

6.3 Adoption Assistance

IOP 5/9/03

PHILOSOPHICAL BASE

The goal of Maine's Adoption Assistance program is to facilitate the adoption of children whose special needs present barriers to their placement in permanent homes. The Department recognizes that for most foster children who cannot return to biological families, adoption is the preferred permanency plan. Adoption allows the child membership in a legally recognized, socially accepted, permanent family unit. However, for some families certain conditions make adoption more difficult. For example, many families hesitate to assume full financial responsibility for adopting children with medical problems requiring special care and treatment or with emotional problems requiring therapeutic intervention; similarly, some foster children have long term attachments to foster families who wish to adopt but cannot afford to lose the foster care board payment. In these situations, financial constraints may discourage families from adopting, resulting in longer stays and the lack of a permanent family for some special needs children.

The Department of Human Services (DHS) has an ongoing Adoption Assistance program to help make adoption possible for children who otherwise may not be adopted. Its purpose is to enable the child to become a permanent member of a family and to provide the benefits of family security, love, and nurture for children in special circumstances presently in the custody of DHS or a licensed non-profit private adoption agency. DHS Adoption Assistance may authorize Adoption Assistance to supplement the resources of approved families interested in adopting a special needs child so that the adoptive family does not have to lower their standard of living to meet the needs of the adopted child.

In all instances the primary consideration in whether to place the child for adoption is the best interests of the child.

Funds for the Adoption Assistance program will be taken from state funds appropriated for child welfare services and from federal funds under Title IV-E and Title IV-B of the United States Social Security Act. The Adoption Assistance program will be limited to the availability of funds.

DEFINITIONS

As used in this policy, the following definitions apply:

1. *"Department"* refers to the Department of Human Services.
2. For the purposes of adoption assistance, the term child and youth is used interchangeably to include an individual 18-21.
3. *"Family"* refers to any married couple or single person who wishes to apply for Adoption Assistance.

4. As used in this policy and the rules that govern the Adoption Assistance program the term "*special needs*" refers to one or more of the following characteristics:
 - a. Medical condition that makes placement difficult
 - b. Member of a sibling group to be placed together that includes at least one member who has a physical, mental, emotional handicap that makes placement difficult
 - c. Difficult to place and who meets one or more of criteria's a, b, d, e or f
 - d. Age 5 or older
 - e. Difficult to place because of race
 - f. Victim of physical, emotional, or sexual abuse or neglect that places the child at risk for future emotional difficulties; or
 - g. Factor in the child's background such as severe mental illness, substance abuse, prostitution, genetic or medical conditions or illnesses that place the child at risk of future problems. For the purposes of this definition "at risk" is meant to have some significance in a statistical or medical sense, i.e. some probability of occurrence that is not merely speculative or statistically insignificant.
5. "*Difficult to place child*" is a child with special needs for whom reasonable but unsuccessful efforts to secure an appropriate unassisted adoptive placement have been made, or for whom efforts to secure unassisted placements have been waived because it is in the best interests of the child; for example, adoption by a relative or foster family with whom the child has established a meaningful, positive bond.

LEGAL BASE

The Federal Adoption Assistance and Child Welfare Act of 1980 (PL 96-272) requires that all states receiving funds under the federal Title IV-E program establish an Adoption Assistance program which meets criteria spelled out in the act and its accompanying regulations. The law provides for federal financial participation in Adoption Assistance payments to adoptive families of certain special needs children. It also provides funds for administering the program and training staff.

Maine's Adoption Assistance program pre-dates the federal mandate. It was first enacted by the 107th Legislature in 1975 as 19 MRSA §541-544. That legislation, as amended in 1979, charged the Department of Human Services with the development of rules and regulations to govern the program. To bring Maine's Adoption Assistance act into compliance with federal legislation, the law was amended again in March 1981, by the 110th Legislature. Accordingly, new rules and regulations governing the program were adopted by the Department in September 1982, again on February 15, 1996, and again on March 28, 2003. These rules are appended to this policy.

