

"HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 11 CHILD WELFARE SERVICES PROGRAMS

CHAPTER 1621

PERMANENCY ASSISTANCE

§17-1621-1	Purpose
§17-1621-2	Goals
§17-1621-3	Definitions
§17-1621-4	Scope of service
§17-1621-5	Geographic area of service
§17-1621-6	Confidentiality
§17-1621-7	Application for permanency assistance
§17-1621-8	Eligibility requirements for Federal Title IV-E Kinship Guardianship Assistance
§17-1621-9	Eligibility requirements for state funded permanency assistance
§17-1621-10	Permanency assistance agreement and payments
§17-1621-11	Safety
§17-1621-12	Disposition and time limits of application for state funded permanency assistance
§17-1621-13	Notice to the applicant for state funded permanency assistance of application disposition
§17-1621-14	Appeals and hearings
§17-1621-15	Authorization for and initiation of permanency assistance payments
§17-1621-16	Family responsibility for payment for state funded permanency assistance
§17-1621-17	Income to be considered for federal Title IV-E kinship guardianship assistance and state funded

	permanency assistance
§17-1621-18	Duration of permanency assistance
§17-1621-19	Permanency assistance outside the State
§17-1621-20	Review of permanency assistance agreement for state funded permanency assistance
§17-1621-21	Reporting changes
§17-1621-22	Advance notice of action to terminate, suspend, or reduce payments
§17-1621-23	Overpayments and recoupment
§17-1621-24	Other child welfare related benefits
§17-1621-25	Termination of permanency assistance

§17-1621-1 Purpose. Permanency assistance is provided either through Title IV-E of the Social Security Act, hereafter referred to as kinship guardianship assistance, or through state funds, to facilitate the placement of children into permanent homes when return home and adoption are not the appropriate permanency goal.

§17-1621-2 Goals. The department shall provide services to the child who has been the subject of a report of abuse, neglect, or threatened harm and to the child's family to ensure the child's:

- (1) Safety;
- (2) Permanency; and
- (3) Well-being. [Eff **DEC 09 2010**] (Auth:
HRS §§346-14, 350-2) (Imp: HRS §350-2)

§17-1621-3 Definitions. As used in this chapter:
"Caregiver" means the child's legal guardian(s) or permanent custodian(s).

"Child" means a person who is born alive and is less than eighteen years of age.

"Criminal history record check" means an examination of an individual's criminal history record

through fingerprint analysis and name inquiry into state and national criminal history record files, including, but not limited to, the files of the Hawaii criminal justice data center; provided that the information obtained shall be used exclusively for the purposes under this chapter and shall be subject to applicable federal and state laws and regulations.

"Difficulty of care payments" or "difficulty of care" means payments in addition to the basic foster care maintenance board rate based on the level of care and supervision a child requires as determined by an assessment of the child's level of overall functioning. Payments for difficulty of care can be issued when the child requires increased care and supervision due to physical or mental health conditions, or emotional, psychological, or behavioral needs, which are being treated by a professional. Payments for difficulty of care may also be issued when the child requires academic or educational assistance that is over and above the average assistance needed for a child as documented by appropriate school personnel.

"Kinship guardianship assistance" means the provision of federal Title IV-E kinship guardianship assistance payments and medical benefits to the relative legal guardian(s) of a child.

"Kinship guardianship assistance agreement" means a written agreement between the relative legal guardian(s) and the department specifying conditions for the provision of the federal Title IV-E kinship guardianship assistance.

"Kinship guardianship assistance payment" means the provision of Federal Title IV-E monetary assistance to a legal guardian for a child previously under the department's placement responsibility in order to facilitate the child's permanent placement with legal guardian(s).

"Legal guardian" means any adult who has been awarded legal guardianship of a child as the result of a judicial determination under chapter 560, HRS, made at the time the department had placement responsibility of the child. For the purposes of this chapter the legal guardian(s) shall be referred to as "caregiver(s)".

"Permanency assistance" means the provision of permanency assistance payments and medical benefits to facilitate the permanent placement of a child under the department's placement responsibility.

