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/A Guide to adoption benefits in Colorad



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A Guide To Adoption Benefits In Colorado



Table of Contents

	Page
Introduction	2
Adoption Support Subsidy County Departments of Social Services (DSS)	3
Nonrecurring Adoption Expense Reimbursement	9
Health Care Program For Children With Special Needs (HCP)	12
Family Support Services Program	16
Supplemental Security Income (SSI)	19

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Colorado Developmental Disabilities Planning Council
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303-894-2345
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Who should read this booklet?

- Any person who is thinking about adopting a child with any kind of special need could be developmental, medical, of racial minority, in a sibling group, or a child who has been previously adopted.
- Adoption workers. Use this booklet for completed adoption or to orient new adoptive families to state resources.
- Health care workers. Read this booklet for resources to care for their adopted children.
- Parent support groups. Use this booklet to "spread the word." Adoption need not be a financial disaster if you know where to find help.
- Any service provider. Read this booklet to learn how you can help families apply for resources to care for their adopted children.

Why was this booklet written?

There are services available in the state of Colorado to help adoptive families. Some programs are just for adopted children, some are for children with disabilities. Some services come from the state while some come from the Federal Government.

Table of Contents

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Many agencies and offices run these programs and each has its own information. This booklet puts much of the information in one place. We want to make sure that every parent and every adoption worker and professional hears about all the kinds of services that exist, who can receive them, and how to apply for them.

Who are these services for?

Almost all the programs listed in this booklet are for children with special needs. A special need may be a physical, emotional or mental handicap. Some children are considered to have a "special need" because they were older at the time of adoption, they were adopted with brothers or sisters or they belong to a racial minority group in which available adoptive families are limited.

Sometimes a child's special need is not identified until long after the adoption.

Some special needs may change. For instance, a child might have a condition that can be corrected by surgery. A child with a chronic condition such as asthma or diabetes might get a lot worse for a year or two. A well-adjusted teenager might have a temporary emotional problem about being adopted and need counseling for a few months.

We encourage you to read this book carefully. Even children who had no identified special need at the time of adoption may be eligible for help.

Page

Introduction

2

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3

Nonrecurring Adoption Expense Reimbursement

9

Health Care Program For Children With Special Needs (HCP)

12

Family Support Services Program

16

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- ◆ Any person who has already adopted a child that might be eligible for specialized services, this booklet may have answers for you.
- ◆ Adoption workers. Use this booklet for families new to adoption, for parents returning for help after a completed adoption or to orient adoption specialists outside the state to Colorado services.
- ◆ Health care workers. Read this booklet to learn how you can help families apply for resources to care for their adopted children.
- ◆ Parent support groups. Use this booklet to "spread the word." Adoption need not be a financial disaster if you know where to find help.
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Introduction

Why do these programs exist?

Keeping families together saves taxpayer money. Families who adopt children with special needs may have increased stress. Such children often need more time, care, resources, and energy than other children. Some of the programs described here were designed to encourage parents to adopt children with special needs and to keep those families together once they are formed. Other programs were designed to aid families who already have children with disabilities, no matter whether the children were born to the parents or adopted.

Some of the programs or services are required by federal law and are found in some form in every state. However, each state is different in the way federal dollars are used. If you came from another state, remember that Colorado may have different requirements for the same program.

What kinds of benefits are offered?

Each program is designed to help with a specific need such as doctor's visits, surgical treatments, medications, eye glasses, physical or other therapies, or durable medical equipment such as wheelchairs or braces. Some programs pay the actual bills and some reimburse you for them. Others may give you a cash payment to purchase services such as respite care or counseling for emotional issues.

What facts can you find in this booklet?

Each section covers one program. The booklet will tell you:

- ◆ what benefits the program offers.
- ◆ who is eligible to receive the benefit.
- ◆ how to apply to the program.
- ◆ how to file an appeal if you disagree with the decision on your application.
- ◆ where to get more information or advice about a program.

How should you use this booklet?

Read every section carefully. Even if you already participate in the program or you have been told it does not apply to your family, you may find new information. We cannot answer all the questions you might have because no two cases are ever alike.

We have tried to be as accurate as possible with more details than found in the brief brochures provided by the programs themselves. Sometimes we have used our best judgment about a vague point. If you still have questions about a program after reading this booklet, call the program phone number listed. The workers we interviewed often told us, "if you feel there is any chance your child or family might be eligible, go ahead and apply." Each case is unique.

Prologue to benefits.

Colorado's system is a state-supervised, county administered system. There are 63 counties. Colorado also has many private adoption agencies. Some are for profit and others are non-profit.

Adoption Support Subsidy Program County Departments of Social Services (DSS)

What is Adoption Support Subsidy?

This is a monthly cash payment to the family adopting a Colorado child with a special need. The family does not have to account to the provider for exactly how the money is spent.

Why was the program developed?

Some children available for adoption, once called "hard to place," belong to a racial minority group; are older; are physically, mentally, or emotionally challenged; or are part of a sibling group which should be placed together. In the past, parents hesitated to take children with these special needs because they were afraid they would have huge extra bills for counseling or medical care. Meanwhile, such children stayed in foster care for years.

Pilot programs in other states showed that these children are not "hard to place" if you give the families financial and other support. In the long run, it is proving to be more cost effective to provide the adoptive family with Adoption Support Subsidy than to have children living in foster care.

