


NC Department of Health and Human Services



**Understanding Adoption Assistance and Eligibility**

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June 6, 2023

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### Learning Objectives

- ❖ Understand the benefits of adoption assistance
- ❖ Correctly determine eligibility, funding source
- ❖ Form completion
  - Adoption Eligibility Checklist (DSS-5012)
  - Adoption Assistance Agreement (DSS-5013)
  - Child Placement and Payment System (DSS-5095)
- ❖ Understand the hearing and appeal process
- ❖ Avoiding common errors

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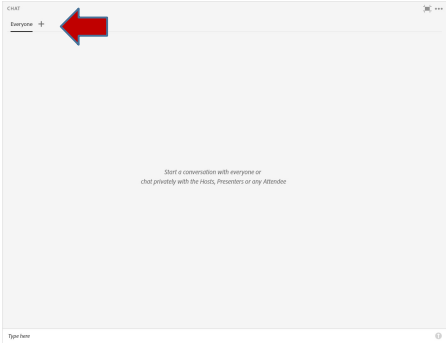
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### Chat Pod



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### About Questions

- We will be capturing your questions via the chat box
- There will be a follow-up document that answers questions asked during this webinar; this document will be e-mailed to all registered participants and posted with the webinar recording.
- Webinar recording will be on [NCSWlearn.org](https://www.ncswlearn.org)
  - "Watch Recorded Webinars"



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### Use Icons to Get Our Attention



1. Find the "Raise Hand" in top tool bar
2. Click the drop-down arrow
3. You can also select any icon from the drop-down box, and it will appear by your name

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**Moderator**




**Evan Friedel**

**Presenters**



**Janet Drake  
Kearns**



**Beth Riley**

**Tech Support**

**Phillip Armfield**

**Rick Zechman**

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**ADOPTION ASSISTANCE BENEFITS**

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**Adoption Assistance Benefits**

**Potentially include:**

- ✓ **Non-recurring Adoption Expenses**
- ✓ **Monthly Cash Payment**
- ✓ **Vendor Payments for Medical and/or Therapeutic Services**
- ✓ **Medicaid**
- ✓ **Post Adoption Services**
- ✓ **Adoption Tax Credit**



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**Non-recurring Adoption Expenses**

- **Covers up to \$2,000 for any adoption**
- **Only eligibility criteria is that the child meets the three-part determination of special needs**
- **Available for reasonable & necessary expenses of adoption**
- **Citizenship or Qualified Alien status is required**
- **Fingerprint clearance and RIL checks are required on the adoptive parents**
- **Foreign and stepparent adoptions do not qualify**

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### Monthly Cash Payment

The General Assembly changes the amount of foster care maintenance payments. Adoption Assistance payments are tied to the foster care board rates and go up or down with changes in legislation.

Current monthly rates:		Monthly rates effective 7/1/23:	
Amount	Age	Amount	Age
\$514	0-5 years	\$702	0-5 years
\$654	6-12 years	\$742	6-12 years
\$698	13-18 years	\$810	13-18 years
\$698	18-21 years (adopted after the age of 16)	\$810	18-21 years (adopted after the age of 16)

- Once determined, the monthly cash payment will always come from the same county, no matter where the adoptive family moves.

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### Vendor Payments

- Not an “automatic” if the child is eligible for cash payment; *only* provided to children who have a qualifying diagnosis
- Must be documented on the [DSS-5013](#) Adoption Assistance Agreement
- Provide up to \$2400 per state fiscal year assistance for services or treatment for documented pre-existing handicapping conditions
- Must not be covered by private health insurance or Medicaid
- These funds do not roll over

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### Vendor Payments

- Approved by the agency not the state
- For approvals, the service/ device/ activity/ program must show how it will address the diagnosis that it is being approved for.
- The professional making the recommendation cannot be the same person providing the service/ device/ activity/ program.
- Written request for reimbursement outlining the service goals, duration, unit costs & projected total costs
- The ongoing need for services should be evaluated at least annually.

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**Medicaid**

- Medicaid coverage is required under Title IV-E Adoption Assistance.
- Children and young adults receiving IV-E adoption assistance are categorically eligible for Medicaid and generally receive benefits under the "IAS" Medicaid (full coverage) category.
- Children who receive benefits under IV-B adoption assistance or are IV-E eligible but not receiving cash benefits due to their "potential" status, should be evaluated for the "MAF" Medicaid category (Medicaid for Families with Dependent Children/ Medically needy).
- *Adoption Assistance Medicaid will be established in the county of the Adoptive Parent's residence.*
- *If parents move out of state, Medicaid will be established in that state. ICAMA consultant can assist.*

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**Post Adoption Services**

- Services that may be helpful in keeping the new family system intact.
- Children who are recipients of adoption assistance are eligible for the provision of post adoption services without regard to income.
- Check the DHHS website for the agency currently contracted for your region to provide post adoption services.

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ADOPTION ASSISTANCE ELIGIBILITY  
 DSS-5012

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### Who Determines Eligibility?

