

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

DATE: July 15, 2012

POLICY #: SSA# 13-1

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

FROM: Carnitra D. White, Executive Director
Social Services Administration

RE: Adoption Assistance Program

PROGRAMS AFFECTED: Out-of-Home Placement Services (Adoption Services)

ORIGINATING OFFICE: Out-of-Home Placement

ACTION REQUIRED OF: All Local Departments

REQUIRED ACTION: Implement policy and procedure for adoption assistance

ACTION DUE DATE: August 1, 2012

CONTACT PERSON: Jill Taylor, Program Manager for Out-of-Home Placement
Social Services Administration
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Jtaylor3@dhr.state.md.us

Purpose:

The purpose of this policy directive is to establish a protocol and provide guidance to the local departments of social services on the revised adoption assistance procedures. This policy directive will provide guidelines in the following areas:

- Federal (IV-E) and state-funded eligibility requirements;
- Types of assistance;
- Negotiation of assistance payments;
- Termination and dissolution of assistance;
- Annual redeterminations;
- Request for increases in assistance payments;
- ICAMA;
- Post-adoption assistance; and
- Appeals process.

Background:

Adoption assistance is intended to help defray a portion of the costs incurred by adoptive parents to sustain the health and welfare of an adopted special needs child. This assistance is available for those families adopting children who are under the guardianship of a LDSS or a licensed child placement agency, or who are adopted pursuant to a consensual adoption through a LDSS. Adoption assistance (also known as adoption subsidy) provides vital support to families raising children with serious behavioral, emotional, or physical disabilities. With adoption assistance, families are able to access medical care, counseling or therapy, special equipment, tutoring programs, and other supports that help them address their children's special needs. Children who are eligible for adoption assistance will receive the amount of the assistance negotiated by the local department of social services (LDSS), or in some cases the Social Services Administration (SSA), and the family.

Prior to negotiating the adoption assistance agreement, the adoptive family should be advised of the purpose of adoption assistance and the eligibility requirements.

IV-E Adoption Assistance:

Eligibility Requirements:

Prior to an adoption assistance agreement being negotiated and signed, the local department IV-E specialist must determine whether the child is eligible for IV-E adoption assistance. When determining IV-E adoption assistance eligibility, a child may be eligible as an "applicable child" or as a "non-applicable child".

An **applicable child** is:

- 12 years old or older in FFY 2012, with the age decreasing by 2 years for each fiscal year until a child of any age will be eligible after October 1, 2017; or
- A child who has been in foster care under the responsibility of the local department for 60 consecutive months; or
- A child who is the sibling of a child who meets the age or time in foster care requirements outlined above and is placed in the same adoptive home.

If the child meets the above criteria, certain placement or medical criteria, and has “special needs”¹, the child will be eligible for a IV-E adoption assistance as an applicable child. However, if a child is not a U.S citizen or resident and has been adopted outside the U.S. or brought to the U.S for the purpose of being adopted s/he may not be an applicable child.

If the child does not meet the criteria for an applicable child, the child may still be eligible for IV-E adoption assistance if the child meets the non-applicable child criteria.

A non-applicable child is:

A child with “special needs”:

- The child has a specific factor or condition because of which it is reasonable to conclude that the child cannot be adopted without providing adoption assistance and Medical Assistance. The factors are:
 - 1.) Child between 6 and 17 years of age;
 - 2.) Physical, mental, or emotional disability or disease;
 - 3.) Emotional disturbance;
 - 4.) Membership in a sibling group;
 - 5.) Recognized high risk of physical or mental disability or disease; or
 - 6.) Race or ethnicity, if combined with any one of the above conditions or factors;and
- The child cannot or should not be returned to the home of the parents, in accordance with criteria that the Title IV-E agency (DHR) has established; and
- Reasonable, but unsuccessful, efforts have been made to place the child with adoptive parents without providing adoption assistance or Medical Assistance, unless such efforts are excused because of significant emotional ties between the child and their foster parent.

If the child meets these “special needs” criteria and meets certain non-applicable child placement or SSI criteria, s/he will be eligible for a IV-E adoption assistance as a non-applicable child.

¹ The “special needs” criteria for an applicable child differ from the special needs criteria for a non-applicable child as follows: if an applicable child meets all the medical or disability requirements for SSI, the criteria for the factor or condition element of the special needs determination will have been met.

Types of Assistance:**Monetary payment**

“Monetary Assistance payment” is a **negotiated** monthly payment not to exceed 100% of the current foster care board rate a child is receiving at the time of adoption finalization. The foster care board rate shall not be raised prior to establishing the assistance payment for the purpose of providing the adoptive family a higher assistance payment. The adoption assistance payment shall not include the differential allowance provided by certain LDSS. If a child meets the definition of “medically fragile” in COMAR 07.02.12.02, a child being adopted by his/her treatment foster care parent/s may be entitled to receive up to \$2000 a month as an adoption assistant payment. **SSA must approve any rate that is higher than the intermediate board rate.** The LDSS assistant director of services shall submit a request for treatment foster care rate to SSA at least 60 days prior to the adoption finalization date.

