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## I. STATEMENT OF POLICY

It is the policy of the Department of Children and Family Services (DCFS) to address the various adoption subsidy situations that may occur with adoptive families. The subsidy situations may include, but not limited to, the following:

- public assistance;
- out of state moves;
- intra-state moves;
- post-finalization subsidy;
- adoption dissolution;
- adoptive child re-enters foster care;
- private non-profit agency adoption subsidy requests; and
- extended adoption subsidy.

## II. PROCEDURES

### A. PUBLIC ASSISTANCE

If the adoptive parents are receiving a public assistance grant, the amount of the adoption subsidy shall be deducted as income in computing the family's public assistance grant. The Adoption Specialist, prior to signing the adoption subsidy agreement, shall make the family aware that the adoption subsidy is considered income and may affect any public assistance the family receives.

### B. OUT-OF-STATE MOVES


#### 1. Adoption Subsidy

There are situations when an adoptive family moves out of state and the child/ren receive a IV-E or non IV-E adoption subsidy. Adoptive parents entitled to a Louisiana adoption subsidy who move out-of-state shall continue to be eligible for an adoption subsidy if need exists. Annual reviews for non IV-E eligible children and up to five year reviews for IV-E eligible children shall be completed in these instances as in any other. The Adoption \* Subsidy worker is responsible for issuing TIPS 300 Form to change the address and for notifying the State Office Adoption Child Welfare Manager of this change. The Adoption Subsidy \*\* worker will continue to be responsible for the re-determinations of adoption subsidy.

#### 2. Medicaid Coverage Interstate Compact on Adoption and Medical Assistance (ICAMA)

##### 2a. IV-E Adoption Subsidy

As a result of federal Public Law (P.L.) 99-272, IV-E adoptive families who move out of state are eligible to receive Title XIX Medicaid benefits from the state in which they reside for their

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child adopted from Louisiana.

Public Law (P.L.) 99-272, which became effective October 1, 1986, created the Interstate Compact on Adoption and Medical Assistance (ICAMA). The Compact allows member states to have agreed upon forms and procedures that simplify the medical application process across state boundaries. All fifty states and the District of Columbia are members of the Compact.


Procedures for implementing ICAMA when a Louisiana IV-E eligible adoption subsidy family moves to another state, are as follows:

- The Adoption \* Subsidy worker shall notify the Adoption Child Welfare Consultant in State Office and the IV-E Social Service Analyst of the family's move.
- Adoption (AD) staff shall submit the FAST III, CW SA I, II, III, IV, and copy of the final decree to State Office Adoption Child Welfare Consultant.
- The AD staff will ensure the FAST III form includes: Child's Adoptive Name; SSN#; DOB; Address (old and current); E-mail; Phone #; Adoptive Parent's Name; TIPS #; and Explanation for Request.
- The IV-E Social Service Analyst shall also notify the State Office Adoption Child Welfare Consultant of the child's move and provide the appropriate CW FAST forms for processing of the ICAMA application.
- The Adoption Child Welfare Consultant shall notify the Deputy Compact Administrator in the new state of the family's move and initiate application procedures for Medicaid in the receiving state.
- Adoptive families with IV-E subsidies shall not complete an application for Medicaid benefits in the new state of residence.

The Louisiana MEDS case will be closed by the IV-E Social Service Analyst.

(Procedures for implementing ICAMA), when an adoption assistance family moves to Louisiana from another state are as follows:

- The Deputy Compact Administrator of that state sends to the Louisiana Compact Administrator a copy of the family's most recent subsidy agreement and notification that the original state has terminated Medicaid benefits.
- This information is transmitted to the IV-E Social Service Analyst \*\* who will certify the child on the Louisiana Medicaid System.
- Copies of all transactions are stored in the Adoption Subsidy files in State Office.

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## 2b. Non-IV-E Eligible Adoption Subsidy

Louisiana will continue medical benefits listed in an initial subsidy agreement regardless of the state of residence for a Louisiana child, if a medical assistance program in the child's current state of residence does not cover the child.

The majority of states have established Medicaid reciprocity agreements to cover each other's non IV-E-eligible children who are placed across state lines or whose family moves away from the state where the adoption was finalized. Therefore, a child with an adoption subsidy agreement from Louisiana that moves to a state that provides Medicaid reciprocity will be eligible for Medicaid in that state even if the child is not IV-E eligible and does not qualify for any of that state's regular coverage groups.

