

8.0 Extended Adoption or Permanency Assistance

Adoption / Guardianship at Age 16+

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8.1 AUTHORITY

PL 110-351, Fostering Connections to Success and Increasing Adoptions Act of 2008

PL 111-148, Patient Protection and Affordable Care Act

42 USC Chapter 7, Sub Chapter IV, Part E, Federal Payments for Foster Care and Adoption Assistance

45 CFR Subtitle B, Chapter XIII, Subchapter G, The Administration on Children, Youth and Families, Foster Care Maintenance Payments, Adoption Assistance, and Child and Family Services

HRS Chapter 578, Adoption

HRS Chapter 560:5 Part 2, Guardianship of a Minor (at 560:5-201 thru 210)

HRS Chapter 346-395, Young Adult Foster Care Act, Eligibility

HAR Title 17, Subtitle 6, Benefit, Employment, and Support Services Division

HAR Title 17, Subtitle 11, Child Welfare Services Programs

HAR Title 17, Subtitle 12, Med-Quest Division

8.2 DEFINITIONS

“Adoption / Guardianship Disruption” means there is sufficient evidence to conclude that the young adult is no longer receiving emotional and financial support from the adoptive parents or legal guardians.

“Child” means a person who is born alive and is less than eighteen years of age or a **young adult** age eighteen and up to twenty-one with respect to whom an adoption assistance or permanency assistance agreement became effective when the child was age 16 or older.

“Extended Adoption or Permanency Assistance Agreement” means a written agreement between the Department of Human Services or any other agency acting on its behalf, the young adult who was adopted or placed under legal guardianship at age 16 or above, and the young adult’s adoptive parent(s) or legal guardian(s), which specifies the conditions for the provision of extended adoption or permanency assistance.

8.3 PROCEDURES

8.3.1 Extended Adoption or Permanency Assistance - Payment Only Cases

A. Family Consultation. If an adoptive parent or legal guardian, or a qualifying child or young adult, is interested in continuing Adoption or Permanency Assistance past his/her 18th birthday, the Payment Unit Assistant shall:

1. Review with the family the benefits and provisions of the Extended Adoption/ Permanency Assistance Agreement;
2. Review with the family the provisions of the Adoption or Permanency Assistance Agreement finalized before the award of adoption or legal guardianship; AND
3. Require that documents be submitted/uploaded supporting that the child or young adult meets the participation requirements for extended payments.

B. Extended Adoption / Permanency Assistance Agreement. A new agreement shall be completed each time the Payment Unit makes a formal determination that a young adult has become eligible to receive Extended Assistance payments and will participate in the program.

C. Eligibility. The young adult is eligible for Extended Adoption or Permanency Assistance if:

1. The young adult was under the permanent custody or foster custody of the Department of Human Services (DHS) at the time when the young adult:
 - a. As a child, was placed under an award of legal guardianship after attaining the age of 16; or
 - b. As a child, was adopted after attaining the age of 16;
2. The young adult is under age 21 and:
 - a. Completing secondary education or a program leading to an equivalent credential;
 - b. Enrolled in an institution that provides post-secondary or vocational education;
 - c. Participating in a program or activity designed to promote or remove barriers to employment;
 - d. Employed for at least 80 hours per month; or
 - e. Incapable of doing any of the activities described in (a) to (e) due to a medical condition;
3. The adoption or guardianship has not disrupted; AND
4. The adoptive parents or legal guardians are willing to provide the young adult with emotional and financial support during the period when extended payments are received.

D. Documents Supporting that the Young Adult Meets Participation Requirements. The Payment Unit must receive supporting documents before it can make a determination on the young adult's eligibility. If the original documents (tangible form) are provided to the DHS by the family, the Payment Unit Assistant shall make a copy and return the originals to the young adult or family.

