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ADOPTION ASSISTANCE

Adoption Assistance offers financial as well as medical benefits to assist adoptive families in meeting the special needs of an adoptive child following the placement of the child in the adoptive home. Eligibility for Adoption Assistance is determined by the Department of Human Resources. Special needs is defined as any child who, at the time of placement, is eight years of age or older; any child of black heritage who is one year of age or older; members of a sibling group of three or more to be placed together; members of a sibling group of two where one is over the age of eight or has another special need; and any child with documented physical, emotional, or mental problems or limitations.

Adoption Assistance to families includes but is not limited to: adequate clothing (including any special clothing needs due to size, allergies, etc.); special dietary needs (such as special foods or supplements); ordinary medical and dental care; special educational needs not covered by P.L. 94-142; and certain day care for preschoolers with special educational or social needs.

CATEGORIES OF ADOPTION ASSISTANCE

109.1

Requirement:

There are four categories of Adoption Assistance benefits available to assist in meeting the special needs of the child.

109.1 Procedures:

1. Monthly Assistance:
 - A. All children who are determined eligible for ongoing Adoption Assistance receive a monthly financial benefit. The amount of assistance **may not exceed the Family Foster Care** board rate the child received immediately prior to adoptive placement.
 - B. Monthly Assistance benefits are not considered a board rate, rather they are designed to assist in meeting the cost of providing for the special needs of the child that otherwise would have prevented the child from being adopted.

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2. Medicaid:

- A. Any child who is a recipient of Adoption Assistance is eligible to receive Medicaid benefits unless ineligible for Medicaid due to income or citizenship status.
- B. Any child who is determined ineligible for Medicaid, the state must have in place a plan for the provision of medical care (military benefits, PeachCare, private insurance, etc.).

3. Non-recurring Adoption Assistance:

- A. Any child (excluding step-parent adoptions) who meets the State's definition of special needs is eligible to receive Non-recurring Adoption Assistance. A determination of special needs must be made and an application signed prior to finalization. Payments may not exceed \$2,000 per child.
- B. Non-recurring Adoption Assistance benefits are payments for reasonable and necessary adoption fees, court costs, attorney fees and other expenses directly related to the legal adoption of a child with special needs and which are not incurred in violation of state or federal laws.

4. Special Services Adoption Assistance:

- A. An eligible child may receive Special Services Adoption Assistance to assist in meeting a special need that cannot be met elsewhere. (See Section 109.19)
- B. Special Services Adoption Assistance is to provide a time limited or one time only special service when **no other family or community resource** is available.
- C. Funds in this category are limited and available only to children who have been in the permanent custody of DHR and placed by DHR in an adoptive home. **EXCEPTION:** Children who have been in the temporary custody of DHR where termination was the permanency plan may be eligible for Special Services. The child(ren) must be placed in the home of a specified relative by the Juvenile Court at the disposition of a DHR petition to terminate parental rights and are Title IV-E eligible.

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ELIGIBILITY FOR ADOPTION ASSISTANCE

109.2

Requirement:

Eligibility for Adoption Assistance is directly related to a specific child. The child must meet specific criteria in order to be eligible to receive Adoption Assistance benefits.

109.2 Procedures:

1. At least one of the following categories must be applicable to the child:
 - A. A special needs child who is in the permanent custody of DHR;
 - B. A IV-E eligible child in the temporary custody of DHR who is placed with a specified relative to whom DHR gives permanent custody for the purpose of adoption at the time of TPR and who remains IV-E eligible at the time of the filing of the adoption petition;
 - C. A child whose placement is under the responsibility of a non-profit, licensed private adoption agency and meets Title IV-E eligibility;
 - D. A child who has not been in the custody of DHR, has had a judicial removal, is AFDC eligible at the time of removal and the filing of the adoption petition, and is being adopted by a specified relative;
 - E. A child who receives SSI;
 - F. A child in a subsequent adoption, if previously IV-E eligible, (may be an independent adoption following dissolution or death of parent(s);

and
2. The child must meet the State definition of a child with special needs.

and
3. **One** of the following criteria must be met:
 - A. The child could not be placed without assistance; or
 - B. The child is to be adopted by foster parents; or
 - C. The child is to be adopted by relatives; or

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D. The child is registered with the State Adoption Exchange.

This criteria satisfies the federal requirement of efforts to place the child without assistance.

and

4. The state has determined that the child cannot or should not be returned to the home of the parents. (This decision is determined by reviewing a Voluntary Surrender, Termination of Parental Rights Order, petition to terminate parental rights, or petition for adoption.

109.3

Requirement:

Any child who does not meet the age criteria for special needs by age or race must be determined special needs for the purpose of adoption assistance by the Office of Adoptions.

109.3 Procedures:

1. The case manager shall submit a copy of the notification Form 400 and any documentation of special needs (i.e. medical or psychological report) to the Office of Adoptions for review/determination prior to the signing of the Adoptive Placement Agreement.
 - A. It is important that the determination of special needs be made as early in the process as possible.
 - B. The case manager must be aware of the results of the special needs determination when compiling the Life History and making placement plans for the child.
2. A memorandum will be returned to the county by the Office of Adoptions with the special needs determination indicating if the child is eligible for Adoption Assistance.
3. **A copy of the memorandum must be maintained in the Adoption Assistance record.**

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DEFERRED ADOPTION ASSISTANCE APPLICATION

109.4

Requirement:

If the child has background factors only and does not meet the special needs criteria at the time of placement, an Adoption Assistance application shall be completed by the agency and kept on file in the Office of Adoptions. At this time, the adopting parents shall be provided with an Adoption Assistance Handbook and a packet of information regarding the Georgia Center for Adoption Resources and Support.

109.4 Procedures:

1. Agency and parent signatures must be obtained along with the date of signature.
2. All application packages must contain **applicable eligibility information**, a narrative, and a copy of the initial court order removing the child from the home or date of the voluntary surrender.
3. The agency shall provide the parents with a copy of the signed and denied application. The package shall be sent to the Office of Adoptions for retention. Annual review is not necessary.
4. As this is considered a deferred application, Form 402 must indicate no money payment is being made and that the application will be kept on file. (See Form 402, Section 1B)
5. The family shall be instructed to contact their county DFCS office if future problems arise that may render the child eligible for Adoption Assistance benefits.
6. If future determination of special needs is requested, supporting documentation shall be submitted to the Office of Adoptions for review/determination.
7. **If approved at a later date, payments will be retroactive to the point of determination of special needs by the Office of Adoptions, not the time of initial placement in the home.**

GENERAL INFORMATION

109.5

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Requirement:

Eligibility for Adoption Assistance is directly related to an individual child; a specific child must be placed on adoptive status in the home in order for a family to be eligible. An Adoption Assistance agreement must be signed and in effect prior to the finalization of the adoption.