FINANCIAL STRUCTURE

Under Maine's Adoption Assistance program, adoptive families may receive either federally-matched funds or funds drawn solely from the State's child welfare services appropriation. In

both cases, the amount and types of assistance are determined by examination of the needs of the child, the circumstances of the adopting family, and the other benefits for which the child and family are/may be eligible.

Federal financial participation in Adoption Assistance payments is provided through the Adoption Assistance and Child Welfare Act of 1980 (PL 96-272). These funds are provided on an open-ended entitlement basis to children and families who meet the eligibility requirements outlined in the following segments on Eligibility of the Child and Eligibility of the Family, and are subject to the availability of federal funds for entitlement programs.

Amounts and types of federally-matched assistance vary. However, federal law stipulates that the Adoption Assistance payment may not be greater than the foster care maintenance payment for the child if she/he were to remain in a family foster home. An important aspect of the Act is that in order for children to receive federally matched Adoption Assistance, they must have been eligible for AFDC-Foster Care (according to June, 1996 eligibility standards) at time of removal and in the month the adoption petition is filed or Supplemental Security Income (SSI) in the month the adoption petition is filed. Children receiving federally matched Adoption Assistance are considered to be AFDC or SSI recipients and, therefore, remain eligible for Title XIX Medicaid and Title XX Social Services after adoption. (Maine July 16, 1996 AFDC Manual)

For special needs foster children not eligible for federally-matched Adoption Assistance payments, assistance is available from the state appropriation for child welfare services. These children and their adopting families must meet the requirements for state-funded Adoption Assistance, outlined in the following segments on Eligibility of the Child and Eligibility of the Family.

State-funded assistance is limited to the cost of ordinary needs (e.g. food, and clothing) of the child as well as costs, without regard to the source of funds, for medical, dental, psychological and other services, which would have been paid if the child had remained in foster care. Medical coverage for children with state-funded Adoption Assistance is provided in accordance with federal requirements.

ELIGIBILITY OF THE CHILD

To be eligible for state-funded Adoption Assistance, a child must meet the criteria in items 1 through 5. To be eligible for federal-matched Adoption Assistance, a child must meet the additional criteria in item 6 or the criteria in item 7:

1. She/he must be in the legal custody of the Department of Human Services or in the custody of a non-profit, private, licensed child-placing agency with an adoption program; and,
2. The child must be legally available for adoption; and,

3. The child must meet the definition of a "special needs" child; and
4. The child must meet the definition of "difficult to place," in that the Department must demonstrate that it has made reasonable but unsuccessful efforts to secure an appropriate unassisted adoptive placement. These efforts may include recruiting adoptive families within and outside the district, listing the child on the statewide adoption exchange and website and other exchanges and websites as appropriate. Efforts to recruit an adoptive family not requiring assistance may be waived when it is in the best interest of the child (for example, adoption by a relative or a foster family with whom the child has established a strong, positive bond (see "Application Process and Procedures," paragraph 1, subparagraph e) for efforts necessary for recruitment); and
5. Adoption must be considered to be in the best interests of the child.
6. For federally-funded Adoption Assistance, in addition to the above criteria, the child must be eligible for or a recipient of AFDC-Foster Care at removal and in the month the adoption petition is filed and be a child with special needs or be SSI eligible and meet the definition of a special needs child; or
7. The child must have been previously adopted and receiving IV-E Adoption Assistance.

ELIGIBILITY OF FAMILIES

1. Families who wish to adopt a child with assistance must meet all of the Department's standards for eligibility for adoption (see Section VIII, Subsection A).
2. They must have been studied and approved by the Department or by a licensed child placing agency with an adoption program.
3. The circumstances of the family must be considered in determining the type, duration and amount of assistance requested. Federal law providing for federal financial participation in Adoption Assistance specifically prohibits using a formal means test (that is, a minimum or maximum income level) to decide whether or not a family is eligible for assistance. However, in making its decision regarding the type, amount and duration of assistance, the Department may take into consideration the family's circumstances (as indicated on its most recent federal income tax statement), health insurance provisions for adopted children, and any third party benefits to which the child and/or family are entitled. The family may also chose to discuss other special circumstances which may make assistance necessary.
4. The need for assistance will be redetermined annually (see Annual Determination of Need).
5. Decisions about Adoption Assistance will be made by the Commissioner or his designee on a case-by-case basis.