The states which have not established Medicaid reciprocity are:

Hawaii      Illinois      Nevada      New Hampshire      New Mexico

Procedures for implementing ICAMA, when a Louisiana non-IV-E eligible adoptive family moves to a state that does not have Medicaid reciprocity, are as follows:


- The Adoption \* Subsidy Worker is to notify the Adoption Child Welfare Consultant in State Office and instruct the family to apply for Medicaid for the child in their state of residence.
- If the child is not approved, the Adoption Subsidy Worker shall advise the family to seek services from providers who are or will apply to become a Louisiana Medicaid provider.
- If no providers are available or willing to apply, the Adoption Subsidy Worker shall advise the IV-E Social Service Analyst \*\* not to close the child's Louisiana MEDS case in order for Louisiana to continue its coverage of the child's medical benefits.

Procedures for implementing ICAMA, when a Louisiana non-IV-E eligible adoptive family moves to a state with established Medicaid reciprocity, are as follows:

- Staff shall follow the outlined procedures for IV-E eligible families. Staff shall instruct families not to apply for Medicaid in their new state of residence.

## C. INTRA-STATE MOVES – CASE RESPONSIBILITY FOR TASKS

Should a family move to another parish in a new region, the worker handling the adoption subsidy case shall notify the office in the new region of residence in writing that the family has moved into their region. The adoption subsidy transfer case shall be transferred within five working days of this written notification.

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The new region will need to review services annually if the subsidy is non-IV-E, or at the most every five years if the subsidy is IV-E. An address change should be completed by the sending region prior to sending the case record to the new region. Changing the address of the adoptive family in TIPS is critical so that the adoption subsidy payments continue to reach the family without delay. If renewal is due within 60 days, the sending region shall complete the renewal before transferring the case. For Medicaid eligible children, notification of the address change shall be sent to the **\* IV-E Social Service Analyst via Café or \*\*** on CW Form [FAST III](#).

#### **D. INITIAL SUBSIDY APPLICATION POST-FINALIZATION**


There are situations where a family adopts a "special needs" child without a subsidy and later decides that they should have received a subsidy based on a known or unknown pre-existing condition. After it has been determined that the condition would have made the child difficult to place in an adoptive home without the aid of a subsidy, the child would be eligible for a subsidy after the adoption had been finalized. When a request for a post-adoption subsidy is received, the application and the required documents, as outlined in Section [8-755](#), should be prepared by the Adoption **\* Subsidy Worker** in Regional Office. This information is submitted to the State Office Adoption **Child Welfare Consultant** to review for accuracy and eligibility determination. A written decision will be submitted to Regional Office within 14 working days.

#### **E. GROUNDS FOR A FAIR HEARING AND RIGHT TO APPEAL PROCESS**

Approval or disapproval of the application or grounds for a fair hearing will be based on one or more of the following criteria:

- Relevant facts regarding the child were known by the State agency or child-placing agency and not presented to the adoptive parents prior to the finalization of the adoption;
- Denial of the subsidy based upon a means-test of the adoptive family;
- The adoptive family disagrees with determination by the State that a child is ineligible for an adoption subsidy;
- Failure by the State agency to advise potential adoptive parents about the availability of adoption subsidy assistance for children in the State foster care system;
- Decrease in the amount of adoption assistance without the concurrence of the adoptive parent(s); and,
- Denial of a request for a change in payment level due to a change in the adoptive parents' circumstances.

If DCFS and the parents are in agreement that the child may be eligible, the undisputed documentary evidence would be considered and used as a basis for approving the subsidy retroactive to the signature date of the CW Form [SA I](#). In these situations, the State Office Adoption **Child Welfare Consultant \*\*** shall request by memorandum that the Appeals Section

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concur with its determination and approve the adoption subsidy in favor of a client without a hearing. The memorandum to the Appeals Section shall contain a summary of the undisputed facts of the case, a listing of the family's request, and the recommendations of the Adoption \* Child Welfare Consultant.

If the child was Title IV-E or SSI eligible prior to finalization of his adoption, the child may be certified as a Title IV-E Adoption Subsidy child.

