

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption	Effective Date: May 1, 2015
	Section 17: Negotiations for Adoption Assistance	Version: 2

POLICY [REVISED]

The Indiana Department of Child Services (DCS) will provide ongoing financial and other assistance through the Indiana Adoption Assistance Program for the benefit of eligible children. The goal of this program is to promote permanency for children who may otherwise have their permanency delayed due to their special needs. Some eligible children may receive a periodic payment, as negotiated between the adoptive parents and DCS. Eligibility for Medicaid and the reimbursement of appropriate Nonrecurring Adoption Expenses (NRAE) are not negotiated.

DCS will work collaboratively with families to understand and determine the current and ongoing needs of the child being adopted and the costs of those needs in order to assist the family in integrating the child into the adoptive family. This policy outlines how such levels of assistance should be negotiated to determine the periodic payment amounts for adoption assistance applicants who are determined to be eligible for the Title IV-E Adoption Assistance Program (AAP) after January 1, 2012. In the event that funds are available within the DCS Adoption Assistance Account to fund State Adoption Subsidy (SAS) periodic payments, this policy will also apply to negotiations regarding the level of SAS periodic payments. See separate policy [10.16 Funding for Adoption Assistance](#).

Upon the approval of a [Final Adoption Program Eligibility Determination](#) that a child is eligible for AAP or SAS (whichever is applicable), DCS will meet with the prospective adoptive parent(s) to discuss the steps and procedures for completing and finalizing the adoption assistance agreement and the adoption of the child. DCS will provide a copy of the following documents:

1. The notice of [Final Adoption Program Eligibility Determination](#);
2. An [Adoption Assistance Agreement](#) in the form currently approved by DCS for use in AAP or SAS cases (whichever is applicable);
3. The [Payment Request Information \(PRI\)](#) form describing the information needed from the prospective adoptive parent(s) for consideration and discussion with DCS in negotiating and determining any periodic payment to be paid by DCS under the agreement;
4. The [Request for Administrative Review \(SF54348\)](#) for children who have been determined ineligible for AAP or SAS, or eligible for SAS due to the determination that the child is not eligible for AAP; and
5. Other information prepared by DCS staff for consideration in determining the periodic payment amount.

Note: Other information includes, but is not limited to, information about the availability of post-adoption services that may be requested and provided by DCS and the ability of the prospective adoptive parent(s) to renegotiate certain terms of the agreement in the event the child's or family's circumstances change.

Within 30 calendar days of receiving the [Final Adoption Program Eligibility Determination](#) and accompanying documents, the prospective adoptive parent(s) will submit to the DCS Local Office Director (LOD) all information and supporting documentation identified in the PRI, plus any additional information that the prospective adoptive parent(s) consider relevant to determining the periodic payment. The prospective adoptive parent(s) may request a reasonable extension of this deadline in order to gather and assemble information relevant to this submission. An extension requested by the prospective adoptive parent(s) may be approved by the DCS LOD or designee.

The amount of the periodic payment to be included in the agreement will be determined by negotiation between the prospective adoptive parent(s) and DCS. Negotiations will occur through the DCS local office in the county where the child's Child in Need of Services (CHINS) or other juvenile court case is pending. During the negotiation, the DCS LOD or designee and DCS Local Office Attorney will represent DCS, and the prospective adoptive parent(s) may choose to be represented by an attorney or to participate directly in the negotiation without an attorney.

DCS will negotiate the periodic payment based on an initial request submitted by the prospective adoptive parent(s). If an agreement is not reached concerning the periodic payment amount within 30 days from the time after DCS receives the PRI response, then the Local Office Attorney will offer to conduct a face-to-face meeting to negotiate the periodic payment. The DCS Local Office Attorney, the attorney for the prospective adoptive parent(s), prospective adoptive parent(s) and DCS representative will discuss the information in order to negotiate the periodic payment amount.

Negotiation of the periodic payment amount will occur and be completed within 45 calendar days after the date the DCS LOD receives the PRI response unless an extension of the negotiation deadline has been approved by the DCS LOD or designee.

The following factors and information will be considered in negotiating the periodic payment amount:

1. The anticipated special needs of the child after the finalization of the adoption;
2. The circumstances of the adoptive family, including its ability to provide for the child's current and reasonably anticipated future needs, to the same extent that the family currently provides or would be able to provide for the needs of other children in the family;
3. Resources available to the adoptive family to provide for the current and anticipated needs of the child, such as health care, post-adoption services, public education, activities related to child development and transition to independent living, sources of income, and availability of extended family and community resources;
4. The extent to which identified and anticipated needs of the child may be met through services covered by Medicaid or other resources;
5. The ability of the adoptive family to seek renegotiation of the periodic payment amount based on unanticipated changes in the child's needs or the family's circumstances, as provided in this policy; and
6. Any other specific facts pertaining to the child or adoptive family that either DCS or the prospective adoptive parent(s) consider relevant to the goal of integrating the child into the adoptive family.