Colorado has had two subsidy programs. The first is State and County beginning in 1969. The second is the federal subsidy program added in December 1981. The Colorado Subsidy covers both Maintenance Support and Medical Subsidies. If you adopt a child in another state, that state is responsible for the subsidy, not Colorado. If you adopt a child in Colorado even if you do not live in the state or if you move out of state, the Colorado rules still apply.

In many states, you will hear Adoption Support referred to as "Title IV-E" money. That means that your adoption subsidy also confers Medicaid eligibility.

Where does the money come from?

Adoption Support Subsidy in Colorado is funded by federal, state, and county monies. Because of this, the rules in Colorado may be very different from other states who also participate in the Federal Adoption Subsidy program. You should read this section and the one on Adoption Medical Subsidy very carefully even if you are already experienced with Adoption Subsidy elsewhere.

Who receives Adoption Support Subsidy?

To be eligible to receive Adoption Support Subsidy, a child must meet all these requirements:

- ◆ be adopted through a public or private, non-profit, licensed agency in Colorado.
- ◆ have a *special need*. A special need is one or more of the following special, unusual, or significant factors:
 1. Physical disability
 2. Mental retardation
 3. Emotional disturbance
 4. Hereditary factors that have been documented by a physician or psychologist
 5. High Risk Infants (such as

HIV positive or drug exposed)

6. 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.

- ◆ have demonstrated reasonable attempts to place the child with a family who will adopt without subsidy, unless the best interests of the child would not be served by such efforts; OR have no other placement in the child's best interest except with a family who will not adopt without subsidy. Where appropriate, the current foster family will be given priority as the prospective adoptive family. Reasonable effort requires listing with the Colorado Adoption Resource Registry and may include presentation in the media and consultation with the State.
- ◆ children who are in the custody of licensed non-profit-private agencies or who are living with relatives must meet Federal IV-E eligibility requirements.
- ◆ all parent-child legal relationships are terminated.
- ◆ the county department, agency, or relative requesting the adoption subsidy is financially responsible for the care of the child.

Having a special need does not always mean that the child is disabled. Although disabilities qualify, other factors could be merely that the child is more than 7 years old

or is a child of color or is being placed as a sibling group. Having a special need does not guarantee that the child will receive Adoption Support Subsidy.

A "reasonable attempt" at adoptive placement means that the child has been listed on the Colorado Adoption Resource Registry (CARR), or with The Rocky Mountain Adoption Exchange.

Here are some examples of typical Adoption Support Subsidy situations:

- ◆ A boy is born to a cocaine and alcohol using mother. Because of the mother's precarious health, the child goes from the hospital into foster care. After one year, the baby is diagnosed with cerebral palsy and behavior problems. The biological mother decides to relinquish her parental rights. The father is unknown, and the agency files a termination order on the unknown father. The foster family would like to adopt this baby but they request Adoption Support Subsidy because of his many special needs.

Once available for adoption, the agency finds no other suitable family and the foster family meets adoption criteria, then the foster family could adopt and may receive Subsidy.

- ◆ In the second case, another family could come forward who is willing to accept the child without Adoption Support Subsidy despite his special needs. Theoretically, the baby would be placed with that family if they otherwise were suitable.

However, the foster family could argue that no other placement is in this child's best interest as they have had him all his life and his problems are quite severe. Moving him, they say, would be a set-back from which this child could not recover.

Decisions about the final placement and about Subsidy are made within the County Department of Social Services. The potential adoptive family or the foster family may appeal either the placement or the Subsidy decision.

- ◆ A baby is born to parents with AIDS, both of whom relinquish their parental rights. The girl, now in foster care, tests positive for human immunodeficiency virus (HIV) antibody. The doctors cannot be sure until the baby is 18-24 months old whether or not she is truly HIV infected. She may turn out to be a completely normal uninfected baby. Or she may have HIV and ultimately develop AIDS. Several families are willing to adopt but all request Adoption Support Subsidy because of the HIV exposure.

Once this child was in foster care virtually any adoptive family could request a Subsidy because there is a significant risk that the child could have devastating medical expenses in the future although she is normal now.

Who applies for Adoption Support Subsidy?

A family applies for Adoption Support Subsidy directly to their County Department

of Social Services. At the time the family is considering a child, they can ask the adoption agency if the child is eligible and, if so, an application needs to be made. The application for Subsidy is made in conjunction with the adoption agency and must be filed in the month in which the Petition to Adopt is filed.

Thus, if you are considering adopting a child in your home and you think the child should receive Adoption Support Subsidy, you must ask the child's social worker to apply before you or the agency files the Petition to Adopt. The adoptive family and adoption agency must work with the local County Department of Social Services to make sure all policies and procedures are in compliance.

When a child is clearly eligible for Subsidy and the application is denied, the most common reason is that the county that has custody of the child does not participate in the subsidy program.

The most common reason for them not to get a subsidy would be that the child has no special need. An example might be a seemingly healthy newborn baby who is said to be cocaine-exposed but for whom there is no positive infant or mother drug screening test. Other children who might be considered ineligible:

- ◆ a healthy child birth to 4 years old with one other placement,
- ◆ a child with an undiagnosed learning disability, or
- ◆ a child who is receiving survivor benefits from Social Security because of a deceased parent.

If the parent has a serious reservation about future financial liability with a specific child, he/she should ask that the adoption worker inquire about Subsidy. The Colorado rules about Subsidy are changing dramatically as families and agencies become better informed about children with high risk histories such as sexual abuse, drug exposure, multiple foster placements and undiagnosed developmental delay. The important thing to understand about Adoption Support Subsidy is that the child must be declared eligible before the Petition to Adopt is filed. When the child's eligibility is based on SSI criteria, the child's subsidy eligibility must be determined prior to finalization of the adoption.

