

# DEPARTMENT OF HEALTH & SOCIAL SERVICES



## PROPOSED CHANGES TO REGULATIONS

7 AAC 53. Social Services. Child Foster Care Payment Rates.



**PUBLIC REVIEW DRAFT**

January 30, 2018

**COMMENT PERIOD ENDS: April 6, 2018**

Please see the public notice for details about how to comment on these proposed changes.

**Notes to reader:**

1. Except as discussed in note 2, new text that amends an existing regulation is **bolded and underlined**.
2. If the lead-in line above the text of each section of the regulations states that a new section, subsection, paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.
3. [ALL-CAPS TEXT WITHIN BRACKETS] indicates text that is to be deleted.
4. When the word “including” is used, Alaska Statutes provide that it means “including, but not limited to.”
5. Only the text that is being changed within a section of the current regulations is included in this draft. Refer to the text of that whole section, published in the current Alaska Administrative Code, to determine how a proposed change relates within the context of the whole section and the whole chapter.

*(Note to Reader: Some sections in this document have been repealed and readopted. The current text has been provided following the new proposed text for the reader’s convenience in comparing the proposed changes.)*

7 AAC 53.010(3) is amended to read:

(3) operate a foster home in accordance with the applicable tribal foster care licensing standards, if the tribe has a

(A) tribal Title IV-E pass-through maintenance agreement approved by the department; **or**

**(B) a memorandum of agreement for the placement of children in state custody in a tribal foster home approved by the department.**

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(Eff. 11/23/78, Register 68; am 7/1/90, Register 114; am 1/1/96, Register 136; am 3/1/98, Register 145; am 4/13/2011, Register 198; am 12/10/2011, Register 200; am 8/1/2015, Register 215; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:**    AS 44.29.020            AS 47.14.010            AS 47.14.120  
                  AS 47.05.010            AS 47.14.100            AS 47.32.030  
                  AS 47.10.080

7 AAC 53.020(a) is amended to read:

(a) Subject to appropriation, and unless another source of payment is available from or through the department for the child's care, the department will provide payment for a child **committed to the custody of the state and**

(1) placed in foster care by the department under AS 47.14.100 - 47.14.130; or

(2) for whom **resumption of** state custody[ HAS BEEN RESUMED] under

AS 47.10.080(v) **has occurred and is placed in a licensed home; or**

**(3) placed in foster care by a tribal entity as referenced in**

**7 AAC 67.020(4)(A) and (B).**

7 AAC 53.020(d) is amended to read:

(d) For a child placed in foster care by a tribal entity that has a tribal Title IV-E pass-through maintenance agreement, **inclusive of administrative costs, or a memorandum of agreement for state placement in a tribal-licensed foster home** approved by the department,

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the agreement governs the actual rates that are reimbursed to the tribal entity for the child's foster care.

(Eff. 11/23/78, Register 68; am 7/1/90, Register 114; am 11/16/94, Register 132; am 3/31/2005, Register 173; am 4/13/2011, Register 198; am 12/10/2011, Register 200; am 8/1/2015, Register 215; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:**    AS 47.05.010            AS 47.14.010            AS 47.14.120  
                  AS 47.10.080            AS 47.14.100            AS 47.14.130

7 AAC 53.030(a) is amended to read:

(a) Subject to (b) of this section, the department will pay a base rate for foster care for a child placed by the department or a by tribal entity that has a tribal Title IV-E pass-through maintenance agreement **or a memorandum of agreement for state placement in a tribal-licensed foster home** with the department.

The introductory language of 7 AAC 53.030(b) is amended to read:

(b) The department may propose to the legislature base rates for care and supervision in child foster **through a formula derived for annual review for possible adjustments in the foster care base rate, based on**[ CARE AFTER REVIEWING DATA IN] the current United States Department of Agriculture (USDA) *Expenditures on Children by Families*, the geographic cost differentials in[ TABLE I-1 OF THE DEPARTMENT OF ADMINISTRATION ALASKA *GEOGRAPHICAL DIFFERENTIAL STUDY 2008*, AND CLARIFICATION OF THOSE GEOGRAPHIC COST DIFFERENTIALS IN] the department's current *Chart of Personal Care*

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*Attendant and Waiver Services Rates.* Subject to appropriation, **every five years or with a deviation in rates of 10 percent**, the department will establish a base rate by age group,

inclusive of children eligible for resumption of state custody under AS 47.10.080(v). A change in the base rate becomes effective the state fiscal year following legislative approval. The base rate for care and supervision will be applied to an individual child foster care placement according to the following age ranges:

(Eff. 7/1/90, Register 114; am 11/16/94, Register 132; am 3/31/2005, Register 173; am 4/13/2011, Register 198; am 12/10/2011, Register 200; am 8/1/2015, Register 215; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:**    AS 47.05.010                    AS 47.10.970                    AS 47.14.120  
                         AS 47.10.080                    AS 47.14.010

7 AAC 53.050(e) is repealed:

(e) Repealed \_\_\_/\_\_\_/\_\_\_ [ONGOING DIRECT COSTS UNDER THIS SECTION ARE NOT AVAILABLE FOR A CHILD PLACED IN A FOSTER HOME BY A TRIBAL ENTITY UNDER 7 AAC 53.020(d)]. (Eff. 7/1/90, Register 114; am 11/16/94, Register 132; am 3/31/2005, Register 173; am 4/13/2011, Register 198; am 12/10/2011, Register 200; am 8/1/2015, Register 215; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:**    AS 47.05.010                    AS 47.14.010                    AS 47.14.120  
                         AS 47.10.080

7 AAC 53.199(7)(B) is amended to read:

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(7) "foster home" means a home that

(A) is licensed under AS 47.32;

(B) is in compliance with the additional applicable standards and requirements of **7 AAC 10 and 7 AAC 67**[7 AAC 50]; and

(C) provides care for a child who is

(i) in the custody of the department; or

(ii) in the custody of a tribal entity that has a tribal Title IV-E

maintenance pass-through agreement approved by the department;

(Eff. 8/1/2015, Register 215; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_\_)

**Authority:**    AS 47.05.010            AS 47.14.010            AS 47.14.120  
                  AS 47.10.080            AS 47.14.100            AS 47.14.130