If negotiation of the periodic payment amount has not resulted in an approved agreement within 45 calendar days of DCS' receipt of the completed PRI, or other approved deadline, DCS will

send a Final Offer letter to the prospective adoptive parent(s), and/or his or her attorney, stating the periodic payment amount that DCS agrees to pay. If the prospective adoptive parent(s) has not submitted to DCS the completed PRI form within 45 calendar days of the date the PRI was provided to the prospective adoptive parent(s) or any approved extension of time, the DCS Local Office Attorney will send a \$0 Final Offer letter to the prospective adoptive parent(s) and/or his or her designated attorney. The Final Offer letter will include the [Request for Administrative Review \(SF54348\)](#) and information about the availability of an administrative review process. A prospective adoptive parent(s) may sign an adoption assistance agreement, which includes the periodic payment amount identified in the Final Offer letter, and pursue administrative review of the amount. See separate policy [10.20 Administrative Review for Adoption Assistance](#).

Except for determination of the periodic payment amount and completion of any other specific information relating to the adoptive child or family, the provisions of the adoption assistance agreement form approved by DCS shall not be altered or amended. Any change of a specified term or condition must be approved by both the DCS Deputy Director of Permanency and Practice Support and the DCS General Counsel or their respective designees. Approval or disapproval of any requested content or format change in the agreement form is not subject to administrative review or administrative appeal.

The agreement must be signed by both DCS and the prospective adoptive parent(s) before entry of the Final Decree of Adoption. If the decree is entered before the agreement has been signed by both DCS and the prospective adoptive parent(s), the child is not eligible for adoption assistance under the Indiana Adoption Assistance Program.

Code References

[42 USC 673 \(a\)\(3\) Adoption and Guardianship Assistance Program](#)

PROCEDURE

The Family Case Manager (FCM) will:

1. Meet with the prospective adoptive parent(s) within 15 calendar days after receipt of the [Final Adoption Program Eligibility Determination](#) for a child who is eligible and who could potentially receive periodic payments under a signed agreement;
2. Provide the prospective adoptive parent(s) with a copy of the pertinent documents, including the PRI, and discuss the procedure for completing the agreement;
3. Explain the other steps and procedures needed for purposes of finalizing the adoption of the child, including the opportunity to negotiate the amount of the periodic payment. See separate policy, [10.14 Indiana Adoption Assistance Program Overview](#);
4. Provide the prospective adoptive parent(s) with information about the availability of post-adoption services that may be requested and provided by DCS;
5. Explain to the prospective adoptive parent(s) that he or she has the ability to request a change in the periodic payment amount in the event that circumstances change; and
6. Send the signed Adoption Assistance Agreement and Final Decree of Adoption from the court to the DCS Central Eligibility Unit (CEU) inbox, centralized.eligibility@dcs.in.gov.

The DCS LOD or designee will:

1. Approve or deny a written request to extend the deadline to submit the completed PRI made by the prospective adoptive parent(s);
2. Approve or deny a written request to extend the negotiation deadline after receipt of the PRI;

3. Provide the DCS Local Office Attorney with information necessary to negotiate the appropriate periodic payment amount; and
4. Sign the completed adoption assistance agreement on behalf of DCS.

[REVISED] The DCS Local Office Attorney or designee will:

1. Review information from the DCS LOD and the prospective adoptive parent(s) necessary to negotiate the appropriate periodic payment amount;
2. Document and retain how the information provided was evaluated to calculate a periodic payment range;
3. Meet with the prospective adoptive parent(s) and/or their attorney to discuss the periodic payment range and negotiate the amount for the adoption assistance agreement;
4. Present the agreement for signatures from the prospective adoptive parent(s) and the DCS LOD or designee when the negotiations result in agreement; and
5. Prepare and send a Final Offer letter that includes information about the availability of administrative review (enclose the appropriate form with instructions concerning submission of the [Request for Administrative Review \(SF54348\)](#) to the prospective adoptive parent(s) and/or his or her designated attorney when the negotiations do not result in agreement within 45 calendar days.

[REVISED] The DCS CEU will send a packet to the FCM which includes:

1. Notice of [Final Adoption Program Eligibility Determination](#);
2. The agreement in the form currently approved by DCS for use in AAP or SAS cases (if either is applicable);
3. Any other information prepared by DCS to inform DCS staff and prospective adoptive parent(s) concerning the determination and duration of periodic payments of assistance or subsidies;
4. [Request for Administrative Review \(SF54348\)](#) if the child is determined ineligible for AAP or SAS; and
5. PRI (if applicable) to the FCM

PRACTICE GUIDANCE

Post Adoption Services

The adoptive parent(s) may at any time submit a request to DCS for a post adoption service referral on behalf of the adoptive child or family. The adoptive parent(s) must contact the DCS Special Needs Adoption Program (SNAP) Specialist in the region of their residence to initiate a referral for services. The SNAP Specialist will complete a referral to an appropriate service provider for purposes of an assessment and creation of a service delivery plan tailored to the particular needs of the adoptive child and family.

FORMS AND TOOLS

1. [Adoption Assistance Agreement](#) – Available via CEU
2. [Final Adoption Program Eligibility Determination](#) – Available via CEU
3. [Payment Request Information](#) – Available via CEU
4. [Request for Administrative Review \(SF54348\)](#)

RELATED INFORMATION

Periodic Payment

A periodic payment is a monthly per diem amount to be specified in a written adoption assistance agreement.

Final Offer Letter

The Final Offer Letter is a letter sent by the DCS Local Office Attorney stating the final offer of DCS for the amount of the periodic payment under an adoption assistance agreement. The letter will include information about the availability of an administrative review process and the appropriate form with instructions concerning submission of a request for administrative review of the proposed periodic payment amount.

Archived 4.30.17 (Legal Change)