

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption/Permanency	Effective Date: August 1, 2008
	Section 1: Planning for Adoption - Overview	Version: 1

POLICY	FORMERLY: APPENDIX WW
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The process of adoption planning for all children in out-of-home care with a permanency plan of adoption may be initiated:

1. When a court finds an exception to the requirement to make reasonable efforts to reunify the family exists;
2. When a child has been under a dispositional decree for at least six (6) months with no significant progress made towards a plan of reunification. See separate policy [6.12 Involuntary Termination of Parental Rights \(TPR\)](#); or
3. At the filing of TPR.

The Indiana Department of Child Services (DCS) will convene either a Child and Family Team (CFT) Meeting or Case Plan Conference to discuss adoption planning for the child and identify any needed services provided by a professional that specializes in adoption. See separate policy, [5.7 Child and Family Team Meetings](#). See also Practice Guidance.

In accordance with the federal law that addresses race and ethnicity in placements, Multiethnic Placement Act of 1994 as amended by the Interethnic Adoption Provisions of 1996 (MEPA-IEP), DCS will not delay or deny the adoptive placement of a child based on the race, color, or national origin of the adoptive resource family or the child involved. If a Native American child is involved, the Indian Child Welfare Act (ICWA) applies.

DCS will ensure that all children in out-of-home care with a permanency plan of adoption receive age appropriate preadoptive services (e.g., individual counseling, homebased services, etc., that is offered by a service provider that specializes in adoption services) to prepare the child for the adoption process.

DCS will ensure that a diligent search is conducted to locate all possible family members to discuss adoption, followed by searching for a non-relative potential adoptive family for all children with a permanency plan of adoption.

Code References

N/A

PROCEDURE

The Family Case Manager (FCM) will:

1. Staff the case with his or her Supervisor to review progress and discuss permanency options prior to changing the permanency plan to adoption;
2. Schedule a CFT Meeting or Case Plan Conference to discuss the need to change the permanency plan. See separate policy, [6.10 Permanency Plan](#);

3. Notify the following persons of the court hearing to change the permanency plan. See separate policies, [6.4 Providing Notice](#) and [6.11 Permanency Hearing](#):
 - a. The child,
 - b. Child's parent, guardian, or custodian, and attorney of record,
 - c. Resource parent(s),
 - d. Guardian ad Litem (GAL) or Court Appointed Special Advocate(CASA), if applicable,
 - e. Any fit and willing relative or person who DCS knows has a significant relationship to the child, and
 - f. Prospective adoptive parent that consent has been received or TPR has been filed.
4. Attend the Permanency Hearing;
5. Update the [Case Plan \(SF2956/DCS0046\)](#) in the Indiana Child Welfare Information System (ICWIS) to reflect the new court approved permanency plan;
6. Ensure that the following persons are notified of the court's ruling regarding the permanency plan:
 - a. The child,
 - b. Child's parent, guardian, or custodian, and attorney of record,
 - c. Resource parent,
 - d. Mental health provider or therapist, if applicable,
 - e. GAL or CASA, if applicable, and
 - f. Members of the CFT.
7. Begin the legal process for TPR. See separate policies, [6.12 Involuntary Termination of Parental Rights](#) and [6.13 Voluntary Termination of Parental Rights](#);
8. Refer the child to preadoptive services to help the child understand adoption as the permanency plan and to begin preparing for the adoption process. See separate policy, [10.3 Preparing the Child for Adoption](#);
9. Determine the child's adoptive placement needs;
10. Discuss with the resource family their role in helping prepare the child for the adoption process. See separate policy, [10.4 Resource Parent's Role in Preparing the Child for Adoption](#);
11. Determine the child's eligibility for adoption subsidies;
12. Begin to identify, recruit, process, and approve a qualified adoptive family for the child. See separate policy, [10.10 Resource Parent Adoptions](#);
13. Complete the Child Social Summary within 10 days of filing the TPR petition and submit to the Special Needs Adoption Program (SNAP) Specialist. See separate policy, [10.11 Child Social Summary](#); and
14. Start child specific recruitment of potential adoptive families if no appropriate relative families can be located.

The Supervisor will:

1. Staff the case with the assigned FCM and make recommendations as needed;
2. Review and approve, if necessary, the child's placement needs as recommended by the FCM and CFT;
3. Ensure that a determination has been completed for adoption subsidies for the child;
4. Assist the FCM as needed to identify, recruit, and approve potential adoptive families;
5. Ensure that the [Child Social Summary](#) has been completed and forwarded to the SNAP specialist in a timely manner; and
6. Review and approve, if necessary, any preadoptive services needed for the child or the preadoptive family.

PRACTICE GUIDANCE

Child and Family Team Meetings and the TPR Process

1. Two separate CFT Meetings may be necessary, one for parents whose rights might be terminated and another one for the preadoptive family. Separate CFT Meetings are not required if parents and preadoptive parents are willing to meet together;
2. CFT Meetings can be used to determine transitional services, planning, and to address closure;
3. Following completion of TPR, parents whose rights were terminated may be included in the CFT Meeting process, if they are deemed appropriate by the team; and
4. Other appropriate family members and supports to the child can also be included in the CFT Meeting following the completion of a TPR.

FORMS AND TOOLS

1. [Tool 10.B: Child Social Summary](#)
2. [Adoption Checklist](#) – Available in ICWIS
3. [Case Plan \(SF2956/DCS0046\)](#) – Available in ICWIS

RELATED INFORMATION

N/A

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption/Permanency	Effective Date: August 1, 2008
	Section 2: Assessing the Child's Readiness for Adoption	Version: 1

POLICY	OLD POLICY: 709.1
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The Indiana Department of Child Services (DCS) will ensure that all children with a permanency plan of adoption receive an assessment to determine their readiness and willingness to be adopted. This assessment will include, but is not limited to:

1. A review of the child's case record including the birth family history; and
2. Personal interview's with the following:
 - a. The child, if age and developmentally appropriate,
 - b. The child's siblings, if applicable,
 - c. The child's resource parent(s),
 - d. Educational, medical, and mental health professionals who have worked with the child, and
 - e. When appropriate, other individuals who have a significant relationship with the child.

DCS will utilize the Child and Family Team (CFT) Meeting or the Case Plan Conference to assess a child's readiness for adoption and address issues of separation and attachment.

DCS will ensure that all children with a permanency plan of adoption have an opportunity to have a [Lifebook](#) completed, and will assist in this process by providing the child and/or preadoptive family with any pertinent family history and pictures, if available, of the child's birth family.

Code Reference

N/A

PROCEDURE

The Family Case Manager (FCM) will:

1. Develop an individualized adoption preparation plan for the child in collaboration with a mental health provider, if applicable, resource parent, Guardian ad Litem (GAL)/Court Appointed Special Advocate (CASA), and the CFT;
2. Assess the child's knowledge of adoption based upon the child's age and developmental level, explain termination and the adoption process with the child, and answer any questions the child may have. Utilize the resource parent(s) and the CFT when appropriate;
3. Complete a mental health assessment by an independent provider specializing in adoption;
4. Assess the need for a therapist or counselor to help the resource parent(s) address any concerns related to the adoption of the child;

5. Refer the child and/or resource parents to a therapist or counselor that specializes in adoption, if the assessment indicates a need;
6. Provide the child with a [Lifebook](#), if they do not already have one;
7. Discuss the possibility of postadoption visitation privileges for the child with the preadoptive family and make a determination as to whether it is in the best interest of the child for such visitation to occur;
8. Assess if it is appropriate for a good-bye visit with the birth parents and/or other significant relatives, if postadoption visitation is not appropriate;
9. Assess the child's needs and prepare a [Child Social Summary](#) on the child that gives a comprehensive and balanced picture of the child; and
10. Document all assessment results in the child's case file and in the Indiana Child Welfare System (ICWIS) case log notes.

The Supervisor will:

1. Assist the FCM in ensuring that all necessary assessments are completed and documented in a timely manner;
2. Ensure that all necessary referrals are made in a timely manner; and
3. Provide guidance and recommendations regarding postadoption services to the FCM.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Lifebook](#) – Available in Hard Copy only
2. [Tool 10.B: Child Social Summary](#)

RELATED INFORMATION

Importance of Preparation and Assessment of the Child

In an effort to reduce the number of adoption disruptions and dissolutions, DCS must adequately assess and prepare children for the adoption process and assist in establishing and maintaining strong support systems.

Children need to grieve the loss of the birth family, therefore the FCM should discuss termination and adoption with the child, if age and developmentally appropriate, to give the child an opportunity to openly discuss his or her feelings. The FCM should consult with the child's therapist, if applicable, to determine the best approach for such a conversation with the child. Involving the resource parent(s) and the CFT, if applicable, to help support the child's feelings of loss may also be helpful in this process.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption/Permanency	Effective Date: August 1, 2008
	Section 3: Preparing the Child for Adoption	Version: 1

POLICY	OLD POLICY: 706.2, 709.1
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The Indiana Department of Child Services (DCS) will to the best extent possible prepare a child for adoption based upon the child's age and developmental level. DCS will utilize techniques such as one on one discussion, providing an opportunity for the child to speak with other adopted children, and making a [Lifebook](#) to name a few, in an effort to:

1. Help the child understand the termination of his or her parents' parental rights;
2. Help the child understand and embrace the process;
3. Involve the child in planning for the adoption;
4. Help the child with the transition from foster care to adoption; and
5. Reduce the possibility of disruption.

DCS will seek input and participation from adults important to the child, when preparing the child for adoption. These may include but are not limited to the following persons:

1. Birth parent(s), if deemed appropriate;
2. Child and Family Team (CFT);
3. Resource parent(s);
4. Therapists and/or other service providers;
5. Other family members or other individuals who DCS knows has a significant relationship with the child; and
6. Guardian ad Litem (GAL) and/or Court Appointed Special Advocate (CASA).

DCS will document the process of preparing the child for adoption in the child's case file and the Indiana Child Welfare Information System (ICWIS) case log.

DCS will inform any child aged 14 years and older that written consent must be obtained from the child for the adoption to be completed, in accordance with Indiana law.

Code Reference

[IC 31-19-9-1: Consents Required](#)

PROCEDURE

The Family Case Manager (FCM) will have a one on one conversation with the child to explain the following to the child:

1. The reasons the child cannot return home;
2. The child's right to have a parent;
3. The meaning of adoption;
4. The adoption process and how the child will be involved;
5. Placement of siblings, if applicable;
6. Preplacement visits and placement processes if applicable;

7. Whether there is a possibility that the child will be able to remain in contact with members of his or her birth family after being adopted;
8. Whether adoption by the child's resource family is an option; and
9. Who will make the final decision about the adoption.

For all children over the age of 14 years old, the FCM will:

1. Help the child to understand the adoption process and any other alternate permanency options available;
2. Explain to the child that his or her written consent is required for the adoption to proceed;
3. Obtain the child's signature;
4. Ask the child if he or she wants to be adopted;
5. Explore the reasons behind the child's decision;
6. If the child will not consent in writing to adoption, pursue an alternate permanency option, if it is in the best interest of the child. See separate policy, [6.10 Permanency Plan](#);
7. Refer the child for adoptive services to ensure that the child clearly understands the adoption process; and
8. Revisit the topic of adoption to determine, if the child's feelings about adoption have changed.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Consent To Adoption SF12582/ CW 1331](#)
2. [Lifebook](#) – Available in Hard Copy

RELATED INFORMATION

Use of Lifebooks

One of the best ways to prepare children for adoption is the development of a [Lifebook](#). The child's FCM, therapist, or resource parent(s) can assist the child, if necessary, to develop a [Lifebook](#). This process can be therapeutic and help the child address the core issues of the child's life (e.g., birth family history, abuse issues, placement history, emotional transitions, adoptive family, etc.). The [Lifebook](#) may contain, but is not limited to:

1. Photographs of the child;
2. Photographs of persons and places that were significant in the child's life prior to placement in foster care and/or adoptive placement;
3. Items related to school and extracurricular activities, (e.g., report cards, certificates, art work, awards, etc.);
4. Positive messages to the child from as many important adults as possible, including, but not limited to his or her birth parents and resource parent(s); and
5. Short summaries of significant events that have occurred in the child's life.

Note: [Lifebooks](#) are property of the child and should remain with the child through any placement changes.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption/Permanency	Effective Date: August 1, 2008
	Section 4: Resource Parent's Role in Preparing the Child for Adoption	Version: 1

POLICY	OLD POLICY: N/A
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The Indiana Department of Child Services (DCS) will partner with the resource parent(s) to help prepare a child for the adoption process.

DCS will communicate with and include the resource parent(s) in the planning and implementation of the adoptive placement process.

DCS will support the resource parent(s)' decision regarding their pursuit of adoption, if DCS agrees that it is in the best interest of the child.

Code References

N/A

PROCEDURE

The Family Case Manager (FCM) will:

1. Discuss with the resource parent(s) if they wish to pursue adoption of the child;
2. Include the resource parent(s) in the planning and implementation of the adoptive placement process, regardless if they wish to pursue adoption or not;
3. Assist the resource parent(s) in explaining the decision to the child in a manner that is appropriate based on the child's age and developmental level;
4. Utilize the Child and Family Team (CFT) Meeting or Case Plan Conference when appropriate; and
5. Seek a recommendation from the child's therapist, if applicable, regarding the appropriate time and setting to discuss with the child the resource parent(s) decision regarding adoption of the child.

If the resource parent is not pursuing adoption of the child, the FCM will:

1. Assist the resource parent(s) in encouraging the child to accept the decision;
2. Allow the resource parent(s) to express his or her feelings relating to the child's new placement;
3. Prepare the resource parent(s) for possible changes in behavior in the child prior to the adoption placement; and
4. Help the child prepare a [Lifebook](#).

The Supervisor will assist the FCM and provide input and recommendations whenever necessary.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

[Lifebook](#) – Available in Hard Copy

RELATED INFORMATION

N/A

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption/Permanency	Effective Date: August 1, 2008
	Section 5: Sibling Placements	Version: 1

POLICY	OLD POLICY: 710.4
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The Indiana Department of Child Services (DCS) will to the extent possible attempt to place a sibling group in the same adoptive home, including:

1. Any additional sibling or siblings taken into care at a later date; or
2. A sibling or siblings of a child in a previously finalized adoption that becomes free.

Except Where:

1. There are documented reasons from a Qualified Mental Health Provider (QMHP), therapist, or counselor why placement together would not be in the best interest of one or more of the children, and why it cannot be rectified by intensive family services;
2. A court ordered separation of the siblings; or
3. One of the siblings is in a residential placement, hospitalized, or in a juvenile detention center.

DCS will assure that children who are not initially placed together have face-to-face contact within five (5) days of removal, unless one of the children is in a:

1. Residential placement;
2. Hospital; or
3. Juvenile detention center.

See separate policy, [8.12 Developing the Visitation Plan](#).

DCS will not accept the following reasons as justification for not attempting to place siblings together in the same adoptive home:

1. The children are placed in separate resource homes;
2. One or more of the children is too young to have developed a sibling bond;
3. Sibling rivalry and/or dislike;
4. A lack of homes willing and/or able to accommodate a large sibling group; and
5. One or more of the children has perpetrated on a sibling "and no treatment has been sought."

When it is not possible or appropriate to place siblings together in the same adoptive home, DCS will make every effort to place a child with adoptive parents who are committed to helping the child maintain his or her sibling connections through regular visitation and phone contact.

Code References

N/A

PROCEDURE

The Family Case Manager (FCM) will:

1. Determine if all siblings are legally free for adoption;
2. Interview each sibling if appropriate based on the child's age and developmental level, and discuss:
 - a. Any concerns the child may have, and
 - b. The child's feelings about maintaining the sibling relationship, through visitation and phone contact.
3. Interview the resource parent(s), therapists, and other service providers to gain insight on each child's sibling relationships;
4. Engage the Child and Family Team (CFT) and assess the needs of the child. See separate policy, [5.7 Child and Family Team Meetings](#);
5. Forward the recommendation of the CFT to his or her Supervisor if applicable; and
6. In the event that the CFT cannot reach consensus, submit a list of pros and cons to the Supervisor.

The Supervisor will:

1. Review any recommendations; and
2. Assure that a Case Conference or staffing with the regional Special Needs Adoption Program (SNAP) team is scheduled if applicable. See separate policy, [10.8 SNAP Team Meetings](#).

PRACTICE GUIDANCE

Siblings should be placed together, but if they are not placed together, a [Visitation Plan](#) should be implemented to ensure that the siblings are having face-to-face contact on a regular basis. If face-to-face contact is not possible, phone contact between siblings is acceptable.

