Attachment “F”

**Title IV-E Subsidized Adoption, Non-Recurring Adoption Expenses, and Medical Subsidy**

The Title IV-E subsidized adoption program encourages and promotes the adoption of children with special needs out of the Tribal foster care system. Subsidized adoption provides medical and financial assistance to adoptive families when such assistance is necessary to ensure the health and welfare of children with special needs.

Definitions

**IV-E Adoption Subsidy** means nonrecurring expenses, financial assistance and /or Medicaid assistance available to assist children eligible for a IV-E subsidy. Effective October 1, 2009, eligible children must meet the definition of Applicable Child or Non-Applicable Child to be eligible for IV-E Adoption Subsidy.

**Applicable Child** (effective October 1, 2009) is:

1. A child with special needs for whom an adoption assistance agreement is entered into during the Federal Fiscal Year (FFY) in which the child attains at least the applicable age before the end of the fiscal year. The applicable age for each fiscal year is as follows: age 16 in FFY 2010 (October 1, 2009, through September 30, 2010); age 14 in FFY 2011 (October 1, 2010, through September 30, 2011); age 12 in FFY 2012 (October 1, 2011, through September 30, 2012); and so on until October 1, 2017, when any age child with special needs will meet the applicable age definition; or

2. A child with special needs of any age who, on the date on which an adoption assistance agreement is entered into, has been in foster care under the responsibility of a Tribe with which the Department has a IV-E agreement for a 60-consecutive-month period prior to the finalization of the adoption; or

3. A child of any age who, on the date on which an adoption assistance agreement is entered into, is:

a. a sibling of an applicable child as defined in #1 or #2 above, and b. to be placed in the same adoptive home as the applicable child.

**Non-Applicable Child** (through October 1, 2017) is a child who does not qualify as an applicable child but qualifies for Title IV-E adoption subsidy using the eligibility criteria in effect prior to

October 1, 2009.

**Subsidized Adoption Agreement** means a written document which is binding on the parties and which is between the Department and the adoptive parent(s) and is signed by all parties prior to the final decree of adoption.

**Reasonable Efforts to Place Without a Subsidy:** The Tribe must determine that in each case a reasonable, but unsuccessful, effort to place the child with appropriate parents without

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providing an adoption subsidy has been made. This means that if the adoptive parent(s) have been asked whether they are willing to adopt without a subsidy, and if they say they cannot adopt the child without a subsidy, the placing worker will have met the requirement that reasonable efforts were made to place the child without a subsidy. The reasonable efforts to place without a subsidy must be documented in the child’s file (ACTD screen on CAPS).

**Child With Special Needs** means a child who is under the placement and care responsibility of a Tribe with which the Department has a Title IV-E agreement and:

1. the child has been defined as a “child with special needs” because s/he meets at least one of the following criteria:

a. diagnosed as having a physical, mental, or emotional disability; or

b. recognized to be at high risk of developing a physical, mental, or emotional disability; or

c. a member of a minority group; or

d. six years of age or older; or

e. a member of a sibling group to be placed together for adoption; or

f. if the child is an applicable child, meets all medical or disability requirements for SSI; and

2. the child is under 18 years of age at the time the subsidized adoption agreement is signed; and

3. the child is legally free for adoption and cannot or should not be returned to the home of his or her parent(s); and

4. adoptive placement is in the child's best interest; and

5. the Tribe has determined that reasonable, but unsuccessful, efforts have been made to place the child with appropriate adoptive parents without a subsidy, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parent(s) while in the care of such parent(s) as a foster child.

Subsidy Eligibility Determination

Eligibility for adoption subsidy payments is to be related to the child’s needs, not the parent(s). To be eligible for a subsidy, a child must meet the definition of A Child With Special Needs and the criteria listed above. A determination of the child's eligibility for adoption subsidy should be made on form DPHHSCFS-083 Adoption Subsidy Program: Child's Eligibility Determination.

Eligibility for subsidy does not mean that a cash assistance payment will necessarily be provided; however, the child is entitled to Medicaid coverage. The Subsidy Agreement must be negotiated prior to finalization of the adoption. The subsidy agreement must also be approved and signed by the appropriate CFSD staff member and the prospective adoptive parents prior to finalization.

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Continuing Eligibility

When any child with special needs who is adopted after October 1, 1997, and who had previously been eligible for Federal adoption assistance payments becomes available for adoption again because of the dissolution of the original adoption or the death of the adoptive parent(s), the child

remains eligible for adoption assistance as if there was no prior adoption. The Tribe will only need to determine that the child is still a child with special needs for the child to be eligible for adoption assistance.