109.5 Procedures:

1. The availability of Adoption Assistance must be discussed with anyone interested in adopting a child(ren) with special needs who is in the permanent custody of DHR and meets the criteria in section 109.2.
2. For any child who is not in the permanent custody of DHR, the availability of Adoption Assistance shall be discussed **with anyone inquiring about the benefits of the program.**
3. Application(s) shall be taken from any family who requests Adoption Assistance for a child(ren) who meets the criteria in section 109.2.
4. Application may be made for Monthly Assistance, Special Services Adoption Assistance, Non-Recurring Adoption Expenses or Medicaid. A child may receive one or all of these services, if eligible. Special needs children who have been adopted independently are eligible for non-recurring expenses only. (See 109.1, #3A)
5. Adoption Assistance payments may only be made to adoptive parents who have entered into a written adoption assistance agreement with the state agency.
6. The application for Adoption Assistance (Form 402 in Forms Section) must be signed by the adoptive parents **and** the agency representative at the time of placement, but prior to finalization, preferably prior to filing the petition. All adoptive parents must be provided with a copy of the Form 402, an adoption assistance handbook and information regarding post adoption services at this time. They are required to sign Form 399. The agency representative shall also sign Form 399. One copy is given to the adopting family; one copy remains in the Adoption Assistance record; and one copy shall be sent to the Office of Adoptions along with Form 403.
7. Adoption Assistance payments will begin during the month the application is signed by the adoptive parents **and** the agency representative unless a later date is designated as the eligibility period. (See 109.7, #4)
8. **Payments cannot be authorized prior to the application being signed and approved by the agency representative.**

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9. Payment may be received for the entire month, even if the agreement is signed at a date other than the first of the month, unless the adoptive parents received a foster care per diem for the child(ren) that month.
10. For foster parent adoptive placements, the signing of the Adoption Placement Agreement will be coordinated with the approval of the Adoption Assistance Agreement, usually at the beginning of a month to ensure continuity of payment for the child. Payments may not be made simultaneously for both program areas.
 - A. For those children being adopted by their foster parents, the coordination of the signing of the Form 33/37 and the Form 402 is important.
 - B. In some cases the accounting staff may need to prorate the first month's payment, as duplicate payments are not allowed
11. Payments are authorized at the beginning of the month for use during that same month.
12. The maximum amount of Adoption Assistance benefits may never exceed the per-diem rate the child was receiving in foster care at the time of the signing of the Form 33/37. Excluding cost of living increases, this maximum amount may never be increased, but may be re-negotiated for a lesser amount if warranted and is agreed to by the adoptive parent(s).
13. The child may have income from such sources as Social Security benefits, SSI or VA
 - A. The Social Security Administration may consider the Adoption Assistance payment as income for the child.
 - B. The family must understand that Adoption Assistance will reduce the SSI payment.
 - C. **The Social Security Administration must be notified by the child's county DFCS office of the receipt of Adoption Assistance at the point of certification of benefits.**
 - D. A child may receive Adoption Assistance benefits concurrently with SSI or the family may choose to receive SSI only. If a family decides to receive SSI only, an adoption assistance application must be completed and kept on file. (After finalization, SSI benefits may be reduced or terminated based on the family income.)
 - E. If a child is a recipient of SSI, the SSI benefit and Medicaid card will continue to be sent to the child's legal county DFCS office until finalization. Once the finalization occurs, that agency shall transfer the assignment of benefits to the adopting family or instruct the family to apply for the transfer.
 - F. Following finalization, any remaining funds in the child's restricted DFCS account shall be provided to the adopting parent(s). (See [Section 1016.33 in the Foster Care Manual.](#))

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- G. The circumstances of a child who has a trust fund or inheritance will be evaluated on an individual basis, by the County Director/Designee, taking into consideration the availability of funds.
- H. Any child who has Zebley Funds in a trust account is potentially eligible to receive these funds once the adoption has finalized. Once finalization occurs, the adopting parent(s) shall be notified, in writing, about the availability of these funds and how to access them. (Refer to DFCS Administrative Policy and Procedures Manual Special Restrictive Funds-MATCH and Zebley Trust.)
14. Any child receiving MATCH funding for a residential placement will continue to be eligible for Adoption Assistance if the plan is for the child to be reunited with his/her adoptive parents. The adoptive parents may continue to receive the Adoption Assistance check if financially responsible, but **must provide** for the child's personal expenses and will negotiate with the DFCS/Mental Health Case Manager for contributions towards the child's placement. If no contributions are made, Adoption Assistance should be terminated unless financial responsibility can be verified. Verification of financial responsibility needs to be maintained in the Adoption Assistance record. The amount of assistance may be re-negotiated with the family for a lesser amount.
15. If a child reenters foster care on a temporary basis, the family may continue to receive Adoption Assistance payments if they remain financially responsible for the child. If the family is no longer legally or financially responsible for the child Adoption Assistance payments shall terminate. Each case should be discussed on an individual basis with the Program Manager for Post Adoption Services. Funds should be held in abeyance if the child is no longer in the home and the family is not providing support. Re-negotiation of the agreement for a lesser amount may be warranted until the child returns home.
16. If the child reenters foster care, the adoptive parent(s) should **not** be referred to Child Support Enforcement. If the family is held responsible for child support, the agency must continue Adoption Assistance payments. (See [Section 1003.19 in the Foster Care Manual](#) and Section 2850 in the Economic Support Manual.)
17. A biological parent who adopts his/her child will never be eligible for Adoption Assistance benefits.

ADOPTION ASSISTANCE BENEFITS FOR CHILDREN WHO ARE NOT IN THE PERMANENT CUSTODY OF DHR

109.6

Requirement:

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Eligibility requirements for Adoption Assistance do not specify that DHR must have custody or placement and care responsibility for a child. However, a child, who is not in the permanent custody of DHR must be Title IV-E eligible and meet the special needs criteria in order to be considered for benefits.

109.6 Procedures:

1. A special needs child who is eligible for SSI at the time of the filing of the adoption petition, is eligible to receive Title IV-E Adoption Assistance benefits. These include Monthly Assistance, Medicaid and Non-Recurring Adoption Expenses.
2. If a special needs child is in the permanent custody of a private, non-profit agency, the child may be eligible for Adoption Assistance benefits if the child receives SSI; or if it can be verified that a child was removed from the home of a specified relative, was AFDC eligible at the time of removal and a judicial determination was initiated within six months of removal from the home (containing the “contrary to the welfare” language), and AFDC eligible at the time of the filing of the adoption petition.
3. Eligibility is contingent on an application for Adoption Assistance being signed and in effect prior to the finalization of the adoption. Benefits are available to the child once all parental rights have been terminated or surrendered, the child is legally free for adoption, and the child is placed in the adoptive home.
4. Benefits will terminate on the last day of the month of the child’s 18th birthday if the child was never in the permanent custody of DHR. (The family shall be referred to Social Security Administration to apply for SSI.)