### 1. Fair Hearing and Right to Appeal Process

If the DCFS decision is to deny benefits and the family believes they have been treated unfairly and/or have not received proper and adequate services, they have the right to request a fair hearing. If the hearing officer rules in favor of the family, the Department of Children and Family Services may reverse the earlier decision to deny benefits and allow the child to be appropriately certified.

If the child was Title IV-E or SSI eligible prior to the finalization of his adoption, the child may be certified as a Title IV-E Adoption Subsidy child. The IV-E Social Service Analyst shall be notified in writing of the decision by the State Office Adoption Child Welfare Consultant. \*\*


## F. DISSOLUTION OF THE ADOPTION DUE TO ADOPTIVE PARENTS' DEATH OR TERMINATION OF ADOPTIVE PARENTS' PARENTAL RIGHTS

In some cases dissolution of the adoption may occur. This usually happens when the parental rights of the adoptive parents are terminated (most often through surrender), but can also occur as a result of death of the adoptive parents. Where an adoption subsidy agreement is in effect and the adoption dissolves prior to the adopted child reaching age eighteen, the child may continue to receive adoption subsidy payments under certain circumstances.

### 1. Federal Funded Assistance

Section 307 of the Adoption and Safe Families Act (ASFA) of 1997 allows children who were eligible for Title IV-E adoption assistance to retain eligibility in a subsequent adoption if the prior adoption dissolved and the child again became available due to death of the adoptive parents or dissolution of the adoption and termination of the adoptive parents' parental rights. This provision applies to children adopted on or after October 1, 1997.

When the child enters a new adoption placement after an adoption dissolves, the child regains Title IV-E eligibility. The prior adoption would be treated as though it never occurred for the purposes of meeting categorical eligibility for Title IV-E adoption assistance. The child's eligibility would be treated as though s/he was in the same

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financial or other circumstances the last time the child was determined eligible for adoption assistance.

Title IV-E foster care payments do not automatically resume when a previously adopted child returns to foster care. The child can continue to qualify for Title IV-E foster care payments only if s/he meets the eligibility criteria based on the financial or other circumstances existing in the adoptive home. The situation would be treated as a child initially entering foster care. However, when the child leaves foster care and enters a new adoption, the child's IV-E eligibility is reinstated. Hence, the child's non-IV-E foster care status is disregarded for the purposes of meeting categorical eligibility for Title IV-E adoption assistance.

To continue Title IV-E subsidy payments in the new adoption, the Adoption **\* Subsidy worker \*\*** shall complete a new CW Form [SA-I](#), [SA-III](#), and [SA-II](#) (Adoption Subsidy Agreement) for the new adoptive parent(s). These forms are completed for all adoption subsidy cases. The adoption subsidy payment is effective the day the agreement is signed.


Because ASFA provisions apply only to children adopted on or after October 1, 1997, every Title IV-E eligible child adopted before October 1, 1997 whose adoption has dissolved, shall continue to have a new eligibility determination conducted when s/he enters a new adoption. The child's eligibility is based on the financial or other circumstances existing in the adoptive home where dissolution occurred. The federally-funded adoption subsidy and Medicaid are continued (only) if the child meets Title IV-E eligibility.

## 2. State Funded Assistance

The federally-funded adoption assistance is discontinued for a child adopted prior to October 1, 1997 if the child is determined ineligible for Title IV-E assistance. The child's Medicaid certification as a Title IV-E adoption subsidy child shall be closed and re-opened as a non-IV-E adoption subsidy child. Title XIX may continue if a separate determination for medical assistance deems the child eligible for Medicaid; otherwise the child's adoption subsidy and medical benefits are changed to state-funded assistance.

If the adoption dissolved due to death and the deceased adoptive parents provided in a will for guardianship of the child, or if there was no will and a family member elects to become a guardian, the duly designated tutor or guardian may continue to receive subsidy payments on behalf of the eligible child. This is provided that the tutor or guardian is capable of securing a permanent home for the child in all respects other than financial and the child's needs are beyond the resources of the tutor or guardian. Furthermore, the adoptive child is required to reside in the same dwelling place as the legal tutor. This would not preclude temporary arrangements under reasonable



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circumstances, such as, attendance at camp or summer visits with other family members.