Medical Assistance

If the child is receiving adoption assistance he/she is also eligible for medical assistance through the Maryland Medical Assistance Program (also referred to as Medicaid).

- If a child is at risk for developing a physical, mental or emotional disability but is otherwise healthy, the child may receive “Medical Assistance Only”, which is to be used to monitor the child’s status. A MD Chessie adoption case would be created with a \$0 subsidy amount. On the adoption subsidy agreement screen the box which asks “MA Only” would drop down to “Yes”.
- If a child qualifies for an adoption assistance payment but the family chooses to only receive the Medical Assistance, the caseworker shall document the families’ decision. The local department should counsel the family about the supportive impact of the regular adoption assistance and document the family’s decision in the child’s foster care and assistance record.

If the adoptive parent chooses to enroll the adoptive child on the family’s private health insurance, the adoptive family shall use the private health insurance as the primary health plan and Medical Assistance as the secondary health carrier.

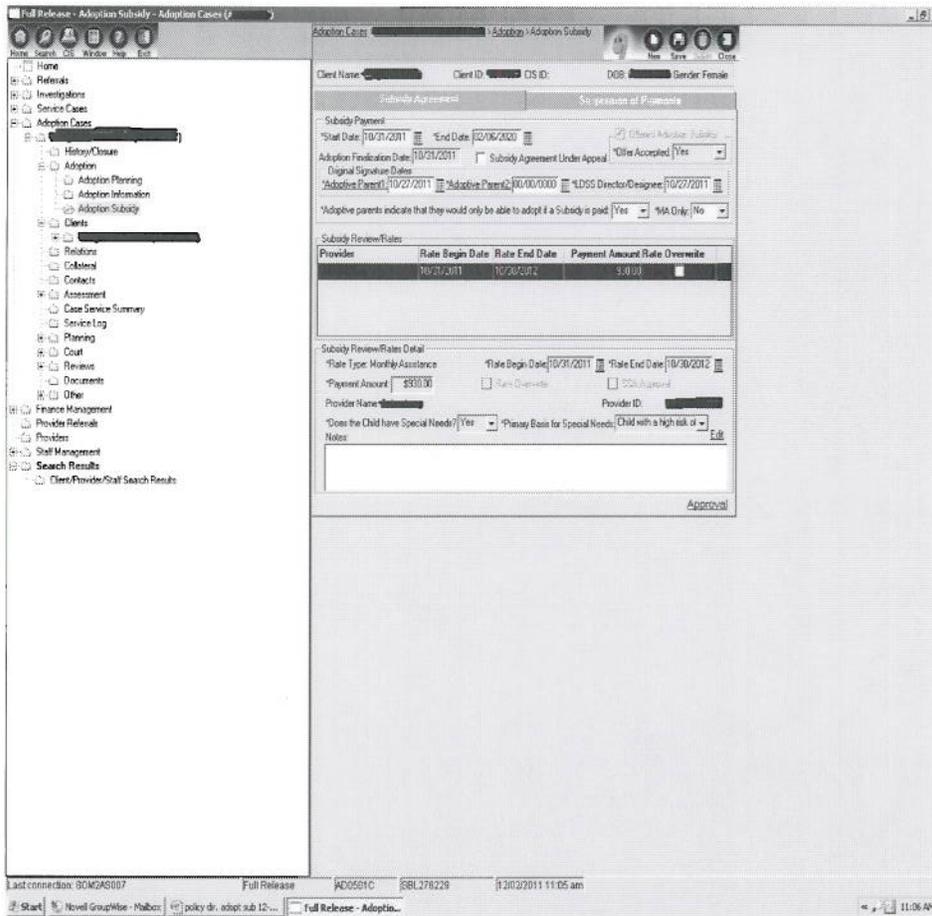
Non-Recurring Adoption Expenses

A Non-Recurring Adoption Expenses Reimbursement subsidy is a one-time only, lump sum payment of up to \$2000 per child for expenses directly related to the finalization of an adoption. This reimbursement is matched 50% federal funds and 50% state general funds and is available to any child with special needs who is adopted through a public or private licensed agency. Children adopted through an intercountry or independent adoption may apply through the LDSS for non-recurring adoption expense reimbursement subsidy if the child meets the definition of a child with special needs. Refer to COMAR 07.02.12.05 D (4), .05 E (3), and .08 B (1) – (3).

Reimbursement for the non-recurring expenses is provided specifically for reasonable and necessary expenditures that are not reimbursable from another source, including:

1. Adoption fees;
2. Court costs and attorney fees;
3. Health and psychological examinations;
4. Transportation costs;
5. Food and lodging costs incurred during pre-placement visits; and
6. Supervision of the placement.