What does Adoption Support Subsidy pay?

The amount of an Adoption Support Subsidy payment is different for each child and is based on the child's needs. The adopting family and Department of Social Services **negotiate** the amount (usually through the adoption social worker). Certain kinds of conditions may merit a special higher payment called a "special needs allowance" but only if the child was receiving that rate in foster care. For some very special circumstances, such as a child with emotional problems as well as additional medical problems, DSS may negotiate with a family an annual limit that will be used for the purchase of services as identified in the Subsidy Agreement. For relatives providing kinship care and the parental rights have ended either through death, termination or relinquishment the family may contact the County DSS to inquire about receipt of services.

Adoption Support Subsidy is based on the child's eligibility. It is not tied to family

income. Thus, the same child should be eligible for the same benefit no matter who adopts him/her. However, the child may have other income which may change the Subsidy payment, for example, SSI payments or possibly a trust fund. Subsidy payments can change based on these factors:
a) increase as the child gets older or b) the state legislature authorizes increases. Changes must always be reflected in the subsidy agreement.

The maximum amount of Subsidy is spelled out in the Adoption Support Subsidy agreement. The family and DSS both sign this before the adoption is finalized, that is, before the final Order of Adoption is granted. This means the child might have been in your home under a Petition to Adopt for several months and you may have a good idea what the special needs of this child might require.

Adoption Support Subsidy payments come monthly. Families should contact a tax specialist to inquire about how receipt of subsidy may affect their tax liability. The family does not have to account for exactly how they spend the money. If you have problems with a check, call your Adoption Subsidy worker in your County Department of Social Services.

Sometimes the family may turn down Subsidy altogether. They may feel they "can take care of their own" or that they do not accept "charity." You are not required to accept Adoption Support Subsidy just because the child is eligible. **However, you cannot go back after the adoption is final and say you changed your mind.** *The wise approach is to sign the Subsidy agreement but to decline payment at this time.* Then, ten years from now when your spouse dies, you are divorced, your child has identified

mental health needs, or any other unpredictable disaster occurs, you can ask for payment. Signing an agreement does not require you to receive services but it does require you to keep the agency informed in order to receive services at a later time. By signing the agreement the agency acknowledges that the child has or is at risk of possibly having special needs in the future.

How does Adoption Support Subsidy interact with other adoption benefit programs?

Medicaid: Some Colorado children who receive Adoption Support Subsidy payments remain Medicaid-eligible following the adoption. Adoption Subsidies that confer Medicaid eligibility are called "Title IV-E." A child is eligible if he/she received or was eligible to receive Aid to Dependent Families when living with his biological family, who met the other program eligibility criteria at the time he/she was placed in foster care, no matter how long ago that was. Children who receive SSI also remain Medicaid-eligible after adoption.

Medicaid eligibility means that the child may receive free routine medical and dental care from any Medicaid-approved provider. If you move out of state with your child, Adoption Support Subsidy will continue from Colorado but the Medicaid eligibility will transfer to the new state. You must contact your local county department to obtain Interstate Compact for Adoption Medical Assistance (ICAMA) forms to take to the Medicaid office in the new state.

Some Colorado children receive Adoption Subsidy payments that are not paid by federal funds under Title IV-E. Such children are not eligible to receive Medicaid.

Social Security Income: SSI is a payment for the care of a child with a disability. Children who receive Adoption Subsidy Support might not have a disability that would qualify them to receive SSI. A child may receive both SSI and Adoption Support Subsidy but the total amount of SSI plus Adoption Support Subsidy cannot exceed the dollar amount negotiated in the Adoption Subsidy contract. You must notify your Adoption Subsidy worker of any change in SSI benefit amount.

SSI is dependent on the family's income but Adoption Support subsidy is not. SSI confers automatic Medicaid eligibility but Adoption Subsidy Support only qualifies some children. Depending on your family circumstances and type of insurance, it may be to your benefit to apply to SSI even if you already receive Adoption Support Subsidy.

What are the parent's obligations with Adoption Subsidy?

The parent is supposed to spend the money for the benefit of the child. The parent must notify the Adoption Subsidy Office if the child:

- ◆ dies.
- ◆ marries.
- ◆ leaves home permanently.
- ◆ joins military service.
- ◆ goes to a residential facility for more than 30 days.
- ◆ turns 18.

Once a year, you will be sent a form to report the child's status. If your child loses

SSI or some other benefit, or if you move, call the County Department that provides the child's subsidy immediately. The amount of your check may change. Checks are not always forwarded to a new address.

What if a family does not agree with an Adoption Support Subsidy ruling?

You can file a written request for an appeal, within 90 days, to:

Department of Administrative Hearings
State Department of Administration
1120 Lincoln Street, Suite 900
The Chancery
Denver, CO 80203

You can have a lawyer or some other person help you out but you must pay any costs yourself. If you are dissatisfied with the hearing decision, you may apply for judicial review by filing an action for review in the appropriate State District Court, pursuant to the provisions of section 24-4-106(4), C.R.S. 1973 (1988 Repl. Vol.). This must be filed within 30 days after the Final Agency Decision has become effective.

You may read about cases where families have asked for post-finalization Adoption Support Subsidy. However, there are situations after finalization when adoptive parents can request a state level Fair Hearing before an Administrative Law Judge concerning the adopted child's eligibility for Title IV-E Subsidized Adoption benefits. These situations may include:

- ◆ relevant facts regarding the child, the biological family or child's background are known and not presented to the adoptive parents prior to the legalization of the adoption;

- ◆ denial of assistance based upon a means test of the adoptive family's income;
- ◆ erroneous determination that a child is ineligible for adoption assistance; and,
- ◆ failure to advise adoptive parents of the availability of adoption assistance.