ADOPTION BY SPECIFIED RELATIVE

109.7

Requirement:

A child who has not been in the custody of DHR and is being adopted by a specified relative is potentially eligible for Title IV-E Adoption Assistance under the following circumstances:

109.7 Procedures:

1. The child must have been removed from the home of a specified relative by a judicial determination (this may be a termination of parental rights) that includes the “contrary to the welfare” language (this may be a constructive removal). At the time of removal the child must have been AFDC eligible (based on 7/19/96 AFDC regulations, which require that the child should have lived with a specified relative at some point within six months

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of removal). The child must again meet AFDC criteria at the time the adoption petition is initiated. (A voluntary surrender is not acceptable as the initial removal.)

or

2. A special needs child who is the temporary custody of DHR and meets Title IV-E criteria may receive IV-E Adoption Assistance if adopted by a specified relative (a specified relative is one within the fifth degree of relationship). DHR must initiate the TPR proceedings but may give permanent custody to the relative for the purpose of adoption. The child must again be eligible for AFDC when the adoption petition is filed. (See Section 2850 of the Economic Support Manual for AFDC regulations.)

and

3. Special needs determination must be made by the Office of Adoptions if the child is not eligible based on age and race.
4. Payments will be effective when the relative is given permanent custody for the purpose of adoption or when parental rights have been terminated.
5. The county of residence of the adopting relative shall be responsible for completing the Adoption Assistance application. If DHR is involved with the termination of parental rights, the child's legal county shall be responsible for providing eligibility information to the DFCS office in the county where the adoptive relative resides.

LEVEL OF CARE

109.8

Requirement:

Adoption Assistance benefits are payable up to 100% of the family foster care board rate. Any child receiving a rate based on a Level of Care (LOC) in family foster care is eligible to receive the same amount in Adoption Assistance. This amount must be determined prior to signing the adoptive placement agreement.

109.8 Procedures:

1. Approximately two months prior to signing the Form 33/37, the LOC board rate should be reassessed. It should be decided at that time if the board rate needs to be increased or decreased.
2. The decision shall be based on the child's current level of functioning.

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3. If there has not been a change in the needs of the child since the previous LOC determination, an additional submission is unnecessary and the existing LOC rate may be utilized for the Adoption Assistance payment.
4. If the needs of the child have changed, a level of care package shall be submitted to the Office of Adoptions for evaluation of the board rate.
5. **Every LOC request must provide documentation that SSI benefits have been applied for and approved or applied for and denied. No LOC for Adoption Assistance shall be considered without this information provided in the package which is being submitted for consideration.**
6. If a child resides in a therapeutic foster home or a residential treatment facility, a request for a LOC rating shall be made to the Office of Adoptions at least two months prior to signing the Form 33/37. The LOC will establish a rate of payment commensurate with the rates of pay that a child in family foster care would receive.
7. The approval letter for the LOC rate must be maintained in the Adoption Assistance record.
8. A LOC may be provided for children not in DHR custody. This must be requested prior to permanent custody being given to the relative or finalization.

NEGOTIATING THE AGREEMENT

109.9

Requirement:

The Adoption Assistance agreement shall be negotiated with the adopting parents.

109.9 Procedures:

1. Prior to the signing of the Adoption Assistance agreement, the agency representative and the adopting family shall discuss the needs of the child and the resources that are available to meet these needs.
2. Adoption Assistance benefits should not be confused with a foster care board rate. Adoption Assistance benefits are designed to assist in meeting the cost of providing for the special needs of the child that otherwise would have prevented the child from being adopted.
3. Eligibility for assistance is based on the needs of the child, not the family's income. However, once eligibility has been established, the circumstances of the family may be considered when trying to establish an amount of monthly Assistance for the child.

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4. Any income available to the child may be considered in determining the amount of assistance for the child.
5. The amount of Assistance may not exceed the **family** foster care per diem the child received while in foster care, although the maximum should not automatically be given.
6. The Adoption Assistance application must be reviewed with the adopting family and signed in their presence. (**Exception:** If the adopting family lives in another state and a face-to-face contact is not possible, the agreement shall be negotiated through the mail or by telephone contact.)
7. The County Director/Designee must concur with the negotiated amount prior to approving Adoption Assistance benefits.

DURATION OF BENEFITS

109.10

Requirement:

Monthly and Special Services Adoption Assistance benefits are available through the month of the child's 18th birthday.

109.11

Requirement:

There are some conditions under which Adoption Assistance benefits may continue up to age 21. (Only children who have been in the permanent custody of the Department are eligible beyond age 18 or those children who were placed in the permanent custody for the purpose of adoption with relatives as a disposition of a TPR initiated by DHR.)

109.11 Procedures:

1. A child may continue to receive state funded Adoption Assistance after age 18 (monthly only) if:
 - A. He/she is attending high school on a full time basis and remain in need of Assistance.
 - B. The child must be financially dependent on his/her parents to be eligible.

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- C. Benefits may continue to age 21 or when the child finishes high school, whichever comes first.
- 2. Any child placed on adoptive status at age 13 or older may continue to receive Adoption Assistance benefits after age 18 if enrolled in high school, technical school, or college on a full time basis and remaining in need of assistance. Benefits end when school is finished or the child turns 21--which ever comes first.
- 3. A child receiving Title IV-E Adoption Assistance who meets the above requirement for continued benefits will begin receiving State Funded Assistance at age 18.
- 4. Any child who remains in need of Assistance after age 18 must have his/her school attendance verified quarterly by the school. This may be a verbal verification but it must be documented in the record at the beginning of each quarter/semester. All Adoption Assistance payments of this kind will terminate when the child reaches age 21, finishes school, or drops out of the educational program--which ever comes first.
- 5. For children placed prior to July 1998, benefits remain available up to age 21 if attending high school, technical school, or college on a full time basis. School attendance must be documented every quarter/semester.
 - A. Benefits may continue after high school graduation if the child has been accepted into a school program for the fall.
 - B. Only children who had been in the permanent custody of DHR (or placed with a relative at the disposition of a TPR initiated by DHR) are eligible after age 18. If a child does not continue in school on a full-time basis, the benefits may not be reinstated at a later point in time even if the child begins or resumes attendance on a full-time basis.**
- 6. **Special Services Adoption Assistance funds are only available until age 18.**
- 7. Medicaid is available for a child until age 18 or until Adoption Assistance benefits terminate. Medicaid benefits will continue up to age 21 if the child remains eligible for assistance. IV-E Adoption Assistance Medicaid converts to state-funded after age 18. The Medicaid Eligibility Specialist must be notified of the change.

COMPLETING THE ADOPTION ASSISTANCE APPLICATION

109.12

Requirement:

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The Case Manager in the child's legal county is responsible for obtaining all eligibility information and court documentation that is needed for the initial Adoption Assistance application. The child's case manager shall provide this to the family worker prior to signing the agreement. The family Case Manager shall complete the Adoption Assistance package.