- Determination of eligibility for adoption assistance and administration of benefits is the responsibility of the child's resident county (DSS holding custody).
- Children in the placement responsibility of a private child-placing agency are identified as residents of the county where the adoptive family resides.
- Determination of eligibility is the responsibility of the county where a family currently resides when a child was previously in the custody of another NC county.
- *Note: children who are or were in another state's custody are that state's responsibility to determine benefits.*

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### Criteria for IV-E Adoption Assistance Benefits

To qualify for Title IV-E adoption assistance:

- ✓ The child must meet all three of the special need determinations.
- ✓ One of the four other eligibility criteria based on their classification as an "applicable" or "non-applicable" child
- ✓ US citizenship or qualified resident status

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### DSS-5012 Adoption Assistance Eligibility Checklist

Determination of "Applicable" vs. "Non-applicable":

1. Is the child two years of age or older or will be two years of age within the current federal fiscal year (October 1 – September 30)?
2. Is the child a sibling to a child who is eligible due to his/her/their age or length of time in foster care and is placed in the same adoption arrangement?

If you have answered "yes" to either of the questions above, the child is an "applicable child".

*Note: Applicable is NOT the same thing as eligible!!*

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### Special Needs Determination: Part I

It has been determined that the Child cannot or should not be returned to home of his/her/their parents.

Legal clearance through:

- TPR
- Relinquishment
- Death Certificate
- Consent (for private adoptions)



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### Special Needs Determination-Part II

One or more of the following factors or conditions must exist and be documented:

- a) The child is six years of age or older.
- b) The child is two years of age or older and a member of a minority race or ethnic group.
- c) The child is a member of a sibling group of three or more children to be placed in the same adoptive home.
- d) The child is a member of a sibling group of two children to be placed in the same adoptive home, in which the sibling meets at least one of the other factors or conditions, with the exception of (i) at risk for a diagnosis.

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### Special Needs Determination-Part II Cont'd

- e) The child has a medically diagnosed disability which substantially limits one or more major life activity, requires professional treatment, assistance in self-care, or the purchase of special equipment.
- f) The child is diagnosed by a qualified professional to have a psychiatric condition which impairs the child's mental, intellectual, or social functioning, and for which the child requires professional services.
- g) The child is diagnosed by a qualified professional to have a behavioral or emotional disorder characterized by inappropriate behavior which deviates substantially from behavior appropriate to the child's age or significantly interferes with child's intellectual, social and personal adjustment.
- h) The child is diagnosed to be intellectually disabled by a qualified professional.

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**Supporting Documents for Special Needs Diagnosis**

**Determination of Qualifying Diagnoses:**

- > Is this a “fixed” or chronic condition that is most likely going to require management for the foreseeable future or lifetime?
- > Is this a condition that will likely cause continual interference with daily life?
- > Will it require ongoing medication management, therapy, professional interventions/ consultations?

**\*\*CDSA: Delays do not qualify. Child may receive therapies as an expectation of “catching up”. If not, they will most likely receive actual diagnosis along with additional therapies/ medication.**

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**Special Needs Determination-Part II Cont’d**

i. The child is at risk for a diagnosis described above in items e through h, due to prenatal exposure to toxins, a history of abuse or serious neglect, or genetic history.

**Note: if the child qualifies only under this criteria, the child must be placed in the potential category where they will receive Medicaid but will receive a zero-amount monthly payment until a diagnosis is made.**

**Benefits child is presently eligible for:**

- Medicaid
- Post Adoption Services
- Non-recurring adoption expenses
- Tax credit

**Potentially eligible for if/ when a qualifying diagnosis is made:**

- Monthly cash payment
- Vendor payments

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**Special Needs Determination-Part II Cont’d**

j. The child meets all of the medical and disability requirements for Supplemental Security Income (SSI).

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### Special Needs Determination-Part III

Has it been determined that reasonable but unsuccessful efforts to place the child for adoption with appropriate adoptive parent(s) without providing adoption assistance has been made, except when it would not be in the best interest of the child to make this effort? Yes/ No

*\*Example, it would not be in the best interest of the child because of the existence of significant emotional ties with prospective adoptive parents (foster parents/ relative/ fictive kin).*

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### Other Eligibility Requirements for the “Applicable Child”

- Was the child, at the time of the initiation of the adoption proceedings, in the care of a public or private child placing agency as a result of either a judicial determination that it was contrary to the welfare of the child to remain in the home or a voluntary placement agreement or a voluntary relinquishment?
- Does the child meet all of the medical and disability requirements of SSI with respect to eligibility for SSI benefits?
- Was the child residing in a foster home or childcare institution with his/her minor parent and the minor parent was removed from the home as a result of either:
  - 1) an involuntary removal by a judicial determination that it was contrary to the child's welfare to remain in the home; or
  - 2) a voluntary placement agreement or a voluntary relinquishment?
- Was the child adopted and determined eligible for title IV-E adoption assistance in a prior adoption (or would have been eligible had the Adoption and Safe Families Act of 1997 been in effect at the time of the previous adoption), and is Available for adoption because the prior adoption has been dissolved or the child's adoptive parents have died?

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### DSS-5012 Non-applicable Child

What criteria is different from Applicable?  
Pages 4-6 are completed.

- ☐ **Other Eligibility Requirements for the “Non-Applicable Child”**  
Did the child, at the time of removal, meet eligibility requirements for AFDC?
  - 1) Removal from a specified relative,
  - 2) If removed by judicial determination, Contrary to the Welfare finding,
  - 3) If removed by VPA, *IV-E foster care payment must have been made,*
  - 4) AFDC Deprivation and Need – Note: Reasonable Efforts are not a requirement for IV-E adoption assistance.