NOTE: As soon as the worker determines the child's special needs, the special needs should be entered on CAPS screen SPND.

Adoption of a Child Receiving a Title IV-E Kinship Guardianship Assistance Payment

If a child placed in a kinship guardianship and receiving a IV-E guardianship assistance payment is subsequently adopted by the guardian or another individual if the guardianship has dissolved, any kinship guardianship assistance payments made on behalf of the child do not count when determining eligibility for adoption assistance for the child.

TITLE IV-E ADOPTION SUBSIDY

Prior to negotiating the adoption subsidy, eligibility for a IV-E subsidy must be determined. A child is eligible to receive a Title IV-E subsidy payment if the child is a U.S. citizen, or a qualified alien placed with adoptive parents who are U.S. citizens or qualified aliens; and:

If the child is an Applicable Child, the child meets the special needs definition and:

1. at the time of the initiation of adoption proceedings, is in the care of Tribe with which the Department has a Title IV-E Agreement pursuant to:

a. an involuntary removal from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or

b. a voluntary placement agreement or voluntary relinquishment (no IV-E payment is required to have been made); or

2. meets all medical or disability requirement for SSI benefits but does not have to meet the needs-based (income) requirement; or

3. resides in a foster family home with his or her minor parent and the minor parent was removed from the birth parent’s home by either an involuntary removal with a judicial determination that it was contrary to the welfare to remain in the home or a voluntary placement agreement or voluntary

relinquishment.

If the child is not an Applicable Child, the child meets the special needs definition and:

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1.a. was removed from the home of a specified relative and placed in foster care pursuant to a judicial determination that it was contrary to the child’s welfare to remain in the home; or

b. was removed from the home pursuant to a voluntary placement agreement and subsequently received a Title IV-E foster care payment; and

2. a. was AFDC eligible at the time of removal based on AFDC standards in effect as of July 16, 1996 (receiving cash benefits from the current cash assistance program does not insure eligibility for IV-E adoption assistance); or

b.is eligible for Supplemental Security Income (SSI) benefits, prior to the finalization of the adoption

regardless of how the child was removed from home or whether the Department had responsibility for the child’s placement and care; or

c is a child of a minor parent if the parent is in foster care and receiving IV-E foster care payments that cover both the minor parent and the child at the time the adoption petition is initiated. If the child and minor parent have been separated in foster care prior to the time of the adoption petition, the child’s eligibility for Title IV-E adoption assistance must be determined based on the child’s current and individual circumstances.

Criminal Records Requirements – IV-E Adoption

Federal Financial Participation (FFP) may be claimed for IV-E adoption subsidy payments only if the prospective adoptive parents have completed fingerprint-based checks of the National Criminal Information Database (or met the criteria for an exception per Federal statute showing no felony convictions for: child abuse or neglect, spousal abuse, crimes against children (including child pornography), or crimes involving violence (including rape, sexual assault, or homicide, but not including physical assault or battery.) In addition, FFP for IV-E adoption subsidy payments may only be claimed if the prospective adoptive parents have no felony convictions within the last five years for physical assault, battery, or a drug-related offense.

For new adoptive applicants, these criminal records checks (or qualification for an exception per federal statute) must be done at time of application. Foster parents seeking to be approved to adopt who have a satisfactory fingerprint-based NCID criminal background check (or have met the criteria for an exception) within the previous twelve months will be considered to have met the criminal records check requirement for new adoptive applicants.

NOTE: TRIBAL ADOPTIONS WHERE NO TPR EXISTS

In some tribes, adoption is legal without a Termination of Parental Rights (TPR) or a relinquishment from the birth parent(s). If a child can be adopted in accordance with Tribal law without a TPR or relinquishment, and is otherwise eligible for adoption subsidy, the Department may enter into an

adoption subsidy agreement with the adoptive parents if the tribe has documented the valid reasons why the child cannot or should not be returned home.

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Application Process DPHHS-CFS-083

The request for an adoption subsidy shall be made by the child's Tribal social worker on behalf of the child. The worker shall submit a completed DPHHS-CFS-083, Adoption Subsidy Program Child’s Eligibility Determination and supporting documentation, to the CFSD Adoption Program Manager. Supporting documentation may include physician reports, social history information, and birth parent social/medical information.

