

**ADOPTION ASSISTANCE**

**COMPETENCIES**

- 201-05-009 Understands the importance of adoption subsidies to enable families to address their children's special needs
- 201-05-024 Can apply regulations regarding eligibility criteria for adoption subsidy to assure adoptive families have appropriate resources and services

## Title IV-E Adoption Assistance (AA)

### **AA Eligibility for a Child in the Custody of a PCSA or PCPA**

A child is eligible for Title IV-E AA if the following criteria are met:

1. There has been a judicial determination, in the first court order that it is contrary to the child's welfare for the child to return to the home of the child's specified relative
2. The child meets the financial deprivation requirement by one of the following:
  - The child meets the 1996 AFDC standard of need requirements
  - The child is in the custody of a public children services agency (PCSA) or private child placing agency (PCPA) at the time of the initiation of the adoption proceedings, the adoptive parent(s) signs an adoption agreement, and one of the following applies to the child:
    - 16 or older during October 1, 2009 – September 30, 2010
    - 14 or older during October 1, 2010 – September 30, 2011
    - 12 or older during October 1, 2011 – September 30, 2012
    - 10 or older during October 1, 2012 – September 30, 2013
    - 08 or older during October 1, 2013 – September 30, 2014
    - 06 or older during October 1, 2014 – September 30, 2015
    - 04 or older during October 1, 2015 – September 30, 2016
    - 02 or older during October 1, 2016 – September 30, 2017
    - Any age after October 1, 2017
    - The child is being adopted by the same adoptive parent(s) at the same time as a sibling of the child, who meets the age requirements listed directly above
    - The child has been in the custody of a PCSA or PCPA for 60 consecutive months
  - The child is eligible for SSI
  - The child's minor parent was in foster care and received a Title IV-E Foster Care Maintenance payment that covered the parent and the child
3. The PCSA or PCPA documents that the child has a specific factor or condition, or a combination of factors or conditions, which makes it difficult to place the child with an adoptive family without the provision of AA and/or medical assistance. The child must meet at least one of the following specific factors or conditions:
  - The child is part of a sibling group being adopted together or is part of a previously adopted biological sibling group with whom the child is being placed

- The child is a member of a minority racial or ethnic group which makes it difficult to place the child without provision of AA (A child between the ages of 0 and 12 months must have an additional qualifying special need)
  - The child is six years of age or older
  - The child has remained in the permanent custody of a PCSA or PCPA for more than one year without being placed in an approved adoptive home
  - The child has been in the home of his or her prospective adoptive parent(s) as a foster child for at least 12 consecutive months directly preceding adoptive placement and would experience severe separation and loss if placed in another setting due to his or her significant emotional ties with the foster parent(s) as determined and documented by a qualified mental health professional
  - The child has experienced a previous adoption disruption or three or more disrupted substitute care placements while in the custody of a PCSA or PCPA
  - The child has a developmental disability, developmental delay, mental illness or mental retardation, as defined in rule 5101:2-1-01 of the Administrative Code, which has been diagnosed by a qualified professional, assessing conditions within his area of expertise
  - The child has a medical condition which has been diagnosed by a qualified professional, assessing conditions within his area of expertise
  - The child or the child's biological family has a social or medical history that establishes a substantial risk of the child acquiring a developmental disability, developmental delay, mental illness, mental retardation or medical condition which makes it difficult to place the child for adoption without provision of AA (This risk must be determined by a qualified professional, assessing a condition within his area of expertise)
4. The PCSA or PCPA documents that a reasonable but unsuccessful effort was made to place the child with an appropriate adoptive parent(s) without providing AA (Note: The rule has an exception for certain families; in these cases the agency is only required to ask the family if they are able to adopt the child without a subsidy)

### **AA Eligibility for a Child Not In the Custody of a PCSA or PCPA**

A child is eligible for Title IV-E AA if one of the following criteria is met:

- The child is being adopted, was in receipt of AA in a prior finalized adoption, currently meets the definition of special needs and the age requirement, and one of the following applies:
  - The prior finalized adoption was dissolved and the adoptive parent's rights were terminated on or after October 1, 1997
  - The child's adoptive parent(s) died on or after October 1, 1997
- The child is being adopted, has a special need, and is eligible to receive SSI

## **Procedures for AA Application and Payment**

- There is no income eligibility test based on the adoptive parent's income
- The amount of the payment is determined by negotiation between the PCSA and the adoptive parent based on the needs of the child and the circumstances of the adoptive family
- The maximum payment can not exceed the amount that would have been paid to the foster parent(s) as the foster care maintenance payment
- The adoption assistance agreement must be entered into prior to finalization of the adoption
- If the adoptive parent(s) and the PCSA cannot agree on the amount of the AA payment, the adoptive parent(s) has the right to request a state hearing
- Once a child is adopted and determined to be eligible for AA, the AA payments can not be automatically adjusted without the agreement of the adoptive parent(s) for any reason other than an across-the-board reduction or increase in foster care maintenance rates.
- Checks for the federal and state amounts of the AA payment are issued monthly by the Ohio Department of Job and Family Services (ODJFS) based on information supplied by the PCSA responsible for the AA agreement. Checks are issued at the beginning of the month for that month. The PCSA will issue a check for the match for any amount over \$250.00
- The adoptive parent(s) may request to renegotiate the AA amount at any time to reflect the needs of the child or the circumstances of the family

## **Payment Issues for AA**

- Payments can continue until age 18, or until age 21, if the child has a mental or physical disability
- SSI benefits will be decreased dollar for dollar by the amount of the AA payment. The Social Security Administration must be notified of the adoption assistance
- The PCSA which has custody of the child will enter into the agreement for AA payments and will remain responsible for payment even if the adoptive family moves out of the county or state
- If the child is not in the custody of the PCSA, the PCSA in the county where the adoptive parent(s) resides is responsible for the AA application and AA determination

## **Post Finalization Appeal Issues for AA**

Adoptive parents may receive AA post-finalization through an appeal process if:

- Relevant facts regarding the child were known to the PCSA or PCPA and not presented to the adoptive parent(s) prior to the final decree of adoption
- The PCSA or PCPA failed to advise the adoptive parent(s) of the availability of AA