FORMS AND TOOLS

[Visitation Plan](#) - Available in ICWIS

RELATED INFORMATION

The Importance of Placing Siblings Together

The bond between siblings is often the longest lasting relationship most people have and these bonds help children develop their own unique personal identity throughout their life. Biological siblings share the same genetic makeup; this becomes very important as children move into resource and adoptive families where they differ in appearance, medical predisposition, talents, and intellectual capabilities. When siblings are placed together, they are less likely to feel isolated, and they are able to share experiences and familiar family history. The complex bonds linking brothers and sisters are universal and among the most important in life. These relationships form the blueprint for later relationships with peers, friends, marriage partners, and their own children. A sibling is the only person who knows how things were in the family of origin and the subsequent history of foster care placement. Children need to integrate their past with their future in order to have continuity, as well as an understanding of their own identity.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption/Permanency	Effective Date: May 1, 2012
	Section 6: Making a Special Needs Adoption Program (SNAP) Referral	Version: 4

POLICY

The Indiana Department of Child Services (DCS) will determine eligibility for SNAP services for children who are in out-of-home care, with a case plan goal of adoption and meet one (1) of the following criteria:

1. A child who is two (2) years of age or older;
2. A child who is a member of a sibling group of two (2) or more children of which at least one (1) is two (2) years of age or older and who will be placed with the sibling group in the same home; or
3. A child with a medical condition or physical, mental, or emotional disability as determined by a physician or psychiatrist licensed to practice in Indiana or another state.

Code Reference

[IC 31-19-27: Program for Adoption of Hard to Place Children](#)

[IC 31-9-2-51: "Hard to place child" or "hard to place children"](#)

PROCEDURE

To initiate the SNAP referral, the Family Case Manager (FCM) will:

1. Determine if the child is eligible for SNAP services;
2. Determine if the child was previously referred to SNAP; if yes, contact the Regional SNAP Specialist to discuss the child's previous involvement with SNAP;
3. Secure a recent (i.e., within the past six (6) months) color photo of the child or arrange for a photo to be taken; See Related Information for information on obtaining a photo.

Note: If the child has been previously referred to SNAP, speak with the Regional SNAP Specialist to determine if a recent color photograph of the child is needed and/or an updated [Child Social Summary](#). See separate policy, [10.11 Social Summaries](#).

4. Complete and forward the [Child Registration: Indiana Special Needs Adoption Program \(SNAP\) Picture Book and Website Form \(SF11840/CW 1440\)](#) and [Child Social Summary](#), to the Regional SNAP Specialist for each child.
5. **[REVISED]** Any child 14 years of age or older must sign the [SNAP Informed Consent for Recruitment \(SF54901\)](#) form and designate which forms of media they would like to be featured in; See policy [10.7 SNAP Services](#).

Note: Children whose parents' rights have not yet been terminated may be featured on the private portion of the website, accessible by other adoption professionals for recruitment purposes.

5. Document in the Indiana Child Welfare Information System that the information has been forwarded to Regional SNAP Specialist.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Child Registration: Indiana Special Needs Adoption Program \(SNAP\) Picture Book and Website Form \(SF11840/CW 1440\)](#)
2. [Child Social Summary](#)
3. [SNAP Informed Consent for Recruitment \(SF54901\)](#)

RELATED INFORMATION [REVISED]

Safe Haven Criteria

If a child meets the Safe Haven criteria, the child may be placed in an unlicensed, adoption prepared home provided the family has completed all of the home study requirements and their home study has been given a favorable recommendation by the SNAP Council. However, the home approved for prospective adoptive placement cannot be the same home that was used for the emergency foster care placement. See separate policy, [4.34 Safe Haven](#).

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption/Permanency	Effective Date: May 1, 2012
	Section 7: Special Needs Adoption Program (SNAP) Services	Version: 4

POLICY

The Indiana Department of Child Services (DCS) will utilize the Special Needs Adoption Program (SNAP) services to assist with finding an adoptive family for every child who meets SNAP eligibility requirements. Available SNAP services will include, but are not limited to:

1. Posting information about the child to the [internet photolisting](#);
2. Submitting the child's information for publication in the "Opening Hearts, Changing Lives" [picture book](#);
3. Identifying qualified prospective adoptive families for every child who is legally free for adoption;
4. Interviewing families to determine the best prospective adoptive family match for the child;
5. Making referrals and coordinating the provision for post-adoptive services for the child and the adoptive families in Indiana.

Code References

N/A

PROCEDURE

[REVISED] The Family Case Manager (FCM) will:

1. Begin preparing the child for SNAP services within 14 days of the court's finalization of Termination of Parental Rights (TPR), if a suitable prospective family has **not** already been identified:
 - a. Show children age five (5) and older a copy of the adoption [picture book](#), and explain about [internet photolisting](#).
 - b. Explain the purpose of the adoption [picture book](#) and [internet photolisting](#), and how it will be used,
 - c. Review the [SNAP Informed Consent for Recruitment \(SF54901\)](#) and obtain a signature from youth ages 14 and older prior to featuring them in the adoption [picture book](#) and [internet photolisting](#). Allow the youth to designate which forms of media may be used; and
 - d. Sign the [SNAP Informed Consent for Recruitment \(SF54901\)](#) form.
2. Maintain monthly contact with the Regional SNAP Specialist to learn of potential adoptive matches;
3. Alert the Regional SNAP Specialist of any prospective adoptive families so the match may be explored.

Note: Prospective adoptive parents are not required to hold a foster parent license to be

matched with a child who is legally free for adoption (TPR has been granted).

If the prospective adoptive placement disrupts, contact the Regional SNAP Specialist to request that recruitment efforts resume.

When one (1) or more prospective adoptive matches has been identified, the FCM will:

1. Coordinate the date and location of the family interview(s) with the Regional SNAP Specialist;
2. Invite the prospective adoptive families and members of the child's team (i.e. FCM Supervisor, SNAP Specialist, Court Appointed Special Advocate (CASA), therapist, foster parent, etc.) to the interviews;
3. Involve children age 14 and older (younger children can be included if age appropriate) in the family interview process to facilitate compatible and successful adoptive matches;
4. Conduct individual interviews with each prospective adoptive family and allow the interviewing team to ask questions;
5. Discuss with the interview team, each prospective adoptive family's ability to meet the child's needs and all the team to make a recommendation;
6. Secure a written copy of the interview team's final recommendation at the end of the meeting; and
7. Within 72 hours of receiving the final recommendation, forward a written copy to the DCS Local Office Director (LOD) or designee.
8. Within five (5) days after the final decision is made, notify each prospective adoptive family of the final decision.

Note: The DCS LOD or designee must make the final recommendation for the prospective adoptive placement.

If the child's permanency goal changes to something other than adoption, the FCM will:

1. Notify the Regional SNAP Specialist of the permanency goal change; and
2. Ask for the child's information to be removed from the internet and/or [picture book](#) within seven (7) business days of court approval of the new permanency goal.

The Regional SNAP Specialist will:

1. Submit the child's photo and [Child Social Summary](#) within seven (7) business days of receipt from the FCM for publication in the "Opening Hearts, Changing Lives" [picture book](#);
2. Ensure that the child's information is posted to the internet on the [internet photolisting](#) website;
3. Attempt to identify three (3) qualified prospective adoptive families for every available child;
4. Coordinate the scheduling of family interviews with the FCM to review and discuss the family preparation study;
5. Participate in the interview team's discussion about the quality of the match between the child and the prospective adoptive family, for every prospective adoptive family-child-match.
6. Make referrals for Indiana children that have been adopted and their families for post adoption services.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Child Registration: Indiana Special Needs Adoption Program \(SNAP\) Picture Book and photolisting \(SF11840/CW1440\)](#)- Available in the Indiana Child Welfare Information System
2. [Tool 10.B: Child Social Summary](#)
3. [Internet Photolisting](#)
4. [Picture Book](#)
5. [SNAP Informed Consent for Recruitment \(SF54901\)](#)

RELATED INFORMATION

N/A

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption/Permanency	Effective Date: January 1, 2012
	Section 8: Families Recommended for the Special Needs Adoption Program (SNAP)	Version: 2

POLICY [REVISED]

The Indiana Department of Child Services (DCS) will hold SNAP Council meetings on a monthly basis to review homestudies and make recommendations on families for the SNAP Program.

The SNAP Council will include the following:

1. All Regional SNAP Specialists;
2. The SNAP Program Supervisor; and
3. A DCS Family Case Manager (FCM) and/or Supervisor from each SNAP region;

Only SNAP Council members are allowed to vote on a recommending a family.

Note: The homestudy preparer must email the homestudy two (2) weeks prior to the SNAP Council meeting date.

Code References

[465 IAC 2-7-2 Special needs child; criteria](#)

PROCEDURE [REVISED]

SNAP Council members will:

1. Make all recommendations and decisions based on the best interest of children receiving SNAP services.

Note: This includes, but is not limited to, focusing on reducing the length of time a child spends waiting to be adopted without sacrificing the quality of the adoptive match.

2. Inform members of policy changes and updates.

The Regional SNAP Specialist will:

1. Organize and coordinate all monthly SNAP Council Meetings;
2. Send homestudies to all SNAP Council members;
3. Send the SNAP Council meeting agenda to all SNAP Council contacts, including those scheduled to present homestudies; and
4. Complete SNAP Council recommendation form to document SNAP homestudy recommendations, pendings and/or denials.

Each Regional SNAP Specialist will:

1. Notify all families in their region that have been recommended by SNAP; and
2. Enter the SNAP recommended family's information into the adoption database.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

N/A

RELATED INFORMATION [REVISED]

Definition of a Special Needs Child for Purposes of SNAP

Special needs children include:

1. A child two (2) years of age or older;
2. A child who is a member of a sibling group of two (2) or more children of which at least one (1) child is two (2) years of age or older and who will be placed with the sibling group in the same home; or
3. A child with a medical condition or physical, mental, or emotional disability as determined by a physician or psychiatrist licensed to practice in Indiana or another state.

Homestudy submission and review:

To submit a homestudy for review, the homestudy preparer should email the homestudy to DCSAdoption@dcs.IN.gov two (2) weeks prior to the SNAP Council meeting date. The homestudy preparer will present the homestudy on a first come first serve basis and he or she must have the ability to present in person or by teleconference.

Homestudy Presentation Guidelines consist of the following requirements:

1. The homestudy preparer must present the homestudy to the SNAP Council;
2. The homestudy preparer should ensure that the homestudy is in the Foster/Adoptive Family Preparation Assessment format as outlined in Chapter 12, including annual reports and updates – licensed and unlicensed;
3. The homestudy presenters must be able to answer questions from the SNAP Council regarding concerns and/or clarifications on the family;
4. The homestudy presenter must be able to recommend the family for adoption or licensure, or the homestudy should not be presented to the SNAP Council; and
5. A homestudy should be presented every other year for a recommendation and to have updated information placed on adoption family database.

Note: Recommendations are based on the decision of the SNAP Council vote.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption	Effective Date: August 1, 2008
	Section 9: Preplacement Visits	Version: 1

POLICY	OLD POLICY: 710.2, 710.3
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The Indiana Department of Child Services (DCS) will facilitate preplacement visits between the child, the current caregiver, and the prospective adoptive family. DCS will provide an opportunity to become familiar with one another and initiate the child's integration into the adoptive family. The purpose of preplacement visits, is to:

1. Diminish the child's fears and worries of the unknown;
2. Encourage the child to form new attachments; and
3. Help the child in the grieving process and making commitments for the future.

DCS will ensure as many preplacement visits as necessary on a progressive basis, including overnight and weekend visits based upon the age and the needs of the child.

Code References

N/A

PROCEDURE

The Family Case Manager (FCM) will:

1. Develop a structured Visitation Plan with input from the Child and Family Team (CFT), current caregivers, and the child's therapist if applicable. The plan should:
 - a. Establish a projected placement date that remains flexible depending on the developmental needs of the child, general adjustment of the child and prospective adoptive family, and
 - b. Be progressive with visits increasing over time, thus allowing for increased exposure of the child and family to one another, with increased responsibility being given to the new family for the child's care over time.
2. Document the plan for preplacement visits in the Indiana Child Welfare System (ICWIS) contact logs;
3. Have weekly contact with the child during the transition to the adoptive placement and for the first 30 days after placement;
4. Document all face-to-face visits in ICWIS; and
5. Review visit outcomes with the CFT.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

N/A

RELATED INFORMATION

N/A

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption	Effective Date: January 1, 2009
	Section 10: Resource Parent Adoption	Version: 2

POLICY	OLD POLICY: 706.2
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The Indiana Department of Child Services (DCS) has established the following guidelines for consideration of requests by resource parent(s) to adopt a child in their care:

1. Efforts to reunite the child with either parent have not been successful;
2. The child has lived in the home for six (6) continuous months or longer; and
3. The permanency plan is adoption and there is a significant emotional attachment between the child and the resource parent(s) as assessed by a counselor, therapist, or other professional specializing in attachment.

Code References

N/A

PROCEDURE

The Family Case Manager (FCM) will:

1. Conduct an agency staffing of all cases in which the resource parent(s) have expressed a desire to adopt a child in their care;
2. Review the requesting family's current homestudy and conduct the required background checks;
3. Ensure that the preadoptive resource family has an opportunity to review the child's file, [Child Social Summary](#), and the medical history summary for the child;
4. Assure that the resource family has access to pre and post adoption services to assist in the transition from resource family home to adoptive home;
5. Explain to the resource parent(s) and the child, if applicable, what needs to be done to proceed with the adoption process; and
6. Determine if the child is eligible for any adoption assistance at the point the family has been established as a preadoptive home. If the family cannot adopt the child without assistance, determine and negotiate the maximum amount, up to 75% of the standard foster care rate that the preadoptive resource family can receive in assistance if the family is eligible.

The Supervisor will:

1. Attend the staffing and provide input as necessary;
2. Assure that all required information is contained in the child's case file; and
3. Ensure that the FCM has completed all required checks in a timely manner.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

N/A

RELATED INFORMATION

Changes in Dynamics when a Resource Parent Adopts

When resource parent(s) adopt a child(ren) placed with them on a foster care basis and for whom they have provided a substitute family for a planned period of time, new dynamics develop. Most importantly, there is a shift in roles and role expectations relative to the resource/adoptive family. That shift is felt primarily by the resource parents but definitely affects the child. With life experiences and foster care training and knowledge in hand, resource/adoptive parents perceive clear distinctions between foster care and adoption.

Adoption means that resource parents:

1. Are making a commitment to provide permanency for the child; and
2. No longer share decision making responsibility and liability with the agency or court.

They are solely responsible, legally and financially, for the total parenting, care, growth, and development of the child. This includes seeing that the long-term developmental, therapeutic, social, medical, educational, and emotional needs of the child are met.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption/Permanency	Effective Date: August 1, 2008
	Section 11: Child Social Summary	Version: 1

POLICY	OLD POLICY: 706.2, 714.12
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The Indiana Department of Child Services (DCS) will complete a [Child Social Summary](#) for **every** child in out-of-home care with a permanency plan of adoption within 30 days of filing a petition for Termination of Parental Rights (TPR).

DCS will provide the prospective adoptive parents with the [Child Social Summary](#); in an effort to assure that the prospective adoptive parents are aware of and able to provide for the child's needs.

Code References

[IC 31-19-17: Preparation of Adoption History for Adoptive Parents](#)

PROCEDURE

The Family Case Manager (FCM) will:

1. Gather the following:
 - a. All available social, educational, psychological, medical, and genetic information,
 - b. Information about the child's strengths, likes and/or dislikes, needs, current life style, and behavior patterns, and
 - c. Any known expectations for future development and functioning of the child, if the child has any physical, developmental, or psychological challenges.
2. Complete the [Child Social Summary](#) annually if necessary or until adoption occurs;
3. Provide the prospective adoptive parents with a copy of the [Child Social Summary](#) and answer any questions the family may have;
4. Assist the prospective adoptive parents in determining their ability to meet the child's needs; and
5. Submit the [Child Social Summary](#) to the regional Special Needs Adoption Program (SNAP) Specialist for recruitment when no adoptive family has been identified for the child.

The Supervisor will review the [Child Social Summary](#) and provide any necessary feedback.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Tool 10.A: TPR Checklist](#)
2. [Tool 10.B: Child Social Summary](#)

RELATED INFORMATION

N/A

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption/Permanency	Effective Date: July 1, 2012
	Section 12: Conducting Background Checks for Adoptions	Version: 4

POLICY [REVISED]

The Indiana Department of Child Services (DCS) requires background checks on all persons who live in the prospective adoptive home when a DCS ward is being adopted.

Background checks must be completed as part of the adoption home study. New Background checks must also be completed prior to the following if it has been 12 months since the last background check:

1. Placement;
2. Submission of the Indiana Adoption Program Application; or
3. Filing the petition for adoption.

After a child is placed in a prospective adoptive home, DCS requires background checks on:

1. New household members who have an intent to reside in the home for 21 days (the days do not have to be consecutive); checks must be completed prior to moving into that prospective adoptive home; or
2. Current household members who turn 14 or 18 years old.