All nonrecurring adoption expenses reimbursement must be approved by SSA prior to the adoption finalization. The LDSS assistant director of services shall submit a request for non-recurring adoption expenses to SSA at least 60 days prior to the adoption finalization date. **Expenses must be documented and payments are made directly to the adoptive family after finalization, not to the service providers.** The adoptive family is responsible for providing payment to the service provider. A copy of the invoice and/or receipt should be maintained in the adoption assistance record. The payments for non-recurring expenses shall be made through MD Chessie and using the budget code 2110 for all children.



Determining the Amount: Assistance Negotiation

Children who are eligible for adoption assistance shall receive a monthly assistance payment negotiated by the local department and the adoptive family. The adoptive family and designated local department staff shall negotiate the amount of the monthly assistance payment based on the child's specific needs as well as the adoptive family's individual circumstances. Federal law requires the amount of an assistance payment to be negotiated between the child welfare agency and the adoptive parent. **Adoption assistance rates cannot be established based solely on the criteria of the child's current foster care rate.** Questions must be asked and answered to determine if the current foster care rate is warranted based on the child's documented current needs and behaviors. Once established, a federal adoption assistance payment cannot be adjusted without the agreement of the adoptive family, so it is critical that the amount of the payment is appropriate for the child's documented current quantifiable needs instead of basing the amount of the payment on broad generalizations or assumptions.

Adoptive families must be advised to bring specific documentation to the negotiation, which includes, but is not limited to, the following:

- Receipts for expenses related to the child's current, ongoing expenses **not covered through medical assistance or other sources;**
- The child's medical records;
- The child's prescription history;
- The child's psychological evaluations;
- The child's educational records; and/or
- Documentation related to risk factors for physical or mental disability or disease.

The documentation must be recent (less than 1 year old) from an appropriate health care or educational professional. The local department of social services staff is expected to review the child's case record prior to negotiation and to be familiar with the child's special needs. The staff should bring the case record and the documentation of special needs to the negotiation.

Expenses (mortgage, utilities, etc.) the family would incur if the child were not part of their family **are not** to be included in this calculation. Adoption assistance payments are not intended to cover every expense the family may incur to have that child as a member of the family, but rather to offset costs, such as therapy or therapeutic activities, incurred related to the child's special needs that are reflected in their eligibility criteria for assistance.

The family is to be informed that the plans for the adoption finalization cannot move forward without the issue of adoption assistance being resolved, so it is important that this negotiation occur in a timely manner.

Termination and Dissolution of Assistance:

An adoption assistance agreement may be terminated upon the occurrence of any of the following circumstances:

- (1) The child reaches the age of 18 or 21;
- (2) The State of Maryland determines the adoptive parent(s) are not legally responsible for the child;
- (3) The State of Maryland determines the adoptive parent(s) are not providing any financial support to the child; or
- (4) The death of the adoptive parent(s) or adoptive child.

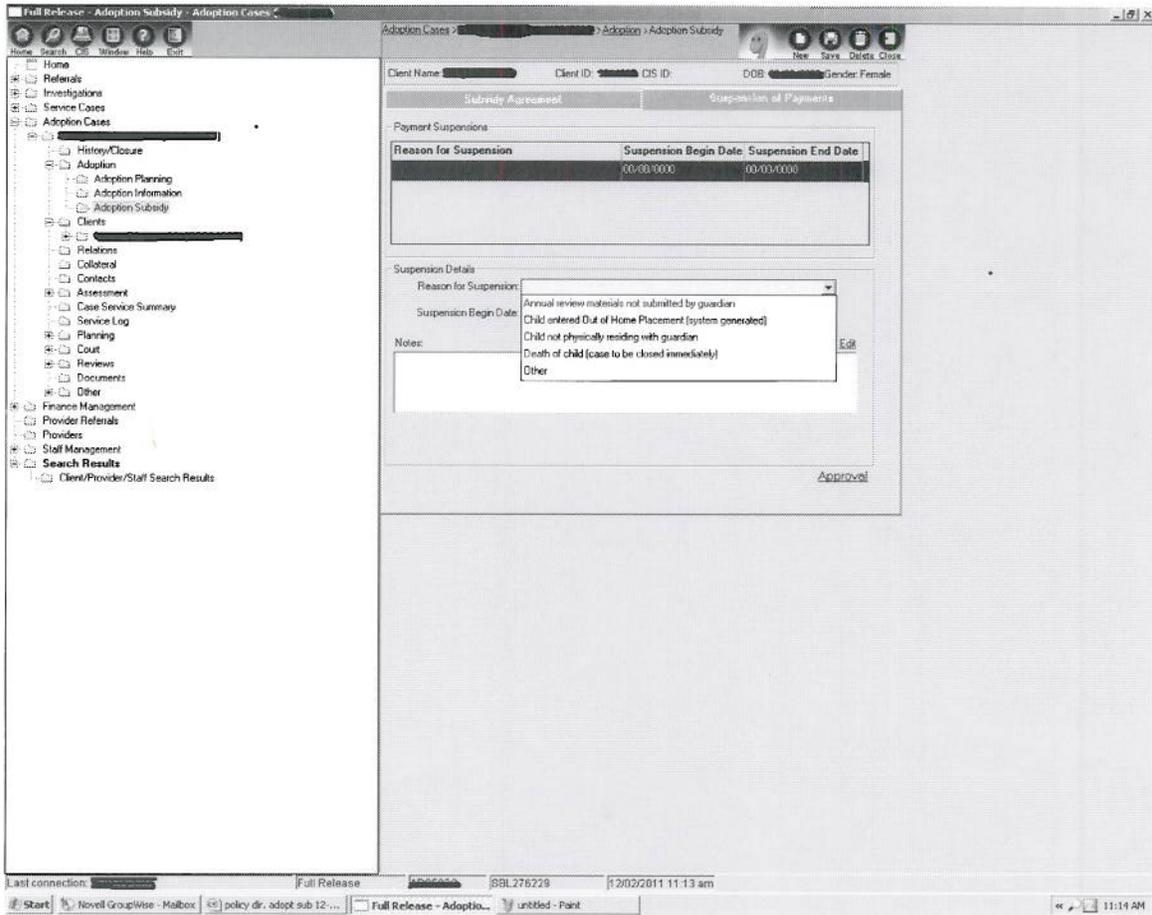
When a child re-enters the foster care system after a finalized adoption or if the LDSS is informed the child is not residing with the adoptive parents, the local department of social services shall immediately notify the adoption assistance worker or adoption supervisor in the jurisdiction responsible for the issuance of the assistance payment. The jurisdiction that issues the assistance payment shall immediately review the adoption assistance record to identify the basis of the assistance.

