

<b>PARK COUNTY DEPARTMENT OF HUMAN SERVICES</b>		
<b>Administration</b>	Child Welfare –B-	
Adoption Subsidy Program		
Effective Date: 01/01/2014	Approval: Director <i>CAW</i>	Number of Pages: 6
References: NACAC Volume 7.306.4 7.306.41 7.306.42 7.306.57	Revaluation Date:  Annually or as needed	Updated 8/26/15 06/15/2017

Park County Department of Human Services shall refer to Volume 7 Rules and Regulations for all adoption questions. This policy defines the adoption assistance program and the purpose of adoption assistance rates, (2) outlines adoption assistance rates, and (3) clarifies criteria for the provision of adoption assistance to providers.

**Policy:**

Adoption Assistance can include Medicaid only or a combination of Medicaid and dollar amount. Federal (Title IV-E) and state (often called non-IV-E) adoption assistance program are designed to help adoptive parents meet their adopted children’s varied needs. Adoption Assistance payments are made directly to the adoptive parents(s) to assist in providing for the special needs of an eligible adopted child. This program is intended to help or remove financial barriers to the adoption of children with special needs, by providing assistance to the parent(s). Adoption Assistance is not intended to cover all of the routine expected costs associated with raising a child. Available public programs and insurance benefits for which the child is eligible shall be used first to address the child’s needs before Adoption Assistance payments are used. All children who qualify for Adoption Assistance are eligible for Medicaid Benefits.

The Adoption Assistance Program is developed for specific child with that child’s special needs in mind; not all adoption agreements are alike. The Adoption Assistance is based on the special needs of the child and relates to the original barriers and the circumstances of the adoptive family.

**Criteria**

The following are criteria used for determining whether a child qualifies for Adoption Assistance:

- The documented needs, both short-and long-term, of the child
- The services which will be required to meet these needs, both short- and long-term
- The ability and resources of the adoptive family to meet these needs
- The availability and cost of community resources

- The needs and services that can be met by private health insurance programs and Medicaid
- The adoptive parents must be United States citizens or in the United States legally

**Rates and Other Financial Considerations**

Park County’s Adoption Assistance Program is inclusive of the following types of assistance:

1. **Medicaid Only** – Medicaid is available for all children freed for adoption or are adopted through the Department and may be offered as the only services provided post-adoption. Medicaid covers all medically necessary costs for typical medical services and dental.
2. **Adoption Assistance** – The following three variations of subsidy options are available to adoptive families.
  - **Dormant** – Dormant Medicaid only adoption assistance means the child receives Medicaid however no Adoption Assistance Payment is provided at the time of the adoption but allows for financial assistance in the future if the child’s needs change
  - **Long-term** Adoption Assistance and Medicaid - Maintenance that is determined to be ongoing and identified to be available for when the child turns 18 (or 21 if diagnosed as physically or developmentally disabled) or when the child graduates high school, whichever occurs last, or when age 21 is reached providing the original agreement was to continue through 21.
  - **Time-limited** Assistance and Medicaid – Assistance with an identified time limit or termination period.

The following are Park County’s Adoption Assistance rates:

Ages 0 – 10	\$0-\$354.05
Ages 11-14	\$0-\$397.85
Ages 15 – 21	\$0-\$429.48

A special needs allowance, in addition to the above rate, may be applied for physical or mental disability. The amount of this payment for services is based on the child served and the extent of services needed.

A special need is one or more of the following special, unusual, or significant factors that act as a barrier to the child(ren)’s adoption:

- Physical
- Mental disability
- Developmental disability
- Educational
- Emotional disturbance

- Hereditary factors
- High risk children (HIV-positive, drug exposed)
- Sibling group
- Ethnic background or membership in a minority group
- Healthy child over the age of 7
- Child with repeated adoption disruptions
- Child who is severely medically involved

**Non-Recurring Adoption Fees** - Reimbursement of up to \$800 is available one time for one or a combination of the following adoption expenses:

- Legal fees
- Adoption fees
- Home Study fees
- Other expenses related to the legal adoption of the child(ren)

One time Adoption Assistance Case Services to assist with travel expenses associated with long distance placements may be available. Any travel expenses should be discussed with the Adoption Assistance Caseworker.

Adoption Assistance Case Services, such as medical equipment not covered by Medicaid or other insurance, may be available on a limited basis based on the needs of the child at the time of the adoptive placement. Respite care may be available for critical or urgent needs and the Department may require that the family and /or child be in therapy in order to access respite care. These needs should be discussed with the Adoption Assistance Caseworker when those needs arise.

**Social Security Payments** – If a child is eligible for Social Security Income (SSI) prior to adoption, the adoptive parents must apply to the Social Security Administration (SSA) to become the payee upon finalization of the adoption. SSI will adjust the payment based on the adoptive family's income and the adoption assistance payment.

