

OFFICE OF CHILDREN AND YOUTH IN PLACEMENT (OChYP)

Adoption Subsidies

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Policy

The Department of Children and Families shall establish and maintain a program of subsidized adoption which includes financial and medical coverage assistance to facilitate the adoption of special needs children from DCF and or from DCF-licensed private child placing agencies.

Legal References: Conn Gen. Stat. §17a-117.

OChYP / Subsidy Unit

The subsidy unit, located within the Department's Office of Child and Youth in Placement, is responsible for managing the subsidized adoption program.

The subsidy unit is responsible for:

- processing a request for a subsidy;
- conducting a bi-annual/annual review of a family's adoption subsidy;
- notifying the adoptive family of any change in the adoption subsidy;
- completing redeterminations of Title XIX medical coverage for IV-E children in subsidized adoptions;
- researching redeterminations of Title XIX medical coverage for non IV-E eligible children and forwarding the information to DSS for their completion of the redetermination; and
- responding to requests for verification of the type and amount of a subsidy, and other special subsidy requests.

Definitions

Agency Adoption means adoption placement made by the Department, by a licensed private child placing agency, or an approved out-of-state agency and are defined as follows:

- **Department Adoption** is any adoption placement made by the Department of a child whose parents' rights have been terminated and for whom the Commissioner has been appointed the statutory parent;
- **Private Agency Adoption** is an agency adoption placement made by a Connecticut private child placing agency licensed by DCF to make adoption placements;
- **Out-of-State Agency Placement** is an agency adoption placement made by an out-of-state public or private child placing agency, approved by DCF to give a specific child in adoption in Connecticut.

Relative Adoption is the adoption of a child by a person(s) who is a blood relative descended from a common ancestor not more than three generations removed from the child.

Stepparent Adoption is the adoption of a child by a person who, though unrelated, is the spouse of the birth or adoptive parent.

Identified Adoptions as permitted by Conn. Gen. Stat. §45a-727, allows the adoption placement of children who have been identified or located by prospective adoptive parents.

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Definitions (Continued)

An **Independent Adoption** is an adoption completed between birth parents and adoptive parents with no agency involvement. This is not permissible under Connecticut law.

An **Open Adoption** is one in which birth parents or extended family members (i.e., grandparents) and adoptive parents share identifying information prior to the adoption.

Title IV-E

The Federal Government offers reimbursement to states in which subsidized adoptions meet certain criteria regarding the Title IV-E Adoption Assistance Program.

In order for the state to secure reimbursement under the Title IV-E Adoption Assistance Program, the child's eligibility for the following must be established:

- Title IV-E Foster Care Program;
- the Supplemental Security Program; or
- the AFDC relatedness criteria.

An eligibility determination shall be completed for all subsidized adoption cases in which a financial payment is to be made. For each of these cases, a finding of Title IV-E eligibility or ineligibility shall be made.

Cross Reference: Policy 2-2-1B, "Federal Adoption Assistance Program Eligibility Criteria"

Eligibility Criteria

A child shall be eligible for the Subsidized Adoption Program if the following criteria are met:

- the child is under the age of 18;
- the adoptive family being considered meets the standards for licensing;
- the child cannot or should not be returned to the home of the parents;
- the child has a specific factor or condition because of which it reasonable to conclude that the child cannot be placed with adoptive parent(s) without providing adoption assistance. See "conditions or factors required to be identified as a special needs child"; and
- a reasonable, but unsuccessful, effort to place the child with appropriate parents without providing adoption assistance has been made. (The only exception to this requirement is where it would be against the best interest of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child.)

In situations where foster parents are adopting, the child shall be identified as special needs, it must be found that the child cannot be placed without a subsidy, and the child has established significant emotional ties with prospective adoptive parents while in their care as a foster child.

Legal Reference: Social Security Act - sections 471(a)(19) and 473 (c), CT Gen. Stat. §17a-114 through §17a-120.

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Conditions or Factors required to be identified as a special needs child

A **special needs child** means a child who is a ward of DCF or is to be placed by a licensed child-placing agency, and is difficult to place in an adoptive home because of one or more of the following conditions:

1. physical or mental disability;
2. serious emotional maladjustment;
3. a recognized high risk of physical or mental disability;
4. age which presents a barrier to adoption;
5. racial or ethnic factors which present a barrier to adoption;
6. is a member of a sibling group which should be placed together, including a child who should be placed with a previously adopted sibling for whom DCF was once a statutory parent; and
7. because the child has established significant emotional ties with prospective adoptive parents while in their care as a foster child.