Subsidy Negotiation

The terms of the Adoption Subsidy Agreement including Medicaid, the amount of the monthly cash assistance, the amount of non-recurring adoption expenses and non-Medicaid medical coverage are negotiated between the Department and the adoptive parent(s) preferably prior

to pre-adoptive placement, but always prior to finalization. Once an agreement is reached, the prospective adoptive parents and the Department sign the CFS-082 Subsidized

Adoption Agreement and Application/Change Notice for Medicaid. The original and one copy are retained by central office, one copy is given to the adoptive parents and one copy goes into the child's file.

A DPHHS-CFS-082, Subsidized Adoption Agreement and Application/Change Notice for Medicaid must be completed for every adoption of a child with special needs who meets eligibility criteria. The completed form will verify the child's eligibility and enable negotiation of a future subsidy, if necessary. The IV-E eligibility must be checked “yes” or “no” on the agreement. A subsidy amount of $0.00 should be entered if the adoptive parent(s) will not be receiving a subsidy. This agreement will affirm the child's eligibility into the future and is easily altered by adding the amount of the subsidy should a

financial subsidy be required at a later date.

If the family refuses to enter into an agreement, the Department representative will request the family sign a statement documenting their refusal which will be included in the child’s adoption file. This activity will be added to the CAPS ACTD screen. An example of a document and cover letter that might be used is included at the end of this policy section.

Means Test Prohibited

The use of a means test is prohibited in the process of selecting a suitable adoptive family, or in negotiating an adoption subsidy agreement, including the amount of the adoption subsidy payment. Once a child has been determined eligible, adoptive parent(s) cannot be rejected for adoption subsidy nor have their payments reduced without their agreement because of their income or other resources. In addition, the Department/Tribe cannot arbitrarily reject a request for an increase in the amount of the subsidy (up to $10.00 less per month than amount the child would have received in foster care) in cases where the adoptive parent(s) make life choices such as resigning one’s job to stay at home with the adopted child or to return to school. Adoptive parent(s) can request a fair hearing if the Department/Tribe rejects such requests.

The circumstances of the adoptive parent(s) must be considered together with the needs of the child when negotiating the subsidy agreement. Consideration of the circumstances of the adopting parent(s) pertains to the adoptive family’s capacity to incorporate the child into their household in

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relation to their lifestyle, standard of living and future plans, as well as their overall capacity to meet the immediate and future needs (including educational) of the child. This means considering the overall ability of the family to incorporate an individual child into their household. Families with the same incomes or in similar circumstances will not necessarily agree on identical types or amounts of assistance. The uniqueness of each child/family situation may result in different amounts of payment.

Amount of Subsidy

The amount of the adoption subsidy payment cannot exceed $10.00 less per month than the amount the child would have received in a regular or specialized foster family home, but otherwise must be determined through an agreement between the adoptive parent(s) and the Department. This program is intended to encourage an action that will be a lifelong social benefit to the child(ren) and not to meet short-term monetary needs. Further, the adoptive parent(s)’ income is not relevant to the child’s eligibility for the program.

Title IV-E adoption subsidy is not based upon a standard schedule of itemized needs and countable income. Instead, the amount of the subsidy payment is determined through the discussion and negotiation process between the adoptive parent(s) and the Department based upon the needs of the child and the circumstances of the family. The payment that is agreed upon should combine with the parent(s)’ resources to cover the ordinary and special needs of the child projected over an extended period of time and should cover anticipated needs, e.g., childcare.

Once a subsidy agreement is in effect, the parent(s) can spend the subsidy in any way they see fit to incorporate the child into their lives. The Department cannot require an accounting.

NOTE: If the child is being placed adoptively with someone other than the family with whom the child is currently residing (i.e. foster home), the subsidy agreement shall be negotiated at the time of placement. If foster care payments are opened, the payments should be equal to the amount of the subsidy.

The Federal Title IV-E-related statute limits the amount of adoption assistance to no more than the child would have received in “a foster family home.” Thus, the amount of the adoption assistance payment may not exceed $10.00 less per month than the amount of the regular or specialized foster family home maintenance payment.

Renegotiation

The Department may renegotiate a subsidy agreement if the adoptive parent(s) request an increase in payment due to a change in their circumstances or a higher foster care rate would have been paid on behalf of the child if the child had still been in care.

If parents want to re-negotiate an existing subsidy they should contact the regional Permanency Planning Specialist, who will then make a recommendation for a change in the terms of the existing subsidy. Requests for subsidy renegotiation will be discussed with the Tribal Social Services Supervisor to determine if there might be resources or services available in lieu of or in conjunction with a change in the child’s adoption subsidy rate.