In some instances there are no common definitions of acceptability of families or the best interest of children. When such instances occur in these rules, decisions related to Adoption Assistance will be made at the discretion of the Department.

6. Families have the right to appeal such decisions (see Appeals).

TYPES OF ASSISTANCE

Several types of Adoption Assistance are available. These are:

1. **Long Term Assistance**

A bi-weekly payment which may continue until the child attains the age of eighteen. If the child has a physical, emotional, or mental handicap, a medical condition requiring special attention, or where the state determines the child has a need for educational benefits, the payments may continue until he/she is 21.

2. **Limited Period Assistance**

- A bi-weekly payment for a specified period of time.
- Payment (on a recurring basis for a specified period of time) of medical or mental health costs (such as orthodonture, medical treatment, physical and mental health therapy, etc.) or, if the child is between 18 and 21 years of age, educational benefits in accordance with the Department's Education Beyond High School program.

3. **One-Payment Assistance**

A one-time, non-recurring payment to meet a specific special need of the child or family. Examples of non-recurring items are an operation necessitated by a medical condition of the child, payment of necessary and reasonable legal fees for adoption, and special orthopedic devices for a child.

4. **Educational Benefits**

Payments for higher education costs (college, vocational, or business school) for a specified period of time through a referral to the independent living program specialist. Payments for educational benefits will be made in accordance with the Department's policy and procedures for Education Beyond High School, subject to the availability of funding.

5. **Medical Benefits**

All children for whom there is an Adoption Assistance agreement in effect receive medical benefits through coverage under the Mainecare program as specified within the policy of the Bureau of Medical Services. Children who receive federally-matched Adoption Assistance are considered to be AFDC eligible. Therefore, they are eligible for Federal Medicaid coverage.

6. **E.P.S.D.T.**

Early and Periodic Screening, Diagnosis and Treatment services are available to adopted children and children in adoptive placement who are Medicaid recipients under the Adoption Assistance program (see E.P.S.D.T. policy, Section V, Subsection I, pages 1-8). This program provides medical and dental preventive care as well as diagnosis and treatment. At the present time, this program is being run by HEALTHWORKS, who operate under a contract with Maine Medicaid.

7. **Non-Recurring Expenses**

Purpose

Non-recurring adoption expenses are those one-time adoption expenses directly related to the adoption of a special needs child as defined in item 4 of the Definition section.

- a. One-time adoption expenses are costs defined as reasonable and necessary:
 - (1) Court adoption costs.
 - (2) Attorney adoption costs.
 - (3) Other adoption expenses which are directly related to the legal adoption of a child, where the adoptive parents are billed for and are ultimately liable to pay for these expenses. Such expenses include reasonable and necessary:
 - (a) Adoption home study
 - (b) Placement supervision
 - (c) Health and psychological exams
 - (d) Transportation
 - (e) Reasonable food and lodging expenses.

Procedures

Requests for reimbursements of non-recurring expenses must be made prior to the finalization of the adoption.

The adoption caseworker shall provide the adoptive family with information concerning non-recurring expense reimbursement, the required paperwork necessary to facilitate this request, as well as assistance if necessary to complete the required paper work.

Reimbursement occurs after receipt of any original bills identifying payment, as identified on the Application for Reimbursement form. All possible expenses must be considered, as reimbursement will occur only for expenses indicated on the application form.

Reimbursement is made directly to the adoptive parents.

Application

- a. The adoptive family must apply for reimbursement for non-recurring expenses on the Application for Reimbursement for Non-Recurring Expenses form (BCFSAC-060a 1197).
- b. The adoptive family must complete the vendor identification form and attach it to the application.
- c. The adoptive family must provide necessary certification, which shall accompany the application on the Certification of Eligibility for Non-Recurring Adoption Expenses from (BCFSAC-060b 1197).
- d. The adoptive family must complete the Agreement for Non-Recurring Expense Reimbursement (BCFSAC-060c 1197).

