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**Oregon Adoption Assistance  
Handbook**

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# Oregon Adoption Assistance Handbook

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## Program Overview

Adoption Assistance makes it possible for special needs children to have permanent families. It helps remove barriers and provides an incentive for families to adopt.

Historically, Oregon had a limited adoption assistance program before the national program was instituted through Public Law 96-272 in 1980. This law provided federal matching, mandated states to provide subsidies, and removed any financial advantage to states to keep children in federally subsidized foster care rather than placing them in adoption with fully state funded adoption subsidies.

Initially, only the most seriously needy children were referred for the program. As the adoption picture changed over the years to include older children and special needs adoptions, the adoption community became increasingly aware of the long range prospects for difficulties based on early neglect, abuse, and disruption. Now nearly all adoptions through the State Office for Services to Children and Families (SCF) involve Adoption Assistance for our special needs children.



## Eligibility

For a child to be eligible for Adoption Assistance, each of the following four criteria must be met:

1. The state court of competent jurisdiction has determined that the child cannot return to their home or to the birth parents.
2. The child is in the custody of SCF or a private agency in Oregon. (Exception: payment for nonrecurring costs of adoption - see below.)
3. Efforts to place the child without adoption assistance have been unsuccessful. (Recruitment must be documented.) An exception is allowed in a situation where the child has significant emotional ties to a foster parent or relative.
4. The child has **at least one** of the following conditions or factors:
  - Member of a racial, ethnic minority (e.g., African-American, Hispanic, Asian, Native American Indian, Pacific Islander).
  - Eight years of age or older.
  - Diagnosed disability (physical, mental, emotional, learning disability).
  - “At risk” for future problems due to a documented predisposing factor.
  - Member of a sibling group placed together (three or more children; if two children, one must be six years of age or older).
  - Significant emotional ties to adoptive family while in their care as a foster child or relative placement.



A determination must be made whether a child who meets other eligibility requirements for Adoption Assistance also meets specific federal eligibility guidelines for Title IV-E funding.

## Title IV-E or State Funded

This determination is made by branch eligibility specialists who look at information related to the child's birth family and legal action taken in the case.

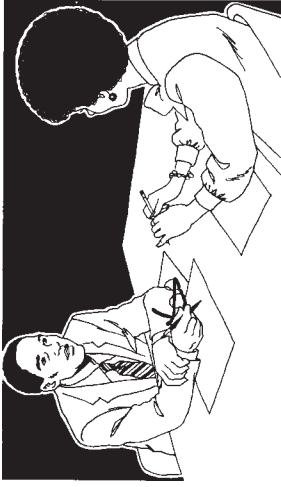
Another way a child is eligible for Title IV-E is by being a recipient of Supplemental Security Income from the Social Security Administration.

When a child is found eligible for Title IV-E, it means the state can receive federal matching dollars for the assistance provided.

Oregon continues a state-funded program for those who are not IV-E eligible. Approximately 30 percent of Adoption Assistance recipients are fully state funded. All efforts are made to gather information to make the IV-E determination because it may be to the advantage of the adoptive family (see medical coverage) as well as important in maximizing the limited resources of the Adoption Assistance program.



### ADOPTION ASSISTANCE APPLICATION



**Agency worker meets with family:**

- Provides information on child's needs
- Explains Adoption Assistance
- Provides Adoption Assistance Handbook
- Provides vendor attorney list
- Provides nonrecurring expense form
- Provides tax information

**Family:**

- Assesses their resources
- Considers child's needs
- Decides what will make adoption possible

### Worker and family negotiate agreement

**Worker:**

- Completes CF 969, Part A

**Family:**

- With worker assistance, completes CF 969, Part B



**Worker:**

- Attaches special needs form (CF172RN, CF172A), other documentation
- Submits to supervisor

**Supervisor:**

- Reviews
- Signs
- Returns to worker

**Private agency worker:**

- Sends Parts A and B—white copy only (and all documentation) to SCF Central Office Adoptions for eligibility determination

**SCF worker:**

- Sends white copy only of Parts A and B (and all documentation) to branch eligibility worker



**Eligibility worker:**

- Reviews for completeness
- Completes Part C
- Notified worker of IV-E eligibility determination
- Sends Parts A, B and C to Central Office Adoption Assistance program
- Makes sure 172RN and 172A are attached when applicable