109.12 Procedures:

1. The Adoption Assistance application shall be signed in the presence of the adopting family after the signing of Form 33/37. This will usually occur at the same time. The application should not be signed until the child is placed on adoptive status. The application must be signed and in effect prior to the finalization of the adoption.
2. If a child is being placed with a DHR resource in another county, the child's Case Manager shall provide the required information to the family Case Manager. This must be made available prior to the negotiation of the agreement. Completion of the Adoption Assistance application package shall be the responsibility of the Family's Case Manager. Adoption Assistance benefits shall be paid by the county department in the county where the family resides.
3. If a child is being placed with an adoptive resource that is a private agency recruited resource, it is the responsibility of the child's Case Manager to complete the Adoption Assistance application.
 - A. This application shall be maintained by the child's legal county until the finalization of the adoption.
 - B. When the adoption is finalized, the Adoption Assistance record shall immediately be transferred to the county where the family resides.
4. If a child is being placed with an adoptive resource in another state, the child's legal county will complete and maintain the Adoption Assistance record until the child is no longer eligible for benefits.
5. For an eligible child who has been placed in the permanent custody of a specified relative for the purpose of adoption, the application for Adoption Assistance shall be the responsibility of the agency who had temporary custody of the child. **It is the responsibility of the county who is transferring permanent custody to inform the county of residence of the transfer. The county of residence must be provided with copies of the court orders and other verification of AFDC eligibility at the time of removal from the home.**
6. For the eligible child who has not been in the permanent custody of DHR and is being placed for adoption through a licensed, private not-for-profit child placing agency in

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Georgia the application shall be maintained by the county department (DFCS) in the county where the family resides.

- A. The Adoption Assistance application shall be initiated by the child-placing agency and transferred to the county department where the family resides.
 - B. The private child-placing agency shall be responsible for providing all pertinent eligibility and narrative information along with a completed application to the County department.
7. If the state agency does not have responsibility for placement and care of the child, it is the adoptive parents' county or state of residence that is responsible for the Adoption Assistance application.
 8. A copy of Form 402 and Form ## shall be given to the adoptive family at the time the agreement is signed.

109.13

Requirement:

All initial Monthly Adoption Assistance application packages shall contain specific required documentation.

109.13 Procedures:

1. Form 402, Adoption Assistance Application.
2. Form 403, Memorandum
3. Documentation that the child meets the definition of a child with special needs.
 - A. The specific special needs and any needed treatment must be documented at the time of the initial application in narrative form.
 - B. Determination of special needs eligibility by the Office of Adoptions must be included in the package for those children who do not meet the special needs criteria based on age/race factors. (See 109.3)
 - C. Verification that the child is legally free for adoption. For a DHR child, this may be verified by documenting the date of the Voluntary Surrender or TPR in the narrative. These legal documents do not need to be retained in the county adoption assistance record. However, if a child is being adopted by a specified relative, a copy of the order giving temporary custody, permanent custody to the relative for the purpose of adoption, or TPR in the final order of adoption must be included.

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- D. If the child is placed in the permanent custody of a private agency, a copy of the VR or TPR must be included along with the petition date and court order with the contrary to the welfare language..
 - E. For the DHR child, the narrative must indicate the child was registered in the Adoption Exchange, Office of Adoptions, is being adopted by a relative or foster parent, or could not be adopted without assistance. For the non-DHR child, the efforts to place without assistance must be included in the narrative.
 - F. For a IV-E eligible child in a subsequent adoption, verification of prior Title IV-E Adoption Assistance eligibility must be in the Adoption Assistance record.
- 4. If applicable, copy of the LOC approval letter: Documentation of any income available to the child such as SSI, deceased parent benefits, etc.
 - 5. If a child is a recipient of SSI, a copy of the award letter or some verification of eligibility must be contained in the record.
 - 6. If the child is Title IV-E eligible with the initial removal of the child from the home by a court order, this order must be included in the Adoption Assistance record.
 - A. The initial court order removing the child from the home is usually the order for shelter care.
 - B. A judicial determination must be initiated within six months of removal from the home of a specified relative if the child is to be determined eligible for Title IV-E Assistance.
 - C. The court order, for the purpose of Title IV-E eligibility, must contain the contrary to the welfare language. (Reasonable efforts language is not required.)
 - D. Verification of AFDC eligibility must be determined in writing. All documents must be included in the record. This must be verified at the time of removal and at the time of the filing of the adoption petition.
 - E. A copy of the legal documents shall remain in the county Adoption Assistance record.
 - 7. Following Director approval, Form 403 must be completed and sent to the Office of Adoptions along with a copy of the initial Form 402. Form 403 must include the child's date of birth, race, sex, and social security number.

CATEGORIES OF FUNDING FOR ADOPTION ASSISTANCE AND ELIGIBILITY VERIFICATION REQUIREMENTS

109.14

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Requirement:

An otherwise eligible child may receive either Title IV-E or State funded monthly Adoption Assistance.

109.14 Procedures:

1. Title IV-E Adoption Assistance (Federally Funded). (UAS Code 509)
 - A. The child must be AFDC, Title IV-E Foster Care or SSI eligible. If a child is SSI eligible, it is not necessary to review and obtain the court order. SSI recipients are categorically eligible for IV-E Adoption Assistance.
 - B. Documentation of Title IV-E eligibility must accompany the initial application. This shall be requested from the Revenue Maximization Unit and provided via Form 227 for the record.
 - 1) Verification documents include the eligibility interview guide or any other supporting documents which substantiate the child was removed from an AFDC eligible home, or was SSI eligible.
 - 2) The documentation must show that the child was IV-E eligible at the following times:
 - a) At the time of removal from the home (the first court order that is signed by a judge must contain the contrary to the welfare language and must be initiated no later than six months of removal from the home of the specified relative)
 - and
 - b) At the time adoption proceedings are initiated (when the adoption petition is filed, write the date on Form 227 and submit to the Revenue Maximization Unit.
 - or
 - c) At the time of the filing of the adoption petition, the child must be receiving or eligible to receive SSI. Eligibility for SSI may only be made by a Social Security Administration representative.
 - 3) At each of the times of eligibility determination, the Social Services Case Manager will request the Revenue Maximization Unit via Form 227 to make the determination of IV-E eligibility.