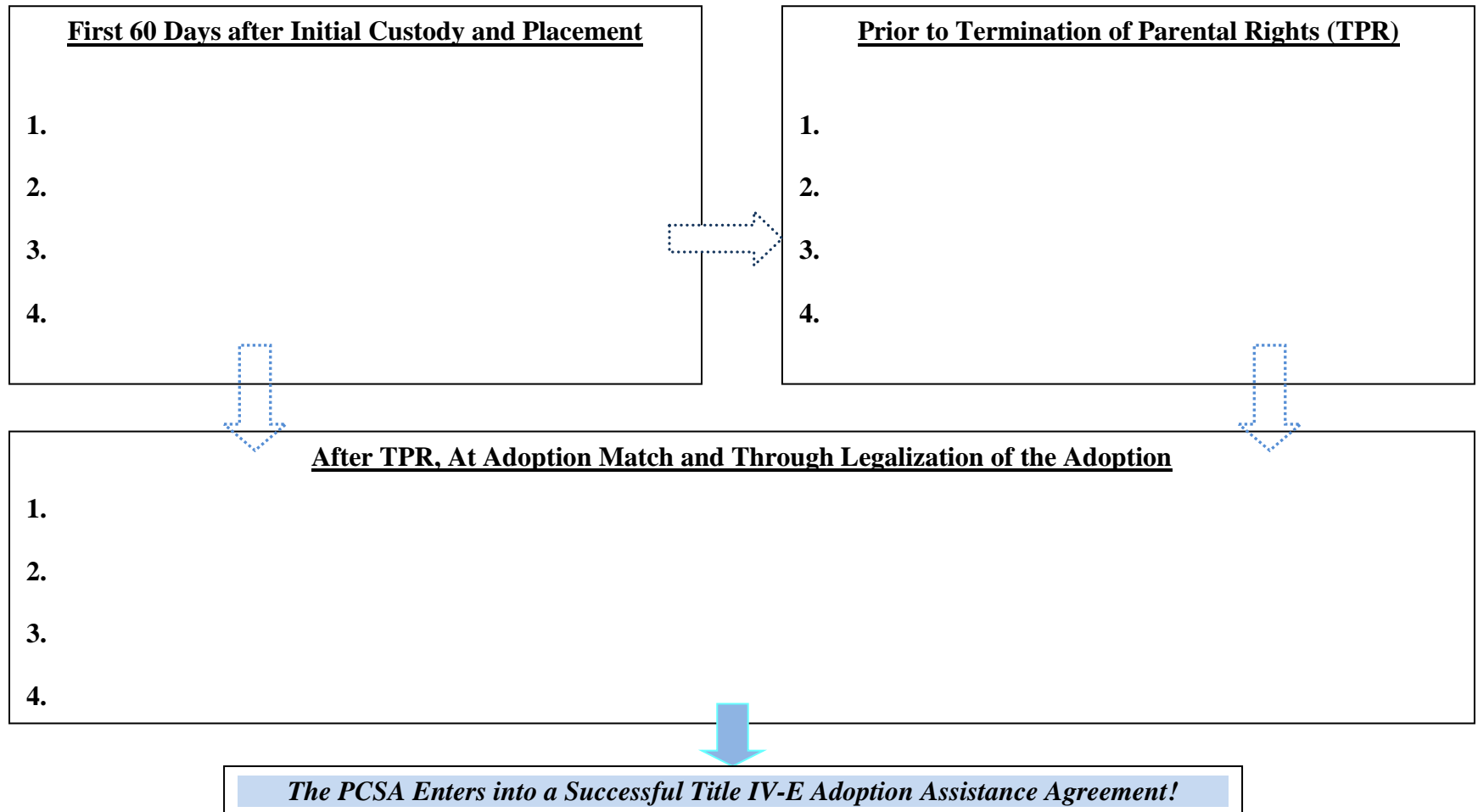
## **International Adoptions**

- A child who is adopted from another country is not eligible for AA because the child does not meet one of the following:
  1. AFDC relatedness requirements
  2. Eligibility for SSI
  3. Receipt of a Title IV-E Foster Care Maintenance payment based on being the child of a minor parent
- If the adoption of a child who was adopted from another country dissolves, the child may be eligible for AA based on the adoptive parents circumstances

*Information in this handout is based on Ohio Administrative Code rules 5101:2-49-02 (effective December 2, 2011); 5101:2-49-02.1 (December 2, 2011); 5101:2-49-03 (effective April 1, 2010); and 5101:2-49-04 (effective December 15, 2011). This handout only discusses a portion of the requirements contained in the rules and is not meant to be a substitute for a thorough review of the Ohio Administrative Code rules.*

## It Takes an Entire Agency to Enter Into a Title IV-E Adoption Assistance Agreement

Critical tasks, that if not completed in each permanency planning phase, could lead to ineligibility or a delay in the negotiation of a Title IV-E AA Agreement.



## **State Adoption Maintenance Subsidy (SAMS)**

### **Eligibility Requirements for SAMS**

1. The child is in the custody of a public children services agency (PCSA) or private child placing agency (PCPA)
2. The child is legally free for adoption
3. The child has a special need (see definition below)
4. The child is not eligible for Title IV-E Adoption Assistance (AA)
5. The child meets the age requirements (under age 18 or between ages 18 and 21 and has a mental or physical disability)
6. The family has a gross income that does not exceed 120% of the median income of an Ohio family of the same size, including the adopted child
7. The child is placed in an adoptive home and an adoption subsidy agreement has been signed prior to the final decree of adoption

### **Definition of Special Needs**

A child with special needs has at least one of the following needs or circumstances that is a barrier to his or her adoption, and adoptive placement without financial assistance is unlikely because the child:

1. Is in a sibling group who is being adopted together or is part of a previously adopted biological sibling group with whom the child should be placed
2. Is a member of a minority or ethnic group
3. Is six years of age or older
4. Has remained in the permanent custody of a PCSA or PCPA for more than one year
5. Has a medical condition, physical impairment, mental retardation or developmental disability
6. Has an emotional disturbance or behavioral problem
7. Has a social or medical history that establishes a substantial risk of acquiring a medical condition, physical impairment, mental or developmental disability, or emotional condition that makes it difficult to place the child for adoption without the provision of SAMS (The condition must be diagnosed by a qualified mental health professional)
  - If this is the only reason for the subsidy, there will be a \$0 payment until such time the child develops the condition, impairment, or disability
8. Has been in the home of his/her prospective adoptive parent(s) as a foster child for at least one year and would experience severe separation and loss if placed in another setting due to his/her significant emotional ties with this foster parent(s) as determined and documented by a qualified mental health professional
9. Has experienced a previous adoption disruption or multiple placements

## **Payment Issues**

- SAMS provides up to a maximum of \$250 per month. If the agency agrees to pay more than \$250 per month, the PCSA must pay 100% of the amount over \$250
- A child may **NOT** receive both SAMS and AA subsidy payments
- SAMS will be suspended at any time the adoptive parent's annual gross income exceeds 120% of the median income of a family of the same size, including the adoptive child
- The PCSA may reduce the amount of subsidy payment when the Ohio Department of Job and Family services (ODJFS) notifies the PCSA of the unavailability of state funds to maintain the SAMS program at the maximum funding level
- The child must have a medical necessity to receive a Medicaid card

*Information in this handout is based on Ohio Administrative Code rules 5101:2-44-06 (effective November 9, 2009); 5101:2-44-08 (effective November 9, 2009); 5101:2-44-10 (effective May 1, 2009); and 5101:2-44-05.1 (effective May 1, 2009). This handout only discusses a portion of the requirements contained in the rules and is not meant to be a substitute for a thorough review of the Ohio Administrative Code rules.*



## 2013 SAMS Income Guidelines

Family, Children and Adult Services Procedure Letter No. 245

TO: Family, Children and Adult Services Manual Holders

FROM: Michael B. Colbert, Director

SUBJECT: State Adoption Maintenance Subsidy (SAMS) Income Guidelines

Pursuant to Ohio Revised Code section 5153.163(B) and Ohio Administrative Code rule 5101:2-44-06 (D)(1), the following schedule is to be used in determining eligibility for State Adoption Maintenance Subsidies (SAMS) effective July 1, 2013. The schedule represents 120% of Ohio's estimated median income (published in the *Federal Register*, Volume 78, Number 94, May 15, 2013, pp. 28597-28599) rounded to the nearest dollar and adjusted for family size.

FAMILY SIZE	120% OF THE MEDIAN INCOME ADJUSTED FOR FAMILY SIZE
2	\$60,322
3	\$74,515
4	\$88,709
5	\$102,902
6	\$117,096
7	\$119,757
8	\$122,418
9	\$125,079
10	\$127,741
11	\$130,402
12	\$133,063
13	\$135,724
14	\$138,386
15	\$141,047

## **Nonrecurring Adoption Expenses**

### **Eligibility Requirements for Nonrecurring Adoption Expenses**

A child is eligible for Title IV-E AA if the following criteria are met:

1. There is a determination that the child can not return to the home of the specified relatives through a termination of parental rights order, a petition to terminate the parental rights or a permanent surrender by the birth parent(s)
2. The PCSA or PCPA documents that the child has a specific factor or condition, or a combination of factors or conditions, which makes it difficult to place the child with an adoptive family without the provision of AA and/or medical assistance.
3. The PCSA or PCPA documents that a reasonable but unsuccessful effort was made to place the child with an appropriate adoptive parent(s) without providing AA (Note: The rule has an exception for certain families; in these cases the agency is only required to ask the family if they are able to adopt the child without a subsidy)

### **Services That May Be Covered By Nonrecurring Subsidy**

Nonrecurring adoption expenses are expenses directly related to the legal adoption of a child with special needs. They include reasonable and necessary expenses incurred by, or on behalf of, the adoptive parents. Examples of appropriate costs covered are:

- Reasonable and necessary adoption fees
- Attorneys' fees and court costs
- The adoption home study, including health and psychological examination
- Supervision of the placement prior to the adoption
- Transportation costs and reasonable costs of lodging and food for the child and/or the adoptive parent(s) when necessary to complete the adoption process

### **Procedures for Nonrecurring Subsidy Application and Payment**

- The application for Nonrecurring Adoption Expenses is completed and submitted to the public children services agency (PCSA) prior to finalization of the adoption
- If an adoption assistance agreement is in effect, the application is submitted to the PCSA responsible for the agreement. If there is no adoption assistance agreement, the application is submitted to the PCSA in the county in which the adoptive parent(s) resides

- The Nonrecurring Adoption Expenses Agreement must be signed prior to finalization
- There are no income eligibility requirements for Nonrecurring Adoption Expenses
- The current maximum payment for Nonrecurring Adoption Expenses subsidy is \$1,000 per child
- Stepparents are not eligible for Nonrecurring Expenses subsidies if a biological parent is present in the home
- The application for nonrecurring expenses cannot be considered for approval retroactively (post finalization)
- Claims (receipts) for reimbursement are submitted to the PCSA following the finalization of the adoption

### **International Adoptions**

- A child who is adopted from another country is not eligible for the Nonrecurring Adoption Expenses Subsidy
- If the adoption of a child who was adopted from another country dissolves, the child may be eligible for the Nonrecurring Adoption Expenses Subsidy based on the adoptive parents circumstances

*Information in this handout is based on Ohio Administrative Code rule 5101:2-49-21 (effective August 10, 2009). This handout only discusses a portion of the requirements contained in the rule and is not meant to be a substitute for a thorough review of the Ohio Administrative Code rule.*

## **Post Adoption Special Services Subsidy (PASSS)\***

### **Eligibility Requirements for PASSS**

1. The family has adopted a child either through a public or private agency, internationally or independently (step-parent adoptions are excluded)
2. The adoptive family resides in Ohio (If the family adopted in Ohio but now resides out-of-state, the family is not eligible for PASSS)
3. The adoptive family applies for PASSS in their Ohio county of residence
4. The child developed a special need which existed before the adoption was finalized or can be attributed to factors in the pre-adoptive background
5. The child is under age 18 or is between ages 18 and 21 and has a mental or physical disability
6. Other sources of income are inadequate to meet the child's needs
7. The expenses required to meet the child's needs are beyond the economic resources of the adoptive family
8. The child is not in the custody of a public children services agency (PCSA) or private child placing agency (PCPA)

### **Services That May Be Covered By PASSS**

1. Medical and surgical services that are determined to be medically necessary by a qualified professional
2. Psychiatric, psychological, and counseling service that are determined to be necessary by a qualified professional
3. Residential treatment, therapeutic foster care or in-patient hospitalization services if required by psychiatric, psychological or counseling needs and approved by a qualified professional and provided by a residential facility or therapeutic foster care home that is licensed by the Ohio department of job and family services (ODJFS) or the Ohio department of mental health (ODMH) or a comparable agency which is recognized by a state or a similar licensing body
4. Medical and surgical respite care services if required by medical or surgical needs of the child
5. Mental health respite care services if required by psychiatric, psychological or counseling needs.

