

OREGON ADOPTION ASSISTANCE

HANDBOOK



Independent. Healthy. Safe.

**For questions about the adoption assistance process or program,
please call your adoption assistance coordinator at 503-947-1134.**

For questions about Social Security, please call: 800-772-1213.

**For questions about DMAP medical care and benefits, please call:
800-273-0557 or 503-945-6801**

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Oregon Adoption Assistance

HANDBOOK

Program overview

Adoption assistance provides ongoing financial and medical assistance to adoptive families on behalf of children with special needs, in order to help provide permanency to such children. This assistance is provided to the family until the child's 18th birthday.

Oregon had a limited adoption assistance program before the national program was instituted through Public Law 96-272 in 1980. This law:

- provided federal matching funds;
- mandated states to provide subsidies; and
- removed any financial advantage to states to keep children in federally subsidized foster care rather than placing them in adoption with subsidies fully funded by the state.

Initially, only the most seriously needy children were referred to the program. As the adoption picture changed over the years to include older children and special-needs adoptions, the adoption community became increasingly aware of the long-range prospects for difficulties based on early neglect, abuse and disruption. Now nearly all adoptions through the Department of Human Services (DHS) involve some form of adoption assistance.

Eligibility

For a child to be eligible for adoption assistance, each of the following four criteria must be met:

1. The state court of competent jurisdiction has determined that the child cannot return to his or her home or to the birth parents.
2. The child is in the custody of DHS or a private adoption agency licensed in Oregon.
3. Efforts to place the child without adoption assistance have been unsuccessful. (Efforts to recruit families not needing assistance must be documented.) An exception is allowed when the child has significant emotional ties to a foster parent or relative.
4. The child has **at least one** of the following conditions or factors:
 - 8 years of age or older.
 - Member of a racial or ethnic minority (e.g., African-American, Hispanic, Asian, Native American Indian, Pacific Islander).
 - Diagnosed disability (physical, mental, emotional or learning disability).
 - “At risk” for future problems due to a documented predisposing factor.
 - Member of a sibling group placed together (three or more children; if two children, one must be 6 years of age or older).

Funding

Once a child meets the criteria for adoption assistance (see page 2), a branch Federal Title IV-E eligibility specialist will determine IV-E eligibility. Factors examined are the birth family’s income before the child’s placement in foster care and the legal actions taken in the case.

A child who receives Supplemental Security Income (SSI) from the Social Security Administration also is eligible for Title IV-E.

Funding for Title IV-E-eligible children is approximately 60 percent federal, 40 percent state. Funding for children who are not Title IV-E-eligible is 100 percent from the state.

Adoption Assistance is not a continuation of the Foster Care Program

About the Adoption Assistance Program

Foster parents	Adoptive parents
<ul style="list-style-type: none"> • Provide care for a child in DHS's custody. • Receive reimbursement for their time, when a child has a personal care or special rate, in meeting the ordinary and special needs of a child as the caretakers of the child on behalf of the state. 	<ul style="list-style-type: none"> • Assume responsibility for their child. • May ask for financial assistance to help with current out-of-pocket expenses they incur in meeting the exceptional needs of their child.

The intent of the Adoption Assistance Program is to *assist* families who may need some financial help meeting the their child's needs. Adoption assistance is to be used in conjunction with the family's own income and resources.

Factors to consider when requesting adoption assistance benefits:

- The child's ordinary and special needs;
- The goods and services the parents currently are providing to meet those needs and their cost;
- Goods and services that can be provided by other community resources (e.g., medical assistance programs or school district);
- Financial assistance the parents are able to provide for the child; and
- The kind of assistance the parents want.

Adoption assistance benefits must be negotiated and agreed upon **before** the adoption is final.

Under federal law, adoption assistance cannot exceed what a child is receiving or would receive in foster care.

Adoption assistance has **no** automatic or annual increases such as cost of living.

By law, adoption assistance must end on the day the child turns 18. The program can make **no** exceptions to this law.

Adoption assistance **cannot** help pay for ordinary needs such as day care, diapers, therapy of any kind, orthodontia, medical or education (tutoring) costs.

The Adoption Assistance Program is designed to help the family obtain necessary services for the child. The program cannot provide what is optimal for every child.

“Once adopted, said child shall be, to all legal intents and purposes, as if born to the Petitioners in lawful wedlock.”

- from adoption decree

Early review

An early review should be held before the current caretaker staffing or selection committee if:

- The family is hesitant or ambivalent about adoption; or
- The family is requesting more than \$800 in adoption assistance; or
- Family finances are an obstacle to adoption.