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- 4) Form 227 is to be maintained at the county office in the Adoption Assistance record
 - 5) The child's Case Manager will request the information for 2) a) and b) or c) from the Revenue Maximization Unit. This information should be made available to the family Case Manager **prior to or at the time of** the signing of the placement agreement.
 - 6) For 2) c) the family's Case Manager will request that the Revenue Maximization Unit, via Form 227, in the county where the adoption is taking place verify that the child does not have income or resources available to him/her that would render him/her no longer IV-E eligible. For example, child receives a substantial inheritance from a deceased parent's estate. (Please note that it is the child's resources and not those resources available to the adoptive family that are to be considered.)
- C. There must also be a specification of how the child is deprived of parental support and care. A Termination of Parental Rights (TPR) may be used for this verification once the initial AFDC determination has been made. If a TPR order is used, it must accompany the Inter-Office Memo Form and be included in the Adoption Assistance record.
- D. If a child **initially entered** foster care under a voluntary foster care placement agreement, a judicial determination must have been rendered within 180 days of such placement and state that the continued placement is in the best interest of the child (contrary to the welfare language). The court order must be included in the Adoption Assistance record. A Title IV-E foster care payment **must** also have been made for the child while in care under the voluntary placement agreement otherwise the child is ineligible for IV-E funds. Verification of the Title IV-E foster care payments must be maintained in the Adoption Assistance record.
- E. When a child's **initial** removal from the home is by a Voluntary Surrender, the child is not eligible for Title IV-E Adoption Assistance **unless** a judicial determination is made that indicates removal outside of the home was in the best interest of the child (contrary to the welfare language). (See [Appendix G](#) regarding model Ex Parte Petition and Order.) The judicial determination must be initiated within six (6) months of the removal from the home of the specified relative.
- F. If a child is being adopted by a specified relative, his/her eligibility must be verified both at the time of removal and at the time of the filing of the adoption petition. The child does need to have been known to DHR. However, the removal and the documentation for the record must meet the same criteria as outlined in 1B, 1-4.

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- G. For children who receive SSI, the manner in which the child came into care is not significant. A child does not need to be in the permanent custody of DHR to be eligible for benefits through this program. Verification that the child received benefits must be in the Adoption Assistance record.
 - H. Benefits may not begin until the child is legally free for adoption and placed in the adoptive home. If the adoption has not been finalized after one year, plans for the child must be discussed with the adopting parent. If adoption is no longer the goal, **benefits under this program must terminate.**
 - I. For a child whose adoptive placement has dissolved, if he/she was receiving Title IV-E Adoption Assistance, he/she is eligible for Title IV-E Assistance in a subsequent approved adoptive placement.
 - J. A child receiving Title IV-E Adoption Assistance is eligible to receive Medicaid.
 - K. A child receiving Title IV-E Adoption Assistance is eligible to receive specified Social Services Block Grant Services (Title XX).
 - L. Eligibility case records are to be maintained by the Revenue Maximization Unit until the child reaches age 21.
2. State Funded Adoption Assistance. (UAS Code 508)
- A. The child is not eligible to receive Title IV-E Assistance. An attempt must be made to have the child re-determined for IV-E eligibility if the initial determination was based on a lack of information about the family's circumstances that would have met AFDC requirements at the time of the child's removal from the home. A court order and/or documentation of the family's AFDC eligibility may be required.
 - B. The child is in the permanent custody of DHR.
 - C. A child receiving State Funded Adoption Monthly Assistance is eligible for Medicaid.
 - D. The child and or family may apply to their local DFCS for Social Service Block Grant services (Title XX)
 - E. A statement from the eligibility worker that the child is ineligible for Title IV-E funds must be placed in the Adoption Assistance record. It is not necessary to re-determine eligibility once it has been established that the child will receive State Funded Adoption Assistance.

APPROVING THE MONTHLY ADOPTION ASSISTANCE PACKAGE

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109.15

Requirement:

The county Case Manager shall submit the Monthly Assistance Application Package to the County Director/Designee for final approval.

109.15 Procedures:

1. The monthly Adoption Assistance Package must include:
 - A. All copies of Form 402 signed by the County Director/Designee.
 - B. Form 403.
 - C. One copy of supporting documentation as stated in section 109.13 and if applicable 109.14.
2. The County Director/Designee will review the application and supporting documentation.
3. The County Director/Designee must approve the amount of Monthly Assistance to be authorized, based on the supporting documentation and the Case Manager's recommendation prior to beginning payment.
4. The Case Manager will provide the accounting staff with a copy of the Form 402 and/or Form 403.
5. Forms 402 and 403 will be submitted to the Program Manager for Post Adoption Services, Office of Adoptions. A copy shall be maintained in the county.
6. The county will provide payments directly to the family.

SPECIAL SERVICES ADOPTION ASSISTANCE (UAS Code 512 - entitlement code 58 unless noted as different in following)

109.16

Requirement:

Special Services Adoption Assistance is to provide a time limited or one time only special service when no other family or community resource is available.

109.17

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Requirement:

If a child receives monthly assistance based on a level of care, it must be documented that the level of care does not meet the child's needs before special services funds may be considered.

109.18

Requirement:

Special Services Adoption Assistance benefits are available only to a child who has been in the permanent custody of the Georgia Department of Human Resources and placed by DHR in an adoptive home. **EXCEPTION:** Children who have been in the temporary custody of DHR where termination was the permanency plan may be eligible for Special Services if placed in the home of a specified relative by the Juvenile Court at the disposition of a DHR petition to terminate parental rights.

109.19

Requirement:

Special Services Adoption Assistance must relate to the special needs of the child.

109.19 Procedures:

1. There must be documentation with the request for Special Services that no other resources (community, family, L.O.C., or otherwise) are available to meet this particular need.
 - A. Examples of other resources would include, but are not limited to: Children's Medical Services, Easter Seals, the Department of Education (IEP), early intervention programs, Medicaid, MH/MR.
 - B. It is the family's responsibility to provide this information to the agency when applying for funds. (The financial income and outflow directly related to the family's indebtedness will determine whether or not the family qualifies for these services.)
2. Special Services are **not available** for every child each year.
3. The financial ability of the family to meet the child's need shall be taken into consideration before Special Services Assistance may be approved.

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4. Certification is for a twelve-month period. Any reconsideration of requests must be completed annually.
5. All requests must have prior approval before any funds may be provided.
6. Types of Special Services:
 - A. Special Services Funds may include but are not limited to: special medical equipment; psychiatric/psychological testing and therapy; special educational equipment, orthodontic services or respite care.
 - B. A child may concurrently receive compensation for more than one service; however, the need for both services shall be carefully evaluated due to the amount of money being requested.
7. Limits of Special Services
 - A. Private schooling is not payable from these funds.
 - B. Special Services funds are available only until a child reaches age 18.
 - C. Day care services may be provided for a child under the following circumstances:

To determine eligibility based on gross income use the Maximum Allowable Income Per Family Unit Size Chart in item C. 9) below. (UAS 512, Entitlement Code 17)

- 1) A child is being adopted by a family whose parent(s) is employed full time and is unable to meet the cost of child care through his/her own resources. (For a two parent household, both parents must be employed outside the home to qualify.) (Utilize income chart.)
- 2) A single parent is adopting and the financial resources of the parent are not adequate to meet the cost of child care. (Utilize income chart.)
- 4) The family shall utilize day care services through the early intervention program or the school system whenever available.
- 5) Day care is payable up to 100% of the **allowable state rate** for the area in which the family resides. Payment may be made directly to the provider or reimbursed to the parent. Payments shall be made for services already provided unless the center requires payment in advance for the week in attendance.
- 6) Day care services are only available until the child reaches age 13 (continuing until the last day of the month that he/she turns 13) unless it is documented by a professional that the supervision is needed for a specific purpose.

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- 7) For child care being provided prior to the finalization of the adoption, the requirements of DFCS pertaining to supplemental supervision must be applied. Refer to [Section 1011.11 in the Foster Care Services Manual](#).
- 8) Following finalization, the parents may select another provider as long as they remain income eligible for services.
- 9) Maximum allowable gross income per family unit size (excluding Adoption Assistance)

UAS Entitle. Codes	2 in family	3 in family	4 in family	5 in family	6 in family	7 in family	8 in family
512-17	\$24,900	\$30,040	\$36,200	\$42,360	\$48,520	\$54,680	\$60,840

- 10) Day care shall be applied for annually with documentation as outlined included in the request.
 - 11) For any child receiving LOC based Adoption Assistance, it must be documented that the payment is insufficient to cover the cost of day care.
- D. Respite care services are available for a child when the need for a short term reprieve from the demands of caring for a child with special needs can be documented. **(UAS Code 512 - Entitlement Code 60)**
- 1) Prior to finalization, the respite care provider must meet the same requirements as supplemental supervision providers. (Refer to [Section 1011.11 in the Foster Care Services Manual](#).)
 - 2) The documentation may come from a physician, psychologist or therapist **or** from consultation with the family.
 - 3) Respite is not to be confused with child care or used for ongoing supervision.
 - 4) Any respite services available through the community shall first be utilized such as those available through MH/MR.
 - 5) Respite may be approved for up to 20 hours per month per family. Any hours not used one month may be carried over to the next. In an emergency, funds may be borrowed from a future month of certification.

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- 6) Respite is payable at 100% of the cost utilizing the approved respite care rates.
- 7) Once approved, respite services shall be provided for a twelve month period, not to exceed the approval amount.
 - a) The established rate is \$6 per hour for the first child. Additional children needing respite may be eligible for a rate of \$2 per hour per child.
 - b) All requests for respite shall be submitted to the Program Manager for Post Adoption Services, Office of Adoptions.
 - c) Approval for funds for respite should be requested using the Special Services Adoption Assistance Agreement (Form 24)
 - d) For any child receiving LOC based Adoption Assistance, it must be documented that the payment is insufficient to cover the cost of respite.
- E. Tutoring services have been made available through a private contract on a statewide basis. Applications may be found in [Appendix K](#). If a family resides in another state, application may be made for tutorial services utilizing Form 24.
 - 1) Prior to approval the family must submit documentation that they have requested this service from the school system and the school has denied the request. The request must be via an IEP or other appropriate avenues before funding consideration may be made.
 - 2) A recommendation for tutoring services must be made by the school. This recommendation must be included as part of the documentation.
 - 3) Only tutorial services from either a licensed tutoring facility or from a certified teacher or tutor will be accepted. Goals and objectives for the child must be established and a report submitted quarterly which outlines the progress of the student.
 - 4) For the child residing in another state, tutoring services will be time limited to three years with up to \$1,500 approved the first year, up to \$1,000 approved the second year and \$500 approved the third and final year.
 - 5) Any tutorial services beyond the three years will require a policy waiver with documentation from both the school and the provider regarding the necessity of continuing the service and the anticipated length of continued service.
 - 6) For any child receiving LOC based Adoption Assistance, it must be documented that the payment is insufficient to cover the cost of tutoring.

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- F. Computers may only be purchased for children who have a disability that prevents them from communicating or completing their educational assignments without this tool.
- 1) The family shall first request this from either the school or through another resource such as Easter Seals or Children's Medical Services.
 - 2) There shall be documentation that no other resources could provide this.
 - 3) A maximum of \$1,000 is allowable for the purchase of this equipment.
 - 4) For any child receiving LOC based Adoption Assistance, it must be documented that the payment is insufficient to cover the cost of purchasing a computer.

SECURING APPROVAL FOR SPECIAL SERVICES ADOPTION ASSISTANCE

109.20

Requirement:

Any request for Special Services shall be submitted to the Office of Adoptions for approval. Approval is contingent on the availability of funds and the appropriateness of the request.

109.20 Procedures:

1. The application package shall include the following information:
 - A. Form 24, Special Services Adoption Assistance Application, specifying the type of service and amount of money requested and signed by the agency representative and adoptive parent(s).
 - B. Documentation by an appropriate professional that the special service is necessary, including type of treatment recommended, length of service and approximate cost.
 - C. Documentation that the special service is not available through a community resource including any denials for services being sought from other resources.
 - D. Narrative documenting the family's ability to meet the special needs of this specific child including the impact on their family. The narrative shall also identify the amount of monthly assistance the child receives.

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- E. A written statement of the family's average monthly income and outflow of financial resources. (Form 44). (Any additional income verification such as W-2's or 1040's may be included.)
 - F. Evaluation of the family's medical insurance including coverage of pre-existing conditions, i.e. duration of waiting period.
 - G. A written recommendation from the case manager as to the amount of assistance needed for the child.
2. The county Case Manager shall submit the Special Services Assistance Application Package to the County Director/Designee for approval.
 3. The County Director/Designee will review the application and supporting documentation and approve/disapprove the request.
 4. The Special Services Adoption Assistance package shall be submitted to the Office of Adoptions for final approval. No funds shall be approved until the signed Form 24 is returned to the county from the Office of Adoptions.
 5. Once the approval is received from the Office of Adoptions, the Case Manager will provide the accounting staff with a copy of the approved Form 24.
 6. Special Services funds may be paid directly to the provider or as a reimbursement to the family. No funds shall be pre-paid to the family or the provider nor shall the county enter into a payment contract with the provider.
 7. Any subsequent requests for Special Services Adoption Assistance shall be submitted to the Program Manager, Post Adoption Services, Office of Adoptions for review and approval.

NON-RECURRING ADOPTION ASSISTANCE (UAS Code 510)

109.21

Requirement:

Each eligible child may receive reimbursement for expenses related to the finalization of the adoption. Reimbursement may not exceed \$2,000.00 per child.

109.21 Procedures:

1. Non-Recurring Adoption Expenses are considered by federal regulation as: "reasonable and necessary adoption fees, court costs, attorney fees and other expenses directly related to the legal adoption of a child with special needs and which are not incurred in violation of state or federal laws."

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- A. This may include, but is not limited to:
 - 1) The cost for travel/lodging during pre-placement visitation based on the current state rates. Receipts/documentation must accompany the request.
 - 2) The cost of physicals for the adoptive parents required for the adoption assessment (medicals for other family members or for updates are not included).
 - 3) The cost which the family has paid to a private agency to have a family assessment completed.
- B. Any costs relating to the court termination or voluntary surrender of parental rights on the birth parents are **not** reimbursable under this program.
- 2. Eligibility for Non-Recurring Adoption Assistance is based on the following factors:
 - A. The state must make a determination that the child cannot or should not be returned to the home of the parents.
 - B. There must exist a special factor or condition because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing Adoption Assistance.
 - C. Except where it would be against the best interest of the child, a reasonable but unsuccessful effort has been made to place the child without providing non-recurring Adoption Assistance.
 - D. Children from foreign countries are not eligible under this program unless they meet the state's definition of special needs. (See A, B, and C) This must be determined prior to the finalization of the adoption.
 - 1) If the adoption is finalized in the foreign country, the family will need to fax documentation of special needs and verification that the child is free for adoption to the Program Manager, Post Adoption Services, Office of Adoptions, prior to finalization.
 - 2) The special needs determination must be in place prior to finalization.
 - E. A child does not have to be Title IV-E eligible to receive benefits under this program.
 - 1) **Any** child who is determined to be special needs is eligible for non-recurring adoption expenses (with the exception of a stepparent adoption).
 - 2) The application (Form 402-A) must be signed and approved prior to finalization.

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3. Specific criteria for a Non-Recurring Adoption Assistance Application include:
 - A. A Non-Recurring Adoption Assistance Agreement (Form 402-A) must be signed by the adoptive parents and the designated agency representative prior to finalization of the adoption. (An additional Form 402 does not need to be signed if an application (Form 402) is currently active and the family is currently receiving monthly adoption assistance benefits.)
 - B. The date of finalization must be written on the Form 402 or Form 402-A. When submitted, Form 403 must also indicate the date of finalization and the amount reimbursed.
 - C. Reimbursement will be made only after the adoption is finalized.**
 - D. No expenses relating to the adoption finalization or pre-placement activities will be reimbursed unless the adoption is finalized.
4. The following must be included in the Non-Recurring Adoption Assistance Application Package:
 - A. Adoption Assistance Application, Form 402 or Non-Recurring Adoption Assistance Application, Form 402-A, signed by the agency representative, the County Director/Designee and the adopting parents(s) prior to finalization. If an existing Form 402 is active and on file, another Form 402 does not need to be submitted nor does another narrative need to be included
 - B. A narrative which includes a description of the child's special needs, birth date, race; and efforts to place without assistance.
 - C. Special needs determination; (if applicable)
 - D. For children receiving Non-Recurring Adoption Assistance only, the Adoption Assistance record must include verification that the child is legally free for adoption. (TPR or Voluntary Surrender documents);
 - E. Date and proof of finalization;
 - F. Receipts for expenditures;
 - G. Copy of Form 403.

SUBMITTING THE NON-RECURRING ADOPTION ASSISTANCE APPLICATION FOR APPROVAL

109.22

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Requirement:

The Case Manager shall submit the Non-Recurring Expenses Application Package to the County Director/Designee:

109.22 Procedures:

1. The County Director/Designee will review the application and supporting documentation and approve the request.
2. The Case Manager will notify the family of the decision and send them their copy of the Form 402.
3. The Case Manager will provide the accounting staff with a copy of the Form 402.
4. Form 403 will be submitted to the Office of Adoptions
5. The county may pay either the provider or the parent directly.

MEDICAID

109.23

Requirement:

Any child who is eligible for and receives Adoption Assistance is eligible for Medicaid unless ineligible for Medicaid due to income or citizenship status.

109.23 Procedures:

1. The family's Case Manager will discuss the availability of Medicaid benefits and the eligibility requirements for this benefit with the family.
2. All children will continue to receive Medicaid through foster care until the adoption is finalized. (See Section 2885 of the Economic Support Manual.)
3. The family must be informed that the Medicaid card will be in the birth name of the child until finalization. When the adoption is finalized, the Adoption Assistance case manager will notify eligibility of the finalization and apply for a Medicaid card in the child's legal name.
4. The Case Manager shall submit Form 227 and Form 403 to the Medicaid Eligibility Specialist when the adoption is final. The forms should identify the child's new name as it

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should appear on the Medicaid card and indicate the exact date of finalization. The Medicaid Eligibility Specialist will change the child's name on the Medicaid card and return Form 529 and Form 403 to the county for signature. This will contain the new Medicaid number. The Case Manager shall send Form 403 and Form 529 to the regional accounting office. A copy of Form 403 with the newly assigned Medicaid number shall then be sent to the Office of Adoptions. (Please refer to Chapter 2885 in the Economic Support Manual.)

5. The Program Manager, Post Adoption Services, Office of Adoptions shall be notified of the name and Medicaid number change via Form 403.
6. Medicaid benefits under Title IV-E will terminate at age 18.
7. After age 18 benefits for a child who receives Title IV-E Adoption Assistance, shall be converted to State funds. The Medicaid must also be changed to State funded. The Adoption Assistance case manager shall notify eligibility staff of the change in benefit category.
8. Any address changes must be made at the county level with notification sent via Form 403 to the Office of Adoptions.
9. **If a family is moving to another state, Form 402 and Form 403 must be submitted to the Office of Adoptions to initiate a referral for Medicaid.**
10. A referral for Medicaid will be made to the Compact Administrator in the new state of residence.
11. **Once the family has moved, the county case manager will notify the Medicaid Eligibility Specialist to terminate Georgia Medicaid.**

MEDICAID FOR CHILD RECEIVING ASSISTANCE FROM ANOTHER STATE

109.24

Requirement:

A child who is residing in Georgia and receiving Adoption Assistance and Medicaid from another state is eligible to receive a Georgia Medicaid card.

109.24 Procedures

1. If the family contacts the local DFCS office, they shall be referred to the Eligibility Section of the Department of Family and Children Services in their county of residence.

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2. Eligibility staff are responsible for taking the application and referring the information to the Program Manager, Post Adoption Services, Office of Adoptions for processing.
3. For families applying directly to the county DFCS office for Medicaid, a copy of the Adoption Assistance Agreement shall serve as verification of eligibility.
4. If the Office of Adoptions is notified of the family's move to Georgia by the state of residence, a referral will be made to the County DFCS office for Medicaid certification.
5. All Medicaid approvals are initiated at the DFCS office in the family's county of residence.

STATUS CHANGE

109.25

Requirement:

Status changes must be reported to the Program Manager, Post Adoption Services, Office of Adoptions via Form 403.

109.25 Procedures:

Notify the Office of Adoptions when any of the following situations occur:

1. The child moves from Title IV-E Adoption Assistance to State Funded Adoption Assistance (i.e. child turns 18 but is still attending school).
2. The name of the payee changes.
3. The address of the payee changes.
4. There is a change in the amount of the monthly Adoption Assistance benefit.
5. If the Monthly Assistance is no longer needed, the following actions shall be taken by the county Case Manager:
 - A. Notify the Office of Adoptions via Form 403 that the Adoption Assistance has terminated, stating the reason for termination and providing the effective date.
 - B. Notify the adoptive parents in writing that their Adoption Assistance, and Medicaid if applicable, will terminate.
 - C. Notify the Medicaid Eligibility Specialist that the Adoption Assistance Medicaid should be terminated.

FAMILY RELOCATIONS

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109.26

Requirement:

Adoption Assistance benefits shall continue if a family moves.

