

Subsidized Adoption Eligibility

Service Chapter 447-05

**North Dakota Department of Human Services
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Economic Assistance Subsidized Adoption Eligibility 447-05

Philosophy 447-05-05

(Revised 9/1/07 ML 3032)

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The intent of the adoption assistance program is to help secure and support safe and permanent adoptive families for children with special needs. Adoption assistance is designed to provide adoptive families of any economic stratum with needed social services, medical services, and financial support to care for children that are considered hard to place.

Eligibility Requirements 447-05-10

Initial Eligibility Requirements 447-05-10-05 (Revised 9/1/07 ML 3032)

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In order for a child to be eligible for adoption assistance from the state of North Dakota, the following must be true:

1. The child must be in the custody of a public child welfare agency (state, county, or Indian Tribe) in North Dakota, or in the custody of a North Dakota Licensed Child Placing Agency and meet IV-E eligibility criteria. (Unless the child has been determined to be eligible for SSI, is eligible as a child of a minor parent in foster care or is eligible due to prior title IV-E adoption assistance and is a child with special needs ([447-05-25](#))).
2. There must be an adoption assistance agreement between the state and the adoptive parents which is signed and in effect prior to the final decree of adoption;
3. The child must meet the special needs requirements; and
4. The child must:
 - be eligible for SSI benefits, or
 - meet certain AFDC relatedness criteria at the time of the initial removal from the birth family home and the initiation of court proceedings for removal, or
 - have been eligible for Title IV-E adoption assistance in a prior adoption, or
 - be a child of a minor parent in foster care that received increased title IV-E maintenance payments to cover the cost of the child.

The first three criteria apply to all children requesting an adoption subsidy. In order for North Dakota to secure federal reimbursement under the Title IV-E Subsidized Adoption Program the child must meet certain eligibility criteria, as noted in #4. If the child does not meet the criteria for IV-E adoption subsidy in #4 above, but meets the criteria 1-3, the child may qualify for a State-funded subsidy.

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Ongoing Requirements 447-05-10-10 **(Revised 9/1/07 ML 3032)**

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An annual review of the continuing need for and the amount of the subsidy is necessary. However, unlike the Title IV-E Foster Care Program, a redetermination of technical eligibility factors is not required for continued adoption subsidy funding.

In order for the child to be continually eligible for subsidy, the following criteria must be met:

- The child must be under 18, and
- The parents must be legally responsible for the support of the child and the child must be receiving support from the parents.

A Title IV-E adoption subsidy may continue to age 21 if the child has a continuing physical, mental, or emotional disability.

The child may continue to be eligible for a state subsidy until age 21 if the agency determines the child is a student regularly attending a secondary, post secondary, or vocational school in pursuance of a cause of study leading to a diploma, degree, or gainful employment.

Adoption Subsidy Agreement 447-05-15
(Revised 9/1/07 ML 3032)

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(Applies to all adoption subsidies.)

An adoption subsidy agreement is a written agreement between the Department and the prospective parents of the child. It must be signed and in effect prior to adoption finalization in accordance with applicable state and local laws. A copy of the signed agreement must be given to each party. The agreement must specify:

- The duration of the agreement;
- The nature and amount of payments, services and assistance;
- The child is eligible for Medicaid;
- The agreement will remain in effect regardless of the state in which the child is a resident;
- The state will reimburse the adoptive parents for nonrecurring adoption expenses up to \$2000, incurred in connection with the adoption of such child;
- The amount and nature of the nonrecurring expenses must be specified in the agreement.
- That the adoptive parents may appeal the agency's decision to reduce, change or terminate adoption assistance in accordance with the rules and procedures of the states fair hearing process.

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Nonrecurring Expenses 447-05-15-05 **(Revised 9/1/07 ML 3032)**

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Nonrecurring expenses are defined as adoption fees, court costs, attorney fees, and other expenses, which are directly related to the legal adoption of a child with special needs.

Other expenses means the costs of the adoption study, including health and psychological examinations and consultations, transportation, and the reasonable costs of lodging and food for the child and adoptive parents when necessary to complete the placement or adoption process. In North Dakota, home studies are paid for through the special needs contract, so there are minimal fees charged by the child placing agency for registration, evaluative tools and criminal background checks that may be reimbursed.