The assistance payment of a child who is eligible for a Title IV-E adoption payment can only be terminated if the adoptive parents are no longer legally responsible for the support of the child or the adoptive parents are no longer providing **any** support to the child. In order for the adoptive parents to no longer be legally responsible for the child, the parental rights of the adoptive parents must be terminated and the adoption “dissolves”. Parents that no longer provide “any” support would be broadly defined as those not providing **any** financial support. Support could include purchasing clothing or any items for the child, or incurring expenses to visit the child.

If a child enters out-of-home placement, adoption assistance can be voluntarily suspended or waived by the adoptive parents in lieu of the adoptive parents paying child support. The local department must receive written documentation signed by the adoptive parent(s) requesting the suspension of payment. A decision to suspend or decrease the assistance payment in lieu of child support payment must be made in conjunction with the local Child Support Enforcement Administration (CSEA).

If an adoptive parent dies during the time the child is still receiving an IV-E assistance payment, the IV-E payment must immediately be terminated. The new person designated to care for the child may be eligible to receive state funded assistance payments but the child is not eligible for IV-E unless a new adoption occurs.

Prior to terminating an adoption assistance payment the LDSS must send a registered letter to the adoptive family stating the LDSS’s intent to terminate the assistance in 30 calendar days. The letter shall also include the grounds for termination and the right to appeal.



Suspension of payment screen in MD Chessie

The screenshot displays the 'Disruption/Dissolution' screen within the MD Chessie software. The interface is divided into several sections:

- Navigation Tree (Left):** A hierarchical menu with categories such as 'Referrals', 'Investigations', 'Service Cases', 'Adoption Cases', 'Clients', 'Assessment', 'Finance Management', and 'Search Results'. 'Adoption Cases' is currently selected.
- Main Data Entry Area (Right):**
 - Disruption of Pre-Finalized Adoptive Placement:** Contains a 'Date of Disruption' field (set to 00/00/0000), a 'Reason(s) for Adoptive Placement Disruption' text area, and a 'Notes/Specify' text area.
 - Dissolution of Finalized Adoption:** Contains a 'Date of Dissolution' field (set to 00/00/0000), a 'Reason(s) for Dissolution of Adoption' dropdown menu (set to 'Select'), and a 'Notes/Specify' text area.
- Taskbar (Bottom):** Shows the system tray with the date and time '2/20/2011 10:05 am' and several open application windows.

Disruption/Dissolution screen in MD Chessie

Annual Redetermination:

The annual renewal packet must be mailed to the adoptive family **90** days prior to the renewal date. All local department applications for continuing the adoption assistance must include information to determine the following:

- Parent currently legally responsible for the child.
- Parent currently provides financial support for the child.
- Child currently attending/enrolled in school. Third party documentation is required which includes: current report card, authorization letter for home schooling, or enrollment verification from school system.
- Non-school age children. Provide documentation of up to date immunization record.
- If the child will reach his/her 18th birthday within the next 12 months:
 - It must be determined that the child has a mental or physical disability that warrants the continuation of the adoption assistance beyond the child's 18th birthday;
 - Local departments must obtain relevant and current documentation that the basis for continuing the assistance payment past the age of 18 exists.

