

**MARYLAND DEPARTMENT OF HUMAN RESOURCES
SOCIAL SERVICES ADMINISTRATION
311 WEST SARATOGA STREET
BALTIMORE, MARYLAND 21201**

DATE: April 1, 2016

POLICY #: SSA-CW# 16-22

TO: Directors, Local Departments of Social Services
Assistant Directors, Services

FROM: Rebecca Jones Gaston, MSW 
Acting Executive Director
Social Services Administration

RE: Applicable Child Assessment Request and Decision
for Adoption Subsidy. Supplements SSA Policy
#13-1 Adoption Assistance Program

PROGRAMS AFFECTED: Out-of-Home Placement (Adoption Services)
Title IV-E Determinations

ORIGINATING OFFICE: Title IV-E Determinations

ACTION REQUIRED OF: All Local Departments

REQUIRED ACTION: Implement policy and procedure for Adoption
Applicable Child Assessments

ACTION DUE DATE: April 15, 2016

CONTACT PERSON: Charlotte Giles, Program Manager
Title IV-E Eligibility
(410) 767-7151
charlotte.giles@maryland.gov

Sean Bloodsworth, Program Manager
Out-of-Home Placement Services
(410) 767-7912
sean.bloodsworth@maryland.gov

I. PURPOSE

The purpose of this policy directive is to set forth the procedure for the assessment of a prospective adoptive foster child as either an Applicable Child or Non-Applicable Child for Title IV-E adoption subsidy reimbursement. Both of these categories - Applicable and Non-Applicable will make a child eligible for Federal subsidy. This policy and the herein referenced Applicable Child Assessment, supplements SSA Policy Directive #13-1 Adoption Assistance Program.

II. BACKGROUND

The Fostering Connections Act of 2008 expanded the criteria of adopted children whose subsidies are eligible for Title IV-E reimbursement. With the approval of the Title IV-E State Plan, Maryland is enabled to claim Title IV-E adoption subsidy reimbursement for applicable children as well as the traditional Title IV-E eligible foster child receiving an adoption subsidy.

A. Applicable Child

For the FFY 2016, which began on October 1, 2015, an “applicable child” includes:

1. A child who will reach age 4 or older any time before the end of FFY 2016 (ends September 30, 2016) and for whom an adoption assistance agreement is entered into during the FFY.
2. A child who has been in foster care under the responsibility of the title IV-E agency for 60 consecutive months. The 60 consecutive-month period is 60 consecutive months prior to the finalization of the adoption. This care cannot be disrupted and must be continuous for the current episode for which the child is being adopted.
3. A child who is a sibling of an “applicable child” (who is eligible by virtue of age or time in foster care) and is placed in the same adoption arrangement as his/her sibling. For the State of Maryland, a sibling is any child who shares at least 1 biological or adoptive parent.

B. Non-Applicable Child

A non-applicable child is a child who is determined NOT to be an applicable child and is eligible for IV-E adoption subsidy under the traditional Title IV-E foster care eligibility requirements for IV-E adoption subsidy as detailed prior to the enactment of the Fostering Connection Act of 2008.

III. THE ASSESSMENT

The Applicable Child Assessment Request (hereinafter “Request”), and Applicable Child Decision Form (hereinafter “Decision”) together constitute the “Applicable Child Assessment” (assessment). *See Attachments*. The Assessment must be completed prior to the adoption

subsidy negotiation. This will insure the correct Adoption Subsidy Agreement is completed for the child and that the child meets the initial qualifications for a federal adoption subsidy as either an applicable child or a non-applicable child. Title IV-E reimbursement can only be claimed for an eligible applicable or non-applicable child if the Federal Adoption Subsidy Agreement is completed prior to adoption finalization.

While the Assessment is separated into the two forms for ease of submission, the Assessment is a single process. Therefore, the Section numerations of the documents remain sequential. The Request consists of the General Information Sections, Section I, and the Casework Signature Section. The Decision consists of Sections II, III, and IV and the Title IV-E Signature Section.

IV. PROCEDURE – CASEWORKER SUBMISSION OF REQUEST

The caseworker makes the request for an assessment. In order to request an assessment, the caseworker is to complete the Assessment Request Form (General Information and Section I) and submit to the Title IV-E unit/person at the local department of social services after opening an adoption service case and prior to entering negotiation for adoption subsidy.