The child must be certified as a special needs child by the commissioner.

Note: Federal criteria requires factors 1 through 6, and 7 to be met. Under CT law a subsidy may be provided if any of the above 7 factors are met. These cases shall be exceptions as they do not qualify for federal reimbursement.

Efforts for a non-subsidized placement

Documentation of efforts to secure a non-subsidized adoption placement might include:

- registration with the Adoption Resource Exchange (ARE);
- photo-listing with the Adoption Resource Exchange;
- registration in out-of-state exchange books; or
- other specific child recruitment activities.

Types of Subsidy

Adopting parents of a child eligible for subsidy may receive one or more of the following benefits.

A **special-need subsidy (non-recurring expense)** which is a lump sum payment paid directly to the person providing the required service, to pay for an anticipated expense resulting from the adoption when no other resource is available for such payment.

A **periodic subsidy** which is a payment to the adopting family.

Any **medical benefits** which are being provided prior to final approval of the adoption in accordance with the fee schedule and payment procedures under the state Medicaid program.

Legal Reference: Conn Gen. Stat. §17a-117.

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Special Need Subsidy

The Department will reimburse those families adopting special needs children for up to \$750.00 of their adoption related expenses. Reimbursement will be claimed as administrative costs under the Adoption Assistance Title IV-E program although the child does not have to be IV-E eligible for the reimbursement of non-recurring adoption expenses. The federal match is 50% of the state payment.

Expenses which are directly related to the adoption of a special needs child will be reimbursed. Any expense for which the adoptive parent(s) may be or could have been reimbursed from another source, such as employee benefits, will not be reimbursed.

The following is an example of non-recurring reimbursable expenses:

- court fees paid in out-of-state matters;
- attorney fees;
- cost of an adoption home study, including health and psychological examinations;
- supervision of an adoptive placement prior to finalization; or
- reasonable costs of travel, lodging and food for the child and adoptive parent(s) when necessary to effect an adoption placement.

The following expenses are **not** included or reimbursable:

- expenses for renovations to the home to meet the needs of a handicapped child would not be reimbursable; and
- expenses for family counselling prior to adoption.

Periodic Subsidy Amount

The final amount of the adoption subsidy is determined by Department staff following a thorough discussion with the prospective adoptive parent(s).

The amount of a periodic subsidy shall not exceed 100% of the current foster care reimbursement rate.

Any income available to the adoptive child shall be taken into consideration in determining the amount of the subsidy.

The receipt of funds from other sources (e.g., Social Security, Veteran's Administration benefits) shall be taken into consideration in determining the final award of adoption assistance. If a child is eligible to receive SSI payments, the family shall be informed that it's family income will be taken into account in order to determine the amount of SSI payments after finalization.

There is no income eligibility requirement (means test) for prospective adoptive parents to determine eligibility for subsidy payments or other adoption assistance.

The subsidy begins at the time of the adoption finalization.

Medical Benefits

Every child who is receiving medical coverage pursuant to Conn. Gen. Stat. §17a-117 prior to the finalization of an adoption shall remain eligible subsequent to the adoption whether or not the child has a medically complex condition. A child shall be eligible for medical benefits regardless of whether a periodic subsidy is provided.

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Medical Expense Subsidy

In exceptional circumstances adoptive parents may apply for the Medical Expense Subsidy established under Conn. Gen. Stat. §17a-120.

To be eligible for a Medical Expense Subsidy, a child has to be given or must have been given in adoption by a statutory parent and be one of the following:

- blind;
- physically disabled;
- mentally impaired;
- seriously emotionally maladjusted; or
- recognized high-risk of physical or mental disability.

The adopting/adoptive parents or Department staff must submit written diagnoses and statements signed by a licensed physician/psychiatrist and such other medical or other professionals as may be appropriate, to substantiate and document the following:

- the nature of the condition, whether congenital or resulting from bodily injury or organic process or changes or other illness;
- evidence that the condition existed prior to the adoption;
- the prescribed medical care and treatment such condition requires;
- the anticipated costs and duration of the care and treatment; and
- certification that such costs are not reimbursable by health insurance or federal or other state payments for health care.