*Verify that the DSS-5120 determined eligibility correctly in the beginning.*

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### DSS-5012 Non-applicable Child

**Summary:**

- Was the child determined to be a "non-applicable child"?
- Did the child meet each of the three special needs criteria?
- Was one of the "other" eligibility requirements met?

Note: *The child must also be a US Citizen or Qualified Alien*

- Each of the three questions above must be answered yes for the "non-applicable child" to be IV-E adoption assistance eligible.

**IV-B requirements are: that the child is or has been in DSS custody, meets the three-part special needs, and not eligible for IV-E.** If child is not currently in DSS custody, verify child was actually in foster care with named NC DSS (non-secure order).

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### Using the DSS-5012: Case Example – Robert Smith

- Robert Smith, age 13 (W/H), was placed in foster care as a result of a petition alleging that he was shoplifting on several occasions.
  - Additionally, he was refusing to go to school, having missed 15 days out of the first 35.
  - Robert was ordered into DSS custody.
  - Robert has been in his current foster home with the Jones' for the past year and they have decided to make him a permanent part of their family through adoption.
  - Both of his parents signed relinquishments.
  - TF-CBT has helped Robert and he's been diagnosed with PTSD, Dyslexia, and Asthma. He also takes medication to manage his symptoms.
- In addition:** Robert's youngest sibling, now 10-month-old Angel, was placed by DSS with the Jones family shortly after her birth where she went through SA withdrawal for cocaine. She is white, currently healthy. TPR on BM and unknown BF.

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### Using the DSS-5012: Case Example – Robert Smith

- Is Robert an applicable or non-applicable child?**
- Applicable: 14 yo, W/H (Complete pages 1-3, part VIII of page 5 and page 6).
- Special Needs Determination – Part I**  
It has been determined that the child cannot or should not be returned to the home of his/her parents;
- Yes: Relinquishments by both parents
- Special Needs Determination-Part II:**
- A (age 6+), B (2/minority), E (Asthma), F (PTSD, Dyslexia), I (potential for unknowns)
- Special Needs Determination-Part III**  
Has it been determined that reasonable, but unsuccessful, efforts to place the child for adoption with appropriate adoptive parent(s) without providing adoption assistance has been made, except when it would not be in the best interest of the child to make this effort?
- Yes, documented he has been with the current FP for last 11 months and they are bonded; he's also bonded with sibling in the home; placing him on NC Kids Listing for recruitment is not necessary due to these facts (exemption status).

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**Using the DSS-5012: Case Example – Robert Smith**

**Other Eligibility Requirements for the “Applicable Child”**

The agency must also determine an “applicable child” with special needs meets one of the following eligibility requirements: Yes No

Was the child, at the time of the initiation of the adoption proceedings, in the care of a public or private child placing agency as a result of either a judicial determination that it was contrary to the welfare of the child to remain in the home or a voluntary placement agreement or a voluntary relinquishment?

✓ Yes

- No, he does not receive SSI
- No, he was not residing in FC with a minor parent
- No, not previously adopted and it dissolved or parents died.

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**Using the DSS-5012: Case Example – Robert Smith**


**Summary:**

- Was the child determined to be an “applicable child”?
- Did the child meet each of the three special needs criteria?
- Was one of the “other” eligibility requirements met?
- Is the child a U.S. Citizen or Qualified Alien?

✓ Yes to all

**What is Robert Eligible for:**

- ✓ IV-E Monthly Cash Payment
- ✓ Vendor Payments
- ✓ Medicaid (IAS)
- ✓ Non-recurring Expenses
- ✓ Post Adoption Services
- ✓ Adoption Tax Credit



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**Using the DSS-5012: Case Example – Angel Smith**

**Is Angel an applicable or non-applicable child?**

- Applicable: child is a sibling to a child eligible due to age or length of time in foster care and is placed in the same adoption arrangement (Complete pgs. 1-3, part VIII of pg. 5 & pg. 6).

**Special Needs Determination – Part I**

It has been determined that the child cannot or should not be returned to the home of his/her parents.

- Yes: TPR on both parents

**Special Needs Determination-Part II:**

- d. The child is a member of a sibling group of two children to be placed in the same adoptive home, in which the sibling meets at least one of the other factors or conditions, with the exception of (i) at risk for a diagnosis (potential for unknowns).

**Special Needs Determination-Part III**

Has it been determined that reasonable, but unsuccessful, efforts to place the child for adoption with appropriate adoptive parent(s) without providing adoption assistance has been made, except when it would not be in the best interest of the child to make this effort?

- Yes, documented she has been with the current FP from birth, and they are bonded as well as with half-sibling; placing her on NC Kids listing is not necessary (exemption status).

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**Using the DSS-5012: Case Example – Angel Smith**

**Other Eligibility Requirements for the “Applicable Child”**

The agency must also determine an “applicable child” with special needs meets one of the following eligibility requirements: Yes No

Was the child, at the time of the initiation of the adoption proceedings, in the care of a public or private child placing agency as a result of either a judicial determination that it was contrary to the welfare of the child to remain in the home or a voluntary placement agreement or a voluntary relinquishment?