Note: If Assessment is incomplete, or required documentation is not included, the Specialist will complete Section III and return to casework staff. The caseworker will need to resubmit.

Assessment Request Form

General Information

This section includes identifying information necessary for the Assessment. In order to supply the adoption client information an adoption planning case must be opened. An Assessment without the necessary adoption client information will be returned as incomplete.

1. Child Name
2. Date of Birth
3. Adoption Client ID (if available when adoption planning case is opened)
4. Prospective Adoptive Parent

Section I of the Assessment is to be completed by the caseworker. The following information is required:

A. Child Status Information

1. Child Age during expected year of adoption. Check appropriate box.
2. Child entry into out-of-home placement is more than 60 months.
3. Is this child a sibling of a child who qualifies as an Applicable child? Requires additional information including name of applicable child sibling, name of adoption placement, and date of applicable sibling's adoption decree or date of applicable sibling's applicable child assessment.

B. Placement and Medical Information

1. Information on how the child entered the care of the LDSS. This can be involuntarily, by voluntary placement or by voluntary relinquishment. Involuntary or voluntary placement requires supporting dates and court findings/determinations dates or voluntary placement agreement date. The voluntary relinquishment requires a date of relinquishment.

2. Whether the child **meets medical and disability eligibility requirements** of SSI. Documentation required includes completed and current MD CHESSIE Disability Screen screenshot. Additional information required whether the child was receiving SSI prior to entry to out-of-home placement or anytime during the current episode. This requires documentation of Social Security determination of eligibility of the disability (regardless of whether eligible for payment).
3. Whether the child is a child of a minor parent residing with minor parent in foster family home or childcare institution. If so, additional information is required including name of the minor parent, the date of removal for the minor parent, and the date of the first court order with contrary to welfare finding for the minor parent.

C. Special Needs of Child

1. If child does not meet special needs criteria, the child is not eligible for subsidy.
2. Whether the child can be returned to the home of the parent. Requires additional explanation as to why child cannot be returned.
3. Whether the child meets:
 - a. Medical and disability **requirements** for SSA (documentation above SSI requirement can be used, or completed and current MD CHESSIE Disability Screen screenshot and diagnosis from medical or mental health professional current within no more than 1 year of the request)

OR

 - b. Special needs factors. If meets special needs factors, will need to check the appropriate special needs. Note: Race or Ethnicity can only be chosen as a special needs factor in combination with other factors.
4. Describe in detail the reasonable but unsuccessful efforts made to place the child without assistance, or fully detail the significant emotional ties if the child is being adopted by the foster parent.

D. Title IV-E Status

1. Indicate if child is currently eligible as foster child for Title IV-E or is eligible (currently receiving by any representative payee or suspended less than year) for SSI,
2. Indicate if the child was eligible for Title IV-E Adoption Assistance payments in a prior adoption. If so, additional information will need to be completed including documentation of prior adoption and eligibility, documentation of TPR of adoptive parents, or documentation of adoptive parents' death.

Submission to Title IV-E Unit

The Request form is to be signed and submitted to the Title IV-E Specialist/Unit. Section I including the caseworker signature and date section is to be printed and signed. It can then be submitted either in hard copy form or electronically to the Title IV-E Specialist/Unit. Both the electronic version of the entire form and a hard or scanned copy of the signed Section I of the form must be submitted in order for the process to begin.

V. PROCEDURE – TITLE IV-E: THE DECISION COMPLETION OF THE ASSESSMENT

Upon receipt of the completed Request, the Title IV-E Unit/Specialist will complete the Decision form (Sections II and IV and Section III only if necessary) and return the completed Assessment (Request and Decision) to the requesting casework staff within 5 business days.

Assessment Decision Form

This Decision is to be completed by the Title IV-E Specialist. The specialist must first review the Request form to be sure that all information and documentation required is complete. If not completed or if required documentation is missing, the specialist will complete Section III and return the Request and the completed Decision Section III immediately to casework staff. Sections II and IV will not be completed until a complete Request is resubmitted.