This Medical Expense Subsidy program will not duplicate any other medical or other subsidy payment made under Conn. Gen. Stat. §17-116 through 17-119.

Special Subsidy Requests

The adoptive parent may request a subsidy payment for a service directly related to the child's special need, and for which no other source of payment is available.

Length of Subsidy

A **Periodic Subsidy** ends upon the child's eighteenth birthday, except the periodic subsidy may continue until age twenty-one, provided:

- The adoption was finalized on or after October 1, 2013;
- The child was sixteen years of age or older at the time the adoption was finalized; and
- The child is:
 - Enrolled in a full-time approved secondary education program or an approved program leading to an equivalent credential;
 - Enrolled full time in an institution that provides postsecondary or vocational education; or
 - Participating full time in a program or activity approved by the commissioner that is designed to promote or remove barriers to employment.

Note: The commissioner may waive the provision of full-time enrollment or participation based on compelling circumstances.

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Length of Subsidy (Continued)

Medical Benefits may continue until the child reaches twenty-one (21) years of age as long as the child qualifies as a dependent of the adoptive parent under the provisions of the Internal Revenue Code.

Adoption Subsidy Agreement

The Initial Adoption Assistance Agreement (DCF-418-I) is a written agreement between DCF and the prospective adoptive parents, binding on all parties, that must:

- be signed by the adoptive parents and a DCF representative;
- be in effect before any payments are made, but no later than the finalization of the adoption;
- specify the duration of the agreement;
- specify the amount of the adoption subsidy payments;
- specify the nature and amount of any other payments, services and assistance to be provided (including non-recurring adoption expenses) that have been agreed to;
- specify the child's eligibility for Title XIX and Title XX;
- specify that the agreement remain in effect regardless of the state of residence of the adoptive parents; and
- contain provisions for the protection of the interests of the child in case the adoptive parents and child move to another state while the agreement is in effect.

Processing Subsidy

The Social Worker shall prepare the subsidy packet which shall be reviewed and signed by the Social Work Supervisor and the Program Supervisor. Once completed, the packet shall be submitted to the Subsidized Adoption Unit for review and approval prior to filing the petition for adoption in the Superior Court for Juvenile Matters.

Cross Reference: Chapter 6 "Office of Legal Affairs"

Appeals

Subsidy decisions by the commissioner may be appealed by a licensed child-placing agency or the adopting parents to the Department's Administrative Hearing Unit. No hearing shall be granted if the subsidy is terminated due to the child reaching the maximum age for eligibility.

Cross Reference: Chapter 6-5 "Administrative Hearings"

Connecticut Child Placing Agency May Request Subsidy

A Connecticut licensed child placing agency may request an adoption subsidy for a child for whom they are statutory parent. The licensed agency shall apply to the Department regional office which covers the town where the adoptive parent reside.

Prior to the application for subsidy, the private agency shall be required to make an application for Supplemental Security Income on behalf of the child.

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Connecticut Child Placing Agency May Request Subsidy

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The licensed private agency must complete, DCF-416, DCF-418-I, DCF-419, DCF-738, DCF-739 as well as provide a copy of the Order of Termination of Parental Rights and a copy of the Probate Court study. The documents shall be submitted to the Program Supervisor in the subsidy unit.

The subsidy unit Program Supervisor will sign the DCF-416, determine the financial subsidy rate, and sign DCF-418-I. The Program Supervisor will return one copy of the forms to the private agency. It is the responsibility of the Connecticut private agency to notify the Department by submitting an Adoption Decree, so a subsidized adoption case may be opened effective the date of finalization.

Requests for subsidies after adoption Finalization

Requests for subsidies after a final approval of the adoption by the Superior Court for Juvenile Matters or the Probate Court may be considered at the discretion of the commissioner for conditions resulting from or directly related to the totality of the circumstances surrounding the child prior to placement in adoption.

Legal Reference: Conn. Gen. Stat. §17a-117 (d).

In order for the subsidy to be granted, the following medical evaluations must be submitted to the subsidy unit.

If the subsidy is for a psychiatric or psychological condition, a current, written evaluation from a psychiatrist or psychologist providing diagnosis and prognosis of emotional or mental conditions or impairments.