The following background checks will be conducted on the prospective adoptive home which include the:

1. Fingerprint-Based National Criminal History Check (Fingerprint-Based Check);
2. Child Protection Services History Check (CPS History Check);
3. Sex Offender Registry Check; and
4. Local Law Enforcement Agency (LEA) Records Check.

The type of background check conducted will vary based on the age of the subject of the check.

DCS will not conduct background checks on children under DCS care and supervision. Fingerprint-Based Checks conducted for purpose of adoption cannot be used for foster care licensing, employment or any other purpose and a new fingerprint check is required.

A background check will consist of the following for those who live in the home:

1. For all persons age 18 and older:
 - a. Fingerprint-Based Check,

- b. CPS History Check in every state the subject of the check has lived in the last five (5) years,
 - c. Sex Offender Registry check in every state the subject of the check has lived in the last five (5) years, and
 - d. LEA records check must be completed in every local police/sheriff jurisdiction the subject of the check has lived in the last five (5) years.
- 2. For all persons age 14 – 17 years:
 - a. CPS History Check in every state the subject of the check has lived in the last five (5) years, and
 - b. Sex Offender Registry Check in every state the subject of the check has lived in the last five (5) years.
- 3. For all persons age 0 - 13 years a CPS History Check must be completed in every state the subject of the check has lived in the last five (5) years.

Exceptions to Fingerprinting

The only exception to fingerprinting the subject of the check is if he or she has a physical disability which makes it impossible to obtain the subjects fingerprints. The exception does not apply to subjects who are able to be printed but the quality of the fingerprints is poor. The exception can only be granted by the DCS Central Office Background Check Unit (COBCU) and is for limited and case-specific situations, such as the following:

- 1. When the subject does not have fingers;
- 2. When a person trained to take fingerprints has documented that the subject's disabling condition prevents fingerprinting; or
- 3. When a qualified medical practitioner has documented the subject's disabling condition prevents fingerprinting.

To receive an exception, the following must be sent to the COBCU:

- 1. A letter requesting the exception and explaining the disabling condition; and
- 2. The required documentation from the person trained to take fingerprints, or a qualified medical practitioner or evidence that the individual does not have fingers.

If the exception is granted, complete the Indiana Limited Criminal History Check (LCH) on the subject of the check. If the subject lived in any other state in the last five years, contact COBCU for guidance on what type of check is needed in that state.

Extracurricular Activities

DCS does not have the statutory authority to fingerprint individuals involved in the child's participation in extracurricular activities. These would include but are not limited to Scouting, Youth Groups, School Parties, Sleepovers, Roller Skating parties, and Birthday parties. See separate policy, [8.23 Extracurricular Activities](#). Discretion should be used when deciding whether CPS History Checks, Sex Offender Registry Checks and/or LCH Checks are needed.

Employees and Volunteers of the Prospective Adoptive Home, including Child Care Providers

Background checks are not required on employees and/or volunteers of a prospective adoptive home including child care providers. If background checks are needed, a Fingerprint-Based Check should not be conducted. Discretion should be used regarding whether a CPS History Check, Sex Offender Registry and/or Limited Criminal History Check are needed.

Note: If a child care provider is licensed by the Division of Family Resources, background checks have already been completed as part of the licensing process. DCS should not complete additional background checks.

DCS will maintain confidentiality of all information gained during the background check process, following all applicable state and federal laws. See separate policy [2.6 Sharing Confidential Information](#).

Code References

1. [IC 31-19-11-1: Decree; affidavit; felony convictions](#)
2. [IC 31-19-7-1: Prior written approval of placements; criminal history checks](#)
3. [IC 31-9-2-22.5: "Conduct a criminal history check"](#)
4. [IC 31-19-2-7.5: Submission of information, forms, or consents for criminal history check](#)
5. [IC 31-19-8-5: Agency report and recommendation; filing requirements; waiver of report](#)
6. [IC 12-17.2-2-8: Licensure Exemptions](#)

PROCEDURE

The DCS local office or Licensed Child Placing Agency (LCPA) adoption worker will:

1. Verify the identity of each subject of the check, regardless of age. See separate policy, [2.9 Verifying Identity](#); by reviewing one (1) available and valid, government-issued identification document such as, but not limited to a:
 - a. Social Security card,
 - b. Birth certificate,
 - c. Passport,
 - d. Photo identification card, or
 - e. Driver's license.
2. Have each subject of the check complete the [Application for Criminal History Background Check \(SF53259/CW3610\)](#) using their legal name as it appears on the current government issued picture ID: The subject of the check must sign and date the form. The adoption worker must place the original in the file after completion of the Background Check Process.

3. Register the person age 18 and older for the Fingerprint-Based Check, unless requesting an Exception to Fingerprinting, which consists of the adoption worker:
 - a. Completing the registration process for the subject of the check for electronic fingerprinting through the DCS approved fingerprint vendor and provide the subject of the check with a copy of the registration confirmation number given at the end of the registration process,
 - b. Providing the subject of the check, with the customized step by step instructions for registering for fingerprints, if the adoption worker is unable to register the subject of the check,
 - c. Informing the subject of the check to use the same government issued identification used during registration for fingerprints, and
 - d. Ensuring the subject of the check is successfully fingerprinted. Obtain the results of the Fingerprint- Based Check, the DCS COBCU will provide a letter via email to the DCS local office or LCPA contact person handling all background check material and inform them of the Fingerprint-Based Check status. If fingerprints are rejected, follow the instructions on the Reprint Notice. A 'reprint' appointment must be scheduled. Do not start a new registration or there will be a duplicate charge for cost of printing. Provide subject of the check a copy of the notice if they will be scheduling their 'reprint' appointments themselves.

For all other results see separate policy, [10.13 Evaluating Background Checks for Adoptions](#).

5. Conduct a Sex Offender Registry Check for all persons age 14 years and older and print the results via the Dru Sjodin National Sex Offender Public website at <http://www.nsopw.gov/Core/Portal.aspx>. If a match is found, refer to separate policy, [10.13 Evaluating Background Checks for Adoptions](#).

Note: If you are searching a common name and results show multiple matches narrow the search by state. If this is done, complete a search of every state the subject of the check has lived, in the last five (5) years.

6. Conduct a CPS History Check for all persons:
 - a. For Indiana:
 1. As the requesting agency, the adoption worker will completed Section A of the Indiana Request for Child Protection Service (CPS) History Check (SF52802/CW 2128);
 2. Have the subject of the check, or representative if a minor, complete Section B; and
 3. Complete a search of the Indiana Child Welfare Information System, and hardcopy files if available, and reflect the results in Section C.

Note: LCPAs are unable to access this information and will need to send a copy of the Indiana Request for a Child Protective Service (CPS) History Check (SF52802/CW2128) to DCS COBCU or the DCS local office.

- b. For all other states, conduct a CPS search for every other state the individual has lived for the past five (5) years, if applicable, locate information for a CPS administrator to process your search request at: <http://www.cclid.ca.gov/AdamWalsh/2609.htm>
Click on "[List of Contacts For Other State's Child Abuse and Neglect Registries](#)",
 - c. If the person has CPS history in any state, refer to separate policy, [10.13 Evaluating Background Checks for Adoptions](#) for further required action.
7. Conduct LEA Record Checks:
- a. Request a records check to be completed by the LEA that will respond to a subject of the check's current home address utilizing the Application for Criminal History Background Check (SF53259/CW3610), Section titled "For Law Enforcement Use Only",
 - b. Request a search from the appropriate LEA corresponding to ALL other residential addresses the subject of the check has resided during the past five (5) years,
 - c. Upon receiving the results of each check, see separate policy [10.13 Evaluating Background Checks for Adoptions](#).

PRACTICE GUIDANCE

Undocumented Individuals

If an individual is undocumented, the adoption worker should contact the DCS COBCU for instructions and approval as background checks are still required. The fingerprint registration cannot be completed without a social security number and the assistance of the COBCU.

Notifying the Adoption Worker of Arrest, Convictions or Substantiation of Abuse or Neglect

The prospective adoptive home must notify the adoption worker within 24 hours of the arrest, convictions or substantiation of abuse or neglect of the prospective adoptive parent, or a household member. The adoption worker and supervisor will evaluate the severity and seriousness of the offense on a case by case basis and contact COBCU if additional guidance is needed.

Registering for Fingerprints

If the adoption worker is unable to complete the registration process for the subject of the check, the subject of the check is to be provided a copy of the step by step instructions for registering for fingerprinting through the DCS approved vendor that has been customized to the correct DCS local office or LCPA, adoption worker's name, adoption worker's phone number and the correct reason for printing.

All adoption print expenses must be paid by the adoptive family.

Exception to Fingerprinting

If an Exception to Fingerprinting request is granted, COBCU will run an Indiana LCH. The adoption will provide the non-fingerprint based checks for all other states the subject of the check has resided in the past five years to the COBCU. The COBCU will provide a letter via e-mail to the DCS local office or LCPA contact person handling all background check material and inform them of the clearance state resulting from the search.

For purposes of the exception for a physical disability, a "qualified medical practitioner" means the following:

1. A physician licensed under IC25-22.5;
2. A physician assistant licensed under IC25-27.5;
3. A physical therapist licensed under IC25-27;
4. An advanced practice nurse licensed under IC25-23;
5. A chiropractor licensed under IC25-10; and
6. A psychologist licensed under IC25-33.

Searching CPS History

Search all available hardcopy records and complete an Indiana Child Welfare Information System search.

FORMS AND TOOLS

1. [Application for Criminal History Background Check \(SF53259/CW3610\)](#)
2. [Request for Child Protection Service \(CPS\) History Check \(SF52802/CW2128\)](#)
3. [Background Check Matrix Adoptions Desk Guide](#)

RELATED INFORMATION

Court Ordered Exception and/or Completion of Fingerprint Based Checks

Neither the court nor any other person or organization has the authority to exclude the subject of the check from completing all required background check. The only exception to this is if the COBCU grants an Exception to Fingerprinting outlined in the above policy.

The court nor any other person or organization cannot require DCS to complete Fingerprint-Based Checks on those subjects over which DCS has no statutory authority to fingerprint nor can DCS be required to pay for the cost of such printing.

If the FCM believes at any time that DCS is being required to completed background checks outside the statutory authority, please contact the Deputy Director of Placement Support and Compliance for assistance.

Special Fingerprinting Issues

Homebound

If a subject of the check cannot leave his or her home for fingerprinting, the adoption worker should contact the COBCU for appropriate instruction and approval.

Unreadable Fingerprints and Reprint Notice

Fingerprints may be rejected by Indiana State Police (ISP) or the Federal Bureau of Investigations (FBI) for a number of reasons. Each rejection is evaluated individually. For each reprint notice issued the subject of the check must schedule a reprint appointment. Once the necessary number of rejections within the appropriate timeframe has been obtained, COBCU will request that a non emergency Name-Based Check be processed. Once the Name-Based Check has been requested the processing timeframe is longer than a fingerprint check.

Checking the Status of a Fingerprint-Based Checks Report

The DCS local office COBCU contact person is provided access to the administrative website to check the status of prints. A username and password may be obtained by emailing the COBCU at background.checkunit@dc.in.gov.

Limited Criminal History Check (LCH)

A LCH check is a name-based search of the ISP database that contains only felonies and Class A misdemeanor arrests within the State of Indiana and can only be conducted on individuals 18 years of age and older. This search should not be used if fingerprinting is being completed. Completeness of this information is based upon local law enforcement participation. This search is available online at <https://secure.in.gov/apps/isp/lch/>. This site can be accessed by the general public. Results are immediate. Designated DCS local office staff has access. For assistance with username or password issues, please email background.checkunit@dc.in.gov.

DCS may provide a copy of the Indiana LCH to the subject of the check.

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the arresting agency. For Indiana convictions this would be made to the ISP.

Private Adoptions

DCS does not conduct background checks for domestic or international private adoptions. The private agencies and/or legal representative will run their own background checks through ISP using the National Child Protective Act Check.

 INDIANA DEPARTMENT OF CHILD SERVICES	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption/Permanency	Effective Date: July 1, 2012
	Section 13: Evaluating Background Checks for Adoptions	Version: 4

POLICY **[REVISED]**

The Indiana Department of Child Services (DCS) will evaluate the results of all Fingerprint-Based National Criminal History Checks (Fingerprint-Based Checks) on all required persons for the purpose of adoption. The DCS Local Office or Licensing Child Placing Agency (LCPA) adoption worker will evaluate the remaining background checks. See separate policy, [10.12 Conducting Background Checks for Adoptions](#). The final results will be placed in the child's file and documented in the Indiana Child Welfare Information System.

Fingerprint-Based Check

The DCS Central Office Background Check Unit (COBCU) will evaluate the results and notify the assigned DCS local office or LCPA contact person of the criminal history clearance status by e-mailing the Fingerprint-Based Check Status Letter.

The COBCU will conditionally disqualify all persons whose criminal history is incomplete and requires further verification.

Note: The subject of the check will remain in a conditionally disqualified status until the subject provides the COBCU with a copy of the required verification of charges, including but not limited to court orders showing disposition and level of conviction, a court order showing dismissal and/or arrest reports. Upon receipt of all necessary verifications, COBCU will reevaluate the status and issue an amended Fingerprint-Based Check status letter to the assigned DCS local office or LCPA contact person by e-mail.

The COBCU will disqualify all persons whose criminal history report includes the following, although some may be eligible to file for a Waiver. (See Waivers section below)

1. Any misdemeanor related to the health and/or safety of a child;
2. Any felony;
3. Four (4) or more misdemeanor convictions; or
4. **[REVISED]** A juvenile adjudication for an act that if committed by an adult would be one of the 21 felonies listed in the Waivers section below.

The COBCU will qualify all persons whose Fingerprint Based Check Report has no criminal history or reflects arrests and/or convictions that do not result in a conditionally disqualified or disqualified status.

Child Protective Service History Checks (CPS History Checks)

The adoption worker will review the completed CPS history results from Indiana, and if applicable, all other states of residency within the past five (5) years and determine if there are reports of any substantiation of abuse and/or neglect for the subject of the check. If there is substantiated CPS history in Indiana or the equivalent in another state, the filing and approval of a Waiver is required for DCS to recommend the adoption. See section on Waivers.

Sex Offender Registry Checks

The adoption worker will evaluate the sex offender registry checks to determine if there are any matches. If there is a match, the adoption cannot proceed. Notify the background check unit immediately. The COBCU will re-evaluate the fingerprint based criminal history report.

Local Law Enforcement Agency (LEA) Records Check

The adoption worker will evaluate the results of the LEA Records Checks. If there is a felony, four (4) or more misdemeanors, or a misdemeanor that relates to the health and safety of a child, the adoption worker will contact the COBCU immediately. The COBCU will cross-reference the LEA Records Check with the Fingerprint-Based Check Report to assure the LEA Records Check results do not alter the Fingerprint-Based Check Status. At anytime the adoption worker believes the LEA record check may alter the status of the Fingerprint- Based Check Report the adoption worker will contact the COBCU consultant that is listed on the Fingerprint-Based Check Status Letter for further action.

Waivers

COBCU will accept a request for a Waiver of disqualified juvenile history or of substantiated CPS history. COBCU will also accept a Waiver of disqualifying criminal history if the subject of the check has not been convicted of a misdemeanor related to the health and safety of a child or has not been convicted of any of the felonies listed below:

1. [Murder \(IC 35-42-1-1\)](#);
2. [Causing suicide \(IC 35-42-1-2\)](#);
3. [Assisting suicide \(IC 35-42-1-2.5\)](#);
4. [Voluntary manslaughter \(IC 35-42-1-3\)](#);
5. [Reckless homicide \(IC 35-42-1-5\)](#);
6. [Battery \(IC 35-42-2-1\)](#) within the last five (5) years;
7. [Domestic battery \(IC 31-27-4-13\)](#);
8. [Aggravated battery \(IC 35-42-2-1.5\)](#);
9. [Kidnapping \(IC 35-42-3-2\)](#);
10. [Criminal confinement \(IC 35-42-3-3\)](#) within the last five (5) years;
11. [A felony sex offense under \(IC 35-42-4\)](#);
12. [Carjacking \(IC 35-42-5-2\)](#) within the last five (5) years;
13. [Arson \(IC 35-43-1-1\)](#) within the last five (5) years;
14. [Incest \(IC 35-46-1-3\)](#);
15. Neglect of a dependent ([IC 35-46-1-4\(a\)\(1\)](#)) and ([IC 35-46-1-4\(a\)\(2\)](#));

16. Child selling ([IC 35-46-1-4\(d\)](#));
17. **[NEW]** Operating a vehicle while intoxicated ([IC 9-30-5](#)) within the last five (5) years;
18. A felony involving a weapon within the last five (5) years under ([IC 35-47](#)) or ([IC 35-47.5](#));
19. A felony relating to controlled substances within the last five (5) years under ([IC 35-48-4](#));
20. An offense relating to material or a performance that is harmful to minors or obscene under ([IC 35-49-3](#)); and/or
21. A felony that is equivalent to a felony listed in subdivisions one (1) through (19) for which the conviction was entered in another state.