**Adoption Assistance Coordinator:**

- Reviews application
- Reads child study, medical report and home study in adoption file
- Gathers other documentation/information from worker and family (if needed)
- Renegotiates if necessary
- Approves or denies application

**Adoption Assistance staff:**

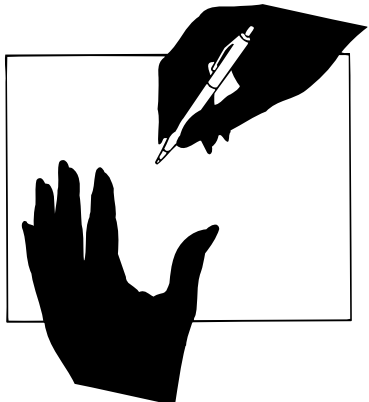
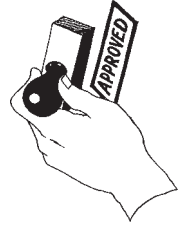
- Issues agreement
- Sends agreement to family
- Sends copy to worker

**Family:**

- Signs and returns agreement

**Adoption Assistance Coordinator:**

- Signs agreement
- Returns one copy to family when assistance begins



## Application Procedures



The agency worker discusses adoption assistance with the adoptive family in those cases where the child has been identified as a special needs child. The worker assists the family in assessing the needs of the child, evaluating what services can be covered by the OMAP Medical Care ID or local service providers, reviewing the family's circumstances, and deciding upon the types and amount of benefits the family will require to be able to adopt the child. The family, with the worker's help, completes Section B pages 1 and 2, of the Application Form (CF 969). (In those cases where the family is applying for **ONLY** the nonrecurring costs, reimbursement form CF 968 should be used.) When appropriate, CF 254 should be completed to record non-recurring expenses. It is very helpful for families to get this form early if travel for placement of the child is required.

The agency worker is responsible for completing Section A, pages 1 and 2, of the application, attaching it to Section B, and submitting both forms for supervisory review and approval. The worker will also include special rate and personal care forms and other appropriate documentation in support of the application.

Once the application is signed, it is forwarded by the **SCF worker** to the eligibility worker in the branch office who will review the form for completeness, determine the Title IV-E eligibility of the child, complete Section C of the form, and submit all three parts to the SCF Central Office Adoption Assistance staff. The eligibility worker will also inform the worker of the determination of eligibility, and ensure forms 172RN and 172A are attached when applicable.

For **applications from agencies other than SCF**, Sections A and B of the application, as well as requested child and family information, and recruitment and legal documentation will be sent directly to the Central Office Adoption Assistance program. Title IV-E determination will be completed in the Central Office.

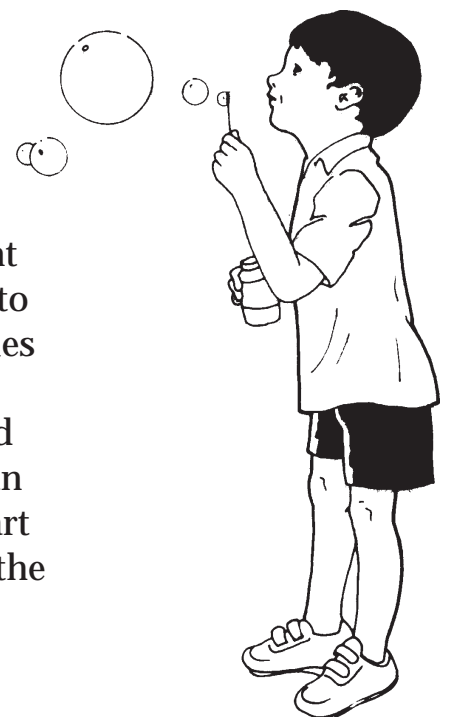
The application is reviewed by the Adoption Assistance Coordinator. As part of the review, consideration will be given to information available in the child's adoption file including the child summary, medical documentation, and the family's adoption study. Follow-up calls are sometimes made to the worker or family if there are questions. The Coordinator may concur with the negotiated amount and type of benefits or may request renegotiation by the worker. The Coordinator may also enter into negotiation directly with the adoptive family in some circumstances. In some instances, where the requested amount of monthly payment is unusually large or there is difficulty in reaching a negotiated agreement, the Coordinator may refer the case to a Review Committee composed of Adoptions and Permanency program staff and field staff.