E. List of Acceptable Documentation.

- **Enrollment in High School or GED Program:** School transcript; OR letter from the Principal, Program Director, or school registrar.
- **Post-Secondary Education or Vocational Program:** School transcript; OR letter from the Dean, Program Director, or Admissions office.
- **Employment (full-time, part-time, on-call, independent contract, self, etc.):** Recent pay stub; OR letter from employer with employer's Tax ID number.
- **Activities to promote or remove barriers to employment (including working less than 20 hours per week, apprenticeships, internships, volunteering, employment preparation and skills training, residential substance abuse treatment, etc.):** Documentation supporting employment for less than 80 hours per month; Letter of enrollment from the Hawai'i Department of Labor and Industrial Relations, Unemployment Insurance Division, or other employment service; letter of acceptance or participation; resume drafts; copies of completed job applications, etc.
- **Medical Condition:** MDT report, letter from the diagnosing or treating doctor, OR other written documentation identifying a qualifying medical condition (e.g. high-risk pregnancy) and the projected time frame for how long the young adult will be disabled.

F. School Breaks. If a young adult is on summer or winter break from school, the young adult is still considered eligible as a student. However, the Payment Unit Assistant shall encourage the young adult to participate in an activity during the break similar to State Higher Education Program requirements.

G. Extended Assistance Payments. The payment amount shall be based on the current Adoption Assistance or Permanency Assistance procedures. The Payment Unit Assistant shall:

1. Verify eligibility within 10 working days of receiving the supporting documents;
2. Confirm with the young adult and family that the adoptive parent(s) or guardian(s) is willing to continue supporting the young adult emotionally and financially;
3. Review with the family the Extended Adoption/Permanency Agreement;
4. Sign, and have the young adult and adoptive parents or guardians sign, the Extended Adoption/Permanency Agreement;
5. Provide the young adult and adoptive parents or guardians with a copy of the agreement; AND
6. Verify continued eligibility at least every 6 months.

H. Difficulty of Care Payments. The Payment Unit shall extend Difficulty of Care payments under the following conditions until Extended Adoption or Permanency Assistance stops: (1)

The young adult and the family still qualifies for Difficulty of Care payments; (2) The young adult resides with the adoptive parent(s) or guardian(s) and (3) The adoptive parent(s) or guardian(s) actually provides the additional care for the young adult. Difficulty of Care shall be reviewed every 6 months to 1 year.

I. State Higher Education Program Payments. Higher Education Program payments and Extended Assistance payments shall not be paid simultaneously. To ensure a smooth transition to the Higher Education Program, the young adult must submit a completed Higher Education application at least one month before Extended Assistance ends. The Payment Unit Assistant shall inform the young adult and family that:

1. Enrollment in a qualifying institution (See DHS Procedures for the Higher Education Program) must occur in order to qualify for Higher Education payments; AND
2. Payment can continue for a total of 60 months or up until the young adult's 27th birthday, whichever occurs first.

J. Form 1504, Notice of Disposition of Application/Referral. The Payment Unit shall send Form 1504, within 5 working days of the disposition, to adoptive parents or legal guardians of children who applied for Extended Adoption or Permanency Assistance to notify applicants of the DHS' disposition.

K. Form 1509, Terminate / Deny Payment. Extended payments are subject to the criteria listed in C. above. If the Payment Unit is unable to verify, within a reasonable period of time, that the young adult continues to meet participation requirements for Extended Assistance, the Payment Unit shall:

1. Immediately stop payment;
2. Send to adoptive parents or legal guardians a completed Form 1509; AND
3. Inform adoptive parents or legal guardians that payments can be reinstated when the DHS can verify that the young adult meets participation requirements.

8.3.2 Disrupted Adoptions / Guardianships

If the adoption or guardianship disrupts (*see Adoption / Guardianship Disruption*), the Payment Unit shall:

1. Confirm with the young adult and family that the relationship has disrupted;
2. Ask the young adult if he/she wants to participate in Young Adult Voluntary Foster Care or the Higher Education Program; AND
3. Refer the case to the CWS Voluntary Foster Care Liaison OR follow the appropriate procedures to have the young adult participate in the Higher Education Program