Years after the final adoption decree was granted, the family came back and asked for Adoption Support Subsidy. Examples would be:

A family adopted an infant of color. They were offered Subsidy but never understood. They thought it meant a welfare check so they refused. Later, the parents divorced. Learning disabilities were diagnosed when the child became school-aged. The mother won Adoption Support Subsidy saying that she did not fully understand Subsidy when it was first offered and that she needs it now for the school problems.

A family adopted a child who had been with them in foster care. The child complained of various aches and pains but no diagnosis was made. The family requested and was denied Subsidy. Later, the child was diagnosed with juvenile rheumatoid arthritis. The parents won Subsidy saying that the condition was clearly there when they adopted the child even though the diagnosis had not yet been made.

If you have questions or complaints about the Adoption Support Subsidy program, you may call or write:

State Department of Human Services
Division of Child Welfare
Adoption Programs
1575 Sherman Street, 2nd Floor
Denver, CO 80203-1714
303-866-3197

Nonrecurring Adoption Expense Reimbursement

Department of Human Services (DHS)

What is Nonrecurring Adoption Expense Reimbursement?

Although a family may be able to support the daily care of a child with special needs, even without Adoption Support or Adoption Medical Subsidy, there still may be financial barriers to adopting such a child. The costs of a home study or even of the application alone may be enough to deter some families from ever starting the process.

Nonrecurring Adoption Expense Reimbursement allows a family to recover up to \$800 of the one-time costs of adopting a child with special needs. Reimbursement for the following non-recurring adoption expenses is available to parents adopting children with special needs: legal fees, adoption fees, or other expenses related to the legal adoption of the child. Thus, the process of adopting a child through a state agency, or through a private non-profit, licensed (through the Colorado Department of Human Services) agency with a state contract should be essentially less costly to the family.

Charges at private non-profit agencies may be higher than the maximum reimbursement of \$800.

Where does the money come from?

Payment is shared equally between the state and federal governments. All states are supposed to participate in this program if they also participate in the Adoption Subsidy Program. However, the rules for eligibility

and the amount of money the family can receive are different in each state.

If the child comes from another state, the rules of the sending state apply and expenses are reimbursed by that state also. In general, the state that pays Adoption Support Subsidy for a child is also the state that pays for Nonrecurring Adoption Expense Reimbursement. A child does not have to receive Adoption Support Subsidy, however, to be eligible for reimbursement. If a child does not receive Adoption Support Subsidy, the state where the final Order of Adoption is issued is responsible for the Reimbursement program.

Who receives Nonrecurring Adoption Expense Reimbursement?

In Colorado, an adopting family may be eligible for reimbursement only if the child has a special need or condition that makes it likely that the child cannot be placed without providing assistance to the adopting family.

The Tax Reform Act of 1986 (Public Law 99-514) amended the Title IV-A Adoption assistance Program to provide Federal matching funds for the reimbursement to parents of non-recurring expenses incurred in the adoption in accordance with applicable and local law.

The state defines the child's "special need" in the same way it does for Adoption Support Subsidy. Usually, the child will:

- ◆ have a physical, emotional or behavioral challenge.

- ◆ be part of a sibling group placed together.
- ◆ be of minority heritage and difficult to place.
- ◆ be 7 years or older.

For most children, Department of Human Services policy defines a "reasonable attempt to find a family" as listing the child in the Colorado Adoption Resource Registry (CARR), or The Rocky Mountain Adoption Exchange book. A child is exempt from this requirement if the adoptive family is the only one in the child's best interest. Examples of a placement in the child's best interest might be:

- ◆ with a previously adopted sibling.
- ◆ with a foster family with whom the child has significant emotional ties.
- ◆ with a relative.
- ◆ with a family who already has a long-term relationship with the child.

The adopting family's income does not affect eligibility for Nonrecurring Adoption Expense Reimbursement.

A child adopted by a relative is also eligible as long as the child meets all the other requirements. If one of the adopting parents is a birth parent, the family is not eligible for reimbursement. Thus, a step-parent adopting a spouse's child cannot usually apply for reimbursement.

Some children with special needs are never wards of the state. Examples might be:

- ◆ a newborn with Down's Syndrome being placed by a private non-profit adoption agency.
- ◆ both parents die in an automobile accident and a relative chooses to adopt the child.

Who applies for Nonrecurring Adoption Expense Reimbursement?

The child's adoption worker fills out a "Non-recurring Adoption Expense Statement." This application should be automatic when the adoption worker applies for Adoption Support Subsidy. If there will be no Adoption Support Subsidy, an adopting family should request that the Nonrecurring Adoption Expense Statement be filled out.

Whether or not there is an application for Adoption Support Subsidy, the Nonrecurring Adoption Expense Statement must be signed by the family and the County Department of Social Services before the final Order of Adoption is issued. After the form is signed, the family has two years to submit receipts for expenses directly related to the adoption process.

To apply, you must fill out a "Nonrecurring Adoption Expense Statement." You can get a copy of this form from your local County Department of Social Services or from your adoption agency. To complete the form, you will need receipts verifying the expenses.

Send the completed form and paperwork to the local County Department of Social Services where you reside.

What expenses are eligible for Nonrecurring Adoption Expense Reimbursement?