- The LDSS may extend the age that a child may receive IV-E adoption assistance payments and assistance up to age 21 if the assistance agreement was entered into after the child turned 16 years old and meets the following criteria once the child reaches 18 years old:
 - 1.) Completing secondary school or equivalent;
 - 2.) Enrolled in post secondary or vocational school;
 - 3.) Participating in a program or activity that promotes or removes barriers to employment;
 - 4.) Employed 80 hours a month; or
 - 5.) Determined incapable of any of the above due to documented medical condition.

If 60 calendar days prior to the time of redetermination (date the annual agreement expires) the LDSS has not received the annual redetermination form and/or the required documentation, the absence of the redetermination and documentation may, in some cases, lead the LDSS to believe that a permissible basis for terminating the IV-E assistance payment exists (see page 8 of this policy). If so, the LDSS shall send the adoptive families a registered letter informing them the assistance payment will be terminated within 60 calendar days if the redetermination form and documentation is not returned to the LDSS. The letter shall include the specific regulation and/or statutes providing the basis for termination and advise the adoptive family of their right to appeal the agency's decision. If an appeal is filed the case must remain open until all appeals have concluded, however payment will not be issued once the annual agreement has expired. If the family has not provided the annual redetermination form and/or the required documentation, or filed an appeal, the LDSS may terminate (close) the case 30 days after the annual redetermination date.

The screenshot displays a software interface for managing adoption cases. The left sidebar contains a navigation menu with categories such as 'Home', 'Referrals', 'Investigations', 'Service Cases', 'Adoption Cases', 'History/Closure', 'Adoption', 'Adoption Planning', 'Adoption Information', 'Adoption Subsidy', 'Clients', 'Relations', 'Collateral', 'Contacts', 'Assessment', 'Case Service Summary', 'Service Log', 'Planning', 'Court', 'Reviews', 'Documents', 'Other', 'Finance Management', 'Provider Referrals', 'Providers', 'Staff Management', and 'Search Results'. The main window area is titled 'Adoption Subsidy Reviews' and features a table with the following data:

Review dt	Entered By	Notes
12/09/2011		

Below the table, the 'Review Detail' section includes the following fields and options:

- Review Signature Dates:
 - *Adoptive parent1: 00/00/0000
 - *Adoptive parent2: 00/00/0000
 - *LDSS Director/Designee: 00/00/0000
- Entered By: [Field]
- *Review Date: 12/09/2011
- *Child is under 18 years old or child is under 21 years old with a disability: [Dropdown]
- *Child still meets special needs requirements: [Dropdown]
- *Parents are still legally responsible: [Dropdown]
- *Renewal agreement has been signed: [Dropdown]
- *Parent provides financial support for the child: [Dropdown]
- Child is currently enrolled in school: [Dropdown]
- If not school age, documentation of immunization record provided: [Dropdown]
- For 18-21yr old documentation provided for one of the following: [Dropdown]

The bottom of the window shows a taskbar with the system clock at 10:01 AM on 12/09/2011.

Request for Increases of Assistance Payment:

All adoption assistance cases must be reviewed on an annual basis. A re-negotiation of the amount of the assistance payment can be requested by the LDSS or family at any time during the year. The amount of a IV-E payment cannot be changed without the consent of the family. Social Services Administration (SSA) approval is required for all increases.

All rate increases must be negotiated by the LDSS and must be justified by documentation of changes in the needs of the child because of the child's particular special needs since the last negotiation. The adoptive family must provide a letter to the LDSS indicating the specific changes that would justify a payment adjustment, the amount of the adjustment, and the type of benefit they believe is needed. The parent/s must provide documentation to support their request including current school reports, psychological evaluations, medical reports, costs and descriptions of services and any other documentation that supports the requested adjustment.

The renegotiated amount may not exceed the foster care board rate that the child might have received in foster care. There is no automatic increase for assistance due to a child's age or when the foster care board rate increases, unless specifically included in

legislation that increases the foster care board rate. **Social Services Administration (SSA) approval is required for all increases; the local department of social services can recommend, but only SSA can approve.** If the LDSS reviews the documentation and believes an increase may be appropriate, a memo should be submitted to SSA by the LDSS stating the current assistance amount and the requested increase. The memo must also justify the need for the increase and be accompanied by documentation to support the request.

Upon receipt of the memo and supporting documentation, SSA will review the request to determine whether an increase is appropriate. Once SSA has determined the request to have validity, the packet will be reviewed by the Adoption Assistance Committee. The Adoption Assistance Committee is composed of SSA staff, LDSS staff, and an attorney from the Office of the Attorney General. The committee meets bi-monthly to review all requests and to determine if the request will be approved. SSA will provide the LDSS staff with a written decision for the request based on the committee's decision.