If the child’s or family’s circumstances change between the time of the early review and the submission of the adoption assistance application, the new information will be considered and the initial payment amount offered may be adjusted, if appropriate.

Guide to completing the Adoption Assistance Family Application (CF 0969B)

If possible, the caseworker or adoption worker should help the family to complete the CF 0969B. If there are any questions about the application, please contact the family's adoption assistance coordinator. The following information is for the worker to use when assisting the family:

1 FINANCIAL RESOURCES

- a) This information is needed because the Adoption Assistance Program must consider the family's circumstances and ability to incorporate the child into the home as well as considering the child's needs.
- b) Number of people supported by that income; this number *does not* include foster children.
- c) Total number of people in the home; this number *does* include foster children.
- d) Additional financial resources available to members of the household. Example: foster care payments, assisted guardianship payments, child support, etc. List the amount of each financial resource.
- e) Does anyone in the family have unusual costs such as health care or education? This question is not meant to include the child being adopted or any foster children in the home. Examples: a child or parent in college, medical issues that prevent the parent from working, medical equipment or prescriptions not covered by insurance, etc.
- f) Other resources available to meet this child's needs. The adoptive family may or may not have this information. It should be researched and completed by the caseworker or adoption worker. Example: Social Security benefits from a biological parent.
- g) Other resources available to meet this child's needs as a result of this adoption. Please check all applicable boxes and provide the amount of the benefit. Example: adoptive parent receives Social Security or veterans benefits for which the child will become eligible after adoption.

2 WHAT ARE THE SPECIAL NEEDS OF THE CHILD YOU WISH TO ADOPT?

Along with the diagnoses, please describe those needs and provide documentation.

3 ADOPTION ASSISTANCE REQUEST. This is the most important section of the application in determining the amount of adoption assistance to request. Attach

additional pages to the application if needed.

- a) Can you adopt this child without adoption assistance? Choosing “agreement only” ensures that the family can request assistance at a later date, if needed.
- b) Basic needs funding: The maximum amount that can be requested is the current basic foster care rate for the child’s age.
- c) Special needs funding: Please list specific dollar amounts for every expense listed in this section. These must be **current** goods, services and out-of-pocket expenses.

Examples include, but are not limited to:

Respite Care -- provide the number of hours actually used per month multiplied by the rate paid. Example: 15 hours/month @ \$4.60/hour = \$69/month.

Extracurricular activities that are intended to address the child’s special needs by building social skills, motor skills, self-esteem or other needs, such as swimming lessons, martial arts, dancing, etc. Include the cost of each activity and how often the child participates in the activity. Example: soccer, two seasons per year, \$55 per season. Tae Kwan Do, nine months per year @ \$80/month. Summer camp = one camp per summer, \$240 divided by 12 months = \$20/month.

Adaptive equipment: Examples: weighted vests for children with sensory integration issues, special foods or utensils, orthopedic shoes, etc. Include information about costs and how often the purchase must be made. Example: orthotics, three times per year @ \$150 each time.

Adoption assistance request: Under federal law, the amount of adoption assistance requested cannot exceed the most recently paid foster care rate.

Before talking with adoptive parents about the amount of adoption assistance being requested, it is important that they understand the intent and purpose of adoption assistance payments and how they differ from foster care payments.

Foster parents receive reimbursement for their time as the child’s caretaker on behalf of the state, when a child is qualified for personal care or a special rate, in meeting the child’s ordinary and special needs. This includes activities such as taking a child to the doctor, monitoring medications, supervising and managing the child’s behavior, providing transportation and nighttime monitoring.

Parents, adoptive and biological, do all of the above activities and more as part of being a parent. Adoption assistance is not intended to reimburse parents for being parents. Rather, adoption assistance focuses on helping families provide for the needs of the child that the family would have difficulty providing without financial assistance.

The family needs to understand that adoption assistance is not intended to fully cover the cost of raising the child.

The amount of Adoption Assistance being requested should be based on the child's current needs. If there are changes in the family circumstances or child's needs in the future, the parents can request renegotiation of the adoption assistance amount at that time.