"Permanency assistance agreement" means a written agreement between the legal guardian(s) or permanent custodian(s) and the department specifying conditions for the provision of permanency assistance.

"Permanency assistance payment" means the provision of monetary assistance for a child previously under the department's placement responsibility in order to facilitate the child's permanent placement with legal guardian(s) or permanent custodian(s).

"Permanent custodian" means any adult who has been awarded permanent custody of a child under chapter 587A, HRS. For the purposes of this chapter permanent custodian(s) shall be referred to as "caregiver(s)."

"Permanent custody" means the legal status created under chapter 587A, HRS, subsequent to a judicial determination that vests in a permanent custodian parental and custodial duties and rights.

"Placement responsibility" means the authority to determine the placement and care of a child pursuant to chapter 587A, HRS. [Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §346-14; SLH 1989, Act 316)

§17-1621-4 Scope of service. (a) Permanency assistance payments shall be provided in accordance with departmental procedures, subject to state and federal restrictions.

(b) Permanency assistance shall include:

- (1) Permanency assistance payments to provide a permanent home for a child previously under the department's placement responsibility based on an assessment of the care and supervision required by the child in accordance with chapter 17-1617;
- (2) Qualified medical care benefits under the State's Medicaid or QUEST program

for a child certified for permanency assistance when other medical care resources are not available.

[Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-1621-5 Geographic area of service. Permanency assistance payments shall be available for eligible children without regard to geographic location, and shall be subject to state and federal restrictions. [Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-1621-6 Confidentiality. The provisions of chapter 17-1601 shall apply to families and children served under this chapter. [Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §§346-10, 346-14)

§17-1621-7 Application for permanency assistance.

(a) The department shall inform prospective caregiver(s) of the availability of, and the eligibility criteria for, permanency assistance payments, including federal Title IV-E kinship guardianship assistance payments, and how the prospective caregiver can apply to receive this assistance.

(b) An application for permanency assistance shall be provided to each prospective caregiver upon request, for state funded permanency assistance. Federal title IV-E kinship guardianship assistance requires no such application form.

(c) The application for state funded permanency assistance shall be submitted to the department prior to the award of permanent custody or legal guardianship to the applicant.

(d) For state funded permanency assistance, an exception to §17-1621-7(c) may be granted in the case of a successor permanent custodian(s) or legal guardian(s), when the individual(s) with whom the department has a valid permanency assistance agreement is no longer able

to provide for the care of the child and an appropriate successor permanent custodian(s) or legal guardian(s) is designated by the court.

[Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-1621-8 Eligibility requirements for federal Title IV-E kinship guardianship assistance. Federal title IV-E kinship guardianship assistance is a type of permanency assistance. Federal title IV-E monies are available to provide kinship guardianship assistance payments to relatives who assume legal guardianship of children for whom they have cared while foster parents. Federal financial participation (FFP) using the applicable federal medical assistance percentage is available for kinship guardianship assistance payments. The following provisions apply to the federal Title IV-E kinship guardianship assistance program:

- (a) Eligibility.
 - (1) The child must have been removed from his/her home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child; and
 - (2) The child must have been eligible for Title IV-E foster care maintenance payments during a period of at least six consecutive months during which the child resided in the home of the prospective relative guardian who was unconditionally licensed as a foster family home.
 - (3) The department must determine that:
 - (A) Return home or adoption are not appropriate permanency options;
 - (B) The child demonstrates a strong attachment to the prospective relative guardian; and
 - (C) The relative guardian has a strong commitment to caring

permanently for the child.