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The effective date of a renegotiated financial subsidy will be decided during the renegotiation process.

**Example**: A child is adopted and the subsidy is negotiated for $250 a month, the same amount the child had been receiving in foster care. If, two years later, the Department’s monthly foster care rate is increased to $400, the family can request that the subsidy agreement be renegotiated and receive up to the $390 for the child, since this is $10.00 less than the amount the child would have received each month if s/he had remained in foster care.

Retroactive Subsidy Payments

Subsidy payments will not be approved retroactively for more than 30 days.

SSI and Adoption Assistance

The adoptive parent may choose to apply for either or both SSI and adoption subsidy. In deciding whether to make application for one or both programs, the adoptive parent(s) should be made aware of the differences between SSI and the adoption subsidy program.

SSI is a needs-based program and requires a test of income and resources of the adoptive parent(s) in determining the amount of the SSI benefit to which the child may be entitled. If, or when, the parental resources and income exceed a certain level determined by SSI, the child is no longer eligible for SSI payments or SSI related Medicaid.

Concurrent Eligibility

When there is concurrent eligibility for both programs, the amount of Title IV-E adoption subsidy paid to the parent(s) will count dollar for dollar against the SSI, thus decreasing the SSI benefit payment by the amount of the adoption subsidy payment. Under the adoption subsidy program, the amount of the SSI benefit payment would be a consideration in the negotiation of the amount of the adoption subsidy payment; however, unlike the SSI program, this income would not generate an automatic

reduction in the payment amount.

Because there are many complexities and financial implications for the State of Montana as well as for the adoptive families, it is important all parties discuss all aspects of a combination of SSI and adoption subsidy at the time the adoption subsidy agreement is negotiated. Adoptive parent(s) should be advised if they decline Title IV-E adoption subsidy and choose to receive only SSI for the child, and if they do not sign a Subsidized Adoption Agreement before the adoption is finalized, they may not later receive Title IV-E adoption subsidies. Technical assistance to Tribal staff can be provided by the Adoption Program Manager in the Child and Family Services Division’s Central Office.

Payments Initiated

After the subsidy agreement has been signed, subsidy cash payments and Medicaid may begin at the time of the adoptive placement or after the adoption has been finalized and Central Office has received a certified copy of the Decree of Adoption.

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CAPS

Tribal social services must complete the appropriate CAPS screen(s) to record the adoption finalization.

When a non-applicable child is removed from the home by way of a voluntary relinquishment, the removal is neither the result of a voluntary placement agreement nor the result of a judicial determination that to remain in the home would be contrary to the child’s welfare as defined in statute. The Tribe must petition the court within six months of the child living with a specified relative and obtain a judicial determination to the effect that remaining in the home would be contrary to the child’s welfare. The child will then be treated as though s/he were judicially removed rather than voluntarily relinquished for the purpose of IV-E Adoption Assistance eligibility.

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Voluntary Placements

Federal statute allows a child who has been removed from home pursuant to a voluntary placement agreement (parental agreement) to be eligible for adoption subsidy in limited situations. A child must be placed in foster care via a voluntary placement agreement (parental agreement), and, if the child is

not an applicable child, have IV-E foster care maintenance payments paid on his behalf pursuant to that voluntary agreement to be eligible for a subsidy. A child must have been under the Department’s responsibility for placement and care, or that of a Tribe with which the Department has a IV-E

agreement at the time of the voluntary placement agreement (parental agreement).

Adoption Subsidy Agreements

Adoption Subsidy Agreements must (a) be written, (b) be negotiated by and binding on all parties privy to them (including the Department and prospective adoptive parent(s)), and (c) specify services to be provided by the Department and any other agency. IV-E adoption subsidy agreements must specify that stated provisions remain in effect regardless of the state of residence of the adoptive parent(s).

The subsidized adoption agreement between parent(s) and the Department must be signed by the Department and the adoptive parent(s) prior to the finalization of the adoption.

If the parent(s) and the Department are unable to reach an agreement on the terms and/amounts of the subsidy agreement during the negotiation process, the parent(s) may request a fair hearing.