The expenses must be directly related to the process of adoption and must be your actual out-of-pocket cost. If an agency or some other source paid the bill, the family cannot claim the expenses. Examples of eligible expenses might be:

- ◆ adoption application fees.
- ◆ adoptive family study (or home study).
- ◆ court costs and attorney fees.
- ◆ health and psychological evaluations of the adopting family members.
- ◆ travel expenses to visit the child.

Eligible costs cannot be for adoption costs incurred in violation of state or federal law.

Examples of ineligible expenses would be:

- ◆ modifying the home to better care for a physically disabled child.
- ◆ clothes or furniture bought for the child.

The limit for reimbursement is \$800. If more than one child was adopted at the same time, the limit is \$800 for each child.

How does Nonrecurring Adoption Expense Reimbursement interact with other adoption benefits?

Reimbursement does not change eligibility for any other program including Adoption Medical Subsidy, Adoption Support Subsidy,

or Supplemental Security Income (SSI). Approval for other programs, except for Adoption Support Subsidy, does not guarantee approval for reimbursement.

What if a family does not agree with a Nonrecurring Adoption Expense Reimbursement decision?

You can file a written request for an appeal within 90 days to:

The Division of Administrative Hearings
State Department of Administration
The Chancery 1120 Lincoln Street,
Suite 900
Denver, CO 80203

You can have a lawyer or some other person help you but you must pay any costs yourself. If you still are not satisfied, you may file an appeal with the county Probate Court, either where the child lives or where you filed the Petition to Adopt.

If you have questions or complaints about the program, you may call or write:

State Department of Human Services
Division of Child Welfare
Adoption Programs
1575 Sherman Street, 2nd Floor
Denver, CO 80203-1714
303-866-3197

Health Care Program For Children With Special Needs (HCP)

What does HCP provide?

HCP pays for diagnosis, and treatment with emphasis on early detection and intervention for children who meet financial and diagnostic criteria. It provides inpatient and outpatient hospital care; physician services; physical, occupational, and speech therapy; some expendable and durable medical equipment; and under special circumstances, home health care and nutrition services. The nature and extent of services provided may depend on the specific diagnosis. The child does not have to be considered "handicapped" to qualify.

What is the purpose of HCP?

HCP believes that all children should be given the opportunity to attain their maximum growth and development. In order to promote and maintain this philosophy the program provides either directly or through interagency collaboration, prevention, identification, assessment, and treatment services in a family-centered, culturally respectful manner building on community-based resources.

The people of Colorado benefit if all children grow up to be healthy. Each child will ideally get a job and become a self-supporting Colorado taxpayer. By helping a person solve his medical problems while he is a child, the state saves money in the long run.

Children cannot provide for their own medical care. They depend on adults to make sure they have health insurance or the money to pay medical bills. HCP tries to provide access to all the specialized health

care a child needs to reach full potential as a citizen of our state.

Who receives HCP benefits?

HCP serves about 6,000 children each year. Adopted children are included in these numbers but they are not counted separately. All parts of the state are covered by HCP.

Where does the money come from?

HCP is funded through several sources. The largest source of funding is the state. Other funds come from the federal government, private donations and family repayments. Some families are required to make partial repayments to the state but there are special rules for adopted children.

The federal funds come from Maternal and Child Block Health Grants under Title V of the Social Security Act. All states receive these funds but the names of the programs and the rules for eligibility may be different. Thus, no matter what services your child received in another state, there is no guarantee that he/she will receive the same in Colorado. Similarly, a child who was denied services elsewhere might be considered eligible in Colorado.

Who is eligible for HCP?

To qualify for services under HCP a child must:

- ◆ be under the age of 21.
- ◆ reside in Colorado

- ◆ have a congenital or acquired defect of the muscles, bones, internal organs, sensory organs, or skin.
- ◆ The family must meet the financial eligibility criteria (currently 133% of the federal poverty guidelines.) Children receiving Medicaid benefits are automatically eligible for HCP.

Children with Down Syndrome, drug dependence, developmental or learning disabilities alone are not eligible. However a child could have one of these conditions plus some other problem and be eligible. For example Down Syndrome plus a congenital heart defect.

In general, HCP covers chronic physical conditions that require care by medical or surgical specialists. Examples of the types of conditions which are covered include:

- amputation or limb deformities
- epilepsy and other neurologic disorders
- birth defects
- paralysis
- cerebral palsy
- cystic fibrosis
- some visual disorders
- spina bifida
- muscular dystrophy
- heart conditions
- hearing disorders

Diagnostic eligibility is determined by medical report. If a medical consultation is necessary to establish a diagnosis, a visit may be authorized with a pediatrician or a medical specialist.

If you have any reason to think that your child could or should be eligible for HCP, you should apply. Children are automatically

eligible for HCP if they receive Supplemental Security Income (SSI) and have a diagnostically eligible condition.

How do you apply to HCP?

Application for the program should be made through your county Public Health Department or County Nursing Service. Their telephone numbers will be found in the government section of your local telephone directory. Ask to speak to the HCP Coordinator. She may visit you in your home or make an appointment with you in her office. You will be asked to complete a four page application form which asks about your child's condition and your family's financial situation. You should present any current medical reports that you have for your child at that time. If reports are not available you will be asked to sign a "release of information" form so that she can obtain reports from your physician.

If your child is eligible, the HCP Coordinator will develop with you a treatment plan which includes the name of the provider(s), the services provided, and the dates of service. The child is eligible for services on the day the application is approved. Normally, children are eligible for services for one calendar year. Treatment plans are renewed yearly upon receipt of a new financial statement.