Additional assistance for reimbursement not previously identified on the original application shall be requested in writing.

Additional requests and completed forms shall be forwarded to:

Adoption Program Specialist
Department of Human Services
Bureau of Child and Family Services
State House, Station #11
Augusta, Maine 04333

AMOUNT AND DURATION OF ADOPTION ASSISTANCE

1. The amount of assistance may vary, depending on the circumstances of the adoptive family, the special needs of the child, and the availability of other resources. The amount of long term, limited period, or one-payment Adoption Assistance, or any combination thereof, may not exceed the cost of caring for the child if the child had remained in the custody of the Department in a family foster home. The amount of non-recurring adoption expense shall not exceed \$2,000 per child who is otherwise eligible. Federal financial participation requires that the amount of Adoption Assistance may not exceed the foster care maintenance payment, which would have been paid during the period if the child with respect to whom the Adoption Assistance payment is made had been in a foster family home. Therefore, the adoption subsidy may not exceed the board and clothing payments, which would have been paid by the Department if the child had remained in its custody in a foster family home.
2. For reimbursement of non-recurring adoption expenses, the amount of reimbursement may vary, but may not exceed \$2,000.00 for each child.
3. When a special needs child has been determined to be eligible for retroactive Adoption Assistance through the fair hearing process, that child is eligible prospectively for any assistance provided by the Adoption Assistance program. Assistance may be provided from the date the request for retroactive Adoption Assistance is made, forward. The retroactive rate of assistance will be determined by methods consistent with rate setting for the Adoption Assistance program.
The amount of payment cannot exceed the amount the child would have received in a family foster home, but otherwise must be determined through agreement between the adoptive parents and the Title IVE agency.

Documentation/receipts related to the above expenses may be required.

4. All other resources, and benefits including insurance, Social Security, Supplemental Security Income, VA benefits, other benefit payments, and available medical programs must be utilized before assistance is considered. If such benefits are available for the child whose adoption is to be assisted, the amount of the assistance must be reduced by the amount of the benefits, as long as the adopted child continues to be eligible for these

benefits. The adoptive family must apply for third party benefit payments on behalf of their child.

5. The duration of assistance may not exceed the terms of the written agreement made between the approved adoptive family and the Department.
6. When the approved adoptive family and the Department agree to Adoption Assistance for a period longer than one year, the continuance of assistance each year shall be subject to the family's continued eligibility based on an annual redetermination of the needs of the child and circumstances of the family.
7. In no instance shall assistance continue past the time when the child attains the age of eighteen (or, until the child is age 21 where the state determines the child has need of educational benefits or has a physical, mental or emotional handicap which warrants the continuation of Adoption Assistance).
8. If the adopting family moves to another state, assistance will continue according to the agreement between the family and the Department as long as the family continues to be eligible based on the annual redetermination of need.
9. Adoption Assistance payments will terminate if the state determines that the parents are no longer legally responsible for the child or if the state determines that the child is no longer receiving any support from such parents.
10. The adopting family is responsible for immediately notifying the Department's Adoption Program Specialist in writing of any changes in the needs of the child, the circumstances of the family, or other benefits available for the child's support, which may affect their eligibility for Adoption Assistance or the amount of assistance required. The family shall notify the Department's Adoption Program Specialist in writing within 10 days of these changes (above).
11. The adoptive family is responsible for reimbursing any overpayment of Adoption Assistance funds to the Department.
12. The adopting family is responsible for immediately notifying the Department's Adoption Program Specialist in writing of any changes in address, custody or living arrangements of the child.