DCS cannot recommend the adoption if the background check reveals that an individual living in the home has a disqualified criminal history or CPS history that is not waived by DCS.

Code References

1. [IC 31-19-11-1: Decree; affidavit; felony convictions](#)
2. [IC 9-30-5: Operating a Vehicle While Intoxicated](#)

PROCEDURE

The adoption worker¹ will complete the following steps:

1. For a Fingerprint-Based Check, review the results letter received from COBCU. Where the Fingerprint-Based Check Status results are a conditionally disqualified or disqualified status:
 - a. Provide a copy of the Fingerprint-Based Check Status Letter to the subject of the check,
 - b. If disqualified, instruct the subject of the check to contact the COBCU consultant listed on the Fingerprint-Based Check Status Letter to determine if the subject of the check is eligible to apply for a Waiver. If eligible and the adoption worker supports the Waiver, instruct the subject of the check that a request for a Waiver must be submitted to the COBCU within 10 days of the date of the Fingerprint-Based Check Status Letter. (See #5 below regarding applying for a Waiver),
 - c. If conditionally disqualified, instruct the subject of the check to contact the COBCU consultant listed on the Fingerprint-Based Check Status Letter within 10 days of the date of the results letter. Provide the requested documentation to the COBCU consultant. Upon reevaluations, if the status is disqualified refer to 'b' above.
2. Review the results of the CPS History Check;
 - a. If a substantiated CPS history is discovered, the adoption worker will give the subject of the check a copy of the completed Indiana Request for a Child Protection Services (CPS) History Check

¹ "Adoption Worker" is defined as the Local Office Family Case Manager or LCPA worker

- (SF52802/CW2128) form showing substantiated history. See separate policy, [2.6 Sharing of Confidential Information](#), and
- b. A request for a Waiver should be filed within ten (10) days of receiving the CPS history. (See #5 below regarding applying for a Waiver). The request for the waiver must be granted for the subject of the check, or DCS cannot recommend the adoption.
3. Review the results of the Sex Offender Registry check for a match to the subject of the check. If there is a match for the subject of the check, the adoption cannot proceed and any children already placed must be removed immediately;
 4. Review the results of the LEA Records checks and contact COBCU within five (5) days of the check for further evaluation if there is a felony , four (4) or more misdemeanors , or a misdemeanor that relates to the health and safety of a child. At any time the adoption worker believes the LEA Record Check may alter the Fingerprint-Based Check Status , the adoption worker will contact the Consultant that is listed on the Fingerprint-Based Check Status Letter for further action;
 5. To request a Waiver of disqualified criminal history and/or substantiated CPS history submit to the COBCU by fax at 317-234-4633 or scan/e-mail at background.checkunit@dcx.in.gov:
 - a. A signed letter from the subject of the check (parent or guardian may write if the subject of the check is a minor and they are unable to write their own letter; however, the minor should sign if able) explaining in detail the situation involving the substantiation or criminal act and addressing:
 1. The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect;
 2. The severity of the offense of abuse or neglect, including jail or prison time served and whether they are currently on probation or parole;
 3. Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable; and
 4. The ability of the proposed applicant to provide for the child's safety and well-being.
 - b. A signed letter on agency letterhead or an email from the adoption worker who completed the home study explaining:
 1. His or her observations of the subject of the check;
 2. The reasons he or she supports or does not support the waiver request;
 3. If the child is already placed with the subject; and
 4. The relationship of the child to the subject of the waiver request, if any

- c. An [Indiana Request for a Child Protection Service History \(CPS\) History Check state form 52802](#). If substantiation of abuse and/or neglect is found, there must be a 311 included for all substantiations reported on the form above form. Also if the subject has resided outside the state of Indiana in the past five years, the other state's CPS search results must also be submitted,
 - d. A screen print of the Sex Offender Registry Check completed from the required National Sex Offender website, if 14 years or older,
 - e. A copy of the written results of all LEA checks, if 18 years and older, and
 - f. A copy of the fingerprint based status letter which was e-mailed to the adoption worker, if requesting a CPS waiver only. This is required for checks completed for the purpose of adoption showing the fingerprint based status of qualified, if 18 years and older.
6. Place a copy of the results documents for all background checks and any waiver letters in the child's file and document in the Management Gateway for Indiana's Children (MaGIK) system.

Note: A criminal history or CPS waiver granted for the purpose of adoption may not be used for the additional purposes of foster family home licensure, employment or any other reason. A new waiver request must be submitted and granted for each additional purpose.

The DCS COBCU will:

1. For Fingerprint-Based Checks, evaluate the criminal history report within five (5) business days of receipt and notify by e-mail the assigned DCS local office or LCPA contact person regarding the clearance status; and
2. If conditionally disqualified or disqualified provide guidance, re-evaluate history based on the received documentation and issue a new status letter when applicable.
3. For Waivers of disqualified criminal history and substantiated CPS history:
 - a. Upon receipt of the complete waiver request packet, the COBCU will summarize, make a recommendation, and submit the request to the Deputy Director of Placement Support and Compliance, or designee.
 - b. Deputy Director of Placement Support and Compliance, or designee will submit the recommendation to the Background Check Team for a joint decision.

Note: The Background Check Review Team is made up of the Adoption and Youth Connections Programs Manager, the DCS Local Office Director (LOD), Regional Manager (RM), and the Deputy Director of Placement Support and Compliance or their designee. The team's decision may be made via phone or email.

- c. Notify by email the assigned DCS local office or LCPA background check contact person of the waiver decision. A decision will be returned in approximately 10 working days and the status will be either “Waiver granted” or “Waiver not granted”.
4. For Exception to Fingerprint request, when the exception is granted, generate the Indiana Limited Criminal History (LCH) check and notify by e-mail the DCS local office or LCPA background check contact person regarding the status.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#) – Available in MaGIK
2. [Background Check Matrix for Adoptions Desk Guide](#)

RELATED INFORMATION

Factors for the Adoption Worker and Background Check Review Team to Consider When Recommending and/or Approving the Background Check Waivers

Information yielded on all background checks should be considered, including but not limited to the following:

1. The current home environment;
2. The ability of the proposed resource family to provide for the child's safety and well-being;
3. The length of time that has passed since the conviction, juvenile adjudication, or CA/N substantiation;
4. The severity of the offense;
5. Evidence of the person's rehabilitation;
6. The duration and quality of the relationship between the child and the proposed resource family; and
7. Any impact the denial of the placement may have on the ability to keep the sibling group together if siblings are involved.

Disclosing Fingerprint-Based Check Information

Upon request, the DCS local office may receive a copy of the official criminal history transcript that contains the criminal history reported by the Federal Bureau of Investigation (FBI) and the Indiana State Police (ISP). Neither LCPAs nor the subject of the check will receive a copy of the official FBI or ISP transcript. DCS may verbally disclose the specific crimes to the subject of the check. If any of the checks

conducted by DCS reveal an inaccurate record, the subject of the check may formally challenge the record. A Review Challenge of inaccurate information must be made to the law enforcement agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from ISP.

Disqualified Fingerprint Status

Disqualified status means that unless a Waiver is granted the subject of the check is ineligible to be a:

1. Prospective adoptive parent; or
2. Household member.

Conditionally Disqualified Fingerprint Status

Conditionally Disqualified status means that the subject of the check is ineligible until the conditionally disqualifying arrest or conviction is resolved and the status is changed to Qualified (or the status is changed to Disqualified and a Waiver is subsequently granted) the subject of the check is ineligible to be a:

1. Prospective adoptive parent; or
2. Household member.

Examples of reported information on a fingerprint based criminal history report that will lead to a conditional disqualification include but are not limited to an arrest without a disposition, a conviction without the level of the conviction being a misdemeanor or a felony, or a conviction where additional information on the circumstances of the arrest and conviction are required.

Qualified Fingerprint Status

Qualified fingerprint status means that the subject of the check is eligible as a prospective adoptive parent or household member, as long as the subject of the check passes all other background checks.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption	Effective Date: July 1, 2012
	Section 14: Indiana Adoption Assistance Program Overview (AAP and SAS)	Version: 2

POLICY [REVISED]

The Indiana Department of Child Services (DCS) will provide adoption benefits or services to meet the needs of an adoptive family through the Indiana Adoption Assistance Program. The Indiana Adoption Assistance Program can provide three (3) types of adoption assistance benefits:

1. Medicaid: Indiana's Title XIX Medicaid Program;
2. Non Recurring Adoption Expenses (NRAE); and
3. Periodic Payments through either Title IV-E Adoption Assistance Program (AAP) or State Adoption Subsidy (SAS).

DCS will determine the child's eligibility for adoption assistance. All AAP eligible children will receive Medicaid and NRAE. Children eligible for SAS will receive NRAE and a separate determination will need to occur to evaluate the child's Medicaid eligibility. See policy sections [10.15 Eligibility Requirements for Adoption Assistance](#) and [10.16 Funding for Adoption Assistance](#) for eligibility requirements of periodic payments through AAP and SAS.

[NEW] Note: Adoption assistance will not be provided for international adoptions.

Once a child's permanency plan has been changed to adoption and a prospective adoptive home has been identified, DCS will meet with the prospective adoptive parent(s) to explain the following:

1. Indiana Adoption Assistance Program;
2. Needs and history of the child;
3. Availability of potential tax credits upon adoption; and
4. Background check process required for adoptions. See policies [10.12 Conducting Background Checks for Adoption](#) and [10.13 Evaluating Background Checks for Adoption](#).

At the conclusion of this meeting the prospective adoptive parent(s) will sign the [Explanation of Indiana Adoption Program \(AAP & SAS\) and Background Information \(SF54352\)](#) and DCS will place the signed form(s) in the case file.

Note: The prospective adoptive parent(s) must complete and sign the [Explanation of Indiana Adoption Program \(AAP & SAS\) and Background Information \(SF54352\)](#) form even if the prospective adoptive parent(s) state that they do not want to apply for any adoption assistance benefits. If circumstances change before the child is adopted and the adoptive parent(s) would like to apply for benefits from the Indiana Adoption Assistance Program, they should submit an application to DCS. If the child is found to be eligible for benefits, the adoption assistance agreement must be signed by all parties before the decree of adoption is finalized.

DCS will initiate the background check process. See policy section [10.12 Conducting Background Checks for Adoption](#).

A DCS attorney will negotiate with the prospective adoptive parent(s), or their attorney the amount of an adoption assistance periodic payment for each eligible child. See policy [10.17 Negotiations for Adoption Assistance](#).

Note: The negotiated adoption assistance periodic payment amount can be for \$0 but it cannot exceed the foster care per diem amount the child would receive if the child were in foster care.

Code References

1. [IC 31-19-9-8\(a\)\(10\)](#): Consent to adoption not required
2. [IC 31-19-26.5](#): Adoption Subsidies
3. 42 USC 673: Social Security Act
4. 45 CFR 1356.41: Nonrecurring Expenses of Adoption

PROCEDURE

The Family Case Manager (FCM) will:

1. Schedule an appointment with the prospective adoptive parent(s) to:
 - a. Review the needs and history of the child,
 - b. Explain the Indiana Adoption Assistance Program and the potential adoption tax credits,
 - c. Discuss the child's potential eligibility for Medicaid, NRAE, and adoption assistance periodic payments,
 - d. Review the [Explanation of Indiana Adoption Program \(AAP & SAS\) and Background Information \(SF54352\)](#) form,
 - e. Request that the prospective adoptive parent(s) sign the [Explanation of Indiana Adoption Program \(AAP & SAS\) and Background Information \(SF54352\)](#) form, and

Note: The prospective adoptive parent's signature will provide the FCM with documentation that the program has been explained and that they have been provided an opportunity to review the child's file.

- f. Sign the [Explanation of Indiana Adoption Program \(AAP & SAS\) and Background Information \(SF54352\)](#) form.
2. Complete these tasks within 10 calendar days of the prospective adoptive parent's signature on the [Explanation of Indiana Adoption Program \(AAP & SAS\) and Background Information \(SF54352\)](#) form:
 - a. Place the signed copy in the child's adoption file, and
 - b. Inform the prospective adoptive family that they must obtain background checks as part of the adoption process:
 1. Qualified letter for all household members age 18 and older dated within one (1) year of the signature date on the adoption assistance application;
 2. CPS check for all household members age 14 and older signed or initialed and dated by the individual that performed the check within one year of the signature

- date on the adoption assistance application; and
3. Sex Offender Registry check for all household members age 14 and older signed or initialed and dated by the individual that performed the check within one (1) year of the signature date on the adoption assistance application.
3. Ensure that the adoption file contains the following supporting documentation necessary for the DCS Central Eligibility Unit (CEU) to determine adoption assistance eligibility and for the DCS Local Office Attorney to negotiate the periodic payment:
 - a. Signed [Indiana Adoption Program Application \(SF54351\)](#),
 - b. Background check results, including waivers if applicable. See separate policy [10.13 Evaluating Background Checks for Adoption](#),
 - c. Verification that the child cannot or should not be returned to the home of either parent consisting of at least one of the following for each parent:
 1. Court order terminating parental rights (TPR) of the parent(s) (documentation is not needed if the TPR date is recorded in the Indiana Child Welfare Information System);
 2. Petition for TPR;
 3. Consent to Adopt or Voluntary TPR;
 4. Death Certificate;
 5. No father identified via the Putative Father Registry Check; **or**
 6. Documentation in the adoption case that consent of the biological parent is not required under [IC 19-9-8](#) as determined by the court.
 - d. If the child is under age two (2) and has special needs, a signed letter from a licensed physician, psychiatrist, or psychologist is needed to document the disability that requires continued treatment, and
 - e. A letter or statement from a licensed physician, psychiatrist, psychologist or FCM, detailing the child's mental, emotional, medical, or physical disabilities (including those that are capable of being inherited) for Medicaid.
 4. Submit the [Indiana Adoption Program Application \(SF54351\)](#) and all of the supporting documentation to DCS Central Eligibility Unit (CEU);
 5. Contact the DCS Local Office Attorney who will negotiate the adoption assistance periodic payment agreement. See separate policy section [10.17 Negotiations for Adoption Assistance](#);
 6. Provide the DCS Local Office Attorney with the [Final Adoption Program Eligibility Determination](#), the un-finalized adoption assistance agreement, the amount of the child's current foster care per diem received from CEU, the Payment Request Information (PRI) form completed and signed by the adoptive parent(s) and any information that may assist in the negotiation;
 7. Notify the DCS Local Office Attorney when the petition for adoption is filed and the adoption hearing court date has been set;
 8. Ensure that the adoption assistance agreement is signed by all parties prior to the Final Decree of Adoption date; and
 9. Send the signed adoption assistance agreement and Final Decree of Adoption to the DCS CEU inbox, centralized.eligibility@dcs.in.gov.

The Supervisor will:

1. Review the adoption file to ensure that the required documentation is included and the

- [Explanation of Indiana Adoption Program \(AAP & SAS\) and Background Information \(SF54352\)](#) form and the [Indiana Adoption Program Application \(SF54351\)](#) are signed;
2. Ensure that the FCM has received required paperwork from the prospective adoptive parent(s) and submitted it to the DCS CEU;
 3. Ensure that the Local Office Attorney has received the completed PRI form and any related documentation; and
 4. Ensure that the adoption assistance agreement is signed by all parties prior to the Final Decree of Adoption date.

The DCS Local Office Attorney will:

1. Contact the FCM if additional information is needed for the negotiation;
2. Contact the adoptive parent(s) or their attorney to negotiate the periodic payment amount and obtain signatures on the adoption assistance agreement, if appropriate; and
3. Ensure that the adoption assistance agreement is signed by all parties prior to the Final Decree of Adoption being entered.

The DCS CEU will:

1. Make the eligibility determination; and
2. Review the case when the Final Decree of Adoption and signed adoption agreement are received to ensure the agreement was signed by all parties on or prior to the date of the Final Decree of Adoption.

PRACTICE GUIDANCE

Final adoption hearing date

The field titled '*final adoption hearing date*' on the application is not a mandatory field. If the hearing date is not known, include an estimated date for the hearing, if applicable. This field is used by DCS CEU to prioritize the completion of the eligibility determination. See separate policy, [10.15 Eligibility Requirements for Adoption Assistance](#).

Social Security Number

Remind the adoptive parent to contact the [Social Security Administration](#) office to file for a new Social Security Number for the child using the child's new name.

