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801 Title IVE Adoption Assistance Program (IVE-AAP): Scope and Purpose

The Title IVE Adoption Assistance Program (also referred to as IVE-AAP or AAP) provides financial assistance for the benefit of eligible special needs adoptive children. In effect in Indiana since October 1, 1982, this federal program provides monthly payments and/or Medicaid for eligible adoptive children. The goal of the program is to promote permanency for special needs children who may face less likelihood of being adopted because of their special needs.

AAP is an entitlement program for the categorically eligible child. Special needs are defined in terms of a child's age, membership in a sibling group, membership in a minority group, or a medical condition or physical, mental, or emotional handicap. The specifics of these factors are set forth in subsection 805.1. These special needs must be those which, it is reasonable to conclude, preclude the child's placement with adoptive parents without such assistance. The Adoption Assistance Program is available to the adoptive parent(s) of the child who meets the eligibility requirements of both special need and categorical need, and it provides one or both of the following:

- (1) Monthly Adoption Assistance Program (AAP) payments
- (2) Medicaid

Also under Title IVE, Nonrecurring Adoption Expenses (NRAE), expenses incurred for the adoption of the special needs child are reimbursable up to \$1500. Refer to subsection 818 for information on NRAE.

802 Title IVE-Adoption Assistance Program (IVE-AAP): Legal Base

Federal law pertaining to the Adoption Assistance Program (AAP) is contained in the Social Security Act, Title IV, Grants to States for Aid and Services to Needy Families with Children and for Child Welfare Services. Title XIX, Grants to States for Medical Assistance Programs, contains the law for Medicaid for the child who is eligible under Title IV. Title XX, Block Grants to States for Social Services, contains the law for social services for the child who is eligible under Title IV.

The federal Adoption Assistance and Child Welfare Act of 1980 (PL 96-272) amended Title IV-B of the Social Security Act to provide states with child welfare services funds and created Title IV-E to provide reimbursement to states for the foster care maintenance and adoption assistance (AAP) entitlement payments for children.

Refer to federal law regarding AAP found in the Social Security Act, Section 473 and US Code 42 USC 673. Refer also to other federal legislation affecting AAP, such as PL 96-272, as mentioned above; PL 99-272, the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA); and PL 105-89, the Adoption and Safe Families Act (ASFA) of 1997. Federal regulations are contained in the Code of Federal Regulations, 42 CFR 435.145, 42 CFR 435.227, 42 CFR 435.403, 42 CFR 435.604, 45 CFR 1355, 45 CFR 1356, and 45 CFR 1357. Federal interpretations of law and regulation are contained in various written documents distributed regularly, citations herein being the periodically updated U.S. Department of Health and Human Services, Administration for Children, and Families, Children's Bureau: Policy Interpretation Question (ACF-PIQ); Policy Announcement (ACF-PA); Program Regulation (ACF-PR); and Information Memorandum (ACF-IM).

State law was enacted in 1982, which brought Indiana into compliance with the Adoption Assistance and Child Welfare Act as cited above. Indiana's participation in the Interstate Compact on Adoption and Medical Assistance (ICAMA) was established by law and is implemented through enjoinder with other states. State statute established the Division of Family and Children (DFC) as the single state agency responsible for administering the Title IVE Adoption Assistance Program that was created by federal legislation.

Refer to Indiana Code, IC 12-13-5, IC 12-13-7, and IC 31-19-29; and to Indiana Administrative Code, 470 IAC 3-5.3, 470 IAC 3-9, 470 IAC 3-10, and 470 IAC 1-4.

803 Basic Procedures and Guidelines for Establishing a Title IVE-AAP Case

When the county office of family and children (COFC) or a licensed child placing agency (LCPA) identifies a child who appears to be eligible for IVE-AAP, the basic procedures outlined below are to be followed:

- (1) The adoptive parent(s) is to be given information about the Adoption Assistance Program (AAP) and the benefits of the program by the COFC or the LCPA involved with the child. Information is to be given during the course of the adoption assessment, family preparation assessment, and at the time a special needs child is being offered for adoptive placement by either the COFC or LCPA. Refer to subsection 804.
- (2) If a LCPA identifies the child, the LCPA makes a referral of the child to the COFC for an AAP application. This referral constitutes a request for service.
- (3) The adoptive parent(s) applies to the COFC for IVE-AAP benefits by submitting a completed application form. Contained on the application form is notice of the right of the adoptive parent(s) to appeal the decision of the COFC and information about how to appeal, including notice that the family case manager will assist the parent with the filing of an appeal, if requested. Refer to subsection 807 for application procedures and to Appendix A for a copy of State Form 2973 / FPP 3310, Application for Adoption Assistance.
- (4) In the event of an adoptive placement across state lines, all requirements of the Interstate Compact on the Placement of Children (ICPC) must be met in order for the child to legally qualify for consideration for Title IVE-AAP. Issues between states involved in interstate adoption and medical assistance situations are coordinated through the Interstate Compact for Adoption and Medical Assistance (ICAMA). The Indiana Division of Family and Children administers both compacts. Refer to Child Welfare Manual Section 5 regarding ICPC and to subsection 821 regarding ICAMA.
- (5) The COFC determines the child's eligibility for IVE-AAP and certifies that the child is eligible for adoption assistance benefits and Medicaid. This is often done by the COFC when the child becomes eligible for adoption in order to aid in the recruitment of an adoptive home or, at the latest, when the child is placed in the adoptive home. The Adoption Assistance Child Certification Form is used to certify that the child is eligible for AAP. Refer to subsection 808 for the certification procedures and to Appendix B for a copy of State Form 2976 / FPP 0020, Adoption Assistance: Child Certification.
- (6) The COFC must notify the adoptive parent(s) of the child's eligibility or ineligibility within 45 days of the date of the application. In the event of a denial, the COFC notifies the adoptive parent(s) in writing of the decision, again giving them information about the right to appeal, as described in item (3) above. Refer to Appendix E, State Form 5374 / FPP 0011, Notice Regarding Denial or Proposed Action to Discontinue Adoption Assistance.
- (7) When the COFC determines the child eligible for IVE-AAP, the county office enters into a legally binding, negotiated agreement with the adoptive parents, using the IVE-AAP Adoption Assistance Agreement form. Refer to subsection 809 for agreement procedures and to Appendix C for a copy of State Form 2974 / FPP 3311, Adoption Assistance Agreement.

The required Adoption Assistance Program (AAP) Agreement is completed in accordance with the following requirements:

- (a) The monthly AAP payment is negotiated with the adoptive parent(s) up to the maximum amount for which the child is eligible. Refer to subsection 810.1 regarding negotiation.
- (b) The AAP agreement is not effective until both the director of the COFC and the adoptive parent(s) sign the agreement form. It must be signed prior to or on the date of the issuance of the final adoption decree. However, both processes, reaching the agreement and obtaining the adoption finalization, may be in progress simultaneously.
- (c) Because the AAP agreement is a legal contract, the type(s) and amount of assistance and the effective date are to be entered on the form before either party signs it.

NOTE: In the event that the type(s) or amount of assistance or the effective date cannot be agreed upon by both parties following a determination of the child's eligibility for AAP, the agreement form may be completed, using the terms the COFC proposes, with a signed and dated notation regarding the matter(s) in dispute added to the agreement form by the adoptive parent(s). This will allow AAP to be started while not jeopardizing the right of the adoptive parent(s) to appeal the COFC decision(s). The adoptive parent(s) may then proceed to appeal the decision(s) of the COFC regarding the disputed part(s) of the agreement. Refer to subsection 815.3 regarding the administrative appeal process.

- (d) The effective date of adoption assistance must be within 30 days of the date of the application. However, no payments shall begin until an AAP agreement is negotiated and signed into effect, and the child has been placed in the adoptive home.
- (8) The IVE-AAP payment for the eligible child is made in accordance with the following stipulations:
- (a) The earliest date at which adoption assistance payments may begin for a special needs child is the date of the child's adoptive placement in the adoptive home. The start of payments, however, is also contingent upon an adoption assistance agreement having been negotiated with the adoptive parent(s), and signed by both the director of the county office of family and children (COFC) and the adoptive parent(s). It must be remembered that the initial payment must still be made effective within 30 days of the date of application. Refer to subsection 805.4 regarding AAP eligibility from the date of placement.
 - (b) IVE-AAP is an entitlement program for the eligible child. Therefore, once the child has been determined to be eligible, the COFC can deny or discontinue payments and benefits only with the consent of the adoptive parent(s), unless the AAP agreement is to be discontinued for one of the reasons listed in subsections 815.21.
 - (c) The IVE-AAP agreement may be renewed biennially and more often, if the situation warrants or the adoptive parent(s) requests a renegotiation of the agreement.
- (9) The eligible IVE-AAP child is enrolled in Medicaid and receives HealthWatch services (formerly ESPDT). Refer to subsection 813 regarding Medicaid and HealthWatch procedures.
- (10) IVE-AAP payments, Medicaid, and all the services available under Title XX-Social Services Block Grants (SSBG) are entitlements for the eligible IVE-AAP child regardless of state of residence. Refer to subsection 812 regarding services under SSBG.

- (11) The COFC is to complete the Indiana Child Welfare Information System (ICWIS) data entry for the child. Refer to the Title IVE Eligibility Training Manual for complete detailed information on the ICWIS entry procedure for AAP, and refer to the ICWIS Bulletin Board found on the network e-mail system under the heading “Public Folders” for updated information regarding ICWIS entry information.

804 Program Promotion: Informing Adoptive Parents of IVE-AAP

Federal regulation 45 CFR 1356.40(f) states the IV-E Adoption Assistance Program (AAP) is to be actively promoted by the Division of Family Children and all of its county offices, as well as by each licensed child placing agency (LCPA). The DFC, its COFC representatives, and any LCPA involved in the adoption of a special needs child are required to provide information about IVE-AAP and its benefits to all adoptive parents. The information is to be given during the course of the adoption assessment, the family preparation assessment, and/or at the time a special needs child is being offered for adoptive placement.

In addition to providing information about the program, the COFC family case manager shall explain to the adoptive parent(s) how to apply for IVE-AAP in order to obtain an eligibility determination. Because IVE-AAP is an entitlement program, the COFC shall, whenever requested, provide to any adopting parent(s) the opportunity to make an application for IVE-AAP for the child being adopted. It is important to inform the adoptive parent(s) that, while not every child will be deemed an eligible special needs child under the eligibility guidelines of the program, an application may be made for AAP for the child being adopted.

An extenuating circumstance that is frequently the basis for administrative appeal after an adoption is finalized is the situation of the adoptive parent(s) who was not informed about AAP or was not allowed to apply for AAP prior to the adoption. If the child is determined eligible following an administrative appeal, the Administrative Law Judge (ALJ) may order AAP for the child not only currently, but also retroactively for the period of the child’s eligibility. Refer to subsection 815.31.

805 Title IVE-AAP Eligibility Requirements for the Child

NOTE: Refer to subsection 806 regarding eligibility of the adoptive parent(s) to receive AAP for the eligible child.

In order to qualify for the IVE-Adoption Assistance Program (IVE-AAP), the child must:

- (1) be available for adoption;
- (2) meet the program requirements of both of two (2) general areas; i.e., special need and categorical eligibility; and
- (3) have received Interstate Compact for the Placement of Children (ICPC) approval if placed across state lines.

In order for a child to be eligible for AAP, the child must meet all the requirements for eligibility, as listed herein. There is no waiver of eligibility requirements for AAP for a child in some special circumstance such as the situation of the abandoned infant for whom eligibility may be very difficult to establish. Refer to subsection 805.5 regarding the abandoned infant.

Once the child is determined initially eligible in these areas, no subsequent redetermination of special needs or categorical eligibility is required. The child’s AAP eligibility is maintained until AAP is discontinued for reasons listed in subsection 815.21. Also, according to federal interpretation found in DHHS Policy Interpretation Question (PIQ)-85-05, once the child is determined eligible for AAP, there is no change in the child’s eligibility as a result of later change in the child’s situation. Examples of changes

that can occur after AAP eligibility is determined which will not affect the child's continuing eligibility include but are not limited to the following:

- (1) The move of an individual member of a sibling group out of the adoptive home after AAP is started when the child's only specific factor or condition was the sibling placement.
- (2) A cure of the child's health condition after AAP is started when the condition was the only specific factor or condition for the child.
- (3) The child's eligibility for income, such as SSI, subsequent to the start of AAP. Refer to the note below.

NOTE: Changes such as those listed above that occur after AAP is granted, however, may be a factor in the amount of the AAP payments when the agreement is renegotiated with the adoptive parent(s). That is because negotiation and renegotiation of the AAP agreement includes consideration of the circumstances of the adoptive parent(s) in relation to the needs of the child. Refer to subsection 810.1 regarding negotiation of the AAP agreement.

In order to qualify for AAP, the child must meet both of the two general AAP eligibility requirements, special needs and categorical eligibility, as discussed immediately below.

805.1 Special Needs Eligibility Requirements for Title IVE-AAP

A child meets the special needs eligibility requirements for AAP when all three (3) of the following conditions are met:

- (1) There must be a judicial determination contained in a court order that it is not in the best interest of the child to be returned to the parent(s), or that such return is contrary to the welfare of the child. Refer to subsection 805.11.
- (2) The case record must contain documentation that reasonable efforts were made to place the child for adoption without the use of IVE-AAP and Medicaid benefits. If the reasonable efforts are to be waived, the case record must contain documentation that such efforts were not required and the reason(s) they were not required. Refer to subsection 805.12.
- (3) The child must have a specific factor or condition because of which it is reasonable to conclude that the child cannot be placed in an adoptive home without the use of IVE-AAP payments and/or Medicaid. The specific factor or condition is one related to age, membership in a sibling or commonly recognized minority group, or a medical condition or physical, mental, or emotional handicap. Refer to subsection 805.13 and to federal regulation, 45 CFR 1356.

805.11 Judicial Determination of the Child's Best Interest

The first special needs requirement for AAP eligibility is that there must be a judicial determination contained in a court order stating that it is in the child's best interest not to be returned to the parent(s). This determination of the best interest of the child must be made by the time of the adoption finalization. Documentation consists of a copy of the court order containing this determination, which is to be kept in the case record, as well as entry of the determination in the Indiana Child Welfare Information System (ICWIS).

NOTE: According to federal interpretation contained in DHHS PIQ-85-03, when the parent(s) voluntarily relinquishes the child, the relinquishment can be considered the removal of the child, provided there is a court order containing the determination that it is in the best interest of the child not to be returned to the parent(s). This court-ordered

determination must be obtained from a court of competent jurisdiction within six (6) months of the child's placement in order to satisfy the "best interest" requirement for AAP eligibility.

805.12 Documented Reasonable Efforts to Place Child without AAP

The second special needs eligibility requirement for AAP is that documentation must be contained in the case record that reasonable, but unsuccessful, efforts were made to place the child in an appropriate adoptive home without providing IVE-AAP. Reasonable efforts for AAP purposes are defined as those efforts in which all available resources are utilized to locate a family who will adopt the special needs child without financial and/or Medicaid assistance. The reasonable efforts must be documented by the date of the adoptive placement of the child. AAP reasonable efforts are not a matter of a court finding. Documentation of the specific efforts made must be kept in the case record and also entered on the Indiana Child Welfare Information System (ICWIS). Refer to Manual Section 7, subsections 706 through 709 in which various available and recommended resources used to recruit adoptive placements are discussed in detail.

Exceptions to the Reasonable Efforts Requirement: An exception can be made to the reasonable efforts requirement for IVE-AAP when such efforts are in conflict with what is in the child's best interest. An example of a situation that would warrant such an exception is the existence of significant emotional ties between a child and the prospective adoptive parents that developed while the child was in their care on a foster care basis. When such a situation exists and the reasonable efforts requirement is waived for the child, the situation must be documented in the case record and in the Indiana Child Welfare Information System (ICWIS).

In the assessment of what is in the child's best interest in these situations, the following factors are considered indications of the child's emotional attachment to the foster or pre-adoptive parent(s):

- (1) The foster or pre-adoptive parent(s) is a relative of the child, and the emotional bond is observable.
- (2) The foster home placement that has continued for at least six (6) months becomes the adoptive placement, and the emotional attachment between the child and foster or pre-adoptive parent(s) is observable.
- (3) The child, to the extent possible, expresses or demonstrates the desire and willingness to be adopted by the foster or pre-adoptive parent(s), and this desire and willingness is reciprocated by said parent(s). In addition to verbal expressions, and particularly in the case of the pre-verbal child, such desire and willingness may be assessed in a variety of ways, including the following:
 - (a) The child identifies as a member of the family, and the family considers the child to be a family member.
 - (b) The child is perceived to be a member of the family and is treated as such by the community; e.g., school, friends, neighbors, or extended family members.
 - (c) The child has developed reliance upon and trust in the family while in their care.

- (d) The child makes no significant attempt to attach to any other family, including the birth family.

805.13 Specific Special Needs Factors and Conditions Defined

For a child to be considered a child with special needs, the state must determine that a specific factor or condition exists with regard to the child that makes it reasonable to conclude that the child cannot be placed with an adoptive parent(s) without providing AAP and/or Medicaid assistance. The specific factor or condition is the third of the three (3) special needs requirements, in addition to the requirements regarding best interest and reasonable efforts, as described in subsections 805.11 and 805.12. According to federal interpretation found in DHHS PIQ-89-02, documentation in the case record is to include verification of the specific factor or condition and the determination specific to the child that the factor or condition precludes adoptive placement without providing assistance.

The specific factors and conditions for AAP, of which the child must have at least one at the time of the adoptive placement, are as follows:

- (1) A child is two (2) years of age or older and is a member of a commonly recognized minority group. Refer to the list of commonly recognized minority groups in subsection 805.131.
- (2) A child is a member of a commonly recognized minority group and:
 - (a) is a member of a sibling group of two (2) or more children, at least one (1) of whom is two (2) years of age or older; and
 - (b) must be placed adoptively with the sibling group in the same home.

Refer to subsection 805.132 regarding sibling groups and subsection 805.131 for the list of commonly recognized minority groups.

- ~~(3) A child is a non-minority child who is six (6) years of age or older.~~
- ~~(4) A child is a non-minority child and~~
 - ~~(a) is a member of a sibling group of two (2) or more children, at least one (1) of whom is six (6) years of age or older; and~~
 - ~~(b) must be placed adoptively with the sibling group in the same home~~

~~Refer to subsection 805.132 regarding sibling groups.~~

- (3) A child has a medical condition or a physical, mental, or emotional handicap or has a recognized high risk of such a condition or handicap, as determined and documented by a physician licensed to practice medicine in Indiana or another state or territory. In each case, the physician must identify the specific condition or handicap. In cases involving high risk for a condition or handicap, the physician must state that this high risk determination is a medical opinion and upon what the determination of high risk is based; i.e., hereditary factors, prenatal factors, a specific act of neglect or abuse, etc. Refer to subsection 805.133 regarding medical condition or handicap.

805.131 Defining Commonly Recognized Minority Groups

Appendix A to Part 1355 of the Code of Federal Regulations (CFR) lists racial and ethnic groups to be used for purposes of the federal Adoption and Foster Care Analysis and Reporting System (AFCARS). It states that a person's race or ethnicity is determined by how they define themselves or others define them; and that in the case of young children, parents determine the race of the child. A "commonly recognized minority group" for Title IVE-AAP, is taken from that CFR list, excluding the listed White race, and includes the following groups:

- (1) American Indian or Alaskan Native
- (2) Asian
- (3) Black or African American
- (4) Native Hawaiian or Other Pacific Islander
- (5) Hispanic or Latino Ethnicity

805.132 Qualification and Placement Issues Regarding a Sibling Group and AAP Eligibility

For any child in a sibling group being placed together to be eligible for AAP, the sibling in the group who satisfies the age requirement must also be determined categorically eligible. If that child is not also categorically eligible, then he or she cannot be the "qualifier" for the other sibling(s) because the child is not AAP-eligible in his or her own right. Each sibling in the group must also individually meet the categorical eligibility requirement in order to be eligible for AAP.

A child need not be placed in the same home at the same time with the other siblings in order to be eligible for AAP on the basis of sibling group membership. For instance, two AAP-eligible siblings may be placed together, and then a third sibling may be adoptively placed in the same home with them a year later. This third sibling also meets the specific condition or factor requirement for the special needs definition on the basis of sibling group membership. If this third sibling also meets the categorical eligibility requirement, then that child is AAP-eligible also.

805.133 Effect of Changing Medical Condition or Handicap on AAP and Medicaid

When the child's only qualifying specific factor or condition is a medical condition or physical, mental, or emotional handicap, the correction or alleviation of the condition after eligibility is determined does not render the child ineligible for continued IVE-AAP and Medicaid benefits. However the improvement or abatement of the condition, as well as a worsening of the condition, may affect the foster family home rate which is negotiated for the child if the COFC provides special needs foster family home rates.

Refer to federal regulation 45 CFR 1356.40 for additional information regarding special needs requirements and to Indiana regulation 470 IAC 3-10-2 regarding specific factors and conditions.

805.2 Categorical Eligibility Requirements for Title IVE-AAP

To be eligible for the IVE-Adoption Assistance Program (AAP), the child must qualify, not only by meeting the special needs eligibility requirements as discussed in subsection 805.1, but also by meeting the categorical eligibility requirement. In the case of an adoptive sibling group, each child in the sibling group must also meet the categorical need requirement in order to be eligible for AAP. Refer to the information regarding sibling groups under subsection 805.132.

The eligibility categories are listed here in order of relative ease of verification, least difficult to most difficult to verify. To determine a child's categorical eligibility for AAP, it is important to examine each of the following categories by applying each category to the situation of the child:

805.21 Child Eligible for Supplemental Security Income (SSI)

Under federal law and interpretation found in DHHS PIQ-85-05, a special needs adoptive child who qualifies for Supplemental Security Income (SSI) or meets SSI eligibility requirements prior to the adoption finalization meets the categorical requirement for IVE-AAP eligibility. While the child's SSI eligibility satisfies the categorical eligibility, the child must still meet the special needs eligibility requirement for IVE-AAP, as described in subsection 805.1.

The COFC may obtain a SSI eligibility determination for the special needs child while the child is in foster care. Such a determination satisfies AAP categorical eligibility if the child is subsequently adopted.

Regarding the adoption of a sibling group, each child must also meet the categorical eligibility requirements. This means, for example, that the fact that one sibling's categorical eligibility is based on that child's SSI eligibility does not make the child's siblings categorically eligible for AAP, despite the shared special need. Refer to US Code 673(a)(2)(A)(ii) and 673(2)(B)(iii).

805.211 Definition of Supplemental Security Income (SSI)

The Supplemental Security Income (SSI) program is a nationwide federal assistance program which guarantees a minimum level of income for needy aged, blind, or disabled adults and children. Application is made through the Social Security Administration (SSA), which administers the program, determines eligibility for it, and makes the payments to eligible individuals.

SSI is not the same as RSDI (Retirement, Survivors, and Disability Insurance) Program, which is also administered by the Social Security Administration. RSDI is the payroll tax-financed insurance program for workers and their family members. SSI, on the other hand, is a needs-based supplemental income entitlement program that is not dependent on an individual's financial contribution to the program. Refer to subsection 805.2343 regarding the consideration of SSI and RSDI benefits for AAP.

805.212 Applying for Supplemental Security Income (SSI) Relative to Adoption Procedures

There is no requirement that the child must apply for SSI or have a SSI eligibility determination made in order to qualify for AAP. However, once the adoption is finalized, the adoptive parent(s) might want to consider application for SSI for the child if there has been no previous SSI determination for the child, or reapplication if there has been a prior denied application, in order to have the child's current eligibility determined.

If the child receives SSI benefits prior to the adoption, then the adoptive parent(s) is required to notify the Social Security Administration of the change in the child's circumstances once the adoption is final. After the adoption, the income of the adoptive parent(s) is included in the SSI budget for the child; and this may result in the child's SSI being reduced in amount or terminated altogether.

805.213 Documentation of Supplemental Security Income (SSI) Eligibility

A copy of the eligibility notification from the Social Security Administration documents SSI eligibility. The initial finding of the child's SSI eligibility prior to adoption finalization meets the IVE-AAP categorical requirement, and no further categorical eligibility determination need be made for AAP.

805.22 Child Eligible for Title IVE-AAP in a Prior Adoption

Once a child has been determined eligible for the Adoption Assistance Program (AAP), the child retains this AAP eligibility. The Adoptions and Safe Families Act of 1997 amended Section 473(a)(2) of the Social Security Act to allow for the continuation of AAP eligibility of the child. The child retains AAP eligibility if the child is available for adoption on or after October 1, 1997, and the child's prior adoption ended for one (1) of the following reasons:

- (1) The prior adoption was dissolved, and the parental rights of the adoptive parent(s) were terminated.
- (2) The prior adoption ended due to the death of the adoptive parent(s), leaving the child with no adoptive parent.

Because the AAP agreement with the adoptive parent(s) terminates in the event of an adoption termination or the death of the parent(s), no further AAP benefits can be obtained on behalf of the child following the termination. However, such a child's eligibility for AAP "follows the child", which means the child maintains AAP eligibility. In the event of a subsequent adoptive placement in the two situations listed above, the child is already determined AAP-eligible. In essence, once a child has been determined eligible for the Adoption Assistance Program, this eligibility continues without any new eligibility determination being required following the two situations enumerated above.