INTERSTATE CONTINUANCE

Responsibilities of States in Interjurisdictional Adoptions

If the State agency has responsibility for placement and care of a child, that State is responsible for entering into the Adoption Assistance agreement and paying either the state or federally funded adoption subsidy, even if the child is placed in an adoptive home in another State. If the State agency does not have responsibility for placement and care, it is the adoptive parents' State of residence where the Adoption Assistance application should be made. In that event, the public child welfare agency in the adoptive parents' State of residence is responsible for determining whether the child meets the definition of special needs, entering into the Adoption

Assistance agreement and paying the subsidy, consistent with the way public benefits are paid in other program.

Likewise, if a title IVE adoption dissolves or the adoptive parents die and the child is placed with a State agency that assumes responsibility for placement and care, it is the placing state's responsibility to determine whether the child meets the definition of special needs, and pay the subsidy in a subsequent adoption. If, however, a public child welfare agency is not involved in the subsequent adoptive placement of a child, it is the public child welfare agency in the subsequent adoptive parents' State of residence that is responsible for determining whether the child meets the definition of special needs, entering into the Adoption Assistance agreement, and paying the subsidy. The State of the child's initial adoption or the State that pays the title IVE Adoption Assistance in the child's initial adoption is irrelevant in a subsequent adoption.

As in the case of in-state assistance, out-of-state families must submit an annual redetermination of need. Continued eligibility is based on this annual redetermination (see "Annual Redetermination of Need").

AGREEMENT BETWEEN THE APPROVED ADOPTIVE FAMILY AND THE DEPARTMENT

1. A written agreement between the family entering into assisted adoption and the Department must precede the adoptive placement. An exception can be made in accordance with Section 7 of these rules in the case of a request for retroactive Adoption Assistance approved in accordance with 3.b.3. of these rules.
2. The Commissioner of the Department or his designee will sign the agreement on behalf of the Department.
3. The agreement shall include the following:
 - a. The amount and type of Adoption Assistance payments;
 - b. A statement concerning eligibility for Title XIX (Medicaid) benefits and Title XX (Social) services for children receiving federally-matched Adoption Assistance payments.
 - c. Designation of any Title XX benefits or additional services or assistance to be provided by the Department and how the costs for these items are to be met;
 - d. The duration of the agreement;
 - e. The process for annual redetermination of need and a statement that failure to reapply or failure to meet the standards for Adoption Assistance will result in the termination of the agreement;
 - f. A statement that the adoptive family is responsible for immediately notifying in writing the Department's Adoption Program Specialist of any changes in address, custody, or living arrangements or changes in benefits for the child.

- g. . A statement specifying how adoptive parents shall notify the Department in writing of changes in the needs of the child or the circumstances of the family that would affect their eligibility for, or the amount of, assistance required;
- h. A statement concerning interstate continuance of the agreement, specifying payments and services for which Maine will remain responsible if the family moves out of state;
- i. A statement specifying how adoptive parents shall be notified of any changes in the rates of Adoption Assistance payments and how they may request changes in the Adoption Assistance agreement;
- j. A statement of the terms of continued eligibility for Adoption Assistance;
- k. A statement regarding the right of the family to appeal decisions concerning Adoption Assistance and the procedure for doing so.
- l. The effective date for beginning Adoption Assistance payments will be the date the child is placed in the adoptive home with an approved adoption placement agreement (BCFSAC-034).

PROCEDURES

- 1. For Adoption Assistance in general:
 - a. The child must have been legally cleared for adoption by the Assistant Attorney General. Eligible children in the custody of a licensed non-profit, private adoption agency must also be legally free for adoption.
 - b. The family must have been studied and approved as meeting the Department's standards for adoption by either the Department or a licensed child-placing agency with an adoption program.
 - c. The child's caseworker shall document the "reasonable, but unsuccessful" attempts to place the child without Adoption Assistance, in accordance with departmental policy, on forms to be provided by the department. These efforts can be waived in some instances, by the Adoption Program Specialist (see 2.e. of these rules).
 - d. The reasons that the child cannot be placed without assistance and the reasons for the amount, type and duration of assistance must be established by Departmental staff on forms to be provided by the Department (worker's statement).
 - e. The approved adoptive family must make application for assistance on forms to be provided by the Department. The application must give notice of the right to appeal a denial of subsidy through a fair hearing process.
 - f. The plan to place the child with assistance must have the initial approval of the Department's Adoption Supervisor on forms to be provided by the Department.
 - g. The application and written agreement, signed by the adoptive parents or parent in the case of a single parent, shall be sent together with forms indicated in Part 7, Sections C and E, to the Bureau of Child and Family Services of the Department for presentation to the Commissioner or his designee.