- 4 **MEDICAL CARD COVERAGE:** If the family wants to add the child to the family's private insurance, the state medical assistance program ("medical card") will become a secondary insurance and may help with expenses like co-payments if the provider accepts both the private insurance and the medical card. If the family does not know what conditions the child has that will not be covered by the private policy, the line can be left blank. If the name of the child's current health plan is unknown, the line can be left blank.
- 5 **LEGAL FEES:** Adoption assistance will pay the legal fees to finalize the child's adoption in the amount of the contracted vendor attorney agreement. If the family chooses to use a non-vendor attorney, adoption assistance can pay only the vendor attorney rate. For current rate information, ask the adoption assistance coordinator. Legal fees are paid when the adoption is final.
- 6 **NON-RECURRING EXPENSES:** Allowable expenses are outlined on the CF 0254 form. If you are unsure about an expense, contact the family's assigned adoption assistance coordinator. The maximum reimbursement allowable is \$1,500 (per child), which includes the legal fees for adoption finalization. For out-of-state placements, Interstate Compact on the Placement of Children (ICPC) funds must be used before claiming non-recurring adoption expenses. Adoption assistance coordinates with ICPC to make sure that expenses are not duplicated. Reimbursement for nonrecurring expenses is provided after the adoption is final.
- 7 **SIGNATURES:** The form must be signed and dated on all indicated lines or the application will be returned to the worker.



Adoption Assistance Family Application

Date: ___ / ___ / ___ Child: _____ Case #: _____

SECTION B: TO BE COMPLETED BY ADOPTIVE FAMILY WITH AGENCY WORKER ASSISTANCE

Family Structure: Married Couple Single Parent Unmarried Couple

	APPLICANT	CO-APPLICANT
Legal Name – please print:	(Last, First, MI)	(Last, First, MI)
Sex:	<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Male <input type="checkbox"/> Female
Date of Birth:	/ /	/ /
SSN Number:	- -	- -
U.S. Citizen:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
DHS Employee:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Racial/Ethnicity: (check all that apply)	<input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Black or African American <input type="checkbox"/> White <input type="checkbox"/> Native Hawaiian or Other Pacific Islander	<input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Black or African American <input type="checkbox"/> White <input type="checkbox"/> Native Hawaiian or Other Pacific Islander
Cultural Origin:	<input type="checkbox"/> Hispanic <input type="checkbox"/> Other than Hispanic	<input type="checkbox"/> Hispanic <input type="checkbox"/> Other than Hispanic
Relative of Child:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, relationship:	If yes, relationship:
Home Phone:	()	()
Work Phone:	()	()
Cell Phone:	()	()
E-mail Address:		
Home Address:	County: _____	
Mailing Address:		

1 Financial Resources

	APPLICANT	CO-APPLICANT
Occupation		
(a) Gross Monthly Income:		
(b) Number of people supported by that income: _____		(c) Total number of people in the home: _____
(d) Additional financial resources amounts available to members of the household: _____		

(e) Does anyone in the family have unusual expenses such as medical or educational? Yes No
 If yes, please explain: _____

(f) What financial resources, other than your income are available to meet this child's needs:

\$ _____ SSD (disability of birth parent)	\$ _____ SSI (child's disability)
\$ _____ SSA (death of a birth parent)	\$ _____ Other (specify): _____

*Adoption Assistance cannot provide income replacement, payment for employment related day care, payment for services considered to be the primary responsibility of another resource such as educational and/or medical and therapeutic services, orthodontia, parental time for supervision of the child and behavior management.

4 Medical Card Coverage

Is there a need for a medical card at this time? Yes No
 Is the child currently enrolled in another state's health plan? Yes No ID #: _____
 Is the child currently enrolled in the Oregon Health Plan? Yes No

If yes, name of the health plan: _____

Will the child named in this application be added to your medical insurance policy? Yes No

If yes, please provide the following information: _____

Effective date of child's coverage: _____

Name of insurance company: _____

Address: _____

Name of Policy Holder: _____ Social Security Number: _____

Group/Plan #: _____ Policy ID #: _____

Type of Benefits (check one): Major Medical Health Maintenance CHAMPUS
 CHAMPVA None Other: _____

What conditions does the child named on this application presently have that WILL NOT be covered by this policy? _____

5 Legal Fees to Finalize the Adoption

I/we intend to use a vendor attorney. Yes No

I/we intend to use a non-vendor attorney. Yes No

6 Non-Recurring Expenses Yes – CF 254 and applicable receipts attached. No

We (I) hereby apply for adoption assistance for the care of our/my child,			
from the State of Oregon, Department of Human Services, Children Adults and Families.			
/ /		/ /	
Signature of Applicant	Date	Signature of Co-Applicant	Date
Name of Applicant (please print)		Name of Co-applicant (please print)	
Submitted by:		Approved by:	
/ /		/ /	
Signature of Agency Worker	Date	Signature of Supervisor	Date
Name of Agency Worker (please print)		Name of Supervisor (please print)	
Worker Phone: ()		Supervisor Phone: ()	
DHS Branch:			