In the event of a subsequent adoptive placement, the new adoptive parent(s) of the child eligible from a prior adoption may receive AAP benefits for the child provided the AAP agreement has been negotiated with the new adoptive parent(s) and signed by each adoptive parent and the COFC director. Refer to the Adoption and Safe Families Act of 1997, Public Law 105-89.

NOTE: If the adoption is terminated and the child is again placed under the custody and supervision of the COFC, the child's IVE-FC eligibility must then be determined again on the basis of the removal from the adoptive parent(s). IVE-FC eligibility is not continued for the child from any previous IVE-FC eligibility status, as is IVE-AAP eligibility.

805.23 Child Eligible for Assistance to Families with Dependent Children (AFDC)

Eligibility for the Assistance to Families and Children (AFDC) program, as it was in effect on July 16, 1996, satisfies the categorical eligibility requirement for IVE-APP under federal law. The county office of family and children (COFC) must establish that the child was in fact eligible for AFDC using the July 16, 1996, requirements, or would have been eligible had application been made and had the program still been in existence. Categorical eligibility for AAP on the basis of the child's AFDC eligibility is satisfied in one of the following ways:

805.231 Child Eligible for Title IV-E Foster Care (IVE-FC)

If the child is a Title IVE-Foster Care (FC) recipient at the time the adoption petition is filed, then the AFDC eligibility requirement for AAP eligibility is satisfied. This is because IVE-FC eligibility is based upon the same AFDC eligibility requirements as those for IVE-AAP, as discussed in subsection 805.234. Refer to Manual Section 9 for information regarding Title IV-E Foster Care, which is a program involving federal reimbursements for the cost of foster care for the child who meets the Title IV-E eligibility requirements.

It is important to remember, however, that a child cannot be excluded from AAP eligibility simply because the child is/was not eligible for IVE-FC. Not all children eligible for IVE-AAP will have been eligible for IVE-Foster Care (FC) prior to adoption. For example, a child may not be eligible for IVE-FC because the court order determining the reasonable efforts to prevent placement was not obtained within the time limit for IVE-FC eligibility. However this same reasonable efforts requirement is not a requirement for AAP eligibility, thus the child may be eligible for AAP. The COFC must look at the child's total situation to make an AAP eligibility determination.

NOTE: The Indiana Child Welfare Information System (ICWIS) automatically performs the required calculations and makes the required AFDC eligibility determination for IVE-FC, provided the COFC enters the eligibility data for the child in ICWIS. Refer to the Title IVE Eligibility Training Manual and to information on the ICWIS Bulletin Board found under Public Folders on the DFC e-mail system for updated information regarding ICWIS entry information.

805.232 Child of a Minor Parent and Title IVE-Foster Care (FC) Eligibility

The child of an eligible Title IVE-Foster Care minor parent meets the categorical eligibility requirements for AAP if the following two (2) conditions are met at the time of the adoptive placement:

- (1) The child is or was residing in the same foster care home or child-care institution with the minor parent.

- (2) The child's foster care costs are or were covered by the IVE-Foster Care payments being made with respect to the minor parent.

If both of these conditions are met, then the child is considered eligible for IVE-FC and categorically eligible for IVE-AAP. Refer to the Social Security Act, 473(a)(2)(A)(iii) and 473(a)(2)(B)(iii).

805.233 Child Being Adopted by a Relative after Child Lived with the Relative and Was AFDC-Eligible while Living with the Relative

According to federal law, the child who is being adopted by a specified relative, other than a biological parent, is categorically eligible for IVE-AAP provided the following two (2) conditions are met:

- (1) The child was living with the specified relative, with the presumption that this relative's home was the child's home also, for some or all of the six months prior to the month of the filing of the adoption petition.
- (2) The child was eligible for AFDC, as it was in effect July 16, 1996, while residing with that relative.

In order for this type of relative adoption to qualify for AAP, the child must meet the AFDC eligibility requirements at the time of the filing of the adoption petition. If no AFDC eligibility determination has yet been made for such a child, the COFC must determine the child's eligibility for AFDC, as it was in effect July 16, 1996, for the month during which the adoption petition was filed.

In the instance of the relative adoption, the determination of the child's AFDC eligibility is to be done only for the month of the filing of the adoption petition because there is no judicial removal of the child required. NOTE: This is in contrast to the AFDC eligibility, referred to in subsection 805.234, which requires AFDC eligibility of the child that must be determined twice; i. e., for the time of removal and for the time of the filing of the adoption petition.

For this subsection (805.233) regarding a relative adoption, eligibility is determined only for the time of the filing of the adoption petition. The following items offer specific guidance for this eligibility determination.

- (1) Age: The child must be less than 18 years of age as of the date of the filing of the adoption petition.

NOTE: Once a child has been determined AAP-eligible, AAP may continue to the age of 21 provided the county office of family and children (COFC) verifies and documents that the child has a medical condition or a physical, mental, or emotional handicap which warrants such continuation.

- (2) Citizenship: Refer to subsection 805.2341(2).
- (3) Living with a specified relative: There must be documentation of the relationship of the relative to the child and that the child lives with the relative at the time of the filing of the adoption petition.

NOTE: A specified relative, as used in this subsection (805.233), may be any relative specified by the AFDC program in effect on July 16, 1996, other than a biological parent. Refer to ICES Program Manual Section 2420.05.00 or CFS Manual Section 9 for the definition of the specified relative as used for Title IVE. TANF currently uses the same definition as did AFDC, as it was in effect July 16, 1996. Refer also to subsection 806.4 regarding exclusion of the biological parent for AAP.

- (4) Deprivation of Parental Support or Care: There is no documentation required beyond establishing that the child does indeed live with a specified relative at the time of the filing of the adoption petition. In this instance, deprivation for AFDC is established by the fact that the child lives with this specified relative, provided the child's parents do not also reside in this home.
- (5) Financial need: Refer to subsection 805.2342 (3), considering only the income and resources of the child in his or her own right.

Refer to the Social Security Act, 473(a)(2)(A)(i) and 473(a)(2)(B)(ii)(I). This provision for Title IVE-Adoption Assistance, subsection 805.233, is to become effective on the date of the release of this revision of Section 8 of the Child Welfare Manual.

805.234 Child Determined Eligible for AFDC at Two Specified Times

If the child is not categorically eligible by virtue of subsections 805.21, 805.22, or 805.231 through 805.233, then it must be determined that the child was eligible for AFDC at both of two (2) specific points in time, in order for the child to be categorically eligible for IVE-AAP. The two specific times are the time of the filing of the adoption petition and the time of the court-ordered removal of the child from the home of the parent(s) based on a determination of the child's best interest.

NOTE: This is in contrast to the specific type of relative adoption referred to in subsection 805.233, which is a separate category of eligibility that requires AFDC eligibility of the child to be determined only once; i.e., at the time of the filing of the adoption petition. There is no requirement that the child had to actually receive assistance. Considering the situation as if such application could have been made; i.e., as if the 1996 AFDC program still existed, it is sufficient that the child would have been eligible if application had been made.

For adoptions finalized prior to July 16, 1996, the AFDC standards and policies in place at the time of the removal and petition are to be applied. For adoptions finalized on or after July 16, 1996, the AFDC policies in place on that date must be applied. Although the July 16, 1996, AFDC program is very similar to the current Temporary Assistance for Needy Families (TANF) program, there are differences between the two programs.

Due to these differences and the likelihood of future changes in TANF that will create greater differences, this type of IVE categorical eligibility determination must be made in reference to the 1996 AFDC program. Refer to the Social Security Act §473, 42 USC 673 (a)(2) for the federal statute. Refer to Manual Section 9 and Appendix G to that section, both of which contain additional information regarding AFDC eligibility requirements for Title IVE eligibility. Additional questions regarding 1996 AFDC standards and earlier AFDC standards may be addressed to CEU consultants at DFC Central Office.

Determination of AFDC eligibility for AAP relies on the comparison of income to the AFDC needs standard, as opposed to the payment standard that was used to determine the AFDC payment amount, according to federal interpretation found in DHHS Policy Interpretation Question, PIQ-96-01. DHHS PIQ-82-18 states that the child need not be continuously eligible for AFDC between the two separate points in time. It is required only that the child be eligible at each of these times, the time of removal and the time of the filing of the adoption petition, in order to meet the categorical eligibility requirement for AAP.

In some situations, such as that of the abandoned infant, an AFDC eligibility determination is very difficult to make because of the lack of information. Refer to subsection 805.5 regarding the abandoned infant. To date, the waiver of requirements for eligibility determination in these situations has not been permitted. The factors of eligibility must be verified; and if a required verification is not possible, then the child is not eligible for IVE-AAP.

The Indiana Child Welfare Information System (ICWIS) does not make the AFDC eligibility determination for IVE-AAP based upon data entered into the system, as it does for IVE-Foster Care (IVE-FC). Therefore, if no AFDC eligibility has been determined for the child before, then the COFC must make this determination in order for the child to meet AAP eligibility. The AAP information must also be entered in ICWIS for the child.

The two general points in time for which this type of AFDC categorical eligibility for AAP must be determined, along with a summary of the requirements that must be met for each point in time, are as follows:

805.2341 Child Eligible for AFDC at the Time of the Court-Ordered Removal of the Child from the Parent(s)

“At the time of the court-ordered removal of the child from the parent(s)” means in the month of the initiation of the court proceedings which determined it to be in the best interest of the child to be removed from the home of the parent(s) or specified relative. In order for AAP categorical eligibility to be met in this way, either this removal must have been from the parent(s) or specified relative or the child must have resided with such parent(s) or relative within the six (6) months period prior to the month of the initiation of these court proceedings. (This does not include the type of relative adoption referred to in subsection 805.233, for which AFDC eligibility must be established for the

child only at the time of the filing of the adoption petition and for which there is no requirement for judicial removal of the child.)

The COFC must verify that in the month of the child's removal from the parent(s) or specified relative, the child met the following AFDC requirements (as of July 16, 1996) in order to be eligible for Title IVE-AAP:

- (1) Age: The child must be less than 18 years of age at the time of the removal.

NOTE: AAP may continue to the age of 21, once the child has been determined AAP-eligible, provided the county office of family and children (COFC) verifies and documents that the child has a medical condition or physical, mental, or emotional handicap which warrants such continuation.

- (2) United States citizenship: The child must be a US citizen at the time of removal. If the birth parent(s) of an otherwise eligible special needs child has been granted temporary USA resident status, then the child may be eligible for IVE-AAP benefits. Although federal law disqualifies such parent(s) from being eligible for public assistance, including AFDC, for five (5) years after receiving such status, the same law grants an exclusion to recipients of some federal programs, including Title IVE Adoption Assistance and Foster Care programs. Refer to the federal interpretation found in DHHS Policy Interpretation Question, PIQ-99-01 and to the Immigration and Naturalization Act, US Code: Title 8, Section 1255a.
- (3) Living with a specified relative at the time of removal: Using the term specified relative as defined in AFDC, if the child was removed from the home of someone other than a specified relative and no AFDC or IVE-FC eligibility determination has been made, then the child may still be eligible for AAP. For such a child to be eligible, it must be determined that the child had been living with a specified relative, however briefly, during the six (6) month time period prior to the month of removal. Refer to Indiana Client Eligibility System (ICES) Program Manual, Section 2420.05.00 for the definition of the specified relative for TANF, which is the same as it was for 1996 AFDC.
- (4) Deprivation of parental support or care exists at the time of the removal: Reasons for deprivation include unemployment, under-employment, and incapacity, as well as absence of one or both of the parents from the child's home in the month of removal.

According to federal interpretation found in DHHS Policy Interpretation Question, PIQ-82-18, neither the state agency's removal of the child from the home nor a termination of parental rights (TPR) will satisfy the parental deprivation

requirement for AFDC eligibility at the time of removal. (This is in contrast to the AFDC eligibility determination for the time of the filing of the adoption petition, as described in subsection 805.2342.)

If there is continued absence of the parent(s) and it cannot be documented that the child lived with any relative within the last six (6) months, then the parental deprivation requirement is not met for AFDC eligibility for the time of removal, according to DHHS Policy Interpretation Question, PIQ-85-07. (This is also in contrast with the requirement for the time of the filing of the adoption petition, as described in subsection 805.2342.)

If the child's removal was from someone other than a parent or other specified relative, then it must be determined that the child resided with a parent or other specified relative within the six months period prior to the month of removal. This means that, no matter how briefly, the child lived with a parent or other specified relative at some point during this time period with the intention of the home being a permanent living arrangement. If so, then the AFDC eligibility determination is made as though the child had been in the home of that parent or other specified relative at the time of removal. This may require mentally applying the July 16, 1996, AFDC standards (or the standards in place at the time of the removal if the removal was prior to the 1996 date) as if the child had been in the home of that parent or specified relative at the time of removal.

- (5) Financial need: Financial need is determined by considering all of the income and resources of the family assistance group in the child's home in the month of removal. The income of the child's assistance group is compared to the AFDC needs standard in effect July 16, 1996, to determine the financial eligibility of the assistance group and, thus, the eligibility of the child: If the needs standard exceeds the income after applicable income disregards, then the assistance group is determined financially eligible for the time of removal and the child meets the requirement for financial need for AFDC.

If the child was removed from a specified relative other than a parent, that specified relative's needs, income, and resources are excluded from the AFDC eligibility determination. All household assistance group (AG) members who receive Supplemental Security Income (SSI) have their needs, resources, and all income (SSI and any other income) excluded from the AFDC eligibility determination of the AG.

As of December 14, 1999, the resources limitation is \$10,000 for the child and/or the assistance group in the AFDC eligibility determination for Title IVE programs, rather than \$1,000 which is the resource limitation for the July 16, 1996

AFDC program. Refer to the Foster Care Independence Act of 1999, Public Law 106-169 for information on the increased resource allowance for IVE, and to subsection 805.2343 for additional information about SSI.

805.2342 Child Eligible for AFDC at the Time of the Filing of the Adoption Petition

The second point in time for the AFDC eligibility determination to establish this AAP categorical eligibility is the month in which the adoption petition is filed with the court. (This does not include the type of relative adoption referred to in subsection 805.233, for which this is the only time AFDC eligibility must be established for the child. Another difference noted in subsection 805.233 is that there is no requirement for judicial removal of the child.)

For this point in time, the COFC must verify that the child meets the following eligibility requirements for AFDC, as in effect July 16, 1996:

- (1) Age: The child must be less than 18 years of age as of the date of the filing of the adoption petition.
- (2) Deprivation of parental support or care of the parent(s): This condition must exist at the time of the filing of the adoption petition. For purposes of AAP, the AFDC requirement regarding parental deprivation is made on the basis of the situation with regard to the parent(s) at the time of the filing of the adoption petition. A mental “as if” situation is required: As if the child were back in the home of the specified relative from whom the child was removed, but at the time of the filing of the adoption petition. The fact that the child was removed from the home of the parent(s) or specified relative does not satisfy the requirement for deprivation for the purpose of (AFDC) categorical eligibility for IVE-AAP for the time of the filing of the adoption petition.

Deprivation may be for the reasons of divorce, death, desertion, incarceration, incapacity, underemployment, or unemployment of the parent(s). In addition, deprivation is satisfied by the existence of a termination of parental rights (TPR) prior to the filing of the adoption petition for this point in time (which is in contrast with the AFDC eligibility determination for the time of removal, as described in subsection 805.2341). The continued absence of the parent(s) in the situation in which the parent(s) cannot be located does satisfy the deprivation requirement for AFDC eligibility at the time of the filing of the adoption petition, according to federal interpretation found in DHHS Policy Interpretation Question, PIQ-85-07. (This is also in contrast with the requirement for the time of removal, as described in subsection 805.2341.)

- (3) Financial need: Financial need exists at the time of the filing of the adoption petition. At this time, only the child's income and resources are considered.

As of December 14, 1999, the resources limitation is \$10,000 for the child and/or the assistance group in the AFDC eligibility determination for Title IVE programs, rather than \$1,000 which is the resource limitation for the former AFDC program. [Refer to the Foster Care Independence Act of 1999, Public Law 106-169 for information on the increased resource allowance for IVE, and to subsection 805.2343 for additional information about SSI.

805.2343 Supplemental Security Income (SSI) and Retirement Survivors and Disability Insurance (RSDI) Considerations

These income programs are considered in the following ways:

- (1) Supplemental Security Income (SSI) payments received by all in the assistance group are disregarded in the eligibility determination for AFDC as it was in effect July 16, 1996. In addition, the needs, resources and all income of all in the AG who are SSI recipients are excluded.

NOTE: If the child is SSI eligible or is a SSI recipient prior to the finalization of the adoption, then the child's categorical eligibility is satisfied for AAP eligibility and no AFDC determination need be done for such child. Refer to subsection 805.21 regarding the SSI-eligible adoptive child.

- (2) Retirement Survivors and Disability Insurance (RSDI, formerly OASDI) benefits are counted as income in the AFDC financial eligibility determination for AAP.
- (3) SSI and RSDI income that the child receives after the adoption finalization may be considered in the negotiation with the adoptive parent(s) regarding the amount of the AAP payment, once the child is determined eligible. Such negotiation must focus on the circumstances of the adoptive parent(s) in relation to the needs of the child. Refer to subsection 810.1 regarding negotiation.
- (4) It is possible for SSI or RSDI benefits and IVE-AAP payments to be received concurrently.
- (5) The Social Security Administration takes IVE-AAP payments into consideration when computing the child's SSI benefits, and the SSI is reduced by the amount of the IVE-AAP payment, dollar for dollar. Additionally, when the income of the adoptive parent(s) is taken into consideration following the adoption finalization, the amount of the SSI payment is likely to be either greatly reduced or discontinued altogether.

- (6) If the child continues to receive SSI benefits after the adoption, the Social Security Administration (SSA) will require periodic reviews of the child's need and disability in relation to eligibility for SSI. It is the responsibility of the adoptive parent(s) to keep the SSA informed of the child's address and income.

805.3 Eligibility for Title IVE-AAP Does Not Require that the Child be under the Custody and Supervision of the Court (a Ward)

The adoptive child need not be a ward; i.e., under the custody and supervision of the county court with juvenile jurisdiction, in order to be categorically eligible for AAP. Federal legislation requires that each state that has an approved Title IV-E State Plan shall enter into an adoption assistance agreement with the adoptive parent(s) of the eligible special needs child. AAP is not limited by federal law to the child in the care and custody of the state agency, in the way that Title IVE-Foster Care (FC) is; and state regulations do not exclude the non-ward child from consideration for IVE-AAP eligibility.

Therefore, any special needs child who meets all of the eligibility requirements for IVE-AAP shall receive payments and/or Medicaid benefits subsequent to completion of the State Form 2974 / FPP 3311, Adoption Assistance Agreement and in accordance with the provisions of that agreement. The eligibility requirements include the best interest and reasonable efforts requirements for IVE-AAP, which are different than those required for IVE-FC; and which are described in subsections 805.11 and 805.12. The county office of family and children (COFC) is responsible for administering the Title IVE-Adoption Assistance Program for any child who is eligible, both the child who is a ward of the county and the child who is not a ward. Refer to 42 USC 673(a) and the Indiana Administrative Code 470 IAC 3-10.

805.31 Title IVE-AAP for the Child Who is a Ward

If the COFC has been given the responsibility for the custody and supervision of a child by order of the court; i.e., the child is a ward, then the COFC will initiate the IVE-AAP application process for the child upon the request of the person(s) adopting the child. The ward may be placed by the COFC or by a LCPA to whom the responsibility for the child's placement and care was given by a COFC. Refer to DHHS Policy Interpretation Question, PIQ-85-09.

805.32 Title IVE-AAP for the Child Who is Not a Ward

When the child is not under the custody and supervision of the court (child is not a ward) the AAP application process is completed by the COFC, just as it is for the child who is under the custody and supervision of the court. The non-ward child may be eligible for AAP whether the child is placed by a licensed child placing agency (LCPA) or through an independent legal adoption.

NOTE: Some adoptions of wards are done in cooperation with a LCPA. Refer to Manual Section 7 and to subsection 819.5 under County Adoption Subsidy regarding shared responsibilities between the COFC and the LCPA with regard to adoption and adoption subsidization for additional information.

805.321 Adoption by a Licensed Child Placing Agency (LCPA)

A LCPA that identifies a potentially eligible child and is handling the adoption may refer the child to the COFC for an IVE-AAP application. The referral shall be made prior to adoption finalization because, by federal statute, the adoption assistance agreement must be completed before such court action. Such a referral is considered a request for services.

The procedures to be followed for the referral of the non-ward special needs child to the appropriate COFC by the LCPA for the determination of Title IVE-Adoption Assistance eligibility are as follows:

- (1) A referral from a LCPA of the special needs child who is not a ward is to be made to the county office of family and children (COFC) in the county of residence of the adoptive parent(s).
- (2) If the non-ward child is placed outside of the state, the county in which the placing LCPA is located shall receive the referral. In addition, ICPC approval must be obtained in order for the child in an interstate adoptive placement to be eligible for IVE-AAP.
- (3) Each such referral from the LCPA shall include the following:
 - (a) A statement of referral.
 - (b) A summary of the circumstances of the adoptive placement including the following:
 - (i) The date the child was received by the agency.
 - (ii) The date of the adoptive placement.
 - (iii) The name, address, and telephone number of the adoptive parent(s).
 - (iv) The date of the anticipated finalization of the adoption.
 - (c) A statement of the child's eligibility for SSI benefits, or a summary of the current circumstances of the birth parents, sufficient to determine the child's AFDC eligibility, including the following information:
 - (i) The names, ages, addresses, and telephone numbers of the birth parents.
 - (ii) The birth parents' legal relationship to one another.
 - (iii) The number of other children living with the birth parents.
 - (iv) The birth parents' current income and resources, including any child support.
 - (v) Whether or not TANF payments are currently being received by the birth parents.

- (d) Documentation of the voluntary relinquishment(s) by the birth parent(s) and the judicial determination obtained within 180 days of such relinquishment(s) that it is not in the best interest of the child to be returned to the parent(s). Refer to subsection 805.11.
- (e) Documentation of the reasonable efforts made by the LCPA to place the child in an appropriate home without providing IVE-AAP, or the reason it is recommended that the requirement for such reasonable efforts be waived.
- (f) Documentation with respect to the child that there exists a specific factor or condition, because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance. Refer to Indiana Administrative Code 470 IAC 3-10-2 for specification of these factors and conditions and to subsection 805.13 regarding the specific factors and conditions.
- (g) Documentation of the above, includes, but is not limited to the following:
 - (i) Social Security Administration notification of the child's SSI eligibility or verifications required for determining the child's AFDC eligibility. Refer to subsection 805.234 for the elements of AFDC eligibility that must be verified.
 - (ii) Copy of the voluntary relinquishment(s) or consent(s) signed by the birth parent(s) or a copy of the court order for termination of parental rights (TPR).
 - (iii) The court order containing the determination that it is not in the best interest of the child to be returned to the parent(s).
 - (iv) A complete description of the reasonable efforts made to place the child without using AAP.
 - (v) Statement(s) from a physician(s) or psychiatrist(s), licensed to practice medicine in Indiana or one of the states or territories of the U.S., verifying the child's current or anticipated medical condition or physical, mental, or emotional handicap, if such applies to the child.
 - (vi) The birth certificate for the child being adopted.

Once a referral from the licensed child placing agency (LCPA) is completed and received by the COFC, the family case manager shall contact the adoptive parent(s) and offer them the opportunity to apply for IVE-AAP. The LCPA and the county office of family and children (COFC) family case manager will decide on a case-by-case basis how to deal with the adoptive family in the event that additional information must be obtained in order to process the application. For instance, the LCPA worker may have an established, working relationship with the birth

parent(s) that might facilitate obtaining information with a minimum of confusion and stress.

NOTE: The special needs child placed for adoption by a for-profit LCPA can be considered for AAP as long as the AAP payment is paid directly to the adoptive family.

805.322 Independent Adoption

Neither statute nor regulation has any requirement that an adoption must be handled by a COFC or a licensed child placing agency (LCPA) in order for the child to be considered eligible for IVE-AAP. Under Title IVE of the Social Security Act, AAP payments are permitted on behalf of a special needs child who meets the AFDC or SSI eligibility requirements. The statute is silent with regard to the child being under the care and supervision of an agency or individual. Therefore, the child whose adoption is handled independently is not technically excluded from consideration for IVE-AAP eligibility.

If a child and the child's prospective adoptive parent(s) are identified by an attorney or other representative as a possible IVE-AAP case and are referred for eligibility determination, an application is to be provided to them and processed, as it would be for any non-COFC adoption. This includes the provision of information about the right to appeal any action of the COFC. See subsection 815.3 regarding administrative appeals.

Procedures and requirements as described in subsection 805.321 apply also to the independent adoption, including the court order containing the determination that it is not in the best interest of the child to be returned to the parent(s) obtained within 180 days of the voluntary relinquishment by the parents. The independent agent handling the adoption or the adoptive parent(s) is responsible for providing the required documentation to the COFC in order to process the application and determine eligibility.