You may request that the application process be completed using the mail service. The HCP Care Coordinator will mail an application form to the family. When it is returned, she will determine if the child is eligible for services and contact the family to determine a treatment plan.

What if my child was HCP eligible in a previous foster or adoptive home?

You must still apply to HCP. If the child's medical condition has not changed or he is SSI eligible, the child is probably still HCP eligible. If the child receives Medicaid, financial approval is automatic.

If you move out of Colorado, HCP eligibility does not go with your child. Your child may or may not be covered by a similar program in the new state.

The HCP Care Coordinator or nurse may also discuss with you other services offered through the health agency such as well-child care, immunizations, and nutritional services (WIC and supplemental foods) or other community resources such as respite care, Child Find, or service clubs which may be available for unusual needs.

What services are not covered by HCP?

With the exception of drugs used for treatment of children with cystic fibrosis, drugs are not provided. Mental health counseling services are also not provided. Items that are not usually covered by HCP include wheelchair lifts or ramps, respite care or summer camp.

How are payments made?

If you have insurance or Medicaid, the health care provider must bill the insurance company first. If you have a deductible those bills are sent to HCP. After your insurance has paid or if you have no insurance or Medicaid, the health care provider bills HCP directly. No payments are made to the family directly.

It is very important to tell any health care provider about your insurance, Medicaid and HCP. Then if your insurance company rejects the bill, the health care provider will send it on the HCP. This will save you a lot of time and trouble.

Where can you get HCP covered care?

Any doctor, nurse, therapist, pharmacy, hospital or health care equipment company must be HCP approved for HCP to pay the bills. The provider must make an application to be approved. Many major medical centers and specialists participate in HCP, but not all.

All you need to do is call your local HCP coordinator. If your provider is not an HCP approved provider, your HCP Care Coordinator will contact him/her and offer to enrollment in the program, if he/she has all the required credentials.

How is HCP related to Medicaid?

Medicaid provides health care coverage for low income persons. Funding is both federal and state dollars. Medicaid pays for routine medical expenses such as immunizations, accident care, medical specialty and dental care and well-child checkups. Children who receive SSI benefits are also eligible for Medicaid.

HCP is a program that provides care coordination and case management services to families who have children with special health care needs. HCP care coordinators work with families in identifying service needs their child may have and in locating resources to meet those needs within their own community. HCP provides outreach medical specialty clinics in all rural regions of the state. HCP physicians are all boarded in

their specialty service and have special training and experience in caring for children. Therapists are likewise trained to care for children with special health care needs.

Families whose child may be eligible to financially qualify for Medicaid benefits, either through Baby Care/Kids Care or SSI must apply before HCP will authorize any paid services.

If you are confused about which program covers your child, check with HCP. They seem to understand the problems fairly well, probably because most children with disabilities in Colorado end up there sometime. Your child's social worker also should know what your child is eligible for; the agency should have applied for all the appropriate programs. However, this does not always happen, especially if a new diagnosis is made or the child's medical condition changes.

What if you do not agree with a decision made by HCP?

You can appeal any decision you feel is not in line with the rules of the Program. Contact your local HCP Care Coordinator who will represent you in reviewing the claim in the Central Office or contact the Central Office directly.

Health Care Program (HCP) for
Children with Special Needs
Colorado Department of Public
Health and Environment
4300 Cherry Creek Dr. South
Denver, CO 80222
attn. Sandy Jacquez

If you want more information about HCP you may write to: Health Care Program (HCP) for Children With Special Needs

at the above address, or you may call 303-692-2370.

The Family Support Services Program (FSSP) Developmental Disabilities Services

What is Family Support?

Family Support offers assistance to a family who chooses to maintain a family member with a developmental disability at home. All families who meet the eligibility criteria may access any of the 4 service categories through the established enrollment process identified in this section. The 4 categories are: extended support, time-limited support, respite care services and special reserve funding.

Why does Family support exist?

Children with developmental disabilities do best in loving families. Out-of-home placements for medical, psychological or respite care should be as short as possible, and no child should live permanently in an institution.

It may cost extra money to keep a child with a severe disability at home. For example, a family might have to pay extra for respite care (a sitter). The child might need special clothing that is easy to get on and off. Other examples of services and supports may be:

- ◆ medical and dental expenses.
- ◆ insurance expenses.
- ◆ respite, child care and sitter services.
- ◆ special equipment.
- ◆ home or vehicle adaptations and or repairs.
- ◆ home health services.
- ◆ therapies.

- ◆ family counseling, training and support groups.
- ◆ recreation and leisure needs.
- ◆ transportation.
- ◆ special diets.
- ◆ homemaker services.

The people of Colorado decided that it is usually better for the child and less expensive for the state to keep children with severe disabilities at home instead of out-of-home placements. However, citizens also realized that it costs families more to keep children with disabilities at home. So Colorado Senate Bill 103 was passed in 1991 to help families pay some of the extra costs and to save Colorado taxpayers money at the same time.

Who receives Family Support?

As of February 1994, 338 families received extended support and 1,938 received short-term or one-time support from the program. The Community Centered Boards (CCBs) who administer the program at the local level work in conjunction with their Family Support Council to stretch the available dollars to as many families as possible. Unfortunately, the demand for the program is much greater than the resources available and this program has a waiting list.

Who is eligible for Family Support?

Under this program, the child and family must live in Colorado. The child must:

- ♦ be determined to have a developmental disabilities by a Community Centered Board (CCB), pursuant to 27-10.5, C.R.S.
- ♦ be living with the family. A family is defined as a mother, father, brother, sister, extended blood relative such as grand parents, aunts, uncles, or adoptive parent, one or more person to whom legal custody has been given by a court, or a spouse.