Adoption assistance application procedure

- 1 Branch worker
 - Meets with the family;
 - Explains adoption assistance procedures using the handbook and the Family Application (969B);
 - Helps the family fill out CF969B, Adoption Assistance Application, Family Information:
 - » Considers child's needs;
 - » Develops a list of the family's current out-of-pocket expenses;
 - » Assesses the family and community resources;
 - » Discusses Adoption Assistance Program limitations;
 - » Helps the family to decide how much financial assistance it will provide and how much assistance the family will request from the state.
- 2 Branch worker completes the CF969A, Adoption Assistance Application, Child's Application. This form must be signed by both the worker and the supervisor.
- 3 Branch worker attaches documentation describing child's current special needs. Examples include but are not limited to:

172 A, Personal Care Services Foster Care Authorization and 172 RN, Personal Care Services Program Registered Nurse Assessment and Care Plan (these are required if the foster family is receiving personal care or special rates).

Recent evaluations IEPs and assessments (less than two years old).
- 4 Completed adoption assistance packet is sent to the IV-E eligibility worker who determines IV-E eligibility, completes the 969C, Adoption Assistance Application, Title IV-E Adoption Assistance Determination and forwards all to central office adoptions unit.

Central office adoption assistance staff:

- Reviews packet for completeness and accepts or denies application;
- Reviews documentation of special needs;
- Gathers other pertinent information about the child from the family, worker, case notes, etc.

Adoption assistance coordinator:

- Discusses with family the Adoption Assistance Program, **current out-of-pocket expenses**, and negotiates monthly adoption assistance benefits;
- Sends agreements to the family and emails worker to document the agreements were sent.

Family:

- Family signs all agreements, sends the vendor attorney agreements directly to their chosen vendor attorney and returns all other agreements (adoption assistance, non-vendor attorney and nonrecurring expense agreements) to Salem central office.
- 5 Adoption assistance coordinator signs and returns one copy of the agreement to the family when the assistance begins.

Opening adoption assistance

By federal law, DHS must “open adoption assistance” -- i.e., must transfer a case from foster care to adoption assistance — before the adoption is final; otherwise, the child will not be eligible for adoption assistance payments.

Therefore, DHS begins the adoption assistance process in each case well before the adoption is finalized. DHS wants to assure that no child is disqualified from the program because the case was not opened in time.

DHS can begin making adoption assistance payments to the family when all of the following has happened: the adoption assistance application is signed and processed, the child is in the home, the child is legally fully free, the agency has designated the home as the adoptive placement and agreements have been signed by the parents and the adoption assistance coordinator. In no case can payment be made before the date of the signed application.

A child who receives Social Security disability payments in foster care may be able to continue receiving the payments once the adoption is final. Any questions about Social Security should be referred to the adoption assistance coordinator and the family's Social Security benefits office.

Out-of-state adoptions

Adoption assistance programs vary from state to state. Potential adoptive families from other states must make sure their adoption worker fully explains the Oregon Adoption Assistance Program, because negotiations will be based on Oregon's policies.

When an adoptive family moves out of state or an out-of-state family has been selected to adopt an Oregon child, immediately contact the Interstate Compact for the Placement of Children (ICPC) department and the adoption assistance coordinator. Under Oregon, federal and other states' adoption rules, ICPC approval is mandatory in an interstate adoption.

Oregon will continue to provide financial assistance for the child, though medical coverage usually is provided by the state of residence.

Because of ICPC, most states will provide a medical card for children who are not eligible for Title IV-E. If the state does not, the child can receive an Oregon medical card. The adoptive family will need to find medical providers in their state willing to accept the Oregon card.

Adoption assistance and ICPC work together to reimburse nonrecurring expenses (such as travel expenses) to an out-of-state adoptive family.

Adoption assistance will be negotiated using Oregon's or the receiving state's basic foster care, whichever is higher.

Types of adoption assistance benefits

Agreement only – Assurance of help if needed in the future.

Medical only – Medical coverage through DHS Division of Medical Assistance Programs (DMAP) alone or as a supplement to private insurance.

Payment only – Negotiated monthly cash payment with no medical coverage provided.

Cash and medical – Negotiated monthly cash payment with DMAP medical coverage.

Non-recurring expense payment – One-time payment for costs incurred in legally finalizing the adoption.*

*Nonrecurring costs are those expenses directly tied to legally finalizing the adoption, such as legal fees, court costs, pre-placement visits and required adoption physical exams. NOT covered are items such as bedroom furniture, clothing, house remodeling or a larger car. A maximum of \$1,500 per child is allowed, out of which the legal fees must be paid. Receipts for costs must be received and a signed agreement in place before the adoption is finalized. The expenses will be reimbursed after the adoption is final.