✓ Yes

- No, he does not receive SSI
- No, he was not residing in FC with a minor parent
- No, not previously adopted and it dissolved or parents died.

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**Using the DSS-5012: Case Example – Angel Smith**


**Summary:**

- Was the child determined to be an “applicable child”?
- Did the child meet each of the three special needs criteria?
- Was one of the “other” eligibility requirements met?
- Is the child a U.S. Citizen or Qualified Alien?

✓ Yes to all

**What is Angel Eligible for:**

- ✓ IV-E Monthly Cash Payment
- ✓ Medicaid (IAS)
- ✓ Non-recurring Expenses
- ✓ Post Adoption Services
- ✓ Adoption Tax Credit



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**Requirements for Either Funding Path**

- ✓ The county agency must enter into the agreement prior to the finalization of the adoption;
- ✓ The child must be a US Citizen or Qualified Alien;
- ✓ Fingerprint Clearances for the purpose of adoption; and
- ✓ RIL checks with 050/060 printouts.

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### Special Circumstances for IV-E Funding

- Children who are being adopted but are **not currently or never have been in a NC DSS agency's custody** may be able qualify for Title IV-E adoption assistance.
- If previously in NC DSS custody, first verify by obtaining the non-secure order.
- To qualify, children never in NC DSS custody **must meet eligibility requirements for SSI** as determined by the SSA and this must happen prior to the final entry of decree (approval letter is acceptable).

OR:

- The child was determined eligible for title IV-E adoption assistance in a **prior adoption** and is available for adoption because the **prior adoption has been dissolved or the child's adoptive parents have died.**

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### Using the DSS-5012: Case Example – Aiden

- Aiden is an 18-month-old Caucasian male.
- He entered DSS custody as a safe surrender baby.
- He was born positive for cocaine and barbiturates.
- He is seen by CDSA and receives Speech, Physical and Occupational Therapy for his delays. He has chronic ear infections and may have to have tubes placed in his ears.
- Aiden is legally free as both of his parents' parental rights were terminated.
- Aiden's foster care funding was state foster home funds.
- His mother was diagnosed with bipolar disorder and schizophrenia, and she was an intravenous drug user.
- There is little known information on his father.
- His current foster parents wish to adopt him.
- Aiden is a U.S. citizen.

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### Using the DSS-5012: Case Example – Aiden

#### PART V Determination of "Applicable Child"

Is the child two years of age or older or will be two years of age within the current federal fiscal year (October 1 – September 30)?

- No

Is the child a sibling to a child eligible due to age or length of time in foster care and is placed in the same adoption arrangement?

- No

If you have answered "yes" to either of the questions above, the child is an "applicable child" and you will complete pages 2-3 to verify eligibility.

If you have answered "no" to both of the questions above the child is a non-applicable child" and you will complete pages 4-5 to verify eligibility.

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**Using the DSS-5012: Case Example – Aiden**



**IV-E Adoption Assistance Eligibility of the “Non-Applicable Child”**

**Special Needs Determination – Part I**  
Yes/No

It has been determined that the child cannot or should not be returned to the home of his/her parents.

✓ **Yes: TPR on both parents**

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**Using the DSS-5012: Case Example – Aiden**

**Special Needs Determination – Part II**

*One or more of the following factors or conditions must exist and be documented in order for the “non-applicable child” to be eligible for IV-E adoption assistance. Yes/No*

- The child is six years of age or older.  
✓ **No**
- The child is two years of age or older and a member of a minority race or ethnic group.  
✓ **No**
- The child is a member of a sibling group of three or more children to be placed in the same adoptive home.  
✓ **No**
- The child is a member of a sibling group of two children to be placed in the same adoptive home, in which the sibling meets at least one of the other factors or conditions, with the exception of (i) at risk for a diagnosis.  
✓ **No**

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**Using the DSS-5012: Case Example – Aiden**

**Special Needs Determination – Part II (cont’d)**

- The child has a medically diagnosed disability which substantially limits one or more major life activity, requires professional treatment, assistance in self-care, or the purchase of special equipment.  
✓ **No**
- The child is diagnosed by a qualified professional to have a psychiatric condition which impairs the child’s mental, intellectual, or social functioning, and for which the child requires professional services.  
✓ **No**
- The child is diagnosed by a qualified professional to have a behavioral or emotional disorder characterized by inappropriate behavior which deviates substantially from behavior appropriate to the child’s age or significantly interferes with child’s intellectual, social and personal adjustment.  
✓ **No**
- The child is diagnosed to be Intellectually Disabled by a qualified professional.  
✓ **No**

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**Using the DSS-5012: Case Example – Aiden**

**Special Needs Determination – Part II (cont'd)**

i. The child is at risk for a diagnosis described above in items e through h, due to prenatal exposure to toxins, a history of abuse or serious neglect, or genetic history.

**Note: if the child qualifies *only* under this criteria, the child must be placed in the potential category where they will receive Medicaid but will receive a \$0 amount monthly payment until a diagnosis is made.**

✓ Yes

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**Using the DSS-5012: Case Example – Aiden**

**Special Needs Determination – Part II (cont'd)**

j. The child meets all of the medical and disability requirements for Supplemental Security Income (SSI).