If the subsidy is for a physical condition, written statements from licensed physicians attesting to the etiology of the problem, the degree of severity, and the recommendations for treatment and prognosis.

Note: The information must define the child as "special needs" and clearly demonstrate that if the circumstances existed or had been made known to the Department prior to the adoption, the child would have been eligible at that time.

If a private agency finalized the adoption, the worker shall request information from the agency to document conditions resulting from, or directly related to, the totality of circumstances surrounding the child prior to placement in adoption.

Upon receipt of all written medical consultations and diagnoses the subsidy unit shall complete the DCF-416, "Certification of Special Needs Status" and DCF-419A "Commissioner's Statement of Support after Adoption Finalization". All materials shall be forwarded to the Commissioner's Office for approval and signature.

Within thirty (30) days, the subsidy unit shall notify the parents in writing of the eligibility decision.

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Requests for subsidies after adoption Finalization
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If the request is approved, the subsidy unit shall:

- send a cover letter explaining the subsidy benefits which will be provided and the annual review procedures; and
- send the DCF-418I, "Adoption Subsidy Agreement, Initial Agreement" for the parents' notarized signatures.

The effective date of the subsidy shall be the date the DCF-2052, "Application for an Adoption Subsidy After Finalization" is received by the Department. The subsidy shall not be retroactive to the date of finalization.

If the request is denied the subsidy unit shall send the adoptive parents the DCF-800, "Notice of Proposed Denial, Reduction, Suspension, or Discontinuance of DCF Benefits", and DCF-800A, "Client's Agreement to Suspend, Reduce, or Terminate DCF Benefits" to the family advising them of the reason(s) for the denial and of their right to request an appeal.

Reviews

For children under 18 there shall be a biennial review of the subsidy.

For children 18-21 there shall be an annual review of the subsidy.

For children receiving the special medical expense subsidy for blind, physically or mentally disabled, emotionally maladjusted or high risk children there shall be an annual review.

At the time of review, the adoptive parents shall submit a sworn statement:

- that the condition which caused the child to be certified as a special needs child continues to exist;
- that the adoptive parents are still legally responsible for the support of the child; and
- the child is receiving support from the adoptive family.

For children 18-21, who are eligible for continuation of the periodic subsidy, the adoptive parent shall provide a sworn statement that the child:

- is enrolled in a full-time approved secondary education program or an approved program leading to an equivalent credential;
- enrolled full time in an institution that provides postsecondary or vocational education; or
- participating full time in a program or activity approved by the commissioner that is designed to promote or remove barriers to employment.

Note: The commissioner may waive the provision of full-time enrollment or participation based on compelling circumstances.

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Modifications If the biennial review or report from the adoptive parents indicates the subsidy is to be reduced or terminated, the subsidy unit shall notify the adoptive parents in writing by sending the following forms:

- DCF-800, "Notice of Proposed Denial, Suspension, Reduction, or Discontinuance of DCF Benefits"; and
- DCF-800A, "Client's Agreement to Suspend, Reduce, or Terminate DCF Benefits".

If the child has been receiving a rate for complex medical needs and the child's primary health care provider determines that the child no longer has such needs, the rate will be reduced to the basic foster care rate, after notice is provided to the parents, as above.

The parents have the right to request a fair hearing if they disagree with the proposed subsidy action.

Cross Reference: 6-5, "Administrative Hearings".

Modification due to Eligibility for other Department Programs If the adoptive parents apply for another Department program and the adoptive child is determined to be eligible, the monthly subsidy payment will be reduced or suspended for the duration of that placement or program since the child's needs will be met in whole or part by another Department program.

The adoptive parents may request a waiver of the parental contribution toward the cost of placement. The subsidy unit will contact the Bureau of Collections, supplying the necessary documentation to grant the waiver.

The adoptive family may receive reimbursement for special expenses, such as travel, therapeutically recommended supplies or materials, and clothing while the child is in placement by submitting bills and documentation to the subsidy unit.

The combined total of these reimbursements shall not exceed the monthly periodic subsidy amount.

The annual clothing reimbursement shall not exceed the amount allowed for clothing replacement based on the child's age, as specified in policy 2-2, "Fiscal Services Division". **See:** Section for USDA Categories of Expenditures.

The child's Social Worker shall notify the subsidy unit immediately of a change in placement or program.