3. If the Department finds that the family continues to be eligible for Adoption Assistance for another year, the Department shall inform the adopting family in writing. The amount of assistance each year will be determined in accordance with Part 5.
4. If at any time, the Department finds that the family is no longer eligible for assistance, the Department shall inform the family in writing that they have been found to be ineligible for any further assistance and the reasons therefore. The department shall notify the family of their right and the process to appeal.
5. Adoption Assistance will not be terminated without legally sufficient second notice to the adoptive parents.

APPEALS

Any individual who has applied for or is receiving Adoption Assistance, (or whose application for assistance is not acted upon with reasonable promptness), is entitled to appeal the denial, reduction or termination of Adoption Assistance made by the Department. To appeal a decision, a written request for a fair hearing must be made to the Commissioner or his designee within 10 days of the decision. The exception to this appeal process is when the Department undertakes a system wide, across the board increase or reduction in the payment systems, rates, or criteria.

CONFIDENTIALITY

Release of information concerning individuals assisted under the Adoption Assistance program shall be restricted to those instances set out in 42 USC 671 (a) (8). [PL 96-272 471(a)(8)]

1. Before Adoption Assistance can be considered

- a. The worker must re-verify whether the child is receiving or is eligible for AFDC-Foster Care (AFFC) payments at the time of removal and in the month in which the adoption petition is filed or Supplemental Security Income (SSI) in the month the petition is filed; and enter the date of re-verification and basis for continued eligibility into the child's record. With this information the worker will determine whether the child is eligible for federal-matched Adoption Assistance payments or solely state-appropriated Adoption Assistance payments. Re-verification of AFFC or SSI eligibility must also occur just prior to finalization of the adoption.
- b. The worker must determine whether the child is eligible to receive any benefits which might affect the amount of Adoption Assistance necessary to provide for the child's care (e.g., Social Security, Veteran's benefits, etc.).

2. To Help the Family Apply for Adoption Assistance

- a. The worker shall thoroughly explain the federal and/or state Adoption Assistance program. This includes providing the family with the AAP Handbook and explaining that the family's circumstances are taken into consideration, as well as the availability of community services, in negotiating the Adoption Assistance.

The worker must stress to the family that while the child's eligibility for AFDC-Foster Care or SSI is re-verified at the time of adoptive recruitment, the child's eligibility for federally-matched Adoption Assistance payments and accompanying benefits is still contingent on his or her AFDC-Foster Care or SSI eligibility in the month the adoption petition is filed. In rare cases, this status may change between the time of the child's adoptive placement and finalization.

- b. For those children who are eligible for and who will be receiving Medicaid in their adoptive placement and after finalization, the worker shall explain to the family about the EPSDT program. The family may choose whether or not they wish to have their child participate in the program. The worker shall advise the family that adopted children who are Medicaid recipients show up on the EPSDT list as new recipients and the EPSDT agency for their area is legally required to contact the family to inform them about the program. The EPSDT agency does not know that the child is adopted, but only knows that the child is a Medicaid recipient.
- c. The worker shall provide the family with three copies of the Application and Agreement for Adoption Assistance. The family shall complete both forms in triplicate with the assistance of the worker. The agreement will not be in effect until signed by the Commissioner or his designee.
- d. The worker will assemble the child's Adoption Assistance package.
This package includes:
 - (1) A copy of the Legal Clearance for Adoption (Form BSSA-015) or Approval for Legal Risk Adoption (Form BSSAC-034a);
 - (2) Application and Agreement for Adoption Assistance in triplicate which shall give notice of the right to appeal a denial of Adoption Assistance through a fair hearing process (see "Appeals");
 - (3) Worker's statement in duplicate (Form BSSAC-022b);
 - (4) A statement which explains the basis of AFDC-Foster Care or SSI eligibility and the date of re-verification of the child's eligibility;
 - (5) Recruitment Form BSSAC-044 documenting specific response to recruitment;
 - (6) Third Party Resource Information Request Form (SWMA-004 R1085). Documenting the status of the family's health insurance coverage.
- e. The worker will submit the package to his/her supervisor (or designee) for review and signature on the Worker's Statement (Form BSSAC-022b).
- f. If the package is complete, the worker will send all materials to the Adoption Program Specialist, Bureau of Children and Family Services.
- g. Bureau of Child & Family Services staff will review and submit the package to the Commissioner or her/his designee for approval.