✓ No

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**Using the DSS-5012: Case Example – Aiden**

**Special Needs Determination – Part III**

**Has it been determined that reasonable, but unsuccessful, efforts to place the child for adoption with appropriate adoptive parent(s) without providing adoption assistance has been made, *except when it would not be in the best interest of the child to make this effort?***

✓ Yes

- Documented he has been with the current FP since entering care and they are bonded; placing him on NC Kids Listing is not necessary (exemption status submitted).

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**Using the DSS-5012: Case Example – Aiden**

**Other Eligibility Requirements for the “Applicable Child”**  
 The agency must also determine a “non-applicable child” with special needs meets one of the following eligibility requirements:

Did the child, at the time of removal, meet eligibility requirements for AFDC? (1) Removal from a specified relative, (2) If removed by judicial determination, Contrary to the Welfare finding, (3) If removed by VPA, IV-E foster care payment must have been made, (4) AFDC Deprivation and Need. Note: Reasonable Efforts are not a requirement for IV-E adoption assistance.

✓ **No**

Does the child meet all of the eligibility requirements of SSI with respect to eligibility for SSI benefits prior to the finalization of the adoption?

✓ **No**

Was the child, prior to finalization of the adoption, residing in a foster home or child care institution with the minor parent and was a Title IV-E payment made that covered the needs of the minor parent and the child of the minor parent?

✓ **No**

Was the child adopted and determined eligible for title IV-E adoption assistance in a prior adoption (or would have been eligible had the Adoption and Safe Families Act of 1997 been in effect at the time of the previous adoption), and is available for adoption because the prior adoption has been dissolved or the child’s adoptive parents have died?

✓ **No**

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**Using the DSS-5012: Case Example – Aiden**

**Summary**

1. Was the child determined to be a “non-applicable child”?  
✓ **Yes**
2. Did the child meet each of the three special needs criteria?  
✓ **Yes**
3. Was one of the “other” eligibility requirements met?  
✓ **No**
4. Is the child a U.S. Citizen or Qualified Alien?  
✓ **Yes**

**Each of the four questions above must be answered yes for the “applicable child” to be IV-E adoption assistance eligible. Note that the background check requirements, to include a fingerprint based criminal record check and a child abuse and neglect registry check, for adoptive parents also apply and that if the child is found to be ineligible for IV-E adoption assistance, they may still be eligible for IV-B assistance.**

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**Using the DSS-5012:  
Case Example – Aiden**

**What is Aiden Eligible for:**

- ✓ **Medicaid (MAF)**
- ✓ **Non-recurring Expenses**
- ✓ **Post Adoption Services**
- ✓ **Adoption Tax Credit**

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<b>ADOPTION ASSISTANCE AGREEMENT DSS-5013</b>
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<b>DSS-5013 Adoption Assistance Agreement</b>
<p><b>The agreement must:</b></p> <ul style="list-style-type: none"> <li>✓ Spell out all the responsibilities of the parties and detailed financial reporting requirements.</li> <li>✓ Specify the types and amounts of assistance.</li> <li>✓ Types of services available</li> <li>✓ Conditions under which benefits or services may be increased or decreased</li> <li>✓ Date for beginning and ending benefits and services</li> <li>✓ State the beginning month and year rather than indicating “a month after the Decree of Adoption.” If the exact month and year are not known, it is permissible to give a date when assistance is reasonably expected to begin.</li> <li>✓ Include specific discussion of what will happen if the adoptive family moves out of state or if the adoptive parents die.</li> <li>✓ Describe the procedure for requesting a fair hearing.</li> <li>✓ Provisions of the agreement can be changed only after negotiation with the adoptive parents and their agreement with any change.</li> </ul>
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<b>DSS-5013 Adoption Assistance Agreement</b>
<ul style="list-style-type: none"> <li>➢ The Adoption Assistance Agreement must be completed before the entry of the decree and before adoption assistance benefits can be provided.</li> <li>➢ This agreement must be a written instrument that is binding on all the parties.</li> <li>➢ The funding for any adoption assistance benefits received without the agreement being signed/ dated <b>by all parties</b> prior to the finalization of the adoption would be the responsibility of the county until a valid agreement could be obtained through a fair hearing.</li> </ul>
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### DSS-5013 Adoption Assistance Agreement

#### Amendments:

- ✓ After finalization of the adoption the adoption assistance agreement may be amended with the mutual agreement of the adoptive parents and the agency.
- ✓ The [DSS-5307](#), Adoption Assistance Agreement Amendment is used to request an amendment to an existing adoption assistance agreement.
- ✓ Adoption Assistance Agreements can also be updated at any time after the adoption has been finalized to reflect changes. Example: The adoptive parent marries, and a stepparent adoption occurs.

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### DSS-5013 Adoption Assistance Agreement

- Prospective adoptive parent(s) may decline any or all components of adoption assistance benefits and at a later date, request participation in the adoption assistance program.
- Upon written request, benefits may be activated effective the month following the request.
- The child's eligibility for adoption assistance benefits determined in the original agreement do not change when activated.
- Retroactive payments are not provided.

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### Adoption Assistance or SSI?

- The adoptive parents of a child eligible for Title IV-E adoption assistance and SSI benefits may make application for both programs and the child, if eligible, may benefit from both programs simultaneously.
- In cases where the child is eligible for both SSI and Title IV-E and there is concurrent receipt of payments from both programs, *"the child's SSI payment will be reduced dollar for dollar without application of any exclusion", thus decreasing the SSI benefit by the amount of the Title IV-E payment.*
- To reiterate, concurrent receipt is subject to the SSI rule that the SSI payment will be reduced by the amount of the adoption assistance payment.

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### DSS-5013 Adoption Assistance Agreement

**Terminations**

Once an adoption assistance agreement is signed and in effect, it can only be terminated under three circumstances (age/ legal/ support):

- The child has attained the age of 18 or age of 21 and no longer meets one of the five requirements for ongoing eligibility.
- The State determines that the adoptive parents are no longer legally responsible for support of the child (TPR or death; relinquishment = mutual agreement); or the child becomes an emancipated minor, marries, or enlists in the military.
- The State determines that the adoptive parents are no longer providing any support to the child. "Any support" includes various forms of financial support. Payments for family therapy, tuition, clothing, maintenance of special equipment in the home, or services for the child's special needs, are acceptable forms of financial support.
- Consequently, the local child welfare agency must continue the adoption assistance subsidy, if it determines that the parent is, in fact, providing some form of financial support to the child.

Adoption assistance benefits should not be suspended or terminated for the duration of a foster care placement episode as long as parental rights have not been terminated and the parents are providing some amount of financial support, unless termination is requested by the parent(s). The local child welfare agency can ask the court to order the adoptive parent(s) to pay some portion of the adoption assistance benefits to assist in the cost of care for the child.

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### Adoption Assistance Appeals

➢ Adoptive parents, or prospective adoptive parents, of a child with special needs have the right to appeal the agency's denial, failure to inform them of the availability of assistance, the amount, a decrease, or termination of adoption assistance benefits for the child.

Grounds for an Adoption Assistance Appeal include, but are not limited to:

- Relevant facts regarding the child were known by the state agency or child-placing agency and not presented to the adoptive parent(s) prior to the finalization of the adoption
- Denial of assistance based upon a means test of the adoptive parent(s);
- Adoptive parent(s) disagree with the determination by the state that a child is ineligible for adoption assistance
- Failure by the state agency to advise potential adoptive parent(s) about the availability of adoption assistance for children in the state foster care system

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### Adoption Assistance Appeals Cont'd

- Decrease in the amount of adoption assistance without the concurrence of the adoptive parent(s); Denial of a request for a change in payment level due to a change in the adoptive parent(s) circumstances.
- If applicants or potential recipients of financial benefits or service programs believe they have been wrongly denied financial assistance, not informed of the availability of a program of assistance, or excluded from a service program, they have a right to a hearing.
- They shall be informed in writing of their rights to an Adoption Assistance Appeals at the time of their request and at the time of any action affecting their Adoption Assistance benefits.
- It is the responsibility of a fair hearing officer to determine whether extenuating circumstances exist and whether the applicant or recipient was wrongly denied eligibility.

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**CHILD PLACEMENT AND PAYMENT SYSTEM  
DSS-5095**

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**DSS-5095 Child Placement and Payment System (CPPS)**

- **Incorrectly reporting information on the 5095 can prove to be fiscally detrimental to your county.**
- **Keying errors make up 30% of fiscal errors when it comes to adoption and guardianship issues.**
- **Reference manual online for instructions:**
- [https://policies.ncdhhs.gov/divisional/social-services/child-welfare/policy-manuals/cpps\\_manual-1.pdf/view](https://policies.ncdhhs.gov/divisional/social-services/child-welfare/policy-manuals/cpps_manual-1.pdf/view)

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**Safeguard Against Costly Errors**

- ✓ **More than one person in your agency needs to be checking the accuracy of the DSS-5012 and the DSS-5013 prior to the decree and entry of the DSS-5095.**
- ✓ **Ensure that multiple staff and supervisors have received training.**
- ✓ **Refer to Appendix 3-6 Adoption Assistance Manual**
- ✓ **Reach out to State personnel with your questions when you need clarification.**

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**DSS-5095 Child Placement and Payment System (CPPS)**

ISPP		CHILD PLACEMENT AND PAYMENT SYSTEM		08/02/2022
DSS-5095				
ADOPTION/GUARDIANSHIP ASSISTANCE				

CO:	CASE MGR:	NUMBER:	CO. CASE:
CLIENT ID:	CLIENT:		
CLIENT SSN:	DOB: 0000-00-00	SPECIAL AREAS:	
SEX:	RACE:	SCHOOL:	GRADE:
		HIV STATUS:	


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15. DOP/SG	16. DOPD	17. SP POP	18. ADOPTION/GUARDIANSHIP ASSISTANCE
000000	000000	00	ADREMENT FROM 000000 TO 000000
NONRECUR	MEDICAL	THERAP	FUNDING SRC == BALANCE AVAILABLE ==
20. COSTS	21. VENDOR	22. VENDOR	23. ST/IVB NonRecur Medical Therap


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--- CASH PAYMENT REQUEST	--- CASH PAYMENT TERMINATED ---			
24. MONTHLY	25. BEGIN	26. ST/IVB/IVE	27. REASON	28. TERM. DATE
	(MMYY)	<b>26</b>		000000
29. DDCRC				
0000000	(MMDDYYYY)			


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--- PAYEE INFORMATION ---

NAME <	> <	>	>	>	(FIRST, MI, LAST, JR.)
ADDRESS <	>				(STREET ADDRESS)
<	>				(ADDITIONAL ADDRESS)
<	>	>	>		(CITY, STATE, ZIP+4)

**CLIENT ID NOT FOUND ON DATABASE**

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*Cash Payment Request:  
FIELD 26:  
Tab under IVB or IVE, using correct codes for  
AA (X or E) and GAP (R or P)*

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**Most Common Keying Errors: Correct Funding**

- Check in the CPPS Manual for instructions on how to fill in the DSS-5095: [https://policies.ncdhhs.gov/divisional/social-services/child-welfare/policy-manuals/cpps\\_manual-1.pdf/view](https://policies.ncdhhs.gov/divisional/social-services/child-welfare/policy-manuals/cpps_manual-1.pdf/view)
- DSS-5095 starts on page 50
- Field 26 - Funding Source (alpha, 1 digit)
- Enter the appropriate funding code box to indicate the funding source from which the cash payment is to be reimbursed

**Code Value:**

- X Adoption Assistance
- E Extended Adoption Assistance (18-20)
- R Guardianship Assistance
- P Extended Guardianship Assistance (18-20)

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**Correcting Errors for Funding**

- ✓ Funding Source Errors (AA/ GAP, IV-B/ IV-E), correct ASAP to prevent more payments from the incorrect source
- ✓ Contact the State about the error to request reallocation of funds and/or repayment.
- ✓ Funding sources can be reclassified for the last 8 Federal quarters only.

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### Common Errors and Lessons Learned

**Meet Mary:**

- XYZ County DSS determined Mary to be eligible for IV-E cash payment, vendor payments and non-recurring adoption expenses.
- Mary was adopted and the final decree was issued just after her 4<sup>th</sup> birthday
- At the time the county filled out the 5012 and eligibility was determined

**Mary was:**

- ✓ A 2-year-old Caucasian female
- ✓ Born positive for illegal substances
- ✓ Followed and evaluated by CDSA for developmental delays and was discharged having met her goals prior to her 3<sup>rd</sup> birthday
- ✓ XYZ County DSS completed the 5012 and determined she was an applicable child and met special needs criteria for:



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IV-E Adoption Assistance Eligibility of the "Applicable Child"		
Special Needs Determination – Part I	Yes	No
It has been determined that the child cannot or should not be returned to the home of his/her parents.	<input type="checkbox"/>	<input type="checkbox"/>
Special Needs Determination – Part II	Yes	No
One or more of the following factors or conditions must exist and be documented in order for the "applicable child" to be eligible for IV-E adoption assistance.		
a. The child is six years of age or older	<input type="checkbox"/>	<input type="checkbox"/>
b. The child is two years of age or older and a member of a minority race or ethnic group.	<input type="checkbox"/>	<input type="checkbox"/>
c. The child is a member of a sibling group of three or more children to be placed in the same adoptive home.	<input type="checkbox"/>	<input type="checkbox"/>
d. The child is a member of a sibling group of two children to be placed in the same adoptive home, in which the sibling meets at least one of the other factors or conditions, with the exception of (i) at risk for a diagnosis	<input type="checkbox"/>	<input type="checkbox"/>
e. The child has a medically diagnosed disability which substantially limits one or more major life activity, requires professional treatment, assistance in self-care, or the purchase of special equipment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The child is diagnosed by a qualified professional to have a psychiatric condition which impairs the child's mental, intellectual, or social functioning, and for which the child requires professional services.	<input type="checkbox"/>	<input type="checkbox"/>
g. The child is diagnosed by a qualified professional to have a behavioral or emotional disorder characterized by inappropriate behavior which deviates substantially from behavior appropriate to the child's age or significantly interferes with child's intellectual, social and personal adjustment.	<input type="checkbox"/>	<input type="checkbox"/>
h. The child is diagnosed to be mentally retarded by a qualified professional.	<input type="checkbox"/>	<input type="checkbox"/>
i. The child is at risk for a diagnosis described above in items a through h, due to prenatal exposure to toxins, a history of abuse or serious neglect, or genetic history. Note: if the child qualifies only under this criteria, the child must be placed in the potential category where they will receive Medicaid but will receive a zero amount monthly payment until a diagnosis is made.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The child meets all of the medical and disability requirements for Supplemental Security Income (SSI).	<input type="checkbox"/>	<input type="checkbox"/>

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### What does Mary's story tell us?

- Mary did not have a medical diagnosis – developmental delay does not qualify as a diagnosis.
- She was discharged from CDSA prior to her 3<sup>rd</sup> birthday as well as the entry of the final decree.
- She is a Caucasian child under the age of 6
- Mary would be considered Potential Only which means that she would not be eligible to receive cash payment or vendor payment until a manifestation of a diagnosis.
- Mary is IV-E eligible and would qualify for non-recurring adoption expenses and Medicaid only

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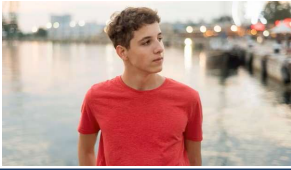
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### Meet Elijah

- Elijah was born on February 10, 2008.
- Elijah was adopted at age 7.
- His adoption decree was received December 2, 2015.
- Elijah was determined to meet all the requirements for IV-B Adoption Assistance.
- When this case was recently pulled for review, the monitor discovered that the child was really eligible for IV-E adoption assistance.
- How will this impact the county fiscally?