### **Procedures for PASSS**

1. The adoptive family completes the [JFS 01050](#) "Application for Post Adoption Special Services Subsidy"

2. The provider completes the [JFS 01052](#) "Credentials for Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding" and submits the form to the PCSA
3. The family submits the following documentation:
  - A clear written statement of the child's special need which is supported by an assessment or evaluation from a qualified professional.
  - A written statement that clearly indicates why the requested service is not within the resources of the family, a copy of the [JFS 01681](#) "Applicant Financial Statement" and a copy of the family's most recent IRS 1040.
  - A listing of community resources that have been contacted including the date and results of those contacts
  - A copy of the relevant provisions in any public or private health insurance policy held by the family regarding the child's eligibility for services.
4. The application is presented to a PASSS Review Committee formed by each PCSA. The Committee shall have at least three members, including one staff from the PCSA adoption section, one agency administrative person and one community person who is knowledgeable of post adoption issues
5. The Review Committee makes a determination and sends the recommendation to the executive of the PCSA within 45 days of application. The recommendation on the level of funding is based on the following list of priorities:
  - In-home family preservation
  - Services to reduce serious psychological or physical risk for the child or others
  - Medical service designed to relieve or correct pre-adoptive health problems
6. The executive of the PCSA makes a final decision on the recommendation of the Review Committee within five days
7. Copies of all applications, approved or denied, are sent to the Adoption Section at ODJFS
8. The PCSA enters into subsidy agreements to the extent that State funds are available.

The Committee makes recommendations on the level of funding based on the following list of priorities:

### **Review of Approved PASSS Subsidies**

1. The family must submit a copy of the treatment plan to the PCSA within 30 days of the child's initial visit to the provider.
2. Each PASSS subsidy is reviewed each quarter to determine if funds are being used. If funds are not being used the agency may opt to release the funds to ODJFS based on procedures listed in the rule 5101:2-44-13 of the Administrative Code.

## **Limitations on PASSS**

1. No more than \$10,000 shall be encumbered for any one child in any one fiscal year; unless the family's resources drop substantially due to an involuntary loss of employment or a qualified professional recommends residential treatment or therapeutic foster care to prevent adoption disruption (in the case of these exceptions, a maximum of \$15,000 may be provided for services to a child);
2. The adoptive parent must pay 5% of the total cost of services provided for the child unless the gross income of the adoptive family is less than 200% of the federal poverty guideline;
3. PASSS does not fund:
  - Educational services such as tuition and tutoring
  - Dental and/or orthodontia services including dental/oral surgery
  - Medical and/or mental health co-payments, prescriptions and/or prescription co-payments
  - Camp and any recreational services including but not limited to karate, gymnastics, dance classes and fitness club memberships
  - Travel related expenses such as mileage reimbursement, airfare, lodging etc., and automobile purchases and repairs, not including specific types of vehicle modifications that are related to the child's special needs
  - Computer equipment, including software
  - Child care services
  - Property fences
  - Food, meal supplements and nutrition drinks
  - Service animals
  - Services provided by a PCSA or PCPA to make arrangements for adoptive placements
  - Services that are equivalent to or are of greater benefit to other members of the family, not including family counseling and respite
  - Services to a child for whom a parent-child relationship does not exist
  - Services that facilitate contact with a parent whose rights have been terminated
  - Services for a child in the custody of a PCSA, PCPA, court or any other agency
  - Legal fees to finalize the adoption or for any other legal action.

*Information for this handout is based on the Ohio Administrative Code rules 5101:2-44-13 (effective May 1, 2009) and 5101:2-44-13.1 (effective May 1, 2009). This handout only discusses a portion of the requirements contained in the rules and is not meant to be a substitute for a thorough review of the Ohio Administrative Code rules.*

**Handout 8**  
**PASSS Income Guidelines**

**FCASPL 258 (PASSS Program Poverty Guidelines)**

Family, Children and Adult Services Procedure Letter No. 258

April 21, 2014

TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Post Adoption Special Services Subsidy (PASSS) Program Poverty Guidelines

Pursuant to Ohio Revised Code section 5153.163(C) and Ohio Administrative Code rule 5101:2-44-13.1(M), the following schedule is to be used only when determining whether families are required to pay five-percent of the total costs of all services received under the post adoption special services subsidy program effective July 1, 2014. The schedule represents 200% of the 2014 Federal Poverty Guidelines (published in the Federal Register, Vol. 79, No. 14, January 22, 2014, pp. 3593-3594) rounded to the nearest dollar and adjusted for family size.