Nonrecurring expenses claimed must be specified by type and by amount on the [SFN 1803](#).

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Duration of Agreement 447-05-15-10 (Revised 9/1/07 ML 3032)

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The subsidy agreement specifies that subsidy will end when the child reaches age 18. If agreed upon by the parent and on a case-by-case basis, the agreement may specify an earlier end date. The subsidized adoption agreement cannot have a blanket policy that limits the duration of the payment to a date earlier than the child's 18th birthday. If agreed upon by the parent and on a case-by-case basis, the agreement may specify a time limit for the amount of the monthly payment, or that the payment may be renegotiated at a specific time.

If the child is over the age of 18 and a recipient of a federally funded adoption subsidy, documentation of a continuing physical, mental, or emotional disability must be obtained to continue the IV-E funding. To continue state funded subsidy beyond age 18, the agency must determine that the adopted child is a student regularly attending a secondary, postsecondary, or vocational school in pursuance of a course of study leading to a diploma, degree or gainful employment. Documentation of school attendance must be obtained and a recommendation for continued subsidy must be made to the Central Office.

The county shall continue to provide documentation as to school attendance as long as the subsidy is to continue. Authorization for payment will only be made for periods of school attendance that are verified.

Amount of Payment 447-05-15-15
(Revised 9/1/07 ML 3032)

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A monthly subsidy is an on-going payment that may not exceed the amount of foster care payment (including any "difficulty of care" levels of payment that are applicable to the child) that would have been paid for that specific child if the child had been in a foster family home. The amount of such payment shall take into consideration the circumstances of the adopting parents and the needs of the child being adopted. The subsidy may be negotiated at a lower amount in accordance with the needs of the child.

When an adoptive family is requesting a monthly subsidy amount that exceeds a regular family foster care rate for the age of the child, the needs of the child shall be evaluated in order to negotiate the payment rate. The needs of the child may be evaluated using the [SFN 1865](#) – Family Foster Care/Adoption Assistance Level of Care Evaluation Form. The family may also be asked to submit additional documentation as would assist in the negotiation, that details the specific needs of the child and the cost to meet those needs. The monthly payment may also include an amount for childcare for working parents if this was paid for while the child was in foster care or would have been paid for if the child were in foster care. An amount for child care should be time limited on the agreement to a period for which child care may reasonably be expected to be incurred on behalf of the child.

Rate changes to family foster care rates are not automatically given to adoption subsidy recipients. Requests for increases in subsidy due to an increase in foster care rates may be considered on a case-by-case basis since subsidy rates are to be negotiated with the specific child's needs in mind.

A "means" test may not be used to determine if the adoptive parents are eligible for adoption subsidy payments nor can it be used to determine the amount of the adoption subsidy payment.

State of Residence 447-05-15-20

(Revised 9/1/07 ML 3032)

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If the child (and the adoptive parents) moves to another state, the adoption subsidy agreement remains in effect. The monthly subsidy payment is maintained by North Dakota and the county that the family moved from maintains the subsidy case for annual review purposes.

State Funded Subsidized Adoption. Medical benefits are available to adoptive children in accordance with the scope of Medicaid coverage of the Division of Medical Services, North Dakota Department of Human Services or by the resident state of the parents if the state is a member of the Interstate Compact on Adoption and Medical Assistance (ICAMA) and offers reciprocity to other states' state funded subsidy recipients. If the latter is the case, DHS will inform the resident state of the child's eligibility for MA in the resident state through the procedures of the ICAMA. If the resident state does not offer reciprocity, the sub adopt state (North Dakota for a ND child for whom there is a subsidized adoption agreement) will maintain Medicaid coverage for the child, in accordance with it's scope of services. The adoptive parents are responsible to locate providers in the resident state that will accept ND Medicaid for payment.

IV-E Funded Subsidized Adoption. Medical benefits are available to the adoptive child in accordance with the scope of Medicaid coverage of the state in which the child resides. The Department of Human Services will make the resident state aware of the child's eligibility for Medicaid in the resident state through the procedures of the Interstate Compact on Adoption and Medical Assistance (ICAMA).

The new state of residence is responsible for providing Title XIX services. However, if the receiving state does not have the social services or medical services available that were agreed upon in the adoption subsidy agreement, the sending state remains financially responsible for providing these services to the child.

