

What is adoption assistance?

- ♥ The purpose of the adoption assistance program is to help secure and support safe and permanent adoptive families for children with special needs. Adoption assistance (subsidy) is designed to provide adoptive families of any economic level with needed social services, and medical and financial support to care for children considered difficult to place. Adoption assistance can take the form of a monthly payment (subsidy) to meet the special and ordinary needs of the child, Medical Assistance as a backup to the adoptive family's private health insurance, and reimbursement for non-recurring adoption expenses (up to \$2000/child). The amount of monthly subsidy payment is based on the needs of the adopted child and the circumstances of the adoptive parent(s) and is determined by mutual agreement between the adoptive parent(s) and county social services. The amount of monthly subsidy may range from \$0 to the amount of the foster care payment that was received or would be received on behalf of the child in a family foster home.

Why are adoption subsidies available?

- ♥ The government provides subsidies to encourage families to adopt children with special needs from the foster care system who might not otherwise be able to have a permanent family. Children who no longer remain with their birth families have experienced loss, the trauma of abuse and/or neglect, and other experiences that will have a lasting impact on their lives. The experience of multiple placements may impact children in such a way that they need enhanced support and assistance. A subsidy is a way of providing medical and financial assistance to meet the ongoing needs of these children.

Who is eligible for a subsidy?

- ♥ In North Dakota, a child may be designated as a child with "special needs" for the purposes of adoption subsidy if the child meets at least one of the following criteria. The child:
 - is over the age of seven (7); or
 - is a member of a minority race; or
 - is a member of a sibling group that is placed together for adoption; or
 - is diagnosed with a physical, mental or emotional disability; or
 - has been determined to be at high risk for a physical, mental or emotional disability by a licensed physician.
- ♥ The state must also determine that a reasonable but unsuccessful effort has been made to place the child without a subsidy, except where the child is being placed with a family with whom the child has a significant relationship (as in a foster parent or relative adoption).

- ♥ Children placed through the state, a county social service office, a North Dakota licensed child-placing agency, or a North Dakota Tribe may be eligible for a subsidy. Private (non-agency) adoptions do not qualify for a subsidy.
- ♥ A child is eligible for adoption subsidy based upon the needs of the child. The adoptive family income or resources cannot be used as a "means test" for adoption assistance, however the family circumstances may be considered when negotiating the subsidy.

What is the process?

- ♥ The adoption worker is responsible for submitting the necessary paperwork to determine whether your prospective adoptive child meets the criteria for a child with special needs for the purposes of adoption subsidy.
- ♥ Once that determination has been made, other pre-adoption requirements have been met, and you are ready to proceed with adoption, the adoption worker will forward documentation to your county social service office requesting that they begin the subsidy negotiation process.
- ♥ A representative of the county social service office will contact you to discuss your child's needs, negotiate a payment rate with you and complete an adoption subsidy agreement. They will also request documentation for any non-recurring expenses that you will want reimbursed. The county may request an in-person meeting with you where you will be able to ask questions and present your information regarding the child's needs. Once the negotiation process is completed and the agreement signed, the county will forward the signed agreement and other information to the Department of Human Services for a final review and approval.
- ♥ Monthly payments may begin with the date of the formal adoptive placement in your home. This is the actual date you sign the adoption placement agreement with the adoption worker.
- ♥ The subsidy agreement must be signed and in effect **prior to the finalization** of the adoption.

How long do subsidies last?

- ♥ Subsidy payment and medical assistance will end when the child reaches age 18. Under special circumstances, the subsidy may be provided until age 21. However, it must be determined that the child has an extraordinary mental or physical disability that warrants the continuation of the subsidy or that the child is in a full-time educational program.
- ♥ Prior to age 18, the subsidy may be terminated:
 - at the request of the adoptive parent(s);
 - if the adoptive parent is no longer legally responsible for the child or the parent is no longer providing support to the child; or
 - if the child or the adoptive parent dies.

- ♥ Payments may be suspended and/or Medical Assistance discontinued if the parent fails to submit the required annual review paperwork.

What if my child's needs change?

- ♥ An adoptive parent may request a modification of the adoption assistance agreement if the needs of the child or the circumstances of the family change. This request may be made at the time of the annual review or whenever a change may warrant a modification (increase or decrease) of the agreement.
- ♥ The county will request specific information in writing to document the change in needs or circumstances. They may also request that you assist in completing an evaluation of the needs of the child to determine an appropriate level of payment.

Will adoption assistance continue if I move to another state?

- ♥ Yes. The subsidy will continue to be issued from North Dakota, and you will continue to interact with your former county of residence to complete annual reviews and to provide updates. In most cases, your child will be eligible to receive Medical Assistance in your new resident state. North Dakota is a member of the Interstate Compact on Adoption and Medical Assistance (ICAMA) and will alert your new resident state to your child's eligibility status. A few states are not members of this compact, and this may present a problem for the receipt of Medical Assistance in that state for state funded adoption subsidy recipients from North Dakota. Please check with your county social service adoption subsidy worker if you have questions about a particular state.

May I appeal a decision about a subsidy?

- ♥ Yes. An adoptive parent may appeal a decision to deny, discontinue, change or reduce an adoption subsidy. The request must be in writing to the county social service office or the Department within 30 days of receipt of the notice to deny, discontinue, change, or reduce the payment.



For additional information, please contact your adoption worker, county social service office or the North Dakota Department of Human Services.

North Dakota Adoption Assistance Program



A Guide for Parents

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