It is extremely important to note that if the child is Title IV-E eligible, Section 473 (a) (i) of the Social Security Act (the Act) prohibits the transfer of this benefit to the tutor or guardian. The Act makes no provision for payments to be made to the child or others, such as a tutor/ guardian. Enactment of AFSA did not change this provision. Therefore, in these situations, the payments made by the Adoption Subsidy Program are funded with all state dollars.

The **\* IV-E Social Service Analyst** shall be notified via **Café or \*\*** a CW Form [FAST III](#) of the death of the last surviving adoptive parent and shall close the IV-E Medicaid certification and make appropriate changes to the child's eligibility record (TPS 104 Screen) and re-open the child as a non-IV-E adoption subsidy child. The tutor/guardian shall be certified on TIPS as a tutor/ guardian adoption subsidy provider (provider type 09). This shall permit subsidy payments to be authorized.


## G. ADOPTED CHILD RE-ENTERS FOSTER CARE

When a child in a subsidized adoptive placement enters or re-enters the foster care system, or is placed in another facility (e.g. Office of Juvenile Justice) adoption subsidy payments may be continued if the adoptive parent is providing any sort of financial support to the child. **\* The adoptive family will provide evidence of financial support that they are providing to the child(ren).** **\*\*** Examples of financial support include and are not limited to payments for family therapy, tuition, clothing, maintenance of special equipment in the home, therapeutic activities for the child, services for the child's special needs, child support, or payments on a voluntary basis as indicated in the family case plan.

Only adoptive parents who retain their parental rights to the child are eligible for continued adoption subsidy payments. It is hoped that continuation of the subsidy payments in these types of cases will assist with reunification of the parent and child.

The CW [Referral Form 6](#) will be sent by CPS staff to regional staff in charge of subsidy payments to notify them of an adoption subsidy child's placement in care. Notification will be provided within three days of the child's placement so required subsidy payments changes can be made. To continue the subsidy payment it will be necessary to end the 100/120 service authorization and add major/minor 100/126 service authorization coding. This will allow for a continued subsidy payment and a foster care home board payment. It will also allow the foster care placement to be tracked while the child is in foster care custody. Adoption subsidy staff should notify the Foster Care worker once the change has been made in order for the foster care placement authorization to be inputted.

Continuation of the adoption monthly subsidy does not include special services subsidy payments which should be discontinued. In cases where the child's subsidy included a special

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board rate, the special board payment is to be discontinued effective the date of placement or the date child enters or re-enters foster care. All components of the subsidy would be reinstated upon the child's return home, as applicable.

In rare cases, such as maintenance of medical equipment or other services necessitated by the child, exceptions to continuing the special board may be made. Requests for exceptions shall be submitted to State Office, Attention: Adoption Program Unit, detailing the circumstances warranting the exception.

## H. PRIVATE NON-PROFIT AGENCY ADOPTION SUBSIDY REQUESTS

### 1. Application and Eligibility Determination

In order for a child from a private non-profit adoption agency to qualify for an adoption subsidy:


- the child must be otherwise eligible for Families In Need of Temporary Assistance Payments (FITAP);
- the child meets the definition of special needs;
- a petition to the court to remove the child from the home is filed within six months of the time the child lived with a specific relative; and
- there is a subsequent judicial determination to the effect that remaining in the home would be contrary to the child's welfare.

The court, however, must make a determination that it is contrary to the child's welfare to remain in the home and not merely sanction the voluntary relinquishment.

Application and eligibility determination for adoption subsidy assistance must be initiated prior to the adoption finalization. The applicant should apply at the Regional Office of Department of Children and Family Services and provide Adoption **\* Subsidy worker \*\*** staff the following information:

- a. Description of the child's special needs, i.e., letter from physician stating child's condition(s), with cost estimate, if possible.
- b. Explanation why the adoption of the child(ren) by prospective adoptive parents could not take place without the benefit of a subsidy.
- c. Completed Form CW Form [SA I](#) (to be provided to the applicant by the Regional staff).
- d. Completed Form CW Form [SA-III](#) (to be provided to the applicant by the Regional staff).