FORMS AND TOOLS

1. [Indiana Adoption Program Desk Guide](#)
2. [Explanation of Indiana Adoption Program \(AAP & SAS\) and Background Information \(SF54352\)](#)
3. [Indiana Adoption Program Application \(SF54351\)](#)
4. [Final Adoption Program Eligibility Determination](#) -Available via CEU
5. [Title IV- E Adoption Assistance Agreement](#) -Available via CEU
6. [State Adoption Subsidy Agreement](#) -Available via CEU
7. Decree of Adoption

RELATED INFORMATION

Adoptive Child:

An individual under 18 years of age who, before entry of the Final Decree of Adoption:

1. Is residing with a prospective adoptive parent(s);
2. Is a ward who is either approved by DCS for adoption by a particular adoptive parent(s) or approved by a court for adoption by a particular adoptive parent(s) without consent of DCS; or
3. Is adopted by an adoptive parent(s); and
4. Is the beneficiary of an adoption assistance agreement.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption	Effective Date: May 1, 2012
	Section 15: Eligibility Requirements for Adoption Assistance	Version: 1

POLICY

[NEW]

General Requirements

The Indiana Department of Child Services (DCS) will ensure that the child and adoptive parent(s) meets all of the following general criteria to qualify for any assistance:

1. The child is a ward of DCS at the time the prospective adoptive parent(s) files a petition for adoption or otherwise meets all of the Title IV-E or State Adoption Subsidy (SAS) adoption assistance program eligibility requirements;
2. The adoptive child meets the special needs requirements:
 - a. The DCS local office or juvenile court having jurisdiction over the child has determined that the child cannot or should not be returned to the home of the child's parent;
 - b. There exists a specific factor or condition which makes it reasonable to conclude that the child cannot be adopted without providing financial assistance or Title XIX Medicaid, and one (1) of the following criteria exists:
 1. A child that is two (2) years of age or older;
 2. A child who is a member of a sibling group of two (2) or more children and who must be placed together with the sibling group in the same home;

Note: At least one (1) child in a sibling group must be two (2) years of age or older.

3. A child with a medical condition or physical, mental, or emotional disability, as determined by a psychiatrist, psychologist or physician licensed to practice in Indiana or another state or territory.
- c. A reasonable, but unsuccessful effort must be made to place the child in an appropriate adoptive home without providing adoption assistance, unless it is contrary to the child's best interests due to:
 1. Significant emotional ties with prospective adoptive parent(s) where the child was placed while in foster care; or
 2. Other specific factors or circumstances documented in the child's case file and approved by the Special Needs Adoption Program (SNAP) Specialist.
3. The child is a US citizen or qualified Alien. See separate policy [2.9 Verifying Identity](#);
4. The results of the required criminal background checks show no record of a felony conviction for a crime described in 42 USC 671(a)(20)(A) that would disqualify the adoptive parent(s) from receiving adoption assistance payments under 42 USC 673. See separate policy sections [10.12 Conducting Background Checks for Adoptions](#) and [10.13 Evaluating Background Checks for Adoptions](#); and
5. A written Title IV-E Adoption Assistance Agreement or State Adoption Subsidy (SAS) Agreement between DCS and the prospective adoptive parent(s) must be signed on or before the date that the court enters the Final Decree of Adoption for the child

or as otherwise stated in an administrative review decision.

Code References

1. 42 USC 673
2. 42 USC 671(a)(20)
3. [IC 31-19-26.5-2](#) Child with special needs
4. [IC 31-19-26.5-3](#) Conditions for payment of adoption subsidies
5. [IC 31-19-9-8](#) Consent to adoption not required
6. [IC 31-9-2-51](#) Hard to place "child" or "hard to place children"

PROCEDURE

The Family Case Manager (FCM) will:

1. Submit the completed [Indiana Adoption Program Application \(SF54351\)](#) and supporting documentation to DCS Central Eligibility Unit (CEU);
 - a. Check the file for additional supporting documentation, and
 - b. Add any additional documentation from the child's case file that is needed to support the general or specific eligibility requirements.
2. Send a copy of the [Final Adoption Program Eligibility Determination](#) and the [Request for Administrative Review \(SF54348\)](#) (if applicable) to the prospective adoptive parent(s) or their attorney;

Note: If the adoptive parent(s) disagrees with the [Final Adoption Program Eligibility Determination](#), the adoptive parent(s) may submit a [Request for Administrative Review \(SF54348\)](#) within 30 calendar days of the date on the [Final Adoption Program Eligibility Determination](#).

3. Contact the DCS Local Office Attorney in the event the child is eligible for a periodic payment. See separate policy [10.17 Negotiations for Adoption Assistance](#);
4. Provide the DCS Local Office Attorney with the [Final Adoption Program Eligibility Determination](#), the proposed adoption assistance agreement, and any information that may assist in the negotiation; and
5. Return the signed adoption assistance agreement and Final Decree of Adoption to the DCS CEU for processing once the prospective adoptive parent(s) agrees to the terms of the adoption assistance agreement. See separate policy [10.17 Negotiations for Adoption Assistance](#).

The Supervisor will:

1. Ensure that the FCM submits all required documentation to DCS CEU; and
2. Ensure that the DCS Local Office Attorney has been contacted in the event the child is eligible for a periodic payment. See separate policy [10.17 Negotiations for Adoption Assistance](#).

The DCS Local Office Attorney will:

1. Work with the FCM to obtain any information needed for adoption assistance agreement negotiations. See separate policy section [10.17 Negotiations for Adoption Assistance](#);
2. Meet with the prospective adoptive parent(s) and/or their attorney to review the [Final Adoption Program Eligibility Determination](#) and proposed adoption assistance

agreement;

Note: If the prospective adoptive parent(s) disagrees with the [Final Adoption Program Eligibility Determination](#), the prospective adoptive parent(s) may submit a [Request for Administrative Review \(SF54348\)](#) within 30 calendar days of the date on the [Final Adoption Program Eligibility Determination](#).

3. Ensure that the adoptive parent(s) sign the agreement prior to the finalization of the adoption once an agreement is reached; and
4. Obtain the DCS Local Office Director's (LOD) signature on the adoption assistance agreement.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Indiana Adoption Program Application \(SF54351\)](#)
2. [Final Adoption Program Eligibility Determination](#) –Available via CEU
3. [Request for Administrative Review \(SF54348\)](#)
4. Title IV-E Adoption Assistance Agreement –Available via CEU
5. State Adoption Subsidy Agreement –Available via CEU
6. Decree of Adoption
7. [Indiana Adoption Program Desk Guide](#)

RELATED INFORMATION

Adoption Program Assistance

The Indiana Adoption Program includes the child's potential eligibility for:

1. Adoption periodic payments through AAP or SAS;
2. Medicaid coverage; and
3. Non Recurring Adoption Expenses (NRAE).

SAS Categorical Eligibility

The child must meet both of the following categorical eligibility requirements to be eligible for Medicaid or periodic payments under a SAS agreement:

1. Is age two (2) or older, or is a member of a sibling group placed in the same adoptive home if at least one of the children is age two (2) or older; and
2. Is eligible for adoption services provided by DCS through SNAP, as a hard to place child.

AAP Categorical Eligibility

A child must meet one (1) of the four (4) categorical eligibility requirements to be eligible for AAP, the only exception is if the child meets the 'applicable child' eligibility as defined below:

1. AFDC Eligible;
2. SSI Eligible;
3. Title IV-E Eligible in a prior adoption; or

4. Living with a Title IV-E eligible minor parent.

Applicable Child

The following outlines the eligibility requirements for 'applicable child'. See policy [10.14 Indiana Adoption Program Overview](#) for additional requirements:

1. A child who is an eligible age in a given federal fiscal year (or will turn the eligible age within the current federal fiscal year by September 30th);
2. A child who has been in foster care 60 consecutive months;
3. The sibling of an 'applicable child' who will be adopted by the same adoptive parent as the sibling;
4. A child who meets one (1) of the other categorical eligibility requirements:
 - a. A finding of Contrary to the Welfare was in the removal order,
 - b. Eligible for SSI,
 - c. Title IV-E eligible in a prior adoption, or
 - d. Living with a Title IV-E eligible minor parent.

The eligible age for an applicable child is based on the child's age at the time of entry of the Final Decree of Adoption, as follows:

1. Age 12 and older in FFY 2012 (or will turn 12 within FFY 2012)
2. Age 10 and older in FFY 2013 (or will turn 10 within FFY 2013)
3. Age 8 and older in FFY 2014 (or will turn 8 within FFY 2014)
4. Age 6 and older in FFY 2015 (or will turn 6 within FFY 2015)
5. Age 4 and older in FFY 2016 (or will turn 4 within FFY 2016)
6. Age 2 and older in FFY 2017 (or will turn 2 within FFY 2017)
7. All children in FFY 2018

See the [Indiana Adoption Program Desk Guide](#) for more detailed information.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption	Effective Date: May 1, 2012
	Section 16: Funding for Adoption Assistance	Version: 1

POLICY

[NEW]

The Indiana Department of Child Services (DCS) will make adoption assistance benefits available, including Medicaid benefits, to eligible children.

Overview of Available Assistance

There are three (3) types of assistance for which an adoptive child may be eligible: Medicaid, Non Recurring Adoption Expenses (NRAE), and financial assistance through Title IV-E Adoption Assistance (AAP) or State Adoption Subsidy (SAS). AAP eligible children are also eligible for Medicaid; SAS eligible children will require a separate eligibility determination. DCS will provide reimbursement for NRAE for children eligible for either AAP or SAS. In addition, AAP eligible children may receive a periodic payment (per diem). These periodic payments are to assist the adoptive family with costs associated with the child's needs that are not otherwise covered. In the event funds are made available through the Adoption Assistance Account to fund SAS periodic payments, DCS will prioritize how available funds will be distributed. See Related Information for the list of priority levels.

Medicaid

Medicaid will be available to children eligible for AAP and may be available for children eligible for SAS who also meet the requirements for Medicaid. Medicaid services shall not be interrupted for a child who is covered by Medicaid when the petition for adoption of the child is filed.

Non Recurring Adoption Expenses (NRAE)

Non Recurring Adoption Expenses (NRAE) are a one-time reimbursement of applicable costs and fees not to exceed one thousand five hundred dollars (\$1,500.00) per eligible child.

AAP and SAS Periodic Payments

Title IV-E AAP periodic payment amounts will be negotiated by DCS and the pre-adoptive parent(s) and documented in the adoption assistance agreement. Monthly payments will be made to the adoptive parent(s) at regular intervals by DCS and these payments will not exceed the amount the child would have received in foster care. The AAP agreement may be amended by mutual agreement or by a request from the adoptive parent(s). These requests may be made if there are changes in the circumstances of the child or family and should be submitted to DCS in writing.

DCS may make an across the board adjustment in foster care maintenance rates in accordance with applicable law. See policy [10.18 Modifications for Adoption Assistance](#).

In the event there are sufficient funds to begin making SAS periodic payments, then the rules, policy and procedures governing the negotiations of AAP periodic payments will apply. If circumstances arise and there are no longer sufficient funds available to maintain the current

level of SAS periodic payments, DCS may authorize reductions to SAS periodic payments in accordance with the SAS agreement.

Adoption Assistance Account – Priorities

DCS will prioritize how available funds will be distributed from the Adoption Assistance Account. The funds available to DCS in the Adoption Assistance Account shall be disbursed as follows:

1. All Title IV-E Adoption Assistance Agreements;
2. Court orders entered under IC 31-19-26 before January 1, 2009, that are still in effect, including any DCS approved continuation of payments after the child turns 18 years of age;
3. Non Recurring Adoption Expenses agreements; and
4. SAS Agreements placed in payment status by DCS, with chronological order priority given to SAS Agreements based on the agreement effective date within each priority level.

Note: The order in which SAS agreements on the waiting list will begin receiving payments, shall be determined by the order that the agreements were finalized by both the parent(s) and DCS.

Code References

1. [IC 31-19-26.5](#) Adoption Subsidies
2. 405 IAC 1 Medicaid

PROCEDURE

After consultation with the State Budget Agency, the DCS Chief Financial Officer will submit an Annual Adoption Subsidy Report to the DCS Director regarding the amount spent and the amount to be spent from the Adoption Assistance Account in or for the State fiscal year.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

N/A

RELATED INFORMATION

SAS waitlist priority levels

There are three (3) priority levels on the SAS waitlist:

1. Sibling groups on new adoptions;
2. Individual children on new adoptions; and
3. SAS Continuations.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption	Effective Date: May 1, 2012
	Section 17: Negotiations for Adoption Assistance	Version: 1

POLICY

[NEW]

The Indiana Department of Child Services (DCS) will provide ongoing financial and other assistance through the Indiana Adoption Assistance Program for the benefit of eligible children. The goal of this program is to promote permanency for children who may otherwise have their permanency delayed due to their special needs. Eligibility for Medicaid and the reimbursement of appropriate Non Recurring Adoption Expenses (NRAE) are not negotiated. Some eligible children may receive a periodic payment, as negotiated between the adoptive parents and DCS.

DCS will work collaboratively with families to understand and determine the current and ongoing needs of the child being adopted, and the costs of those needs in order to assist the family in incorporating the child into the adoptive family. This policy outlines how such levels of assistance should be negotiated to determine the periodic payment amounts for adoption assistance applicants who are determined to be eligible for the Title IV-E Adoption Assistance Program (AAP) after January 1, 2012. In the event that funds are available within the DCS Adoption Assistance Account to fund State Adoption Subsidy (SAS) periodic payments, this policy will also apply to negotiations regarding the level of SAS periodic payments. See separate policy [10.16 Funding for Adoption Assistance](#).

Upon the approval of a [Final Adoption Program Eligibility Determination](#) that a child is eligible for AAP or SAS (if applicable), DCS will meet with the prospective adoptive parent(s) to discuss the procedure for completing the adoption assistance agreement. In this meeting DCS will explain the steps and procedures needed for purposes of finalizing the agreement and adoption of the child. DCS will provide a copy of the following documents:

1. The notice of [Final Adoption Program Eligibility Determination](#);
2. An adoption assistance agreement in the form currently approved by DCS for use in AAP or SAS cases (whichever is applicable);
3. The [Payment Request Information \(PRI\)](#) form describing the information needed from the prospective adoptive parent(s) for consideration and discussion with DCS in negotiating and determining any periodic payment to be paid by DCS under the agreement;
4. The [Request for Administrative Review \(SF54348\)](#) form for children who have been determined ineligible for AAP or SAS, or eligible for SAS due to the determination that the child is not eligible for AAP; and
5. Other information prepared by DCS staff for consideration in determining the periodic payment amount.

Note: Other information will include, but will not be limited to, information about the availability of post-adoption services that may be requested and provided by DCS and the ability of the prospective adoptive parent(s) to renegotiate certain terms of the agreement in the event the child or family's circumstances change.

Within 30 calendar days of receiving the [Final Adoption Program Eligibility Determination](#) and accompanying documents, the prospective adoptive parent(s) will submit to the DCS Local Office Director (LOD) all information and supporting documentation identified in the PRI, plus any additional information that the prospective adoptive parent(s) consider relevant to determining the periodic payment. The prospective adoptive parent(s) may request a reasonable extension of this deadline in order to gather and assemble information relevant to this submission. An extension requested by the prospective adoptive parent(s) may be approved by the DCS LOD or designee.

The amount of the periodic payment to be included in the agreement will be determined by negotiation between the prospective adoptive parent(s) and DCS. Negotiations will occur through the DCS local office in the county where the child's CHINS or other juvenile court case is pending. In that negotiation, the DCS LOD or designee and DCS Local Office Attorney will represent DCS. The prospective adoptive parent(s) may choose to be represented by an attorney or to participate directly in the negotiation without an attorney.

DCS will negotiate the periodic payment based on an initial request submitted by the prospective adoptive parent(s). If agreement is not reached concerning the periodic payment amount within seven (7) calendar days after DCS receives the PRI response, the negotiation will include the opportunity for at least one (1) face-to-face meeting between parties. The DCS Local Office Attorney and the attorney for the prospective adoptive parent(s) will be present at this meeting to discuss the information. The DCS LOD or designee and the prospective adoptive parent(s) may also be present for the negotiations.

Negotiation of the periodic payment amount will occur and be completed within 45 calendar days after the date the DCS LOD receives the PRI response unless an extension of the negotiation deadline has been approved by the DCS LOD or designee.

The following factors and information will be considered in negotiating the periodic payment amount:

1. The anticipated special needs of the child after the finalization of the adoption;
2. The circumstances of the adoptive family, including its ability to provide for the child's current and reasonably anticipated future needs, to the same extent that the family currently provides or would be able to provide for the needs of other children in the family;
3. Resources available to the adoptive family to provide for the current and anticipated needs of the child, such as health care, post-adoption services, public education, activities related to child development and transition to independent living, sources of income and availability of extended family and community resources;
4. The extent to which identified and anticipated needs of the child can be met through services covered by Medicaid or other resources;
5. The ability of the adoptive family to seek renegotiation of the periodic payment amount based on unanticipated changes in the child's needs or the family's circumstances, as provided in this policy; and
6. Any other specific facts pertaining to the child or adoptive family that either DCS or the prospective adoptive parent(s) consider relevant to the goal of incorporating the child into the adoptive family.

