


Adoptions and Guardianships Subsidies

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For this presentation...

- Some statistics
- Life of the case, permanency decisions and subsidies
- Information on subsidies: history, benefits, eligibility
- Special circumstances
- Discussion/Q & A



Statistics for Alaska

Total subsidies 2,850
(as of 6/30 2012)

- SFY 2009 – 343 Subsidized Adoptions
- SFY 2010 – 305 Subsidized Adoptions
- SFY 2011 – 291 Subsidized Adoptions
- SFY 2012 – 331 Subsidized Adoptions

- SFY 2009 – 40 Subsidized Guardianships
- SFY 2010 – 32 Subsidized Guardianships
- SFY 2011 – 22 Subsidized Guardianships
- SFY 2012 – 26 Subsidized Guardianships

Case process and adoptions

- Putting subsidies into context
- Permanency begins at intake
- Understanding the case processes, focus on reunification efforts
- Reasonable efforts to reunify
- PPC/PPH
- 15 out of 22 months to achieve permanency
- Subsidies reflect a culmination of all of these efforts

Regional Adoption Specialists

- ◆ Each region has one Regional Adoption Specialist (RAS); and at least one Adoption Worker.
- ◆ The RAS provides information and regional consultation regarding:
 - ◆ Adoption and guardianship programs
 - ◆ Case consultation
 - ◆ subsidy negotiation
 - ◆ home study process

History of the Adoption and Guardianship Subsidy Program

- ◆ 1980: Congress passes the Adoption Assistance and Child Welfare Act (PL. 96-272)
 - ◆ Created the first Federal adoption assistance program
 - ◆ Adoption assistance developed to provide permanency for children with special needs in public foster care by assisting States in providing ongoing financial support and medical assistance on their behalf to the families who adopt them.
- ◆ 1986: The Tax Reform Act amended the title IVE adoption assistance program to require "States to reimburse adoptive parents for nonrecurring expenses in the adoption of a child with special needs."

History of Adoption and Guardianship Subsidy Program

- ◆ In Alaska:
 - ◆ 1983: The first adoption assistance program was created for children who qualified for title IVE adoption assistance program.
 - ◆ By 1988, Alaska established a state-funded adoption subsidy program.
 - ◆ By 1990, Alaska established a state-funded guardianship subsidy program.
- ◆ The original state-funded adoption and the legal guardianship subsidy program did not include Medicaid benefits to the child as a part of the subsidy program.

History of the Adoption and Guardianship Subsidy Program

- ◆ 1996: Title IVE was further amended under the Small Business Job Protection Act. This amendment prohibits the “delay or denial of a foster or adoptive placement based on the race, color, or national origin of the prospective foster parent, adoptive parent, or child involved.” Additionally, sanctions were established to any State that violates this provision.
 - ◆ MEPA (1994)
 - ◆ IEP (1996)

History of Adoption and Guardianship Subsidy Program

- ◆ 1997: The Adoptions and Safe Families Act
 - ◆ Includes a safety provision for children who are placed in foster care homes or with adoptive families.
 - ◆ Requires that each State conduct criminal records checks on all prospective adoptive parents prior to approving the adoptive parents.
 - ◆ Requires a thorough home assessment of the family through the homestudy process as a requirement to finalizing the adoption or guardianship subsidy.
 - ◆ Requires that States provide medical assistance to all children in State-funded adoption assistance programs

History of the Adoption and Guardianship Subsidy Program

- ◆ ASFA continued—
- ◆ Today, the State Adoption Subsidy with Medicaid Benefits has replaced the State Adoption Subsidy Program.
- ◆ 2008 – the Federal government passed the Fostering Connections to Success and Increasing Adoptions Act.
 - ◆ Federal Guardianship subsidy program for relative/kinship guardians created which added Medicaid benefits for children

Other related laws

- ◆ 1978: Indian Child Welfare Act:
 - ◆ Placement preferences for children in foster care and at the point of adoption
 - ◆ 10 day period after relinquishment is signed
 - ◆ Active and reasonable efforts standard
- ◆ Alaska Adoption Statute: AS 25.23
 - ◆ Outlines statutory authority for subsidy programs

Guardianship and Adoption Subsidies

Guardianship and Adoption assistance subsidies are offered to families adopting, or becoming the legal guardian of, children with special needs. The purpose of the subsidy is to assist the family with defraying the costs for care in meeting the child's on-going special needs.

Subsidy benefits

The subsidy benefits may include:

1. A monthly payment to the parents/guardians on either a short or long-term basis, to assist the family with meeting the special needs costs for the child;
2. Medicaid coverage for children in title IV-E guardianship and all adoptions; and
3. Reimbursement for non-recurring costs related to finalization.

NOTE: A child may receive some or all of these benefits at the time of finalization

Subsidy Programs

- Adoption and Guardianship Subsidy programs are divided by funding resource:
- Federally funded subsidy programs are available to children who meet the federal eligibility requirements
 - Federal subsidies are considered more stable and offer stable coverage to children no matter where they live in the United States
- State funded program are available to children who are not eligible for Title IV-E.
 - State subsidies can offer similar benefits as the Title IV-E program; however, benefits may not be supported outside of Alaska.
 - State Guardianships

Who Qualifies for a Subsidy?

- Generally, children who are in the custody of OCS at the time of finalization and who have a special need or condition will likely qualify for a subsidy.
- Eligibility for a specific type of subsidy varies
- It is important to note that the eligibility is determined based on the child's circumstances, not the adoptive or guardianship parents circumstances

Qualifications for an adoption subsidy

To qualify for an adoption subsidy, the child must:

1. Have a determination of eligibility for either the Title IV-E or State-funded assistance; AND
2. Have a determination of special need or condition.

Eligibility Requirements for Adoption Subsidies

- ◆ A child is AFDC-eligible and meets the definition for a child with special needs.
 - ◆ Meets the definition of an “applicable child”
- ◆ A child is eligible of Supplemental Security Income (SSI) benefits and meets the definition for a child with special needs.

Eligibility Requirements for Adoption Subsidies

- ◆ A child is eligible as a child of a minor parent and meets the definition of a child with special needs.
- ◆ A child is eligible due to prior title IV-E adoption assistance eligibility and meets the definition of a child with special needs.

Special Needs Determinations

In establishing eligibility for federal adoption program, states are required to determine that the child is a child with special needs in accordance with ALL THREE of the following criteria:

Special Needs Determinations

◆ First, “The State must determine that in EACH CASE a reasonable, but unsuccessful, effort to place the child with appropriate parents without providing adoption assistance has been made.”

- ◆ Adoption exchanges
- ◆ Relative searches
- ◆ Recruitment efforts
- ◆ Other activities

Special Needs Determinations

◆ EXCEPTIONS:

- ◆ The child has significant emotional ties to the adoption or guardianship family
- ◆ Adoption with relatives in which meeting statutory requirements on the placement of children with relatives

◆ In these cases, the State must “pose the question of whether or not the prospective adoption or guardianship parents are willing to adopt without assistance.”

**Special Needs Determinations
In Alaska**

- ◆ Other Medical Conditions
- ◆ Recognized high-risk of Physical and Mental Disease
- ◆ Race or Origin
- ◆ Age
- ◆ Membership in a Sibling Group

**Eligibility Requirements for
Adoption Subsidies**

- ◆ If a child is not eligible for title IVE under the four eligibility criteria, but the child does have a special need, the child would then qualify for a State Adoption Subsidy with Medicaid Benefits.

**Eligibility for Guardianship
subsidy**

- ◆ Child is removed based on a judicial determination/contrary to the welfare finding
- ◆ Child was eligible to receive foster care payments while residing with prospective guardian for at least six consecutive months

Eligibility for Guardianship Subsidy

- ◆ Determination that reunification with parents is not an appropriate permanency option; AND
- ◆ Determination that adoption is not an appropriate permanency option

Eligibility for Guardianship Subsidy

- ◆ Child demonstrates a strong attachment to the prospective relative; and relative guardian has a strong commitment to permanently caring for the child; and
 - ◆ When child is 14 years of age or older, consulted about kinship guardianship; OR
 - ◆ The child is a sibling of a child of a qualified child and is placed with the same prospective guardian

Eligibility for Guardianship subsidy

- ◆ In addition to the child's eligibility the guardian must meet the following requirements:
- ◆ The guardian is related to the child by blood, marriage, fictive kin, or tribal custom
 - ◆ Fictive kin is defined as an individual who is unrelated by birth or marriage, but as an emotionally significant relationship with the child

Eligibility for Guardianship Subsidy

- ◆ If the child does not qualify for a title IV-E relative guardianship, the child must have a special need or condition in order to qualify for state funded guardianship subsidy.