Special Needs Requirements 447-05-20
(Revised 9/1/07 ML 3032)

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(Applies to all adoption subsidies.)

To be determined to have "special needs" for the purposes of adoption assistance, the following three criteria must be met, and documented in the file. Application for a determination of special needs is made on [SFN 1084](#).

1. The Department must determine that the child cannot or should not be returned to the home of his parents (as evidenced by a Termination of Parental Rights or in the case of a Tribal child being adopted customarily, pursuant to Tribal Code, an order of the Tribal court that the child cannot or should not be returned to the home of the parent).

2. The child must meet at least one of the following criteria and is therefore considered.
 - Membership in a minority race
 - Age (7 years of age or older)
 - Membership in a sibling group
 - Physical, mental or emotional disabilities
 - At high risk for physical, mental or emotional disabilities as diagnosed by a licensed physician.

The child must have a special need, which indicates that the child could not be placed without providing an adoption subsidy or medical assistance under Title XIX.

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3. An effort must be made to place the child with adoptive parents without providing an adoption subsidy or medical assistance or there must be documentation that the child has established significant emotional ties with prospective adoptive parents (i.e. having parented the child in their home in foster care or being a relative of the child). Documentation regarding efforts to place without a subsidy will be contained in the cover letter from the licensed child-placing agency.

IV-E Adoption Assistance Requirements 447-05-25
(Revised 9/1/07 ML 3032)

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A State is required to enter into an adoption assistance agreement with the adoptive parents of a child with special needs and provide adoption assistance if the child meets specific requirements. There are four ways that a child can be eligible for Title IV-E adoption assistance:

1. Child is eligible for Aid to Families with Dependent Children (AFDC) and meets the definition of a child with special needs.

Adoption assistance eligibility that is based on a child's AFDC eligibility (in accordance with the program rules in effect on July 16, 1996) is predicated on a child meeting the criteria for such at the time of removal. In addition, the State must determine that the child meets the definition of a child with special needs prior to finalization of the adoption.

The method of removal has the following implications for the AFDC-eligible child's eligibility for Title IV-E adoption assistance: If the child is removed from the home pursuant to a judicial determination, such determination must indicate that it was contrary to the child's welfare to remain in the home; or if the child is removed from the home pursuant to a voluntary placement agreement, that child must actually receive Title IV-E foster care payments to be eligible for Title IV-E adoption assistance.

2. Child is eligible for Supplemental Security Income (SSI) benefits and meets the definition of a child with special needs.

A child is eligible for adoption assistance if the child meets the requirements of Title XVI SSI benefits and is determined by the State to be a child with special needs prior to the finalization of the adoption.

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There are no additional criteria that a child must meet to be eligible for Title IV-E adoption assistance when eligibility is based on a special needs child meeting SSI requirements. Specifically, how a child is removed from his or her home or whether the State has responsibility for the child's placement and care is irrelevant in this situation.

Unlike AFDC eligibility that is determined by the State child welfare agency, only a designated Social Security Administration claims representative can determine SSI eligibility and provide the appropriate eligibility documentation to the State.

3. Child is eligible as a child of a minor parent and meets the definition of a child with special needs.

A child is eligible for Title IV-E adoption assistance in this circumstance if: prior to the finalization of the adoption, the child's parent was in foster care and received a Title IV-E foster care maintenance payment that covered both the minor parent and the child of the minor parent and is determined by the State to meet the definition of a child with special needs.

There are no additional criteria that must be met in order for a child to be eligible for Title IV-E adoption assistance if the child's eligibility is based on his or her minor parent's receipt of a foster care maintenance payment while placed with the minor parent in foster care. As with SSI, there is no requirement that a child must have been removed from home pursuant to a voluntary placement agreement or as a result of a judicial determination.

4. Child is eligible due to prior Title IV-E adoption assistance eligibility and meets the definition of a child with special needs.