If negotiation of the periodic payment amount has not resulted in an approved agreement within 45 calendar days of DCS' receipt of the completed PRI, or other approved deadline, DCS will send a Final Offer letter to the prospective adoptive parent(s), or their attorney, stating the

periodic payment amount that DCS agrees to pay. If the prospective adoptive parent(s) has not submitted to DCS the completed PRI form within 45 calendar days of the date that the PRI was provided to the prospective parent(s) or any approved extension of time, the DCS Local Office Attorney will send a \$0 Final Offer letter to the prospective adoptive parent(s) or their designated attorney. The Final Offer letter will include the [Request for Administrative Review \(SF54348\)](#) and information about the availability of an administrative review process. A prospective adoptive parent(s) may sign an adoption assistance agreement which includes the periodic payment amount identified in the Final Offer letter and pursue administrative review of the amount. See separate policy [10. 20 Administrative Review for Adoption Assistance](#).

Except for determination of the periodic payment amount, and completion of any other specific information relating to the adoptive child or family, the provisions of the adoption assistance agreement form approved by DCS cannot be altered or amended. Any change of a specified term or condition must be approved by both the DCS Deputy Director for Permanency and Practice Support and the DCS General Counsel, or their respective designees. Approval or disapproval of any requested content or format change in the agreement form is not subject to administrative review or administrative appeal.

The agreement must be signed by both DCS and the prospective adoptive parent(s) before entry of the Final Decree of Adoption. If the decree is entered before the agreement has been signed by both DCS and the prospective adoptive parent(s), the child is not generally eligible for adoption assistance under the Indiana Adoption Assistance Program.

Code References

42 USC 673(a)(3)

PROCEDURE

The Family Case Manager (FCM) will:

1. Meet with the prospective adoptive parent(s) within 15 calendar days after receipt of the [Final Adoption Program Eligibility Determination](#) for a child who is eligible and who could potentially receive periodic payments under a signed agreement;
2. Provide the prospective adoptive parent(s) with a copy of the pertinent documents, including the PRI, and discuss the procedure for completing the agreement;
3. Explain the other steps and procedures needed for purposes of finalizing the adoption of the child, including the opportunity to negotiate the amount of the periodic payment. See separate policy [10.14 Indiana Adoption Assistance Program Overview](#);
4. Provide to the prospective adoptive parent(s) with information about the availability of post-adoption services that can be requested and provided by DCS;
5. Explain the ability of the prospective adoptive parent(s) to request a change in the periodic payment amount in the event of changed circumstances; and
6. Send the signed adoption assistance agreement and Final Decree of Adoption to the DCS CEU inbox, centralized.eligibility@dcs.in.gov.

The DCS LOD or designee will:

1. Approve or deny a written request to extend the deadline to submit the completed PRI made by the prospective adoptive parent(s);
2. Approve or deny a written request to extend the negotiation deadline after receipt of the PRI;
3. Provide the DCS Local Office Attorney with information necessary to negotiate the

- appropriate periodic payment amount; and
4. Sign the completed adoption assistance agreement on behalf of DCS.

The DCS Local Office Attorney or designee will:

1. Review information from the DCS LOD and the prospective adoptive parent(s) necessary to negotiate the appropriate periodic payment amount;
2. Meet with the prospective adoptive parent(s) or their attorney and negotiate the periodic payment amount for an adoption assistance agreement;
3. Present the agreement for signatures of the prospective adoptive parent(s) signature and the DCS LOD or designee, when the negotiations result in agreement; and
4. Prepare and send a Final Offer letter that includes information about the availability of administrative review (enclose the appropriate form with instructions concerning submission of the [Request for Administrative Review \(SF54348\)](#) to the prospective adoptive parent(s) or their designated attorney, when the negotiations do not result in agreement within 45 calendar days.

The DCS CEU will:

1. Send the notice of [Final Adoption Program Eligibility Determination](#);
2. Send an agreement in the form currently approved by DCS for use in AAP or SAS cases (if either is applicable);
3. Send any other information prepared by DCS to inform DCS staff and prospective adoptive parent(s) concerning the determination and duration of periodic payments of assistance or subsidies; and
4. Send the [Request for Administrative Review \(SF54348\)](#) form if the child is determined ineligible for AAP or SAS; and
5. Send the adoption assistance agreement and PRI (if applicable) to the FCM.

PRACTICE GUIDANCE

Post Adoption Services

The adoptive parent(s) may at any time submit a request to DCS for a post adoption service referral on behalf of the adoptive child or family. The adoptive parent(s) must contact the DCS Special Needs Adoption Program (SNAP) Specialist in the region of their residence to initiate a referral for services. The SNAP Specialist will complete a referral to an appropriate service provider for purposes of an assessment and creation of a service delivery plan tailored to the particular needs of the adoptive child and family.

FORMS AND TOOLS

1. [Final Adoption Program Eligibility Determination](#) –Available via CEU
2. [Payment Request Information](#) – Available via CEU
3. [Request for Administrative Review \(SF54348\)](#)

RELATED INFORMATION

Periodic Payment

A monthly per diem amount to be specified in a written adoption assistance agreement.

Final Offer Letter

The letter sent by the DCS Local Office Attorney stating the final offer of DCS for the amount of the periodic payment under an adoption assistance agreement. The letter will include information about the availability of an administrative review process and the appropriate form with instructions concerning submission of a request for administrative review of the proposed periodic payment amount.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption	Effective Date: May 1, 2012
	Section 18: Modification of an Adoption Assistance Agreement	Version: 1

POLICY

[NEW]

The Indiana Department of Child Services (DCS) will process a request for modification of a current adoption assistance agreement providing ongoing financial assistance through the Indiana Adoption Assistance Program. An adoptive parent(s) who has signed an agreement and is receiving periodic payments may, during the term of the agreement, submit a request to change the periodic payment amount.

The request must be submitted to the DCS local office that handled the Child In Need of Services (CHINS) case or Juvenile Delinquency (JD) case at the time the child was adopted. If there was no CHINS or JD case when the original adoption assistance agreement was signed, the request must be sent to the DCS local office that serves the county of the child's residence. The request must include the information and documentation required, or that the adoptive parent(s) would consider relevant for an initial [Payment Request Information \(PRI\)](#) response. The request shall also include a detailed explanation of the change in circumstances of the child or adoptive family that was not known or anticipated at the time the current periodic payment was negotiated or most recent amendment to the agreement was determined. A request for modification may not be submitted more frequently than once in a consecutive 12 month period.

In considering a request for a change in the periodic payment amount, DCS may request from the adoptive parent(s), or any other source, additional information that is determined to be relevant. Any information that DCS receives from a source other than the adoptive parent(s) will be shared with the adoptive parent(s). The information will be subject to redaction of personally identifiable information that DCS determines should be kept confidential for protection of the persons involved. Within 60 calendar days of the date that DCS receives the requested information, DCS will decide whether to grant or deny the request to modify the agreement and will advise the adoptive parent(s) by letter of its decision.

Note: The amount of the modification cannot exceed the amount that would have been payable for the child if the child were in foster care.

If the DCS decision regarding a change to the periodic payment amount is not acceptable to the adoptive parent(s), the right to request administrative review of the decision may be available. See separate policy [10.20 Administrative Review for Adoption Assistance](#).

DCS may approve a temporary change in the periodic payment. The expiration date of the temporary change may be extended or renewed if the adoptive parent(s) submits a modification request and DCS determines that the circumstances on which the approved change was based continue to exist. All changes must be reflected in a written amendment to the agreement.

If the adoptive child is placed outside the home of the adoptive parent(s) and the adoptive parent(s) are not financially responsible for the placement (e.g. JD, foster care, etc), DCS may

request the adoptive parent(s) renegotiate the periodic payment amount for the duration of the out-of-home placement. Any change in the periodic payment amount will only be made by a written amendment to the agreement signed by DCS and the adoptive parent(s).

Note: If DCS determines that the adoptive parent(s) is not providing financial support to or for the benefit of the child, or the parent(s) is no longer legally responsible for the support of the child, DCS may administratively suspend the periodic payments for the duration of the out-of-home placement or terminate the adoption assistance agreement. Payments may also be suspended under the SAS agreement during the time a child is in out-of-home placement. See separate policy [10.19 Continuations, Terminations and Suspensions of Adoption Assistance](#).

If DCS is paying for the cost of an out-of-home placement of the adoptive child through a CHINS or JD case, and DCS and the adoptive parent(s) are unable to come to an agreement concerning any change in the periodic payment amount that DCS will pay during the out-of-home placement, DCS will seek a child support court order for the adoptive parent(s) to pay DCS. DCS may offset the amount payable under a support order against the amount of the periodic payment otherwise payable to the adoptive parent(s) under the adoption assistance agreement. DCS may, if appropriate for purposes of determining the amount of any modification of the periodic payment amount payable to the adoptive parent(s) during the child's out-of-home placement, seek a child support court order if a person or entity other than DCS or the adoptive parent(s) is paying for care and maintenance of the child in the out-of-home placement.

Code References

1. [IC 31-40-1-5](#) Obligation of parent or guardian for costs of institutional placement of child
2. 42 USC 673(a)(4)

PROCEDURE

The Family Case Manager (FCM) will:

1. Notify the DCS Local Office Attorney when a child receiving adoption assistance has been removed from an adoptive home; and
2. Coordinate with the DCS CEU staff and other entities in obtaining and providing to the DCS Local Office Attorney documents such as the adoption assistance agreement, previous modifications, the adoption decree, and information on subsequent removals and out-of-home placements.

The DCS Local Office Director (LOD) or designee will:

1. Obtain a copy of the original agreement from the adoptive parent(s), DCS CEU, or the DCS local office adoption file when a request for modification of an existing adoption assistance agreement is received;
2. Gather information from relevant sources, including the adoptive parent(s), within 30 calendar days of the request to appropriately consider the request for a modification of the agreement; and complete the following steps:
 - a. Decide whether or not a prior request for modification has been received from the adoptive parent(s) within the previous 12 months. If so, deny the request for modification and include the [Request for Administrative Review \(SF54348\)](#) form with the denial,

- b. If no request has been received within the previous 12 months, decide whether or not a change in circumstances exists that was not known or anticipated at the time the periodic payment was negotiated. If not, deny the request for modification and include the [Request for Administrative Review \(SF54348\)](#) form with the denial, or
- c. If no request was received within the previous 12 months and the request documents a change in circumstances warranting review of the current periodic payment amount, submit the documentation and information to the DCS Local Office Attorney to negotiate any appropriate change in the periodic payment.

The DCS Local Office Attorney will:

1. Contact the adoptive parent(s) and negotiate any appropriate change in the periodic payment amount with regard to the modification request that has been received. This should occur within 60 calendar days of receipt of the currently effective adoption assistance agreement, the modification request, any additional information requested, and any other relevant information received from the DCS LOD or designee;
2. Contact the adoptive parent(s) and request that they renegotiate the periodic payment for the duration of the out-of-home placement. See separate policy [10.19 Continuations, Terminations and Suspensions of Adoption Assistance Periodic Payments](#);

Note: Any change in the periodic payment amount will be reflected in an amendment to the agreement that must be signed by both the adoptive parent(s) and DCS CEU.

3. Prepare an amendment reflecting the revised terms if an agreement is reached;
4. Obtain the signature on the amendment by the adoptive parent(s) and the DCS LOD, or designee, and return the signed amendment to DCS CEU for processing;
5. Send a notice to the adoptive parent(s) stating that there is no agreement to the modification requested and include the [Request for Administrative Review \(SF54348\)](#) form if no agreement can be reached within 60 calendar days of the receipt of the documents and information described above, or an approved extension of time; and
6. Request an appropriate child support order under [IC 31-40-1-5](#) if the child is in an out-of-home placement for which DCS is making payment, and no agreement has been reached with the adoptive parent(s) regarding an amendment to the periodic payment amount.

The DCS CEU will:

1. Terminate an adoption assistance agreement, or administratively suspend periodic payments under an adoption assistance agreement, if it is determined that the adoptive parents are not legally responsible or are not providing current support for the adoptive child;
2. Provide a copy to the appropriate DCS local office of the original adoption assistance agreement and any amendments, when a parent or DCS is requesting a modification; and
3. Process amendments of adoption assistance agreements.

PRACTICE GUIDANCE

Post Adoption Services

The adoptive parent(s) may at any time submit a request to DCS for a post adoption service referral on behalf of the adoptive child or family. The adoptive parent(s) must contact the DCS Special Needs Adoption Program (SNAP) Specialist in the region of their residence to initiate a referral for services. The SNAP Specialist will complete a referral to an appropriate service provider for purposes of an assessment and creation of a service delivery plan tailored to the particular needs of the adoptive child and family.

FORMS AND TOOLS

1. [Adoption Assistance Agreement](#) – Available via CEU
2. [Payment Request Information](#) – Available via CEU
3. [Request for Administrative Review \(SF54348\)](#)
4. [Amendment to Adoption Agreement](#) – Available via CEU
5. [Adoption Program Status Report](#) – Available via CEU
6. [Notice of Termination of Adoption Assistance Agreement](#) – Available via CEU
7. [Notice of Administrative Suspension of Adoption Assistance Periodic Payments](#) – Available via CEU

RELATED INFORMATION

Definition of Financial Support for the Purposes of Adoption Assistance

If a parent(s) is no longer providing a form of financial support to or for the child, adoption assistance benefits may be terminated. DCS may determine that if the parent is maintaining regular visitation with the child and is cooperating with the child's case plan to return home while the child is in out-of-home care, and if that one (1) of the following are met, the parent(s) should be considered as providing financial support to the child:

1. The parent(s) is making regular payments, or otherwise providing support for the child for:
 - a. Family therapy,
 - b. Tuition,
 - c. Clothing,
 - d. Maintenance of special equipment in the home, or
 - e. Services for the child's special needs, such as occupational, physical, or speech therapy;
2. The parent(s) is providing support for the child while the child is in out-of-home care, in the form of regular monetary payments of not less than \$100.00 per month or provision of materials, supplies or services having an equivalent monetary value; or
3. The parent(s) is paying child support pursuant to a court order.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption	Effective Date: October 1, 2012
	Section 19: Continuations, Terminations and Suspensions of Adoption Assistance Periodic Payments	Version: 2

POLICY

[REVISED]

Continuation of Adoption Assistance Agreements after Child Becomes 18 years of age

Adoption assistance will not automatically be continued when the child turns 18 years of age. Ninety calendar days prior to the child's 18th birthday, DCS Central Eligibility Unit (CEU) will send a [termination letter](#) and an [Application for Continuation of Adoption Agreement Beyond Age Eighteen \(18\)](#) to the adoptive parent(s). The letter will inform the adoptive parent(s) of the adoption assistance, including any periodic payments, that will cease to be effective the day before the child's 18th birthday. It will also provide instructions for applying for a continuation of the periodic payment past the child's 18th birthday.

A completed [Application for Continuation of Adoption Agreement Beyond Age Eighteen \(18\)](#) must be received by DCS CEU at least 30 calendar days prior to the child's 18th birthday. The application includes the statutory eligibility requirements for the continuation of the adoption assistance, as well as instructions for what documentation the adoptive parent(s) must provide DCS to support the basis for the continued periodic payment.

DCS CEU will process any continuation requests during the month of the child's 18th birthday. If the application for continuation is received after the month of the child's 18th birthday, he or she is no longer eligible for a continuation of periodic payment. The [Notice of Termination of Adoption Agreement](#) letter and the [Request for Administrative Review \(SF54348\)](#) will be subsequently sent to the adoptive parent(s).

The following documents are examples of documentation that should be submitted to DCS CEU with an [Application for Continuation of Adoption Agreement Beyond Age Eighteen \(18\)](#):

1. Diagnosis of any Physical, Mental, Medical, or Emotional Condition(s) that limits the child's self-supporting capability;
2. Individual Education Plan (IEP) or verification of other educational assessment/needs; and
3. Proof of enrollment in school (secondary or post secondary).

A [Notice of Continuation of Adoption Agreement Beyond Age Eighteen \(18\)](#) will be sent to the adoptive parent(s) if the child is eligible for a continuation of adoption assistance. Adoption Assistance Program (AAP) approved continuations will include the continuation of periodic monthly payments; however, State Adoption Subsidy (SAS) and County Adoption Subsidy (CAS) approved continuations will be funded based on the priorities outlined in [10.16 Funding for Adoption Assistance](#).

For children eligible for CAS or SAS continuation, Medicaid will be contingent upon a determination of eligibility based on the presence of mental, physical, or emotional disability. The child or adoptive parent(s) shall promptly notify DCS of any change in the child's

circumstances as it relates to the need for continuation of periodic payments, including but not limited to:

1. Any change in the nature or scope of legal, financial or other support that the adoptive parent(s) provides toward the child's living expenses, medical needs, or necessary care and supervision; or
2. Termination of enrollment in any school or educational program before graduation or completion of the program.

