

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

<b>POLICY</b>	<b>[NEW]</b>
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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.

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](mailto: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.

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