State Adoption Assistance:

Eligibility Requirements:

Eligibility for State Adoption Assistance is based on the adoptive child's "special needs" and not the income of the adopting parents. The local department of social services must ensure that the appropriate documentation regarding the child's special needs is available in the case record. The special needs criteria in Maryland are:

- 1.) Child between 6 and 17 years of age;
- 2.) Physical, mental, or emotional disability or disease;
- 3.) Emotional disturbance;
- 4.) Membership in a sibling group;
- 5.) Recognized high risk of physical or mental disability or disease; or
- 6.) Race or ethnicity, if combined with any one of the above conditions or factors.

Payments:

Monetary payment

"Monetary Assistance payment" is a **negotiated** monthly payment not to exceed 100% of the current foster care board rate a child is receiving at the time of adoption finalization. The foster care board rate shall not be raised prior to establishing the assistance payment for the purpose of providing the adoptive family a higher assistance payment. The adoption assistance payment shall not include the differential allowance provided in certain LDSS. If a child meets the definition of "medically fragile" in COMAR 07.02.12.02, a child being adopted by his/her treatment foster care parent/s may be entitled to receive up to \$2000 a month as an adoption assistant payment. **SSA must approve any rate that is higher than the intermediate board rate.** The LDSS assistant director of services shall submit a request for treatment foster care rate to SSA at least 60 days prior to the adoption finalization date.

Medical Assistance

If the child is receiving adoption assistance he/she is also eligible for medical assistance through the Maryland Medical Assistance Program (also referred to as Medicaid).

- If a child is at risk for developing a physical, mental or emotional disability but is otherwise healthy, the child may receive “Medical Assistance Only”, which is to be used to monitor the child’s status. A MD Chessie adoption case would be created with a \$0 subsidy amount. On the adoption subsidy agreement screen the box which asks “MA Only” would drop down to “Yes”.
- If a child qualifies for adoption assistance payment but the family chooses to only receive the Medical Assistance, the caseworker shall document the families’ decision. The local department should counsel the family about the supportive impact of the regular adoption assistance and document the family’s decision in the child’s foster care and assistance record.

If the adoptive parent chooses to enroll the adoptive child on the family’s private health insurance, the adoptive family shall use the private health insurance as the primary health plan and Medical Assistance as the secondary health carrier.

Non-Recurring Adoption Expenses

All children eligible to receive a non-recurring adoption expense subsidy qualify under IV-E. Refer to page 5 of this policy.

Determining the Amount: Assistance Negotiation

Children who are eligible for adoption assistance shall receive a monthly assistance payment negotiated by the local department and adoptive family. The adoptive family and designated local department staff shall negotiate the amount of the monthly assistance payment based on the child’s specific needs as well as the adoptive family’s individual circumstances. **Adoption assistance rates cannot be established based solely on the criteria of the child’s current foster care rate.** Questions must be asked and answered to determine if the current foster care rate is warranted based on the child’s documented current needs and behaviors.

Adoptive families must be advised to bring specific documentation to the negotiation, which includes, but is not limited to, the following:

- Receipts for expenses related to the child’s current, ongoing expenses **not covered through medical assistance or other sources;**
- The child’s medical records;
- The child’s prescription history;
- The child’s psychological evaluations;
- The child’s educational records; and/or
- Documentation related to risk factors for physical or mental disability or disease.

The documentation must be recent (less than 1 year old) from an appropriate health care or educational professional. The local department of social services staff is expected to review the child's case record prior to negotiation and be familiar with the child's special needs. The staff should bring the case record and the documentation of special needs to the negotiation.

Expenses (mortgage, utilities, etc.) the family would incur if the child were not part of their family **are not** to be included in this calculation. Adoption assistance payments are not intended to cover every expense the family may incur to have that child as a member of the family, but rather to offset costs incurred related to the child's special needs (needs related to their eligibility criteria for assistance, such as therapy or therapeutic activities).

The family is to be informed that the plans for the adoption finalization cannot move forward without the issue of adoption assistance being resolved, so it is important that this negotiation occur in a timely manner.

Termination and Dissolution of Assistance:

State-funded adoption assistance shall be suspended upon the occurrence of any of the following circumstances:

- (1) The child re-enters out-of-home placement; or
- (2) The State of Maryland determines the adoptive parent(s) are no longer providing primary financial support to the child.

State-funded adoption assistance shall be terminated upon the occurrence of any of the following circumstances:

- (1) The adoptive parent's rights have been terminated;
- (2) The death of the adoptive parent(s) or adoptive child;
- (3) The child reaches the age of 21; or
- (4) The child reaches the age of 18 or older and is not participating in a vocational or educational program, is not employed 80 hours a month, or has a documented disability or medical condition that prevents the child from engaging in these activities.

When a child re-enters the foster care system after an adoption finalization, or if the LDSS is informed the child is not residing with the adoptive parents, the local department of social services shall immediately notify the adoption assistance worker or adoption supervisor in the jurisdiction responsible for the issuance of the assistance payment. The jurisdiction that issues the assistance payment shall immediately review the adoption assistance record to identify the basis of the assistance.