Termination or Administrative Suspension of Adoption Assistance

The adoptive parent(s) is required to promptly notify DCS CEU, in writing, of the occurrence of any event that is or could be grounds for termination or suspension of the adoption assistance agreement. If the adoptive parent(s) fails to notify DCS CEU within 30 calendar days of the occurrence of the event, DCS may require the adoptive parent(s) to refund to DCS any payments received for any month after the date of the occurrence.

Unless otherwise determined by DCS CEU, all periodic payments provided under an adoption assistance agreement shall cease when one of the following occurs:

1. The child turns 18 years of age;
2. The child is emancipated;
3. The adoptive parent(s) is no longer legally responsible for supporting the child;
4. The adoptive parent(s) is no longer providing financial support for the child;
5. The child is married;
6. The adoptive parent(s) or the child dies;
7. The child's adoption is terminated;
8. The child is on active duty in the United States armed services or National Guard for more than 30 consecutive calendar days in a calendar year; or
9. The adoptive parent(s) requests termination of the periodic payment.

[NEW] Note: Adoption Agreement continued beyond age 18 that meet the criteria for extending AAP to Older Youth (under Fostering Connections) will terminate when the child turns 20 years of age, unless otherwise determined by CEU. All other adoption agreements continued beyond age 18 will terminate at age 21 unless otherwise determined by CEU that the requirements of the continuation are not being met. See Related Information.

Once notice has been provided to the adoptive parent, DCS will administratively suspend payments provided under an adoption assistance agreement if a determination is made that the adoptive parent(s) is no longer providing financial support to the child. If the adoptive parent(s) resumes regular financial support of the child, DCS will end the suspension and continue payments as provided in the agreement.

All parents that have entered into adoption assistance agreements shall submit a fully completed [Adoption Program Status Report](#) periodically to verify that the child remains eligible for assistance. The [Adoption Program Status Report](#) shall be submitted to DCS CEU by the due date listed on the report. Failure to submit an [Adoption Program Status Report](#) timely may be grounds for suspension or termination of payments under a SAS/CAS agreement. SAS/CAS payments will not resume until the requested Adoption Program Status Report has been submitted, reviewed and approved by DCS.

Suspension or Reduction of State Adoption Periodic Payments for Funding Shortfalls

DCS may determine, at any time, that sufficient funds are not available during a fiscal year to pay in full all obligations incurred under SAS agreements for the remainder of the fiscal year.

DCS may, after 30 calendar days written notice to the adoptive parent(s), implement an across-the-board percentage reduction on all SAS if the following conditions are satisfied:

1. No new SAS agreements are placed in payment status while the percentage reductions are in effect; and
2. The SAS agreement includes a provision authorizing DCS to make across-the-board percentage reductions in payments due to insufficiency of available funds.

Code References

1. 42 USC 673(a)(4)
2. [IC 31-19-26.5-9](#)

PROCEDURE

Continuation of Adoption Agreements after Child Becomes 18 years of age

The DCS Central Eligibility Unit (CEU) will:

1. Send a [termination letter](#) and copy of the appropriate [Application for Continuation of Adoption Agreement Beyond Age Eighteen \(18\)](#) based on the type of adoption assistance the child is receiving 90 calendar days prior to the child's 18th birthday;
2. Review the [Application for Continuation of Adoption Agreement Beyond Age Eighteen \(18\)](#) and the documentation received and determine if the child continues to be eligible for a periodic payment;
3. Complete the [Notice of Continuation or Termination of Adoption Agreement Beyond Age Eighteen \(18\)](#) form or [Notice of Termination of Adoption Agreement](#) letter as appropriate;
4. Send the determination to the parent(s) along with the [Request for Administrative Review \(SF54348\)](#) form;
5. Change the end date in KidTraks to the day before the child's 21st birthday; if the child is only eligible for SAS, place the child on the Adoption Waiting List; and
6. Email the DCS Medicaid Unit to advise if Medicaid should remain open or should be closed.

Termination or Administrative Suspension of Adoption Assistance

The DCS CEU will:

1. Review the [Adoption Program Status Report](#) or other updated information on the circumstances of the child to determine whether the child continues to be eligible for adoption assistance;
2. Stop the payments in KidTraks if the child is no longer eligible for adoption assistance;
3. Email the DCS Medicaid Unit to inform them that the child is no longer eligible for Medicaid (MA8);
4. Complete and send the [Notice of Continuation or Termination of Adoption Agreement](#) or [Notice of Administrative Suspension of Adoption Assistance Periodic Payment](#) (whichever is applicable), and the [Request for Administrative Review \(SF54348\)](#) form (if applicable) to the adoptive parent(s); and

5. Maintain the [Adoption Program Status Report](#) or information provided by the adoptive parent(s) or child to support the basis for terminating or suspending the adoption assistance.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Adoption Program Status Report](#) -Available via CEU
2. [Application for Continuation of Adoption Agreement Beyond Age Eighteen \(18\) for Recipients of Adoption Assistance Program \(AAP\)](#) -Available via CEU
3. [Application for Continuation of Adoption Agreement Beyond Age Eighteen \(18\) for Recipients of Adoption Assistance Program \(AAP\) and County Adoption Subsidy \(CAS\) Combined Subsidies](#) -Available via CEU
4. [Application for Continuation of Adoption Agreement Beyond Age Eighteen \(18\) for Recipients of State Adoption Subsidy \(SAS\) or County Adoption Subsidy \(CAS\)](#) – Available via CEU
5. [Notice of Continuation of Adoption Agreement Beyond Age 18](#) -Available via CEU
6. [Notice of Termination of Adoption Agreement](#) -Available via CEU
7. [Notice of Administrative Suspension of Adoption Assistance Periodic Payments](#) – Available via CEU
8. [Request for Administrative Review \(SF54348\)](#)

RELATED INFORMATION

[REVISED]

[NEW] Continuation for AAP

The child's eligibility for AAP to be continued is based on a physical, mental, or emotional condition that limits ability for self-support.

[NEW] Continuation of AAP Adoption Assistance for Older Youth (AAP-Older Youth)

Under the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), AAP adoption assistance can be extended to youth to age 20 if:

The adoption was finalized on or after the child's 16th birthday (but before the child's 18th birthday); and

At least one (1) of the following educational or employment conditions continue to be met:

1. Enrolled in secondary education or a program leading to an equivalent credential;
2. Enrolled in an institution which provides post-secondary or vocational education;
3. Participation in a program or activity designed to promote, or remove barriers to employment;
4. Employed for at least 80 hours per month; or
5. Is incapable of doing any of the previously described educational or employment activities due to a medical condition.

[NEW] Continuation for CAS or SAS

The child must be enrolled in high school or post-secondary education to be eligible for CAS or SAS to continue.

[REVISED] Application for Continuation

The documents necessary to determine eligibility for continuation beyond age 18 are based on the type of adoption assistance the child is receiving and are listed on the [Application for Continuation of Adoption Agreement](#) sent to the parent 90 days prior to the child's 18th birthday.

The documents requested may include the following:

1. Physical, mental, medical, or emotional condition: If the application is based on the child's need for continuing support and assistance because of a physical, mental, medical, or emotional condition, the application should include documentation regarding the child's current needs and condition. It should be supported by certification from a licensed physician, psychiatrist, or psychologist, stating the specific condition and diagnosis that limits the child's self-supporting capability, and describes the support and/or treatment required to meet the child's current needs. DCS may request an independent examination and report regarding the child, from a qualified professional selected by DCS, to assist in its determination of whether to approve the application for continuation;

Note: AAP does not cover those still in high school unless they have a diagnosis of a disability that qualifies them for continuation of payments. If they are still in high school or in post-secondary school and received a SAS/CAS periodic payment prior to their 18th birthday, they may be eligible for SAS/CAS continuation and would be put on the waiting list.

2. IEP or verification of other educational assessments/needs: If the application is based on the child's need for continuing support and assistance due to physical, mental, medical, or emotional condition, the application should include documentation of an IEP or other educational assessments/needs to demonstrate the impact the child's condition has on daily functioning; and
3. Educational Needs Basis (SAS Agreements Only, if funding is available): If the application is based on the child's educational needs as specified in [IC 31-19-26.5-9\(b\)\(1\)\(A\)](#), the application must include documentation required by DCS to describe and substantiate the child's educational status.

Note: The child must be enrolled in high school or post-secondary to be eligible for SAS to continue if the child's need for continuing financial assistance is not based on a physical, mental, or emotional condition that limits ability for self-support.

4. **[NEW]** Employment or employment training verification: If the application is based on the extension to age 20 for older youth, the application must include documentation from the employer of the number of hours per month the child worked in the month of application; and
5. Continuing Support: A statement or other verification that the adoptive parent(s) will continue to provide the principal source of the child's support after the child becomes age 18, and claim the child as a dependent for income tax purposes, should be submitted with an application for continuation of SAS or CAS periodic payments beyond age 18.

Definition of Financial Support for the Purposes of Adoption Assistance

If parent(s) is no longer providing a form of financial support to or for the child, adoption assistance benefits may be terminated. DCS may determine that if the parent is maintaining regular visitation with the child and is cooperating with the child's case plan to return home while the child is in out-of-home care , and if one (1) of the following are met, the parent(s) should be considered as providing financial support to the child:

1. The parent(s) is making regular payments, or otherwise providing support for the child, for:
 - a. Family therapy,
 - b. Tuition,
 - c. Clothing,
 - d. Maintenance of special equipment in the home, or
 - e. Services for the child's special needs, such as occupational, physical, or speech therapy;
2. The parent(s) is providing support for the child while the child is in out-of-home care, in the form of regular monetary payments of not less than \$100.00 per month or provision of materials, supplies or services having an equivalent monetary value; or
3. The parent(s) is paying child support pursuant to a court order.

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption/Permanency	Effective Date: May 1, 2012
	Section 20: Administrative Review for Adoption Assistance	Version: 1

POLICY

[NEW]

General Conditions

The Indiana Department of Child Services (DCS) will process a request for administrative review when a prospective adoptive parent(s) disagrees with a decision made by DCS under policy sections [10.17 Negotiations for Adoption Assistance](#), [10.15 Eligibility Requirements for Adoption Assistance](#) and [10.19 Continuations, Terminations and Suspensions of Adoption Assistance](#). DCS will also process a request for administrative review of a decision concerning the amount payable for Non Recurring Adoption Expenses (NRAE).

A prospective adoptive parent(s) must submit a written [Request for Administrative Review \(SF54348\)](#) within 30 calendar days of service of notice by mail or hand delivery of any of the following decisions:

1. [Final Adoption Program Eligibility Determination](#);
2. The DCS periodic payment Final Offer letter;
3. Determination of the amount allowed and payable for NRAE;
4. Determination of a request for modification of the payment provisions of an adoption assistance agreement, if the DCS local office and adoptive parent(s) have not reached agreement on the modification request;
5. Denial of a request for continuation of an adoption assistance agreement to a time after the child becomes age 18; or
6. Termination or suspension of an adoption assistance agreement for any reason specified in policy [10.19 Continuations, Terminations and Suspensions of Adoption Assistance](#) other than the age of the child, death of the child or adoptive parent(s), or termination of the adoptive parent-child relationship.

The [Request for Administrative Review \(SF54348\)](#) must be submitted to the DCS Permanency and Practice Support Division, in the manner specified in the request form. The Permanency and Practice Support Division will conduct the administrative review based on the reasons stated in the request as submitted, the documentation included to support the request, and any documentation submitted by DCS staff. Any person who was involved in making the decision or determination that is the subject of the administrative review request will not participate in the administrative review.

Eligibility Determinations

DCS will process a [Request for Administrative Review \(SF54348\)](#) from a prospective adoptive parent(s) who has an application pending for adoption assistance concerning a determination made by DCS under policy sections [10.15 Eligibility Requirements for Adoption Assistance](#) or [10.17 Negotiations for Adoption Assistance](#).

To overturn through an administrative review a DCS determination denying eligibility, the adoptive parent(s) must establish that the determination was contrary to applicable federal or

state law, rule, procedure, or policy, as applied to the facts stated in the application or otherwise found by DCS based on the documentation submitted or available in DCS records.

Initial Periodic Payment Amount

Following an eligibility determination, DCS will provide a [Final Adoption Program Eligibility Determination](#), proposed agreement (if eligible), a [Payment Request Information form \(PRI\)](#) and [Request for Administrative Review \(SF54348\)](#) (if applicable) to the prospective adoptive parent(s) or the attorney who represents the parent(s).

If negotiation of the periodic payment has not resulted in an approved agreement, DCS will send a Final Offer letter to the prospective adoptive parent(s) or their attorney, stating the amount that DCS agrees to pay as the periodic payment for the agreement. The letter will include information about the availability of an administrative review process and the [Request for Administrative Review \(SF54348\)](#) form. See separate policy [10.17 Negotiations for Adoption Assistance](#).

The [Request for Administrative Review \(SF54348\)](#) must be submitted to DCS Permanency and Practice Support. The request must be in the format specified in the [Request for Administrative Review \(SF54348\)](#) form. The prospective adoptive parent(s) must state the reason(s) for requesting a review and should include documentation to support the basis for the request. DCS Permanency and Practice Support will conduct the administrative review based on the request submitted by the prospective adoptive parent(s), the documentation included to support the request and any documentation submitted by DCS staff. The administrative review will not include any person(s) who was involved in the original eligibility determination or the negotiation that resulted in the DCS Final Offer letter.

The prospective adoptive parent(s) may sign an adoption assistance agreement that includes the periodic payment amount included in the DCS Final Offer letter, submit a request for administrative review of the payment amount under this policy, and proceed in the adoption case to request a Final Decree of Adoption of the child. In that event, DCS will begin payment of the amount as stated in the agreement, effective on the date of entry of the final adoption decree. If the amount of the periodic payment is changed as a result of the administrative review or any subsequent administrative hearing (see separate policy [10.21 Administrative Appeals for Adoption Assistance](#)), the final approved payment amount will be retroactive to the final adoption decree date.

A prospective adoptive parent(s) who does not elect to sign the agreement may utilize the administrative review procedure provided in this policy. That procedure, and any available administrative hearing under policy [10.21 Administrative Appeals for Adoption Assistance](#), should be exhausted before a Final Decree of Adoption of the child is entered. The written adoption assistance agreement or State Adoption Subsidy (SAS) agreement between DCS and the adoptive parent(s) must be signed by both the parent(s) and DCS on or before the date that the court enters the Final Decree of Adoption of the adoptive child. See separate policy [10.15 Eligibility Requirements for Adoption Assistance](#). If the adoption decree is entered before both DCS and the prospective adoptive parent(s) have signed the adoption assistance agreement or SAS agreement, the child will not be eligible for any adoption assistance, or Medicaid coverage based on the adoption.

Note: If the adoptive child is eligible for SAS periodic payments, and funding of SAS periodic payments is not available at the time of the eligibility determination, the prospective adoptive parent(s) may sign the SAS agreement with a \$0 periodic payment amount and

obtain a Final Decree of Adoption of the child, without submitting the [Request for Administrative Review \(SF54348\)](#). Negotiation of a periodic payment amount under the SAS agreement may commence upon a determination by DCS that periodic payment funding is available, and this policy will apply at that time to determine a negotiated payment amount. See separate policies [10.16 Funding for Adoption Assistance](#) and [10.17 Negotiations for Adoption Assistance](#).

To overturn a DCS determination concerning the periodic payment in an administrative review, a prospective adoptive parent(s) must show one or more of the following:

1. DCS did not substantially follow the procedures specified in this policy or any other applicable policy, rule, procedure or statute relating to the determination of adoption assistance periodic payments;
2. DCS did not consider relevant information or documentation that the prospective adoptive parent(s) submitted in the PRI in conducting the negotiation or submitting its Final Offer letter based on the factors and information outlined in DCS policy [10.17 Negotiations for Adoption Assistance](#), in conducting the negotiation or submitting its Final Offer letter; or
3. The periodic payment that DCS agreed to pay as stated in the Final Offer letter is clearly unreasonable and not supported by substantial and relevant evidence presented by the prospective adoptive parent(s) or otherwise considered by DCS.

DCS will begin payment based on the signed agreement, effective upon entry of the Final Decree of Adoption. Change in the periodic payment may only be made through the administrative review process or in accordance with the modification procedures in policies [10.18 Modification of an Adoption Assistance Agreement](#) and [10.17 Negotiations for Adoption Assistance](#). DCS will not consider the failure of the adoptive parent(s) to obtain from DCS the requested periodic payment amount as a ground for revoking or setting aside their adoption of the child.

Modification of Periodic Payment Amount

After an adoption assistance agreement or SAS agreement has been signed, and a Final Decree of Adoption of the child beneficiary of the agreement has been entered, the adoptive parent(s) may request a modification of the periodic payment amount or term stated in an existing agreement, under policy [10.18 Modification of an Adoption Assistance Agreement](#).