The Decision for the Assessment is completed in Section II, in two parts that must be performed in order. First is the child an applicable child? If not, then is the child a non-applicable child? Both aspects of the assessments are performed using the information submitted by the caseworker in Section I.

Section II**A. Assessment as an Applicable Child**

To be an applicable child the child must meet:

- At least 1 of the three criteria of the child status criteria of Section IA
- At least 1 of the placement and medical criteria of Section IB and
- All of the criteria of Section IC.

If child fails to meet any of the 3 criteria as stated above, the child is not an applicable child.

1. Section IA - Child Status Criteria. Child must either:
 - a. Meet the age criteria (6-18) for the federal fiscal year in which the adoption is EXPECTED to be finalized, or
 - b. Have been in care for a continuous 60 months of care. This care cannot be disrupted and must be continuous for the current episode for which the child is being adopted. Documentation includes an entry date. The specialist must confirm that the episode has been uninterrupted; or
 - c. Be the sibling of an applicable child (by age or length of care) who is being placed in the same adoptive home placement. The applicable sibling may either be simply assessed as an applicable child being placed in same adoptive placement or may be assessed as applicable and adoption finalized. The sibling must be an applicable child, simply being an adopted child eligible for Title IV-E subsidy will not fulfill this requirement.

Direction:

- a. *If the child does not meet either of these Child Status criteria of this section, the child is not an applicable child. However, since child may still be a non-applicable child, continue to the next section.*
- b. *If the child meets at least one of these Child Status criteria of this section, the child has completed **one of the three** assessments in order to be an applicable child. Continue to the next section*

2. Section IB - Placement and Medical Criteria. Child must either:

- a. Entered care of agency by an involuntary removal, voluntary placement, or voluntary relinquishment. Specialist must confirm the date of removal and contrary to welfare finding for involuntary, voluntary placement agreement and best interest finding for voluntary placement or voluntary relinquishment date. Or
- b. The child meets all medical and disability eligibility requirements of SSA. This can be by either the child receiving SSI prior to removal or at any time during the current episode. The child does not currently have to be receiving SSI. Or
- c. Be the child of a minor parent residing in foster family home or childcare institution. The child does need to be committed to the agency, but must be residing in a minor parent living arrangement either in a foster family home or a childcare institution. The specialist must confirm the minor parent's removal and that a contrary to the welfare finding was correctly made in the initial court order.

Direction:

- a. *If the child does not meet at least one of the Placement and Medical criteria, the child is not an applicable child. Because this requirement must also be fulfilled for a non-applicable child, if the child does not meet at least one Placement and Medical criteria, the child cannot be a non-applicable child. Go to Section IV and complete decision.*
- b. *If the child meets at least one of these Placement and Medical criteria, the child has completed the second of the three assessments in order to be an applicable child or completed one of the three assessments to be a non-applicable child. Continue to the next section*

3. Section IC - Special Need of Child. In order to be an applicable child, the child must next meet all three requirements of a Special Needs Child.

- a. First child must not be able to return to the home of the parent. Assessment form should include information as to why the child cannot be returned. AND
- b. Child must meet either medical disability requirements for SSI or special needs factors.
 - (1) Child must meet the medical disability requirements for SSI and it is detailed in Section IB2. OR

(2) Child must meet the special needs factors:

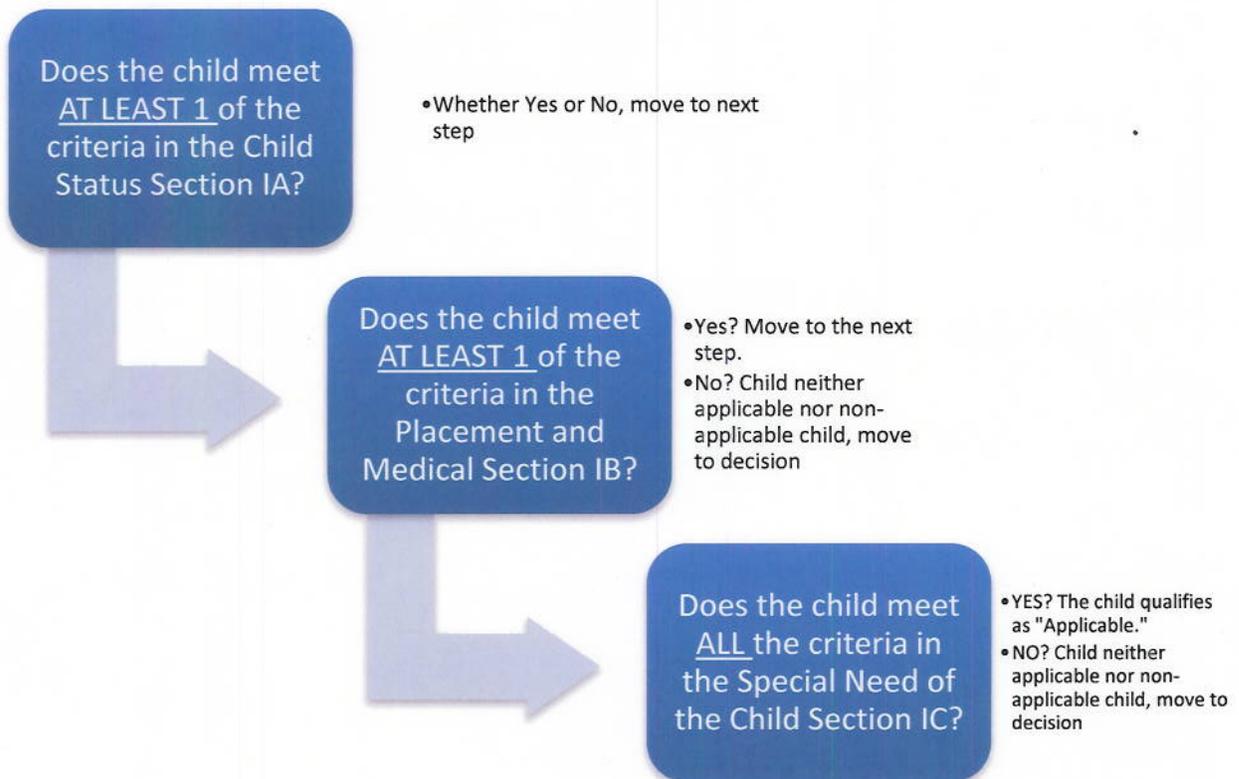
- (i) Child 6-17 years of age
- (ii) Physical, mental or emotional disability or disease (documentation required)
- (iii) Emotional disturbance (documentation required)
- (iv) Membership in sibling group – list siblings in care eligible for adoption in same adoptive placement
- (v) Recognized high risk of physical or mental disability or disease (explanation required)
- (vi) *Race or ethnicity – can only be in combination one of the factors (i) – (v).

The child must meet only one factor unless Race or ethnicity is chosen, then the child must meet 2 factors. AND

- c. Reasonable but unsuccessful efforts must have been made to place the child without assistance OR the child must be adopted by the foster parent with whom the child has significant emotional ties. The reasonable efforts or significant emotional ties must be fully detailed.

Direction:

- a. *If the child does not meet all three Special Needs Criteria, child cannot get federal subsidy as an applicable or non-applicable child. Go to Section IV and complete the decision.*
- b. *If the child meets all three Special Needs Criteria, and has also met the Child Status Criteria and Placement and Medical Criteria then the child meets the final requirement to be assessed as an applicable child. Go to Section IV- Applicable Child Decision and designate child is an APPLICABLE CHILD.*
- c. *If the child meets all three Special Needs Criteria, and also the Placement and Medical criteria child has met the second assessment for a non-applicable child. Continue to the Non-Applicable Child Assessment.*



B. Non-Applicable Child Assessment

First step in the assessment of the child as a non-applicable child is to have completed the assessment as an applicable child and found that the child is NOT an applicable child. Additionally, the child must meet at least 1 criterion of Section IB, all the criteria of Section C, and one of the two criteria of Section ID. The Non-Applicable Child Assessment requires the next 2 additional assessment criteria.