- (4) The department must consult with a child who is 14 years or older regarding the kinship guardianship arrangement.
- (b) Treatment of siblings.
 - (1) The eligible child and any sibling of the eligible child may be placed in the same kinship guardianship arrangement if the department and the relative agree on the appropriateness of the arrangement for the siblings; and
 - (2) Kinship guardianship assistance payments shall be paid on behalf of each sibling so placed. The sibling does not have to meet the eligibility criteria to receive kinship guardianship assistance payments or for the legal guardian to be reimbursed for the nonrecurring expenses related to costs of the legal guardianship of the sibling.
- (c) Medicaid and social services. Any eligible child for whom there is a federal Title IV-E kinship guardianship assistance payment being made is categorically eligible for medical care under Title XIX of the Social Security Act, Medicaid services, and social services under Title XX, in the state where such child resides.
- (d) Case plan requirements. In addition to the case plan requirements at HAR 17-1610-26, for a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardian assistance payments, the case plan for this chapter shall include a description of:
 - (1) The steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;
 - (2) The reasons for any separation of siblings during placement;
 - (3) The reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best

- interest;
- (4) The ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;
 - (5) The efforts the agency has made to discuss adoption by the child's relative foster parent(s) as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons; and
 - (6) The efforts made by the department to discuss with the child's parent(s) the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.

(e) A child who does not meet the eligibility requirements for federal Title IV-E kinship guardianship assistance, shall be evaluated for state funded permanency assistance eligibility. In all cases, however, eligibility for federal Title IV-E kinship guardianship assistance shall be evaluated first. [Eff **DEC 09 2010**] (Auth: HRS §346-14)
(Imp: §346-14; ACYF-CB-PI-08-007)

§17-1621-9 Eligibility requirements for state funded permanency assistance. (a) To be eligible for state funded permanency assistance, the following conditions shall be met:

- (1) The child shall have been determined by the court to be unable to be reunified with the legal parent(s) and be under the placement responsibility of the department;
- (2) The child shall have been provided with child welfare services under chapter 17-1610;
- (3) The department shall have determined that adoption is not a viable goal for the child due to factors that may include, but are not limited to, the child's desire not to be adopted and/or the existence of significant

- ties to the current caregiver(s) who are unable or unwilling to adopt the child;
- (4) The department shall have determined in accordance with departmental procedures that the proposed caregiver(s) is a licensed foster parent(s) or meets the requirements of chapters 17-1625, and is willing and able to provide for the needs of the child;
 - (5) The child shall not be eligible for foster care maintenance payments under chapter 17-1617; and
 - (6) The caregiver(s) shall have been awarded legal guardianship or permanent custody of the child as the result of a judicial determination made at the time the department had placement responsibility.
 - (7) An exception to §17-1621-9(a)(6) may be granted in the case of successor permanent custodian(s) or legal guardian(s); when the individual(s) with whom the department has a valid permanency assistance agreement is no longer able to provide for the care of the child and an appropriate successor permanent custodian(s) or legal guardian(s) is designated by the court.

(b) Birth parents, stepparents and the caregivers from whom the child was removed prior to the award of placement responsibility to the department pursuant to chapter 587A HRS are not eligible to receive permanency assistance.

(c) An eligible child shall continue to be eligible for state funded permanency assistance after reaching the age of majority and the permanency assistance payments for that child shall continue to be paid to the caregiver(s), provided that the child is attending high school, until the end of the school year in which the child attains age twenty. [Eff
(Auth: HRS §346-14) (Imp: HRS §346-14) DEC 09 2010]

§17-1621-10 Permanency assistance agreement and payments. (a) A written permanency assistance

agreement between the department and the caregiver(s) shall be in effect for any child for whom federal Title IV-E kinship guardianship assistance or state funded permanency assistance is provided. The agreement shall:

- (1) Specify the duration of the agreement, the amount of, and the manner in which, each permanency assistance payment shall be provided under the agreement, the manner in which the payment may be adjusted periodically, in consultation with the legal guardian, and the child's eligibility for Title XIX medical benefits;
 - (2) Specify the additional services and assistance that the child and legal guardian will be eligible for under the agreement;
 - (3) Describe the procedure by which the legal guardian may apply for additional services as needed;
 - (4) Specify that the State will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child, to the extent the total cost does not exceed \$2,000;
 - (5) Specify that the agreement shall remain in effect without regard to the state of residency of the legal guardian;
 - (6) Be signed by the prospective caregiver(s) and the department prior to the award of legal guardianship or permanent custody to the caregiver(s);
 - (7) A copy of each signed agreement shall be given to each party.
 - (8) The permanency assistance agreement must be in place with a prospective relative guardian prior to the establishment of the legal guardianship.
- (b) Permanency assistance payments shall not exceed the foster care maintenance payment which would have been paid on behalf of the child if the child had remained in a foster family home.
- (c) The legal guardianship shall be a judicially

created relationship between the child and relative which is intended to be permanent and self-sustaining as evidenced by the transfer to the legal guardian of the following parental rights with respect to the child:

- (1) Protection;
- (2) Education;
- (3) Care and control of the person;
- (4) Custody of the person; and
- (5) Decision making

[Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §346-14; ACYF-CB-PI-08-007)

§17-1621-11 Safety. (a) Prospective legal guardians, and other adult household members, shall submit statements signed under penalty of law indicating whether they were ever convicted of a crime, and provide consents to conduct criminal history record checks, child abuse and neglect (CA/N) registry checks, background checks, and any other checks as may be required by the department or state or federal law. Such information and consents shall be given upon forms supplied by the department.

(b) The department shall conduct criminal history record checks, child abuse and neglect (CA/N) registry checks, background checks, and any other checks deemed necessary of the prospective legal guardians and other adult household members.

- (1) The fingerprint-based FBI clearances for the prospective legal guardians and adult household members shall be completed in accordance with federal and state statutes and departmental procedures.
- (2) The check of the state's child abuse and neglect registry for all adult household members, including the registries in states where an adult resided within the preceding five years, shall be completed in accordance with federal and state statutes and departmental procedures.

(c) The prospective legal guardians and other adult household members shall not have any of the following:

- (1) A felony conviction, at any time, for child abuse or neglect, for spousal abuse, for a crime against children (including child pornography), or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery; or
- (2) A felony conviction, within the last five years, for physical assault, battery, or a drug-related offense;
- (3) Convictions of any other crimes, the circumstances of which indicate that the prospective legal guardian or adult household member poses a risk to the health, safety, or well-being of children;
- (4) Except for felony convictions listed in paragraphs (1) and (2), the type of criminal offense, when it occurred, and evidence of rehabilitation may be considered in determining whether the criminal history poses a risk to the health, safety, or well-being of children. A single item of evidence, however, may not be conclusive evidence of rehabilitation;
- (5) An employment history indicating violence, alcohol or drug abuse, and any other violation of employer rule or policy, the circumstances of which indicate that the prospective legal guardian or adult household member may pose a risk to the health, safety, or well-being of children;
- (6) Background information which shows that the prospective legal guardian or adult household member has been identified as and confirmed to be the maltreater of child abuse or neglect or whose parental rights were terminated,

may be a basis for denial unless there is a determination by the department that the individual has established clear and convincing evidence of rehabilitation and the individual has demonstrated the ability to provide a safe family home for the child or children, or the individual does not pose a risk to the health, safety, or well-being of a child or children in the home. [Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §346-12; 45 CFR §1356.21; 42 USC §§671, 673, 674, 675; P.I. ACYF-CB-PI-08-007; P.L. 110-351)

§17-1621-12 Disposition of application for state funded permanency assistance. (a) The provisions of section 17-1615-12 shall apply to applications for state funded permanency assistance.

(b) In addition to subsection (a), the disposition of the application for state funded permanency assistance shall be made prior to the applicant's award of permanent custody or legal guardianship.

(c) An exception to §17-1621-10(b) may be granted in the case of a successor permanent custodian(s) or legal guardian(s) when the individual(s) with whom the department has a valid permanency assistance agreement is no longer able to provide for the care of the child and an appropriate successor permanent custodian(s) or legal guardian(s) is designated by the court.

(d) The department shall make a disposition on the application for state funded permanency assistance within thirty calendar days of the date the application is received by the department, unless otherwise specified. Any applicant for whom a disposition of the application for state funded permanency assistance was not determined by the thirtieth day from the date of application shall be determined presumptively eligible for the state permanency assistance for which the individual applied effective the thirty-first day from the date of

application up to the date the department makes a disposition. [Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-1621-13 Notice to the applicant for state funded permanency assistance of application disposition. (a) The department shall notify the applicant of eligibility for state funded permanency assistance within fifteen calendar days following the date the department makes a disposition on the application.

