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Chapter:	Adoption Services	
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Approved:	Fredrick M. Ober, Division Director	Effective: 9/17/99 FINAL
Supersedes:	Policy No. 193	Dated: 8/12/98

Introduction

The adoption subsidy program is designed to allow and encourage families to provide permanent homes for special needs children and to eliminate the financial disincentive for foster parents to adopt a child in their care. This policy provides guidelines for determination and review of adoption subsidies.

Policy

Application Criteria


The department will accept applications for subsidy from:

- Parents petitioning to adopt a special needs child (see definition below) in custody of the commissioner, whether or not the child is IV-E eligible;
- Vermont residents petitioning to adopt a special needs child who is not in custody of the department or the child welfare agency in another state. In order for the subsidy to be granted, the child must meet all eligibility criteria, including IV-E eligibility criteria.

Eligibility Criteria

A child is eligible for the adoption subsidy program if:

- he or she cannot or should not return to the home of the biological parents;
- the division has made a determination that the child has a special need, such as ethnic background; age; sibling group; or medical, mental, or emotional condition that makes it reasonable to assume that the child could not be placed with adoptive parents without the assistance of a subsidy; and,
- except where moving the child from a foster family is contrary to the child's best interests due to significant emotional ties to the foster parents formed during foster care placement, a reasonable effort has been made to place the child for adoption without providing adoption assistance.

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Children who are not in DCF custody must additionally meet Title IV-E eligibility criteria to be eligible for an ongoing subsidy.

Requirements for IV-E Adoption Subsidy

A child is eligible for Title IV-E Adoption Assistance if he or she:

- was eligible for Title IV-E foster care payments at the time of placement, or would have been eligible if application had been made, and is IV-E eligible at the time adoption procedures are initiated (see Policy No. 300 on Title IV-E Eligibility), or;
- is SSI eligible before the legal finalization of the adoption.

Types of Assistance

The division may grant adoption assistance in one or more of the following forms:


- A monthly assistance payment. The needs of the child and the circumstances of the adopting parents will determine if the division will grant this payment and in what amount.
- Payment for special services not provided for by other sources.
- Certain non-recurring adoption expenses up to \$2,000 per child.
- Medicaid or Medicaid Managed Care.

In addition, IV-E eligible children are income eligible for social services funded by Title XX.

Initial Agreements for Ongoing Adoption Assistance

The division may determine a child's eligibility for adoption assistance any time appropriate to case planning. Adoption assistance payments may begin when a child is legally free for adoption, is living with his or her adoptive parent(s) and both the adopting parent(s) and the commissioner have signed an agreement. The agreement must be signed by the adopting parents and the commissioner before the legal finalization of the adoption.

Determining the Amount of Subsidy

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The division and the adopting parents will negotiate the amount and types of subsidy based on the special needs of the child and the resources of the adopting parents. The upper limit is the amount that the division would be paying if the child remained in foster care. The decision on the actual subsidy amount must be made with the participation of the adopting parent(s).

Changes in Subsidy

Once both parties sign an adoption subsidy agreement, the amount or type of subsidy can be changed only with the concurrence of both parties. When the financial circumstance of the family or the needs of the child warrant it, parents may apply for reconsideration of the specifics of the written agreement.

Subsidies Opened as a Result of Decision of the Human Services Board or the Vermont Supreme Court

If an adoption assistance agreement is signed with a family as a result of a decision made by the Human Services Board or the Vermont Supreme Court, that subsidy will be effective as of the date of application. IV-E eligibility will be determined based on the child's circumstances at the time of the legal finalization of the child's adoption.

Termination of the Agreement

An Adoption Assistance Agreement may be terminated when:

- the child has reached eighteen, unless the child has a mental or physical disability that warrants continuation to age twenty-one, or the division has otherwise agreed to extend support;
- the parents are no longer legally responsible for the child, or:
- the child is no longer receiving support from his/her parents.

Adoption Social Worker Tasks

- Determines the child's eligibility for adoption assistance and IV-E, completing

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Determination of Special Needs (FS-A-23) and the Title IV-E Eligibility Worksheet (FS-A-23a).

- Explores the family's ability to adopt the child without a subsidy.
- If a subsidy appears necessary, reviews explanation sheets (FS-A-21 and A-22) with adopting family. Explains the Application (FS-A-24) and Agreement (FS-A-25).
- Negotiates an appropriate subsidy with family, based on the child's needs and the family's resources.
- Submits a subsidy packet to the Adoption Coordinator containing FS-A-23, 23a, 24, and 25.
- Handles further negotiations as necessary, ensuring the adopting parents and the commissioner sign the finalized agreement before finalization.
- Forwards signed copy of subsidy agreement to adopting family, noting date sent on agreement.
- After finalization, completes tasks on Adoption Closure Checklist (FS-A-41).

Adoption Chief Tasks

- Works with Adoption Social Workers and appropriate central office staff to negotiate a subsidy that will meet the child's needs.
- If the subsidy request is denied as submitted, returns to ASW with a written rationale for the denial.
- Ensures that the continuing need for subsidy is reviewed every three years for children under sixteen and annually thereafter.
- Handles any requests for post-finalization modification of subsidy agreements.