Termination or Modification of the Subsidy Agreement

Agreements may include Medicaid, non-recurring expenses, and monthly cash assistance payments

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Once an adoption subsidy agreement is signed and in effect, it can be terminated under the following three circumstances:

1. the child has attained the age of 18 (or 21 if the Department has determined that the child has a mental or physical disability which would warrant continuation of subsidy);

2. the Department determines that the adoptive parent(s) are no longer legally responsible for support of the child;

or

3. the Department determines that the adoptive parent(s) are no longer providing any support to the child.

A parent is considered no longer legally responsible for the support of a child when parental rights have been terminated or when the child becomes an emancipated minor, marries, or

enlists in the military. “Any support” means various forms of financial support which may include payments for family therapy, tuition, clothing, maintenance of special equipment in

the home, or services for the child’s special needs.

The Department may continue the IV-E adoption subsidy if it determines that the parent is providing some form of financial support to the child even in situations where the child is placed

in some form of out-of-home care.

Adoptive parents are required to inform the Department of circumstances that would make them ineligible to continue to receive adoption subsidy payments or eligible to receive those payments in a different amount.

Appeal and Fair Hearings

Adoption subsidy agreements are to be signed and in effect at the time of, or prior to, the final decree of adoption. However, if the adoptive parent(s) feel they have been wrongly denied benefits on behalf of an adoptive child, they have the right to a fair hearing. Some allegations that constitute grounds for a fair hearing include:

• relevant facts regarding the child were known by the Department or Tribe and not presented to the adoptive parent(s) prior to the finalization of the adoption;

• denial of adoption subsidy based upon a means test of the adoptive family;

• adoptive family disagrees with the determination by the Department that a child is ineligible for adoption subsidy;

• failure by the Department to advise potential adoptive parent(s) about the availability of adoption subsidy for children in the State foster care system;

• decrease in the amount of adoption subsidy payment without the concurrence of the adoptive parent(s); and

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• denial of a request for a change in payment level due to a change in the adoptive parent(s) circumstances.

Post Decree Subsidy Request

The Department cannot change its eligibility determination and provide adoption subsidy without requiring the applicant to obtain a favorable ruling in a fair hearing. A subsidy request that is denied because the decree has already been entered must also be reviewed through the fair hearing process.

Extenuating circumstances that may constitute grounds for a fair hearing include but are not limited to:

• relevant facts regarding the child, the biological family or the child’s background are not known or are not presented to the adoptive parent(s) prior to the legalization of the adoption;

• denial of adoption subsidy based on a means test of the adoptive family;

• erroneous determination by the Department that a child is ineligible for adoption subsidy; or

• the Department's failure to carry out the terms of the Subsidized Adoption Agreement.

If the Department and the parent(s) are in agreement, however, an evidentiary hearing is not necessary and the matter may be negotiated through an administrative review by the Adoption

Program Manager. The undisputed documentary evidence can then be presented to the Hearings Officer for his or her review and determination on the written record.

To be eligible for a post-decree adoption subsidy, the following criteria must be met:

1. the child has special needs, as defined by State statute;

2. the child was eligible at the time the adoption petition was filed or met the requirements for SSI eligibility prior to finalization of the adoption; and

3. there is a judicial determination that removal of the child from the home was in the child's best interests. If the child is determined to be eligible for a post-decree subsidy, the provisions of the agreement must be negotiated with the parent(s).

Non-Recurring Adoption Expenses

Non-Recurring Adoption Expenses are reasonable and necessary adoption fees, court costs, attorney fees and other expenses which are directly related to the legal adoption of a child with special needs. These expenses must not have been incurred in violation of state or federal law or have been

reimbursed from other sources of funds.

Other expenses directly related to the legal adoption of a child with special needs means the costs incurred by or on behalf of the parent(s) for the adoption study, including health and psychological examination or consultation, supervision of the placement prior to adoption, as well as transportation

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and the reasonable costs of lodging and food for the child and/or the adoptive parent(s) when necessary to complete the placement or adoption process.

The Department must enter into an adoption subsidy agreement prior to the finalization of the adoption and reimburse the nonrecurring adoption expenses incurred by any parent who adopts

a child with special needs. The Tribe must determine that the child meets the definition of a child with special needs, that is:

• the Tribe has determined that the child cannot or should not be returned to the home of his/her parent(s); and

• the Tribe has determined that there exists a specific factor (page 2, #1-5) or condition because of which it is reasonable to conclude that the child cannot be placed with adoptive parent(s) without providing IV-E adoption subsidy; and

• the Tribe has determined that in each case a reasonable, but unsuccessful, effort to place the child with appropriate parent(s) without providing adoption subsidy has been made. The only exception to this requirement is when it would be in the child’s best interest because of a significant emotional attachment with the foster parent(s) or adoption by a relative.