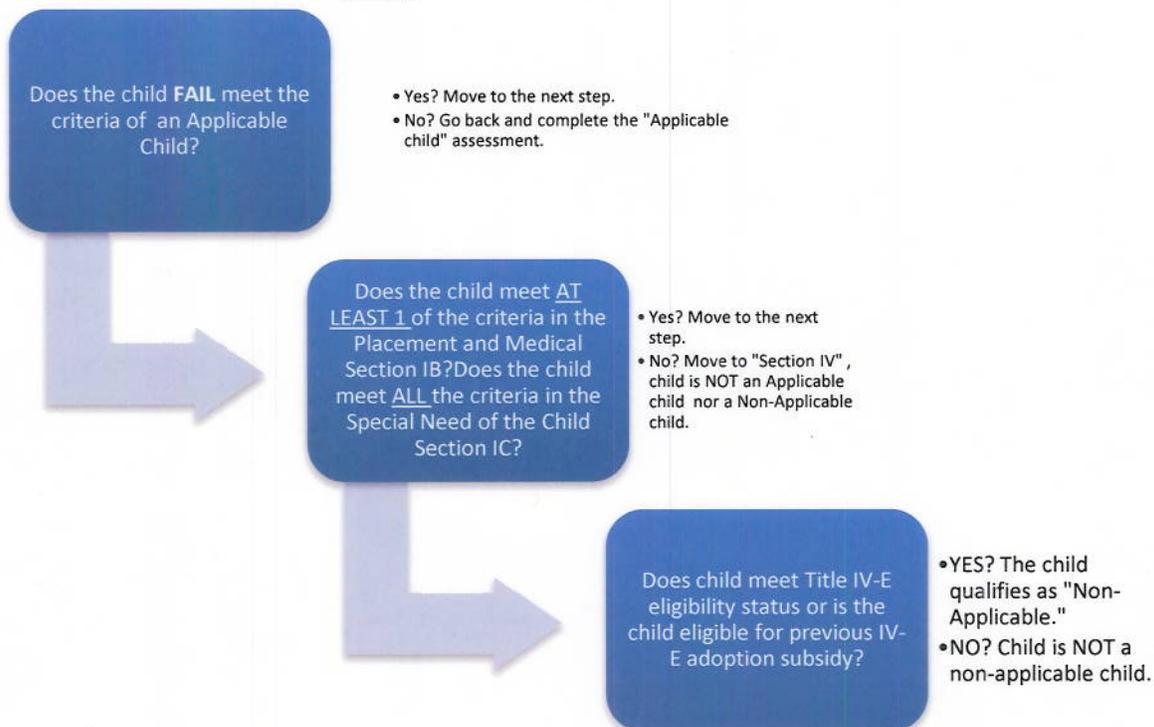
1. Not an Applicable Child
 - a. If the applicable child part of the assessment has not been completed, go back and complete. This is crucial as the federal criteria require that in order to be a non-applicable child, the child must first be assessed to not be an applicable child.
 - b. Once the child has been assessed to not be an applicable child, the child must meet the required conditions of the additional three criteria to be a non-applicable child.
 - c. If child does not meet special needs criteria, the child is not eligible to receive federal subsidy-Stop the process and return to worker.
2. Section ID Title IV-E Status. The child must either meet Title IV-E requirements or be a child eligible for assistance from prior adoption.
 - a. If the child is currently either Title IV-E eligible or currently SSI eligible the child meets the Title IV-E foster care status. The child

must either be an eligible Title IV-E foster child, or be currently SSI eligible. This means either receiving the SSI, or eligible with payments suspended for less than 1 year. OR

- b. Child must be a child of a prior adoption who was eligible for Title IV-E adoption assistance in the prior adoption. Additionally, the child must now be eligible for adoption due to termination of parental rights of the prior adoptive parents or death of the prior adoptive parents.

Direction:

- a. *If child does not meet Title IV-E status criteria, child is not a non-applicable child. Go to Section IV – Assessment Decision and enter that child is NEITHER an applicable child nor a non-applicable child.*
- b. *If child meets Title IV-E status criteria, child has met the fourth and final requirement for non-applicable child. Go to Section IV – Assessment Decision and enter that child is a NON-APPLICABLE child.*



Section III

If the information or documentation submitted by the caseworker in Section I is incomplete the Assessment must be returned.

1. The Specialist is to:
 - a. Complete this section, and
 - b. Return the Assessment electronically and in hard/scanned copy to the caseworker immediately.
2. The caseworker will have to resubmit the information and re-sign the form for Section I in the resubmission signature box.
3. The 5 day time frame begins anew with the resubmission.