The introductory language of 7 AAC 53.200(a) is amended to read:

(a) The purpose of subsidized adoption and guardianship is to facilitate the **permanent** placement of a child who is

(Eff. 7/1/90, Register 114; am 11/16/94, Register 132; am 5/4/97, Register 142; am 3/31/2005, Register 173; am 4/13/2011, Register 198; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_\_)

**Authority:**    AS 13.26.062            AS 25.23.210            AS 47.14.100  
                  AS 25.23.190            AS 25.23.230

7 AAC 53.205(a)(2) is amended to read:

(2) a specific factor or condition makes the child a hard-to-place child within the

meaning of AS 25.23.240; for purposes of this paragraph, a specific factor or condition includes any of the following, if it supports a reasonable conclusion that the child cannot be placed without a subsidy:

- (A) **older**[ETHNIC BACKGROUND,] age[, ] or membership in a [ MINORITY OR] sibling group;
- (B) a physical or mental disability, or an emotional disturbance;
- (C) a recognized high risk of physical or mental disease because of
  - (i) abandonment or neglect;
  - (ii) alcohol or drug abuse in the child's home **of origin**;
  - (iii) domestic violence in the child's home **of origin**;
  - (iv) emotional, physical, or sexual abuse;
  - (v) prenatal exposure to alcohol, cocaine, or another addictive drug; or
  - (vi) the mental illness of a parent; and

(Eff. 3/31/2005, Register 173; am 4/13/2011, Register 198; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_\_)

**Authority:**    AS 13.26.062            AS 25.23.200            AS 25.23.230  
                 AS 25.23.180            AS 25.23.220            AS 47.14.100

The section heading for 7 AAC 53.210 is changed to read:

**7 AAC 53.210. Determination and disclosure[APPLICATION FOR ADOPTION OR GUARDIANSHIP; DEPARTMENT DETERMINATION AND DISCLOSURE].**

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7 AAC 53.210(a) is amended to read:

(a) A prospective adoptive parent or guardian must

[ (1) SUBMIT AN APPLICATION TO THE DEPARTMENT TO ADOPT OR BECOME A GUARDIAN TO A HARD-TO-PLACE CHILD WITH SPECIAL NEEDS; AND

(2) ]cooperate with the department **to meet**[ AS IT DETERMINES WHETHER THE APPLICANT MEETS] accepted standards as an adoptive parent or guardian, including successfully passing a **fingerprint-based** criminal background check **in accordance with AS 47.05.300 - 390**; the department will make a determination under this paragraph after conducting a home study under AS 25.23.200.

(Eff. 7/1/90, Register 114; am 11/16/94, Register 132; am 3/31/2005, Register 173;

am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:**    AS 13.26.062            AS 25.23.220            AS 47.14.100  
                  AS 25.23.100            AS 25.23.230            AS 47.14.120  
                  AS 25.23.200

7 AAC 53.223 is repealed and readopted to read:

**7 AAC 53.223. Eligibility of an applicable child in department custody for Title IV-E adoption assistance.** (a) A child who is considered an applicable child for a fiscal year under Title IV-E, as described in (b) of this section, is eligible for Title IV-E adoption assistance if the department has determined under 7 AAC 53.205 that the child is a hard-to-place child with special needs and at the time of initiation of adoption proceedings, the child

(1) was in the care of a public or licensed private child placement agency or



Indian tribal organization under

(A) an involuntary removal of the child from the home of a parent, or other specified relative who is the child's legal guardian, in accordance with a judicial determination that remaining in the home would be contrary to the welfare of the child; for a child who was removed from the home

(i) before January 23, 2001, the determination must be made within six months after removal from the home; or

(ii) on or after January 23, 2001, the determination must be made in the first court ruling that pertains to the child's removal; if the determination is not made in the first court ruling regarding removal from the home, the child is not eligible for Title IV-E adoption assistance; or

(B) a voluntary placement agreement or voluntary relinquishment;

(2) meets the medical or disability requirements of Title XVI, adopted by reference in 7 AAC 53.299, with respect to eligibility for SSI benefits; or

(3) was residing in a foster family home or child care institution with the child's minor parent, and the child's minor parent was in that foster family home or child care institution under

(A) an involuntary removal of the child from the home in accordance with a judicial determination that remaining in the home would be contrary to the welfare of the child; or

(B) a voluntary placement agreement or voluntary relinquishment.

(b) A child who meets the requirements of (a)(1), (2), or (3) of this section, and is an applicable child, is eligible for an adoption subsidy under this section if

(1) a prior adoption has been dissolved, or the child's adoptive parents have died; for purposes of this paragraph, the child's eligibility is based on the child's previous eligibility for Title IV-E adoption assistance;

(2) the child would have been determined eligible for a subsidy if P.L. 105-89 (Adoption and Safe Families Act of 1997) had been in effect at the time that the determination would have been made;

(3) the child has been in foster care under the responsibility of the department for at least 60 consecutive months; or

(4) the child is a sibling of a child who is an applicable child under (a) of this section or under (3) of this subsection, and is to be placed in the same placement as the applicable child who is that child's sibling.

(c) If a legal guardian of a child who is receiving Title IV-E relative guardianship assistance under 7 AAC 53.226 seeks to adopt the child post-guardianship, in addition to the other adoption eligibility requirements of this section, the placement of the child with the relative guardian and any associated guardianship assistance payments made on behalf of the child before the finalization of the post-guardianship adoption, will be considered never to have been made for purposes of the adoption eligibility determination.

(d) Notwithstanding any other provision of this section, the department will not make a payment, including reimbursement of a nonrecurring adoption expense, with respect to any applicable child if that child would otherwise be considered to be a hard-to-place child with

special needs under (a) of this section, but, as provided in 42 U.S.C. 673(a)(7) (sec. 473(a)(7) of the Social Security Act),

(1) is not a citizen or resident of the United States; and

(2) was adopted outside of the United States or was brought into the United States for the purpose of being adopted.

(e) An adoption assistance agreement under (b) or (d) of this section must be in compliance with 42 U.S.C. 675(3) (sec. 475(3) of the Social Security Act), adopted by reference in 7 AAC 53.299.