State adoption assistance payments shall be suspended when the child re-enters the foster care system effective the date of removal. A registered letter must be sent to the

adoptive family stating the LDSS's has suspended the assistance payment. The letter shall include the grounds for suspension and the right to appeal.

Prior to terminating an adoption assistance payment the LDSS must send a registered letter to the adoptive family stating the LDSS's intent to terminate the assistance in 30 calendar days. The letter shall also include the grounds for termination and the right to appeal.

Annual Redeterminations:

The annual renewal packet must be mailed to the adoptive family **90** days prior to the renewal date. All local department applications for continuing the adoption assistance must include information to determine the following;

- Parent currently legally responsible for the child
- Parent currently provides primary financial support for the child
- Child currently attending/enrolled in school. Third party documentation is required which includes: current report card, authorization letter for home schooling, or enrollment verification from school system
- Non-school age children; Provide documentation of up to date immunization record
- If the child will reach his/her 18th birthday within the next 12 months:
 - a.) Completing secondary school or equivalent;
 - b.) Enrolled in post secondary or vocational school;
 - c.) Participating in a program or activity that promotes or removes barriers to employment;
 - d.) Employed 80 hours a month; or
 - e.) Determined incapable of any of the above due to documented disability or medical condition.

Local departments are required to receive verification of school attendance/enrollment for all children receiving federal or state adoption assistance. At the time of the annual redetermination, local departments will inform families of the new policy requiring the school verification when sending out the application to continue the assistance. If the family does not provide the required verification for school attendance/enrollment, the local department will be required to follow up with the family to ensure the child is receiving appropriate services.

If 60 calendar days prior to the time of redetermination (date the annual agreement expires) the LDSS has not received the annual redetermination form and/or the required documentation, the absence of the redetermination and documentation may, in some cases, lead the LDSS to believe that a permissible basis for terminating the state-funded adoption assistance payment exists (see page 16 of this policy). If so, the LDSS shall send the adoptive families a registered letter informing them the assistance payment will

be terminated within 60 calendar days if the redetermination form and documentation is not returned to the LDSS. The letter shall include the specific regulation and/or statutes providing the basis for termination and advise the adoptive family of their right to appeal the agency's decision. If an appeal is filed the case must remain open until all appeals have concluded, however payment will not be issued once the annual agreement has expired. If the family has not provided the annual redetermination form and/or the required documentation, or filed an appeal, the LDSS may terminate (close) the case 30 days after the annual redetermination date.

Request for Increases of Assistance Payment:

All adoption assistance cases must be reviewed on an annual basis. A re-negotiation of the adoption assistance payment amount can be requested by the LDSS or family at any time during the year. Social Services Administration (SSA) approval is required for all increases.

All rate increases must be negotiated by the LDSS and must be justified by documentation of changes in the needs of the child because of the child's particular special needs since the last negotiation. The adoptive family must provide a letter to the LDSS indicating the specific changes that would justify a payment adjustment, the amount of the adjustment, and the type of benefit they believe is needed. The parent/s must provide documentation to support their request including current school reports, psychological evaluations, medical reports, costs and descriptions of services and any other documentation that supports the requested adjustment.

The renegotiated amount may not exceed the foster care board rate that the child might have received in foster care. There is no automatic increase for assistance due to a child's age or when the foster care board rate increases, unless specifically included in legislation that increases the foster care board rate. **Social Services Administration (SSA) approval is required for all increases; the local department of social services can recommend, but only SSA can approve.** If the LDSS reviews the documentation and believes an increase may be appropriate, a memo should be submitted to SSA by the LDSS stating the current assistance amount and the requested increase. The memo must also justify the need for the increase and be accompanied by documentation to support the request.

Upon receipt of the memo and supporting documentation, SSA will review the request to determine whether an increase is appropriate. Once SSA has determined the request to have validity, the packet will be reviewed by the Adoption Assistance Committee. The Adoption Assistance Committee is composed of SSA staff, LDSS staff, and an attorney from the Office of the Attorney General. The committee meets bi-monthly to review all requests and to determine if the request will be approved. SSA will provide the LDSS staff with a written decision for the request based on the committee's decision.

Post-Adoption Assistance:

Eligibility Requirements:

If a child develops a special need subsequent to finalization that was present at the time of the adoption but not known at the time of the adoption, the child may be eligible to receive post-adoption assistance. A post-adoption assistance is state-funded and the adoptive child must meet the following eligibility:

- The child was in the guardianship of a Maryland public or private agency at the time of the adoption; and
- The child's condition would have made the child eligible for adoption assistance had the condition been known prior to the finalization of the adoption.

Payments:

Monetary payment

"Monetary Assistance payment" is a **negotiated** monthly payment not to exceed 100% of the foster care board rate a child was receiving or was eligible to receive at the time the adoption was finalized. The adoption assistance payment shall not include the differential allowance provided in certain LDSS. If a child meets the definition of "medically fragile" as defined in COMAR 07.02.12.02 and the child was adopted by his/her treatment foster care parent/s the child may be entitled to receive up to \$2000 a month as an adoption assistance payment. **SSA must approve any post adoption assistance payment.** The LDSS can recommend or deny but final approval must be made by SSA. The LDSS assistant director of services shall submit a request to SSA.