### **Guidelines**

Caseworker is responsible for collecting detailed information about the child(ren) for the child study and for the adoptive family. Once the caseworker has collected the child study, they will schedule an adoption assistance informational meeting with the adoptive parents. At this meeting, the adoptive parents will be given the child study to review. This study includes medical and social history about the child and pertinent bio-family information, if available. The Department and adoptive family may request other parties of the case (physician, foster parent, etc.) to be in attendance at this meeting.

During this meeting, it is the family's responsibility to ask for clarification regarding any information in the child study. Upon complete understanding and satisfaction of the information received, the parents may request a specific adoption assistance amount. The

family will complete the adoption assistance application and submit it to the Department to be reviewed by a supervisor and the director. This meeting may be recorded.

Adoption Assistance is negotiated between the Department and the adoptive parent(s). The amount is based upon the criteria listed and can be Medicaid only or up to the maximum amount listed above. Park County will make a good-faith effort to negotiate an Adoption Assistance agreement with the adoptive parents. If the parties cannot come to an agreement, the County Department shall establish the Adoption Assistance amount. If the family disagrees, a future hearing can be requested with the Director. Once the Department has made a decision to approve the request for adoption assistance, adopting parents are contacted for a final meeting to sign the required paperwork. If the adopting parents do not agree with the Department's decision regarding adoption assistance, they have a right to appeal.

Park County may make adoption assistance payments and/or provide Medicaid or medical assistance at the time of adoptive placement, continue them after the adoption has been finalized and continue them until the adopted child has reached the age of eighteen (18), or the age of twenty-one (21) years when the county department has determined that the child has a developmental or physical disability which warrants continuance of assistance.

Families who adopt children with special needs from foster care may be eligible for a Federal Adoption Tax Credit. Children who receive adoption assistance/subsidy benefits are considered children with special needs. The amount of the credit is based on the year the adoption finalized. The family should check with the IRS as the adoption credit rules and eligibility are subject to change.

Families who are receiving Adoption Assistance will be required to provide Park County with documentation of the adoptive child(ren)'s school attendance, medical records and photograph annually.

**Adoption Assistance Agreement** - Subsidy determinations are completed once the adoption assistance application (CW-SA 1&2) paperwork is completed and all required documents are submitted by the adoptive parent. The application must be signed by all required parties as per the application. The application will be reviewed by the supervisor and Department director or designee of the Department. Assistance determination will be made and presented to the adoptive parent. If parties cannot come to an agreement, the Department shall establish the Adoption Assistance amount. If the family disagrees, a future hearing can be requested. Reference Volume 7.306.14 E (5) and 7.306.42 D (4).

**Adoption Assistance Agreement Review** - Per Colorado law, Adoption Assistance Agreements must be reviewed every three years. Educational documentation for the child must be received annually by the Department holding the adoption assistance agreement. Colorado Medicaid must be reviewed annually. The adoption case services technician will contact the adoptive parents sixty (60) days prior to annual reviews.

**Finalization of the Adoption Assistance Agreement** - Finalization of the Adoption Assistance Agreement occurs once the adoption assistance offering has been accepted by the adoptive parents and after the agreement has been signed by all parties to include the signature of the director or designee.

**Termination of Adoption Assistance Payments** - The Department is responsible for ensuring all initial agreements, re-negotiated agreements and terminated agreements are completed timely. Adoption assistance may be re-negotiated or terminated by the Department under certain conditions as follows:

- 1.) Child turns 18 years old or graduates high school, whichever is last, or
- 2.) The child was determined mentally/physically severely disabled and then the agreement is valid until the child turns 21 years old.
- 3.) If the family is no longer legally responsible for the child and/or the family is not supporting the child.
- 4.) Family requests termination
- 5.) Child enters college
- 6.) Marriage of the child
- 7.) Death of the child
- 8.) Death of the adoptive parents

**Appealing an Adoption Assistance Determination** - Parents have the right to request a review of the adoption assistance agreement at any time, however the need must relate to the child's special needs documented in the adoption assistance application. The Department is not responsible for newly identified special needs unless the new special need is directly related to the original diagnosis. It is the responsibility of the parent to notify the Department case services technician, in writing, to request a review. Parents are required to provide written documentation from a licensed medical professional regarding the child's new special need. It must be shown that other outside resources and Medicaid will not provide a service for the new need. If a new adoption assistance rate is agreed upon, the new amount will go into effect according to the date the new agreement is signed.

**Adoption Assistance Forms – Include but not limited to:**

- **Child's Summary and Application for Non-Title IV-E Adoption Assistance**
- **Child's Summary and Application for Title IV-E Adoption Assistance**
- **Title IV-E Adoption Assistance Agreement**
- **Non-Title IV-E Adoption Assistance Agreement**
- **Title IV-E Adoption Assistance Review Form**

- **Non-Title IV-E Adoption Assistance Review Form**
- **Adoption Placement Agreement**
- **Information Sharing Acknowledgement**
- **Birth Parent's Social and Medical History**
- **Application for Adoption**