(f) In this section,

(1) "child care institution" has the meaning given in 42 U.S.C. 672(c) (sec. 472(c) of the Social Security Act);

(2) "foster family home" has the meaning given in 42 U.S.C. 672(c) (sec. 472(c) of the Social Security Act);

(3) "Indian tribal organization" has the meaning given in 25 U.S.C. 450b, as provided in 42 U.S.C. 672(a)(2)(B)(iii) and 679c(a) (secs. 472(a)(2)(B)(iii) and 479B(a) of the Social Security Act).

[(a) A CHILD WHO IS CONSIDERED AN APPLICABLE CHILD FOR A FISCAL YEAR UNDER Title IV-E,[ AS DESCRIBED IN (b) OF THIS SECTION, IS ELIGIBLE FOR TITLE IV-E ADOPTION ASSISTANCE IF THE DEPARTMENT HAS DETERMINED UNDER 7 AAC 53.205 THAT THE CHILD IS A HARD-TO-PLACE CHILD WITH SPECIAL NEEDS AND AT THE TIME OF INITIATION OF ADOPTION PROCEEDINGS, THE CHILD

(1) WAS IN THE CARE OF A PUBLIC OR LICENSED PRIVATE CHILD PLACEMENT AGENCY OR INDIAN TRIBAL ORGANIZATION UNDER

(A) AN INVOLUNTARY REMOVAL OF THE CHILD FROM THE HOME OF A PARENT, OR OTHER SPECIFIED RELATIVE WHO IS THE CHILD'S LEGAL GUARDIAN, IN ACCORDANCE WITH A JUDICIAL DETERMINATION THAT REMAINING IN THE HOME WOULD BE CONTRARY TO THE WELFARE OF THE CHILD; FOR A CHILD WHO WAS REMOVED FROM THE HOME

(i) BEFORE JANUARY 23, 2001, THE DETERMINATION MUST BE MADE WITHIN SIX MONTHS AFTER REMOVAL FROM THE HOME; OR

(ii) ON OR AFTER JANUARY 23, 2001, THE DETERMINATION MUST BE MADE IN THE FIRST COURT RULING THAT APPROVES THE REMOVAL; IF THE DETERMINATION IS NOT MADE IN THE FIRST COURT RULING REGARDING REMOVAL FROM THE HOME, THE CHILD IS NOT ELIGIBLE FOR TITLE IV-E ADOPTION ASSISTANCE; OR

(B) A VOLUNTARY PLACEMENT AGREEMENT OR VOLUNTARY RELINQUISHMENT;

(2) MEETS THE MEDICAL OR DISABILITY REQUIREMENTS OF TITLE XVI, ADOPTED BY REFERENCE IN 7 AAC 53.299, WITH RESPECT TO ELIGIBILITY FOR SSI BENEFITS; or

(3) WAS RESIDING IN A FOSTER FAMILY HOME OR CHILD CARE

INSTITUTION WITH THE CHILD'S MINOR PARENT, AND THE CHILD'S MINOR PARENT WAS IN THAT FOSTER FAMILY HOME OR CHILD CARE INSTITUTION UNDER

(A) AN INVOLUNTARY REMOVAL OF THE CHILD FROM THE HOME IN ACCORDANCE WITH A JUDICIAL DETERMINATION THAT REMAINING IN THE HOME WOULD BE CONTRARY TO THE WELFARE OF THE CHILD; OR

(B) A VOLUNTARY PLACEMENT AGREEMENT OR VOLUNTARY RELINQUISHMENT].

(b) SUBJECT TO (d) OF THIS SECTION, A CHILD IS AN APPLICABLE CHILD UNDER TITLE IV-E IF AN ADOPTION ASSISTANCE AGREEMENT AS DESCRIBED IN (g) OF THIS SECTION HAS BEEN ENTERED INTO DURING THE FOLLOWING FEDERAL FISCAL YEARS, AND IF THE CHILD ATTAINED THE APPLICABLE AGE FOR THAT FISCAL YEAR BEFORE THE END OF THAT FISCAL YEAR, AS FOLLOWS:

(1) FOR FEDERAL FISCAL YEAR 2010, THE APPLICABLE AGE IS 16 YEARS;

(2) FOR FEDERAL FISCAL YEAR 2011, THE APPLICABLE AGE IS 14 YEARS;

(3) FOR FEDERAL FISCAL YEAR 2012, THE APPLICABLE AGE IS 12 YEARS;

(4) FOR FEDERAL FISCAL YEAR 2013, THE APPLICABLE AGE IS 10

YEARS;

(5) FOR FEDERAL FISCAL YEAR 2014, THE APPLICABLE AGE IS EIGHT

YEARS;

(6) FOR FEDERAL FISCAL YEAR 2015, THE APPLICABLE AGE IS SIX

YEARS;

(7) FOR FEDERAL FISCAL YEAR 2016, THE APPLICABLE AGE IS FOUR

YEARS;

(8) FOR FEDERAL FISCAL YEAR 2017, THE APPLICABLE AGE IS TWO

YEARS;

(9) FOR FEDERAL FISCAL YEAR 2018 AND AFTER, THE APPLICABLE AGE IS ANY AGE.

(c) A CHILD WHO MEETS THE REQUIREMENTS OF (a)(1), (2), OR (3) OF THIS SECTION, AND IS AN APPLICABLE CHILD UNDER (b) OF THIS SECTION, IS ELIGIBLE FOR AN ADOPTION SUBSIDY UNDER THIS SECTION IF

(1) A PRIOR ADOPTION HAS BEEN DISSOLVED, OR THE CHILD'S ADOPTIVE PARENTS HAVE DIED; FOR PURPOSES OF THIS PARAGRAPH, THE CHILD'S ELIGIBILITY IS BASED ON THE CHILD'S PREVIOUS ELIGIBILITY FOR TITLE IV-E ADOPTION ASSISTANCE; OR

(2) THE CHILD WOULD HAVE BEEN DETERMINED ELIGIBLE FOR A SUBSIDY IF P.L. 105-89 (ADOPTION AND SAFE FAMILIES ACT OF 1997) HAD BEEN IN EFFECT AT THE TIME THAT THE DETERMINATION WOULD HAVE BEEN MADE.

(d) NOTWITHSTANDING (b) OF THIS SECTION, BEGINNING WITH FISCAL YEAR 2010, A CHILD OF ANY AGE ON THE DATE ON WHICH AN ADOPTION ASSISTANCE AGREEMENT AS DESCRIBED IN (g) OF THIS SECTION IS ENTERED INTO ON BEHALF OF THE CHILD IS AN APPLICABLE CHILD UNDER TITLE IV-E IF THE CHILD MEETS THE REQUIREMENTS OF (a)(1), (2), OR (3) OF THIS SECTION, AND

(1) HAS BEEN IN FOSTER CARE UNDER THE RESPONSIBILITY OF THE DEPARTMENT FOR AT LEAST 60 CONSECUTIVE MONTHS; OR

(2) IS A SIBLING OF A CHILD WHO IS AN APPLICABLE CHILD UNDER (a) OF THIS SECTION OR UNDER (1) OF THIS SUBSECTION, AND IS TO BE PLACED IN THE SAME PLACEMENT AS THE APPLICABLE CHILD WHO IS THAT CHILD'S SIBLING.

(e) IF A LEGAL GUARDIAN OF A CHILD WHO IS RECEIVING TITLE IV-E RELATIVE GUARDIANSHIP ASSISTANCE UNDER 7 AAC 53.226 SEEKS TO ADOPT THE CHILD, IN ADDITION TO THE OTHER ELIGIBILITY REQUIREMENTS OF THIS SECTION, IN THE DETERMINATION OF THE CHILD'S ELIGIBILITY, THE PLACEMENT OF THE CHILD WITH THE RELATIVE GUARDIAN AND ANY GUARDIANSHIP ASSISTANCE PAYMENTS MADE ON BEHALF OF THE CHILD WILL BE CONSIDERED NEVER TO HAVE BEEN MADE.

(f) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE DEPARTMENT WILL NOT MAKE A PAYMENT, INCLUDING REIMBURSEMENT OF A NONRECURRING ADOPTION EXPENSE, WITH RESPECT TO ANY APPLICABLE

CHILD FOR A FISCAL YEAR IF THAT CHILD WOULD OTHERWISE BE CONSIDERED TO BE A HARD-TO-PLACE CHILD WITH SPECIAL NEEDS UNDER (a) OF THIS SECTION, BUT, AS PROVIDED IN 42 U.S.C. 673(a)(7) (sec. 473(a)(7) OF THE SOCIAL SECURITY ACT),

(1) IS NOT A CITIZEN OR RESIDENT OF THE UNITED STATES; AND

(2) WAS ADOPTED OUTSIDE OF THE UNITED STATES OR WAS BROUGHT INTO THE UNITED STATES FOR THE PURPOSE OF BEING ADOPTED.

(g) AN ADOPTION ASSISTANCE AGREEMENT UNDER (b) OR (d) OF THIS SECTION MUST BE IN COMPLIANCE WITH 42 U.S.C. 675(3) (SEC. 475(3) OF THE SOCIAL SECURITY ACT), ADOPTED BY REFERENCE IN 7 AAC 53.299.

(h) IN THIS SECTION,

(1) "CHILD CARE INSTITUTION" HAS THE MEANING GIVEN IN 42 U.S.C. 672(c) (sec. 472(c) OF THE SOCIAL SECURITY ACT);

(2) "FOSTER FAMILY HOME" HAS THE MEANING GIVEN IN 42 U.S.C. 672(c) (sec. 472(c) OF THE SOCIAL SECURITY ACT);

(3) "INDIAN TRIBAL ORGANIZATION" HAS THE MEANING GIVEN IN 25 U.S.C. 450b, AS PROVIDED IN 42 U.S.C. 672(a)(2)(B)(iii) AND 679c(a) (secs. 472(a)(2)(B)(iii) AND 479B(a) OF THE SOCIAL SECURITY ACT)].

(Eff. 4/13/2011, Register 198; am 8/1/2015; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:**    AS 13.26.062                    AS 25.23.230                    AS 47.14.120  
                  AS 25.23.210                    AS 47.14.100



7 AAC 53.226(7) is repealed and readopted to read:

(7) the child described in (1), (2), (5) or (6) whose sibling or siblings are not so described, may be eligible if the following apply:

(A) the child and any sibling of the child may be placed in the same relative guardianship arrangement, if the department and the relative agree on the appropriateness of the arrangement for the siblings; and

(B) Title IV-E relative guardianship assistance payments may be paid on behalf of each sibling so placed; [THE PROSPECTIVE GUARDIAN HAS SIGNED A TITLE IV-E RELATIVE GUARDIANSHIP SUBSIDY AGREEMENT]

7 AAC 53.226 is amended by adding new paragraphs to read:

(8) the child’s eligibility is not affected by the replacement of a guardian with a successor guardian, due to the event of the death or incapacity of the relative guardian; the eligibility of a child for a relative Title IV-E relative guardianship assistance payment under this subsection shall not be affected by reason of the replacement of the relative guardian with a successor legal guardian named in the guardian assistance agreement, including in any amendment to the agreement;

(9) the prospective guardian has signed a Title IV-E relative guardianship subsidy agreement. (Eff. 4/13/2011, Register 198; am 8/1/2015, Register 215; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

<b>Authority:</b>	AS 13.26.062	AS 25.23.210	AS 47.14.100
	AS 25.23.200	AS 25.23.230	AS 47.14.120

The section heading for 7 AAC 53.227 is changed to read:

**7 AAC 53.227. Eligibility for state-funded[STATE] adoption or guardianship subsidy.**

7 AAC 53.227(b) is repealed and readopted to read:

(b) A special needs child who does not meet the eligibility requirements for a Title IV-E adoption subsidy under either 7 AAC 53.222 or 7 AAC 53.223, is eligible for a state subsidy. State-funded subsidies do not have Medicaid benefits attached[THE DEPARTMENT MAY DETERMINE, ON A CASE BY CASE BASIS, THAT A HARD-TO-PLACE CHILD WITH SPECIAL NEEDS WHO IS NOT IN DEPARTMENT CUSTODY, AND IS NOT ELIGIBLE FOR TITLE IV-E ADOPTION ASSISTANCE IS ELIGIBLE FOR A STATE ADOPTION OR GUARDIANSHIP SUBSIDY BECAUSE OF A HARDSHIP SITUATION, INCLUDING ANY OF THE FOLLOWING:

(1) A SIBLING OF THE CHILD HAS ALREADY BEEN ADOPTED BY, OR MADE A WARD OF, THE FAMILY;

(2) THE FAMILY HAS HIGHLY SPECIALIZED SKILLS TO MEET THE CHILD'S NEEDS, AND THE LACK OF A SUBSIDY WOULD PREVENT THE ADOPTION OR GUARDIANSHIP].

7 AAC 53.227(c) is repealed and readopted to read:

(c) If a special needs child who is eligible for a state adoption subsidy is also eligible for Medicaid immediately prior to the signing of the subsidy agreement, the child is eligible for a

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state subsidy with Medicaid[AN ADOPTIVE PARENT OR GUARDIAN OF A CHILD RECEIVING A STATE ADOPTION OR GUARDIANSHIP SUBSIDY SHALL APPLY FOR SSI FOR THE CHILD. IF SSI IS DENIED, THE PARENT OR GUARDIAN SHALL PURSUE THE SSI APPEAL PROCESS. THE DEPARTMENT MAY APPROVE THE STATE SUBSIDY WHEN THE APPEAL IS SUBMITTED TO THE UNITED STATES SOCIAL SECURITY ADMINISTRATION. THE ADOPTIVE PARENT OR GUARDIAN SHALL NOTIFY THE DEPARTMENT OF THE OUTCOME OF THE APPEAL. IF SSI IS APPROVED, THE DEPARTMENT WILL CHANGE THE STATE SUBSIDY TO A TITLE IV-E SUBSIDY].

(Eff. 3/31/2005, Register 173; am 4/13/2011, Register 198; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_\_)

**Authority:**    AS 13.26.062            AS 25.23.230            AS 47.14.120  
                  AS 25.23.210            AS 47.14.100

7 AAC 53.229(c) is amended to read:

(c) An adoptive parent or guardian may request a monetary subsidy under 7 AAC 53.245 for a child receiving a deferred subsidy if a factor or condition under 7 AAC 53.205(a)(2)(B) is later diagnosed. The request for a monetary subsidy must be made in writing and must document the reasons that the child requires a monetary subsidy, including a documented diagnosis from a qualified health professional. **The subsidy will be negotiated as specified in 7 AAC 53.260(a)**  
[THE DEPARTMENT WILL NEGOTIATE A MONETARY SUBSIDY WITH THE ADOPTIVE PARENT OR GUARDIAN IF THE DEPARTMENT APPROVES THE

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REQUEST]. (Eff. 3/31/2005, Register 173; am 4/13/2011, Register 198; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:**    AS 13.26.062                    AS 25.23.230                    AS 47.14.120  
                  AS 25.23.210                    AS 47.14.100

7 AAC 53.230 is amended to read:

An adoptive parent or guardian shall **apply to become a representative payee** [REAPPLY] for any SSI, **other** social security benefits under 42 U.S.C. 301 - 1397jj, or other unearned income that the child in department custody was receiving before the adoption or guardianship was final. (Eff. 7/1/90, Register 114; am 11/16/94, Register 132; am 3/31/2005, Register 173; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:**    AS 13.26.062                    AS 25.23.230

7 AAC 53.240 is repealed and readopted to read:

**7 AAC 53.240. Medical expenses of an adoptive or a guardianship child.** (a) A Title IV-E adoption or guardianship subsidy includes Medicaid coverage.

(b) A state adoption subsidy with Medicaid includes Medicaid coverage.

(c) A state guardianship subsidy does not include Medicaid coverage for the child.

(d) A state adoption subsidy does not include Medicaid coverage for the child.

(e) If the adoptive or guardianship family's health care insurance plan will cover the child for an additional fee, that cost will be considered in determining the amount of a subsidized adoption or guardianship payment, subject to the limit set by AS 25.23.210. If the child is also

eligible for Medicaid, Medicaid coverage would be considered secondary to the family's insurance plan coverage.

(f) If a child is eligible for Medicaid, medical costs, services and treatment available through Medicaid will not be considered by the department when determining the adoption or guardianship subsidy rate under 7 AAC 53.245[(a) A TITLE IV-E ADOPTION OR GUARDIANSHIP SUBSIDY INCLUDES AUTOMATIC MEDICAID COVERAGE FOR THE CHILD.

(b) A STATE ADOPTION OR GUARDIANSHIP SUBSIDY DOES NOT INCLUDE AUTOMATIC MEDICAID COVERAGE FOR THE CHILD.

(c) IF THE ADOPTIVE OR GUARDIANSHIP FAMILY'S INSURANCE PLAN WILL COVER THE CHILD FOR AN ADDITIONAL FEE, THAT COST WILL BE CONSIDERED IN DETERMINING THE AMOUNT OF A SUBSIDIZED ADOPTION OR GUARDIANSHIP PAYMENT, SUBJECT TO THE LIMIT SET BY AS 25.23.210.

(d) IF A CHILD IS NOT ELIGIBLE FOR MEDICAID, AND MEDICAL COSTS ARE A FACTOR IN THE INDIVIDUAL'S ABILITY TO ADOPT OR BECOME A GUARDIAN, THE DEPARTMENT WILL CONSIDER THE MEDICAL NEED WHEN IT DETERMINES THE SUBSIDY RATE UNDER 7 AAC 53.245, SUBJECT TO THE LIMIT SET BY AS 25.23.210.

(e) IF A CHILD IS ELIGIBLE FOR MEDICAID, MEDICAL COSTS, SERVICES AND TREATMENT AVAILABLE THROUGH MEDICAID WILL NOT BE CONSIDERED BY THE DEPARTMENT WHEN DETERMINING THE ADOPTION OR GUARDIANSHIP

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SUBSIDY RATE UNDER 7 AAC 53.245]. (Eff. 7/1/90, Register 114; am 11/16/94, Register 132; am 3/31/2005, Register 173; am 8/1/2015, Register 215; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:**    AS 13.26.062            AS 25.23.230            AS 47.14.120  
                  AS 25.23.210            AS 47.14.100

7 AAC 53.245(a)(2)(B) is amended to read:

(2) provides that

(A) the agreement will remain in effect regardless of the state where the parent or guardian resides; and

(B) the department is financially responsible for providing specified **medically necessary** services **documented by a health care professional**, if the services are not available in the state where the parent or guardian resides; and

7 AAC 53.245(c) is amended to read:

(c) The department will provide subsidized adoption and guardianship payments subject to the availability of appropriations from the legislature and the provisions of AS 25.23.210. An income eligibility requirement does not exist for a prospective adoptive parent or guardian in determining the child's eligibility for adoption or guardianship assistance payments. The amount of the payment will be determined through an agreement negotiated between a prospective adoptive parent or guardian and the department, taking into account the circumstances of the prospective adoptive parent or guardian and the needs of the child as described in this section. **The amount of the subsidy will be negotiated under (d) of this section.** The amount **of the**

subsidy may be renegotiated[ PERIODICALLY] to fit the child's changing special needs and the circumstances of the adoptive parent or guardian. However, the amount of the payment may not exceed the foster care payment that would have been paid by the department during the same period if the child were in a foster home.

The introductory language of 7 AAC 53.245(d) is amended to read:

(d) Factors that the department will consider in negotiating the amount of the[A] subsidy [PAYMENT] include

7 AAC 53.245(d)(3) is repealed and readopted to read:

(3) child care if:

(A) both adoptive or guardianship parents, or one parent is a single-parent household, are working, attending educational classes or training, or actively seeking work;

(B) the adoptive parent or guardian is unable to work, attend educational classes or training, or to seek work without financial assistance for child care;

(C) there is no other household member who is able to provide care for the child during the period of time the adoptive parent or guardian is not available due to the reasons outlined in (A) of this paragraph; or

(D) the adoptive parent or guardian states that the need for the childcare payment exceeds the limit of the subsidy amount and will cause financial hardship; child care costs may be negotiated based on actual costs of care and must be for a limited time,

and will not exceed the rates which would have been paid in foster care; the parent or guardian is responsible for requesting renegotiation of the subsidy if the child care is no longer needed during the period of time it is effective, or if the family states that they have a continued need after the child care portion of the subsidy expires [COST OF CHILD CARE THAT IS NOT COVERED BY DAY CARE ASSISTANCE UNDER AS 47.25.001 - 47.25.095; CHILD CARE COSTS MUST BE FOR A LIMITED TIME AND REFLECT WHAT PORTION OF COSTS WILL BE PROVIDED BY THE ADOPTIVE PARENT OR GUARDIAN];

7 AAC 53.245(d)(4) is amended to read:

(4) cost of transportation that is extraordinary and required to meet the child's special needs, including transportation to

(A) **medical or behavioral health appointments, if the travel is over 50 miles per week and is not covered by Medicaid or other health insurance**

[THERAPY, MEDICAL TREATMENT, OR SPECIAL TRAINING]; or

(B) **support cultural continuity for the child, to include in-country visits between the child and the child's birth siblings, birth parent, or attendance at significant cultural events; visits are not to exceed three days in-state or 5 days out-of-state; cost of transportation includes airfare, and gas mileage or rental car for the child and one escort, if necessary, based on the age of the child and the child's special needs**[VISITATIONS WITH TRIBAL COMMUNITIES, RELATIVES, OR SIBLINGS];



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7 AAC 53.245(d)(5) is repealed:

(5) repealed \_\_\_/\_\_\_/\_\_\_[SPECIAL DIET, EQUIPMENT, OR CLOTHING  
NEEDED BY THE CHILD];

7 AAC 53.245(d)(6) is repealed:

(6) repealed \_\_\_/\_\_\_/\_\_\_[DOCUMENTED COST OF ONGOING MEDICAL  
OR DENTAL CARE AND TREATMENT THAT IS NOT MET BY MEDICAID OR OTHER  
MEDICAL OR DENTAL COVERAGE];

7 AAC 53.245(d)(7) is repealed:

(7) repealed \_\_\_/\_\_\_/\_\_\_[DEVELOPMENTAL PRESCHOOL COSTS THAT  
ARE NOT MET BY OTHER PROGRAMS SUCH AS A HEAD START PROGRAM UNDER  
42 U.S.C. 9831 - 9852 OR A SCHOOL DISTRICT PROGRAM];

7 AAC 53.245(d)(8) is repealed:

(8) repealed \_\_\_/\_\_\_/\_\_\_[INFANT STIMULATION PROGRAMS];

7 AAC 53.245(d)(9) is repealed:

(9) repealed \_\_\_/\_\_\_/\_\_\_[SPECIALIZED TRAINING OR PROGRAMS  
FOR THE DISABLED THAT ARE NOT OTHERWISE PAID FOR BY THE  
DEPARTMENT];

7 AAC 53.245(d)(10) is repealed and readopted to read:

(10) behavioral health treatment if

(A) there are not Medicaid or insurance providers available in the community in which the child resides;

(B) a plan is made how the treatment will be covered by Medicaid or insurance providers if services will continue to be necessary;

(C) the therapeutic needs are determined to be medically necessary and documented by a health care professional; and

(D) the adoptive parent or guardian states that the need for the behavioral health treatment is temporary, exceeds the limit of the subsidy payment, and will cause financial hardship; treatment costs may be negotiated based on actual costs and must be for a limited time not to exceed 6 months; the parent or guardian will be responsible for requesting re-negotiation of the subsidy if the treatment is no longer needed during the period of time it is effective, or if the treatment is no longer needed during the period of time it is effective, or if the family states they have a continued need after the treatment portion of the subsidy expires; the adoptive parent or guardian must submit proof of actual costs for treatment and a behavioral health professional report on progress toward meeting treatment goals when requesting re-negotiation of the subsidy[THERAPY THAT IS NOT PAID FOR BY INSURANCE OR MEDICAID; THE THERAPEUTIC NEEDS MUST BE DOCUMENTED];

7 AAC 53.245(d)(11) is amended to read:

(11) medical or dental expenses described in 7 AAC 53.240, if [APPLICABLE]

(A) there is a documented cost of ongoing medical or dental care and treatment that is not met by Medicaid or other medical or dental insurance coverage; and

(B) the medical needs are determined to be medically necessary and are documented by a health care professional, to support provision of either one-time or ongoing expenses for;

(i) extraordinary clothing or laundry needs;

(ii) costs of the purchase of special foods for a child who cannot eat a regular diet;

(iii) special medical equipment, glasses or other medically necessary items;

7 AAC 53.245(d)(12) is repealed:

(12) repealed \_\_\_/\_\_\_/\_\_\_ [OTHER NEEDS, INCLUDING THE BASIC NEEDS OF THE CHILD]; and

7 AAC 53.245(d)(13) is repealed:

(13) repealed \_\_\_/\_\_\_/\_\_\_ [THE PORTION OF THE COST OF THE CHILD'S CARE THAT THE ADOPTIVE PARENT OR GUARDIAN IS CAPABLE OF PAYING].

7 AAC 53.245(h)(1) is amended to read:

(1) adoptive parent or guardian is no longer legally responsible for the child; an adoptive parent or guardian is considered to be no longer legally responsible for the child if

(A) parental rights have been terminated; [OR IF]

(B) the child becomes an emancipated minor, marries, or enlists in the military; or

(C) the child becomes the legal responsibility of another individual through guardianship; or

7 AAC 53.245(h)(2) is repealed:

(2) repealed \_\_\_/\_\_\_/\_\_\_[CHILD IS NO LONGER RECEIVING ANY SUPPORT FROM THE ADOPTIVE PARENT OR GUARDIAN; FOR PURPOSES OF THIS PARAGRAPH, "ANY SUPPORT" INCLUDES FAMILY THERAPY, TUITION, CLOTHING, MAINTENANCE OF SPECIAL EQUIPMENT IN THE HOME, AND SERVICES FOR THE CHILD'S SPECIAL NEEDS]

7 AAC 53.245(h) is amended by adding a new paragraph to read:

(3) child is no longer receiving any support from the adoptive parent or guardian; for purposes of this paragraph, "any support" includes family therapy, tuition, clothing, maintenance of special equipment in the home, and services for the child's special needs.

7 AAC 53.245 is amended by adding new subsections to read:

(l) Factors that the department will not consider in negotiation of the amount of a subsidy include:

- (1) services that are covered by Medicaid;
- (2) services that are covered through other department divisions or state departments;
- (3) costs for goods or services for the child after the child turns 18 years of age;
- (4) costs associated with buying or improving the home or purchasing vehicles.

(m) When negotiating a subsidy the department shall not include in any agreement, payment for services to providers who are not enrolled in the Medicaid program, unless there is clear evidence that is documented by medical records that the services that the child needs cannot be met by an enrolled Medicaid provider or that no qualified provider is available. The parent may choose to receive services for their child with any enrolled Medicaid provider. However, if the parents are not satisfied by the choice of qualified and enrolled Medicaid providers, they must pay for those services themselves, those costs cannot be included in a negotiated subsidy. (Eff. 3/31/2005, Register 173; am 4/13/2011, Register 198; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 13.26.062      AS 25.23.230      AS 47.14.120  
AS 25.23.210      AS 47.14.100

7 AAC 53.260(c) is amended to read:

(c) A change in the maximum allowable subsidy payment due to an increase in foster care rates is not automatic, but will be based on **changes in** the child's **special** needs **or a change in**[AND] the circumstances of the adoptive or guardianship family.

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(Eff. 3/31/2005, Register 173; am 4/13/2011, Register 198; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:**    AS 13.26.062                      AS 25.23.230                      AS 47.14.120  
                    AS 25.23.210                      AS 47.14.100

7 AAC 53.300 is amended to read:

7 AAC 53.300 - 7 AAC 53.370 apply, unless otherwise indicated, for children in department custody or under the supervision of the **department**[DIVISION].

(Eff. 7/1/90, Register 114; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:**    AS 47.05.010                      AS 47.10.080                      AS 47.14.010  
                    AS 47.05.065

7 AAC 53.310(a) is amended to read:

(a) The **department**[DIVISION] will pay for adequate clothing as determined by the **department**[DIVISION] at the time of the initial placement of a child in an out-of-home care setting. If the child is placed in successive settings, the **department**[DIVISION] will determine the adequacy of clothing at the time of each placement and will pay for the purchase of additional clothing if

(1) the **department**[DIVISION] has provided prior authorization for that purchase; and

(2) the cost is not already covered by another program or by the base rate under 7 AAC 53.030.

(Eff. 11/23/78, Register 68; am 7/1/90, Register 114; am 12/10/2011, Register 200; am 8/1/2015, Register 215; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

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Authority: AS 47.05.010

AS 47.10.080

AS 47.14.010

7 AAC 53.320(b) is amended to read:

(b) If the child is eligible to receive Medicaid benefits, payment for the medical, dental, diagnostic, and therapeutic care of a child placed in an out-of-home care setting by the **department**[DIVISION] will be made through the Medicaid program. Medicaid coupons must be furnished to the medical provider by the out-of-home care provider to enable the medical provider to bill the **department**[DIVISION] for services rendered.

7 AAC 53.320(c) is amended to read:

(c) The **department**[DIVISION] is financially responsible for routine medical, dental, diagnostic, and therapeutic services for a child placed in an out-of-home care setting who is not eligible under the Medicaid program and who has no other resources, such as a military health benefit, the Alaska Native Health Service, or the child's parents, to meet these needs. **The department will not cover medical costs beyond the established Medicaid rates. When evaluating whether or not the department will cover the requested medical services, the department will utilize the Medicaid criteria and rates as to the payment of services.** The medical provider may bill the **department**[DIVISION] directly for these services. Prior authorization from the **department**[DIVISION] is required.

7 AAC 53.320(d) is amended to read:

(d) An out-of-home care provider is expected to obtain routine medical and dental care for a child in accordance with 7 AAC 50.455. The out-of-home care provider must receive prior authorization from the **department**[DIVISION] before nonemergency or discretionary medical

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or dental treatment, such as orthodontal work, is done. Medicaid covers all basic needs, and discretionary work will not be reimbursed without prior authorization as consistent with the child's placement plan **and is medically necessary**. Medicaid criteria **and rates** will be used by the **department**[DIVISION] to determine if a procedure or treatment is routine, regardless of the child's eligibility for Medicaid.