If your child came from another state or from a foreign country, he may still be eligible as long as you live in Colorado and meet the requirements above.

How does a family apply?

A parent may apply on behalf of a child. A foster child in your home is not eligible for family support as foster care is "out-of-home" placement. If a child leaves your home to go to foster care or some other residential placement, the child cannot receive Family Support while he is gone.

Contact your local Community Centered Board (CCB) and ask to speak to the Family Support Consultant or Intake Worker. If you do not know how to find your local CCB, contact:

Developmental Disabilities Services
3824 W. Princeton
Denver, CO 80236
303-762-4599

When you have been accepted for the Family Support Services Program, you will work with someone from your local CCB to develop your Family Support Plan (FSP).

If your child dies or leaves your home for 30 days of more, you must notify your local CCB. If you move, you must notify your CCB and the CCB in the area you are moving to. The CCB which enrolled you will be responsible for the remainder of the fiscal year. Then you must apply at your new CCB. The CCB that enrolled you will be responsible for making arrangements to ensure adequate provision of case management/resource coordination and or a family support consultant as necessary during the transition period.

If you adopt a child who used to get Family Support in his last family, the support is not automatically transferred to you. You must make a new application.

How much is the Family Support payment?

The amount will differ depending on which of the 4 service categories you are enrolled in, and the level of need of the family. The amount of support is determined on an individual basis by the CCB you are working with. The CCB has limited funds and cannot grant as much support as each family requires. The payment is made to the parent on behalf of the child under the child's Social Security number. The support is considered a benefit to the child and is not taxable income for the parent. Thus, Family Support does not usually count if the parent applies for Medicaid, and program through the Department of Human Services or for Supplemental Security Income (SSI).

What if you are turned down for the Family Support Services Program and you do not agree?

What is the appeal process?

Where should you go for more information or if you have complaints about the Family Support Services Program?

For problems with checks, call your local CCB. For complaints about the program in general, call or write:

John Miles, Program Manager
Developmental Disabilities Services
3924 W. Princeton
Denver, CO 80236
303-762-4599

For more information ask for the booklet: Family Support Services Program at your CCB.

Supplemental Security Income Social Security Administration (SSI)

What is Supplemental Security Income?

SSI is a monthly cash payment made to a person with disabilities who has limited financial resources. It is supposed to help with daily living expenses. The person does not have to account for exactly how he/she spends the money, if the person receives benefits directly. If you are the payee for someone you do have to account yearly.

SSI is administered by Social Security. It replaces income that a person cannot earn because of a disability. Thus, a person who is blind and who is self-supporting would not generally get SSI. A child with a disability may receive SSI.

Who receives SSI?

Every year, about 900,000 children under the age of 18 in the U.S. receive SSI. Another 300,000 children apply each year. The largest group of children receiving SSI is that with mental retardation. Statistics are not kept separately for adopted children.

Where does the money come from?

SSI is funded through federal taxes. The State of Colorado does not control who receives SSI or how much they are paid but the federal amount is partly based on the state or region where the person lives.

Who is eligible for SSI?

To be eligible, a child must:

- ◆ be blind or disabled.

- ◆ have less than \$2000 in resources.
- ◆ have limited or no income.
- ◆ be a citizen of the U.S. or hold a permanent residency visa.

Do not guess if you are eligible, call SSI to be certain.

A child born in another country who holds an "orphan visa" may apply for SSI, even if the adoption is not yet final. The child does not have to be a citizen to be eligible.

There are special financial rules for children who do not live with their parents. Examples would be a child who is hospitalized for a long time, who is in foster care or who lives in some type of residential care.

When a child reaches 18, the rules also change. Thus, if your child is declared ineligible for SSI at one time, he/she may be reconsidered if he/she lives out of your home or when he/she turns 18.

How do you apply for SSI?

There are two parts to the application process: medical eligibility and financial eligibility. Any responsible person, such as a social worker, foster parent, adoption agency or adoptive parent can apply for a child for SSI. The application can be made at any time in the adoption process, before or after adoptive placement. You should remember, however, that financial eligibility (and, thus,

any payment) may change as the child moves from a hospital to foster care or to an adoptive home.

To apply for SSI, you make an appointment with your local Social Security Administration office. This appointment can be in person or by phone by calling 1-800-772-1213 on weekdays between 7:00 a.m. and 7:00 p.m.

When you talk to the SSI interviewer, you will need:

- ◆ the child's birth certificate.
- ◆ proof of your household income.
- ◆ Social Security numbers of the people who live in your house.
- ◆ mortgage or rental agreement.
- ◆ information about investments such as stocks or bonds, rental properties.
- ◆ information about other assets such as a car, burial plots, life insurance policies.
- ◆ names, addresses and phone numbers of doctors, therapists, hospitals, clinics, teachers, day-care providers and other people who can give information about your child's disability.
- ◆ medical or school reports about your child's disability.

The interviewer will request medical reports from the people you list. He will also ask you for a description of your child's disability and how the disability changes his/her daily life.

If your child's disability is obvious and severe, for example, total body burns or AIDS, SSI may begin payments for up to 6 months even before all the medical reports are in. You must ask for such "expedited" payments at the time of the first application. If SSI later decides they made a mistake and the medical condition was not severe enough to qualify, you do not have to pay back the money.