NOTE: Although the non-ward child whose adoption is handled independently of the DFC or a LCPA may meet the categorical eligibility requirements and may have a specific factor or condition that would render the child eligible for AAP, the other two special needs requirements of the court determination of best interest and the documentation of reasonable efforts required for AAP eligibility, are frequently missing in the independent (non-ward, non-LCPA) adoption procedure. Refer to subsections 805.2 and 805.13 for information regarding categorical eligibility requirements and specific factors and conditions that would render a child eligible for AAP respectively.

805.4 Title IVE-AAP Eligibility from the Date of Adoptive Placement

The earliest date at which adoption assistance payments may begin is now the date of placement in the adoptive home, provided an adoption assistance agreement has been negotiated for the eligible child and signed by the county director and the adoptive parent(s). Effective August 28, 1997, Indiana regulation 470 IAC 3-10-3-(d) was amended to bring Indiana into compliance with the federal statute which allows adoption assistance payments to begin when a special needs child is placed into the adoptive home.

Prior to this change in federal and state legislation, AAP payments and Medicaid could not begin until either the adoption was final or the adoptive parent(s) obtained an interlocutory decree. This change eliminated the requirement for an interlocutory decree, thus enabling the adoptive family to avoid the extra court expenses involved in obtaining such a decree. Refer to subsection 815.32 regarding the earliest dates for retroactive AAP eligibility following an appeal.

Because the IVE-AAP maximum per diem payment is the greater of \$13.50 per day or 75% of the foster care family home per diem rate, it may be less than the full foster care per diem. If so, the foster parent may opt to continue the foster care per diem until adoption finalization. When the adoption is final, it may then be possible for a county adoption subsidy to be ordered to supplement the AAP payment up to 100% foster care per diem maximum for the eligible child.

805.5 Title IVE-AAP Eligibility of the Abandoned Infant

Federal DHHS PIQ-83-07 refers to the situation of the unaccompanied minor refugee child, one with parallels to the abandoned infant. According to federal interpretation of this PIQ, if a state is able to document that the child meets all of the requirements for the program, the child is eligible for Title IV-E payment. It goes on to say that one of the major problems is that because the child is unaccompanied, documentation is not ordinarily available to substantiate the child's age, financial need, and parental deprivation. In addition, it may be difficult to verify other requirements of AFDC eligibility for AAP such as citizenship, income, and resources.

As stated in subsection 805, there is no waiver of eligibility requirements for AAP because of some special circumstance of the child. The situation of the abandoned infant is a special circumstance that makes documentation of some of the eligibility requirements difficult, if not impossible to obtain. Therefore, documentation of AAP eligibility for an abandoned infant is not ordinarily possible.

For the abandoned infant who is determined eligible for SSI, however, it is likely that AAP eligibility can be documented. This is because SSI eligibility makes the child categorically eligible for AAP. In addition, SSI eligibility verifies the existence of a specific factor or condition (medical, physical, mental, or emotional) which is one of the special needs requirements.

806 Title IVE-AAP Requirements for the Adoptive Parent(s)

The adoptive parent(s) may receive IVE-AAP on behalf of a child based upon the fact that the parent(s) is legally adopting an AAP-eligible child, or that the AAP-eligible child is placed with the parent(s) for the purpose of adoption. The parent(s) who is adopting or who is to serve as an adoptive placement for an eligible child for whom IVE-AAP payments are being sought, must meet the usual agency criteria for adoptive placement and must be recommended for adoptive placement by an agency. Refer to Section 7 of this Manual, subsection 709.2 regarding adoptive family preparation and assessment.

806.1 Adoptive Parent(s) Must Meet the Safety Requirement for Title IVE-AAP

For Title IVE reimbursement, federal regulation CFR 1356.30(b) requires the COFC to document, by means of a criminal background check, that each foster or adoptive parent(s) with whom a child is placed satisfies the standards regarding a safe placement. The regulation states that a person who has been convicted of specified felonies, such as those against children or involving violence, within specified time periods cannot be licensed or approved by the state as a foster or adoptive parent. Refer also to Manual Section 7, subsection 710.252 regarding criminal background checks regarding adoptive parents.

806.2 Means Test Is Not Required of the Adoptive Parent(s) for Title IVE-AAP

There is no means test for the prospective adoptive parent(s) or the child being adopted in determining eligibility for adoption assistance payments. Federal Title IVE regulation prohibits the use of such a test in the process of selecting a suitable adoptive parent(s) or determining the eligibility of the parent(s) to receive AAP payments on behalf of the child. Therefore, once a child is found to be eligible for IVE-AAP, the child's adoptive parent(s) may not be rejected for adoption assistance because of the level of income of the parent(s) or other resources. In addition, the AAP payments may not be reduced based upon the level of income of the parent(s) without the consent of the parent(s). Refer to the Code of Federal Regulations, 45CFR 1356.40.

According to federal interpretation found in Policy Interpretation Question, (PIQ)-90-02, "The purpose of the adoption assistance program is to provide incentives for families of any economic stratum and to remove barriers to the adoption of special needs children." It further states that, the focus is on "...the parents' ability to incorporate the child into their lifestyle, standard of living, and future plans, and to their overall capacity to meet the immediate and future needs (including educational needs) of the child."

The circumstances of the adoptive parent(s) may, however, be considered in the negotiation and any future re-negotiation of the AAP agreement between the COFC and the adoptive parent(s), as long as the focus is on the circumstances of the parent(s) as they relate to the needs of the child. Refer to DHHS PIQ-90-02 and to Manual subsection 810.1 for additional information.

806.3 AAP Is Not Available to the Biological Parent(s) Adopting the Child Following Termination of Parental Rights (TPR) to the Child

A biological parent(s) whose parental rights with regard to a child have been terminated by court order and who then later adopts this same biological child may not receive IVE-AAP benefits for this child. According to federal interpretation found in DHHS Policy Interpretation Question, PIQ-89-04, this type of adoption is viewed as a means of restoring the legal relationship between the parent and child rather than as a means of providing the child with new parent(s) or a substitute for the original home.

NOTE: In a situation involving the biological parent(s) as described above, however, the family's eligibility for Temporary Assistance to Needy Families (TANF) may be explored with the parent(s).

806.4 Legal Risk Adoptive Placement

The legal risk adoptive placement is defined as a placement on an adoptive basis of a child who is not yet legally free for adoption. Such a placement is made only when a termination of parental rights (TPR) or an appeal of the TPR is pending in court and it is probable that the TPR will be granted or upheld on appeal. According to federal interpretation found in DHHS PIQ-89-02, eligibility for IVE Adoption Assistance is possible in such a legal risk adoptive placement because the best interest of the child determination is satisfied when there is a court-ordered TPR, a petition for TPR, or a signed relinquishment by the parent(s).

In such a case, the county office of family and children (COFC) must inform the prospective adoptive parent(s), in writing, that the termination of parental rights is pending and when it is anticipated that the TPR will be granted. The adoptive parent(s) must be made aware of the legal risk involved with such an adoptive placement, namely, that there is a chance the child may not become available for adoption or that adoption may be delayed, and they must be willing to accept that risk. Refer to Section 7 of this Manual, subsection 706.24 for additional information on legal

risk placements and to the Section 7, Appendix F, for the Legal Risk Acknowledgment Agreement.

807 Title IVE-AAP Application

A request for IVE-AAP payments is initiated by the completion of State Form 2973 / FPP 3310, Application for Adoption Assistance. Refer to Appendix A of this section for a copy of this form. The adoptive parent(s) must complete a separate application form for each child for whom AAP is being requested, including each child in a sibling group to be adopted. The child's name, as it is to be following adoption finalization, is to be used on the application. It is to be signed by the adoptive parent or both parents when a couple is adopting, and by the director of the county office of family and children (COFC). The adoptive parent(s) may request agency assistance in completing the application.

The COFC retains the original application, one copy is given or sent to the adoptive parent(s), and one copy is sent to Financial Management in Central Office. See Appendix T for address. Refer to subsection 816.2. If the adoptive parent(s) has been approved or licensed by a non-profit licensed child placing agency (LCPA), then an additional copy should be provided to that agency for their records.

Once the initial IVE-AAP agreement has been completed and signed by all parties, it shall be renewed on a biennial basis as long as the child remains eligible. Refer to subsection 814.1 regarding required application renewals.

807.1 County Office Having Responsibility for AAP Application

Application for AAP is made with the COFC in the appropriate county, which is determined as follows for the resident child:

- (1) If the child is a ward (under the custody and supervision of the court), the COFC of the county holding the child's wardship shall receive the application.
- (2) If the child is not a ward, the COFC of the county of residence of the adoptive parent(s) shall take the application.
- (3) If the child is not a ward and is placed outside the state, the application shall be received by the COFC of the county in which the placing licensed child placing agency (LCPA) or the agent who is legally responsible for the independent adoption is located.

Refer to subsection 821.3 regarding interstate procedures for the AAP child.

807.2 AAP Application Time Limitations

Action is to be taken on all applications for IVE-AAP within 45 days after the date of application, unless there are unusual or extenuating circumstances. Extenuating circumstances, if such occur, must be documented fully in the case record. This time limit applies regardless of whether the child is determined eligible or ineligible. Notification must be given to the adoptive parent(s) within this 45-day time limit of the child's eligibility or ineligibility, and notification must include information about the right to appeal the decision or its timeliness, and the right to request a fair hearing.

The assistance payment for the eligible child must become effective within 30 days after the date of application. However, no payment can be made to the adoptive parent(s) until the AAP agreement is signed by both the director of the COFC and the adoptive parent(s) and the child is physically placed in the adoptive home.

NOTE: Because these time limits start from the date of application, the timing of the application becomes important. One factor to be considered is that eligibility cannot be determined until an application is filed. Another is that the process of certifying the child as eligible for IVE-AAP often begins prior to the filing of the application, but cannot be completed until the child's eligibility is determined. Another factor is that the actual start of payments is dependent upon the placement of the child in the home and the completion of the agreement. Refer to subsection 815 for information on the denial and the termination of AAP and the associated time limits and notifications.

808 Title IVE-AAP Child Certification

Refer to Appendix B of this section for a copy of State Form 2976 / FPP 0020, Adoption Assistance: Child Certification.

The COFC is to certify the child's eligibility for AAP, using the Adoption Assistance Child Certification form. It is to be completed for each child for whom IVE-AAP is requested. The COFC having the responsibility for completing this form (the same as for the application as described above) is as follows for the resident child:

- (1) For the child who is a ward, the COFC in the county holding the child's wardship is responsible.
- (2) For the child who is not a ward, the COFC in the county of residence of the child's adoptive parent(s) is responsible.
- (3) For the child who is not a ward and who is placed outside of the state by an LCPA, the county in which the placing LCPA is located has responsibility.

Refer to subsection 821.3 regarding interstate procedures for the AAP child.

When adoption is the plan for the child, determination of the child's eligibility for IVE-AAP is often a critical issue in recruiting an appropriate adoptive placement. Therefore, the process of certifying the child for adoption assistance may be initiated prior to the receipt of a Title IVE-AAP application and a preliminary eligibility determination may be made. However, the official determination of IVE-AAP eligibility must be made at the time the adoption petition is filed. Once a child is certified eligible for AAP, there is no recertification of initial eligibility required for the child at the biennial renewal of the agreement.

809 Title IVE-AAP Agreement

The IVE-AAP agreement must be completed by the county office of family and children (COFC) and must be signed by both the adoptive parents, if a couple is adopting, and the COFC director. Refer to Appendix C of this section for a copy of State Form 2974 / FPP 3311, Adoption Assistance Agreement.

According to federal regulation 45 CFR 1356.41, the AAP agreement must be completed prior to or on the day of the adoption finalization. A copy of the agreement is to be given to each party, as stated in federal interpretation found in DHHS Program Regulation, PR-88-02. The third copy is sent to Central Office. Refer to subsection 816.2 regarding sending forms to Central Office.

DHHS Policy Announcement PA-87-03 describes what must be included in the AAP agreement. The agreement must specify the amount of the IVE-AAP payment and any additional services and assistance to

be provided. It must also stipulate the duration of the agreement and that the agreement shall remain in effect in the event the adoptive parent(s) changes the state of residence. Other relevant agencies, such as an involved LCPA, may be parties to the agreement also, when applicable.

The AAP agreement is to be the result of negotiation between the COFC and the adoptive parent(s), according to federal law. The negotiation may involve whether there will be a monthly maintenance payment or Medicaid, or both, as well as the amount of the monthly payment. Refer to subsection 810.1 for additional information regarding negotiation of the AAP agreement.

The agreement constitutes a legally binding contact between the COFC and the prospective adoptive parent(s) of the minor child, and it is enforceable in a court of law. Because the agreement is a legal contract, the payment amount is to be entered on State Form 2974 / FPP3311, Adoption Assistance Agreement before the agreement is signed by either party.

The completed AAP agreement shall serve as written notice to the adoptive parent(s) of the amount of adoption assistance to be paid or of the child's Medicaid eligibility, or both. The signed agreement may become effective when the child is placed in the adoptive home or at the adoption finalization. No AAP payment may occur until the agreement is signed and the child is adoptively placed in the home.

The agreement form contains check boxes in the upper right-hand corner by which the COFC can indicate whether it is an initial or renewal agreement. Refer to subsection 814.2 for information regarding required biennial AAP agreement renewal.

If the COFC and the adoptive parent(s) cannot reach an agreement through the negotiation process for the eligible child, and the parent(s) do not wish to delay the start of AAP payments, there is an option. The agreement may be completed according to what the COFC will agree to, and then signed by the adoptive parent(s) and the COFC director, with a notation added to the form describing the matter(s) upon which agreement could not be reached. This notation should be signed and dated by the adoptive parent(s). In this way, AAP may begin for the child without delay, and the adoptive parent(s) may then appeal the COFC decision with which there is disagreement. Refer to subsection 815.3, regarding appeals.

810 Determination of the Title IVE-AAP Payment Amount

Federal law states that in no case may the amount of the AAP payment exceed the foster care maintenance payment that 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 family home. According to federal interpretation found in DHHS Policy Interpretation Question, PIQ-91-04, if the child's special needs necessitate or would necessitate a higher foster care per diem rate than the county's standard rate, then that higher special needs rate is to be used to determine the child's maximum AAP payment.

With the monthly maximum allowable IVE-AAP payment for a child being based on the foster care per diem rate that would apply for that child; the actual amount of the payment is then negotiated between the county office of family and children (COFC) and the adoptive parent(s). The agreed upon payment amount will be expected to combine with the parents' resources to cover the ordinary and special needs of the child projected over an extended period of time. Anticipation and discussion of these needs are part of the negotiation of the amount of the adoption assistance payment, and the adoptive parents are free to make decisions about expenditures for the child, once adopted, without further agency approval.

The negotiated payment may range from a zero dollar amount, such as when the adoptive parent(s) wants only Medicaid for the child, up to the maximum amount allowable for the particular child, depending upon

the child's needs and the circumstances of the adoptive parent(s). Refer to subsections 810.2 and 810.3 regarding determination of the maximum allowable amount for the child.

810.1 Negotiation with the Adoptive Parent(s) of the Amount of the AAP Payment

Under federal law, the amount of the Adoption Assistance Program (AAP) payment is arrived at by negotiated agreement between the adoptive parent(s) and the state or local agency and takes into consideration the circumstances of the adoptive parent(s) and the needs of the child being adopted. Refer to 42 USC 673(a)(3). This agreement of an amount up to the allowable AAP maximum is to be reached through negotiation, as described in DHHS Policy Interpretation Question, PIQ-86-05:

“...the amount of the adoption assistance payment is not based upon a standard schedule of itemized needs and countable income. Instead, it is determined through a discussion and negotiation process between the adoptive parents and a representative of the state agency. The payment that is agreed upon will, therefore, be expected to combine with the parent's resources to cover the ordinary and special needs of the child projected over an extended period of time. Anticipation and discussion of these needs are part of the negotiation of the amount of adoption assistance payment, and the adoptive parents are free to make decisions about expenditures for the child, once adopted, without further agency approval.”

While the monthly AAP payment may not be greater than 75% of the maximum per diem for which the child would qualify, the county director and the adoptive parent(s) may negotiate an amount that is less than the 75%. A means test, or financial eligibility requirement, shall never be applied to the resources or income of the adoptive parent(s) when determining the eligibility of the adoptive child for AAP payments, as discussed in subsection 806.2. However, the circumstances of the adoptive parent(s) relative to the needs of the child may be considered, as set out below, at the time of the negotiation of the amount of AAP once the child is determined eligible.

Considerations in the AAP payment negotiation consist of the following:

- (1) The AAP payment is meant to facilitate the adoption of the child by absorbing the extra costs of the special needs of the child.
- (2) The overall ability of the adopting family to incorporate an individual child into the household must be considered, because federal policy requires that a family's standard of living not be disrupted because of the adoption of a special needs child. The negotiation between the COFC and the adoptive parent(s) shall take into consideration the circumstances of the adoptive parent(s) and the needs of the child being adopted, as stated in the paragraph above. In this regard, the negotiation process is to allow for “...the circumstances of the adopting parents to be taken into consideration, in conjunction with the needs of the child, in determining the amount of adoption assistance.” Refer to federal interpretation found in DHHS Policy Interpretation Question, PIQ-90-02.
- (3) According to federal interpretation found in DHSS Policy Interpretation Question, PIQ-82-02, the income of the adoptive parent(s) is clearly a “circumstance” which may be taken into account in consideration of the amount of payment. It goes on to state that the income factor alone may not be used to determine the amount of payment because the needs of the child must also be considered, as reiterated in PIQ-90-02 cited in item (2) above in regard to the fact that no “means test” is to be used.

- (4) The uniqueness of each child and each adoptive family situation may result in different payment amounts in similar situations, because even adoptive parent(s) with the same income or in similar circumstances will not necessarily request the same amount of assistance, depending upon the needs of the child.
- (5) The AAP payment may be adjusted periodically with the concurrence of the adoptive parent(s) to reflect changing circumstances in the needs of the family and the child. This includes the need for a change in the specific foster family home per diem rate, upon which the AAP payment is based, due to a change in the needs of the child.
- (6) If the adoptive parent(s) does not wish to receive the maximum IVE-AAP payment for which the child qualifies, the parent(s) should negotiate for the amount desired or inform the COFC in writing of the exact amount they request.
- (7) If the adoptive parent(s) does not wish to receive IVE-AAP payments and only requests Medicaid, a token payment is not necessary; a zero AAP payment amount may be negotiated.

Before negotiation with the adoptive parent(s) begins, the COFC will need to determine the maximum AAP payment allowable for the child, as described in subsection 810.2.

810.2 Establishing the Maximum AAP Payment Amount Allowable for a Child

Federal law states that the AAP payment may not exceed the foster family home rate for which the child would be eligible. The maximum rate for which the child is eligible must be determined before the AAP agreement is negotiated.

810.21 The Foster Family Home Rate to Use for AAP

The foster family home per diem rate to be used to determine the maximum AAP payment will vary by county and by the child's individual situation.

- (1) According to PIQ-91-04, as discussed above, if the child's special needs necessitate or would necessitate a higher foster care per diem rate than the county's standard rate, then that higher special needs rate is to be used to determine the child's maximum AAP payment. In the few instances in which a special rate has been established specifically to meet the needs of a particular foster care child, this individual special rate is the rate to be used to calculate the maximum AAP payment for that child.

A special foster care rate or even a rate negotiated specifically for a particular child, as described above, is predicated on the fact that the special rate is required to place the child with higher special need in a foster family home. There is no reason to assume that the adoptive parent(s) will not have the same difficulty of care problems after the adoption as existed prior to it.

- (2) If there is no special needs rate that the child is receiving or for which the child would be eligible, then the county's regular foster family home per diem rate is to be used.
- (3) When the child being adopted is a ward (under the custody and supervision) of a county Office of Family and Children (COFC), then the applicable foster family home per diem of that the county is to be used to determine the IVE-AAP

payment. When the COFC places a child in another county, the placing county's foster family home rate is used to determine the AAP amount.

- (4) If the Indiana child is not a ward and is being placed by a licensed child placing agency (LCPA) or through an independent adoption, then the applicable per diem paid by the COFC in the county of residence of the adoptive parent(s) is used to determine the AAP payment.
- (5) If the child is not a ward and is placed out-of-state by the LCPA, the applicable per diem of the county in which the LCPA is located is the one to be used. [Refer to Subsection 821.3 regarding interstate procedures for the AAP child]
- (6) When a foster family home licensed by an LCPA has a foster care per diem rate paid by the COFC that is split between the foster family home and the agency, the COFC may negotiate the AAP payment based only on that portion of the per diem that is actually paid by the LCPA to the foster parent(s) for the care of the child. This is because the amount paid to the foster parent(s) is the only portion of the per diem paid to the LCPA by the COFC that constitutes the actual foster family home per diem rate that can be considered, as defined in federal law.

Refer also to federal interpretation found in DHHS Policy Interpretation Question, PIQ-91-04 regarding special foster family home rates and AAP.

810.22 Foster Family Home Rate Calculation for Title IVE-AAP

The IVE-AAP payment is paid on a monthly basis. The amount of the payment for which the child would be eligible is established as follows:

- (1) The base per diem is the least amount being paid by any county in the state for foster family care. Currently, this amount is \$13.50 per day. When counties are no longer using this per diem rate, the base per diem will increase to the new lowest rate being paid in the state. This information is available in ICWIS in the eligibility module under the "rates" icon as the "state rate." The amount will be updated on ICWIS, as necessary.
- (2) The next step is to determine the per diem that would be necessary for the county to pay to maintain the child in a foster family home. This may be the regular county per diem rate or a special needs rate. If a foster family home per diem rate has been negotiated for an individual child who is severely handicapped, then that is the rate to be used. If a county is paying for a child's foster care through a not-for-profit licensed child placing agency (LCPA), then only that portion of the payment which the foster family home receives from the agency for the maintenance of the child is to be used. If the child is placed adoptively from a residential care setting or has never been in a foster family home, then the county must select the appropriate foster family home rate, based upon the needs of the child, to be used in the AAP payment calculation.
- (3) Once the child's per diem rate is selected, multiply it by 75% (.75) and compare the resulting figure to the base rate (currently \$13.50). Choose the greater of the two per diem rates to calculate the maximum AAP payment for the child.
- (4) Calculate the maximum monthly payment by multiplying the greater per diem amount by 7 (days) and then by 4.3 (weeks). For example, if the selected per diem

rate is \$22, of which 75% equals \$16.50, which is greater than the base rate (see item (3) above), then $\$16.50 \times 7 \times 4.3 = \496.65 per month. On the other hand, if the base rate is the greater of the two per diems (see item (3) above), then $\$13.50 \times 7 \times 4.3 = \406.35 per month.

NOTE: As long as \$13.50 remains the base per diem rate in the state, \$13.50 will be the maximum per diem for AAP unless the foster family home per diem for which the child is eligible is in excess of \$18.00 (since 75% of \$18.00 equals \$13.50).

The maximum monthly AAP amount is always calculated in the manner described in item (3) above; and always results in the same amount for each month, as does the actual negotiated AAP payment, regardless of the number of days in a month. Once the maximum amount of payment has been determined, the negotiation process can be initiated with the adoptive parent(s). The negotiated amount will fall somewhere between \$0 and the calculated payment.

810.3 Supplementing the Title IVE-AAP Payment with County Adoption Subsidy Payment

According to Indiana law for the “hard-to-place child,” county adoption subsidy must be requested by the adoptive parent(s) at the time of the adoption petition and ordered by the court at the time of the adoption finalization. In Indiana, the special needs child under the custody and supervision of the county office of family and children (COFC) for whom an adoption petition was filed after June 30, 1990, may be considered eligible for 100% of the current foster family home per diem rate for the child. This would include the child who is eligible for IVE-AAP payments, which are limited to the 75% rate. If the court orders a county adoption subsidy payment for the child following the petition of the adoptive parent(s) for such, the subsidy is supplemental to the eligible child’s IVE-AAP payment up to 100% of the foster care per diem rate for which the child is eligible. County adoption subsidy is the only adoption assistance payment currently available to the Indiana child who is not IVE-eligible. Refer to subsection 819 and to Indiana Code, IC-31-19-26 and IC-31-19-27 regarding Indiana county adoption subsidy.

When the adoptive special needs child is eligible for both IVE-AAP and a county adoption subsidy, there is often an adjustment in payments required. Because a child’s initial eligibility for AAP may be from the date of the adoptive placement, AAP payments may begin prior to the child’s initial eligibility for the county subsidy, which would not be effective until ordered by the court at the adoption finalization. This means that two different payment situations could arise for the IVE-AAP child for whom the court orders a county adoption subsidy, as described below:

810.31 AAP Negotiated at 75% Rate Prior to Order for County Adoption Subsidy

In some cases, the AAP payment for the child is already negotiated for the maximum of 75% of the current family foster home per diem rate (as reflected in the adoption assistance agreement) prior to the finalization of the adoption. If the court then orders a county subsidy in an amount greater than the 75% of per diem AAP maximum, then county funds must be used to pay the amount of subsidy payment ordered in excess of the AAP payment.

