 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Child Welfare
	Chapter No./Name	8 – Adoption (AD)
	Part No./Name	7 – Adoption Subsidy Program (State and IV-E)
	Section No./Name	Adoption Subsidy Program (State and IV-E)
	Document No./Name	8-710 Definitions
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I. STATEMENT OF POLICY

The following terms are relevant to the administration of the subsidy program and aid in understanding of program policies.

II. PROCEDURES

A. ADOPTION SUBSIDY PROGRAM

This is the means by which the Louisiana Department of Children and Family Services (DCFS) is able to continue financial involvement and other support in relation to the child's needs beyond the point of the legal finalization of an adoption.

B. IV-E ADOPTION ASSISTANCE


Under the provisions of Section 473(a) of the Social Security Act, Louisiana has been authorized to receive Title IV-E funds for eligible children entering the program effective October 1, 1982. This type of Title IV-E benefit is limited to those cases where:

1. The child was eligible for Aid to Families with Dependent Children (AFDC) or IV-E Foster Care Maintenance at the time of removal from the home, or was SSI eligible at the time the adoption petition was filed; and
2. The child meets the definition of a child with special needs; and
3. The Department has completed a valid adoption agreement with the adopting parents prior to the finalization of the adoption stating the amount of assistance and services to be provided, the duration of the agreement, an eligibility clause for continuation of Medicaid and Title XX until age 18 and a provision for protecting the interest of the child when the adoptive family moves to another state; and,
4. The adoptive parents continue to be legally responsible for the support of the child until age 18.

C. TITLE IV-E ELIGIBILITY CRITERIA

A child may be considered an “applicable child” based on any one of the three provisions under The Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L.) 110-351 and the Family First Prevention Services Act – P.L. 115-123. The provisions are as follow:

1. **Number of months in Care** – A child of any age on the date the adoption assistance agreement is entered into if the child has been in foster care under the responsibility of the State/Tribal agency for at least 60 consecutive months prior to the finalization of the adoption.

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- 2. Age** – A child for whom an adoption assistance agreement is entered into during any fiscal year if the child attained the applicable age before the end of the fiscal year. From January 1, 2018, until June 30, 2024, the “applicable child” quote requirements apply only to children who will be age two or older by the end of the fiscal year their adoption assistance agreement was entered into. However, a child may still be considered an “applicable child” if the child is a sibling of an “applicable child” and meets requirements as detailed at section 473(a)(2)(A)(ii) of the Act. Title IV-E adoption assistance agreements entered into prior to January 1, 2018 are not affected by these changes.

The chart below demonstrates, beginning January 1, 2018, how Title IV-E agencies must determine whether a child is an “applicable child” based on the child’s age by the end of the fiscal year their adoption assistance agreement was entered into:


In the case of fiscal year:	The applicable age is:
2010	16
2011	14
2012	12
2013	10
2014	8
2015	6
2016	4
2017-2023	2
2024	2 (or in the case of a child for whom an adoption assistance agreement is entered into under this section on or after July 1, 2024, any age).
2025 or thereafter	Any age

❖ -The child must attain this age by September 30 (FFY) of the given year.

- 3. Sibling-** A child who is a sibling of an “applicable” child by virtue of age or time in foster care; and is placed in the same adoption placement as his/her sibling and meets the adoption assistance eligibility requirements.

A child cannot qualify for adoption assistance under the expanded IV-E eligibility provisions if the child is not special needs; and the IV-E eligibility criteria cannot be retroactively applied to any adoption assistance (subsidy) cases prior to October 1, 2009.

An adoption assistance payment will not be made to parents with respect to any “special needs” child if the child:

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- is not a citizen or resident of the United States;
- was adopted outside of the United States; or
- was brought into the United States for the purposes of being adopted.

A child may be eligible for adoption assistance payments if the initial adoption of the child is a failure and the child is subsequently placed into foster care and re-adopted.

D. PROSPECTIVE ADOPTIVE SUBSIDY FAMILY

The family being considered as a prospective adoptive subsidy family must have the qualities necessary for meeting the child's needs except for the ability to assume complete financial responsibility for the child's care. An adoptive study must be completed on the home before initiation of the placement of a child with adoption subsidy funding. This policy would also apply to foster parents who are to become the adoptive parents of a child(ren) placed in their home.


E. DE-EMPHASIZE MONEY PAYMENT

The Child Welfare Adoption Specialist should de-emphasize the significance of the adoption subsidy maintenance payment when discussing adoption with the adoptive parents and assessing their commitment to the freed child.

F. SPECIAL NEEDS CHILD

A "Special Needs" child is one with a preexisting condition(s) such that it is reasonable to conclude that the child may be difficult to place in an adoptive home without the aid of subsidy. The definition considers the recruitment and placement barriers that the special needs condition present to permanency prior to further consideration for adoption assistance. Additionally, assessment of the special needs conditions relate to considerations of the following:

- The child cannot or should not be re-unified with his/her parent(s);
- The child has a specific factor or condition (see below) that would make adoption impossible without adoption assistance;
- Reasonable efforts have been made to place the child with adoptive parents without providing such assistance, unless "it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child."

