



## INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

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| <b>Chapter 10:</b> Guardianship and Adoption                        | <b>Effective Date:</b> May 1, 2020 |
| <b>Section 15:</b> Eligibility Requirements for Adoption Assistance | <b>Version:</b> 3                  |

### STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) will ensure the child and adoptive parent meet all of the following general criteria to qualify for any assistance:

1. The child is a ward of DCS at the time the prospective adoptive parent files a petition for adoption or otherwise meets all of the Title IV-E or State Adoption Subsidy (SAS) adoption assistance program (AAP) eligibility requirements;
2. The adoptive child meets the special needs requirements:
  - a. The DCS local office or juvenile court having jurisdiction over the child has determined that the child cannot or should not be returned to the home of the child's parent,
  - b. There exists a specific factor or condition which makes it reasonable to conclude that the child cannot be adopted without providing financial assistance or Title XIX Medicaid, and one (1) of the following criteria exists:
    - i. A child that is two (2) years of age or older;
    - ii. A child who is a member of a sibling group of two (2) or more children and who must be placed together with the sibling group in the same home;

**Note:** At least one (1) child in a sibling group must be two (2) years of age or older.

- iii. A child with a medical condition, physical, mental, or emotional disability, as determined by a physician licensed to practice in Indiana or another state or territory, or the Severe Impairment Determination process.
- c. A reasonable, but unsuccessful effort must be made to place the child in an appropriate adoptive home without providing adoption assistance, unless it is contrary to the child's best interests due to:
  - i. Significant emotional ties with prospective adoptive parent where the child was placed while in foster care; or
  - ii. Other specific factors or circumstances documented in the child's case file and approved by the Indiana Adoption Program Liaison.
3. The child is a US citizen or qualified alien. See policy [2.09 Verifying Identity and Relationship](#);
4. The results of the required criminal background checks show no record of a felony conviction for a crime described in [42 USC 671\(a\)\(20\)\(A\)](#) that would disqualify the adoptive parent from receiving adoption assistance payments under [42 USC 673](#). See policies [13.07 Conducting Background Checks for Adoptions](#) and [13.08 Evaluating Background Checks for Adoptions](#); and

5. A written Title IV-E Adoption Assistance Agreement or SAS Agreement between DCS and the prospective adoptive parent must be signed on or before the date that the court enters the final Decree of Adoption for the child or as otherwise stated in an administrative review decision. An agreement may not be entered into after the adoption is finalized. **If the adoption is finalized before an agreement is fully executed, the child will not be eligible for adoption assistance under the Indiana Adoption Assistance Program.**

#### Code References

1. [42 USC 671\(a\)\(20\): State plan for foster care and adoption assistance](#)
2. [42 USC 673: Adoption and guardianship assistance program](#)
3. [465 IAC 3: Article 3. Administrative Reviews and Hearings](#)
4. [465 IAC 4: Indiana Adoption Assistance and Guardianship Assistance Programs](#)
5. [IC 31-9-2-51: "Hard to place child" or "hard to place children"](#)
6. [IC 31-19-9-8: Consent to adoption not required; written denial of paternity precludes challenge to adoption](#)
7. [IC 31-19-26.5-2: "Child with special needs"](#)
8. [IC 31-19-26.5-3: Payment of adoption subsidies](#)

#### PROCEDURE

The Family Case Manager (FCM) will:

1. Submit the completed [Indiana Adoption Program Application Title IV-E Adoption Assistance Program \(AAP\) or State Adoption Subsidy \(SAS\) \(SF 54351\)](#) and supporting documentation to DCS Central Eligibility Unit (CEU);
  - a. Check the file for additional supporting documentation, and
  - b. Add any additional documentation from the child's case file that is needed to support the general or specific eligibility requirements.
2. Send a copy of the Final Adoption Program Eligibility Determination and the [Request for Administrative Review Indiana Adoption Program \(SF 54348\)](#) (if applicable) to the prospective adoptive parent or their attorney;

**Note:** If the adoptive parent disagrees with the Final Adoption Program Eligibility Determination, the adoptive parent may submit a [Request for Administrative Review Indiana Adoption Program \(SF 54348\)](#) within 30 calendar days of the date on the Final Adoption Program Eligibility Determination.

3. Contact the DCS Local Office Director (LOD) or designee in the event the child is determined by CEU to be eligible for adoption assistance. See policy [14.08 Negotiations for Adoption Assistance](#);
4. Provide the DCS LOD or designee with the Final Adoption Program Eligibility Determination, the proposed adoption assistance agreement, the completed and signed Payment Request Information (PRI) form, and any additional information that may assist in the negotiation; and

5. Return the signed adoption assistance agreement and final Decree of Adoption to DCS CEU for processing once the prospective adoptive parent agrees to the terms of the adoption assistance agreement. See policy [14.08 Negotiations for Adoption Assistance](#).