The second part of the application is the financial eligibility. A part of the parent's income and assets is considered available to the child. (SSI calls this "deeming.") After the child turns 18, the parent's assets do not count. Things which are considered as income by Social Security include: child support payments, other Social Security benefits, gifts or donations, income from work and rental income. Things considered as resources include: cash, stocks, bonds, bank accounts, savings bonds, property (other than the home you reside in), and some personal items. Items that do not or may not count as resources include: personal and household goods, life insurance policies, your car, burial plots for you and members of your immediate family.

When a child with a disability is in foster care, he/she is generally eligible for SSI because he/she usually has no income or assets. When the child is adopted, however, he/she may still be medically eligible for SSI but not financially eligible. The adoptive family must apply for a "redetermination of status" following the final Order of Adoption. Adoption may cause a child to lose or gain benefits.

Some common reasons for SSI to be delayed or denied are inadequate medical or financial information, too mild a disability or

insufficient financial need. Each case is different; there are no set "rules" that you can read and decide whether or not your child should receive SSI. Thus, it is to your advantage to collect as much information as possible to support your case.

Ask questions about anything you don't understand. Don't skip any part of the application unless you are absolutely sure it does not pertain to your child.

What services does SSI provide?

A child who is SSI-eligible may receive monthly payments up to \$458 (in 1995). In Colorado, a child who is SSI-eligible is automatically Medicaid-eligible. Medicaid will cover routine medical, dental and hospital bills. All Colorado SSI-eligible children are referred routinely by SSI to Children's Special Health Care Services if the child is not already enrolled.

The end result of all these programs is to try to provide nearly total support for a child with disabilities: SSI for living expenses, Medicaid for routine medical care, and for the special needs related to the disability. Of course, no one guarantees a life of luxury. These programs are meant to be adequate but nothing more. You cannot count on these benefits to completely offset the costs of raising a child with disabilities.

How long does it take to be approved for SSI?

The usual case takes three to five months. It is to your advantage to apply as early as possible because benefits will be paid back to the date of the application once SSI is sure the child is eligible.

Is there a renewal process?

Once a year, you will be sent a form to update the child's financial status. You will be asked to account for the general categories of expenses on which you spent the money, for example: food, clothing or medical expenses. If you move, the child moves or the medical condition changes, you must notify your local SSI office. The child's check may go up or down depending on where he/she lives and the local cost of living.

You may have to submit medical reports every 1, 3 or 5 years, depending on the type of condition. For example, severe cerebral palsy is not likely to change in a year but leukemia or emotional challenges might.

What is the monthly payment?

In 1995, the maximum SSI payment for Colorado is \$458. The amount of the payment is different for every person depending on the financial application and where he/she lives. The minimum payment is \$1. Even getting only \$1 makes the child Medicaid-eligible. This is very important if you can't get other health insurance for the child, even if the rest of the family is insured. This sometimes happens when an insurance company excludes any conditions "pre-existing" the adoption.

What if you do not agree with an SSI decision?

You have the right to appeal any decision such as denial of eligibility or a change in payment. In the appeals process, Social Security will re-examine the entire decision, including those parts which were in your favor. There are four levels of appeal. Usually you must take the steps in order. If

you disagree with the decision at one level you may appeal the decision to the next level in the process. You have 60 days from the time you receive the decision to file an appeal to the next level. When a decision is made on a claim, Social Security will tell you what appeal step you may take next and how to do it.

Most people handle their own appeals until they reach the administrative law judge level, but you may also choose to have a representative. A representative cannot charge or collect a fee without first getting written approval from Social Security.

The four levels of the appeals process are:

- ◆ reconsideration in the SSI office by different reviewers.
- ◆ hearing before an Administrative Law Judge within 75 miles of your home.
- ◆ Appeals Council Review.
- ◆ United States District Court.

Does SSI change other adoption benefits?

Medicaid: Any child with a disability in Colorado who is SSI-eligible is also Medicaid-eligible. A Medicaid eligibility notice is automatically sent to your child. You do not have to apply for it.

Adoption Support Subsidy: In some cases, a child may receive both Adoption Support Subsidy and SSI. In Colorado, the total amount of money from SSI and Adoption Support Subsidy together cannot be more than the maximum stated in the Adoption Support Subsidy contract. Some families

may choose to accept one or the other, depending on the family finances.

Remember that Adoption Support Subsidy eligibility does not depend on the adoptive family's resources or income. Thus, it will not decrease if you get a better job or increase if you lose your job and your income. SSI eligibility depends partly on the family income, and thus will change as your finances change. Adoption Support Subsidy must be in place at the time of adoption but you can apply for SSI at any time.

For families who will financially qualify for SSI, a combination of both programs may be the wisest approach.

If you have complaints or questions about SSI, you may write or call your local Social Security office (listed under U.S.

Government in the telephone book) or toll-free at 1-800-772-1213.

More details are in the following booklets, available from any Social Security office or by calling the toll-free number.

Social Security and SSI Benefits for Children with Disabilities (SSA #05-10026, Sept. 1995).

Understanding Social Security (SSA #05-10024, Jan. 1995).

Disability (SSA #05-01129, Jan. 1995).

SSI: Supplemental Security Income (SSA #05-11000, Oct. 1995).

A Guide for Representative Payees: Social Security and SSI (SSA #05-10076, Apr. 1995).

When You Get SSI: What You Need to Know (SSA #05-11011, Mar. 1995).

Providing Medical Evidence for Individuals with HIV Infection (U.S. Government Printing Office 241-320/00038, Sept. 1995).

The Appeals Process (SSA #05-10041, Oct. 1995).

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