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- e. Copy of family's health insurance policy benefit statement relative to coverage of adoptive child.
- f. Letter from attorney verifying legal fee and court cost if assistance in payment of fees is requested.
- g. Verification of FITAP/SSI eligibility including copies of the voluntary relinquishment to the private, non-profit agency; the petition to the court to remove the child from the qualified relative within six months; subsequent judicial determination to the effect that remaining in the home would be contrary to the child's welfare; and, verification that the child is placed in a placement for which Title IV-E payments are being made.
- h. HA Face Sheet.
- i. Child's Face Sheet.
- j. Letter from private non-profit agency relative to the amount of fee assessed.

## 2. Submission of Information Packet


The above information packet should be submitted to the Adoption \* **Child Welfare Consultant** in State Office for review and final decision. Adoptive placements made by a private non-profit licensed adoption agency for the children who are under the jurisdiction of that agency are only eligible for adoption subsidy benefits provided for by Title IV-E of the Security Act. The children covered by this component of the program are only eligible for the following types of assistance:

- maintenance;
- non-recurring expenses; and
- Medicaid.

The Adoption **Subsidy worker** will be notified in writing of the decision.

## 3. If the application is approved:

- The Adoption **Subsidy worker** should complete the Adoption Assistance Agreement (DCFS CW Form [SA-II](#)), in triplicate with the family before the final decree is issued. The original should be maintained in the Regional Office files and copies sent to the adoptive parent(s) and State Office Adoption **Child Welfare Consultant**. \*\*
- The start date of the approved subsidy will begin on the first day of the month following the month the adoption petition was filed for children SSI/IV-E eligible prior to petition filing and for those not determined to be special needs (IV-E or SSI) until

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after the filing of the petition, the start date will be the date the child became IV-E or SSI eligible.

- Appropriate retroactive payment is to be made to the adoptive family using TIPS manual payment Form 211.

## I. EXTENDED ADOPTION SUBSIDY

1. The Extended Adoption Subsidy is available to children:

- Who meet the criteria required for participation in the Extended Foster Care Program

2. Extended Adoption Subsidy Quarterly Review Process

When the youth is 17 years of age, the subsidy worker will mail an initial letter to the youth that was adopted after 16 years of age, informing the youth and adoptive parent (s) about the Extended Adoption Subsidy and the eligibility criteria. All letters are to be sent via certified mail with a return receipt.

Three months before the youth's 18<sup>th</sup> birthday, a letter will be sent via certified mail with a return receipt as a reminder that the youth may qualify for the Extended Adoption Subsidy.


If a youth or adoptive parent reports that they meet eligibility criteria, the Extended Adoption Subsidy Quarterly Review Form will be completed.

The Extended Adoption Subsidy Quarterly Review Form must be completed every 90 days and the adoptive parent (s) must submit **documentation** supporting eligibility.

Documentation can be sent by email, fax or regular mail. If the youth is enrolled in a secondary or vocational education program documentation must be on the proper letterhead.

Payments can be paid for the past fiscal year. For example, if the youth turns 18 in the fall and graduates high school in May of the following year, a manual payment can be made to back pay the extended adoption subsidy for the previous year. However, if a child turns 18, graduates high school and decides to start working in December of the same year that they graduated, the extended adoption subsidy will begin for the month that they were employed for 80 hours.

Once the Extended Adoption Subsidy Quarterly Review Form is completed, a copy is to be filed in the youth's subsidy record along with copies of documentation and letters mailed to contact the youth.

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### III. FORMS AND INSTRUCTIONS

[FAST III Form / Instructions](#) Change Redetermination  
[FAST IV Form / Instructions](#) Notification of Financial Determination  
[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  
[SA IV Form / Instructions](#) Adoption Subsidy Evaluation  
[TIPS 300 Form / Instructions](#) Provider Information Inventory  
[1-A Form / Instructions](#) Face Sheet for Foster Home and Family Day Care  
[1-B Form / Instructions](#) Foster Care Record Face Sheet  
[Form 6 / Instructions](#) Referral Form  
[Extended Adoption Subsidy Quarterly Review Form](#)

### IV. REFERENCES

[Public Law \(P.L.\) 99-272](#)  
[Title XIX Medicaid Benefits](#)  
[Omnibus Reconciliation Act of 1985](#)  
[Adoption and Safe Families Act \(ASFA\) 1997, Section 307](#)  
[Social Security Act, Section 473 \(a\)\(i\)](#)  
 Extended Foster Care