Section IV Decision

The final decision for the assessment is to be entered in this section. The decision will be the child is:

1. An applicable child-Complete Title IV-E Adoption Agreement forms;
2. A non-applicable child-Complete Title IV-E Adoption Agreement forms; or
3. Neither an applicable nor non-applicable child-Complete State Adoption Agreement forms.

The hard copy of the form is then returned to casework staff and a scanned copy with all signatures (specialist and supervisor) is to be concurrently forwarded electronically to casework staff.

VI. MD CHESSIE1. Documentation

- a. The caseworker should enter the assessment decision and the date in the notes section of the adoption agreement screen.
- b. The specialist retains the completed decision form into the child's MD CHESSIE client file for supporting documentation of a decision.

2. Title IV-E Adoption Subsidy Determination

- a. Applicable child assessment decision and date should be entered on notes section on determination screen when the override is used.
- b. Caseworker is to check Applicable Child Assessment completed on the Adoption Checklist
- c. MD CHESSIE will give the opportunity to override the Title IV-E determination decision for the child that is not currently Title IV-E eligible. Use override function to render an eligible decision. The completed Assessment is required documentation that must be included for use of the override.

Attachments: Applicable Child Assessment Request
 Applicable Child Assessment Decision Form

Maryland Applicable Adoptive Child Assessment Request Form

Child Name:	Adoption Client ID:
Date of Birth:	Prospective Adoptive Parent Name:

Section I
To be completed by the child's caseworker and submitted to the local Title IV-E Unit prior to adoption agreement negotiation.

A. Child Status Information

1. Child Age
 Check the age of the child for EXPECTED year of the adoption during the listed federal fiscal year (October 1 to September 30)

10-18	October 1, 2012 – September 30, 2013	4-18	October 1, 2015 – September 30, 2016
8-18	October 1, 2013- September 30, 2014	2-18	October 1, 2016 – September 30, 2017
6-18	October 1, 2014 – September 30, 2015	0-18	October 1, 2017 – September 30, 2018
None of the ages above apply during the expected adoption year			

2. Child Entry Date
 Has the child been in care more than 60 months? Yes No
 Enter removal date of current episode:
Note: MD CHESSIE record must contain documentation of uninterrupted care.

3. Sibling Status
 Is the child a sibling to a child who qualifies as an applicable child by age or length of care and is being placed in the same adoptive home placement? Yes No
 Name of Child: _____ Name of Adoptive Placement: _____
 Date of siblings adoption decree: _____ or Date of siblings applicable child assessment: _____

B. Placement and medical information

1. Is the child in care of a public agency or licensed child placement agency pursuant to:
a. An involuntary removal in accordance with a judicial determination that it is contrary to the child's welfare to remain in the home? Yes or No
 i. Date of removal: _____ **ii. Date of first court order with contrary to welfare finding:** _____
b. A voluntary placement agreement? Yes or No
 i. Date of voluntary placement agreement _____ **ii. Date of first court order with best interest or contrary to welfare finding if converted to CINA; or** _____
c. A voluntary relinquishment? Yes or No

2. Does the child meet all medical and disability eligibility requirements of SSI?
Documentation required – MD CHESSIE disability screen
a. Was child receiving SSI at removal? Yes or No **b. If no, what date did child begin receiving SSI?** _____

3. Is the child residing in a foster family home or childcare institution with their minor parent who was removed with CTW or voluntary placement agreement? Yes or No

Minor Parent Name: _____ Removal date: _____ Date of first court order with contrary to welfare finding: _____

C. Special Needs of child

1. Can the child be returned to the home of the parent? Yes or No
 If No, Explain why child cannot or should not be returned to the home of the parent.

2. Does the child meet: **a. all medical disability requirements for SSI,** Yes

Maryland Applicable Adoptive Child Assessment Request Form

	No; or
	b. One* of the following special needs factors:
	1) Child 6-17 years of age
	2) Physical, mental or emotional disability or disease (documentation required)
	3) Emotional disturbance (documentation required)
	4) Membership in sibling group – list siblings in care eligible for adoption in same adoptive placement
	5) Recognized high risk of physical or mental disability or disease (explanation required)
6) *Race or ethnicity – can only be in combination one of the factors 1) – 5).	