In the situation where a child is adopted and receives Title IV-E adoption assistance, but the adoption later dissolves or the adoptive parents die, a child may continue to be eligible for Title IV-E adoption assistance in a subsequent adoption. The only determination that must be made by the State prior to the finalization of the subsequent

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adoption is whether the child is a child with special needs, consistent with the requirements in section 473(c) of the Act. Need and eligibility factors in section 473(a)(2)(A) of the Act must not be redetermined when such a child is subsequently adopted because the child is to be treated as though his or her circumstances are the same as those prior to his or her previous adoption. Since Title IV-E adoption assistance eligibility need not be re-established in such subsequent adoptions, the manner of a child's removal from the adoptive home, including whether the child is voluntarily relinquished to an individual or private agency, is irrelevant.

"At the time adoption proceedings were initiated" means in the month the child was placed in the adoptive home and the Adoption Subsidy Agreement was signed.

At the time of the removal of the child from the home means the month the petition was filed which led to the child's removal from the home.

See Foster Care Manual Chapter 447-10 for extensive information regarding IV-E eligibility/reimbursability determination.

**State Funded Adoption Assistance Requirements
447-05-30**

(Revised 9/1/07 ML 3032)

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If the child does not meet any of the above requirements of IV-E adoption assistance eligibility, the child may be eligible to receive a state funded subsidy. The child must meet be in the custody of the state, county, or Tribe prior to the adoption and must meet the special needs criteria as described in section [447-05-20](#) of this manual section and have been determined to not be eligible for IV-E adoption assistance.

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Ongoing Requirements 447-05-35

Age 447-05-35-05

(Revised 9/1/07 ML 3032)

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The child must be under 18. IV-E funded subsidy and medical assistance may be provided at State option until the child is 21 years of age if the child has a physical, mental, or emotional condition that warrants continuation.

The child may continue to be eligible for a state subsidy until age 21 if the agency determines the child is a student regularly attending a secondary, post secondary, or vocational school in pursuance of a cause of study leading to a diploma, degree, or gainful employment.

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Legal Responsibility 447-05-35-10

(Revised 9/1/07 ML 3032)

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The adoptive parents must continue to be legally responsible for the support of the child. The adoptive parents must also continue to support the child.

If the county determines that the adoptive parents are not supporting the child, they may request the payment be suspended.

Adoption Subsidy Procedures 447-05-40 **(Revised 9/1/07 ML 3032)**

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The child placing agency adoption specialist and the county foster care eligibility worker are responsible for providing the information necessary to determine adoption subsidy eligibility. The county adoption subsidy worker will be responsible for determining if the child meets the adoption subsidy eligibility requirements, and facilitates the negotiation of the subsidy amount. The state office makes a final review/determination of adoption assistance eligibility.

The documents designed to enable the Department to meet the Title IV-E Adoption Subsidy requirements and to enhance the eligibility determination process are:

1. [SFN 1084](#) - Notice to the North Dakota Department of Human Services – Determination of Special Needs
2. [SFN 854](#) - Adoption Subsidy Certification
3. [SFN 869](#) – Title IV-E Initial Eligibility Form (a foster care form)
4. Initial Removal Order placing the child in foster care
5. [SFN 856](#) - Adoption Subsidy Agreement - Annual Review
6. SFN 855 - Title IV-E Adoption Subsidy Eligibility Determination
7. [SFN 1803](#) - Subsidized Adoption Agreement
8. [SFN 1865](#) - Specialized Family Foster Care/Adoption Assistance Level of Care Evaluation Form
9. SFN 855 - Title IV-E Adoption Subsidy Eligibility determination

Initial Placement 447-05-40-05

(Revised 9/1/07 ML 3032)

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1. The county social worker refers the child to the contracted child-placing agency for placement in an adoptive home. The child-placing agency recruits a potential placement for the child, or works with an identified placement resource to complete pre adoption requirements, including the adoptive family assessment and child preparation activities.

If the family identified by the child's team to adopt the child is not a family with whom the child has a pre-existing, significant relationship (i.e. a relative or a foster family), the child-placing agency will document that adoption assistance has been discussed, and whether the family can or cannot adopt without adoption assistance.

2. The child placing agency adoption specialist completes [SFN 1084](#), "Notice to the North Dakota Department of Human Services – Determination of Special Needs." This form is sent to the adoptions administrator with the following information:
 - Termination of Parental Rights Order
 - The adoptive family assessment (home study)
 - Documentation of the child's special needs
 - The social history of the child, including medical/psychological information
3. The Adoptions Administrator approves and returns the designation of special needs or returns the [SFN 1084](#) with an explanation as to why the designation is not being approved. If the designation is approved, copies of the approved SFN 1084, "Notice to the North Dakota Department of Human Services – Determination of Special Needs" are returned to the adoption specialist, who will include a copy in the subsidy packet to be sent to the county.