Subsidy Negotiation

Process and Strategies

Subsidy negotiation

Federal law requires that subsidies are individually negotiated with the adoptive or guardian parents.

Amounts of subsidies will vary based on the needs of the child and the family's circumstances

Important factors to consider

- The subsidy amount must be tied to the costs the family will need to pay to meet the child's special needs, with consideration to the family circumstances.
- The subsidy is not negotiated based on costs that parents normally pay for the care of the child, such as food, clothing, shelter, etc.

Other Factors to Consider in Subsidy Negotiation

- SSI eligibility
- Survivor Benefits
- Medicaid eligibility and coverage
 - State guardianship program does not include Medicaid benefits.
- Zero Subsidy vs. Monetary subsidy

Medicaid Eligibility

- Children must be eligible for Medicaid during the month that the subsidy agreement is approved in State Office.
- Determine that the Medicaid eligibility is current.
- If the child is not eligible for Medicaid at the time the subsidy agreement is signed, we cannot provide Medicaid through the subsidy agreement.
- DKC for children under state-funded guardianships

Zero Subsidy vs. Monetary Subsidy for Adoption

- Adoption subsidies provide for Medicaid coverage, with or without a monthly cash payment to the family
- The family may chose:
 - No subsidy (consents only);
 - No subsidy with NRC assistance;
 - A zero subsidy that will continue Medicaid benefits and provide for NRC assistance;
 - A monthly subsidy payment with continued Medicaid benefits and NRC assistance.

Note: Zero subsidies are not available in guardianship subsidies

Special Circumstances

- Consents for adoption/Relinquishment of parental rights
- Older youth and continuing educational benefits
- Guardianships vs. Adoptions
 - Guardianships for children under 10
- Children with Medicaid waivers or receiving Medicaid services

Consent to adoption

- Legally different than a relinquishment
- Relinquishment terminates parental rights after 10 days
- Consent terminates parental rights at the point of adoption
- Circumstances when to consider a consent to adoption

Older youth

- Older youth are adoptable
- Continued educational benefits for older youth post-adoption or guardianship
- Older youth included on permanency decisions and should include the RILS in the permanency and transition planning

Guardianship vs. Adoption

- The Fostering Connections Act of 2008 affirmed that adoption is the preferred permanency outcome for children.
- FCA also recognized that there are times that relative guardianship may be a better option for children than adoption
- FCA also established a requirement that adoption must be considered and ruled out as a permanency option before guardianship can be pursued.

Guardianships for children under 10

- OCS has established in policy an additional approval for guardianships for children under the age of 10 years.
- Requests must include good justification for guardianship rather than adoption
- Requests should be child-centered and focus on how this is in the best interest of the child.
- Approvals signed off by the Director or the Director's designee.

Some examples: good and bad

- Continued connections for the child
- Cultural considerations
- 8 year old child has significant relationship with the birth parent
- 16 year old placed in guardianship at age 6
 - “Who asked me?”
- Siblings
- Convenience for the parent, caregiver or others in the case

Medicaid waivers/specialized foster care

- Title IV-E limits
- Medicaid requirements/limitations
- For waiver children only, Medicaid waiver regulations allow for guardianship
- For children/youth in specialize foster care, but not covered under a waiver, OCS rates apply

OCS Post Finalization Work

- After finalized, the family’s attorney sends State Office the final adoption decree.
- For guardianships, the final guardianship order is needed to start subsidy payment
- The family is reimbursed for the cost of legal fees; the family is responsible for paying their attorney.

Post-Finalization

- What happens to a subsidy after the adoption or guardianship is finalized?
 - Adoptive or guardianship parents' responsibilities
 - Changes in subsidies, what is the process?
 - Medicaid
 - What happens when the family moves or leaves the state?

Requests to Change the Subsidy (after finalization)

- The family contacts the OCS Adoptions Unit requesting a change to the subsidy.
- The family submits their request in writing, and any supporting documentation.
- Common requests include childcare, dental and medical care costs, not covered by Medicaid.

Interstate Compact on Adoption & Medical Assistance (ICAMA)

- 49 states participate in ICAMA; Wyoming does not.
- Each state's Medicaid program is different. All participating states will offer automatic Medicaid coverage to all children who are receiving a IVE subsidy. Most states will provide Medicaid services to children receiving State-funded subsidies.
- State Office must initiate the needed paperwork for ICAMA. If a family with an active adoption subsidy moves to a different state, they should contact State Office.

Final thoughts!

- Questions
- Comments
- Discussion

Thank You!

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