If the decision by the DCS local office is unsatisfactory to the adoptive parent(s), a [Request for Administrative Review \(SF54348\)](#) must be submitted to DCS Permanency and Practice Support within the time and in the manner specified in this policy.

The factors previously identified in the section of this policy titled Initial Periodic Payment Amount apply to an administrative review concerning a requested modification under this section. In addition, to justify the increase of a periodic payment, the adoptive parent(s) must show that a change of circumstances concerning the child or family occurred after the original agreement was signed and was not known or anticipated at the time the agreement was signed.

Termination or Administrative Suspension

If DCS determines that an adoption assistance agreement should be terminated or periodic payments under the agreement should be administratively suspended, for a reason specified in this policy or separate policy [10.19 Continuances, Terminations and Suspensions of Adoption Assistance](#), DCS may terminate the agreement by sending to the adoptive parent(s) a [Notice of Termination of Adoption Assistance Agreement](#), administratively suspend payments by sending

to the adoptive parent(s) a [Notice of Administrative Suspension of Adoption Assistance Periodic Payments](#).

If the adoptive parent(s) is receiving a periodic payment and the child has been removed from the home of the adoptive parent(s) pursuant to a court order in a Child in Need of Services (CHINS) or Juvenile Delinquent (JD) case, or is otherwise temporarily residing in an out-of-home placement or residential facility for purposes of care, supervision, or treatment, DCS may administratively suspend payments under the agreement effective during the time the child is in the out-of-home placement, if DCS has determined that the adoptive parent(s) is not providing any significant financial support for the child. In that event, DCS may send to the adoptive parent(s) a [Notice of Suspension of Adoption Assistance Periodic Payments](#).

If the decision of DCS CEU concerning termination or administrative suspension of assistance under this section is unsatisfactory to the adoptive parent(s) and is subject to administrative review under the General Conditions section of this policy, a [Request for Administrative Review \(SF 54348\)](#) must be submitted to DCS Permanency and Practice Support. Administrative reviews of DCS decisions to terminate or administratively suspend adoption assistance will be conducted by DCS Permanency and Practice Support. See separate policy [10.19 Continuation, Terminations and Suspensions of Adoption Assistance](#).

For DCS to alter its decision at the administrative review concerning the administrative suspension or termination of the agreement, an adoptive parent(s) must show that the determination of DCS was based on a material error of fact or was contrary to applicable law or DCS policy. See separate policy [10.19 Continuations, Terminations and Suspensions of Adoption Assistance](#).

Continuation after the Child Turns 18 Years of Age

DCS CEU will process a continuation request application in accordance with the procedure specified in the separate policy [10.19 Continuations, Terminations and Suspensions of Adoption Assistance](#).

If the decision of DCS CEU concerning continuation of the agreement after the child turns 18 years of age is unsatisfactory to the adoptive parent(s), a [Request for Administrative Review \(SF54348\)](#) must be submitted to DCS Permanency and Practice Support. Administrative reviews of a DCS decision to deny an application for continuation of adoption assistance beyond the child's 18th birthday will be conducted by DCS Permanency and Practice Support.

For DCS to alter its decision at the administrative review concerning an [Application for Continuation of Adoption Assistance Agreement Beyond Age Eighteen](#), the adoptive parent(s) must show that at least one of the following factors applies:

1. The DCS CEU failed to consider relevant documentation submitted with the application.
2. If the application is based on the child's physical, mental, medical, or emotional condition that limits the child's self-supporting capability at the time the child will become age 18, the DCS CEU failed to evaluate adequately or properly the documentation and information submitted with the application.
3. The DCS decision was contrary to currently applicable law or DCS policy.

Administrative Review Decision

Administrative review will be completed within 60 days of DCS Permanency and Practice Support receipt of the request. DCS will send notice of the administrative review decision to the prospective adoptive parent(s), or the adoptive parent(s), or their attorney, together with

instructions and any appropriate forms so that a [Request for Administrative Hearing \(SF54349\)](#) can be pursued, if applicable. Any review decisions regarding periodic payment amounts will be approved by both the DCS Deputy Director of Permanency and Practice Support and the DCS General Counsel, or designee.

If the prospective adoptive parent(s) or adoptive parent(s) is dissatisfied with the results of the administrative review, the parent(s) may submit a written [Request for Administrative Hearing \(SF54349\)](#) to DCS Hearings and Appeals. The [Request for Administrative Hearing \(SF 54349\)](#) form must be filed with the DCS Hearings and Appeals unit within 30 calendar days of service by mail or hand delivery to the prospective or adoptive parent(s) of the written notice of final administrative review decision. See separate policy [10.21 Administrative Appeals for Adoption Assistance](#).

An administrative review will not be provided concerning:

1. Disapproval of any requested change in the language or format of the agreement form that DCS submitted for completion and signature;
2. Determinations concerning the availability of funds in the Adoption Assistance Account for payments under SAS agreements or continuations of County Adoption Subsidy (CAS) agreements based on funding priorities identified in policy [10.16 Funding for Adoption Assistance](#);
3. Determinations relating to percentage reductions in current SAS payments; or
4. Any other decision or determination of DCS relating to administration of the SAS program under [IC 31-19-26.5](#) and this policy that is not described in this policy.

Code References

[IC 31-19-26.5](#) Adoption Subsidies
42 USC 673 Title IV-E Adoption Assistance Program

PROCEDURE

The DCS Deputy Director of Permanency and Practice Support, or designee will:

1. Determine if requests were made in a timely manner. If not, the request will be denied upon receipt of the request for administrative review of an issue involving a periodic payment amount, modification request, termination of an adoption assistance agreement before the child turns 18 years of age, or application for continuation of an agreement after the child reaches the age of 18;
2. Send a copy of the [Request for Administrative Review \(SF54348\)](#) to the DCS LOD who participated in the periodic payment negotiation process for issues that involve a periodic payment amount or a modification request. The DCS LOD will also request the most recent PRI (if applicable), and supporting documentation that was submitted by the prospective adoptive parent(s) or the adoptive parent(s);
3. Send a copy of the [Request for Administrative Review \(SF54348\)](#) to DCS CEU for issues involving eligibility, continuation, or termination;
4. Appoint a qualified person on the DCS central office staff in the Permanency and Practice Support division who has no previous knowledge or involvement in the case to conduct the administrative review;
5. Review and approve the completed administrative review decision within 60 calendar days of the receipt of the review request. The review will be based on documentation submitted by the DCS LOD, DCS CEU and the information submitted by the prospective adoptive

- parent(s) or the adoptive parent(s); and
6. Send a copy of the administrative review decision letter to the DCS LOD, DCS CEU and the prospective adoptive parent(s) or the adoptive parent(s).

The DCS Deputy Director of Permanency and Practice Support, or designee, and the DCS General Counsel, or designee, will review any administrative review decision involving a request to change the periodic payment amount and approve the decision prior to notifying to the prospective adoptive parent(s) or the adoptive parent(s). Once approval has been obtained, DCS Permanency and Practice Support will provide written notification to the prospective adoptive parent(s), or the adoptive parent(s), or their attorney of the administrative review decision. The written notification will include instructions concerning the administrative appeal process and include a [Request for Administrative Hearing \(SF54349\)](#) form, if applicable.

DCS Permanency and Practice Support will advise DCS CEU and the DCS LOD of the administrative review decision and DCS CEU will implement the decision if the administrative review decision alters the DCS determination being reviewed. An administrative review decision involving the periodic payment amount may include a revised periodic payment amount.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Final Adoption Program Eligibility Determination](#) – Available via CEU
2. [Notice of Termination of Adoption Agreement](#) –Available via CEU
3. [Request for Administrative Review \(SF54348\)](#)
4. [Request for Administrative Hearing \(SF54349\)](#)

RELATED INFORMATION

N/A

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption	Effective Date: May 1, 2012
	Section 21: Administrative Appeals for Adoption Assistance	Version: 1

POLICY

[NEW]

The Indiana Department of Child Services (DCS) will process requests for an administrative appeal hearing received from a parent(s) concerning an administrative review decision made by DCS under policy [10.20 Administrative Review for Adoption Assistance](#). See Related Information for the definition of parent(s).

DCS will send notice of an administrative review decision to the parent(s), along with instructions and a [Request for Administrative Hearing \(SF54349\)](#) form. If the parent(s) is dissatisfied with the results of the administrative review, the parent(s) may submit the [Request for Administrative Hearing \(SF54349\)](#) form to the DCS Hearings and Appeals within 30 calendar days after service of the [Notice of Final Administrative Review Decision](#), as provided in policy [10.20 Administrative Review for Adoption Assistance](#).

A request for an administrative hearing must be based on the same issues, facts and documentation that were presented in the request for administrative review. The administrative hearing will not consider any issues or facts that were not presented in the administrative review request submitted by the parent(s).

In any administrative hearing conducted regarding eligibility for adoption assistance, the parent(s) shall have the burden to prove that the child meets all applicable eligibility requirements. See policy [10.15 Eligibility Requirements for Adoption Assistance](#).

In any administrative hearing conducted regarding a periodic payment amount, the parent(s) shall have the burden to prove one (1) or more of the following:

1. In conducting negotiations with the prospective adoptive parent(s) or their Attorney, DCS did not substantially follow the procedures specified in policy [10.17 Negotiations for Adoption Assistance](#), or any other applicable policy, procedure, rule, or statute relating to determination of adoption assistance periodic payments;
2. DCS did not consider relevant information or documentation that the prospective adoptive parent(s) or adoptive parent(s) submitted in the [Payment Request Information \(PRI\)](#) form, in conducting the negotiation or submitting its Final Offer letter based on the factors and information outlined in DCS policy [10.17 Negotiations for Adoption Assistance](#); or
3. The periodic payment that DCS agreed to pay as stated in the Final Offer letter is clearly unreasonable and not supported by substantial and relevant evidence presented by the prospective adoptive parent(s) or adoptive parent(s) or otherwise considered by DCS.

A prospective adoptive parent(s) may utilize the administrative procedures for a review and hearing before obtaining a Final Decree of Adoption of the child. Both the prospective parent(s) and DCS must sign an agreement before entry of the Final Adoption Decree.

The parent(s) may elect to sign the agreement for the amount of the periodic payment offered in the DCS Final Offer letter and reserve the right to pursue the administrative review and hearing process, in accordance with DCS policy [10.17 Negotiations for Adoption Assistance](#). If a parent(s) with a current agreement pursues the administrative review and hearing process, any change in the periodic payment that is subsequently approved or ordered in an administrative hearing decision will be retroactive to the date of entry of the Final Decree of Adoption.

When an administrative hearing concerns the periodic payment amount for a current agreement and the parent(s) did not pursue the administrative review and hearing process within 30 calendar days of the DCS Final Offer letter, the hearing request will be considered a request for a modification of the current agreement. Modifications will proceed in accordance with DCS policy [10.18 Modifications for Adoption Assistance](#). For hearings involving a request for modification of an existing agreement to increase the periodic payment amount, the parent(s) must prove one (1) of the three (3) factors listed above to challenge a periodic payment amount, and both of the following:

1. A change of circumstances concerning the child or family occurred after the original agreement or most recent amendment was signed that was not known or anticipated at the time the agreement or most recent amendment was signed that justifies an increase in the periodic payment; and
2. The parent(s) has not submitted any other written request for modification of the agreement to increase the periodic payment amount, within 12 months of the request for modification which is the subject of the administrative hearing request.

If a hearing on a modification request does not include an issue concerning the periodic payment amount, the parent(s) has the burden to prove that a change of circumstances occurred after signature of the original agreement, or any subsequent modification or amendment of the agreement, that supports the requested modification.

In any administrative hearing regarding the termination of an adoption assistance agreement or administrative suspension of periodic payments under an adoption assistance agreement, before the child reaches 18 years of age, the parent(s) shall have the burden of proving that termination or suspension does not comply with DCS policy or any applicable procedure, rule, or statute. See policy [10.19 Continuations, Terminations and Suspensions of Adoption Assistance](#) for requirements.

An administrative hearing requested and granted under this policy will be scheduled and held within 90 calendar days after receipt of the hearing request by DCS Hearings and Appeals, unless the assigned Administrative Law Judge (ALJ) continues the hearing date by agreement of the parties or upon motion for good cause. All administrative hearings will be heard at a hearing site in Indianapolis, Indiana, unless all parties and the ALJ agree to hold a hearing at another location, for convenience of the parties and witnesses. The parties will be notified by DCS Hearings and Appeals as to the specific time, date and place for each hearing. The hearing will be conducted under applicable rules and policies of DCS pertaining to administrative hearings.

A written administrative hearing decision will be issued and mailed to the parties within 90 calendar days of the hearing, unless additional time is requested and approved by all parties and the ALJ, as stated in the hearing record. However, a decision issued more than 90 calendar days after completion of the hearing will not be void or voidable on the ground of untimeliness.

If an administrative hearing decision involves an appropriate periodic payment amount and concludes that the parent(s) met the burden of proof that the amount approved by DCS should be changed, the ALJ will not determine the proper amount of a periodic payment. If the administrative review decision is not affirmed, the ALJ will send the case back to DCS for further consideration based on the findings and conclusions stated in the decision. If subsequent negotiations do not result in agreement concerning the periodic payment amount, a second administrative appeal hearing will not be provided to re-argue the same disputed issues. In that event the administrative review determination concerning the post-remand Final Offer letter will be the final agency action of DCS.

Note: Any approved change in the periodic payment shall be documented by an amendment to the agreement that states the effective date(s) for the change. If the appeal concerns the periodic payment amount stated in the adoption assistance agreement that was signed before entry of the Final Decree of Adoption, the effective date will be retroactive to the date of entry of the Final Adoption Decree.

If the administrative review decision is upheld, the amount of the periodic payment, as stated in the signed original agreement, or currently effective amendment, will remain in effect unless or until the periodic payment is changed in accordance with the modification procedures in policy [10.18 Modifications for Adoption Assistance](#). DCS will not consider the failure of the adoptive parent(s) to obtain a requested periodic payment amount to be a ground for revoking or setting aside their adoption of the child.

An administrative hearing decision issued by the assigned ALJ is the final agency action of DCS, unless the decision remands the case for further consideration by DCS.

The final DCS agency action, after exhaustion of available administrative review and appeal procedures, is subject to judicial review under the applicable provisions of [IC 4-21.5-5](#).

An administrative hearing will not be provided for the following decisions:

1. Approval or disapproval of any requested change in the language or format of the agreement form that DCS submitted for completion and signature;
2. Determinations concerning the availability of funds in the Adoption Assistance Account for payments under State Adoption Subsidy (SAS) agreements or continuations of County Adoption Subsidy (CAS) agreements based on funding priorities identified in policy [10.16 Funding for Adoption Assistance](#);
3. Determinations relating to percentage reductions in current SAS periodic payments; or
4. Any other decision or determination of DCS relating to administration of the Indiana Adoption Program under [IC 31-19-26.5](#) or this policy that is not described in this policy.

Code References

1. [IC 4-21.5-5](#) Judicial Review
2. [IC 31-19-26.5](#) Adoption Subsidies
3. 45 C.F.R. 205.10 Title IV-E Fair Hearings
4. 45 C.F.R. 1355.30 Referenced Rules for Title IV-E

PROCEDURE

The DCS Local Office Director (LOD) or designee will provide technical assistance, including testimony, to support the position of DCS for administrative hearings concerning original periodic payment amount or modifications of periodic payment amounts based on change of circumstances.

DCS CEU will provide assistance, including testimony, to support the position of DCS for administrative hearings concerning eligibility, continuation of adoption assistance beyond the child's 18th birthday, termination of adoption assistance agreements, administrative suspension of adoption assistance payments, or decisions concerning modification requests other than changes in periodic payment amounts.

DCS Permanency and Practice Support will provide assistance, including testimony, to support the position of DCS for administrative hearings concerning the result of administrative reviews under policy [10.20 Administrative Review for Adoption Assistance](#).

DCS will be represented in administrative appeal hearings by a DCS Central Office Attorney. A DCS Local Office Attorney who was involved in negotiation and determination of a periodic payment amount or modification that is the subject of an administrative appeal hearing will assist the DCS Central Office Attorney, as requested, in presenting the DCS position at the hearing. Following an ALJ decision to uphold, reverse or remand the administrative review decision, DCS Counsel will notify DCS staff as to appropriate procedures to comply with the decision.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Final Adoption Program Eligibility Determination](#) –Available via CEU
2. [Payment Request Information](#) – Available via CEU
3. [Request for Administrative Hearing \(SF54349\)](#)
4. [Notice of Administrative Review Decision](#)- Available via CEU

RELATED INFORMATION

Parent (definition)

A person aggrieved by the decision made in an administrative review by DCS who is either:

1. A prospective adoptive parent(s), including the parent(s) who has applied for adoption assistance; or
2. An adoptive parent(s), who is a party to an adoption assistance agreement; and
3. Includes an attorney who represents the aggrieved person for purposes of the administrative appeal hearing.