FAMILY SIZE	200% OF FEDERAL POVERTY GUIDELINES
2	\$31,020
3	\$39,060
4	\$47,100
5	\$55,140
6	\$63,180
7	\$71,220
8	\$79,260
For each additional person add	\$8,040

## SUBSIDY CHECKLIST

	<b>IV-E Adoption Assistance</b>	<b>Nonrecurring Costs</b>	<b>SAMS</b>	<b>PASSS</b>
<b>Services</b>	Monthly Payment to family negotiable to a maximum of the foster care rate for the child.	One time payment for expenses directly related to the adoption. Maximum payment of \$1,000 per child after finalization.	Monthly maintenance payment. Maximum of \$250 in state payment.	Reimburses family for therapeutic, respite, residential services up to \$10,000 per SFY (\$15,000 in extraordinary circumstances).
<b>Special Needs Criteria for Child</b>	Child meets Title IV-E AA special needs criteria.	Child meets Title IV-E special needs criteria.	Child is not eligible for Title IV- E AA. Child meets the state special needs criteria.	Child has physical or developmental disability or mental or emotional condition that existed before the adoption petition is filed, or developed after the petition is filed and can be directly attributed to factors in the child's pre-adoption background or birth family's background or medical history
<b>Financial Means Test</b>	Child's meets ADC relatedness standards or requirements of the Fostering Connection to Success and Increasing Adoption Act of 2008 or the child is eligible to receive SSI. No adoptive parent income requirements.	No ADC relatedness requirement. No adoptive parent income requirements.	Adoptive family must be within 120% of the state median income.	5% co-pay required, if family's gross income is greater than 200% of the poverty guidelines.
<b>Date of Application</b>	Sign agreement with custodial agency prior to finalization. Application after finalization through state hearing if PCSA did not inform parents of subsidy or failed to share relevant information regarding child's special needs.	Sign agreement with custodial agency if Title IV-E agreement is in place or with PCSA in county of residence if there is not a Title IV-E agreement. This must be signed prior to finalization.	Sign agreement prior to finalization with custodial agency.	Apply after finalization to PCSA in county of residence
<b>Provision of Medicaid</b>	Child is eligible for Medicaid card, except if the child is eligible for AA based on a substantial risk only.	N/A	Family must apply for Medicaid in the county of residence; the child must have a medical necessity.	N/A

Assessors should remember that statutes and rules regarding adoption subsidies change. It is imperative to attend ongoing training offered by ODJFS, review the Ohio Administrative Code rules, and refer questions to the Help Desk at 1-866-886-3537



## **Adoption Subsidy Resources on the Web**

### **Ohio Administrative Code Rules**

Title IV-E AA rules are contained in Chapter 5101:2-49; State Adoption Maintenance Subsidy and Post Adoption Special Services Subsidy rules are contained in Chapter 5101:2-44

<http://emanuals.odjfs.state.oh.us/emanuals>

### **Ohio Adoption Subsidy Guide**

<http://jfs.ohio.gov/oapl/publications.stm>

### **Federal Child Welfare Policy Guide**

[http://www.acf.hhs.gov/j2ee/programs/cb/laws\\_policies/laws/cwpm/index.jsp](http://www.acf.hhs.gov/j2ee/programs/cb/laws_policies/laws/cwpm/index.jsp)

### **Ohio Department of Job and Family Services Bureau of State Hearings**

Contains the State Hearing Manual and Power point on how to prepare for a state hearing

<http://jfs.ohio.gov/ols/bsh/Index.stm>

### **ODJFS State Hearings and Appeals**

Contains copies of State Hearings and Administrative Appeals

<http://jfs.ohio.gov/OLS/BSH/decisions.asp>

### **North American Council on Adoptable Children**

Contains profiles and contact people for each state's subsidy program

<http://www.nacac.org/adoptionssubsidy/stateprofiles/ohio.html>

### **Child Welfare Information Gateway**

Contains a host of articles and information about child welfare issues including adoption subsidies

<http://www.childwelfare.gov/>

### **Tax Guide for Foster and Adoptive Parents 2009**

Developed by the National Foster Parent Association (NFPA)

[http://www.nfpaonline.org/uploads/2009\\_federal\\_tax\\_benefits.pdf](http://www.nfpaonline.org/uploads/2009_federal_tax_benefits.pdf)