- h. When the application is approved, the Commissioner or her/his designee will sign the Application and Agreement for Adoption Assistance and return it to the Bureau of Child & Family Services. Bureau staff will route two copies to the district office, one for the record and one to give to the adoptive family.
- i. At the time of adoptive placement of the child with the family, the amount of Adoption Assistance provided shall be the same as the amount to be provided after finalization unless otherwise specified as part of the Adoptive Placement Agreement (Form BRDAC-034) and the Application and Agreement for Adoption Assistance (Form BSSAC-022c).
- j. If the application is denied, the Commissioner or his/her designee will notify the family in writing, giving the reasons for denial, and send a copy to the regional office. At the same time, families will be notified of appeals procedures (see "Appeals").

3. To Initiate Adoption Assistance Payments

- a. The Commissioner or his designee must sign the Application and Agreement for Adoption Assistance prior to the placement of the child in an adoptive home.
- b. The effective date for beginning Adoption Assistance is the date on which the child is placed in the adoptive home with a signed Adoption Placement Agreement (Form BSSAC-034).
- c. During the adjustment period prior to the finalization of adoption, assistance will be authorized by the district office through MACWIS. The Medicaid card will be sent directly to the adoptive family.
- d. After finalization, the district staff will transfer the case for ongoing maintenance within 30 days.

PROMOTION OF THE PROGRAM

Federal law requires the Department to actively promote the Adoption Assistance program. In discussing adoption with any interested individuals or families, workers shall describe the criteria for eligibility for assistance (for children and families), benefits available under the program, and procedures for application for assistance. Workers shall inform families that while Adoption Assistance is available, the Department must also make reasonable efforts to secure an appropriate adoptive placement which does not require Adoption Assistance.

In addition, the Department may distribute written documents which describe the program to:

- Department regional and branch offices,
- Private adoption agencies,
- Foster/Adoptive parents and organizations,
- Child placing agencies, and

- Residential treatment centers, group homes, and other institutions who serve special needs foster children.

REVIEW OF THE PROGRAM

Every two years the Department shall review its system of Adoption Assistance payments to ensure that it meets the needs of special needs children and adoptive families. The federal law requires public participation in the review process.

At a minimum, representatives of the following groups will be invited to participate either directly or by providing written comment:

- The Child Welfare Advisory Committee,
- Adoptive parents, and
- Public and private agencies within the state that are concerned with child welfare, human services, and advocacy.

EFFECTIVE DAY OF POLICY

1. This policy will be in effect for all individuals who make application for Adoption Assistance and whose adoption-assisted child has not been adopted prior to the beginning of the fiscal quarter after the date of approval of the Department's Title IV-E plan. Revisions to the policy are effective on the date of promulgation of the revised policy, which is March 28, 2003.
2. Adoptive families whose adoption-assisted child was adopted before that effective date of this policy are subject to the rules, regulations and policy outlined in Previous Policy for Subsidized Adoption Program.

CONFIDENTIALITY

Release of information concerning individuals assisted under this Adoption Assistance program shall be restricted to those instances set out in 42 USC 671 (a)(8). (PL 96-272 §471 (a)(8))