Medical Assistance

If the child is eligible for a post-adoption subsidy he/she is also eligible for medical assistance through the Maryland Medical Assistance Program (also referred to as Medicaid).

Determining the Amount: Assistance Negotiation

Children who are eligible for post adoption assistance shall receive a monthly assistance payment negotiated by the local department and adoptive family. The adoptive family and designated local department staff shall negotiate the amount of the monthly assistance payment based on the child's specific needs as well as the adoptive family's individual circumstances. **Adoption assistance rates cannot be established based solely on the criteria of the foster care rate.** Questions must be asked and answered to determine if the foster care rate is warranted based on the child's documented current needs and behaviors.

Adoptive families must be advised to bring specific documentation to the negotiation, which includes, but is not limited to, the following:

- Receipts for expenses related to the child's current, ongoing expenses **not covered through medical assistance or other sources**;
- The child's medical records;
- The child's prescription history;
- The child's psychological evaluations;
- The child's educational records; and/or
- Documentation related to risk factors for physical or mental disability or disease.

The documentation must be recent (less than 1 year old) from an appropriate health care or educational professional

Expenses (mortgage, utilities, etc.) the family would incur if the child were not part of their family **are not** to be included in this calculation. Post adoption assistance payments are not intended to cover every expense the family may incur to have that child as a member of the family, but rather to offset costs incurred related to the child's special needs (needs related to their eligibility criteria for assistance, such as therapy or therapeutic activities).

Termination and Dissolution of Assistance, Annual Redeterminations, and Requests for Increases of Assistance Payment shall be handled in the same manner as State Adoption Assistance Cases (see page 16 - 18 of this policy).

ICAMA (Interstate Compact on Adoption and Medical Assistance):

ICAMA is an agreement between member states that governs the interstate delivery of medical services and adoption assistance payments for adopted special needs children. The reason for the creation of ICAMA was to protect special needs children who move across state lines to ensure they continue to receive appropriate medical assistance and subsidies. A child is eligible for ICAMA when the child has an adoption assistance agreement in effect and the child is moving to another state with his/her adoptive family after finalization. When a caseworker is informed that an adoptive family is moving to another state it is crucial that the caseworker expedite an ICAMA packet to prevent an interruption in medical coverage. The ICAMA packet includes an ICAMA form 6.01 and a copy of the original Adoption Assistance Agreement. The packet is submitted to the Interstate Compact Office at SSA.

LDSS Oversight:

The Office of Legislative Services recently published a report detailing their audit findings on the Social Services Administration for the period beginning May 3, 2004 and ending June 30th, 2007. The monitoring of adoption assistance payments was noted as an area of weakness for our Department, specifically that yearly redeterminations were not completed in all cases. In order to remedy these issues, local departments are to take the following actions:

- Each local is to review MD CHESSIE Report FM705R monthly. The report lists all the redeterminations that are due the following month. This report is available on Business Objects and should be used by management to ensure that all redeterminations are completed in a timely manner. SSA staff will monitor compliance on a quarterly basis by accessing ad hoc reports detailing overdue redeterminations.
- Ensure that adoption assistance workers are aware of the eligibility criteria and apply the criteria consistently. The local director (or their designee) must sign off on each adoption assistance redetermination to certify that the assistance payment is appropriate to continue and that all requirements have been met.

Appeals Process:

Each individual who applies for or is receiving an adoption assistance payment, has the right to appeal the denial, reduction, or termination of the adoption assistance payment. Additionally, any individual is entitled to an appeal of any decision made by a local department of social services concerning adoption assistance with which he/she disagrees. A request for a Fair Hearing must be made within 10 days from the receipt of the decision. The local department of social services shall provide specific information to their customers about the procedures to follow when making an appeal.

If a decision made by SSA is appealed, SSA will respond to the appeal and represent the agency in the appeals process.

Adoption Assistance Program Request for Initial and/or Increase in Adoption Assistance

Child's Name:

DOB:

Adoptive Family's Name:

Initial or Increase:

IV-E or State:

Current Rate:

- 1.) When was the child placed with the resource family or when was the adoption finalized? If the child is not adopted when is the anticipated adoption finalization date?

- 2.) What is the amount of the requested assistance payment?

- 3.) What are the special needs of the child?
Documentation must be attached by an appropriate health profession for medical/mental health or educational (IEP)

- 4.) Is this child eligible for or applied to receive Social Security Survivors, SSI, Retirement benefits, or any other entitlement funds?

- 5.) Have other community resources or other agency programs that could assist with some costs related to this child been accessed? (DDA, REM, post adoption services permanency program; flex funds and adoption incentive funds)

- 6.) What are the current out-of-pocket expenses related to providing for the special needs of the child? Include documentation