810.32 AAP Negotiated at Less Than 75% Rate Prior to Order for County Adoption Subsidy

If the AAP agreement reflects an amount less than 75% of the current family foster home per diem rate (the AAP maximum), but the court has ordered a subsidy of more than 75% of such per diem, then the COFC is to renegotiate the existing AAP agreement. The renegotiated AAP payment is to be for the 75% foster family home AAP maximum. In

this way, full federal financial participation (FFP) will be available; and less county funding will be required. The total amount paid by county funds will depend upon the amount of county subsidy ordered by the court.

811 Beginning Title IVE-AAP Payments

The effective date of the AAP payment can be as early as the date of the child's adoptive placement in the adoptive home, provided the child is certified eligible and the AAP agreement has been completed. Refer to subsection 805.4.

Several intersecting requirements necessitate careful planning initiating AAP payments. Timing must be considered regarding the date of application to allow for determining eligibility, meeting the deadlines, and transitioning from foster care to adoption status for the child who is in foster care prior to adoption. This planning must take into consideration the following:

- (1) Once the child has been certified as eligible for AAP, the family's application has been approved, the child has been placed adoptively, and the adoption assistance agreement has been signed, AAP payments shall begin, effective from the first of the month following the month in which the application is signed.
- (2) AAP payments are to begin within 30 days of the date of application in accordance with State regulation. However, the COFC has up to 45 days to notify the applicant(s) of the decision regarding eligibility. Therefore, payments may be made retroactive to begin within 30 days of the date of application.
- (3) Because the AAP maximum payment is 75% of the foster care rate, when a foster child becomes an adoptive child, the COFC may continue foster care payments until the adoption is finalized. In this way, the adoptive parent(s) continue to receive the higher foster care rate until the adoption becomes final.
- (4) Foster care payments for a child must terminate with adoption finalization. Foster care payments are calculated at a daily rate and can be pro-rated for a partial month; however, AAP payments begin on the first of a month and are monthly payments that cannot be pro-rated.

812 Social Services for the AAP Child

Any child for whom IVE-AAP benefits, including Nonrecurring Adoption Expense benefits and Medicaid, are being received shall be entitled to receive all Title XX Social Security Block Grants (SSBG) social services. If there is a valid, signed IVE-AAP agreement in effect, the child is eligible for Title XX social services, whether or not IVE-AAP payments are being made. Services are to be rendered, to the extent that they are available in Indiana or in the child's state of residence, if other than Indiana. The child may be considered for the SSBG social services, whether placed by the county office of family and children (COFC) or not, as long as the child qualifies for AAP or Medicaid, including IASP Medicaid. Refer to subsection 821.3 regarding interstate procedures for the AAP child.

813 AAP Medicaid and Referral for HealthWatch

If there is a valid, signed IVE-AAP agreement in effect, the child is eligible for Title XIX Medicaid, whether or not IVE-AAP payments are being made. Refer to subsection 821.3 for information regarding interstate Medicaid situations. The following information outlines procedures for processing the eligible IVE-AAP child for Medicaid services:

813.1 Enrollment of the AAP Child in the Medicaid Program

The IVE-AAP child is entitled to receive Medicaid, and the county office of family and children (COFC) shall enroll each eligible AAP child in the Medicaid Program. The effective date of Medicaid is the date when the IVE-AAP payment begins. If the payment is a zero amount, the effective date shall be the first of the month following the date of application, provided that all AAP program requirements are met. Medicaid continues for the AAP child for as long as AAP eligibility continues, which is up to age 18, or age 21 if the COFC determines that the child has a medical condition or physical, mental, or emotional handicap that warrants such continuation.

The Indiana Client Eligibility System (ICES) is used to enroll the child in Medicaid. The child will be in the Medicaid category of MA 8 for AAP (and IASP), as opposed to MA 4 for the child in foster care. ICES automatically transfers the case to the Advanced Information Management (AIM) system, leaving no paper work or paper trail for the family case manager. If the child is receiving Medicaid under another program, Medicaid coverage is to be continuous during the transition. Once the child is determined eligible for IVE-AAP Medicaid, the child's Medicaid RID (recipient identification) number is used in the enrollment process either when initiating or transferring Medicaid eligibility.

813.2 Assignment of Rights to Payment for Medical Care

In accordance with federal regulation, 42 CFR 435.604, legally able applicants and recipients of Medicaid must assign their rights to medical support or other third party payments to the Medicaid agency. This is because under Title XIX, Medicaid's responsibility for payment of medical care is only for that portion of Medicaid services not covered by any other third parties. Refer to Appendix F of this section for a copy of State Form 13064 / FI 0750, Notice to Medicaid Applicants / Recipients Concerning Medial Assignment Requirement, and the Assignment of Rights to Medical Support and Payment for Medical Care. This state form is to be used for the assignment of rights. The adoptive parent(s) assigns these rights for the IVE-AAP eligible child to the state. This assignment can be done only after the adoptive parent(s) is legally responsible for the child; i.e., after the child has been placed in the adoptive home and an AAP agreement has been negotiated and signed by the COFC director and the adoptive parent(s).

However, the COFC may not withhold AAP payments or Medicaid from the eligible child until the adoptive parent(s) completes the assignment of medical rights, as described in the preceding paragraph. This is because the assignment of these rights is not a requirement for eligibility for IVE-AAP Medicaid program, and the states are prohibited from imposing conditions for eligibility or for the receipt of AAP beyond those specified in Title IV-E of the Social Security Act. While it may be beneficial to all parties for the child to have third party medical assistance, especially when some medical services are not covered by Medicaid, it is not mandatory for the adoptive parent(s) to add the adopted child to the adoptive parent(s) medical insurance policy.

813.3 AAP and HealthWatch (formerly EPSDT)

Indiana's HealthWatch Program, formerly known as Early and Periodic Screening, Diagnosis and Treatment (EPSDT), is a federally mandated program to provide preventive health care and treatment services for Medicaid-eligible children, including IVE-AAP children. The four (4) basic program objectives are:

- (1) to inform eligible recipients of the availability of HealthWatch services through both written (pamphlet) and oral (face-to-face) methods;
- (2) to screen for health problems by means of a medical examination of the child;

- (3) to diagnose health problems; i.e., to determine the nature or cause of any physical or mental disease or abnormality, using the services of health care professionals; and
- (4) to initiate the treatment of identified health problems.

HealthWatch participation by a Medicaid-eligible child is voluntary, and non-participation does not affect Medicaid eligibility. It must be shown, however, that the state has informed the child or the child's parent(s) of the availability of HealthWatch services.

813.31 Case Management Responsibilities for HealthWatch

While the child's health care provider performs the actual HealthWatch case management for the child, the county office of family and children (COFC) is responsible for performing the following activities related to HealthWatch for the child, as needed:

- (1) Inform the adoptive parent(s) at the time of placement about the HealthWatch program and give them a HealthWatch brochure.
- (2) Advise the adoptive parent(s) at the time of placement that the AAP child is eligible for HealthWatch and of the services that remain to be completed for the child.
- (3) Update the child's Medical Passport booklet, the child's Medical Passport screens in ICWIS, and give the adoptive parent(s) a hard copy of the electronic Medical Passport. This will help to ensure that the same records are maintained in both paper and electronic form. Refer to the Title IVE Eligibility Training Manual for complete detailed information on the ICWIS entry procedure for APP; and refer to the ICWIS Bulletin Board found on the network e-mail system under Public Folders for updated information regarding ICWIS entry.
- (4) Provide supportive services, transportation and appointment scheduling, as needed, to accomplish a required screening or annual rescreening. Rescreening schedules are based on the periodicity schedule, a copy of which is contained in the Appendix of Section 9 of this Manual for this schedule.

813.32 General HealthWatch Informing Procedures

Most adoptive parents will feel that they are securing adequate medical care for their child. Therefore, it must be explained tactfully that the purpose of HealthWatch is the prevention of medical problems and that a screen is really a medical "check-up," or an evaluation when there are no apparent symptoms or complaints. The adoptive parent(s) may already be having this done for the child or may be requesting this type of service when the child is taken to a doctor for the treatment of a medical condition. If that is the case, then the regularity of these check-ups should be determined, because that is also a component of equivalent care.

All enrolled Medicaid providers who are licensed to perform an unclothed physical examination (physicians and nurse practitioners) can perform the HealthWatch screen. The COFC shall inform the parent(s) of this fact and suggest that they request a HealthWatch screen for the IVE-AAP child at the child's next regular appointment, if they have not already done so.

In the situation of an AAP child moving to another state, the adoptive parent(s) should be informed that HealthWatch(EPSDT) in the other state may be available that will provide some of the child's needed medical care when the other state's Medicaid services are not as inclusive as they are in Indiana.

813.33 HealthWatch Procedures Specific to the AAP Child

Because of the unique situation of the IVE-AAP child who may live with a pre-adoptive (unrelated foster parents, non-legally liable relatives) or adoptive parent(s), different types of situations may occur which are peculiar to IVE-AAP and HealthWatch informing requirements, as discussed below.

(1) IVE-AAP Medicaid Coverage (MA 8) is to be Continued in Transition from Other Medicaid Categories

When a child who is receiving Medicaid under another type of assistance is placed in an adoptive home with IVE-AAP assistance, Medicaid coverage is to continue without interruption during the transition. Medicaid for the AAP child is type MA 8. The other types of Medicaid that the child may be on prior to AAP may include the following: MA C (Low income families, including those receiving TANF), MA B (Blind), MA D (Disabled), MA U (TANF-eligible, but choose to receive SSI), MA M (Pregnant women), MA X (Children under age 1), MA Y (Children ages 1-5), MA 2 (Children ages 6-18), MA 3 (Wards), or MA 4 (IVE-FC). The county office of family and children (COFC) is responsible for making an effort to secure uninterrupted Medicaid for the child, and for the following regarding HealthWatch services:

- (a) Verifying the child's HealthWatch participation.
- (b) If HealthWatch screening, diagnosis, or treatment is in progress, seeing that the service is continued to the child without interruption.
- (c) If non-participation is verified, a HealthWatch pamphlet is to be given to the adoptive parent(s), and the parent(s) is to be informed that services are to be provided immediately.

(2) When Medicaid Coverage Lapses During the Transition from Other Programs to IVE-AAP

When the child who is removed from the home is a Medicaid recipient under another program and the IVE-AAP payment for the child cannot be processed by the first of the following month, the HealthWatch informing must be done as soon as the child again becomes eligible for Medicaid. This informing will help to avoid a lapse in Medicaid coverage for the child, and it is required, even if the previous informing occurred less than one (1) year earlier. In the best interest of the child, any HealthWatch services (other than informing) that were in progress when the child was removed from the child's home should be continued using county funds to pay for such services until Medicaid can be reinstated.

(3) When a Non-Medicaid Recipient Becomes a Recipient of IVE-AAP

When a child who is not receiving Medicaid becomes eligible through IVE-AAP, Medicaid becomes effective the first day of the month following the date of

application for IVE-AAP. HealthWatch informing must take place within 60 days of the date of application and annually thereafter. If a child has been Medicaid eligible for a length of time but the HealthWatch informing service was not provided initially, the service is to be completed as soon as possible.

(4) When a IVE-AAP Child is Placed in a Residential Care Facility

When a child receiving IVE-AAP payments is placed in a residential care facility (institution or group home), the facility is advised at the time of placement that the child is eligible for the HealthWatch program. The requirement of annual informing is to be explained, and a facility representative is advised that a letter will be sent at the time the informing procedure is due for the child.

814 Title IVE-AAP Continuation and Reapplication

IVE-AAP is an entitlement program for the eligible child. This means that once the county office of family and children (COFC) has determined that the child has met all the criteria for AAP eligibility, no redetermination of the child's eligibility is required. See subsection 805.22 regarding the child's continuing eligibility in the event of the death of the adoptive parent(s) or adoption termination.

The COFC may neither refuse to provide assistance nor impose additional conditions for the receipt of AAP for the child, provided the terms of the agreement are still being met. Under federal guidelines, as long as the adoptive parent(s) participates in a biennial (once every two years) renewal of the AAP agreement, IVE-AAP is discontinued for the child only in the event of one of the following:

- (1) The adoptive parent(s) is no longer legally responsible for the support of the child. According to federal interpretation found in DHHS Policy Interpretation Question, PIQ-98-02, regarding IVE-AAP, a parent is no longer legally responsible for a child when parental rights are terminated (TPR), when the child becomes emancipated, marries, or joins the military.
- (2) The adoptive parent(s) provide none of the child's support. PIQ-98-02, referred to in item (1) above, defines "the child's support" as that which the state determines is required to provide basic food and shelter, payments made for tuition, clothing, maintenance of special equipment in the home, family therapy, and any services required for the child's special needs.
- (3) The child attains the age of 18 years, or 21 years if the COFC has determined that the child's medical condition or mental, physical, or emotional handicap warranted continuation of AAP until age 21. Unlike the county adoption subsidy program, AAP is never continued to age 21 for educational purposes. Refer to subsection 819.2 regarding the continuation of county adoption subsidy beyond the age of 18.

814.1 Renewal of AAP

The AAP agreement must be renewed biennially and whenever there is a change in the amount of payment. A new application is also to be completed whenever there is a change in the amount of the AAP payment for a reason other than a change in the foster care rates or because of a rate change based upon an increase in the age of the child. The biennial renewal is also the time for renegotiation of the agreement if there has been any change in the circumstances of the adoptive parent(s) in relation to the needs of the child which might affect the existing amount of AAP. A change in the amount of IVE-AAP payment is to be made on the first of the month following the month of the change. When a new agreement has been signed, it is to be reflected in the month following the date of such agreement.

The COFC shall consider the need to renew AAP eligibility promptly when any of the following occurs:

- (1) When there is a change in the circumstances of the adoptive parent(s) or the eligible child that may affect the amount of the IVE-AAP payment. Consistent with section 473(a)(3) of federal law, there may be circumstances in which an adoptive parent(s) may be eligible for payments in a different amount. In these instances, a State may renegotiate the agreement and increase or reduce the payments. Any such change must be assessed, taking into consideration the unique circumstances of the child and the adoptive parent(s), according to federal interpretation found in DHHS Policy Interpretation Question, PIQ-98-02. Examples of such changes include, but are not limited to:

- (a) a change in the special needs of the eligible child.
- (b) a change of residence of or placement of an eligible child out of the adoptive home.

If the child is placed temporarily in a residential facility (medical, treatment, or correctional), the adoptive parent(s) shall continue to be eligible to receive IVE-AAP payments on behalf of the child, provided the parent(s) retains the legal responsibility for the custody or support of the child, and provided the parent(s) continues to provide at least some of the child's support.

According to federal interpretation found in DHHS Policy Interpretation Question, PIQ-98-04, there is no provision for suspension of AAP and suspension would be the equivalent of a termination, which is not allowed under federal law, US Code 673(a)(3)(B). However, the AAP agreement may be renegotiated for a lesser amount of payment for the duration of an adopted child's placement outside the adoptive home, with the concurrence of the adoptive parent(s). Another possibility, according to federal interpretation found in DHHS Policy Interpretation Question, PIQ-85-12, may be for the agency to request, or the court to order the parent(s) to contribute toward the cost of the child's care outside the home, as would be expected of any parent(s) in a similar situation.

- (c) a significant reduction in or loss of the adoptive family's income, which results in the inability of the parent(s) to provide as much financial support for the eligible child. One example is the return of the adoptive parent to school or training related to improving the family's future standard of living.
 - (d) a request by the adoptive family for "Medicaid-only" for the eligible child for whom an AAP payment is also currently received.
- (2) When there is a change in the IVE-AAP rate or the availability of federal (Title IV-E) funding: If and when such a change occurs, the adoptive parent(s) shall be notified of the change in writing.
 - (3) When there is a change in the foster care per diem rate paid by the county office of family and children (COFC). When this occurs, the IVE-AAP payment rate shall be changed accordingly. An adjustment in the AAP payment that is based upon a change in the foster care per diem payment rate is to be made on the first of the month in which the change is effective.

Refer to federal interpretation found in DHHS PIQ-98-02, reply to question regarding AAP agreement renewals and responsibility of adoptive parent(s) to keep the COFC informed.

814.2 Renewal of the AAP Application

A new application form is usually completed each time a new agreement must be negotiated between the COFC and the adoptive parent(s). Refer to Appendix A of this section for a copy of State Form 2973 / FPP 3310, Application for Adoption Assistance, and to subsection 807 regarding the AAP application. Because IVE-AAP payments may be adjusted only at the request of or with the concurrence of the adoptive parent(s), a new application indicates such request or concurrence.

A new AAP application form shall be completed whenever there is a new AAP agreement except when the reason for the new agreement is one of the following:

- (1) The county per diem amount has been increased.
- (2) The child has reached an age at which a higher county per diem rate is applicable.

814.3 Renewal of the APP Agreement

Refer to Appendix C of this section for a copy of State Form 2974 / FPP 3311, Adoption Assistance Agreement, and to subsection 809 regarding the Adoption Assistance Agreement. This form must be renewed on a biennial basis, and also whenever there is a change in the amount of the payments. Refer to subsection 814.1 regarding a change in the amount of payment. Renewal necessitates the completion by the county office of family and children (COFC) of a new agreement form with the adoptive parent(s). The Adoption Assistance Agreement form should be identified as a Renewal Agreement by checking the box at the top right hand side of the page. It must be completed in its entirety and signed by both the COFC director and the adoptive parent(s). As is done for the initial agreement, one copy is kept for the case record, one copy is given to the adoptive parent(s), and one copy is sent to the Central Office. The COFC is to notify the adoptive parent(s) of the required renewal, and the notification procedure is as follows:

- (1) The COFC shall send written notification to the adoptive parent(s) 60 days prior to the date of renewal and shall provide them with the appropriate number of IVE-AAP agreement forms. One form is required per child.
- (2) If the adoptive parent(s) has not responded, a second notice will be sent by certified mail 20 days before renewal.
- (3) If the renewal request is not received from the adoptive parent(s) within five (5) working days after the renewal date and procedures (1) and (2) above are followed, the AAP agreement will be terminated. Refer to subsection 814.4.

814.4 Reapplication for Title IVE-AAP Following a Previous Discontinuance at the Request of the Adoptive Parent(s)

A new eligibility determination must be made in the event of a reapplication for AAP following a previous denial or discontinuance. However, if an adoptive parent(s) receives IVE-AAP benefits for the eligible child and then requests that AAP be discontinued, this parent(s) may later reapply for and receive IVE-AAP benefits again for the child, provided the three (3) continuing eligibility requirements listed in subsection 814 (1), (2) and (3) are still being met. In such a case, both the child's categorical eligibility and special needs eligibility established for the previous receipt of IVE-AAP benefits remain in effect; and the child's eligibility need not be redetermined. This is in contrast to any other reapplication for AAP in which eligibility must be determined.

815 Title IVE-AAP Denial, Discontinuance, and Right to Appeal and Fair Hearing

The following subsections outline the procedures involved in denying or discontinuing Title IVE-AAP assistance and in appealing those decisions.

815.1 Denial of the AAP Application

When IVE-AAP is being denied, each applicant shall receive written notice of the denial and of the right to appeal and of the right to request a fair hearing within 45 days of the date of the application. Refer to Appendix E of this section for a copy of State Form 5374 / FPP 0011, Notice Regarding Denial or Proposed Action to Discontinue Adoption Assistance. This form used to notify the adoptive parent(s) of the denial. All the reasons for denial are to be listed on the notification form.

The notification of the adoptive parent(s) of the right to appeal and to request a fair hearing is contained on this form also. In denying the application of the adoptive parent(s), the county office of family and children (COFC) shall adhere to the 45-day time limit from the date of an AAP application. This time limit includes the situation of the child who does not meet the eligibility requirements for AAP, as well as the situation of the adoptive parent(s) who has voluntarily withdrawn the application. The adoptive parent(s) has thirty (30) days from the date of the denial notification to make an appeal.

815.2 Discontinuance of AAP

When IVE-AAP payments are discontinued, State Form 5374 / FPP 0011 Notice Regarding Denial or Proposed Action to Discontinue Adoption Assistance is to be completed and sent to the applicant(s). Refer to Appendix E of this section for a copy of this form. It is important that the COFC list all reasons for the denial or termination on the notification so that the Administrative Law Judge (ALJ) handling the appeal has all the relevant information. The notification of the right to appeal and to request a fair hearing is contained on this form also. Refer to subsection 814.4 regarding reapplication for IVE-AAP following a previous discontinuance at the request of the adoptive parent(s).

815.21 Reasons for Discontinuance of AAP

Federal law requires that IVE-AAP be discontinued without the concurrence of the adoptive parent(s) when any one of the following occurs:

- (1) The child reaches 18 years of age. If the COFC is provided information that the child has a physical condition or a mental, emotional or physical handicap that requires a continuance of benefits, AAP benefits may continue until the child reaches age 21. Refer to subsection 805.13 regarding specific needs factors and conditions.
- (2) The adoptive parent(s) is no longer legally responsible for the child's support. According to federal interpretation found in DHHS Policy Interpretation Question, PIQ-98-02, a parent is considered no longer legally responsible for the support of a child when parental rights have been terminated or when the child becomes an emancipated minor, marries, or enlists in the military.
- (3) The child no longer receives any financial support from the adoptive parent(s). PIQ-98-02, as referred to in (1) above, defines "the child's support" as that which the state determines that, in addition to basic food and shelter, also includes

payments made for tuition, clothing, maintenance of special equipment in the home, family therapy, and any services for the child's special needs.

In addition to the above three reasons specified in federal law, AAP is also discontinued in the following situations, as cited in DHHS Policy Announcement, PA-87-03 regarding AAP agreement requirements:

- (1) The terms of the adoption assistance agreement have been fulfilled and the COFC and the adoptive parent(s) mutually agree to terminate AAP.
- (2) The adoptive parent(s) makes a written request for termination of assistance.
- (3) The adoptive parent(s) fails, after proper notice by the COFC, to complete the required biennial renewal agreement for AAP.
- (4) The adoption disrupts and the parental rights of the adoptive parent(s) are terminated. Refer to the note below.
- (5) The death of the adoptive parent, or of both adoptive parents, if there are two. Refer to the note below.
- (6) The death of the eligible child

NOTE: The IVE-AAP agreement is a legal contract made with the adoptive parent(s) and AAP payments may be made only to the parent(s) who adopts the child. There is no provision for the transfer of the agreement or for payments to be made to anyone else, including the child, a relative, or a guardian in situations in which the adoptive parent(s) dies or the adoption is terminated. However, although both the AAP agreement with the adoptive parent(s) and AAP payments are terminated in the situations described in items (5) and (6) above, under federal law, the child's eligibility for AAP does not terminate. Refer to subsection 805.22 regarding the child's continuing eligibility.

815.22 Time Guidelines for Discontinuance of AAP

Termination of AAP is on the first of the month following the decision of the county office of family and children (COFC) and the adoptive parent(s) to close the AAP case. An exception occurs when termination is due to the child's age (18 years, or 21 years when the COFC has determined that the child's physical condition or physical, mental, or emotional handicap warrants continuation). In this case, AAP shall terminate on the first day of the month following the eighteenth (or twenty-first) birthday unless the child's birthday falls on the first of the month, in which case payments shall terminate on the first day of the month of the child's birthday.

815.3 Right to Appeal and Fair Hearing for AAP

Federal regulation requires that states guarantee the right to appeal in Title IVE-AAP cases. In addition, the right to administrative appeal extends to those affected by the Title IVE-AAP program as it does with regard to all DFC programs. State regulation 470 IAC 1-4 provides the following:

“In the event that the rights, duties, obligations, privileges, and/or other legal relations of any person, which are required or authorized by law to be determined by the Indiana Division of Family and Children or any county

Office of Family and Children, then such person has the right to request an administrative hearing.”

Refer to the notice of the rights to appeal and to receive a fair hearing which appears on State Form 2973 / FPP 3310 Application for Adoption Assistance (Appendix A) and on State Form 5374 / FPP 0011 Notice Regarding Denial or Proposed Action to Discontinue Adoption Assistance (Appendix E).

For AAP, the appeal must be made in writing within 30 days of the effective date of State Form 5374 / FPP 0011 Notice Regarding Denial or Proposed Action to Discontinue Adoption Assistance. The appeal and request for a fair hearing is to be sent to Indiana Family and Social Services Administration, Hearings and Appeals. See Appendix T for address. Persons who wish to appeal are advised by instruction on forms used in the appeal process to seek assistance from the COFC in drafting a letter requesting an administrative hearing, if they wish. However, COFC staff is expected to advise verbally persons who might be in need of such assistance that this service is available.

Situations that may be appealed include, but are not limited to, the following:

- (1) The AAP application is denied.
- (2) Action is not taken on the AAP application within 45 days of the date of application.
- (3) An agreement cannot be reached between the agency and the adoptive parent(s) on the amount of assistance.
- (4) The COFC refuses to consider a renegotiation of the AAP agreement requested by the adoptive parent(s).
- (5) The adoptive parent(s) disagrees with an action regarding continued eligibility.
- (6) The adoptive parent(s) alleges there were extenuating circumstances which caused the adoptive parent(s) not to make a timely application for the IVE-AAP program.

When an administrative appeal is filed, the county office of family and children (COFC) must submit a written response to the allegation made by the adoptive parent(s), along with a copy of the hearing request to the Division of Family and Children, Hearings and Appeals.

