

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2002.02

Distribution: X and Z

**APPROVING, CHANGING, AND AMENDING ADOPTION AND GUARDIANSHIP ASSISTANCE AGREEMENTS**

**DATE:** January 17, 2002

**TO:** All DCFS and Purchase Of Service Agency Child Welfare Staff and All Rules and Procedures Bookholders

**FROM:** Jess McDonald

**EFFECTIVE:** Immediately

**I. Purpose**

The purpose of this Policy Guide is to clarify Procedures 302.310 and 302.405 regarding approving, changing, and amending adoption and guardianship assistance agreements/subsidies.

**II. Primary Users**

The primary users of this Policy Guide are DCFS and purchase of service agency staff responsible for the preparation and approval of assistance agreements/subsidies.

**III. Procedures**

**A. Approval of the Assistance Agreement/Subsidy Before Finalization of an Adoption or Transfer of Guardianship**

The **CFS 470-C, Adoption Assistance Agreement**, shall be reviewed and approved by the adoptive parents and the adoption attorney **prior** to Department approval.

If the proposed guardian chooses to have an attorney review the assistance agreement prior to the transfer of guardianship, the **CFS 482-A, Agreement for Subsidized Guardianship**, shall be reviewed and approved by the proposed guardian and attorney prior to Department approval.

The assistance agreement shall be signed only after all parties have agreed to the provisions of the subsidy.



**B. Changing an Assistance Agreement/Subsidy Before Finalization of an Adoption or Transfer of Guardianship**

If it becomes necessary to change a subsidy that has been signed by all parties **prior to finalization** of the adoption or transfer of guardianship, a **new** agreement (**CFS 470-A** or **CFS 482-A**) must be completed and approved as discussed in the above Section A. Under no circumstances is an amendment to be used to make changes to an assistance agreement/subsidy prior to the finalization of the adoption or transfer of guardianship.

**C. An Amendment to an Assistance Agreement Can Only Be Used if the Adoption or Transfer of Guardianship is Final**

If it becomes necessary to amend an assistance agreement/subsidy **after** finalization of the adoption or transfer of guardianship, the development and processing of the amendment shall be handled by the staff of the appropriate regional post-adoption/subsidized guardianship unit.

Also, **no** amendment to an assistance agreement/subsidy shall be signed by anyone until the adoptive parent(s) or guardian and their attorney [if the adoptive parent(s) or guardian has an attorney] has reviewed the amendment and all parties have agreed to the provisions of the amendment.

**IV. Questions**

Questions about this Policy Guide should be directed to the appropriate regional post-adoption/subsidized guardianship unit.

**V. Filing Instructions**

File pages 1 and 2 of this Policy Guide immediately after Procedures 302.310. File page 3 of this Policy Guide after Procedures 302.405.

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GUARDIANSHIP SUBSIDIES**

See pages 1 and 2 of this Policy Guide filed after Procedures 302.310