(b) The notice shall be in writing and shall contain a statement of the actions taken, the reasons for the actions, the specific rules supporting the actions, and the right to appeal the department's decision through established hearing procedures. [Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-1621-14 Appeals and hearings. The department must provide an opportunity for a fair hearing to any individual whose claim for permanency assistance, including kinship guardianship assistance, is denied or not acted upon with reasonable promptness. [Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §§346-12, 346-14; ACYF-CB-PI-08-007)

§17-1621-15 Authorization for and initiation of permanency assistance payments. (a) The department shall authorize permanency assistance payments in accordance with departmental procedures when the child and family meet the eligibility requirements specified in this chapter for federal Title IV-E kinship guardianship assistance or for state funded permanency assistance and an agreement for permanency assistance is in effect.

(b) The amount of the permanency assistance payments, including any unearned income of the child,

shall not exceed the department's foster care maintenance payments specified in chapter 17-1617.

(c) Payments for permanency assistance shall be:

- (1) Calculated in accordance with the provisions of section 17-1617-13(c); and
- (2) Issued to the caregiver(s) on a monthly basis following the month of care.

(d) Permanency assistance payments shall be initiated no earlier than the date of the award of legal guardianship or permanent custody to the caregiver(s). [Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §346-14; ACYF-CB-PI-08-007)

§17-1621-16 Family responsibility for payment for state funded permanency assistance.

(a) The child's legally responsible parent(s) shall be required to contribute to the cost of the child's placement with the caregiver(s) in accordance with the financial ability of the parent(s).

(b) The child's legally responsible parent(s) shall be referred to the child support enforcement agency.

(c) Contributions from the legally responsible parent shall be made to the department as reimbursement for the cost of the state funded permanency assistance. [Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: §§346-14, 346-37.1)

§17-1621-17 Income to be considered for state funded permanency assistance. (a) The income resources of the child shall be considered when determining the amount of state funded permanency assistance payments.

(b) The income to be considered includes the child's unearned income resources such as Retirement Survivor's and Disability Insurance (RSDI) benefit payment, Supplemental Security Income (SSI) benefits, trust fund accounts, and military personnel's or veteran's dependency benefits.

(c) Earned income of the child shall not apply as reimbursement towards the child's permanency assistance payments. [Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-1621-18 Duration of permanency assistance.

(a) Federal Title IV-E kinship guardianship assistance may continue for an eligible child until:

- (1) The child reaches the age of eighteen; or
- (2) Where the department determines that the child has a mental or physical handicap which warrants the continuation of assistance, the age of twenty-one.

(b) State funded permanency assistance may continue for an eligible child until:

- (1) The child reaches age eighteen years and is no longer attending high school;
- (2) The child, upon attaining age eighteen years while residing with legal guardian(s) or permanent custodian(s), is able to complete a high school education or equivalent within the following school year; or
- (3) The end of the school year in which the individual attains age twenty years.

[Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §346-14; 42 U.S.C. §673(a)(4))

§17-1621-19 Permanency assistance outside the state for Title IV-E kinship guardianship assistance or state funded permanency assistance. (a) Permanency assistance payments shall continue if the legal guardian(s) or permanent custodian(s) and child move out of the state while the permanency assistance agreement is in effect.

(b) The state shall continue to provide medical coverage under the state medical program for children who do not qualify for Medicaid, as long as the child is eligible for permanency assistance. [Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §346-14; ACYF-CB-PI- 08-007)

§17-1621-20 Review of permanency assistance agreement for state funded permanency assistance.

(a) For state funded permanency assistance, there shall be a review of the permanency assistance agreement, including difficulty of care payments (in accordance with section 17-1617-15(b)), at least every two years to determine if there are any significant changes which may affect the terms of the agreement.

(b) If the caregiver(s) fails to submit the requested information for the review, the permanency assistance payments shall be suspended until the department receives the requested information.

[Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-1621-21 Reporting changes for Title IV-E kinship guardianship assistance or state funded permanency assistance. (a) The legal guardian(s) and permanent custodian(s) shall be responsible to make a written report of any of the following changes to the department within thirty days of occurrence:

- (1) They are no longer supporting the child, or the child is no longer residing with them;
- (2) They are no longer the legal guardian(s) or permanent custodian(s) of the child;
- (3) They change residence, or there is a change in mailing address;
- (4) There are other circumstances that may affect eligibility for continued permanency assistance payments; or
- (5) The child receives unearned income as specified in section 17-1621-18(b).

(b) Failure to report information which may affect eligibility for permanency assistance payments shall be investigated as suspected fraud.

(c) In situations where fraud is suspected, the provisions of chapter 17-1604 shall be applicable.

[Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §346-14; 42 U.S.C. §673(a)(4))

§17-1621-22 Advance notice of action to terminate, suspend, or reduce payments. In cases of intended action to discontinue, terminate, suspend or reduce permanency assistance the department shall give timely and adequate notice as follows:

- (1) The notice shall be mailed at least 10 days before the date of action, that is, the date upon which the action would become effective;
- (2) The notice shall include a statement of what action the department intends to take, the reasons for the intended departmental action, the specific regulations supporting such action, explanation of the individual's right to request a fair hearing, the circumstances under which assistance is continued if a hearing is requested, and if the department action is upheld, that such assistance shall be repaid. [Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §346-12; 45 CFR §205.10)

§17-1621-23 Overpayments and recoupment. (a) An overpayment shall occur when a recipient receives permanency assistance payments, including Title IV-E kinship guardianship assistance payments, for which the recipient is not eligible pursuant to departmental rules.

(b) Overpayments shall be collected in accordance with departmental procedures:

- (1) As a reimbursement from, or on behalf of, the recipient who received the overpayment; or
- (2) Recovered for the department for recipients who are no longer eligible for state funded permanency assistance payments or federal Title IV-E kinship guardianship assistance payments.

(c) Overpayments that meet the definition of fraud shall be referred to the department for investigation.

[Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §346-12)

§17-1621-24 Other child welfare related benefits. The child may be provided with other child welfare related benefits including preparation for independent living and higher education. [Eff **DEC 09 2010**] (Auth: HRS §346-14) (Imp: HRS §346-14)]

§17-1621-25 Termination of permanency assistance.
(a) Title IV-E kinship guardianship assistance shall be terminated when:

- (1) The child has reached the age of eighteen years;
- (2) Where the department determines that the child has a mental or physical handicap which warrants the continuation of assistance, the age of twenty-one.
- (3) The legal guardian(s) or permanent custodian(s) is no longer supporting the child; or
- (4) The legal guardian(s) or permanent custodian(s) is no longer legally responsible for the support of the child.

(b) State funded permanency assistance shall be terminated when:

- (1) The child has reached the age of eighteen years and is not attending high school;
- (2) The child has completed the school year in which age twenty years is attained;
- (3) The legal guardian(s) or permanent custodian(s) is no longer supporting the child;
- (4) The legal guardian(s) or permanent custodian(s) is no longer legally responsible for the support of the child;
- (5) The child's need for permanency assistance no longer exists;

- (6) The legal guardian(s) or permanent custodian(s) are able to assume full financial responsibility and no longer wish to continue the permanency assistance;
- (7) The child goes into an adoptive home;
- (8) The child has achieved independent living and is self-supporting;
- (9) The youth receives higher education board allowance payments;
- (10) The child enters a state institution for mental retardation or mental illness;
- (11) The child is placed in a correctional facility;
- (12) The child is admitted to a residential treatment facility or a medical facility for extended treatment and the caregiver(s) is not contributing to the cost of this placement;
- (13) The child no longer meets the eligibility requirements for state funded permanency assistance; or
- (14) The permanency assistance agreement is no longer current and valid. [Eff **DEC 09 2010**]
(Auth: HRS §346-14) (Imp: HRS §346-14; 42 U.S.C. §673(a)(4))

3. The repeal of chapter 17-835 and the adoption of chapter 17-1621, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.