815.31 AAP Appeal Based on Extenuating Circumstances

Federal regulation requires that the child’s adoption assistance agreement be signed and in effect at the time of, or prior to, the final decree of adoption. However, in federal interpretation found in DHHS Policy Interpretation Question, PIQ-88-06, it is stated that the state may reverse, through the appeal process, an earlier decision to deny adoption assistance benefits due to extenuating circumstances.

An extenuating circumstance is a circumstance that prevents the making of a timely eligibility determination based on the presentation of all the facts relevant to the child’s situation prior to the adoption finalization. If an AAP situation is appealed for a fair hearing and the Administrative Law Judge (ALJ) finds that extenuating circumstances existed involving an appealed case, then a COFC decision to deny benefits may be reversed. Refer to federal interpretation found in DHHS Policy Interpretation Question, PIQ-92-02 regarding fair hearings and extenuating circumstances.

Types of situations that might be considered grounds for a fair hearing based on extenuating circumstances include, but are not limited to, the following:

- (1) Relevant facts regarding the child, the biological family, or the child's background are known and not presented to the adoptive parent(s) prior to the legalization of the adoption.
- (2) The child's medical, physical, emotional, or mental condition was not manifest or was not diagnosed prior to the adoption.
- (3) The COFC failed to inform the adoptive parent(s) of a special needs child of the existence of AAP, which results in the parent(s) failing to make application prior to the adoption finalization.
- (4) The parent(s) was not permitted to make application or was discouraged from making application for AAP by the COFC.
- (5) The COFC made an erroneous decision to deny AAP.

However, in the case in which the adoptive parent(s) did not make application for AAP prior to adoption finalization, there is no application or action by the COFC on an application; and, therefore, there is nothing for the adoptive parent(s) to appeal administratively. Under Indiana regulation, as stated above, administrative appeal is available only with regard to something "...required or authorized by law to be determined by the Indiana Division of Family and Children or any county Office of Family and Children..." With no AAP application, there is no determination by the DFC required or authorized by law which may be administratively appealed.

Therefore, in order to protect the rights of any child who might qualify for AAP, the following procedure shall be utilized in the case in which no application was made prior to adoption finalization and extenuating circumstances exist:

- (1) An AAP application is to be offered to the adoptive parent(s).
- (2) The child's eligibility is to be determined; and if the child is found to have been eligible, then the application is to be denied based on the fact that the adoption finalization occurred prior to the date of application.

NOTE: It is important to list all the reasons for the denial of eligibility, if there are other reasons besides the timeliness of the application in this situation, in order to give all relevant information to the Administrative Law Judge handling the appeal.

- (3) The decision to deny the application can then be appealed, thus allowing presentation of all the relevant facts at the hearing.

815.32 Stipulated Agreement with the Adoptive Parent(s) to Resolve an Appeal Based on Extenuating Circumstances

In the case of an appeal of a situation involving extenuating circumstances in which the county office of family and children (COFC) admits that its action was incorrect or that the child was, in fact, eligible at the time of the adoption, the Family and Social Services Administration (FSSA) Legal Section may choose to negotiate a settlement. For

example, the incorrect action admitted may be that the office did not provide timely information regarding the Adoption Assistance Program (AAP) to the applicant(s), or that it failed to permit an AAP application to be filed. The finding that the child was, in fact, eligible may be due to a post-adoptive diagnosis of a medical condition or physical, mental, or emotional handicap made by a physician who determines that the condition or handicap was present at the time of the adoption.

When such a settlement of the matter is negotiated between the adoptive parent(s) and the COFC, a stipulated agreement is drawn up and signed by both parties. The stipulated agreement is one that contains stipulations made by either or both parties that the stated conditions in the case are true facts and the facts are not contested. This stipulated agreement must then be submitted to the FSSA Administrative Law Judge (ALJ) for approval, thereby eliminating the need for a formal hearing.

Once the ALJ rules on an appeal involving a stipulated agreement, the appellant(s) receives the following:

- (1) A copy of the stipulated agreement.
- (2) The decision of the ALJ regarding the proposed settlement.
- (3) Notification of the 10-day period allowed for an appeal of the ALJ's decision after it is rendered. After this 10-day period, the decision is final; and the adoptive parent(s) has no further administrative recourse.

If a stipulated agreement is approved by the ALJ, the county should complete a new Adoption Assistance Agreement form with the adoptive parent(s), back-dated to the earliest date of eligibility for the child, as ordered by the ALJ. If the ALJ does not specify the date of the child's initial eligibility, the date is to be negotiated with the adoptive parent(s).

The earliest date of eligibility for retroactive benefits for an AAP case determined eligible on appeal in which there was no earlier signed adoption assistance agreement, is one of the following:

- (1) The date of the final decree, for adoptions that occurred on or before October 1, 1986.
- (2) The date of the adoptive placement in the adoptive home for adoptions occurring after October 1, 1986, provided there were no foster care payments being paid for the child at the same time.
- (3) The date of initial AAP eligibility.
- (4) The date of the application.
- (5) The date established by the ALJ.

NOTE: No effective date can precede the date of the implementation date of the program; i.e., October 1, 1982.

816 Title IVE-AAP Case Record

When the adoption is finalized and IVE-AAP is to be provided, the child's wardship case record is to be closed and sealed, as are all adoption records, except for state or federal audit purposes.

The AAP case information is to be filed with the child's nonrecurring adoption expense (NRAE) and/or county adoption subsidy information, if there are such for the child. One folder will be used for all adoptive siblings who are placed together, and the folder will bear the name of the oldest child. If a child is placed separately, then a separate folder is to be established. The file is to be in the name of the child as it will be following adoption finalization, and the case number is to be the Indiana Child Welfare Information System (ICWIS) number for the adoption case. Entry of the AAP information in the ICWIS is to be completed for each child by the COFC. Updated information about ICWIS entry is located on the network e-mail system on the ICWIS Bulletin Board under Public Folders.

816.1 AAP Case File Folder

The child's case file folder should contain only necessary information. If an appeal is filed regarding the action on an application for AAP or a denial or discontinuance of AAP, then the applicant has the right to examine the Adoption Assistance Program case record. Therefore, it is essential that the contents of this record not include any information that is confidential by statute; i.e., adoption records, juvenile court records, and abuse or neglect records. The record should contain only the following items, as they apply to the AAP child:

- (1) State Form 2973 / FPP 3310, Application for Adoption Assistance (Appendix A).
- (2) State Form 2976 / FPP0020, Adoption Assistance Child Certification, all copies relative to the specific child.
- (3) State Form 2974 / FPP 3311, Adoption Assistance Agreement, initial agreement and all renewal agreements and amendments
- (4) Documentation of the child's eligibility for AAP, including:
 - (a) a copy of the court order documenting that removal from the parent(s) is in the child's best interest.
 - (b) documentation of the reasonable efforts made to place the child without AAP, or the reason that the reasonable efforts requirement was waived.
 - (c) the required medical verification in the case of a child whose special need specific factor or condition is a medical, physical, mental, or emotional condition.
 - (d) documentation of the child's categorical eligibility; i.e., SSI eligibility notification or physician's statement, if appropriate
 - (e) documentation of child's AFDC categorical eligibility.
- (5) All other documents pertaining to AAP and supplemental county adoption subsidy, if applicable.
- (6) AAP Renewal Notification Letter(s).

- (7) State Form 5374 / FPP 0011, Notice Regarding Denial or Proposed Action to Discontinue Adoption Assistance, if applicable.
- (8) State Form 49580 / ICAMA Form 6.01 / FPP 0021, Notice of Medicaid Eligibility/Case Activation, if applicable.
- (9) State Form 49581 / ICAMA Form 6.02 / FPP 0022, Notice of Action, if applicable.
- (10) State Form 49582 (12-99) / ICAMA Form 6.03 / FPP 0023, Report of Change in Child / Family Status, if applicable.

816.2 AAP Forms to be Sent to Central Office

The following list contains all AAP forms that must be included in the case record. County offices shall send one copy of each of the forms from the IVE-AAP case record to Central Office, Financial Management (See Appendix T for address) as indicated below.

- (1) One (1) copy of each State Form 2973/FPP 3310, Application for Adoption Assistance , including renewal applications.
- (2) One (1) copy of each State Form 2974/FPP 3311, Adoption Assistance Agreement, including amendments, initial agreement, and all subsequent renewal agreements.
- (3) One (1) copy of State Form 5374/FPP 0011 Notice Regarding Denial or Proposed Action to Discontinue Adoption Assistance.

Once personnel in Financial Management obtain the information needed, the forms will be forwarded to the Central Office, Central Eligibility Unit (CEU).

NOTE: Subsection 817.1 contains the complete list of AAP accounting forms to be submitted to Central Office, Financial Management.

817 Title IVE-AAP Payment: Accounting Procedures

Adoption assistance payments require the county office of family and children (COFC) to account for all expenditures in support of this program in the same manner as for the Title IVE-Foster Care (FC) program. Refer to Section 9 of this Manual for the accounting procedures used for Title IVE-FC.

817.1 AAP Accounting Forms to be Sent to Central Office, Financial Management

The following list contains all of the AAP accounting forms for Title IVE-AAP that must be included in the case record. The COFC shall send the forms to the Central Office, Financial Management as indicated below.

- (1) State Form 44181 / FM 0029, Schedule of Payments, reporting each AAP expenditure as a separate entity.
- (2) State Form 5007 / FM 0026, Schedule of Payments-Certification, also reporting each expenditure as a separate entity.
- (3) County Form 93, Financial Report of Receipts, reporting on separate pages any warrant returns and repayments.

Note: Subsection 816.2 contains the complete list of AAP case record forms to be submitted to Central Office, Financial Management.

817.2 Payment of AAP

After the COFC director has approved IVE-AAP payments, the county auditor issues warrants drawn on the AAP Expenditure Account 32600. The warrants are delivered or mailed by the county to the adoptive parent(s) on, or as near as possible to the first business day of the month for which they are issued. All monthly assistance warrants are made payable to the adoptive parent(s) and cover the calendar month for which they are dated and issued. Warrants payable to an adoptive couple should be made out in the name of both parties such as Mary Jones or John Jones, for example.

817.3 Unrestricted AAP Money Payment

IVE-AAP payments shall be delivered without restriction to the adoptive parent(s) in the full amount of the award and for the sole use and benefit of the person or persons for whose behalf the award is made. State and federal funds are available for reimbursement only for payments of assistance made without restriction to a recipient. No restriction shall be imposed in any manner whatsoever by the county office of family and children (COFC), by any COFC staff member, or by the state Division of Family and Children (DFC) on any adoptive parent(s) in the expenditure of any portion of the AAP award.

When the amount of assistance is determined and payment made, it becomes the responsibility of the adoptive parent(s) to handle such funds. The family case manager may assist the adoptive parent(s) in planning expenditures, if such service is requested; but this service shall be provided such that expenditures are not controlled.

817.4 Mailing AAP Warrant to Adoptive Parent(s)

The IVE-AAP warrant is to be mailed to the adoptive parent(s) at their last known address. The established procedure for mailing the monthly IVE-AAP warrant to the adoptive parent(s) at a specified residential address is the best method available to provide proper accountability and assurance that payments are being made to eligible persons.

The envelope in which the warrant is mailed carries a notice instructing the postmaster not to forward or deliver the envelope to another address but to return it to the sender. When an envelope containing a non-delivered warrant is returned to the COFC; i.e., due to the death of the addressee, insufficient address, or a change of address, then the family case manager is to determine if the adoptive parent(s) is deceased or has moved to a new place of residence. It is important to note that a change in the adoptive family's circumstances may affect AAP or Medicaid.

817.5 AAP Warrants Withheld from Mailing or Delivery

In most instances, the warrant will be mailed or delivered to the adoptive parent(s) at the regular mailing time. However, in an exceptional circumstance, it may be necessary to withhold the warrant from mailing or delivery for a specific reason. Possible reasons for withholding an AAP check may include the following:

- (1) The adoptive parent(s) has moved, and the current address is unknown.
- (2) The adoptive child is no longer eligible, and the adoptive parent(s) has received a prior notice of termination.
- (3) The adoptive parent(s) requested that the warrant be held.
- (4) The adoptive parent(s) has died.

817.6 Endorsement of Warrants for AAP

Warrants for assistance cannot be cashed unless they are endorsed personally by the IVE-AAP payee in accordance with the instructions on the back of the warrant. Children or other relatives, friends, or acquaintances are not authorized to sign the name of the adoptive parent(s) even though they have been requested or authorized to do so by the adoptive parent(s). If the adoptive parent(s) is unable to sign the warrant in writing, the adoptive parent(s) shall sign by mark; and such mark shall be witnessed by two (2) persons who shall sign their names and addresses on the back of the warrant.

817.7 Incorrect AAP Payment Amount

In the event that an incorrect AAP payment being is sent to the adoptive parent(s), the procedures outlined below are to be followed:

817.71 AAP Payment in a Lesser Amount

If an administrative error resulted in payment being made to the adoptive parent(s) for a particular month or a number of months in an amount less than the amount for which an adoptive child was eligible, then retroactive payments shall be made. However, such retroactive payments are only to be made for the 12 months preceding the month in which the underpayment was discovered.

NOTE: Administrative errors include county office of family and children (COFC) clerical errors, and errors resulting from the failure of the family case manager to adjust the assistance award appropriately when a change of circumstances has been reported.

817.72 AAP Payment in a Greater Amount

If the adoptive parent(s) received a payment for a particular month or months in an amount greater than that to which the adoptive parent(s) was entitled, a decrease to correct the amount of the payment to the adoptive parent(s) shall be made in the subsequent warrant after the error is discovered. Money received by the adoptive parent(s) in excess of the allowable IVE-AAP payment is not to be recouped from the adoptive parent(s) by the COFC.

817.8 Outstanding AAP Warrants

If an AAP warrant is found to be outstanding according to records in the county treasurer's office for any period in excess of 60 days, the COFC shall reinvestigate the circumstances of the adoptive parent(s) in whose name the warrant was drawn to determine continued eligibility for assistance. Each COFC shall establish necessary procedures to record and account for outstanding warrants. In most counties, the county treasurer will have records arranged so that a report can be made to the COFC without additional bookkeeping.

NOTE: For procedures on how to cancel or replace warrants which have been lost, stolen, or forged, contact the State Division of Family and Children, Financial Management.

817.9 Unclaimed AAP Warrants

The COFC shall make a reasonable effort to deliver an unclaimed warrant to the adoptive parent(s) for whom it is drawn, when the whereabouts of the parent(s) are known. Efforts to locate the adoptive parent(s) must be documented in the case record.

A warrant for IVE-AAP that remains unclaimed and undeliverable after 60 days from the date of issuance shall be returned to the county auditor for deposit to the credit of the County Family and Children Fund. In such a situation, the assistance shall be discontinued effective the first day of the month for which the unclaimed warrant was issued.

There are instances in which it is advisable to issue a subsequent warrant when the warrant for the preceding month has been unclaimed or undeliverable. If this warrant is also unclaimed, both warrants shall be returned for deposit to the credit of the County Family and Children Fund. The effective date of discontinuance shall be the first day of the month for which the first unclaimed check was issued.

818 Title IVE Nonrecurring Adoption Expense (NRAE) Program: Scope, Purpose, and Legal Base

42 USC 673 (a)(6)(A), the Tax Reform Act of 1986, amended the Title IV-E Adoption Assistance Program (AAP) to provide 50% federal matching funds as state administrative costs for reimbursement of nonrecurring adoption expenses. Nonrecurring adoption expenses are one-time expenses incurred by the adoptive parent(s) in connection with the adoption of a special needs child, provided the adoption is in compliance with state and federal law. Such reimbursement is available for the adoption of all special needs children irrespective of the child's eligibility for AFDC (now TANF), SSI, IVE-FC or IVE-AAP. Refer to federal interpretation found in DHHS Information Memorandum, IM-87-06, regarding the fact that NRAE eligibility does not depend upon eligibility for AAP. The adoption need not be finalized prior to claiming reimbursement.

Reimbursement for nonrecurring adoption expenses is dependent upon the availability of federal and state matching funds, which are, in turn, contingent upon compliance with federal, state, and local laws. Therefore, placements made in violation of the Interstate Compact on the Placement of Children (ICPC) or of any other applicable federal, state, or local law regarding the placement of children shall render applicants for reimbursement of nonrecurring adoption expenses ineligible to receive it. Refer to the Social Security Act, Section 473 and U.S. Code, 42 USC 673 for the federal law regarding NRAE.

818.1 Nonrecurring Adoption Expenses (NRAE) Defined

Nonrecurring adoption expenses are child-specific and are defined in federal law as the:

“... reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a child with special needs and which are not incurred in violation of State or Federal law. The adoption and attorney fees must be reasonable and in accordance with local community standards for such fees.”

In accordance with federal law, nonrecurring adoption expenses may include expenses for the following items:

- (1) Reasonable and necessary adoption fees, including the costs of:
 - (a) the adoptive home study;

NOTE: The county office of family and children (COFC) is not to charge for the adoptive home study for a special needs child. Refer to subsection 718.5 for information regarding fees for services for the adoption of non-special needs children;
 - (b) any needed health and psychological examinations of the adoptive child; and
 - (c) adoptive placement fees, including placement supervision fees charged by an authorized public welfare agency or private, non-profit licensed child placing agency.
- (2) Reasonable and necessary court costs, including the filing fees charged by the court when an adoption petition is filed. Court costs are determined by state statute and may not exceed these statutory limitations.
- (3) Reasonable and necessary attorney fees that may be reimbursed, including fees charged to the adoptive parent(s) by the attorney to represent the adoptive parent(s) in all proceedings to finalize the adoption. Legal services include the preparation of legal documents and court appearances, the documentation of which must include the purpose of each court appearance.
- (4) Attorney fees in situations involving independent adoptions to cover the cost of services for which the attorney has had to pay. If such expenses are included in the attorney's fees, the attorney must enumerate them separately from the fees for legal services. These charges may include, but are not limited to the following:
 - (a) Medical care and transportation for the biological mother and child.
 - (b) Services to terminate parental rights.
 - (c) Interim foster care for the child, if required.
 - (d) Indiana State Department of Health processing fees.
- (5) Other expenses incurred on behalf of the adoptive child or the adoptive parent(s) and directly related to the legal adoption of the special needs child that may qualify for reimbursement include the following:
 - (a) Transportation costs of the adoptive child and the adoptive parent(s) for pre-placement visits and the placement. Actual transportation costs may include airfare, bus fare, train fare, or mileage (city to city). All travel reimbursement must be for a minimum of 50 miles each way. Airfare, bus fare, or train fare is to be at the most reasonable rate, such as coach, tourist, as applicable. Mileage will be reimbursed at the current rate of \$0.28 per mile.
 - (b) Reasonable lodging and food expenses of the adoptive child and the adoptive parent(s) incurred only during travel for pre-placement visits and the placement.

NOTE: Examples of costs that are not reimbursable under the NRAE program are interest paid on a loan to meet the above-listed expenses, legal expenses involved in an appeal of a COFC decision regarding NRAE or AAP, and any adoption expenses for which the parent(s) has been otherwise reimbursed.

818.2 Mandatory Notification of Adoptive Parent(s) Concerning NRAE

All parents adopting a special needs child must be advised in writing of the availability of funds to reimburse nonrecurring adoption expenses at the time the child is placed adoptively, or as soon as the COFC or LCPA become aware of such a placement. Each agency, public or private, must complete State Form 46152 / FPP 3317, Application and Eligibility Determination for Nonrecurring Adoption Expenses for the adoptive parent(s) who requests NRAE reimbursement. Refer to Appendix G for a copy of State Form 46152.

818.3 Eligibility Criteria for Reimbursement of NRAE

As stated in federal law, for the child for whom an adoption assistance (AAP) agreement is entered into by the state with parents who adopt a child with special needs, the state shall make payments of nonrecurring adoption expenses incurred with the adoption of such child. In order to qualify for NRAE reimbursement, the adoptive child must meet the special needs requirements of Title IVE-AAP, of which the NRAE program is a component. Refer to subsection 818.31. However, there is no categorical eligibility requirement (eligibility for SSI or AFDC) for the NRAE program, as there is for AAP. There are also fewer limits on the types of adoptions for which reimbursement may be claimed for NRAE than there are for AAP. Therefore, a child may qualify for NRAE even though the child will not qualify for AAP. Refer to subsection 818.4 for information regarding the amount of NRAE reimbursement.

If the adoptive placement is across state lines, no IVE-NRAE is available without Interstate Compact on the Placement of Children (ICPC) approval of the placement.

818.31 Child's Special Needs Eligibility Requirements for NRAE

The special needs eligibility criteria, as specified in Section 473 of the Social Security Act, that must be met by the child for purposes of receiving reimbursement for nonrecurring adoption expenses are as follows:

- (1) The state must determine that the child cannot or should not be returned to the home of the parent(s). This shall be documented by one (1) of the following:
 - (a) A court order stating that it is the best interest of the child not to be returned to the biological parent(s).
 - (b) A termination of parental rights (TPR).
 - (c) Verification of the death of the biological parent(s). or
 - (d) A signed relinquishment of parental rights or consent to the adoption by the birth parent(s).
- (2) The state must determine that reasonable, but unsuccessful efforts have been made to place the child without providing adoption assistance, unless to do so would be against the best interests of the child. Refer to subsection 805.12 for additional

information concerning the special needs requirement of reasonable efforts for IVE-AAP, of which NRAE is a part.

- (3) The state must determine that there exists, with respect to the child, a specific factor or condition because of which it is reasonable to conclude that the child cannot be placed with adoptive parent(s) without providing adoption assistance or reimbursement of nonrecurring adoption expenses.

Refer to subsection 805.13 for the list of specific needs factors and conditions for eligibility for IVE-AAP, of which NRAE is a part; to federal regulation regarding the specific factor and condition for NRAE, 45 CFR 1356.41; and to Indiana Administrative Code 470 IAC 3-10-2 for definitions. Refer also to the special needs requirements information contained on State Form 46152 / FPP 3317, Application and Eligibility Determination for Nonrecurring Adoption Expenses in Appendix G.

818.32 Types of Adoptions Eligible for NRAE

Reimbursement for nonrecurring adoption expenses is available for any child being adopted who meets the criteria for special needs, as described in subsection 818.31. If the adoptive placement is across state lines, then the adoption must receive ICPC approval in order to be eligible for NRAE. The following types of legal adoptions may be considered for NRAE:

- (1) An adoption through a county office of family and children (COFC).
- (2) An adoption through a licensed child placing agency (LCPA).
- (3) An independent adoption.
- (4) An adoption from a foreign country.
- (5) An adoption by a (non-parent) relative.
- (6) An adoption by a stepparent when there is no natural parent in the home.

NOTE: Regarding out-of-state and foreign adoptions: Although it does not affect Title IVE eligibility, Indiana law requires that in order to secure all the same legal rights afforded to a child adopted in Indiana, an adoption decree issued outside the state must be filed with the clerk of the court in a county of Indiana and recorded in open court. Refer to Indiana Code, IC-31-19-28.

818.4 Amount of Reimbursement for NRAE

The total amount of nonrecurring adoption expenses reimbursed shall not exceed the \$1,500.00 maximum per child for each adoption. In order to support the policy of the Division of Family and Children of placing siblings together if at all possible, each child is treated as an individual for purposes of NRAE reimbursement, with separate reimbursement for the nonrecurring adoption expenses allowable for each child. When siblings are placed and adopted together, each child is eligible for up to the \$1500.00 maximum amount allowable, in agreement with federal interpretation found in DHHS Information Memorandum, IM-87-06. In the adoption of siblings, when a single expense is applicable to all of the children being adopted, such as the attorney's fee for filing a petition, this expense must be divided among the claims for nonrecurring adoption

expenses for each child. See subsection 708.23 of the Child Welfare Manual for policy on placing siblings.

818.5 Nonrecurring Adoption Expense (NRAE) Application

Refer to Appendix G of this section for a copy of State Form 46152 / FPP 3317, Application and Eligibility Determination for Nonrecurring Adoption Expenses. In order to determine eligibility for nonrecurring adoption expenses, State Form 46152 must be completed for each child for whom reimbursement is requested. Completion of this form verifies and documents that the child meets the special needs definition referenced above. It must be completed and signed by the parent(s), the family case manager, and the director of the COFC prior to the adoption finalization. A copy is to be sent to the Central Office. Refer to subsection 818.84 regarding forms sent to Central Office.

If the child is placed adoptively by the county office of family and children (COFC) into a home in another county, the placing COFC completes the NRAE application, sections I through IV, and forwards it to the COFC in the county of residence of the adoptive parent(s). The COFC in the county of residence completes the form for final state approval.

818.51 NRAE Referral Received from Licensed Child Placing Agency (LCPA)

When a request for NRAE is received for a child adopted through a licensed child placing agency (LCPA), the LCPA should complete the NRAE Application, Sections I through IV and submit it with the request for NRAE reimbursement. For purposes of federal audit, the referring agency shall maintain all original documentation supporting the special needs determination for a child whom the agency refers to the COFC. Copies of the documents are to be attached to the referral and forwarded to the COFC in the county of residence of the adoptive parent(s). The referral of an international adoption is processed in the same manner as a domestic adoption. Refer to subsection 818.3 for NRAE eligibility requirements.