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4. The county foster care eligibility specialist completes the [SFN 854](#) - Adoption Subsidy Application, after being notified that the child is to be placed for adoption. This application and the following documents are sent to the child-placing agency adoption specialist:
 - Forms used to determine eligibility for IV-E foster care ([SFN 869](#) – Initial IV-E eligibility form
 - Proof of determination of SSI eligibility
 - Copy of initial removal court order placing the child in foster care
 - Documentation of foster care payment, including any specialized difficulty of care rates (EMPS's) and childcare paid for working parents on behalf of the child.
5. The child-placing agency forwards the family's adoption subsidy packet to the county of the adoptive parents residence. This packet will include the adoption assessment (home study), termination of parental rights order, medical/ social history of birth parents, medical/ social history of the child that verifies the special needs of the child, copies of any [SFN 1865](#) – Specialized Family Foster Care/ Adoption Assistance Level of Care Evaluation Forms that have been completed on behalf of the child, copy of the child's birth certificate, completed [SFN 1084](#), [SFN 854](#), [SFN 869](#), and other foster care payment information provided by the foster care eligibility worker, and any other information that would assist in the negotiation.
6. The adoption subsidy worker reviews the materials sent by the child placing agency, facilitates the completion of the [SFN 1803](#) – Adoption Subsidy Agreement, and approves or disapproves the agreement with the adoptive parents. The subsidy worker or other designated county staff negotiates the amount of the monthly subsidy, not to exceed the amount the child received, or would receive in a foster care payment. When the agreement is approved and signed by the county, the duplicate subsidy packet and signed SFN 1803 is forwarded to the State Office, Adoptions Administrator.
7. The adoptions administrator reviews the file, completes the SFN 855 – Title IV-E Adoption Subsidy Eligibility Determination. If adoptive placement has not already been accomplished, the adoptions administrator notifies the adoption specialist that the subsidy has been approved and that they may make adoptive placement. When the Department has been informed (via the [SFN 939](#) – Report of

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Adoptive Placement) that adoptive placement has occurred, an award letter and copy of the [SFN 1803](#) is sent to the county that is facilitating the adoption subsidy. A copy of the signed agreement is sent to the adoptive parents with a copy of the approval letter.

8. The adoptions administrator will authorize payment to begin on the CCWIPS payment system. Payments may begin effective the date of adoptive placement in the home, if the agreement ([SFN 1803](#)) has been signed by the adoptive parent(s), a representative of the county, and the representative of the Department of Human Services, and is in effect prior to placement. The adoptive family may also make application after placement but before finalization of the placement.
9. When the adoption is finalized, the adoption subsidy worker closes the Medicaid foster care case and opens a Medicaid adoption case, using the child's new name and number. See Economic Assistance Policy Division & Medical Services FYI 03-009.

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Annual Review 447-05-40-10

(Revised 9/1/07 ML 3032)

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1. The county adoption subsidy worker maintains a list of all cases for the purpose of annual review.
2. Two months before the annual review is due, the adoption subsidy worker sends a letter and the [SFN 856](#) – Adoption Subsidy Agreement Annual Review form to the adoptive parents. Optionally, the adoption subsidy worker may include [SFN 816](#) - Change Report Form for Adoption Assistance so that adoptive parents may report any change in circumstance for the child or family.
3. If the adopted individual is over the age of 18, or approaching his/her 18th birthday, the adoption subsidy worker may inquire as to whether the parent will request subsidy continue beyond age 18 and if so, request documentation regarding a continued physical, mental, or emotional disability and/or verification of continued school attendance.
4. Upon return of the annual review form, the worker assures that the parents continue to be legally responsible for the child and continue to support the child. The amount of the subsidy is renegotiated, if requested by the parent. If an increase in subsidy is requested, adoptive parents must supply information regarding the nature of their request and reasons for the increase. If indicated, the county may enter into renegotiation of the monthly subsidy amount, either at the time of the annual review, or whenever the needs of the child or the circumstances of the family change and warrant a reconsideration of the amount.
5. A renegotiated monthly subsidy may not exceed an amount the child would receive if that child were placed in a family foster care home at the time of the negotiation. The amount may include amounts that would be paid for difficulty of care needs of the child (as assessed on the [SFN 1865](#) - Specialized Family Foster Care/Adoption Assistance

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Level of Care Evaluation form) and for child care if it would be paid for in foster care for working parents.

6. Annual review documents are forwarded to the Central Office of DHS with any changes in monthly amount, address or third party payer noted. An award letter and copy of the final signed [SFN 856](#) is sent to the county, with a copy to the adoptive parents.

If the annual review paperwork is not returned in a timely manner, the county may request the monthly subsidy be temporarily suspended. The county subsidy worker should make this suspension request to the Administrator, Adoption Services at the Children and family Services Division. The request should be in writing (letter, fax, or email). The Department should be alerted to reinstate the subsidy and authorize any missed payments when the annual review documentation is forwarded to the state office.

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Other 447-05-40-15 **(Revised 9/1/07 ML 3032)**

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The child-placing agency is responsible for continuing the Permanency Planning Child and Family Team Meeting process from adoptive placement until the adoption is finalized.

If the adoptive family requires post-adoption services, a release of information should be obtained and the child-placing agency should be contacted. Issues related to the subsidy amount should be referred to the county adoption subsidy worker.

Philosophy of Negotiation 447-05-45
(Revised 9/1/07 ML 3032)

[View Archives](#)

The goal of negotiation for adoption assistance is to come to an agreement on the amount of the monthly adoption assistance payment and to identify the types of services the family will need to maintain the permanency of the adoption. Unlike the foster care program, adoptive parents are primarily responsible for the child's support. As such, services provided through the adoption assistance program are designed to supplement the resources of the adoptive family. As the child's needs and the family's circumstances change, flexibility in reevaluating the levels and types of assistance which may be required should be an integral part of the program to ensure the ongoing needs of the child are met and to promote the stability of the adoption. Negotiation should take into consideration the needs of the child and the circumstances of the family.

In addition to an agreement regarding an amount of a monthly subsidy payment, the negotiation process is an opportunity to:

- Engage the parent(s) in discussing and understanding the needs of the child.
- Identify and prepare families for the behaviors that can be expected when a child transitions from foster care to adoption.
- Explain the potential impact of adoption on the development of the child and the family.
- Identify appropriate community resources and supports.
- Connect parents with community resources and supports.
- Provide parent with another opportunity to ask questions and raise concerns.
- Enhance the agency's relationship with the adoptive parents.

See Service Manual Chapter 617-05-20-35, 40, 45, and 50 for more information on the roles of the child placing agency, adoptive parent, county adoption subsidy worker, and Department of Human Services in adoption subsidy process.

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Case Record Set-Up 447-05-50

(Revised 9/1/07 ML 3032)

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Two adoption case records will be maintained. One by the adoption subsidy worker; the other at the state office (this record will be imaged for permanent archival when the subsidy is closed).

The case record maintained by the county adoption subsidy worker will contain:

- [SFN 1084](#) - Notice to the North Dakota Department of Human Services – Determination of Special Needs and supporting documentation received from the child placing agency
- [SFN 869](#) – IV-E Initial Eligibility form and Initial Removal Order placing the child in foster care
- [SFN 854](#) - Adoption Subsidy Certification
- [SFN 1803](#) – Subsidized Adoption Agreement
- Documentation regarding negotiation/renegotiation of subsidy amount
- Documentation regarding nonrecurring expenses claimed on the [SFN 1803](#)
- Correspondence with the adoptive family
- Social study updates until finalization/not required after finalization
- Copy of SFN 855 completed by the State Office
- Copy of adoption subsidy award letter, completed by the State Office
- Notices regarding recertifications
- [SFN 856](#) – Adoption Subsidy Agreement, Annual Review forms
- Recertification approval letters

Adoption subsidy files at the county will follow county record retention policy.

The record at the state office will contain:

- [SFN 1084](#) - Notice to the North Dakota Department of Human Services – Determination of Special Needs and supporting documentation received from the child placing agency

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- [SFN 854](#) - Adoption Subsidy Application
- Copy of [SFN 869](#) - IV-E Initial Eligibility form and Initial Removal Order placing the child in foster care
- SFN 855 – Title IV-E Adoption Subsidy Eligibility Determination
- Documentation regarding nonrecurring expenses claimed on the SFN 1803
- [SFN 1803](#) – Subsidized Adoption Agreement
- [SFN 856](#) – Adoption Subsidy Agreement, Annual Review forms
- [SFN 939](#) -- Notice of Placement -
- The adoptive family assessment
- The social history of birth parents and child
- Termination of Parental Rights Order
- Psychological/medical information
- Legal documents including petition for adoption
- The Final Decree
- Initial and annual review award letters

Adoption subsidy files at the state office will be imaged for permanent record retention.

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Transfer of Case Record 447-05-55

(Revised 9/1/07 ML 3032)

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When an adoptive family moves to another county within the state of North Dakota, the case record and responsibility for payment and Medicaid will be transferred to the new county of residence. Thereafter the new resident county will initiate the annual review process. The DHS – Central Office shall be informed of the family’s new address and Resident County.

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Conflict of Interest 447-05-60

(Revised 9/1/07 ML 3032)

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A conflict of interest may arise for a county in managing a specific adoption assistance case, i.e. the adoptive parent is a county employee. In this event, the county director may request a nearby county manage the adoption assistance case for the resident county of the adoptive parent.

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Fair Hearing 447-05-70 **(Revised 9/1/07 ML 3032)**

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Adoptive parents may appeal the agency's decision to reduce, change or terminate adoption assistance in accordance with the rules and procedures of the states fair hearing process. To request a hearing, the adoptive parent must notify the county in writing within thirty days of receipt of notice. The agency decision will be final if a hearing is not requested within thirty days.

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Notice to the ND Department of Human Services Determination of Special Need, SFN 1084 447-05-05-70-05

(Revised 9/1/07 ML 3032)

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[SFN 1084](#) determines whether the child meets the federal and state criteria for special needs for the purposes of adoption assistance. This form is completed by the licensed child placing agency adoption specialist and approved by the adoptions administrator at DHS. A copy of this form will be contained in the subsidy packet forwarded to the county.

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Adoption Subsidy Certification, SFN 854 447-05-70-10 (Revised 9/1/07 ML 3032)

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[SFN 854](#) asks a series of questions related to the child's IV-E eligibility in foster care and is completed by the foster care county eligibility worker. It is forwarded to the child-placing agency, along with required documentation, to be included in the subsidy packet.

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Subsidized Adoption Agreement, SFN 1803 447-05-70-15 (Revised 9/1/07 ML 3032)

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[SFN 1803](#) is a legal agreement between the adoptive parent, county and state to provide adoption assistance as specified on the agreement. This form must be signed and in effect prior to the finalization of the adoption of the child.

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Title IV-E Adoption Subsidy Eligibility Determination, SFN 855 447-05-70-20

(Revised 9/1/07 ML 3032)

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This form is a final review of IV-E Adoption Assistance Eligibility and is completed at the state office as a final review of eligibility factors.

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Adoption Subsidy Agreement - Annual Review, SFN 856 447-05-70-25

(Revised 9/1/07 ML 3032)

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[SFN 856](#) is the form that is completed for the annual review of adoption assistance and is a legal agreement between the adoptive parent, county and state.

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Specialized Family Foster Care/Adoption Assistance Level of Care Evaluation, SFN 1865 447-05-70-30

(Revised 9/1/07 ML 3032)

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[SFN 1865](#) is used to evaluate a child's physical and behavioral needs and associate a level of payment for the purposes of foster care and adoption assistance. For adoption assistance purposes, this form is used whenever a parent is requesting a monthly amount that is larger than the regular foster care rate for the child's age. This form may be used for initial negotiation or for subsequent negotiations when an increase is requested.

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Change Report Form for Adoption Assistance, SFN 816 447-05-70-35

(Revised 9/1/07 ML 3032)

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[SFN 816](#) may be used by the parent to report changes in the circumstances of the child or family that may affect the continuation of adoption subsidy or support a change in the amount of adoption subsidy.

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Title IV-E Adoption Assistance Eligibility Flow Chart 447-05-70-40

(Revised 9/1/07 ML 3032)

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Click here to [view](#) and/or print the Eligibility Flow Chart.