109.26 Procedures:

1. The family moves to another county within the state.
 - A. The Case Manager from the county that the family is leaving will coordinate the transfer of the Adoption Assistance case with the new county in order that there be as little disruption as possible for both the family and the county budgets.
 - B. A letter shall be written to the new county of residence notifying the county of the transfer at least 60 days prior to transferring the record. A copy of the letter shall be sent to the Program Manager, Post Adoption Services.
 - C. The county of previous residence shall transfer the Adoption Assistance record, in its entirety, to the new county of residence and notify the accounting staff in their county of the transfer. **If the appropriate documentation is not included, the new county of residence shall not accept the transfer of the case.**
 - D. **The case manager shall notify the Medicaid Eligibility Specialist of the need to transfer Medicaid.**
 - E. **The county of previous residence shall notify the family who they may contact if they have problems or questions regarding Adoption Assistance.**
 - F. Once the transfer is complete, the Case Manager in the new county of residence shall provide the family with information of whom they may contact if they have problems or questions regarding Adoption Assistance.
 - G. The case manager shall notify their accounting department of the receipt of the new case.
2. The family moves to another state.
 - A. The procedures for the Interstate Compact on Adoption and Medical Assistance (ICAMA) must be followed as outlined. This provides for Medicaid in the new state of residence.

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- B. All cases involving an interstate transfer will be referred to the Office of Adoptions for processing even though not all states are members of ICAMA.
- C. A Form 403 shall be mailed to the Office of Adoptions, with the new address for the family. This will serve as the notification to initiate processing of the referral.
- D. The county will notify the Medicaid Eligibility Specialist to terminate Medicaid once the referral is initiated.
- E. **Each notification will contain a copy of the Adoption Assistance Agreement and the following identifying information:**
 - 1) Parents' names.
 - 2) Child's name, date of birth, social security number.
 - 3) New address.
 - 4) Date of move.
- F. All IV-E eligible Adoption Assistance recipients are eligible for Medicaid in their new state of residence.
- G. Georgia will continue to be responsible for providing the Adoption Assistance payments to the child.
- H. The annual renewal for Adoption Assistance will continue to be the responsibility of the Georgia county Case Manager.
 - 1) The Case Manager shall send a renewal letter to the family at least 45 days prior to the end of the first year of the initial certification. The Case Manager shall be responsible for notifying the family of the required documents which are needed to re-certify special services or renegotiate the Adoption Assistance agreement.
- I. In the majority of cases, a child who receives Medicaid in Georgia due to a medical or rehabilitative need, but is not Title IV-E eligible, may receive Medicaid in their new state of residence. The Office of Adoptions will inquire as to eligibility when making the interstate referral.

RENEWALS

109.27

Requirement:

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Adoption Assistance cases must be renewed annually.

109.27 Procedures:

1. The county Case Manager shall notify the family of the need for renewal 45 days prior to the end of the first year and subsequent years of certification for assistance by sending the letter of renewal Form 28.
2. A copy of the renewal letter must remain in the county case record.
3. When the family responds to the renewal letter, if they request assistance, a consideration of the request shall be made.
 - A. If a re-negotiation of the Adoption Assistance Agreement is requested, only those payments which are less than the amount allowable by policy may be re-negotiated. A new Adoption Assistance Agreement (Form 402) must be signed by the family and the agency with the new amount of Adoption Assistance designated on the form.
 - B. If the family fails to respond to the renewal letter within thirty (30) days their benefits will be temporarily withheld until they contact the agency.
 - C. If Special Services funds are being requested (either an initial or a subsequent request) Form 24 must be completed and signed by the adoptive parent and agency representative. The procedures for applying for Special Services must be followed as outlined in Section 109.20.
 - D. If Form 28 identifies any changes that should be reported to the Office of Adoptions, Form 403 shall be submitted.
 - E. **It is the responsibility of the county DFCS office to ensure the family receives and responds to the annual request for information (Form 28). A copy does not need to be submitted to the Office of Adoptions.**

ADMINISTRATIVE (FAIR) HEARINGS

109.28

Requirement:

An Adoption Assistance agreement must be signed and in effect at the time of or prior to the final decree of adoption. If an adoptive family was denied these benefits and there are extenuating circumstances, the adoptive family may request an administrative (fair) hearing. (Procedures for an administrative (fair) hearing are outlined in the [Foster Care Manual, Section 1013 Administrative Hearings](#).) An application (Form 402) shall be taken at the time the family makes the request for the fair hearing.

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109.28 Procedures:

1. Extenuating circumstances might be the following:
 - A. The agency failed to notify or advise the adoptive family of the availability of Adoption Assistance for a child with special needs.
 - B. The agency erroneously determined that the child was ineligible for Title IV-E benefits.
 - C. Relevant facts regarding the child, biological family or child's background are known and are not presented to the adoptive family prior to the finalization of the adoption.
 - D. Denial of Adoption Assistance based on a means test.
2. It is important to note that a change in statute, regulation or policy is only effective prospectively and is not retroactive. A previous statute, regulation or policy is in effect until the time such a change is made.
3. If the fair hearing determines that extenuating circumstances exist, then the earlier decision to deny benefits under Title IV-E may be reversed. **Benefits will be retroactive to the date of the request of the special needs determination by the Office of Adoptions.**
4. Complete the Hearing Request Summary Form located in Appendix P of the Foster Care Manual.
5. Submit the claimant's written request along with the hearing request summary and supporting documentation to:

DHR Legal Services
2 Peachtree Street, NW
29th Floor
Atlanta, Georgia 30303

A copy of the request should be submitted to:

Program Manager, Post Adoption Services
Office of Adoptions
2 Peachtree Street NW
Atlanta, Georgia 30303

6. The referring case manager will be required to attend the fair hearing.
7. **The Office of Adoptions will be available to provide technical assistance to the county at the time of the fair hearing.**

DATA COLLECTION

109.29

Requirement:

Information regarding Adoption Assistance cases must be reported to the Office of Adoptions to satisfy internal and federal reporting requirements.

109.29 Procedures:

Each Adoption Assistance case must contain Form 403 (see Form Section). One copy will remain in the county file, and one copy is to be submitted to the Office of Adoptions at the following times:

1. At the time of initial certification.
2. At the time of any status change (ie. address change, termination of Adoption Assistance, notification of change in child's eligibility from IV-E to State, etc.)

RECORD MAINTENANCE

109.30

Requirement:

The Adoption Assistance record must be maintained separately from the family's adoption file.

109.30 Procedures:

1. The Adoption Assistance record, not the family's adoption file, is to be kept in the county following finalization of the adoption so that information will be available for annual renewals or re-certification of Special Services funds.
2. All eligibility determination information is to be maintained in the Adoption Assistance record.

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3. The Adoption Assistance records must be kept in a separate locked file cabinet since they contain confidential, identifying information on the biological family of a child whose adoption has been finalized.
4. When the Adoption Assistance record is closed it shall be sent to the Office of Adoptions for retention.