Once the COFC receives the completed application form from the LCPA, the application is processed in the same manner, as outlined above for an application taken directly by the COFC.

818.52 NRAE Referral of an Independent Adoption

A special needs child whose adoption is being handled independently through an agency or individual other than a COFC or LCPA is also eligible to be considered for the nonrecurring adoption expense reimbursement. In such adoptions, the request for NRAE may be from an attorney or the adoptive parent(s) directly. The county of residence of the adoptive parent(s) is to take the application for reimbursement of nonrecurring adoption expenses. If a referral comes to the wrong county office, it is to be directed to the appropriate office. The COFC taking the application shall maintain the documentation supporting the special needs determination.

818.53 County Office Having Responsibility for NRAE Application

Application for NRAE is made with the COFC in the appropriate county, which is determined as follows for the resident child:

- (1) If the child is also eligible for IVE-AAP, the NRAE application is received and processed by the same COFC that is handling the AAP, unless it is an interstate adoption.
- (2) If the child is not also AAP-eligible then the following procedures must be followed:
 - (a) If the child is a ward (under the custody and supervision of the court), the COFC of the county holding the child's wardship shall receive the application.
 - (b) If the child is not a ward, the COFC in the county of residence of the adoptive parent(s) shall take the application.
- (3) If it is an interstate adoption, the following procedures apply for the NRAE application:
 - (a) If the child is placed into Indiana by another state, then the COFC in the county of residence of the parent(s) receives and processes the application, regardless of whether or not the child is AAP-eligible or which state is providing AAP for the eligible child.
 - (b) If the Indiana child is placed into another state, then the office in that state that is comparable to Indiana's COFC receives the NRAE application, regardless of AAP status.

Refer to subsection 821.3 regarding interstate procedures for the NRAE child.

818.6 Nonrecurring Adoption Expense (NRAE) Agreement

If the COFC determines that the child meets the eligibility criteria for special needs and is going to recommend to Central Office that the application be approved, then the NRAE agreement is to be completed by the adoptive parent(s) and the county Office of Family and Children (COFC). This completion of the agreement, however, is subject to final approval from Central Office, and the adoptive parent(s) must be so informed. If the Central Office decision, upon review of the application, is to deny the application, the adoptive parent(s) is so notified and retains the right to appeal this decision. Refer to Appendix H of this section for a copy of State Form 47702 / FPP 3318, Nonrecurring Adoption Expenses Agreement. Also refer to subsection 818.86 regarding NRAE appeals.

A separate agreement form is to be completed for each child being adopted, including each child in a sibling group. A copy of the agreement is to be given to each party, as stated in federal interpretation found in DHHS Program Regulation PR-88-02; and the third copy is sent to Central Office. Refer to subsection 818.84 regarding forms to be sent to Central Office.

The NRAE agreement form must be signed prior to the final decree of adoption. Once the agreement has been signed by the adoptive parent(s) and the director of the COFC, the original is retained in the case record, one copy is provided to the adoptive parent(s), and the other copy is sent to the Central Office. Refer to subsection 818.84 regarding forms sent to Central Office.

818.7 Nonrecurring Adoption Expense (NRAE) Case Record

When the COFC completes the application and eligibility form, determines the child's eligibility and that the county office will recommend the NRAE application be approved, the following is to be done:

- (1) NRAE case information is to be filed with the child's AAP case, if there is one, and with any other adoption subsidizations the child may receive; i.e., county adoption subsidy (CAS) or the Indiana Adoption Subsidy Program (IASP). If there is no other subsidy, then a new file will be required. One folder is to be used for all adoptive siblings placed together. The file name is to be the name of the oldest child as it will be following adoption finalization. If a child is placed separately, then a separate folder is to be established.
- (2) The case number for the file is to be the Indiana Child Welfare Information System (ICWIS) number for the adoption case. The case file is to contain the following:
 - (a) Copy of State Form 46152 / FPP 3317, Application and Eligibility Determination for Nonrecurring Adoption Expenses
 - (b) Copy of State Form 47702 / FPP 3318, Nonrecurring Adoption Expenses Agreement
 - (c) Copy of State Form 47701 / FPP 3316, Direct Vendor Payment Authorization, if applicable
 - (d) Copy of State Form 47700 / FPP 3315, Request for Additional Action - NRAE Claim, if applicable
 - (e) Copy of State Form 47918 (Elec.) / FPP 3314, Notice of Action on Claim for Nonrecurring Adoption Expense Reimbursement
 - (f) Documentation of the child's special needs eligibility for NRAE
- (3) Once the COFC makes a preliminary determination of eligibility, the COFC makes a recommendation to Central Office regarding whether to approve or deny the application. The COFC recommendation is forwarded along with the other required forms to the Central Office, Central Eligibility Unit (CEU), for final determination of eligibility and processing. See Appendix T for mailing address. Refer to subsections 818.84 and 818.85 for additional information regarding NRAE forms sent to Central Office and Central Office responsibilities for NRAE. If NRAE is approved, the NRAE agreement form is completed with the adoptive parent(s) of the eligible child. Instructions are also provided regarding the claiming procedure. Refer to subsection 818.6 regarding the NRAE agreement form, and to subsection 818.8 regarding claim procedures.

818.8 Nonrecurring Adoption Expense (NRAE) Claims

NRAE claims are to be handled according to the procedures described below:

818.81 Time Limitation on NRAE Claims for Reimbursement

In order for a claim to be considered eligible for NRAE reimbursement, it must be received by the COFC within two (2) years of the date of the final decree of adoption for adoptions finalized after June 14, 1989.

818.82 NRAE Claiming Procedures

Refer to Appendix I of this section for a copy of State Form 11294 / FPP 3313, Claim Voucher, and to Appendix K for federal Internal Revenue Service Form W-9, Payer's Request for Taxpayer Identification Number and Certification. Claim forms shall be completed and submitted for each nonrecurring adoption expenses reimbursement. IRS Form W-9 shall be completed and submitted for each claimant. With regard to the completion of these forms, please note the following:

- (1) The account number for nonrecurring adoption expenses is 3630-575000-150700.
- (2) The Social Security number reported on the claim voucher and the federal Form W-9 must be that of the claimant. Because the Indiana State Auditor requests only one vendor name per claim, if there are two (2) claimants, such as a couple who are adopting, then the couple must decide which of them will be the claimant.
- (3) Each claim submitted, including the direct vendor claim form, shall contain the signature of the adoptive parent(s); and the initials of the COFC director as the authorized agency representative, certifying that the expenses being claimed are approved and that the receipts for such expenditures are correct and reimbursable. Refer to subsection 818.1 regarding allowable NRAE expenses.
- (4) Each claim form submitted must have the original receipts attached and each receipt must contain:
 - (a) the name(s) of the adoptive parent(s) paying for the service;
 - (b) the nature of the service rendered, with multiple services itemized;
 - (c) the date(s) of the service(s);
 - (d) the cost(s) of the service(s);
 - (e) the signature of the person or authorized agency representative providing the service; e.g., the attorney providing legal service, the court clerk where the adoption took place, or the agency director to whom the adoption fee was paid; and
 - (f) when the adoptive parent(s) is claiming mileage, the itemized listing of all mileage driven, odometer readings, and the points of origin and destination for each trip.
- (5) Each claim form submitted for a direct voucher payment to the attorney must have attached to it a copy of the completed State Form 47701 / FPP 3316, Direct Vendor Payment Authorization and Certification form.

818.83 Direct Vendor Payments to Attorney for NRAE

If the adoption attorney is paid by the adoptive parent(s), the adoptive parent(s) are to be reimbursed for the nonrecurring adoption expense of the attorney. However, the parent(s) may choose to have the attorney reimbursed totally or in part by means of a direct vendor payment to the attorney. If the adoptive parent(s) elects to have the state

pay the attorney directly, then the parent(s) must complete and sign the above-referenced authorization form.

The attorney must complete the forms listed below and submit them to the county office of family and children (COFC) that is processing the NRAE claim in order to receive direct vendor reimbursement. These forms include:

- (1) State Form 11294, Claim Voucher (Appendix I) with the attorney listed as the designated vendor, and an itemized statement of the expenses related to the adoption; and
- (2) a completed IRS Form W-9 (Appendix K).

After the attorney completes these forms and before the COFC approves them, the parent(s) must certify, using form State Form 47701 / FPP 3316, Direct Vendor Payment Authorization and Certification (Appendix J), that the services have been completed; and the parent(s) must also verify the amount of payment. The director of the COFC must then initial the approved claim form before it is sent to the Division of Family and Children (DFC), Central Office, Central Eligibility Unit (CEU) for final processing and payment. Refer to subsection 818.1 regarding allowable expenses for NRAE]

818.84 NRAE Forms Sent to Central Office

The county office of family and children (COFC) shall forward the following forms to the Central Office, Central Eligibility Unit (CEU) for final processing and payment authorization: (See Appendix T for mailing address.)

- (1) Copy of State Form 46152 / FPP Form 3317, Application and Eligibility Determination for Nonrecurring Adoption Expenses.
- (2) Copy of State Form 47702 / FPP 3318, Nonrecurring Adoption Expenses Agreement.
- (3) Copy of the adoption decree, if the adoption has been finalized, or the cause number from the filing of the adoption petition with the court, if the adoption is not yet final, or a statement that the child has been placed on an adoptive basis.
- (4) Claim voucher initialed by the COFC director to indicate approval.
- (5) Original receipts.
- (6) Completed IRS Form W-9 for each vendor.

818.85 DFC Central Office Responsibilities for NRAE

The Central Eligibility Unit (CEU) of the Central Office will be responsible for the following regarding NRAE:

- (1) Review of all claims and determination eligibility.
- (1) Notification of the COFC if additional documentation is required. The COFC will then assist the applicant in submitting any additional required information. Refer

to Appendix M of this section for a copy of State Form 47700 / FPP 3315, Request for Additional Action - NRAE Claim.

- (3) Notification of the adoptive parent(s) that the request for reimbursement has been approved or denied, using State Form 47918 (Elec.) / FPP 3314, Notice of Action on Claim for Nonrecurring Adoption Expense Reimbursement. Refer to Appendix L of this section for a copy of this form.
 - (a) If the request for reimbursement is approved, expenditures for reimbursement of nonrecurring adoption expenses will be made from the appropriate State DFC Administrative Account, 363-507.750 (50% federal funds and 50% state funds).
 - (b) If reimbursement is disallowed or denied, send a copy of State Form 47918 / FPP 3314, Notice of Action on Claim for Nonrecurring Adoption Expense Reimbursement to both the claimant and the COFC, with the reason for the negative action.

NOTE: Adoptive parent(s) are to inquire at the county office concerning denials or items disallowed.

- (4) Entry of NRAE information in the Indiana Child Welfare Information System (ICWIS). Refer to the Title IVE Eligibility Training Manual for complete detailed information on the ICWIS entry procedures; and refer to the ICWIS Bulletin Board found on the network e-mail system under Public Folders for updates regarding ICWIS entry information.

Action on a claim must be taken within 45 days of the date that the Claim Voucher is signed. The COFC is to forward NRAE materials to the Central Office as quickly as possible in order to allow sufficient time for the review and notification procedures to be accomplished within the time limitation.

818.9 Appeal and Fair Hearing Regarding NRAE

Federal regulation requires that states guarantee the right to appeal in Title IVE cases, including NRAE. In addition, the right to administrative appeal extends to those affected by the Title IVE-NRAE program as it does with regard to all DFC programs. State regulation 470 IAC 1-4 states the following:

“In the event that the rights, duties, obligations, privileges, and/or other legal relations of any person or entity are required or authorized by law to be determined by the Indiana Division of Family and Children or any county Office of Family and Children, then such person has the right to request an administrative hearing.”

Notification of the right to appeal is contained on the NRAE application form, the NRAE agreement form and the NRAE notice of action form. Any appeal shall be held in accordance with state regulation. The appeal must be made in writing within 30 days of the effective date of State Form 5374 Notice Regarding Denial or Proposed Action to Discontinue Adoption Assistance / FPP 0011. The appeal and request for a fair hearing is to be sent to Indiana Family and Social Services Administration, Hearings and Appeals, 402 West Washington Street, W-392, MS04; Indianapolis, Indiana 46204, or to the county office of family and children. Refer to subsection 815.3 on AAP appeals for additional information, to Indiana Administrative Code, 470

IAC 1-4 regarding appeals, and to Appendices E, G, H and L of this section for a copy of the forms noted above.

819 County Adoption Subsidy (CAS)

The county adoption subsidy offers another source of financial support for facilitating the adoptive placement of children considered hard-to-place. The following is an outline of the details of the CAS program.

819.1 County Adoption Subsidy: Scope and Purpose

Indiana's county adoption subsidy provides financial support for the hard to place adopted child who is under the custody and supervision of the county office of family and children and who would otherwise remain in substitute care until adulthood. The subsidy is intended as an incentive to help the agency locate an adoptive home for the child or to facilitate adoption by the child's foster parent(s), when appropriate.

A county adoption subsidy (CAS) may be ordered for the child by the court upon petition by the adoptive parent(s) at the time of the filing of the adoption petition. The subsidy may be for a support subsidy payment equal to a maximum of 100% of the foster family home rate for which the child is eligible, or a subsidy for the health care expenses of the child, or both, as ordered by the court.

Because the subsidy must be petitioned for at the time of the filing of the adoption petition, the adoptive parent(s) must make sure the attorney handling the adoption in court includes the request for subsidy in the petition to adopt the child.

819.2 County Adoption Subsidy: Legal Base

IC 31-19-26 allows approved adoptive families to be provided with financial assistance in the adoption of a legally free, hard to place child. A "hard to place child" is defined in IC 31-9-2-51 as one who is disadvantaged because of:

- (1) ethnic background;
- (2) race;
- (3) color;
- (4) language,
- (5) physical, mental, or medical disability;
- (6) age; or
- (7) membership in a sibling group which should be placed in the same home.

The court makes the determination of the child's eligibility. The COFC is to include specific information in its report to the court regarding the adoption whenever a county adoption subsidy is requested. Refer to subsection 819.5 regarding the required information.

NOTE: The definition of a hard to place child is much broader than the definition of the child with special needs in the Adoption Assistance Program (IVE-AAP), as described in subsection

805.1. The county adoption subsidy law has a broader, more generic definition, which accommodates statewide variations in the needs of children and offers flexibility for changes in adoption subsidization programs over time.

819.3 Types of County Adoption Subsidy

A county adoption subsidy may include either a monthly support subsidy (per diem payment) for the child or a subsidy for the health care expenses related to the child's specified medical, physical, mental, or emotional condition; or it may include both types of subsidy. The adopting family must include a request for a county adoption subsidy in their adoption petition; and the court includes an order granting the subsidy in the adoption decree, when such is granted.

NOTE: In addition to the subsidies for support and health care expenses described above, The Indiana Adoption Subsidy Program (IASP), is available for the county adoption subsidy-only child who is determined eligible for IASP by the county Office of Family and Children, as described in subsection 820.

819.31 Support Subsidy (Per Diem)

A monthly subsidy is determined and ordered by the court for the support of the adoptive child in an amount not to exceed the monthly cost of care based on the per diem rate applicable for the child had the child remained in a foster family home. If federal assistance under 42 U.S.C. 673 (IVE-AAP) is not equal to the total monthly cost of care of the child in a foster home, the court may order the AAP payment to be supplemented with a county adoption subsidy.

819.32 Subsidy for Health Care Expenses

The court may order a subsidy for the health care expenses for the medical, surgical, hospital and related expenses due to the physical, mental, emotional or medical needs of the child to be paid, if both of the following conditions are met:

- (1) The condition or the cause of the condition existed before the adoption petition was filed.
- (2) payments from insurance or public funds to treat the condition or the cause of the condition are not available to the adoptive child or adoptive parents.

819.4 Limitations of County Adoption Subsidy

When a petition for adoption has been filed seeking subsidy and the court orders payment of a subsidy, the court order must contain the following information:

- (1) Whether a subsidy will be paid for the support of the adoptive child, or for the medical, surgical, hospital and related expenses for the adoptive child, or for both.
- (2) The amount of any subsidy to be paid.
- (3) The condition or cause of the condition for which the medical, surgical, hospital and related expenses are covered by the subsidy, if such subsidy is ordered to be paid for the adoptive child.
- (4) Any condition for the continued payment of a subsidy other than a requirement set forth in IC 31-19-26.

The COFC responsible for the substitute care of the adoptive child may be ordered to pay either or both of the subsidies (maintenance/health expenses) to the adoptive parents or to the designated payees to the extent that the COFC has funds available. The following provisions then apply:

- (1) The subsidies shall continue until the child reaches 18 years of age, becomes emancipated, dies, the child's adoption is terminated, or until further notice of the court, whichever occurs first.
- (2) The court may order a subsidy to continue until the adoptive child becomes 21 years of age if the adoptive child files a petition for the order and the court determines that the child is enrolled in a secondary school, college or university, or course of vocational training leading to gainful employment.
- (3) Any subsidy ordered shall continue even though the adoptive parents leave the jurisdiction of the court.
- (4) The adoptive parents are required by the court to file a sworn report with the court, with a copy to the COFC making the subsidy payments, at least once each year as to their location and the location and condition of the child.
- (5) The court or the COFC may request confirmation of the veracity of the sworn report from any governmental agency that provides services in the area of Indiana in which the child resides.
- (6) On the basis of the sworn report, the subsidy may be continued, increased, reduced or discontinued by order of the court.
- (7) The subsidy shall not affect the legal status of the child nor the rights and responsibilities of the adoptive parents as provided by law.

NOTE: In the event of situations other than those listed in (1) or (2) above, for which the COFC may question the continuation of a child's county adoption subsidy; i.e., the death of the adoptive parent(s), the COFC should direct those questions to the court which ordered the subsidy.

819.5 Court Report for County Adoption Subsidy

When the adoption petition includes a request for a county adoption subsidy, information must be provided in the agency report to the court concerning the reason that this child is considered to meet the legal definition of a "hard to place" child, including the child's specific needs. The report should also include a recommendation regarding the order of a subsidy, a statement which describes the period that the child has been in foster care, and a description of the agency's efforts to recruit an adoptive home in which subsidy would not be needed.

If the recommendation of the COFC is in favor of the subsidy being granted, the report should include:

- (1) the reason(s) for recommending financial aid;
- (2) the needs of the child which the subsidy will cover; and

- (3) any other condition(s); i.e., recommended duration of continued subsidy, which the COFC thinks it is advisable to make.

Refer to Manual Section 7, subsection 714.32 for basic information regarding what information needs to be included in agency report to the court regarding adoption subsidies.]

819.6 Court Report for County Adoption Subsidy in Interagency Placement

In those cases in which a county adoption subsidy is requested for the child whose foster care payments have been made by the COFC through a private, non-profit, licensed child placing agency (LCPA), the COFC must make the written report to the court. It must include a recommendation with regard to granting a subsidy to the adoptive family. The LCPA is responsible for making the written report on all other aspects of the adoption, including the background of the child. Any plan to deviate from this requirement must be approved by the court having adoption jurisdiction.

819.7 Guidelines for County Adoption Subsidy

The judge hearing the adoption determines eligibility for a county adoption subsidy. If it appears that a family would be an appropriate adoptive family for a hard-to-place child, the agency shall discuss the availability of a county subsidy with the family and make the subsidy recommendation to the court. The total financial circumstances of the family will not be a factor in determining the need for subsidy, the type and amount of aid required, or the period of time a subsidy is needed. According to Indiana law, IC 31-19-8-6, the report to the court may not contain information concerning the financial condition of the parents or a recommendation that a request for a subsidy be denied, in whole or in part, due to the financial condition of the parents.

In assessing the need for, and the type and amount of subsidy to recommend in the report to the court, the COFC is to assess:

- (1) the child's need for a health care expenses subsidy which pays only for the child's medical, surgical, hospital, and related costs that are due to the child's physical, mental, emotional or medical condition which existed before the adoption;
- (2) the present and future needs of the prospective adopted child;
- (3) activities and goals for the child, including those which are social, recreational, educational and vocational in nature;
- (4) expenses related to the child directly, such as those for food, clothing, shelter, including property upkeep, taxes, insurance, education transportation, unusual medical expenses, dental expenses, and personal or special needs;
- (5) additional expenses to the family as a result of the adoption of the child, such as employment expenses, reasonable debts; projected needs, including expenses such as household equipment replacement if the child is destructive; respite care expenditures if the child is emotionally disturbed, destructive, or hyperactive;
- (6) any income and resources of the child, including Adoption Assistance (IV-E AAP), SSI, or Social Security RSDI income.

Refer to Manual subsection 805.2 for consideration of the child's income and resources for IVE-AAP, which also applies for county adoption subsidy.

819.8 County Adoption Subsidy Case Record

When a county adoption subsidy is ordered by the court at the adoption finalization, the child's wardship or service case(s) shall be closed and sealed, as are all adoption records, except for access maintained for purposes of state or federal audits.

Procedures needed to allow for the maintenance of the ongoing legal and financial records for subsidy payments, are as follows:

- (1) County adoption subsidy case information is to be filed in the child's adoption case file, along with the records of other adoption subsidies the child may receive (AAP, NRAE, or IASP). One folder may be used for all adoptive siblings placed together, in the name of the oldest child. If a child is placed separately, then a separate folder is to be established. The file is to be in the name of the child as it will be following adoption finalization, and the case number is to be the Indiana Child Welfare Information System (ICWIS) number for the adoption case.
- (2) The case file folder is to contain only necessary information. If an appeal is filed regarding an action with regard to the child, then the adoptive parent(s) has the right to examine the child's case record. Therefore, it is essential that the contents of this record not include any information that is confidential by statute; i.e., adoption records, juvenile court records, and abuse or neglect records. The record should contain only the following items, as they apply to the child:
 - (a) A copy of the adoption petition.
 - (b) A copy of the court summary and the signed recommendation of the COFC regarding the subsidy.
 - (c) A copy of the adoption order indicating the nature of the subsidy.
 - (d) A copy of each annual report to the court. It is recommended that the COFC offer cooperation to the court in establishing a process which will facilitate the orderly filing of the annual sworn reports of the adoptive parents.
 - (e) All other pertinent financial records.
 - (f) Any other records deemed essential by the court of local jurisdiction.
- (3) Establish an account for the child through the automated county accounting system.
- (4) Make subsidy payments from Account No. 32600.
- (5) Close all records when payments are discontinued.
- (6) Enter the child's county adoption subsidy information in the Indiana Child Welfare Information System (ICWIS). Refer to the ICWIS Bulletin Board found on the network e-mail system under Public Folders for updated information regarding ICWIS entry.

820 Indiana Adoption Subsidy Program (IASP): Scope and Purpose

The Indiana Adoption Subsidy Program (IASP) is based upon the child's eligibility for a county adoption subsidy only and ineligibility for IVE-AAP, as described in subsection 819. IASP was initiated on July 1, 1999, and provides Medicaid for the eligible county adoption subsidy child who qualifies for it by virtue of meeting the following requirements:

- (1) The child receives a court-ordered Indiana county adoption subsidy that is in effect on or after July 1, 1999.
- (2) The child is not qualified for IVE-AAP, which includes its own entitlement to Medicaid.
- (3) The child has a documented qualifying medical, physical, mental, or emotional condition or cause of condition that existed at the time of the adoption.

The special needs adoptive child who meets the qualifications enumerated above is entitled to Medicaid beginning on the date of the child's eligibility for the subsidy (or July 1, 1999, whichever is later). This entitlement applies to the child who receives only a county subsidy, because the one who receives both AAP and a county subsidy is entitled to Medicaid on the basis of the AAP eligibility. As is true for the child under Title IVE-AAP, the county subsidy child who qualifies for Medicaid is also entitled to Medicaid regardless of whether or not a maintenance (per diem) subsidy is also received.

Under IASP (Medicaid), federal and state funding replaces local funding for the medical costs of the qualified child. In the past, the County Family and Children Fund was responsible for funding the court-ordered county subsidy for the health care expenses of the child using 100% county funds. Medicaid, however, covers the cost of the medical care of the qualified IASP child at the Medicaid federal/state financial participation rate.

IASP extends the medical coverage for the county subsidy child who qualifies for Medicaid. The locally funded medical subsidy for the health care expenses of the county subsidy child is limited to the medical, surgical, hospital, and related expenses due to a specific condition or cause of the condition that existed prior to the adoption petition. However, under IASP Medicaid, the qualified child is entitled to the full range of Medicaid services, as is the child who receives IVE-AAP. As is true for all categories of Medicaid, IASP (Medicaid) will be the last payor, after all other insurance and public money for which the child is eligible is expended.

With regard to the county adoption subsidy child who does not also qualify for IVE-AAP, some may not be eligible for IASP (Medicaid), but will receive a county adoption subsidy for health care expenses and some may not be eligible for any type of medical assistance. The county adoption subsidy child who is determined eligible for IASP (Medicaid) shall be enrolled in Medicaid as an entitlement of the program.

820.1 Indiana Adoption Subsidy Program (IASP): Legal Base

Federal law: The Adoption and Safe Families Act (ASFA) of 1997 requires that states provide health insurance coverage for any child with special needs for whom there is an adoption assistance agreement between the state and the adoptive parent(s) and whom the state has determined could not be placed for adoption without medical assistance because the child has special needs for medical, mental health or rehabilitative care. Refer to ASFA, P.L 105-89.

