**State of New Mexico**

**CHILDREN, YOUTH and FAMILIES DEPARTMENT**

SUSANA MARTINEZ

## GOVERNOR

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YOLANDA BERUMEN-DEINES

## CABINET SECRETARY

**JENNIFER PADGETT**

*DEPUTY CABINET SECRETARY*

**Child’s Name:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **DOB: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**FACTS #: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**TITLE IV-E ADOPTION ASSISTANCE INFORMATION SHEET**

**Who is eligible?**

Children who are in Children, Youth and Families Department custody and placed for adoption and who need Adoption Assistance in order to be adopted. Additionally, the child must be a child with special needs. A special needs child is:

1. A child that cannot or should not be returned to the home of the parents;
2. There exists at least one documented specific factor or condition making it reasonable to conclude that the child cannot be placed for adoption without providing adoption assistance; including:

the child is age five or older, or

the child is a member of a minority group, or

 the child is part of a sibling group that will be placed together, or

the child has a diagnosed emotional, physical, psychological or mental condition requiring medical intervention; and

1. Except where it would be against the best interests of the child, a reasonable, but unsuccessful, effort has been made to place the child without adoption assistance.

Title IV-E adoption assistance is a federally supported adoption assistance program. Eligibility for the program is not based on the adoptive parent’s income. To be eligible for these federal funds, all three of the following criteria must be met:

1. The child is Title IV-E eligible or determined eligible for SSI; and
2. The child meets federally defined special needs criteria as outlined above; and
3. Reasonable efforts have been made and documented to place the child without adoption assistance.
4. If the child has reached the age threshold specified in *Fostering Connections,* that child and their siblings may be eligible for IV-E Adoption Assistance. **The age threshold is 12 effective October 1, 2011.**

The adoptive parent’s Placement Social Worker meets with the adoptive parent(s) to negotiate an Adoption Assistance Agreement. The initial Agreement must be completed and signed prior to adoption finalization in order for it to be valid.

**What does Title IV-E Adoption Assistance include?**

**Maintenance:**

1. Maintenance payments are provided to assist families with the day to day costs of an adopted child and is not meant to be a salary for a parent or to cover the complete costs of raising a child;
2. Maintenance subsidy does not include special allowances covered under foster care, such as clothing vouchers, transportation costs, school allowance, birthday & Christmas allowances, activity payments, graduation costs, etc;
3. Maintenance payments are to be utilized to meet the child’s existing day to day needs, for example, child care, non-covered therapy, tutoring, tuition, non-covered medication, non-covered equipment, glasses, medical, transportation, dental services, diapers;
4. Maintenance payments are not used for trust funds, investments or savings accounts;
5. Maintenance payments vary according to the needs of the child and the adoptive family; however, maintenance payments cannot exceed the maximum amount that would have been paid for the child in foster care at the time of adoptive placement.

To receive the Level II maintenance payment a child must be certified prior to finalization of the adoption and must be receiving the Level II rate while in foster care.

Adoption Assistance Rate Negotiated:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Requests for Changes:** Requests for changes in Adoption Assistance can be made during the annual review. The family submits requests for changes in the adoption assistance in writing to the adoption assistance specialist and provides written documentation of the justification for the change in adoption assistance. There is no automatic increase in the maintenance payment amount with changes in the child’s age as is done for foster care payments. Maintenance cannot be increased beyond the maximum amount for maintenance that the child would have been eligible for in foster care. If that amount has been reached, the maintenance cannot be increased, regardless of the documentation of need that the family presents.

**Medicaid -** Medicaid will be provided in accordance with Rules and Regulations of the Human Services Department’s Medical Assistance Programs. If a family has private health insurance it must be used as primary insurance coverage.

The child will remain eligible for Medicaid services regardless of the state of residence. The interests of the child are protected through New Mexico’s participation in the Interstate Compact on Adoption and Medical Assistance.

**How long can a family receive Adoption Assistance?** Adoption Assistance can continue until the child reaches age 18. If the child is *certified medically fragile* by the NM Department of Health, the subsidy may be extended to age 21. If you think that your child qualifies and has not been certified by the Department of Health as medically fragile, please contact your placement worker or the DOH directly at 505-827-2582. Payments stop earlier if the adoptive parent is no longer supporting the child. This includes but is not limited to the following changes in the child’s status:

1. Marriage or emancipation;
2. Death of the child;
3. Entrance into the military; or
4. Relinquishment of parental rights or termination of parental rights.

**Title IV-E Non-Recurring Expenses**

Costs that are reasonable and necessary to finalize a special needs adoption can be reimbursed to families for children who are otherwise eligible for Adoption Assistance. Expenses may include:

Attorney fees and court costs - $900 per sibling group (adoption must be finalized within six months of the date the placement agreement was signed or the TPR is granted, whichever occurs later). Reimbursement rate is reduced to $450 per adoption if the adoption is not completed within six months. An additional reimbursement of up to $300 will be provided if the adoptive family’s attorney provides counsel to the family during the mediation of a Post-Adoption Contact Agreement, PACA (i.e., an “open adoption”) to include the preliminary mediation session and drafting or reviewing the PACA.

Other fees may include:

* Adoption home study and placement supervision.
* Required exams.
* Lodging and Transportation will be reimbursed in accordance with the Department of Finance and Administration (DFA) Rule numbered 95-1 and titled: Regulation and Mileage Act, and filed with the State Records Center on November 17, 1995: and subsequent DFA Interpretive Memorandums.

The limit for finalization expenses, including legal costs is $2000 per child minus the adoption expenses for example a sibling group of three would be eligible for $5100 or $4900 (if open adoption mediation is included) after the legal expenses. All expenses must be documented.

**Educational Attendance Requirements:** Each adoptive parent must certify annually that the adopted child is a full time elementary or secondary student (or has completed secondary school). The parent must show one of the following:

1. that the child is enrolled (or is in a timely process of enrolling) in an institution that provides elementary or secondary education  and meets school attendance requirements in accordance with State law; or
2. that child is being home schooled in an elementary or secondary school program that complies with State law; or
3. that the child is in an independent study elementary or secondary school program  that complies with State law and is administered by the local school or school district.

If the child is incapable of attending school on a full–time basis due to medical condition, such incapability must be supported by regularly updated medical information in the child’s medical records.

**Tax Credit:**

Adoptive families may be eligible for a federal and or state tax credit for adopting a child with special needs. Please consult the New Mexico Taxation and Revenue Department, IRS or a local tax expert.

**What if the family situation changes?**

*Future Needs.* Many families who adopt children with Adoption Assistance do not need assistance payments right away. However, they may be concerned about possible future costs.

By signing an “Agreement Only”, the family and the Protective Services Division agree that future Adoption Assistance may be provided as long as the child remains eligible.

An Agreement Only is just like other forms of Adoption Assistance except that payments or medical coverage are not provided until a need arises. Payments or medical coverage can begin at any time prior to the child’s 18th birthday by contacting the Central Adoptions Unit.

I have been provided with a copy of the New Mexico Title IV-E Adoption Assistance Information Sheet and the Placement Worker has explained the Title IV-E benefits available.

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Adoptive Parent Date

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Adoptive Parent Date

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Placement Worker Date