In cases where siblings are placed and adopted, either separately or together, each child is treated as an individual with separate reimbursement for non-recurring expenses up to the maximum amount allowable for each child.

An adoption subsidy cash payment is not required for the child to be eligible for non-recurring adoption expenses, medical subsidy, or social services.

$2000 maximum

Adoptive parent(s) of special needs children may be reimbursed for non-recurring adoption expenses for the actual costs incurred by the adoptive parent(s) up to $2000.

Approval Process

Requests for payment of non-recurring adoption expenses are submitted to the CFSD Adoption Program Manager and are approved on the CFS-82 form, Subsidized Adoption Agreement and

Application Change Notice for Medicaid. The agreement must indicate the nature and amount of the non-recurring expenses to be paid. The request may be submitted in conjunction with requests for financial and medical assistance. **The family should be advised that they will need to submit**

**documentation of the actual cost of approved expenses to the Adoption Program Manager to receive reimbursement.**

Non-recurring expenses will be paid through CAPS when the Central Office Adoption Program Manager has received a certified copy of the final decree of adoption and an itemized claim for payment.

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IV-E Medicaid Subsidy

The medical needs of a child approved for an adoption subsidy are met through the Medicaid program. Medicaid for adoption will be opened when the Adoption Program Manager in the Central Office has received a certified copy of the final decree of adoption. Subsidy-related Medicaid will be effective the month following the closure of foster care related Medicaid or the month the adoption is finalized if the child has not been in foster care.

Private Health Insurance

All adoptive parents should be advised to add their adopted child to their private health insurance within 30 days of the adoption finalization. Insurance companies are prohibited from refusing coverage because of pre-existing conditions if the child is enrolled during the period available for enrolling newborns. Private insurance does not affect Medicaid coverage.

In-State Placements

When the final decree of adoption is received by the Adoption Program Manager, Central Office will forward a copy of the CFS-082, Subsidized Adoption Agreement and Application/Change Notice for Medicaid to the Public Assistance Bureau (Central Office) of DPHHS/Human and Community Services Division. The Public Assistance Bureau will open subsidy-related Medicaid and a Medicaid card will be sent to the adoptive parent(s) of the child.

Out-of-State Placements

A child who is IV-E eligible and for whom a subsidized adoption agreement is in effect will be eligible for a Medicaid card in the state where he actually is a resident, even if it is not the state that entered into the adoption subsidy agreement or is not the state making the subsidy payment.

Interstate Compact on Adoption and Medical Assistance

If a child meeting IV-E eligibility criteria is placed in a state other than Montana or if a family who adopted in Montana is moving to another state, the Interstate Compact on Adoption and

Medical Assistance outlines procedures to obtain Medicaid coverage in the state of residence. Technical assistance for field staff is available from the Compact Administrator or the Adoption Program Manager in Central Office.

If a family from out of state moves to Montana with a child eligible for IV-E Medicaid, the child is eligible for Montana Medicaid.

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References

Social Security Act Sections 471(a), 473, and 475(3)

45 CFR 1336.40, and 1356.30(b) and (c)

42 USC 672

Mont. Admin. R. 37.52.201 through 37.52.220

Sample 1:

MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

CHILD AND FAMILY SERVICES DIVISION

REFUSAL OF ADOPTION SUBSIDY

I/we \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ do not want an adoption subsidy for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Adoption subsidy can include Medicaid, nonrecurring expenses, state medical benefits or a financial subsidy. MCA 42-10-108 states “…before the final decree of adoption is issued, there must be a written agreement between the family and the department.” Because of the requirements outlined in MCA, a written subsidy agreement between the prospective adoptive parents and the department must be signed BEFORE the adoption is finalized. I/we understand by signing this document

\_ \_\_\_\_ will not be eligible for an adoption subsidy at a later date.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Adoptive mother’s signature Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Adoptive father’s signature Date

Sample 2:

DATE

ADDRESS

Re: Refusal of adoption subsidy

Dear

Enclosed is a document stating you do not want an adoption subsidy for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and you understand the implications of this decision. Please read the statement carefully, sign, and return it to me. My address is CFSD, PO BOX 8005, Helena, MT 59604. When I receive the signed statement I will send you a copy for your files.

If you change you mind and would like to consider negotiating an adoption subsidy, let me know. You can contact me at 406-841-2400.

Sincerely,

Adoption Program Manager