State law: In Indiana, it is the county adoption subsidy program that provides state-funded adoption assistance for the hard to place, special needs child by order of the court for the support and/or the health care expenses of the child. If the court orders a county adoption medical subsidy, then it is for the medical, surgical, hospital, and related expenses that are the

result of the physical, mental, emotional, or medical condition of the child that existed (or the cause of it existed) prior to the filing of the adoption petition. Refer to Indiana Code, IC 31-19-26.

Federal law allowed the states to choose either Medicaid, or some other plan that meets all Medicaid standards, to provide this health care entitlement to the state-funded adoption subsidy child (the child receiving a county adoption subsidy in Indiana) who meets the special needs requirement. Indiana elected to utilize Medicaid.

820.2 Determination of the Child's Eligibility for IASP (Medicaid)

When the county office of family and children (COFC) receives notification from the court of the finalization of the adoption and the order of a county adoption subsidy for the support subsidy, health care expenses subsidy, or both subsidies for the non-IVE-AAP eligible child, the COFC must assess the child's situation. This assessment is to determine if the child qualifies for IASP (Medicaid) and, thus, the need for an IASP agreement to be entered into with the adoptive parent(s).

NOTE: The words "qualify" or "qualified" used in subsection 820 with reference to a child, mean that the COFC has determined that the child meets the requirements for receipt of Medicaid as an IASP child.

It is the responsibility of the COFC to first determine the child's Medicaid eligibility and then to initiate contact with the adoptive parent(s) to complete the above-referenced agreement for the eligible child. The qualification process begins with an examination of the court order as follows:

- (1) If the court orders a county subsidy that includes a medical subsidy for the health care costs of the child and the order specifies the child's medical, physical, mental, or emotional special need, and that the condition or cause of the condition existed prior to the filing of the adoption petition, then the child is entitled to Medicaid with no further review. Such a court order is in accordance with federal law regarding Medicaid entitlement for the child, due to the following:
 - (a) The medical subsidy establishes that medical assistance is required to facilitate the adoption.
 - (b) The qualifying need is specified in the court order, thus establishing the special need for medical, mental health, or rehabilitative care.
- (2) If the court orders a county subsidy that includes a medical subsidy for the health care costs of the child but the order does not specify the qualifying medical, physical, mental, or emotional condition and that the condition or the cause of the condition existed prior to the filing of the adoption petition, then the COFC must determine if the child qualifies for IASP (Medicaid). The court order for the medical subsidy establishes that medical assistance is required to facilitate the adoption, but does not establish that assistance is needed because the child has special needs for medical, mental health, or rehabilitative care. If the court has not made this determination of the child's special need, then the COFC must do so and must document the child's need in the case record in order to qualify the child for the Medicaid entitlement.

If no such medical condition or physical, mental, or emotional handicap can be documented by the COFC, then the child will not be eligible for IASP Medicaid; and no agreement form

is required with the adoptive parent(s) of this child. In such a case, county funds must be used for the child's medical care expenses, as ordered by the court.

- (3) If the court should order a support subsidy for a child, but fail to order a medical subsidy for the health care costs of the child, then the COFC must carefully assess the child's situation. Federal law states that if a child receives a state-funded adoption subsidy, the child is entitled to a medical subsidy if the child has the qualifying special needs for which medical assistance is needed to facilitate the adoption. If the review of the child's case reveals that the child does have a medical, physical, mental, or emotional condition or cause of condition that existed at the time of the adoption and that medical assistance is needed, then the child is also entitled to Medicaid.

If no medical, physical, mental, or emotional condition or cause of condition can be documented by the COFC to have existed at the time of the adoption, then the child will not be eligible for IASP (Medicaid) and no agreement form is required with the adoptive parent(s) of this child.

- (4) In each circumstance in which the court order does not specify medical, physical, mental, or emotional need in the order and the COFC must make the determination of such needs, use the guidelines for IVE-AAP, namely that the need is such that it makes adoption without subsidy unlikely for the child.

Refer to subsection 805.13 regarding AAP specific factors or conditions. An exception to those guidelines, however, is that for the IASP-only child, statements from licensed psychologists, social workers, or counselors, as well as statements from licensed physicians may be used to document the child's condition. It must be remembered, however, that the requirements for documentation of the qualifying special needs condition and the cause of the condition are always subject to the interpretation of the court.

820.3 Indiana Adoption Subsidy Program (IASP) Agreement for Non-IVE Child

An agreement between the county office of family and children (COFC) and the adoptive parent(s) is required for the qualified non-IVE eligible special needs adoptive child who qualifies for IASP Medicaid. Refer to Appendix N for a copy of State Form 49412 / FPP 0030, Indiana Adoption Subsidy Program Agreement for Non-IVE Child. This formal signed agreement must be completed for each child who has the health care qualifiers for whom a court-ordered county adoption subsidy is in effect July 1, 1999, or later. The agreement specifies the amount of the subsidy ordered by the court as well as the child's Medicaid eligibility. A county subsidy dollar amount is not negotiable; it is ordered by the court. If the child receives a county adoption subsidy but does not qualify for IASP Medicaid, then no agreement is required.

820.31 Completion of the IASP Agreement

The COFC shall initiate contact with the adoptive parent(s) to complete the agreement once it has determined a child qualifies for Medicaid benefits.

820.32 IASP Agreement Renewal

The COFC shall contact the adoptive family when a revised agreement is necessary. If the agreement involves a court-ordered adoption support subsidy at 100% of the foster home per diem, a revised agreement is to be completed by the COFC and the adoptive parent(s) each time any increase in the subsidy is necessitated by:

- (1) the county increases its foster home per diems; or
- (2) the child reaches an age level requiring a higher per diem rate.

820.4 Obligations of the Adoptive Parent(s) of the IASP Child

Indiana law requires that the adoptive parent(s) who receives a county adoption subsidy, support or medical, on behalf of the child must file an annual sworn report with the court, with a copy to the county office of family and children (COFC). The report must include the location of the adoptive parent(s) and the location and condition of the adopted child. The COFC must verify that this is done annually in order to continue IASP for the child, because IASP is predicated upon the child's eligibility for a county adoption subsidy.

The COFC is responsible for notifying the adoptive parent(s) in writing of the need to submit the annual report to the court that is required by Indiana law regarding the county adoption subsidy. ICWIS will issue a tickler to the family case manager 90 days in advance of the date the report is due, and the dates of the notifications are to be entered into ICWIS as they occur. Refer to the ICWIS Bulletin Board found on the network e-mail system under Public Folders for updated information regarding ICWIS entry.

The format of the notification and the time frame for the notification are left to the COFC to establish in accordance with the requests of their court. In consultation with the court, the COFC may decide to copy and use the suggested letter for the notification contained in Appendix P, or may devise one of its own. However, the information contained on the reverse side of the suggested letter for notification is the information that must be reported to the court as required by Indiana law. Refer to IC 31-19-26-5.

In the event of the failure of the adoptive parent(s) to respond to the notification, the COFC shall follow up on any information that might explain why the adoptive parent(s) has not responded and shall report such non-response to the court for its decision regarding continuation of the subsidy. Refer to IC 31-19-26-5-b. The child's Medicaid shall continue to be processed by the COFC until and unless the court should discontinue the subsidy, because continued Medicaid eligibility is dependent on the judge's decision to continue the subsidy.

820.5 Enrollment of the IASP Child in Medicaid and the HealthWatch Referral

The COFC must complete the IASP child's enrollment in the Medicaid program and refer the adoptive parent(s) to HealthWatch services. Refer to subsection 813 for information regarding HealthWatch. The Indiana Client Eligibility System (ICES) is used to enroll the child in Medicaid. The child will be in the Medicaid category of MA 8 for IASP (and AAP), as opposed to MA 4 for the child in foster care. ICES automatically transfers the case to the Advanced Information Management (AIM) system, leaving no paper work or paper trail for the family case manager. If the child is receiving Medicaid under another program, every effort is to be made to assure that Medicaid coverage is continuous during the transition. Once the child is determined eligible for IASP Medicaid, the child's RID (recipient identification) number is used in the enrollment process either when initiating or transferring Medicaid.

The IASP-eligible child is entitled to HealthWatch services also and shall be referred to HealthWatch. Refer to subsection 813.3 regarding HealthWatch for the AAP child. The COFC is to follow the same guidelines for the IASP child.

NOTE: The MA 8 category of Medicaid for AAP and IASP is outside the main driver flow of ICES. This means that ICES does not perform continuing eligibility determinations of the MA 8

category of Medicaid. Therefore, it is the responsibility of the COFC to enroll the AAP and IASP child for Medicaid and to subsequently remove the child from enrollment when the child is no longer eligible.

820.6 Continuation of IASP

The IASP agreement, like the county adoption subsidy, shall continue until one of the following occurs:

- (1) The adoptive child becomes 18 years of age, or up to 21 years of age if the subsidy is continued by order of the court for education or training.
- (2) The adoptive child becomes legally emancipated.
- (3) The death of the adoptive child.
- (4) The child's adoption is dissolved.
- (5) Further order of the court to terminate the subsidy.

In the event of situations other than those listed above for which the COFC may question the continuation of the child's county adoption subsidy; i.e., the death of the adoptive parent(s), the COFC should direct those questions to the court which ordered the subsidy.

820.7 Child Moves or is Placed Out of the County:

NOTE: This subsection refers to a move within the state of Indiana. In the event of a move of an IASP child out of the state, refer to subsection 821.3 regarding interstate procedures for the child.

When an IASP Medicaid child is placed adoptively out of the county or moves out of the county with the adoptive family, the county office of family and children (COFC) ordered by the court to provide the county subsidy for the child shall be responsible for the following on behalf of the child:

- (1) The IASP qualification process.
- (2) Initiation and maintenance of the child's Indiana Adoption Subsidy Program (IASP) agreement.
- (3) The Medicaid enrollment of the child.
- (4) Notifications concerning the annual report to the court.
- (5) Maintenance of the child's case file.
- (6) Indiana Child Welfare Information System (ICWIS) entry of IASP information.

820.8 IASP Case Record

IASP records are to be maintained in the county adoption subsidy case folder for the child. As in all adoption cases, any previous wardship case and all related documents are to be closed and sealed. Any previous adoption case is also to be closed. Refer to subsection 820.7 regarding processing of the county adoption subsidy.

The following procedures are to be followed for the IASP case:

- (1) IASP case information is to be filed with the child's county adoption subsidy case and with any other adoption subsidizations the child may receive (the child's NRAE case, if there is one). One folder, in the name of the oldest child, will be used for all adoptive siblings placed together. If a child is placed separately, then a separate folder is to be established. The file is to be in the name of the child as it will be following adoption finalization, and the case number is to be the Indiana Child Welfare Information System (ICWIS) number for the adoption case.

NOTE: The child's case file folder should contain only necessary information. If an appeal is filed regarding one of the child's adoption subsidizations, then the adoptive parent(s) has the right to examine the case record. Therefore, it is essential that the contents of this record not include any information that is confidential by statute; i.e., adoption records, juvenile court records, and abuse or neglect records.

- (2) Agency records will be maintained in the usual manner. Refer to subsection 819.8.
- (3) The IASP (Medicaid) case record is to include the following material:
 - (a) All signed State Form 49412 / FPP 0030 Indiana Adoption Subsidy Program Agreement forms. A copy of the completed and signed IASP agreement form is to be sent to the Central Office, Central Eligibility Unit (CEU). See Appendix T for mailing address.
 - (b) A copy of the initial court order for the IASP subsidy and any subsequent orders regarding the child's subsidy.
 - (c) Any documentation obtained to establish the child's eligibility for IASP (Medicaid) entitlement.
 - (d) Copies of the notifications from the COFC to the adoptive parent(s) concerning the due date for the annual report to the court and the county office.
 - (e) Any additional information deemed essential by the court pertaining to the qualified IASP child.
 - (f) Any ICAMA documents pertinent to the case.
 - (g) Correspondence pertinent to the subsidy.
- (4) IASP information is to be entered by the COFC in the Indiana Child Welfare Information System (ICWIS). Refer to the ICWIS Bulletin Board found on the network e-mail system under the heading Public Folders for updated information regarding ICWIS entry information.

821 Interstate Adoption and Medicaid Issues

Adoptions, adoptive placements and moves by adoptive families are often across state lines and require cooperation between the states. The situation may be that a suitable placement is in a state other than the one of the child's origin, or it may involve a move with the adoptive family from one state to another.

Cooperation between the states helps to ensure the child's welfare and the rights of the child and the adoptive parent(s).

To facilitate this cooperation regarding adoption and Medicaid issues, there are two (2) interstate compacts, the Interstate Compact on the Placement of Children, and ICAMA, the Interstate Compact on Adoption and Medical Assistance. The State of Indiana has enjoined them through state legislation, and the Division of Family and Children (DFC) administers both of them. Each is entered into and signed as a compact by the states, with the various member states' legislative and regulatory backing. The two work together in the areas of child placement, adoption and medical assistance situations that cross state boundaries.

821.1 Interstate Compact on the Placement of Children (ICPC)

ICPC provides a legal structure for interstate cooperation regarding the placement of children across state lines. Adherence to the compact has been signed into law in 50 states, Washington DC, and the Virgin Islands. The purpose of ICPC is to ensure that the placement for the child is not contrary to the welfare of the child. ICPC, administered for Indiana through the ICPC Administrator, Central Office, governs the following types of placements:

- (1) Foster family home.
- (2) Group home.
- (3) Residential therapy facility, or institution.
- (4) Placement with a parent or relative when the child is under the custody and supervision of the State of Indiana, Division of Family and Children, or a court of competent jurisdiction.
- (5) Agency or independent adoptive placement.
- (6) Placement of a juvenile adjudicated delinquent, if such child is being placed into a residential treatment facility.

Refer to Manual Section 5 for additional information about ICPC.

821.2 Interstate Compact on Adoption and Medical Assistance (ICAMA)

ICAMA provides the legal structure for cooperation among the states to protect the interests of those children in interstate situations covered by adoption assistance agreements. In Indiana, those agreements consist of IVE-AAP agreements, as is true for all compact member states, and the state-funded adoption subsidy Medicaid program, Indiana Adoption Subsidy Program (IASP) agreements. ICAMA is a compact agreed to and signed by its member states, each of which has enacted state laws making the compact a legal, binding contract among them. Initiated in 1986, it currently has 40 member states, and, since 1995, includes associate memberships by private non-profit adoption organizations and Native American tribes involved in special needs adoption. ICAMA is administered for Indiana by the ICAMA Administrator, Central Office, Central Eligibility Unit (CEU).

821.21 ICAMA: Legal Base

ICAMA enables states to meet the federal mandate that states protect the interests of those children in interstate situations covered by adoption assistance agreements and

also the IVE-eligible foster care child in an out-of-state placement. Refer to federal law contained in the Adoption Assistance and Child Welfare Act of 1980, PL 96-272; the 1997 Consolidated Omnibus budget Reconciliation Act (COBRA) Amendments to Title IVE and Title XIX, PL 98-272; and the Adoption and Safe Families Act (ASFA) of 1997, PL 104-193. Indiana's adherence to the compact was signed into law in 1987. Refer to Indiana Code, IC-31-19-29. The Division of Family and Children (DFC) is responsible for the administration of the compact under Indiana Administrative Code. Refer to Indiana Administrative Code, 470 IAC 3-5.3-1.

821.22 Key ICAMA Adoption Assistance Provisions

The following is a listing of the primary provisions of adoption assistance through ICAMA:

- (1) In accordance with its own laws and programs, each state determines the amount of adoption assistance and other aid it will provide in behalf of children. Such assistance may be subject to periodic reevaluation by the adoption assistance state.
- (2) Adoption assistance, medical assistance, and other services and benefits to which this compact applies are those provided to children with special needs and their adoptive parents from the effective date of the adoption assistance agreement.
- (3) Every case of adoption assistance shall include a written adoption assistance agreement between the adoptive parent(s) and the appropriate state agency, and each agreement shall contain provisions for the establishment of actual or potential interstate aspects of the assistance.
- (4) Any services or benefits provided for a child by the residence state and the adoption assistance state may be facilitated by the party states on each other's behalf. To this end, personnel of the child welfare agencies of the party states will assist each other, as well as the beneficiaries of adoption assistance agreements, in assuring prompt and full access to all benefits expressly included in such agreements. It is further agreed that, in general, all children to whom adoption assistance agreements apply will be eligible for benefits under the child welfare, education, rehabilitation, mental health, and other programs of their state of residence on the same basis as other resident children.

821.23 Key ICAMA Medical Assistance Provisions

The following is a listing of the primary provisions for medical assistance through ICAMA:

- (1) An AAP-eligible child referred to in subsection 821.22 (1), whose residence is changed from one party state to another party state, shall be eligible for federally aided medical assistance under the medical assistance program of the new state of residence.
- (2) The adoptive parent(s) of a child with whom a state has an adoption assistance agreement shall be provided a medical assistance identification document in the child's name issued by the medical assistance program of the residence state. This document shall entitle the child to medical assistance in the resident state during the entire period covered by the agreement, and with the same benefits

and procedures as any other child who is covered by the medical assistance program in the residence state, whether or not the adoptive parent(s) is eligible for medical assistance.

- (3) The medical assistance identification document shall bear no indication that an adoption assistance agreement with another state is the basis for its issuance.
- (4) A state which has issued such identification document, which is valid and currently in force, shall accept, process, and pay medical assistance claims thereon as it would with any other medical assistance claims by eligible residents.

821.24 How ICPC and ICAMA Work Together to Ensure the Child's Best Interest

ICPC has administrative responsibility for interstate placements, as indicated above, while ICAMA has administrative responsibility for interstate IVE-AAP and IASP adoption and medical assistance issues. Often, the nature of an interstate situation requiring the involvement of the compact administrative personnel in the states overlaps the jurisdictions of the two compacts which, while administered separately, work cooperatively.

Adherence to ICPC rules and regulations is required when making an interstate placement of an adoptive child, whether or not ICAMA is involved. Adherence to ICAMA rules and regulations is required in interstate situations when there is an adoption assistance or subsidy agreement in effect for either an IVE-AAP, NRAE or IASP case. ICAMA may be involved at the same time as ICPC, such as when an interstate situation involves a pre-adoptive placement. ICAMA is always involved when an interstate situation concerns an adoption or Medicaid. ICPC involvement in a case ends when an adoption is finalized. After the adoption finalization, ICAMA involvement may begin or continue.

821.3 Interstate Issues In Adoption Programs

Under federal law, IVE-AAP and NRAE agreements shall remain in effect regardless of the state of residence of the adoptive parent(s). Adoption assistance shall be paid, and Medicaid benefits (Title XIX) and social services under Title XX-Social Security Block Grants (SSBG) shall all be available to the child in interstate situations, provided all eligibility requirements are met.

Indiana county adoption subsidy also continues for the child for whom it is ordered in the event of a move out-of-state. Federal law also encourages interstate cooperation in interstate situations involving state-funded adoption subsidy medical care for the child (IASP in Indiana), but the medical care available to the county subsidy child who resides outside Indiana may vary, depending upon what the new state of residence provides for its own adoptive children. For the state-funded adoption subsidy child moving into Indiana from another state, Indiana provides medical insurance (Medicaid) reciprocity.

All interstate placements of children must be made in compliance with the Interstate Compact on the Placement of Children (ICPC), as described in subsection 821.1. A placement made in violation of the Interstate Compact on the Placement of Children (ICPC) shall render the applicant for AAP and NRAE ineligible to receive funds from these sources. If applicable, the county office of family and children (COFC) is to note in the eligibility determination section of the NRAE application that the adoptive placement was made in compliance with ICPC requirements. Refer to Section 5 of this Manual regarding ICPC, and to Appendix G of this

section for a copy of State Form 46152 / FPP 3317, Application and Eligibility Determination for Nonrecurring Adoption Expenses.

Interstate situations involving adoption or medical assistance are overseen by the state Interstate Compact for Adoption and Medical Assistance (ICAMA). The ICAMA office is Central Eligibility Unit (CEU) of Central Office. Written communication is to be addressed to the attention of the ICAMA Compact Administrator. See Appendix T for mailing address.

The ICAMA Office assists county offices as needed and tracks interstate adoption and Medicaid children. The COFC coordinates services with the other state involved in an interstate situation for a child, with assistance from the ICAMA Office. ICAMA forms are to be used to document the situation between the states. The forms are to be sent to the ICAMA office (CEU in Central Office) at the address noted above so that copies may be forwarded to the ICAMA office in the other state and so that the child's situation may be tracked.

Interstate situations requiring the assistance of the ICAMA Compact include those involving an Indiana child placed out-of-state, as well as an out-of-state child placed in Indiana. Some examples are enumerated as follows:

- (1) The out-of-state placement of an adoptive child who may be eligible for AAP or a county subsidy or Medicaid. Refer to information on the respective compacts, ICPC in Manual Section 5 and in subsection 821.1; and ICAMA in subsection 821.2.
- (2) An adoptive child who is already in a pre- or post-adoptive placement with out-of-state adoptive parent(s) and who may be eligible for AAP or a county subsidy or Medicaid.
- (3) The adoptive parent(s) and the adoptive child who may be eligible for AAP or a county subsidy or Medicaid and who move to an out-of-state residence.

821.31 General Responsibilities of the States in Interstate Situations

ICAMA requires the sharing of the responsibilities of the states in interstate situations as follows:

- (1) The state that is responsible for paying the monetary portion of the assistance or subsidy is the state that enters into the agreement for AAP or NRAE or the state-funded subsidy. In Indiana, the state-funded subsidy is the county adoption subsidy.
- (2) In cases in which there is no AAP agreement, the state in which the final adoption decree is issued will be responsible for AAP payments, the reimbursement of the nonrecurring adoption expenses (NRAE) of the eligible child, and any state-funded subsidy for which the child is eligible. In Indiana, the state-funded subsidy is the county adoption subsidy.
- (3) Under federal law, the provision of Medicaid (Title XIX) is the responsibility of the state of residence for the AAP child. The provision of medical assistance for the county adoption subsidy child may vary in interstate situations. Every effort is to be made to ensure that the child receives the Medicaid or medical assistance for which the child is eligible without interruption and as quickly as possible in the new state of residence. Refer to subsection 820.5 regarding medical assistance for the state-funded adoption subsidy child.

- (4) Provision of Title XX social services are to be offered pre- and post-adoptively to all adoptive parents of the special needs child who qualifies for AAP, NRAE, or state-funded adoption subsidy medical care (IASP in Indiana), by the state of residence, to the extent that such services are available.

For such adoptive parents residing in Indiana, the county office of family and children (COFC) in the county in which the parent(s) resides shall provide these services to the extent that the services are available. As is the case for all completed adoptions, continued involvement by a social service agency on a post-adoptive basis is not required. However, when such an adoptive parent needs services; e.g., help in understanding the process of renewing an agreement for IVE-AAP or state-funded adoption subsidy or in locating any needed services, including medical services for the child, service is to be offered.

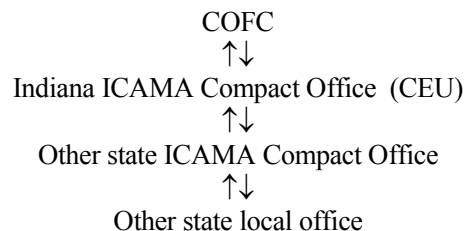
821.32 Interstate Forms and Procedures

Refer to the ICAMA forms and procedures found in Section 8, Appendix P through S. Interstate communication in interstate situations regarding an adoption or an adoptive placement will necessitate the use of ICAMA forms as well as other case materials in order to share information and responsibilities and to coordinate assistance and services for the adoptive child who moves across state lines. Interstate Compact for Adoption and Medical Assistance (ICAMA) forms are to be used for communications between states in a situation with shared interstate responsibilities, such as the following:

- (1) An adoptive placement across state lines.
- (2) Adoptive children who are receiving AAP, NRAE, or county adoption subsidy who move to or from another state.
- (3) Medicaid.

821.321 ICAMA Forms Used in Interstate Communication

ICAMA forms are in paper form at this time, but will become available in ICWIS. These forms are to be used in interstate communications involving adoptive children and Medicaid, and the flow of the forms to and from the COFC is as follows:



While copies of the forms may be sent with or received from the adoptive parent(s) to help expedite interstate matters, the ICAMA Compact Office, Central Eligibility Unit (CEU) needs to be involved to assure compliance and to track the case(s). Therefore, a copy of each form is to be sent to Central Office, CEU. See Appendix T for mailing address.

State ICAMA forms and a synopsis of the use of each are as follows:

- (1) State Form 49580 / ICAMA Form 6.01 / FPP 0021, Notice of Medicaid Eligibility / Case Action (see Appendix P) is used to inform another state of the status of a child's case. A copy is to be sent to the adoptive parent(s). Refer to Appendix S for Instructions on ICAMA procedures.
- (2) State Form SF 49581 / ICAMA Form 6.02 / FPP 0022, Notice of Action (see Appendix Q) is the form sent to the out-of-state adoptive parent(s) to inform the parent(s) of an action in the child's case. Refer to Appendix S for Instructions on ICAMA procedures.
- (3) State Form 49582 / ICAMA Form 6.03 / FPP 0023, Report of Change in Child / Family Status (see Appendix R) is the form used to report a change in the case to the other state. A copy is to be sent to the adoptive parent(s). Refer to Appendix S for Instructions on ICAMA procedures.

