

## **POLICY VIII-I: ADOPTION SUBSIDY**

08/2014

The Division provides a federal (title IV-E) or state funded adoption subsidy as a service to assist in making adoption possible for a child, who, with special needs, might not otherwise be adopted and for whom a family is not readily available. A child in foster care placed in an adoptive home continues status as a child in foster care until finalization of the adoption and the adoption subsidy is initiated.

### **CHILD WITH SPECIAL NEEDS**

A child with special needs is defined as a child who is free for adoption and belongs to a group of children for whom the Division does not have an adequate resource of approved applicants to provide a pool of available waiting adoptive families. Other children may be eligible for adoption assistance under this category if they have severe medical or psychological needs that require ongoing rehabilitation or treatment. These children include:

- A. a Caucasian child nine years or older,
- B. a healthy child of color who is two years or older,
- C. a member of any sibling group being placed together who share at least one biological parent and who have either lived together or otherwise developed a bond prior to adoptive placement, and the child is:
  - 1) legally free for adoption with parental rights terminated,
  - 2) under 18 years old and whose adoption has not been finalized prior to approval of the subsidy,
  - 3) (for the purposes of a State Subsidy only), in DHS custody, or
  - 4) a member of a Non-Custody/Out-of-Home Placement Services case, or
  - 5) who is SSI eligible at the time the adoption petition is filed.

Children at high risk for the development of a serious physical, mental, developmental or emotional condition may be considered special needs if documentation of the risk is provided by a medical professional specializing in the area of the condition for which the child is considered at risk, but no subsidy payment will be made without documentation that the child has developed the actual condition. (See Procedure VIII-I1).

Adoption subsidies can be funded through federal title IV-E adoption assistance or state funds depending on the child's eligibility.

Any individual who is adopting or who is considering adopting a child who is in foster care will be notified of their potential eligibility for a Federal Adoption Tax Credit.

Adoption assistance payments may be made to parents who adopt a child with special needs. A child will not be considered special needs unless:

- A. The state has determined the child cannot or should not be returned to the home of his parents;
- B. The state has determined that a specific factor or condition exists with respect to the child (such as ethnic background, age or membership in a minority or sibling group; or the presence of factors such as medical conditions or physical, mental, or emotional disabilities) because of which it is reasonable to conclude that such a child cannot be placed for adoption without providing adoption assistance or medical assistance under title XIX; and
- C. A reasonable, but unsuccessful, effort has been made to place the child without providing assistance except where it would be against the best interest of the child due to such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a child in foster care.
- D. For the purpose of this policy, "AFDC" refers to the AFDC program as in effect 7-16-1996.

### **ELIGIBILITY**

There are five ways that a child can be eligible for title IV-E adoption assistance:

- A. The child is AFDC-eligible and meets the definition of a child with special needs.

Adoption assistance eligibility that is based on a child's AFDC eligibility is predicated on a child meeting the criteria both at the time of removal and in the month the adoption petition is initiated. At the time adoption proceedings were initiated, the child must have been removed from the home of a specified relative as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of the child. For the purpose of adoption assistance, a child must meet the AFDC criteria in the specified relative's home from which he or she is removed. In addition, the special needs determination must be made prior to finalization of the adoption.

- B. The child is eligible for Supplemental Security Income (SSI) benefits and meets the definition of a child with special needs.

A child is eligible for adoption assistance if, at the time the adoption petition is filed, the child meets the requirements for title XVI SSI benefits, and prior to the finalization of the adoption is determined by the state to be a child with special needs. There are no additional criteria that a child must meet to be eligible for title IV-E adoption assistance when eligibility is based on a child with special needs meeting SSI requirements. Specifically, how a child is removed from his home or whether the state has responsibility for the child's placement and care is irrelevant in this situation. The child's eligibility for SSI benefits must be established no later than at the time the adoption petition is filed.

- C. The child is eligible as a child of a minor parent and meets the definition of a child with special needs.

A child is eligible for title IV-E adoption assistance in this circumstance if:

- 1) The child's parent is in foster care and receiving title IV-E foster care maintenance payments that cover both the minor parent and the child at the time the adoption petition is initiated, AND
- 2) Prior to the finalization of the adoption, the child of the minor parent is determined by the state to meet the definition of a child with special needs.

There is no requirement that a child must have been removed from the home as a result of a judicial determination. However, if the child and minor parent have been separated in foster care prior to the time of the adoption petition, the child's eligibility for title IV-E adoption assistance must be determined based on the child's current and individual circumstances.