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The special needs conditions may be any one or combination of the following:

1. All children, age 5 or older;
2. Ethnic background;
3. Severe chronic medical condition;
4. Physical, mental and/or emotional disability;
5. Membership in a sibling group of two or more which should not be separated;
6. Significant, chronic, genetically pre-disposed medical or mental health risk factors in child's birth family history.

The basis of the definition is to give special consideration to age, sex and race of children in adoptive families receiving subsidies through the Adoption Subsidy Program. Routine childhood illnesses, minor conditions, or accidents do not qualify a child as special needs unless there is a chronic condition as a result which requires regular treatment/medical intervention. A history of resolved childhood illnesses does not warrant determination as a special needs child (i.e. sinusitis, tonsillitis, throat/ear infections, conjunctivitis, gastritis, etc.).


Provision for exceptions to the definition for a "Special Needs" child can be made on a case-by-case basis. Exceptions shall be addressed in writing to the State Office Adoption Child Welfare Consultant.

G. EXTENDED ADOPTION SUBSIDY **

The Extended Adoption Subsidy program is available to any child that was adopted out of foster care *** after **** the age of 16 up to age 18 who is currently receiving an adoption subsidy, request to be in the Extended Adoption Subsidy Program and continue to meet all eligibility criteria for the adoption subsidy as well as the same criteria which must be met by participants in the state's Extended Foster Care Program. In order to continue to be eligible after age 18, the child must continue to be the financial responsibility of the adoptive parent. In addition, the adoptive parent must provide documentation every 90 days (quarterly) showing that the youth continues to meet all eligibility criteria.

H. SUBSIDY APPLICATION

The subsidy application is the formal request for assistance by the prospective adoptive subsidy family. The application shall specify the amount of maintenance payment required and/or any special services that should be covered. The formal subsidy application is made on form [SA-I](#) and must have a completed income and resources statement (Form [SA-III](#)).

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I. SUBSIDY PLACEMENT AGREEMENT

The Adoption Subsidy Agreement ([SA-II](#)) is a formalized written agreement, binding on all parties, between the State agency, other relevant agencies and the prospective adoptive parents of a minor child which, at a minimum:


1. Specifies the amount of the payments and any services which are to be provided;
2. Specifies the type of subsidy(ies) and the duration of the subsidy(ies);
3. Stipulates that the agreement is to remain in effect regardless of the state of residence of the adoptive parents; and
4. Specifies procedures and conditions for reauthorization and termination.

The SA II Agreement has two parts: Part 1. Provisional Approval, is completed prior to the placement of the child/signing of the [427-B](#), and Part 2. Final Determination of Approval, is completed at the time of the adoption petition filing. Final approval is given if the child's eligibility status remains unchanged. For the Title IV-E and non-IV-E Medicaid Adoption Subsidy eligible child, this document apprises the adoptive family of the child's continued entitlement to Medicaid until age 18.

J. APPROVAL

Initial approval of an Adoption Subsidy in a private agency adoption, an independent adoption, an American Indian Tribal Organization adoption, and post-adoption finalization is provided by the State Office Adoption Child Welfare Consultant. Initial approval of an Adoption Subsidy for an agency adoption is given by the Child Welfare Consultant upon recommendation of the Adoption Child Welfare Supervisor/Designee that:

1. The adoption process has been discussed with the prospective adoptive parent(s) including such areas as inheritance, birth families ties, adoption assistance procedures and responsibilities;
2. The child meets criteria as a special needs child per 8-710 F. definition above;
3. The child is legally available for adoption;
4. The home is appropriate for the child;
5. The adoption subsidy procedures have been followed; and,
6. The child is emotionally ready for adoptive placement.

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K. LEGAL STATUS

The adoption laws of the State of Louisiana shall be adhered to, and the granting of an adoption subsidy shall not affect the legal status of the child nor the rights and responsibilities of the adoptive parents. In completing the financial section of the Report to the Court, the petitioners shall be described as able to financially meet the needs of the child with the help of the Adoption Subsidy payments.

L. APPLICATION

The Adoption Subsidy must be applied for and approved prior to the granting of the final decree. Exceptions can be made only by the State Office Child Welfare Consultant under special circumstances. The special circumstances must be fully described and documented in a formal request to State Office. (Refer to [8-740](#) Special Adoption Subsidy Situations).

III. FORMS AND INSTRUCTIONS

[SA-I Form](#) / [Instructions](#) Adoption Subsidy Program Application

[SA-II Form](#) / [Instructions](#) Adoption Subsidy Agreement

[SA-III Form](#) / [Instructions](#) Subsidized Adoption Program - Statement of Income and Resources

[427-B Form](#) / [Instructions](#) Placement Agreement Between DCFS, CW, and Adoptive Parents

IV. REFERENCES

Section 473(a) of the Social Security Act

Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L.) 110-351