7 AAC 53.320(e) is amended to read:

(e) For emergency medical and dental treatment, the out-of-home care provider may seek treatment immediately without prior authorization, but must notify the **department**[DIVISION] immediately. (Eff. 11/23/78, Register 68; am 7/1/90, Register 114; am 1/1/96, Register 136; am 4/13/2011, Register 198; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:**    AS 47.05.010            AS 47.10.080            AS 47.14.010

7 AAC 53.330(a) is amended to read:

(a) "One-time items" are goods or services that are not included in out-of-home care payments because of high one-time or short-term costs exceeding \$100. An out-of-home care provider may request one-time item money for a child placed by the **department**[DIVISION] when there is no other resource for payment.

7 AAC 53.330(d) is amended to read:

(d) Requests by providers for one-time item money must be made to the **department**[DIVISION] in writing.



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7 AAC 53.330(e) is amended to read:

(e) Out-of-home care providers will be notified within 10 working days of the action taken by the **department**[DIVISION] on the request. (Eff. 11/23/78, Register 68; am 7/1/90, Register 114; am 11/16/94, Register 132; am 1/1/2001, Register 156; am 4/13/2011, Register 198; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:**    AS 47.05.010            AS 47.10.080

The introductory language of 7 AAC 53.340(b) is amended to read:

(b) The **department**[DIVISION DIRECTOR] may authorize the services or goods if (Eff. 7/1/90, Register 114; am 4/13/2011, Register 198; am 8/1/2015, Register 215; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:**    AS 47.05.010            AS 47.10.080            AS 47.14.010  
                  AS 47.05.065

7 AAC 53.360(a) is amended to read:

(a) Unearned income received by a foster parent for a child under 18 years of age who is in state custody under AS 47.10 or 47.14 and has been placed by the department in a foster home must be forwarded directly to the **department**[DIVISION], unless otherwise provided by court order for a specific child.

7 AAC 53.360(b) is amended to read:

(b) Unearned income received by the **department**[DIVISION] for a child in department custody who is older than 17 years of age will be included in the child's case plan with consideration toward transferring the receipt of the income to the child or a responsible representative, based on child's needs.

(Eff. 11/23/78, Register 68; am 7/1/90, Register 114; am 12/10/2011, Register 200;

am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 47.05.010 AS 47.10.080 AS 47.14.010

7 AAC 53.365(a) is amended to read:

(a) The **department**[DIVISION] will pay for child placement services when the **department**[DIVISION] has entered into an agreement with a child placement agency licensed under AS 47.32 and in compliance with the additional applicable standards and requirements of 7 AAC 56.

7 AAC 53.365(b) is amended to read:

(b) The **department**[DIVISION] will pay for the cost of foster care to a child placement agency under an agreement that meets the requirements of (a) of this section. The **department**[DIVISION] will list the rates in the agreement to be paid by the child placement agency to the foster parents and for associated expenses related to child placement services. The child placement agency is responsible for direct payment to the foster parents.

7 AAC 53.365(c) is amended to read:

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(c) The **department may**[DIVISION WILL, IN ITS DISCRETION,] authorize a child placement agency to pay for the cost of subsidized adoption or subsidized guardianship under agreement as specified in (a) of this section. If payment for subsidized adoption or subsidized guardianship is included in the agreement, the **department**[DIVISION] will list the rates in the agreement to be paid by the child placement agency to the adoptive or guardianship parents. The child placement agency is responsible for direct payment of those subsidies. The **department**[DIVISION] will list the rates in the agreement to be paid for expenses related to child placement services for adoption and guardianship.

(Eff. 1/1/2001, Register 156; am 4/13/2011, Register 198; am 12/10/2011, Register 200 am 8/1/2015, Register 215; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:**    AS 25.23.200                    AS 47.10.080                    AS 47.14.100  
                  AS 25.23.210                    AS 47.14.010

7 AAC 53.370(1) is amended to read:

(1) "child's placement plan" includes the placement plan of care required by 7 AAC 50.300(c) for a child in a licensed foster home, the treatment plan required by 7 AAC 50.330 for a child in a licensed residential child care facility, and the case plan for a child and the child's family prepared by an employee of the **department**[DIVISION];

7 AAC 53.370(2) is repealed and readopted to read:

(2) "department" means the office of children's services or the division of

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juvenile justice in the department[DEPARTMENT" MEANS THE ALASKA DEPARTMENT OF HEALTH AND SOCIAL SERVICES];

7 AAC 53.370(3) is repealed:

(3) repealed \_\_\_/\_\_\_/\_\_\_["DIVISION" MEANS THE OFFICE OF CHILDREN'S SERVICES OR THE DIVISION OF JUVENILE JUSTICE IN THE DEPARTMENT];

7 AAC 53.370(5) is amended to read:

(5) "placed" means put in an out-of-home care setting

(A) under the authority of the department; or

(B) through a tribal entity that has a tribal Title IV-E maintenance pass-through agreement **or a memorandum of agreement** approved by the department; in this subparagraph, "tribal Title IV-E maintenance pass-through agreement" has the meaning given in 7 AAC 53.199;

(Eff. 7/1/90, Register 114; am 1/1/96, Register 136; am 3/1/98, Register 145; am 4/13/2011, Register 198; am 12/10/2011, Register 200; am 8/1/2015, Register 215; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:**    AS 47.05.010            AS 47.10.080            AS 47.14.010

7 AAC 53.400(b)(5) is repealed and readopted to read:

(b) A person is not eligible under AS 47.10.080(v) or this chapter if that person

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(5) refuses to sign the agreement referred to in (a)(4) of this section[HAS PREVIOUSLY RESUMED STATE CUSTODY UNDER AS 47.10.080(v) AFTER REACHING 18 YEARS OF AGE]; or

7 AAC 53.400(b)(6) is repealed:

(6) repealed \_\_\_/\_\_\_/\_\_\_ [REFUSES TO SIGN THE AGREEMENT REFERRED TO IN (a)(4) OF THIS SECTION].

(Eff. 12/10/2011, Register 200; am 8/1/2015, Register 215; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_\_)

**Authority:**    AS 47.05.010            AS 47.10.080            AS 47.14.010