- D. The child is eligible due to prior title IV-E adoption assistance eligibility and meets the definition of a child with special needs.

In the situation where a child is adopted and receives title IV-E adoption assistance, but the adoption later dissolves or the adoptive parents die, a child may continue to be eligible for title IV-E adoption assistance in a subsequent adoption. The only determination that must be made by the state prior to the finalization of the subsequent adoption is whether the child is a child with special needs. Need and eligibility factors must not be re-determined when such a child is subsequently adopted because the child is to be treated as though his circumstances are the same as those prior to his previous adoption. Since title IV-E adoption assistance eligibility need not be reestablished in such subsequent adoptions, the manner of a child's removal from the adoptive home, including whether the child is voluntarily relinquished to an individual or private agency, is irrelevant.

- E. Due to changes in federal guidelines, some children in foster care who are currently receiving a state-funded subsidy may be eligible for a federal IV-E adoption maintenance subsidy.

Beginning federal fiscal year 2010, which started October 1, 2009, newly adopted children who have been in foster care for at least 60 consecutive months and/or who are 16 years of age or older will be eligible for IV-E adoption assistance as long as they meet their state's definition of special needs and meet other requirements for IV-E eligibility. These requirements include 1) for court-ordered

placements, that the initial placement in care was in the child’s best interests and that reasonable efforts to prevent removal were made or are not required to be made and 2) for all placements, that reasonable efforts to finalize the permanency plan were made (and updated every year). Further, children placed with siblings who qualify due to age or length of time in care will also be considered IV-E eligible for adoption assistance.

As shown below, eligibility will be phased in by age over a nine-year period. Children become eligible if they turn the listed age any time during the fiscal year. The federal fiscal year begins the first day of October each year and ends the last day of September the following year.

<u>Federal Fiscal Year</u>	<u>Age of Eligibility</u>	<u>Date of Birth</u>
2010	16 and older	October 1, 1994
2011	14 and older	October 1, 1997
2012	12 and older	October 1, 2000
2013	10 and older	October 1, 2003
2014	8 and older	October 1, 2006
2015	6 and older	October 1, 2009
2016	4 and older	October 1, 2012
2017	2 and older	October 1, 2015
2018	All children	

By 2018, newly adopted children of all ages who meet the other IV-E eligibility requirements will be eligible for federal adoption assistance.

If eligible, the Division will make adoption assistance payments to adoptive parents in amounts so determined through an adoption assistance agreement. The amount of such payment:

- 1) Will take into account the circumstances of the adopting parents and the needs of the child being adopted;
- 2) May be adjusted periodically with the concurrence of the adoptive parents to reflect changing circumstances; and
- 3) 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 home.

A state funded adoption subsidy may be available to a child who is not IV-E eligible provided that the child is in DHS custody and meets the special needs definition.

A state legal subsidy may be defined as OPLS legal services provided for children in DHS custody. A legal subsidy does not include the use of a private attorney. The children are eligible for a legal subsidy whether or not they meet the criteria for special needs and without regard to eligibility for IV-E, state maintenance subsidy, or non-recurring subsidy. Adoption assistance payments may be terminated if it is determined that:

- A. The child has attained the age of 18;
- B. The parents are no longer legally responsible for the support of the child; or,
- C. The child is no longer receiving support from the adoptive parents.

Adoption assistance payments may be extended to the age of 21, if the child has a mental or physical disability which warrants continuation and a federally-funded subsidy or state maintenance is received.

In addition, if the child was adopted at age 16 or older, the adoption subsidy may be extended until age 21 under the following circumstances:

- A. The child is completing secondary education or a program leading to an equivalent credential; or

- B. The child is enrolled in an institution which provides post-secondary or vocational education; or
- C. The child is participating in a program or activity designed to promote, or remove barriers to, employment; or
- D. The child is employed for at least 80 hours per month; or
- E. The child is incapable of doing any of the above described activities due to a medical condition.

The Division will ensure that the child meets these employment or education requirements. If a child is incapable of meeting the above referenced education or employment requirements due to a medical condition, the reason for which the child is incapable of meeting the education or employment requirements must be documented by a medical professional and updated annually until the child reaches 21 years of age.

The adoptive parents are required to inform the Division of circumstances that would make them ineligible for adoption assistance payments or eligible for adoption assistance payments in a different amount.

No payment may be made to parents with respect to any applicable child that is not a citizen or resident of the United States and was adopted outside of the United States or was brought into the United States for the purpose of being adopted. A child that is not a citizen or resident of the US and was adopted outside the US or brought into the US for the purpose of being adopted may be eligible for adoption assistance payments if the initial adoption of the child by the parents is a failure and the child is subsequently placed into foster care.

**ADOPTION ASSISTANCE AGREEMENT**

An Adoption Assistance Agreement, a written binding agreement between the adoptive parents, the Division, and other relevant agencies must be in place prior to the finalization of the adoption.

The Adoption Assistance Agreement must:

- A. Be signed by the adoptive parents and the Division and be in effect before adoption assistance payments are made under title IV-E, but no later than the finalization of the adoption;
- B. Specify the duration of the agreement;
- C. Specify the amount of the adoption assistance payment (if any) and the nature and amount of any other payments, services, and assistance to be provided (including non-recurring adoption expenses in agreements that became effective on or after January 1, 1987, for expenditures incurred by the parents on or after that date);
- D. Specify the child’s eligibility for title XIX and title XX;
- E. Specify, with respect to agreements entered into on or after October 1, 1983, that the agreement remains in effect regardless of the state of residence of the adoptive parents;
- F. Contain provisions for the protection of the interests of the child in case the adoptive parents and child should move to another state while the agreement is in effect; and for agreements entered into on or after October 1, 1983, if needed.

If the service specified in the agreement is not available in the new state of residence, the state making the original assistance payment remains financially responsible for providing the specified service(s).

However, in cases of unknown medical and psychiatric conditions that surface after finalization, applications for federally funded assistance may be submitted. For adoption subsidies that are requested and approved after adoption finalization has occurred, the Adoption Assistance Agreement (and, therefore, subsidy payments) will go into effect based on the adoption subsidy application approval date (i.e., not the adoption finalization date). This includes both IV-E and non-IV-E subsidies.

Any Adoption Assistance Agreement put into place after finalization of an adoption must:

- A. Be signed by the adoptive parents and the Division and be in effect before adoption assistance payments are made under title IV-E;
- B. Specify the duration of the agreement;

- C. Specify the amount of the adoption assistance payment (if any) and the nature and amount of any other payments, services, and assistance to be provided (including non-recurring adoption expenses in agreements that became effective on or after January 1, 1987, for expenditures incurred by the parents on or after that date);
- D. Specify the child's eligibility for title XIX and title XX;
- E. Specify, with respect to agreements entered into on or after October 1, 1983, that the agreement remains in effect regardless of the state of residence of the adoptive parents;
- F. Contain provisions for the protection of the interests of the child in case the adoptive parents and child should move to another state while the agreement is in effect; and for agreements entered into on or after October 1, 1983, if needed.

If any application for an adoption subsidy for a child under the age of 18 is initially denied, in accordance with federal regulations, the adoptive family may appeal the decision.

The types of situations that would constitute grounds for an appeal include:

- A. Relevant facts regarding the child, the biological family or the child's background were known, but not presented to the adoptive parents prior to the adoption's finalization;
- B. Any subsidy decision which the adoptive parents deem adverse to the child;
- C. Erroneous determination by the Division that a child is ineligible for adoption assistance; and,
- D. Failure by the Division to advise adoptive parents of the availability of adoption assistance.

If an appeal is upheld, the child may be eligible for a federal (title IV-E) or state subsidized adoption. The effective date of a federal (title IV-E) retroactive subsidy payment will be the date of finalization or a date subsequent to finalization.

For foster parent and relative adoptions, it is not necessary to determine that without subsidy the child would not otherwise be adopted.

Payments for a maintenance subsidy and special services subsidy are to meet the needs of the child. In addition, payments for one-time expenses, known as a non-recurring adoption subsidy, may be obtained in order to reimburse the family for out-of-pocket pre-adoptive/finalization expenditures.

#### MEDICAL COVERAGE

The Division will ensure health insurance coverage for any child determined to be a child with special needs for whom there is an adoption subsidy agreement in effect. Federal title IV-E Medicaid will be utilized to provide medical coverage for a title IV-E eligible child. Medical coverage, for a non-title IV-E eligible child who has a special need for medical or rehabilitative care, may be provided under the Medicaid category *Non-title IV-E Special Needs Adoptive Child* if the child is eligible for state maintenance subsidy and meets specified Medicaid eligibility requirements. (See Medical Services Policy 6590.2 Eligibility Requirements.) If the child does not qualify for Medicaid under federal title IV-E or Non-title IV-E Special Needs Adoptive coverage, the family may make application for Medicaid under a different category.

Medicaid will cease when the subsidy case is closed.

Any eligible child for whom there is an adoption assistance agreement in effect is deemed to be a dependent child and is deemed to be a recipient of AFDC (per AFDC requirements in effect 7-16-1996). Any child of such eligible child will be eligible for such services.

The Division shall access resources as necessary in Arkansas, the region and nation to find adoptive families for children with special needs.

## **PROCEDURE VIII-I5: Request for Continuation of Federal and State Funded Adoption Maintenance Subsidy after Age 18**

08/2014

In some cases a federal adoption maintenance subsidy or state funded maintenance subsidy may be continued for adoptees 18 to 21 years old. Medicaid, however, cannot be extended past age 18 for state funded subsidies. While the foster care Medicaid cannot be extended beyond the month the child turns 18, the family may apply for another type of Medicaid.

If the adoptive parent requests that the adoption subsidy be continued past the child's 18<sup>th</sup> birthday, the following criteria must be met:

- A. The adoptive parent must be receiving a federal or state-funded adoption maintenance subsidy prior to the child's 18<sup>th</sup> birthday.
- B. The adoptive parent must provide proof that the child:
  - 1) Has a mental or physical disability which warrants continuation; or
  - 2) Was adopted at age 16 or older and
    - a) Is completing secondary education or a program leading to an equivalent credential; or
    - b) Is enrolled in an institution which provides post-secondary or vocational education; or
    - c) Is participating in a program or activity designed to promote, or remove barriers to, employment;
    - d) Is employed for at least 80 hours per month; or
    - e) Is incapable of doing any of the above described activities due to a medical condition.

The Division will ensure that the child meets these employment or education requirements. If a child is incapable of meeting the above referenced education or employment requirements due to a medical condition, the reason for which the child is incapable of meeting the education or employment requirements must be documented by a medical professional and updated annually until the child reaches 21 years of age.

The Adoption Support Specialist will:

- A. Include the above documentation and recommend whether the adoption subsidy should be continued past the child's 18<sup>th</sup> birthday.
- B. If the adoption subsidy is approved to continue past the child's 18<sup>th</sup> birthday:
  - 1) Prepare the CFS-428-A: Adoption Assistance Agreement for State Funded Payments or CFS-428-B: Adoption Assistance Agreement for Federal IV-E Funded Assistance, as appropriate.
  - 2) Route the CFS-428-A: Adoption Assistance Agreement for State Funded Payments or CFS-428-B: Adoption Assistance Agreement for Federal IV-E Funded Assistance, as appropriate, to the Adoption Services Unit Manager for review.
  - 3) If the Adoption Services Unit Manager and DCFS Director approve the CFS-428-A or CFS-428-B, as appropriate:
    - a. Change the Subsidy Ending Date on the Adoption Subsidy screen in CHRIS to continue subsidy past child's 18<sup>th</sup> birthday.
- C. If the adoption subsidy is not approved to continue past the child's 18<sup>th</sup> birthday by either the Adoption Support Specialist, Adoption Services Unit Manager, or DCFS Director:
  - 1) Notify the adoptive parent in writing and explain the reason for denial.
  - 2) Document the denial in CHRIS.

The Adoption Services Unit Manager will:

- A. Approve or deny the CFS-428-A: Adoption Assistance Agreement for State Funded Payments or CFS-428-B: Adoption Assistance Agreement for Federal IV-E Funded Assistance, as appropriate.
- B. If the Adoption Assistance Agreement is approved, send to the DCFS Director or designee for signature.

- C. If the Adoption Assistance Agreement is denied, notify the Adoption Support Specialist and explain the reason for denial.

The DCFS Director will:

- A. Approve or deny the CFS-428-A: Adoption Assistance Agreement for State Funded Payments or CFS-428-B: Adoption Assistance Agreement for Federal IV-E Funded Assistance, as appropriate.
- B. Return the CFS-428-A: Adoption Assistance Agreement for State Funded Payments or CFS-428-B: Adoption Assistance Agreement for Federal IV-E Funded Assistance, as appropriate, to the Adoption Services Unit Manager.



ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF CHILDREN AND FAMILY SERVICES

Adoption Assistance Agreement for State Funded Subsidy Payments

Adoptive Parent(s)' Name \_\_\_\_\_

Adoptive parent(s)'s Address \_\_\_\_\_

I (we), adoptive parents of \_\_\_\_\_

Child's Full Adoptive Name

Social Security Number

Date of Birth

Reason/Special Needs:

[ ] Serious Physical/Mental/Emotional Condition

[ ] Race

[ ] Child at Risk of Serious Physical/Mental/ Emotional Condition

[ ] Member of a Sibling Group

[ ] Age

[ ] Other (Specify) \_\_\_\_\_

This Agreement will be effective UPON FINALIZATION and remain in effect until the child's eighteenth (18th) birthday, or unless termination of the Agreement occurs as a result of one or more conditions set forth in Section IV (Termination) of this Agreement.

Date of Adoption Finalization

[ ] Amended Agreement: This amends the Adoption Assistance Agreement for the child adopted on \_\_\_\_\_ Date

This Agreement will be effective \_\_\_\_\_ Date and remain in effect until \_\_\_\_\_ Date

PROVISIONS OF AGREEMENT

I. Monthly Maintenance Subsidy

Monthly Payments of \$ \_\_\_\_\_ for \_\_\_\_\_ months

\$ \_\_\_\_\_ for \_\_\_\_\_ months

Sub-Total \$ \_\_\_\_\_

II. Special Subsidy (specify)

Sub-Total \$ \_\_\_\_\_ TOTALS \$ \_\_\_\_\_

III. I (we) agree to provide the Division of Children and Family Services with statements of my (our) finances, my (our) circumstances, and the child's circumstances: (a) upon request; and (b) in the event of significant changes. I (we) agree to notify the Division if post- adoption services are needed and will not place



child(ren) with another family.

- IV. Automatic increases will occur due to child's age. A subsidy may be continued as long as the terms of the Agreement specify and eligibility exists under the current rules and regulations for subsidized adoptions.

**A subsidy will be discontinued when:**

- (a) The child reaches the age of eighteen;
  - (b) The subsidy benefits are provided by other state or federal programs;
  - (c) The child dies;
  - (d) The adoptive parent(s) of the child die (one in a single parent family and both in a two-parent family); or
  - (e) The family is no longer legally responsible for providing care and support for the adoptive child.
- V. If I (we) plan to move to another state, I (we) will notify the Division of Children and Family Services in Arkansas at least ten days prior to the move.
- VI. Maintenance and special subsidies as outlined in this Agreement will be payable without regard for my (our) state of residence.
- VII. If my (our) child is eligible to receive a Medicaid card, I (we) understand that it will be necessary to follow the appropriate procedures as determined by Arkansas or my (our) new resident state in order for Medicaid eligibility to continue. Medicaid will end when the subsidy case is closed.
- VIII. This Agreement is for the benefit of the subject child, his or her parents and the State of Arkansas and is enforceable by any and all of these parties.
- IX. Adoptive parents may appeal the Division's decision to reduce, change or terminate adoption assistance in accordance with the state's hearing and appeal process.
- X. For **special subsidies**, this Agreement will be in effect for no longer than 12 months. If a modification should occur sooner, a new Agreement will be entered.

**SUBSIDY NOTE:**

Children at high risk for the development of a serious physical, mental, developmental or emotional condition may be considered special needs if documentation of the risk is provided by a medical professional specializing in the area of the condition for which the child is considered at risk, but no subsidy payment will be made without documentation that the child has developed the actual condition. When DHS accepts that the child has developed the condition, the adoption subsidy shall be retroactive to the date the adoptive parents submitted adequate documentation that the child developed the condition. In order to be eligible for special needs based on developmental delay, documentation must be provided, current within 6 months, attesting to the fact that the child has a delay of 24% or more in two major developmental categories.

By: _____	_____
<b>Director, Division of Children and Family Services</b>	<b>Date</b>
_____	_____
<b>Adoptive Parent 1's Signature</b>	<b>Date</b>
_____	_____
<b>Adoptive Parent 2's Signature</b>	<b>Date</b>

A signed copy of the Adoption Assistance Agreement was given / sent to the Adoptive parent(s) on \_\_\_\_\_  
**Date**

## **INSTRUCTIONS**

### **CFS-428A**

#### **Adoption Assistance Agreement for State Funded Subsidy Payments**

#### **PURPOSE -**

To define the parameters for an Adoption Assistance Agreement regarding subsidy payments funded by the state. The form identifies the adoptive parents and child(ren). It establishes the amount of the subsidy and the period it will be in effect. The form also specifies the nature of the problem(s) that justify the subsidy.

#### **COMPLETION -**

1. The Adoption Subsidy Coordinator fills out the CFS-428-A.
2. Insert the adoptive parent(s) name(s) and address.
3. Insert the adoptive child's full name, social security number and date of birth.
4. Insert the date on which the adoption was finalized.
5. Mark the check box if this is an amendment to a prior agreement AND insert the original date of the adoption.
6. Insert the starting and ending dates for this agreement.
7. At numbered item 1., insert the amount of the monthly subsidy payment AND the number of months the agreement will exist.
8. At numbered item 2, insert a brief justification for the subsidy.
9. Read all the information in numbered items 3 – 10 carefully.
10. The adoptive parent (s) will sign and date the form.
11. The DCFS Director or his/her designee will sign and date the form.
12. The DCFS staff member, who gives or mails a signed copy of the form to the adoptive parents will insert the date the signed copy is mailed or given to the adoptive parents.

#### **ROUTING –**

1. Once the DCFS Director or his/her designee signs the form, the Adoption Subsidy Coordinator will retain a copy and send the original to the appropriate Adoption Specialist.
2. The Adoption Specialist will have the adoptive parent(s) sign and date the original.
3. The Adoption Specialist will make two copies of the completed form with all the required signatures and will retain one and give the other copy to the adoptive parent(s).
4. The Adoption Specialist will return the completed original form to the Adoption Subsidy Coordinator.

**NOTE: The Adoption Specialist will ensure that the original and all copies are dated with the date when a completed copy was given to the adoptive parents.**



ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF CHILDREN AND FAMILY SERVICES

Adoption Assistance Agreement for Federal IV-E Funded Assistance

The following Agreement has been entered into by and between:

Arkansas Department of Human Services, Division of Children and Family Services, P.O. Box 1437, Little Rock, Arkansas 72203

(Adoptive/Adopting Parent's or Parents' Full Names)

(Address)

(Telephone #)

Hereafter called the "adoptive parent(s)," for the purpose of facilitating the legal adoption of and:

(Child's Full Adoptive Name)

(Social Security Number)

(Date of Birth)

to aid the adoptive family in providing proper care for this child, hereafter referred to as "the child" in this Agreement.

This document is the:

Initial Agreement: The prospective adoptive parent(s) agree(s) that he/she intends to adopt the child and has signed this document prior to finalization of the adoption for the purposes of receiving adoption assistance payments and/or services for the child under Titles XIX and XX from the time of placement.

Reason/Special Needs (select all that apply):

- Reason/Special Needs (select all that apply):
- Serious Physical/Mental/Emotional Condition
- Child at Risk of Serious Physical/Mental/ Emotional Condition
- Age
- Race
- Member of a Sibling Group
- Other (Specify)

This Agreement will be effective UPON FINALIZATION and remain in effect until the child's eighteenth (18th) birthday, or unless termination of the Agreement occurs as a result of one or more conditions set forth in Section IV (Termination) of this Agreement.

(Date of Finalization)

Amended Agreement: This is an amendment of the Adoption Assistance Agreement for the child adopted on (Date)

This Agreement will be effective Date and remain in effect until Date.

PROVISIONS OF AGREEMENT

I. Assistance

A. Monthly Cash Payment: Yes No

\$ For months and \$ for months

Yearly Total \$

The amount of this monthly cash payment (adoption assistance) is based on the needs of the child and the circumstances of the adoptive parent(s) and has been determined by mutual Agreement between the adoptive parent(s) and the Division. The amount of the payment cannot exceed the foster care maintenance payment for the child if he/she were in a foster family home in the State of Arkansas. Adjustments in cash assistance payment may be made with the concurrence of the adoptive parent(s) based upon changes in the needs of the child, changes in the circumstances of the adoptive family, or changes in the maximum allowable adoption assistance payment. Documentation of changes in the child's needs or family's circumstances may be required.

**Subsidy Note:**

Children at high risk for the development of a serious physical, mental, or emotional condition may be considered special needs if documentation of the risk is provided by a medical professional specializing in the area of the condition for which the child is considered at risk, but no subsidy payment will be made without documentation that the child has developed the actual condition.

**B. Medical Care**

1. Medical benefits as provided under Title XIX of the Social Security Act (Medicaid) will be available to the child in accordance with the procedure of the State in which the child resides.
2. Medical payments will be provided by the State of Arkansas for (specify condition, illness, treatment, etc.)  
\_\_\_\_\_ if not provided by Title XIX, regardless of the State in which the child lives.

Total cost of treatment \$ \_\_\_\_\_

3. Procedures for meeting cost of medical care, including consideration of family's health insurance [Arkansas Act 99 of 1987] requires insurers to cover adoptive children from the date of the filing of the petition if the petition is filed within 60 days of the child's birth]. \_\_\_\_\_

**C. Social Services**

1. Social Services as provided under Title XX of the Social Security Act will be available to the child in accordance with the procedures of the State in which the child resides.
2. Social Services will be provided by the State of Arkansas, if not provided by Title XX, regardless of the State in which the child resides.
3. How to access Title XX services: **Contact your local Department of Human Services county office.**

**D. Procedures to be followed when moving from the State of Arkansas.**

Adoptive parents must follow these procedures in order to receive adoption assistance medical care and social services when moving to or living in a state other than Arkansas. (Arkansas is a member of the Interstate Compact on Adoption and Medical Assistance.)

**Medical Care -**

1. At least ten (10) days prior to the planned move the adoptive family should contact their Adoption Specialist.
2. Upon arrival in the new resident state contact the local state Medicaid office to surrender the Medicaid card issued by the State of Arkansas and make application for Medicaid in the new resident state. Take a copy of this Agreement with you.

**Social Services -**

1. Contact the state agency responsible for the provision of social services in your new resident state. Take a copy of this Agreement with you.

**II. Notification of Change**

- A. The adoptive parent(s) will notify the Division, in writing, within five (5) days if parent(s) is/are no longer legally responsible for the support of the child or is/are no longer supporting the child. A written statement is required.
- B. The amount of the subsidy may be adjusted automatically due to increases in age of the child. These are system-generated adjustments and no notice will be sent.
- C. Adoptive parent(s) will notify the Division of changes of address at least ten (10) days prior to the move.
- D. The adoptive parent(s) will notify the Division if post-adoption services are needed and will not place child(ren) with another family.

**III. Termination**

Termination will occur in any of the following circumstances:

- A. This Agreement will terminate upon the conclusion of the terms of this Agreement.
- B. This Agreement will terminate upon the adoptive parent’s/parents' request.
- C. Adoption assistance payments will terminate when the child reaches the age of 18. Adoption assistance may be provided until the child is 21 years of age if the child has a mental or physical disability, which warrants continuation.
- D. This Agreement will terminate upon the child's death. (The adoptive parent must notify the Division if a change occurs.)
- E. This Agreement will terminate upon the death of the adoptive parent(s) of the child (one in a single parent family and both in a two-parent family). (The adoptive parent must notify the Division if a change occurs.)
- F. This Agreement will terminate at the cessation of legal responsibility of the adoptive parent(s) for the child. (The adoptive parent must notify the Division if a change occurs.)
- G. This Agreement will terminate if the Division determines that the child is no longer receiving support from the adoptive parent(s). (The adoptive parent must notify the Division if a change occurs.)
- H. Medicaid will end when the subsidy case is closed.

**IV. Appeal**

Adoptive parent(s) may appeal the Division's decision to reduce, change or terminate adoption assistance in accordance with rules and procedures of the State's hearing and appeal process. Information may be requested from the **Department of Human Services, Division of Children and Family Services, Adoption Services Unit, P.O. Box 1437, Little Rock, Arkansas, 72203-1437.**

This Agreement shall remain in effect regardless of the State in which the adoptive parent(s) are residents at any given time.

This Agreement will expire on the child's 18th birthday unless termination occurs as a result of one or more of the conditions set forth in Section IV, Termination.

Effective date for Titles XIX and XX: **UPON FINALIZATION**

\_\_\_\_\_  
Director’s Signature  
Division of Children and Family Services

\_\_\_\_\_  
Date

\_\_\_\_\_  
Adoptive Parent 1’s Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Adoptive Parent 2’s Signature

\_\_\_\_\_  
Date

Signed copy of the Adoption Assistance Agreement given/sent to adoptive parent(s) on \_\_\_\_\_  
Date