3. Describe in detail the reasonable but unsuccessful efforts that have been made to place child without assistance OR if instead the child is being adopted by their foster parent and has significant emotional ties with that person.

D. Title IV-E Status

1. Was the child eligible for adoption assistance payment in prior adoption and is now being subsequently adopted due to adoptive parents' rights being terminated or adoptive parents' death? Yes or No *Note: Documentation required*

b. Adoptive Parent(s) TPR date:

b. Adoptive Parents death date:

2. Title IV-E Foster Care Status

a. Is the child currently Title IV-E foster care eligible? Yes or No; **or**

b. Is the child currently SSI eligible?
c. Yes or No

Caseworker Signature Caseworker Name:	Date
--	-------------

Resubmission of Request

Caseworker Signature Caseworker Name:	Date
--	-------------

Maryland Applicable Adoptive Child Decision Form

Section II Assessment of Child's Applicable or Non-Applicable Status

Section II is to be completed by the Title IV-E Specialist within 5 working days of receipt of complete information from the caseworker in Section I. **If information or documentation is not complete, go to Section III.**

A. Applicable Child

1. Does the child meet any of the child status criteria of Section I.A.1, 2, or 3?	<p style="text-align: center;">Yes Go to next question</p>	<p style="text-align: center;">No Child is NOT an Applicable Child. Go to next question</p>
2. Does the child meet placement or medical criteria of Section I.B 1, 2, or 3?	<p style="text-align: center;">Yes Go to next question</p>	<p style="text-align: center;">No Child is <u>neither</u> an Applicable Child nor a Non-Applicable Child. Go to Section IV</p> <p style="font-size: small;">Exception: If child former IV-E Adoption subsidy child being adopted, child is a Non-Applicable Child and eligible to maintain IV-E Adoption Subsidy. Go to Section IV</p>
3. Does the child meet the special needs criteria in Section I.C 1, 2(a or b), AND 3?	<p style="text-align: center;">Yes</p> <p>If Answer to Question 1 is Yes also, Child is an Applicable Child. Go To Section IV – Assessment Decision</p> <p>If Answer to Question 1 is NO, Child is not an Applicable Child. Go to Section B Non-Applicable Assessment.</p>	<p style="text-align: center;">No</p> <p>Child is <u>neither</u> an Applicable Child nor a Non-Applicable Child. Go to Section IV</p> <p style="font-size: small;">Exception: If child former IV-E Adoption subsidy child being adopted, child is a Non-Applicable Child and eligible to maintain IV-E Adoption Subsidy. Go to Section IV</p>

B. Non-Applicable Child Assessment

Note: child must be assessed for Applicable child and if not an applicable child, then assessed for non-applicable child.

1. Has child been assessed to NOT be an applicable child?	<p style="text-align: center;">Yes Go to next question</p>	<p style="text-align: center;">No Complete Applicable Child Assessment</p>
2. Does child meet the Title IV-E standards of Section I.D.1 Prior Adoption (a or b) or 2 IV-E Foster Care or SSI (a or b)?	<p style="text-align: center;">Yes</p> <p>Child is a Non-Applicable Child. Go to Section IV – Assessment Decision</p>	<p style="text-align: center;">No</p> <p>Child is NOT a Non-Applicable Child Go to Section IV – Assessment Decision</p>

Section III – Return of Incomplete Assessment Request

Information or documentation for Sections I is incomplete. An assessment cannot be conducted without complete information and documentation.

Specialist Signature
Specialist Name:

Date Returned:

Section IV – Assessment Decision

This assessment decision is based solely on the information and documentation provided by the caseworker in Section I. This is NOT a Title IV-E Adoption Subsidy Determination. A Determination must be completed by the Title IV-E Specialist after the adoption is finalized

According to the information submitted, the child is:

	An applicable child for Title IV An applicable child for Title IV-E purposes – Use Title IV-E Adoption Agreement
	A non-applicable child for Title IV-E purposes – Use Federal Title IV-E Agreement
	Neither an applicable nor a non-applicable child for Title IV-E purposes – Use State Adoption Subsidy Agreement

IV-E Specialist Signature
IV-E Specialist Name:

Date:

IV-E Supervisor Signature
Supervisor Name:

Date: