

Subsidized Adoption Eligibility

Service Chapter 447-05

**North Dakota Department of Human Services
600 East Boulevard Dept. 325
Bismarck, ND 58505-0250**

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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 1/1/24 ML 3782)

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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 (Human Service Zone, or Tribal Nation) 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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Adoption subsidy payment may not be made on behalf of a child to an adoptive parent whose fingerprint based criminal records check determines that a prospective adoptive parent has been convicted of a felony as detailed in NDCC 50-11.3. Adoption assessments must include reference to the results of a fingerprint based criminal history records investigation and the packet of information forwarded to the Foster Care and Subsidized Adoption Eligibility Unit by the licensed child placing agency will include copies of the fingerprint based criminal background check results.

No adoption subsidy payment (including reimbursement for non-recurring expenses of adoption) may be made with respect to a child who is a child with special needs, is not a citizen or resident of the United States and was adopted outside of the United States or was brought into the United States for the purpose of being adopted. A child that is not a citizen or resident of the US and was adopted outside of the US or brought into the US for the purpose of being adopted may be eligible for adoption assistance if the initial adoption of the child by parent is a failure and the child is subsequently placed into foster care.

Ongoing Requirements 447-05-10-10
(Revised 1/1/24 ML 3782)

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A periodic review of the continuing need for and the amount of the subsidy is necessary. However, 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 subsidy until age 21 if the agency determines the child is a student regularly attending a secondary, post-secondary, or vocational school pursuing 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](#).

Duration of Agreement 447-05-15-10

(Revised 1/1/24 ML 3782)

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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 subsidy beyond age 18, the adoption subsidy worker must determine 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 is required.

The parent is responsible to provide documentation of 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 4/1/25 ML 3903)

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A monthly base rate subsidy is an on-going payment that may not exceed the amount of foster care payment 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.

Subsidy payment for the initial month of adoptive placement will be prorated to the number of days in the month in which the child is in the preadoptive placement. Prorating applies to the base rate and if applicable, the level of care and/or childcare amounts which have been negotiated.

The amount of the assistance may be adjusted periodically if the family's or child's circumstances change, with the concurrence of the adoptive family. Requests for increases in subsidy base amount must be in writing.

The needs of the child and level of care must be evaluated prior to negotiating the payment rate. The family must complete an [SFN 793](#) Adoption Assistance Documentation of Need. The family may be asked to submit additional documentation detailing the specific needs of the child and the cost to meet those needs. A level 3 evaluation on the SFN 793 requires independent documentation from a medical or mental health provider specifying diagnosis and recommendations. A monthly subsidy payment that includes an excess maintenance payment will be reevaluated on an annual basis to determine the child's current level of need. The excess maintenance payment amount may be subject to change based on the current needs of the child.

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. Childcare is evaluated on an

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annual basis for need and amount. Childcare reimbursement is based on the current rates set under the Child Care Assistance Program and may not exceed the established rate related to the age of the child and the licensure status of the childcare provider. At the time of review, parent is required to provide documentation of childcare payments/costs and licensure status of the provider. Parent must provide a statement from a treating professional as to the need for childcare for all children age 13 and over.

Rate changes to family foster care rates are not automatically given to adoption subsidy recipients. Requests for increases in subsidy must be submitted in writing to NDHHS - Foster Care and Subsidized Adoption Eligibility Unit. An increase may be considered on a case-by-case basis since subsidy rates are to be negotiated with the specific child's needs in mind.

When a child turns 18 years old and is in college, they are no longer eligible for an increased level of care payment. At the discretion of the state, an exception may be made.

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. Income received by the parent on behalf of the child may be considered in the negotiation.

State of Residence 447-05-15-20

(Revised 1/1/24 ML 3782)

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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 in the Foster Care and Subsidized Adoption Eligibility Unit.

State Funded Subsidized Adoption. Medical benefits are available to adoptive children in accordance with the scope of Medicaid coverage of Medical Services, North Dakota Department of Health and 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, HHS 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 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.

Termination of Payment 447-05-15-25

(NEW 4/1/2025 ML 3902)

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Termination of the Subsidized adoption agreement will occur in any of the following circumstances:

- A. At the conclusion of the terms of this Agreement.
- B. Upon the adoptive parent(s)' request.
- C. When the child reaches the age of 18. Subsidized adoption may be provided at State Option until the child is 21 years of age. The family's request to continue subsidy must be made in writing prior to the recipient's 18th birthday. Requests for extension and/or reinstatement must be in writing and verification of school attendance must be submitted. If the subsidy has been suspended for lack of school verification, reinstatement will be as of the date of request and/or when school attendance commences.
- D. Upon the child's death
- E. Upon the death of the parent(s) of the child (one in a single parent family and both in a two-parent family).
- F. At the cessation of legal responsibility of the adoptive parent(s) for the child.
- G. If the agency determines that the child is no longer receiving support from the adoptive parent(s).
- H. If the family fails to participate in the renewal process for subsidized adoption.

Any payments that have been made after the Subsidized Adoption agreement is terminated will be an overpayment. The ineligible payment amount must be returned to the NDHHS - Foster Care and Subsidized Adoption Eligibility Unit.

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 1/1/24 ML 3782)**

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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.

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 adoption is whether the child is a child with special needs, consistent

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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.

Applicable Child Provisions 447-05-25-05

(NEW 1/1/24 ML 3782)

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An applicable child is a child who meets the applicable age requirements of P.L.110-351, or a child who has been in foster care for at least 60 months, or a sibling to either such child if both are to have the same adoption placement. A child who is referred to in section 473 of the Act as "not an applicable child" is one for whom the revised eligibility criteria do not apply and to whom the eligibility requirements in place prior to October 1, 2009 apply. This phased in eligibility criteria change has the effect of increasing the adoption assistance penetration rate over time.

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

(Revised 1/1/24 ML 3782)

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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 human service zone or Tribal Nation 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.

Ongoing Requirements 447-05-35

Age 447-05-35-05

(Revised 1/1/24 ML 3782)

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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.

A title IV-E agency may extend the age that a child may receive adoption assistance payments and assistance up to age 19, 20 or 21 (at the title IV-E agency's option) if the title IV-E adoption assistance agreement was entered into after the child turned age 16 and the child meets certain conditions. These conditions are that, once s/he reaches age 18, the child is: 1) completing secondary school (or equivalent); 2) enrolled in post-secondary or vocational school; 3) participating in a program or activity that promotes or removes barriers to employment; 4) employed 80 hours a month; or 5) determined incapable of any of the above due to a documented medical condition.

In addition to this option, the title IV-E agency remains able to provide adoption assistance payments up to age 21 to an "applicable" or "non-applicable child" when the agency determines that a child has a physical or mental handicap that warrants the continuation of assistance as currently provided for.

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Legal Responsibility 447-05-35-10

(Revised 1/1/24 ML 3782)

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

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Parent Responsibility to Report 447-05-35-15

(Revised 4/1/25 ML 3902)

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Adoptive parents are required to inform NDHHS - Foster Care and Subsidized Adoption Eligibility Unit of circumstances that would make them ineligible for adoption assistance payment or eligible for assistance in a different amount. SFN 816, which is available on the state E-forms web site, may be used by the parent to report changes in the circumstance of the child or family that may affect the continuation of adoption subsidy or support a change in the amount of adoption subsidy.

School Attendance Requirement 447-05-35-20
(NEW 1/1/24 ML 3782)

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Adoption subsidy payments may not be made on behalf of a child who has attained the minimum age for compulsory school attendance under State law and who is not a full time elementary or secondary school student or has completed secondary school. For the purposes of this provision, the term "elementary or secondary school student" means a child that is:

- Enrolled (or in the process of enrolling) in an institution which provide elementary or secondary education;
- Instructed in elementary or secondary education at home according to state law in which the home is located;
- In an independent study elementary or secondary education program in accordance with the law of the state in which the program is located;
- or
- Is incapable of attending school on a full-time basis due to the medical condition of the child, which is supported by regularly updated information in the case plan of the child.

Adoption Subsidy Procedures 447-05-40

(Revised 1/1/24 ML 3782)

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The child placing agency adoption specialist and the human service zone worker are responsible for providing the information necessary to determine adoption subsidy eligibility. The adoption subsidy worker is 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 Health and Human Services – Determination of Special Needs
2. [SFN 854](#) - Title IV-E Adoption Subsidy Certification
3. [SFN 869](#) – Title IV-E Initial Eligibility (a foster care form)
4. Initial Removal Order placing the child in foster care
5. [SFN 856](#) - Adoption Subsidy Agreement - Review
6. [SFN 855](#)- Title IV-E Initial Subsidy Eligibility Determination
7. [SFN 1803](#) - Subsidized Adoption Agreement
8. [SFN 1865](#) - Foster Care Child Needs Assessment
9. [SFN 793](#) - ND Adoption Assistance Documentation of Need

Initial Placement 447-05-40-05

(Revised 1/1/24 ML 3782)

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1. The case worker refers the child to the contracted child-placing agency at the time adoption is added as a case plan goal. The child-placing agency recruits a potential placement for the child, or works with an identified placement resource to complete preadoption 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 Health and Human Services – Determination of Special Needs." This form is sent to the adoptions administrator with the following information:
 - Termination of Parental Rights Order
 - Documentation supporting the designation of the child's special needs
 - The social history of the child, including medical/psychological information
 - The child's birth certificate
 - Any other information requested by the department
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

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Department of Health and Human Services – Determination of Special Needs" are returned to the adoption specialist.

4. The HSZ or Tribal Nation case worker is responsible for completing the [SFN 854](#) - Title IV-E Adoption Subsidy Certification, after being notified that the child is to be placed for adoption. This certification and the following documents are sent to the child-placing agency adoption specialist:
 - Proof of determination of SSI eligibility, if applicable
 - Documentation of foster care payment, including, if applicable the [SFN 1865](#) Foster Care Child Needs Assessment and childcare paid for working parents on behalf of the child.
5. The completed [SFN 793](#) Adoption Assistance Documentation of Need
6. The child-placing agency forwards the family's adoption subsidy packet to the Foster Care and Subsidized Adoption (FCSA) Eligibility Unit. This packet will include completed [SFN 854](#), cover letter with contact information for prospective adoptive parent, [SFN 1865](#) if applicable, [SFN 793](#), non recurring expense documentation, insurance cards and any other information that would assist in the negotiation. If the prospective adoptive parent is not a family who has had a prior relationship with the child (such as a relative or licensed foster care provider), a statement must be included in the packet that asserts the family is unable to adopt without adoption subsidy support.
7. 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 negotiates the amount of the monthly subsidy, not to exceed the amount the child received, or would receive in a foster care payment. The adoption subsidy worker will obtain a copy of the [SFN 869](#) - Title IV-E Initial Eligibility (a foster care form) and initial removal order from the foster care eligibility file within the Foster Care and Subsidized Adoption Eligibility Unit.
8. The adoption subsidy worker reviews the file, completes the [SFN 855](#) – Title IV-E Adoption Subsidy Eligibility Determination. If adoptive

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placement has not already been accomplished, the adoption subsidy worker 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 Adoptive Placement) that adoptive placement has occurred, an award letter and copy of the [SFN 1803](#) is sent to the adoptive parents with a with a copy of the approval letter.

9. The adoptions administrator will authorize payment on the payment system. Payments may begin effective the date of adoptive placement in the home, if the agreement ([SFN 1803](#)) is effective prior to placement and has been signed by the adoptive parent(s), and an authorized state agency representative of the Department of Health and Human Services. The adoptive family may also make application after placement but before finalization of the placement.
10. When the adoption is finalized, the parent must provide copies of the adoption decree, the amended birth certificate and the new social security card. The Medicaid worker closes the Medicaid foster care case and opens a Medicaid adoption case, using the child's new name and number.

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Reviews 447-05-40-10

(Revised 1/1/24 ML 3782)

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1. The Foster Care and Subsidized Adoption (FCSA) Eligibility Unit maintains a list of all cases for the purpose of annual review.
2. Two months before the review is due, the adoption subsidy worker sends a letter and the [SFN 856](#) – Adoption Subsidy Agreement Review form to the adoptive parents. Optionally, the adoption subsidy worker may include [SFN 816](#) - Change Report 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 review form, the adoption subsidy 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 FCSA Eligibility Unit may enter into renegotiation of the monthly subsidy amount, either at the time of the 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

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would be paid for level of care needs of the child and for child care if it would be paid for in foster care for working parents.

6. An award letter and copy of the final signed [SFN 856](#) is sent to the adoptive parents.

If the review paperwork is not returned in a timely manner and the family cannot be contacted, the monthly subsidy may be temporarily suspended. The Department will reinstate the subsidy and authorize any missed payments when the review documentation is received.

Post Adoption Services 447-05-40-15

(Revised 1/1/24 ML 3782)

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Post adoption services are provided under contract from the Department with the North Dakota Post Adopt Network. Services may include educational information, support groups, social media supports, family and parent camp experiences, weekend retreats, and other supports.

If the adoptive family requires post-adoption services, a release of information should be obtained by the adoption subsidy worker and the family referred to the North Dakota Post Adopt Network.

Philosophy of Negotiation 447-05-45

(Revised 4/1/25 ML 3902)

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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.

Case Record Set-Up 447-05-50

(Revised 7/1/24 ML 3845)

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Two adoption case records will be maintained at the state office, an adoption subsidy record and an adoption service record (this record will be imaged for permanent archival when the subsidy is closed).

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

- [SFN 869](#) – Title IV-E Initial Eligibility form and initial Removal Order placing the child in foster care
- [SFN 854](#) - Title IV-E Adoption Subsidy Certification
- [SFN 1865](#) - Foster Care Child Needs Assessment, if applicable
- [SFN 793](#) - Adoption Assistance Documentation of Need
- [SFN 1803](#) – Subsidized Adoption Agreement
- Documentation regarding negotiation/renegotiation of subsidy amount
- Documentation regarding nonrecurring expenses claimed on the [SFN 1803](#) Subsidized Adoption Agreement
- Correspondence with the adoptive family
- Copy of [SFN 855](#) - Title IV-E Initial Subsidy Eligibility Determination completed by the State Office
- Copy of adoption subsidy award letter, completed by the State Office
- Notices regarding recertifications
- [SFN 856](#) – Adoption Subsidy Agreement, Review forms
- Recertification approval letters
- File review checklists (initial and on-going)

Adoption subsidy files will follow the department's record retention policy.

The adoption service, which support adoption subsidy eligibility, record at the state office will contain:

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

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- [SFN 764](#) - Notice of Intent to Place for Adoption
- [SFN 939](#) - Report of Adoption/Adoptive Placement
- The adoptive family assessment and criminal background history reports on any adult residing in the family home
- The social history of birth parents and child
- Termination of Parental Rights Order
- Psychological/medical/developmental information regarding the child
- The child's birth certificate and birth verification
- Legal documents including the termination of parental rights and petition for adoption
- The Final Adoption Decree

Adoption service files at the state office will be retained 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.

Conflict of Interest 447-05-60

(Revised 1/1/24 ML 3782)

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A conflict of interest may arise in managing a specific adoption assistance case, i.e. the adoptive parent is an agency coworker or employee. In this event, the adoption subsidy worker may request a different adoption subsidy worker or the adoptions administrator manage the adoption assistance case of the adoptive parent.

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Fair Hearing 447-05-65

(Revised 7/1/24 ML 3844)

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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. Refer to NDAC 75-01-03 Appeals and Hearings.

To request a hearing, the adoptive parent must:

1. Notify the Foster Care Subsidized Adoption Eligibility Unit in writing within thirty days of receipt of notice of the reduction change or termination of adoption assistance. The notification must be emailed to cfsfcsaunit@nd.gov. The notification must explain the reason for appeal and include supporting documentation the reduction or termination of the benefit is not reasonable.

The Agency decision will be final if a hearing is not requested within thirty days.

When there is a disagreement between the parent and the department, the parent will receive a Notice of Change outlining the change. During the appeal process, the parent can choose to receive or decline the amount in question. The reduction in the monthly payment will not go into effect until the appeal has been decided, but may result in an overpayment, which you may have to repay should the appeal be decided in favor of the department.

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Forms 447-05-70

(Revised 7/1/24 ML 3845)

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1. [SFN 793](#), Adoption Assistance Documentation of Need

SFN 793 is used to evaluate a child's physical and behavioral needs and associate a level of payment to meet the needs of a child. For a child transitioning from a foster care placement the foster care case manager, adoption worker or parent must complete an SFN 793 to establish a baseline related to the child's need under subsidized adoption.

2. [SFN 816](#), Change Report for Adoption Assistance

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.

3. [SFN 854](#), Title IV-E Adoption Subsidy Certification

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 case manager. It is forwarded to the child-placing agency, along with required documentation, to be included in the subsidy packet.

4. [SFN 855](#), Title IV-E Initial Subsidy Eligibility Determination

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.

5. [SFN 856](#), Adoption Subsidy Agreement - Review

SFN 856 is the form that is completed for the review of adoption assistance and is a legal agreement between the adoptive parent and the state.

6. [SFN 1084](#) - Notice to the North Dakota Department of Health and Human Services Determination of Special Needs

SFN 1084 determines whether the child meets the federal and state criteria for special needs for the purposes of adoption assistance. This form is

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completed by the licensed child placing agency adoption specialist and approved by the adoption administrator at HHS.

7. [SFN 1803](#), Subsidized Adoption Agreement

SFN 1803 is a legal agreement between the adoptive parent and the 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.

8. [SFN 1865](#), Foster Care Child Needs Assessment

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. This form may be reviewed in conjunction with the SFN 793-Adoption Assistance Documentation of Need at the time of the initial negotiation.