, the child would have met the criteria for certification as a special needs child. Upon certification by the Commissioner that the child meets the special needs criteria, the child shall be eligible for inclusion in the subsidized adoption program no later than 30 days after the date of receipt of the request by the Department.

(Effective March 22, 1994)

Sec. 17a-116-12. Annual review of the subsidy

(a) The Department will conduct a biennial review of the continued need for subsidy.

(1) The adoptive parents shall submit a sworn statement indicating that the condition which caused the child to be certified as special needs or a related condition continues to exist or has reoccurred since the time of the last review.

(2) The adoptive parents shall submit a sworn statement indicating that the child continues to qualify as a legal dependent.

(3) If the Department determines that the subsidy should be reduced or terminated, the adoptive parents shall be notified in writing of their right to request a hearing before the Adoption Subsidy Review Board. The notification shall state that adoptive parents disagreeing with such planned action will be given a hearing provided a written request for a hearing is received by the Department (505 Hudson Street, Hartford, CT 06106) within 15 days from the date the Department mails the notification.

(4) If such a hearing is requested, the adoptive parents shall be given a hearing at least 30 days prior to the anticipated effective date of such action.

(5) The subsidy shall continue without modifications until the final decision of the Adoption Subsidy Review Board.

(Effective March 22, 1994; amended May 30, 2002)

Sec. 17a-116-13. Reapplication for subsidy

(a) Subsequent to termination of a subsidy, adoptive parents of a child, who was previously certified and received a subsidy as a special needs child, may reapply.

(b) Upon determination by the Commissioner that the condition which caused the child to be certified as special needs or a related condition continues to exist or has reoccurred, the Commissioner shall recertify the child as a special needs child.

(c) The child shall be eligible for inclusion in the subsidized adoption program as of the date of recertification.

(Effective March 22, 1994)

Sec. 17a-116-14. Adoption subsidy review board

(a) Any subsidy decision by the Commissioner may be appealed by a licensed child-placing agency or the adopting parent(s) to the Adoption Subsidy Review Board.

(b) The Adoption Subsidy Review Board shall consist of the Commissioner or designee, a representative from a licensed child-placing agency and an adoptive parent appointed by the Governor.

(c) Adoption Subsidy Review Board procedures will be conducted in accordance with the provisions of Chapter 54 of the Connecticut General Statutes.

(d) All decisions of the Adoption Subsidy Review Board shall be based on the best interest of the child.

(Effective March 22, 1994)