NOTE: Forms are to be sent for processing to the ICAMA Administrator, FSSA/DFC/FPP/CEU, 402 West Washington Street, Rm W-364, MS08; Indianapolis, IN 46204-2773.

821.322 AAP Forms Used in Interstate Communication

In addition to the ICAMA forms, the following forms are to be completed for interstate communications and routed through Central Office, CEU when applicable to the child's situation:

- (1) Four (4) copies of the completed State Form 2976 / FPP 0020, Adoption Assistance: Child Certification form. The ICAMA Compact Administrator retains one copy, one copy is forwarded to the ICAMA Administrator in the other state involved, the county office of family and children (COFC) retains one copy, and one copy is sent to the adoptive parent(s).
- (2) Four (4) completed and signed copies of State Form 2974 / FPP 3311, Adoption Assistance Agreement, or State Form 49412 / FPP 0030, Indiana Adoption Subsidy Agreement For Non-IVE Eligible Children. They are distributed as described in the preceding item. It is important to remember that AAP payments shall not begin before the Adoption Assistance Agreement has been signed and the child is placed on an adoptive basis..

NOTE: In addition to routing ICAMA forms through, a copy of the completed AAP or IASP agreement is to be provided to the adoptive parent(s) who resides or is moving out-of-state. The adoptive parent(s) may be able to expedite the process by taking this agreement copy to the equivalent of Indiana's COFC in the other state to apply for Medicaid, or the medical assistance that is available. Refer to subsection 821.23 regarding out-of-state Medicaid.

821.33 Procedures in Interstate Placement of the Child

If an AAP agreement is being negotiated with an out-of-state adoptive parent(s) with whom the county office of family and children (COFC) has placed the child, then the negotiation is to be handled by the COFC and the out-of-state adoptive parent(s), just as it is for an in-state adoptive parent(s). The office that is the equivalent to the COFC in the other state may assist the Indiana COFC, if requested to do so, with communication and services related to the negotiation and the finalization of the AAP agreement. ICPC procedures must be adhered to and, as described in subsection 821.23, the ICAMA Coordinator in the Central Office is available to assist the COFC as needed.

821.34 Interstate Procedures when the Child Moves Out of Indiana

Interstate procedures will vary, depending on the adoption status of the child, when the adoptive parent(s) moves out of the state with a child who is eligible for AAP, a county subsidy, and Medicaid, as described below:

(1) Procedures for Out-of-State Move Prior to Legal Adoption of Eligible Child

If there is no AAP or IASP agreement yet in effect for the adoptive child, then the situation is handled in the normal way under ICPC guidelines. Refer to Section 5 of this Manual for information on the Interstate Compact for the Placement of Children (ICPC) and the interstate referral procedure.

When there is an AAP agreement in effect, in addition to the items required for the ICPC referral, the items listed in subsection 821.32 will be included in the interstate referral and communications, as needed. Assistance may be obtained by the COFC from the Central Office, Central Eligibility Unit (CEU), ICAMA Compact Administrator.

(2) Procedures for Out-of-State Move After Legal Adoption of Eligible Child

Interstate procedures involving an eligible AAP or adoption subsidy child who has already been adopted will not require an ICPC referral. However, interstate correspondence routed through CEU will be necessary and will include the following:

- (a) State Form 49580 / ICAMA Form 6.01 / FPP 0021, Notice of Medicaid Eligibility/Case Action.
- (b) Three (3) copies of the completed and signed AAP or IASP agreement.

NOTE: Once the Adoption Assistance agreement or IASP agreement has been completed and signed by the adoptive parent(s) and the COFC director, a copy is provided to the adoptive parent(s) who resides or is moving out-of-state. In an effort to expedite matters, the adoptive parent(s) may take this agreement copy to the equivalent of Indiana's COFC in the receiving state to apply for Medicaid, or the medical assistance that is available. Refer to subsection 821.35 regarding out-of-state Medicaid.

(3) Interstate Medicaid Procedures when Child Moves Out of the State

When an adoptive child who is receiving Indiana Medicaid moves outside of Indiana, the Indiana Medicaid case is to be terminated effective the first of the month following the mailing of the notice of the termination. The COFC will continue to provide any maintenance payment for the child whose adoptive parent(s) receives AAP or a county adoption subsidy. Medical assistance for the child from the new state of residence will be as follows:

- (a) An Indiana AAP child who is placed in an adoptive home outside of Indiana shall be eligible for Medicaid (Title XIX) in accordance with the medical assistance program of the state of residence whether or not adoption assistance payments are being made.

The adoptive parent(s) is to be advised that medical assistance programs may vary from state to state. While Indiana's Medicaid program allows for payment for most services and benefits permitted by federal law, this is not true in all states. States are not required to provide all the medical services allowed by Medicaid (Title XIX). However, federal regulations (42 CFR 441.50-441.62) provide that states participating in the Medicaid program must provide the following (HealthWatch/EPSDT) services:

- (i) Medical screens to all Medicaid children under the age of 21 years.
- (ii) All medically necessary treatments to correct or ameliorate physical and mental conditions for children under age 21, even if these services are not covered in their State Plan.
- (b) An IASP child will be eligible to receive medical assistance in the new state of residence, if the new state of residence also provides such medical assistance for its own resident adoptive children. If the new state does not, then medical assistance in that state may not be available for the child.

The COFC is to inform the adoptive parent(s) that there are differences among the states and the assistance provided. Not all states have a state funded adoption subsidy program, and the ones that do, provide different medical care programs for children. Some also provide Medicaid, some provide a separate health insurance program that provides the same coverage as Medicaid, and some provide a medical program unique to that state.

The adoptive parent(s) of a child for whom IASP is received and who is planning a move out of the state should be encouraged to inform the COFC, in order to obtain assistance in learning what is available in the new state. The COFC will then work with the ICAMA office (CEU) to facilitate the enrollment of the child in the health care insurance program of the new state of residence, if possible. In the event the new state has not yet implemented such a medical program, planning for the child's medical care will be coordinated through the ICAMA office on a case-by-case basis. Refer to subsection 821.2 for information about the ICAMA Coordinator.

821.35 Interstate Procedures for the Child Currently in Out-of-State Adoptive Placement

This situation usually occurs when an out-of-state foster placement becomes an adoptive placement. If the original placement was made through the ICPC process, a new ICPC referral is not required. However, it is necessary to update the ICPC material as soon as possible. If no initial ICPC referral was done, then one must be done immediately. A referral or an update is to be forwarded to the Central Office, ICPC Administrator. Refer to Section 5 of this Manual regarding required ICPC procedures.

Negotiation of the terms of the IVE-AAP agreement or the completion of the IASP agreement may be conducted directly between the county office of family and children (COFC) and the adoptive parent(s). If necessary and requested, the negotiation may be done with the assistance of the equivalent of the COFC in the child's state of residence. Assistance is also available to coordinate this process through the ICAMA Coordinator in the state Central Office, if needed. Refer to subsection 821.2 for information on contacting the ICAMA Coordinator]

Medicaid is to be provided by the state of the child's residence for the AAP child. The provision of Medicaid for the IASP child may vary. Refer to subsection 821.34, item (3)(b) for additional information on IASP Medicaid for the out-of-state child.

821.36 Interstate Procedures when the Out-of-State Child Is Placed in or Moves into Indiana

A child who is eligible for IVE-AAP or who is a non-IVE eligible recipient of a medical subsidy under a state-funded adoption subsidy from another state, and who is residing in Indiana shall be eligible for Indiana Medicaid and for HealthWatch services. The state of origin will continue to pay the support subsidy, and Indiana will be responsible for the child's enrollment in Medicaid and the management of the Medicaid and HealthWatch services. When Medicaid is activated for the child, HealthWatch informing services are to be completed immediately. Coordination through the state ICAMA Coordinator and ICWIS data entry will be required.

The following procedures are to be followed to activate Medicaid in Indiana for a child who is residing in Indiana and receiving AAP or a state funded adoption subsidy from another state:

- (1) Verify from the current copy of the approved AAP agreement or state-funded subsidy agreement from the state of origin that the child is a recipient of adoption subsidy in that state. Make a copy of the agreement for the Indiana case file. If the adoptive parent(s) cannot provide this documentation, assistance in obtaining it is to be requested through the Central Office Central Eligibility Unit (CEU), which is the Indiana ICAMA Compact Office, to the attention of the ICAMA Compact Administrator.
- (2) If the child is receiving AAP from the other state, once the child's IVE-APP eligibility is documented, the case is to be entered in ICWIS where it will receive a case number.
- (3) Verify and document the date of the arrival of the child in Indiana. The effective date for the child's Medicaid in Indiana is to be the first of the month for the month in which the child becomes a resident in this state.

- (4) Enroll the AAP or state-funded adoption subsidy child in Medicaid and complete the assignment of medical rights required for Indiana Medicaid. The Medicaid card issued shall bear no indication that an adoption assistance agreement with another state is the basis for its issuance. Refer to subsection 813.2 regarding the assignment of rights for Medicaid, and to Appendix F for a copy of State Form 13064 / FI 0750, Notice to Medicaid Applicants/Recipients Concerning Medical Assignment Requirement and Assignment of Rights to Medical Support and Payment for Medical Care (two-part form).
- (5) Notify the adoptive parent(s), using the Notice of Action form, that the child is eligible for Indiana Medicaid and for HealthWatch Services. Also advise the adoptive parent(s) to notify the COFC if AAP or the state-funded adoption subsidy is discontinued by the state of origin, or if they move from Indiana. Notification by the parent(s) of an address change within the state is also necessary to facilitate the mailing of the monthly Medicaid card to them. Refer to Appendix Q for a copy of State Form 49581 / ICAMA Form 6.02 / FPP 0022, Notice of Action.
- (6) Verify annually, in writing, from the state of origin that the adoptive parent(s) continues to be eligible to receive AAP or a state-funded adoption subsidy for the child from the state of origin and thus continues to be eligible for Indiana Medicaid for the child.

APPENDIX - SECTION 8

- A. State Form 2973 / FPP 3310, Application for Adoption Assistance, and Related Instructions
- B. State Form 2976 / FPP 0020, Adoption Assistance: Child Certification, and Related Instructions
- C. State Form 2974 / FPP 3311, Adoption Assistance Agreement, and Related Instructions
- D. State Form 47699 (Elec.) / FPP 3312, Renewal Notification Letter - AAP
- E. State Form 5374 / FPP 0011, Notice Regarding Denial or Proposed Action to Discontinue Adoption Assistance, and Related Instructions
- F. State Form 13064 / FI 0750, Notice to Medicaid Applicants/Recipients Concerning Medical Assignment Requirement and Assignment of Rights to Medical Support and Payment for Medical Care (two-part form)
- G. State Form 46152 / FPP 3317, Application and Eligibility Determination for Non-Recurring Adoption Expenses
- H. State Form 47702 / FPP 3318, Nonrecurring Adoption Expenses Agreement
- I. State Form 11294, Claim Voucher, and Related Instructions
- J. State Form 47701 / FPP 3316, Direct Vendor Payment Authorization and Certification
- K. Federal Internal Revenue Service Form W-9, Payer's Request for Taxpayer Identification Number and Certification
- L. State Form 47918 (Elec.) / FPP 3314, Notice of Action on Claim for Nonrecurring Adoption Expense Reimbursement
- M. State Form 47700 (Elec.) / FPP 3315, Request for Additional Action-NRAE Claim
- N. State Form 49412 / FPP 0030, Indiana Adoption Subsidy Program Agreement For Non-IVE Eligible Child
- O. Indiana Adoption Subsidy Program Medicaid, Agreement Renewal Notification Letter (Model Form)
- P. State Form 49580 / ICAMA Form 6.01 / FPP 0021, Notice of Medicaid Eligibility/Case Activation
- Q. State Form 49581 / ICAMA Form 6.02 / FPP 0022, Notice of Action
- R. State Form 49582 / ICAMA Form 6.03 / FPP 0023, Report of Change in Child/Family Status
- S. Procedures for Processing ICAMA Cases
- T. Mailing Addresses for Submitting Forms to Central Office

Instructions for Completing State Form 2973R4
Application for Adoption Assistance

Section A

In order to provide confidentiality to the child, the child should be identified by the child's name as it will be at the finalization of the adoption. IVE-AAP payments are requested from the county office of family and children (COFC) holding wardship of the child. If the child is not a ward but is a resident of Indiana, the county of residence of the adoptive parent(s) takes the application. If the non-ward is placed out-of-state, the county in which the licensed child placing agency (LCPA) is located shall take the application.

Section B

Self-explanatory.

Section C

Adoptive parents must utilize any health insurance available to them for the eligible child before Medicaid may be used. It is important to ascertain the date that the family's health insurance will begin (at placement, at legal adoption, etc.), whether or not it includes pre-existing medical conditions, and whether or not it covers psychiatric or psychological problems.

Section D

Many community services are available to meet some of the child's health-related needs, such as Easter Seal Foundation, Cerebral Palsy Foundation, etc.

Section E

Adoptive parents have a right to appeal the timeliness of the action taken on their application or the denial of their application for IVE-AAP.

Husband and wife must sign the application if the applicants are a married couple.

State Form 2973R4 is to be completed in triplicate and distributed as follows:

- White copy (original) to COFC
- Canary copy to the applicant
- Pink copy to Central Office, FSSA/DFC/FPP

Instructions for Completing State Form 2976R3
Adoption Assistance: Child Certification

Use the name the child is to be known by at the finalization of the adoption.

Program Eligibility

If the child is not receiving AFDC, IVE-FC, or SSI, the child's eligibility for one of the programs must be documented.

Information on eligibility for IVE-FC is found in Section 9 of this Manual. In order to determine if the child meets the eligibility requirements for SSI, an application must be made to the local Social Security Administration office, and verification must be received that the child is eligible for SSI.

Adoptive Status Eligibility

Verify by date and court name and cause number, if applicable, the child's legal status. Note on the form that the child was removed from the child's home by the court in the child's best interest.

Special Needs Eligibility: Factors and Conditions

In documenting the child's medical condition or physical, mental, or emotional handicap, a statement specifying the nature of the handicap or condition must be attached. This statement must:

- be current, no more than six (6) months old;
- contain a prognosis, including treatment plan; and
- be signed and dated by a physician licensed to practice medicine in Indiana or another U.S. state or territory.

Refer to subsection 805.131 for a listing of common minorities.

If the child is to be placed with siblings, adoptive name and age must be used to identify the siblings.

If the child has more than one special need, each one must be indicated.

Refer to subsection (805.12) for a discussion of documentation requirements regarding reasonable efforts to place a child without using AAP funds.

In determining the child's needs, all benefits available to the child are to be considered. It should be verified that these benefits will be payable to the adoptive parents at the time when payment is due; i.e., at time of placement or at time of adoption finalization.

State Form 2976R3 is to be completed and maintained by the COFC.

Instructions for Completing State Form 2974R6
Adoption Assistance Agreement

Section A

All court action for a final adoption decree is to be identified by court name, cause number, and date, when available.

Section B

The nine (9) provisions are applicable to all IVE-AAP cases.

Section C

The amount of assistance to be paid on a monthly basis does not include any costs paid by Medicaid (Title XIX) or by Social Services (Title XX-SSBG). If the child is eligible, financial assistance shall become effective no later than 30 days from the date of application unless there are unusual or extenuating circumstances.

The effective date of IVE-AAP payments shall not be prior to October 1, 1982; and IV-E payments shall not be made for a child whose adoption was legally finalized prior to October 1, 1982.

The COFC shall notify the adoptive parents in writing, 60 days prior to the expiration date of the current agreement, that their adoption assistance will be terminated if they fail to provide the necessary information, as indicated in Section D, for the renegotiation of the agreement.

Section D

Adoptive parents are obligated to keep the COFC advised, in writing, of any change which may affect their IVE-AAP payments.

Section E

Self-explanatory.

IVE-AAP payments shall be due and payable on the first day of the month. All adoption assistance agreements are to be approved by the director of the COFC and signed by such person.

State Form 2974R6 is to be completed in quadruplicate and distributed as follows:

- White copy (original) to adoptive parent(s)
- Canary copy to COFC
- Pink copy to Central Office FSSA/DFC/FPP
- Goldenrod copy to child placing agency, if applicable

Instructions for Completing State Form 5374R2
Notice Regarding Denial or Proposed Action to Discontinue Adoption Assistance

Family Case Number is the caregiver number of the adoptive parent(s).

Child Case Name is the name of the child as it is to be following adoption finalization.

Child Case Number is the child's ICWIS case number.

The notice should specify:

- (1) which IVE-AAP regulation(s) is applicable to the denial or discontinuance; and
- (2) a brief description of the reason for the denial or discontinuance.

State Form 5374 is to be completed in quadruplicate and distributed as follows:

- White copy (original) to applicant/recipient
- Canary copy to COFC
- Pink copy to Central Office, Central Eligibility Unit

Instructions for Submitting Claims for Nonrecurring Adoption Expenses

Nonrecurring adoption expenses are one-time-only expenses incurred by the adoptive parent(s) in connection with the adoption of a special needs child and are available irrespective of TANF, IVE-FC/AAP, or SSI eligibility. The total amount of nonrecurring adoption expenses, which may be reimbursed, **may not exceed \$1500 per child.**

In order to claim a reimbursement for nonrecurring adoption expenses, the adoptive parent(s) must submit a completed State Form (SF) 47702 / FPP 3318, Nonrecurring Adoption Expenses Agreement to their family case manager dated on or before the finalization of the adoption.

If the adoptive parent(s) chooses to have the state pay the attorney directly for fees and authorized expenses relating to the adoption, the parent(s) must complete SF 47707 / FPP 3316, Direct Vendor Payment Authorization and Certification, and provide a copy to the attorney. By signing the SF 47701 / FPP 3316, the adoptive parent(s) certifies that the services have been completed and approves the amount of the payment requested. The attorney must submit his/her claim voucher designating the attorney as vendor and an itemized statement of the fees and services related to the adoption attached to the copy of the SF 47701 / FPP 3316 to the appropriate county office of family and children.

The required forms may be obtained from the county office.

Nonrecurring adoption expenses that may be reimbursed include the following:

- (1) Reasonable and necessary adoption fees which may include the cost of the adoptive home study, health and psychological examinations for the adoptive child, and adoptive placement fees.
- (2) Reasonable and necessary court costs such as filing fees.
- (3) Reasonable and necessary attorney fees charged to the adoptive parent(s) to represent the parent(s) in the adoption proceedings such as preparation of legal documents and court appearances. Attorney fees may also include the cost of services paid for by the attorney such as putative father registry fees, State Department of Health processing fees, and filing fees. The attorney must enumerate and document all fees, which are separate from the legal services.
- (4) Transportation costs which include airfare, bus fare, or train fare at the most reasonable rates such as coach or tourist, or mileage incurred by the adoptive parent(s) for both preplacement and placement visits. All travel reimbursement must be for a minimum of 50 miles each way. Mileage is currently reimbursed at \$0.28 per mile.
- (5) Only lodging and food expenses of the adoptive parent(s) and the adoptive child incurred during travel for preplacement and placement visits may be reimbursed.

**Instructions for Completing
Claim Voucher State Form 11294**

- (1) Upper Right Corner of Form – Add adoption cause number, date of finalization (if adoption is finalized), and "interstate" if it is an interstate adoption.
- (2) Vendor Name and Address - The name and current address of the vendor*. (See footnote.)
- (3) Agency Name - FSSA, Division of Family and Children, appropriate county office of family and children (COFC).
- (4) Agency Number - 3630-575000-150700.
- (5) Social Security Number - The number of the adoptive parent who is to be the vendor, if the parent(s) is the vendor for the claim.
- (6) Federal I.D. Number - The I.D. number of the attorney, if the vendor for the claim is the attorney of the parent(s).
- (7) Vendor Number - Leave blank for NRAE claims.
- (8) The expenses for which reimbursement is claimed can be itemized or simply shown as "Nonrecurring Adoption Expenses" with the total listed in the box "Gross Amount".
- (9) Furnished to - FSSA, Division of Family and Children
- (10) Authorized Signature of State Agency and Date - Initials of COFC Director and date initialed. (The authorized signature is that of DFC Director of Financial Management.)
- (11) Signature of Vendor and Date - Self-explanatory.

The following materials must be submitted with each claim form:

- (1) All original receipts. If mileage is being claimed, the odometer readings and points of origin and destination are required.
- (2) Copy of State Form 46152 / FPP 3317, Application and Eligibility Determination for Non-Recurring Adoption Expenses.
- (3) Copy of State Form 47702 / FPP 3318, Nonrecurring Adoption Expenses Agreement.
- (4) Copy of the adoption decree, if the adoption has been finalized.
- (5) IRS Form W-9, Payer's Request for Taxpayer Identification Number and Certification.

All materials are to be submitted by the COFC to the Central Eligibility Unit (CEU), Central Office of the Division of Family and Children.

*"Vendor" may be the adoptive parent(s) or the attorney for that person(s). Only one vendor per claim form is permitted. If there are two adoptive parents, they may select who is to be the vendor for the purpose of the claim; and the one selected is the one to be listed on the IRS Form W-9 that accompanies the claim. See Appendix K. If the vendor is the attorney, a copy of State Form 47701, Direct Vendor Payment Authorization and Certification must accompany the claim. See Appendix J.

**NOTICE OF ACTION ON CLAIM FOR NONRECURRING
ADOPTION EXPENSE REIMBURSEMENT**

State Form 47918 (7-96) (Elec.) / FPP 3314

Name of Claimant:

Address:

Case Number:

NRAE-

Date Claim Signed:

Date of Processing:

Action Taken:

_____ Nonrecurring adoption expenses claimed in the amount of \$ _____ have been processed for payment as agreed to in the Nonrecurring Adoption Expenses Agreement. A check will be issued shortly for the approved amount of \$ _____.

_____ Expenses not approved and reason for disapproval:

_____ Date of disapproval:

Claimant is referred to the Nonrecurring Adoption Expense Agreement for conditions of compliance and Notice of Fair Hearing. Inquiries or requests for an appeal are to be directed to Title IV-E Consultant, Division of Family and Children; 402 West Washington Street, Room W364, MS08; Indianapolis, Indiana 46204-2773.

REQUEST FOR ADDITIONAL ACTION – NRAE CLAIM

State Form 47700 (7-96) (Elec.) / FPP 3315

Approved by State Board of Accounts 1996

TO: County Office of Family and Children

ATTN: FCM

DATE:

FROM: Title IV-E Consultant
Bureau of Family Protection and Preservation

RE: Adoptive parents of:

We are unable to process the attached claim voucher regarding reimbursement for Nonrecurring Adoption Expenses for one (1) or more of the reasons checked below. Where necessary, please provide the required information.

- ___ a. Ineligible: The adoption was finalized prior to the signing of the Nonrecurring Adoption Expenses Agreement, SF 47702 / FPP 3318.
- ___ b. Ineligible: Non-compliance with the Interstate Compact.
- ___ c. Copy of Nonrecurring Adoption Expenses Agreement must be submitted for each child. The Director must sign and date the Notice of Fair Hearing.
- ___ d. Date of finalization of adoption (or anticipated date) and/or copy of adoption decree must be submitted.
- ___ e. Claim must be submitted on Claim Voucher, SF 11294.
- ___ f. Original receipts are required for all expenses claimed for reimbursement. Please refer to receipts from:
- ___ g. Receipts must be signed and dated by the person/agency receiving payment for services. Refer to receipts from:
- ___ h. Receipts must indicate the kind of service(s) rendered. Refer to receipts from:
- ___ i. Initials (*not signature*) of Director are required on claim forms.
- ___ j. Signature of adopting parent or attorney (if a direct vendor payment) is required on claim form.

- ___ k. The W-9 must be completed with signature and Social Security number of parent who signs the Claim Voucher or attorney, if a direct vendor payment.
- ___ l. A completed SF 46152 / FPP 3317, Application and Eligibility Determination for Non-Recurring Adoption Expenses must be submitted for each child.
- ___ m. A completed SF 47701 / FPP 3316, Direct Vendor Payment Authorization and Certification, if a direct vendor payment.
- ___ n. Other:

When the correction(s) is completed, please return all materials to Title IV-E Consultant, Bureau of Family Protection and Preservation; 402 West Washington Street, Room W363, MS08; Indianapolis, IN 46204-2773.

MAILING ADDRESSES FOR SUBMITTING FORMS TO CENTRAL OFFICE

Central Eligibility Unit

Indiana Family and Social Services Administration
Division of Family and Children
Bureau of Family Protection and Preservation
Central Eligibility Unit
402 W. Washington Street, Room W364, MS08
Indianapolis, IN 46204 – 2773

Financial Management

Indiana Family and Social Services Administration
Division of Family and Children
Financial Management
402 W. Washington Street, Room E442, MS34
Indianapolis, IN 46204 – 2773

Hearings and Appeals

Indiana Family and Social Services Administration
Division of Family and Children
Office of General Counsel
Hearings and Appeals
402 W. Washington Street, Room W392, MS04
Indianapolis, IN 46204 – 2773