

MANUAL TRANSMITTAL

Arkansas Department of Health and Human Services
Division of Children and Family Services

{ } Policy { } Form {X} Policy Directive

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Service Programs Policy Manual

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From: *Pat* Page, DCFS Interim Director

Expiration Date – Until Superseded

Subj.: Executive Directive: Clarification of Adoption Assistance Eligibility Criteria for Non-Custody Adoptions

Effective immediately States are no longer required to determine the child's AFDC eligibility for adoption subsidy at the time of the initiation of adoption proceedings. Therefore, DCFS will no longer determine AFDC eligibility during the month an adoption petition is filed for the following types of cases: (a) Non-Custody Adoptions (R.T. cases), (b) SSI Eligible Private Agency Adoptions or (c) Independent Adoptions.

Procedure VIII-H2 - Subsidy Payments and Support For Non-Custody Adoptions (Out-Of-Home Placement Services, SSI Eligible Private Agency and Independent Adoptions) will be revised to reflect this change. The child still must be IV-E eligible to receive a federal adoption subsidy payment.

The following process will be followed until revised policy is approved and promulgated.

ELIGIBILITY CRITERIA FOR NON-CUSTODY/OUT-OF-HOME PLACEMENT SERVICES:

If in the month that court proceedings that lead to removal are initiated, the first court order includes the following language, "contrary to the child's welfare to remain in the home", then a child not currently in DHHS custody may be eligible for a federal subsidy or a state legal subsidy.

Services shall be offered to families when the Department has filed a dependency-neglect petition **and** the court has placed the child(ren) in the custody of a relative or other person. Adoption services shall be offered to families, who have custody of children as the result of a dependency/neglect order, if the family requests them.

Depending on the method by which a child is removed from the home, sections 406 and 407 of the Social Security Act allow for Title IV-E subsidy eligibility, when certain criteria are met. These criteria include:

- The child was removed from the home pursuant to a judicial determination that indicates remaining in the home was contrary to the child's welfare;
- In the month that court proceedings to remove the child were initiated, that child must have been AFDC eligible in the removal home;
- The state has determined that the child meets the definition of a special needs child; **and**
- The adoption assistance agreement is signed before the adoption is finalized.

The **Adoption Specialist** will:

- Accept and review referrals for non-custody adoptions;
- Follow Policy VIII-F (Foster Parent, Kinship Foster Parent and Relative Adoption) during the process of approving the family for adoption;
- Refer the family for "Foster Pride/Adopt Pride" training. The family must complete the training if they request DCFS to complete the adoption home study;
- Complete the process outlined in Procedure VIII-H1 (Initial Application for Adoption Subsidy to request Adoption Assistance);

- For state legal subsidy: Complete form CFS-425 (Application for Special Subsidy) **and** specify “Use of Agency Attorney” to receive legal services from the Office of Chief Counsel (OCC) for those children in a Non-Custody/Out-of-Home Placement Services case who do not meet the criteria as special needs children. Children in a Non-Custody/Out-of-Home Placement Services case who do not meet the special needs criteria are eligible for “Use of Agency Attorney” to finalize an adoption;
- Document in the “Subsidy Family Profile” that the children are in a Non-Custody/Out-of-Home Placement Services case and use the following language, “But for the child’s placement with a relative or other person, the child would still be in foster care.”

CRITERIA FOR SSI ELIGIBLE PRIVATE AGENCY AND INDEPENDENT ADOPTIONS:

A child who is SSI eligible **and** is part of an independent adoption (i.e., not in the custody of a public or private agency) is eligible for a Title IV-E subsidy. If a child received Title IV-E adoption assistance in a previous adoption that dissolved or in which the adoptive parents died, the child is eligible for Title IV-E adoption subsidy when he or she is subsequently adopted. (See FSPP Policy VIII-H.)

The **Adoption Subsidy Coordinator** will:

- Accept and review referrals for independent adoption and private agency subsidy applications;
- Assess all submitted forms and documentation, approve or deny the adoption subsidy application, and provide written notification to the applicant, the person who arranged the independent adoption or the private agency representative within fifteen (15) working days of receiving the initial application packet from the Adoption Specialist. Contact the applicant, the person who arranged the independent adoption or private agency representative if additional information/forms are needed;
- Prepare the CFS-428 (Adoption Assistance Agreement) if the adoption subsidy application is approved and route it to the Adoption Services Unit Manager and Community Support Section Administrator for approval, then send the CFS-428 to the DCFS Director or designee for signature;
- Send signed CFS-428 (Adoption Assistance Agreement) to the Applicant and Private Agency representative, if applicable, with written instructions;
- Notify the adoptive parent in writing if the application is denied and explain the reason for denial, as well as the internal review and Administrative Fair Hearing procedures.
- In CHRIS:
 - Enter the adoptive parents and adoptive child as clients in the newly opened Adoption Case;
 - Complete the adoptive child’s Characteristic and Medical screens to identify any special needs; and
 - Complete the Adoption screens (General Information, Affidavit of Disclosure, and Subsidy) and request the approval of the adoption subsidy.

THIS EXECUTIVE DIRECTIVE IS EFFECTIVE IMMEDIATELY.

**Submit Inquiries to: DCFS Policy Unit, phone (501) 682-8750
Or email at dhhs.dcfp.policy.unit@arkansas.gov**