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### Elijah Continued – the Fiscal Impact

- Elijah’s family began receiving cash payment in the amount of \$581.00 per month beginning January 1, 2016.



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	2016	2017	2018	2019	2020	2021	2022	2023
January	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$698.00	\$698.00
February	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	\$698.00
March	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	\$698.00
April	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	\$698.00
May	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	\$698.00
June	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	
July	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	
August	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	
September	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	
October	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	
November	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	
December	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	
	\$6,972.00	\$6,972.00	\$6,972.00	\$6,972.00	\$6,972.00	\$7,555.00	\$8,376.00	\$3,490.00

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	2016	2017	2018	2019	2020	2021	2022	2023
January	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$698.00	\$698.00
February	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	\$698.00
March	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	\$698.00
April	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	\$698.00
May	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	\$698.00
June	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	
July	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	
August	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	
September	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	
October	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	
November	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	
December	\$581.00	\$581.00	\$581.00	\$581.00	\$581.00	\$634.00	\$698.00	
	\$6,972.00	\$6,972.00	\$6,972.00	\$6,972.00	\$3,751.00	\$3,804.00	\$8,376.00	\$3,490.00

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**Elijah Continued**

**That is a grand total of:**  
**\$38,611.00**

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**But there is more bad news:**  
**Elijah has a twin brother, Jeremiah, adopted by the same family, at the same time. He was also determined incorrectly.**

**That number just increased to**  
**\$77,222.00**

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### Meet Rachel

- Rachel was born 4/1/2012 and is Caucasian
- Rachel was previously in foster care from 2013 to 2016 in ABC County DSS.
- Custody was awarded to her grandmother 6/1/2016 when she was 4 years old.
- Rachel's grandmother, who lives in XYZ County, pursued adoption in May 2018. She reached out to her local DSS to see if she qualified for Adoption Assistance but was told she did not since she was not in that agency's custody and Rachel didn't have any medical or therapeutic needs.
- Rachel's grandmother feels intimidated and decides the agency must know what is right



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### Rachel continued

- The adoption was completed on 7/31/2018.
- In late 2021, Rachel's grandmother later talks to someone else who says she should have gotten AA.
- Rachel's grandmother decides to try again and calls her local DSS agency and is again told she would not qualify. She explains that she's reached out previously, she didn't agree with the determination of the department and has decided to appeal this decision.
- The grandmother requested a local hearing. This was held and the county upheld the original decision to deny eligibility.
- She contacts the State Office of Appeals
- The SOA officer reviews the case and finds that the county is in error on March 15, 2022.

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### Rachel Continued

The SOA officer found that Rachel was eligible based on the following:

- Rachel is now 9 years old and was 6 yo at the time of the adoption.
- She was previously in NC DSS custody
- She meets the eligibility under IV-B Adoption Assistance for cash payment and non-recurring costs.
- **The county now has to begin payments, but they must also make retro-active payments.**

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Rachel Continued									
	DOB	AA Begin Date	2018	2019	2019	2020	2020	2021	2022
Rachel	4/1/2012	January		\$475.00	\$475.00	\$475.00		\$475.00	\$514.00
Decree:	7/13/2018	February		\$475.00	\$475.00	\$475.00		\$475.00	\$514.00
		March		\$475.00	\$475.00	\$475.00		\$475.00	\$514.00
Decision by SOA:	3/15/2019	April		\$475.00	\$475.00	\$475.00		\$475.00	\$514.00
		May		\$475.00	\$475.00	\$475.00		\$475.00	
CPPS entry for	4/1/2019	June		\$475.00	\$475.00	\$475.00		\$475.00	
		July		\$475.00	\$475.00		\$475.00	\$475.00	
		August	\$475.00	\$475.00	\$475.00		\$475.00	\$475.00	
		September	\$475.00	\$475.00	\$475.00		\$475.00	\$475.00	
		October	\$475.00	\$475.00	\$475.00		\$475.00	\$475.00	
		November	\$475.00	\$475.00	\$475.00		\$475.00	\$475.00	
		December	\$475.00	\$475.00	\$475.00		\$475.00	\$475.00	
			\$2,375.00	\$5,700.00	\$5,700.00	\$2,850.00	\$16,625.00		

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### Adoption Assistance State Contacts

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**EMAIL is always the best way to contact us.**

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**Final Steps for County DSS Staff**

- 1. Please take a brief survey**
  - We will provide link for those logged on
  - Can also access thru NCSWlearn.org
- 2. To receive training credit, you must "Complete Course" WITHIN ONE WEEK**
  - Log in to www.NCSWlearn.org
  - Select "PLP"
  - Select "Webinars"
  - Click "Enter"
  - Click "Complete Course" button

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**Passcode: adoption**

To take the survey now, click on the link:



[Webinar Survey](https://unc.az1.qualtrics.com/jfe/form/SV_d0TMGGie5Rx9SBg)

[https://unc.az1.qualtrics.com/jfe/form/SV\\_d0TMGGie5Rx9SBg](https://unc.az1.qualtrics.com/jfe/form/SV_d0TMGGie5Rx9SBg)

*Don't forget - You have only one week to "complete course"*

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**Thank you for your participation today.**



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