The FCM Supervisor will:

1. Ensure that the FCM submits all required documentation to DCS CEU; and
2. Ensure that the DCS LOD or designee has been contacted in the event the child is eligible for a periodic payment. See policy [14.08 Negotiations for Adoption Assistance](#).

The DCS LOD or designee will:

1. Work with the FCM to obtain any information needed for adoption assistance agreement negotiations. See policy [14.08 Negotiations for Adoption Assistance](#).

**Note:** If the prospective adoptive parent disagrees with the Final Adoption Program Eligibility Determination, the prospective adoptive parent may submit a [Request for Administrative Review Indiana Adoption Program \(SF 54348\)](#) within 30 calendar days of the date on the Final Adoption Program Eligibility Determination.

2. Ensure that the adoptive parent sign the agreement prior to the finalization of the adoption once an agreement is reached; and
3. The DCS LOD shall sign or the designee shall obtain the DCS LOD's signature on the adoption assistance agreement.

## PRACTICE GUIDANCE

N/A

## FORMS AND TOOLS

1. Final Adoption Program Eligibility Determination - available via CEU
2. [Indiana Adoption Program Application Title IV-E Adoption Assistance Program \(AAP\) or State Adoption Subsidy \(SAS\) \(SF 54351\)](#)
3. [Indiana Adoption Program Desk Guide](#)
4. Payment Request Information (PRI) Form - available via CEU
5. [Request for Administrative Review Indiana Adoption Program \(SF 54348\)](#)
6. Severe Impairment Determination Process - available via CEU
7. State Adoption Subsidy Agreement - available via CEU
8. Title IV-E Adoption Assistance Agreement - available via CEU

## RELATED INFORMATION

### **Adoption Assistance Program (AAP)**

The Indiana Adoption Assistance Program includes the child's potential eligibility for:

1. Adoption periodic payments through AAP or SAS;
2. Medicaid coverage; and
3. Non recurring adoption expenses (NRAE).

### **State Adoption Subsidy (SAS) Eligibility**

In addition to meeting the general criteria, the child must meet both of the following eligibility requirements to be eligible for periodic payments under a SAS agreement:

1. Is age two (2) or older, or is a member of a sibling group placed in the same adoptive home if at least one of the children is age two (2) or older; and
2. Is eligible for adoption services provided by DCS through the Indiana Adoption Program, as a hard to place child.

### **AAP Categorical Eligibility**

In addition to meeting the general criteria, the child must meet one (1) of the four (4) categorical eligibility requirements to be eligible for AAP, the only exception is if the child meets the 'applicable child' eligibility as defined below:

1. Aid to Families with Dependent Children (AFDC) eligible (see policy [15.01 Title IV-E Eligibility Overview for Field & Legal Staff](#));
2. Supplemental Security Income (SSI) eligible;
3. Title IV-E eligible in a prior adoption; or
4. Living with a Title IV-E eligible minor parent.

### **Applicable Child**

The following outlines the eligibility requirements for 'applicable child':

1. A child who is an eligible age in a given federal fiscal year (or will turn the eligible age within the current federal fiscal year by September 30<sup>th</sup>);
2. A child who has been in foster care 60 consecutive months;
3. The sibling of an 'applicable child' who will be adopted by the same adoptive parent as the sibling;
4. A child who meets one (1) of the other categorical eligibility requirements:
  - a. A finding of Contrary to the Welfare was in the removal order,
  - b. Meets all medical and disability requirements for SSI,
  - c. Title IV-E eligible in a prior adoption, or
  - d. Living with a minor parent who was removed from home and living in a foster family home or child care institution.

The eligible age for an applicable child is based on the child's age at the time of entry of the Final Decree of Adoption, as follows:

1. Age 12 and older in Federal Fiscal Year (FFY) 2012 (or will turn 12 within FFY 2012)
2. Age 10 and older in FFY 2013 (or will turn 10 within FFY 2013)
3. Age 8 and older in FFY 2014 (or will turn 8 within FFY 2014)
4. Age 6 and older in FFY 2015 (or will turn 6 within FFY 2015)
5. Age 4 and older in FFY 2016 (or will turn 4 within FFY 2016)
6. Age 2 and older in Federal Fiscal Year 2017 through FFY 2023;
7. All children beginning July 1, 2024.

See the [Indiana Adoption Program Desk Guide](#) for more detailed information.