Oregon has a vendor attorney program in which attorneys have agreed to handle the legal aspects of the adoption for a set fee. Families may choose any attorney; however, all families are encouraged to use the vendor attorney program to finalize the adoption. Families outside of Oregon also can use an Oregon vendor attorney and have the entire adoption processed through the mail.

Negotiating adoption assistance

Parents may be worried about the “negotiation” process, because they see it as a barter situation. In fact, there are federal, state and program requirements that restrict and define the adoption assistance program. Within those guidelines, the adoption assistance coordinator works with each family to help offset the out-of-pocket expenses they incur to incorporate their special-needs child into their family.

Deciding

Caseworker discusses adoption assistance with the adoptive family. Worker assists the family to:

- Assess the child’s needs;
- Evaluate services that can be covered by other community resources (Oregon Health Plan or local service providers);
- Review the family’s circumstances;
- Decide types and amount of benefits the family will request from the adoption assistance program.

Agreeing

Adoption assistance coordinator:

- Reviews the program’s policies and parameters with the family;
- Discusses the child’s special needs with the family;
- Discusses the family’s current monthly financial outlay for goods and services (out-of-pocket expenses) to meet those special needs;
- Comes to an agreement with the family about how much the state can assist the family with each of the out-of-pocket expenses;
- Sends all agreements to the family and caseworker.

Negotiate:

“to bring about by mutual agreement”

Appeal process

If the family is not satisfied with the results of the negotiation, they can request a hearing with the Adoption Assistance Review Committee.

If the family is dissatisfied with the decision of the review committee, they can request a review by the DHS central office adoption program manager.

If the family is dissatisfied with the decision of the adoption program manager, they is entitled to a contested case hearing before a hearings officer.

After adoption assistance begin

1. Once the agreement is in place, the family will not be asked how it uses the money. However, the family may decide at any time in the future, that it no longer needs certain benefits or the same amount of assistance.
2. **Renegotiation:** Renegotiation of the monthly benefit is possible at any time in the future. To renegotiate, the family must submit a letter of request. The letter indicates how circumstances have changed and requests an amount to fulfill the new need. Documentation to justify this increase (e.g., medical reports, psychological evaluations, costs, description of services) must be attached to this letter.
3. **Out-of-home placements:** The purpose of ongoing adoption assistance payments is to maintain the child in the adoptive family's home. *When a family signs the adoption assistance agreement, it agrees to notify the adoption assistance staff immediately if the child no longer resides with the family.* Monthly assistance may be suspended, reduced, or continued while the child is out of the home.
4. **Substitute care and residential treatment:** Both the family and the caseworker should notify adoption assistance when an adopted child is placed in substitute care. A child's adoption assistance may be renegotiated if the family continues to be involved in the child's treatment and if the plan is for the child to return to the family home.
5. **Child support:** In certain circumstances, the Adoption Assistance Program may exempt adoptive parents from the requirement to pay child support while their child is in substitute care or residential treatment.

Finalizing the adoption

Adoption assistance must be in place (that is, the child is in a designated placement and is legally free, and the adoption assistance agreements are signed) before an adoption is finalized. Once adoption assistance is inputted, (in the computer) adoption assistance payments will begin and the adoption will continue to finalization.

Terminating adoption assistance

Benefits continue until:

- A child reaches 18; or
- The family requests termination of the agreement; or
- The death of the adoptive parent or the adoptive child. (Adoption assistance benefits are not transferable to a caretaking family after a parental death, but a family that subsequently adopts the child can apply for adoption assistance.)
- The state determines that the adoptive parents are no longer legally responsible for support of the child; or
- The state determines that the adoptive parents no longer are providing any support to the child. (A parent is considered no longer legally responsible for the child's support when parental rights have been terminated or when the child becomes an emancipated minor, marries, or enlists in the military. "Any support" is defined as any of various forms of financial support, such as family therapy, tuition, clothing, maintenance of special equipment in the home, or services for the child's special needs. Thus, title IV-E Adoption Assistance can continue even when the child no longer is living in the home, if the state determines that the parent is providing some form of financial support for the child.)




Oregon Department
of Human Services

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E-mail dhs.forms@state.or.us, call 503-378-3486 (voice) or 503-378-3523 (TTY), or fax 503-373-7690 to arrange for the alternative format that will work best for you.