Notification to the Department of a Change in Circumstances Parents are required to notify the Department of changes in circumstances that would make them ineligible for adoption assistance payments or eligible for payments in different amount.

Termination of a Subsidy

Termination of a subsidy will occur in any of the following circumstances:

- the child is no longer receiving support from the adoptive parent(s);
- upon the conclusion of the terms of the subsidy agreement;
- the adoptive parent(s) request termination of the subsidy agreement;
- when the child reaches the age of eighteen 18 or 21, as specified in the agreement;
- upon the child's death;
- upon the death of the parent(s) of the child (one in a single parent family and both in a two parent family); or
- at the cessation of legal responsibility of the adoptive parents for the child.

Foreign-Born Children

A child is not eligible for adoption assistance payments if he or she:

- is not a citizen or resident of the United States;
- was adopted outside of the United States; or
- was brought into the United States for the purpose of being adopted.

Note: A child who is ineligible for adoption assistance payments under the above criteria may become eligible if the initial adoption is a failure and the child is subsequently placed into foster care

Post-Finalization Activities

The child's case record shall be closed in the usual manner. The final documents related to adoption shall be sent separately to the subsidy unit.

Once an adoption has been finalized, the subsidy unit assumes responsibility for ongoing maintenance of the adoption subsidy.

Reference: Chapter 6-4 "Record Management"

Post Adoption Services

Adoptive families are eligible for continuing services after finalization of an adoption through the Department of Children and Families. This may include services from the Adoption Assistance Program (AAP) which is a private program that receives DCF funding or from different community agencies/private providers via the referral process.

College Assistance / Post-Secondary Education Assistance

The Department will provide financial assistance to youth who were adopted through the Department's foster care program by the youth's eighteenth (18th) birthday and who plan to attend an accredited college, university, or institution of higher learning upon completion of their high school education. The adoption must have taken place after December 31, 2004.

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College Assistance / Post-Secondary Education Assistance (continued)

The post-secondary education expenses that will be covered include tuition, fees, and room and board equivalent to the cost of tuition, fees, and room and board at Central Connecticut State University (CCSU). Costs of off-campus housing cannot exceed the cost of room and board at CCSU, and will require documentation. Books can also be covered as long as the total expense, including books, is not more than the cost of tuition, fees, and room and board at CCSU. Summer classes can also be covered as long as the total cost of one full school year for the student does not exceed the cost of tuition, fees, and room and board at CCSU.

Expenditures will be paid only after calculating and deducting the \$500 required contribution, any educational grants and scholarship awards granted to the prospective student.

Youth interested in the program must be accepted to their chosen educational institution prior to their 21st birthday and may remain eligible for tuition assistance until the end of the school year in which he/she turns 23 years of age.

In order to apply for college assistance/post-secondary assistance from the Department a youth:

- shall apply/compete for appropriate grants and scholarships to offset costs and provide documentation of such efforts;
- contact the DCF subsidy unit once the acceptance letter has been received, but no later than May 15th of the year in which the application is requested;
- complete the DCF 2097- "Application for Financial Assistance for Post-Secondary Education". (A new DCF 2097 must be completed each year that the applicant is requesting financial assistance for post-secondary education.)

Once all the required documentation is received the DCF-2098a, "Statement of Financial Assistance for Post-Secondary Education" is sent to applicant and the "Confirmation of Financial Assistance" is sent to the educational institution.

Tuition and room and board will be paid on a semester, trimester or quarterly basis, depending on the school schedule.

Ongoing Requirements: Each applicant:

- shall be accepted and attending to a full time accredited or licensed program (At least 12 credits per semester);
- shall maintain a minimum grade point average (GPA) of 2.0, or the equivalent, depending on the school's grading system, each semester (Proof of grades shall be submitted and reviewed per semester.);
- shall contribute five hundred dollars (\$500.00) to educational costs each year;
- shall provide to the Department at the end of each semester or trimester or quarter, as appropriate, documentation of enrollment/registration and grades/report cards; and
- shall provide documentation of an application for financial assistance-annually.

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**College
Assistance /
Post
Secondary
Education
Assistance**
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- In addition applicants will need to send:
 - Copy of the acceptance letter from the school;
 - Copy of the Financial Aid application;
 - Copy of high school transcript. (For first time application only); and
 - Documentation of any housing and meal expenses, if living off campus.
-