## Application Procedures (cont.)

**IT SHOULD NOT BE ASSUMED THAT ADOPTION ASSISTANCE WILL BE IMMEDIATELY AVAILABLE AT THE TIME THE CHILD IS PLACED.** A variety of reasons for delays are possible. Adoption Assistance cannot begin until the application is signed and processed, the child is in the home, the child is legally fully free, the agency has designated the home as the adoptive placement and an agreement has been signed by the parents and the Adoption Assistance Coordinator. **In no case can payment be made before the date of the signed application.** An adoption which will include Adoption Assistance **must** have the payment open prior to finalization.

At times the desire to move quickly to achieve a permanent home for a child can result in overlooking the importance to a family of not having to be concerned about financial issues during the crucial early part of a placement. In most situations a transition period of foster care payments or aid to families through TANF grants for nonneedy relatives can provide temporary financial assistance during the early part of a placement, as well as guarantee medical coverage for the child.

## Timing on Starting Assistance



## Timing on Starting Assistance (cont.)

Delays in beginning Adoption Assistance can occur for a number of reasons. Those reasons can be as simple as one of the parents forgetting to sign the application, to such things as inability to reach agreement over the amount of assistance, delays in the agency officially designating the adoptive placement due to missing documentation, or an adoptive family's decision to delay submitting an application until they experience living with the child so they can understand what assistance will be required to be able to adopt the child.

Sometimes children are receiving Social Security or other benefits and agency workers assume those benefits can be forwarded to the adoptive family until Adoption Assistance is in place. This is against SCF procedures and, additionally, has led to very difficult overpayment situations for adoptive families. In most cases, children will receive either Social Security disability payments or Adoption Assistance, but not both.

### Out-of-State Placements

When the placement resource for a child is a family residing outside of Oregon, careful planning for continuity of financial support and medical assistance is necessary. It is SCF policy that the caseworker **request foster home certification along with the adoption study request** and, through the Interstate Compact for Placement of Children, seek approval for foster as well as adoptive placement. At the time of the placement, foster care payments would then be possible until Adoption Assistance is in place.

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## Benefits



A range of benefits are available which may be selected based on the needs of the child and circumstances of the family.

### ■ Agreement Only

Agreements Only are appropriate when there is not a current need for financial assistance or medical coverage. These agreements provide assurance that if circumstances arise in

the future the family can request needed benefits. Families are encouraged to consider this option when a child is at risk of future problems but there are not needs at this time.

## Benefits (cont.)

### ■ Nonrecurring Expenses

A separate federal law, Public Law 99-514, was passed in 1986 which provides for reimbursement of nonrecurring expenses of adoption. Prior to that time, families who adopted special needs children were eligible for a tax credit for these costs. That tax credit was eliminated and this form of reimbursement was provided as an alternative.

More children are eligible for this benefit than for the other benefits of Adoption Assistance since the eligibility requirements are slightly different. Specifically, it is not necessary that the child be in the custody of SCF or an Oregon private agency. An Oregon family adopting a special needs child may apply. ( If applying for this nonrecurring benefit **ONLY**, use form CF 968.)



Nonrecurring costs are those expenses directly tied to making the adoption possible, such as legal fees, court costs, preplacement visits, required adoption physicals. **Not** covered are items such as bedroom furniture, clothing, house remodeling, or a larger car. A maximum of \$2,000 is allowed per child. **Receipts must be received and a signed agreement in place before the adoption is finalized.** The expenses will be reimbursed **at the time of finalization.**

Oregon has established a **vendor attorney program** in which attorneys have agreed to handle the legal aspects of the adoption of an SCF child for a set fee. Families may choose any attorney; however, the Adoption Assistance program will reimburse only in the amount of the set fee which is considered “reasonable and necessary.” (Unusual circumstances may occasionally warrant a larger payment.) Families who reside outside of Oregon may still use an Oregon vendor attorney and the entire adoption is processed through the mail. It is not necessary for the family to be present for the court proceedings.

## Benefits (cont.)

### ■ Special Payments

After an assistance agreement is in place, special payments may be made in limited situations where unexpected expenses occur which are of a one-time or time-limited nature and where no other resource exists. These expenses must be demonstrated to be directly related to the child's special needs or essential to the welfare of the child. Documentation of the need and cost is required prior to authorization. Payments are limited by the current Adoption Assistance budget. Unusual requests may be referred by the Coordinator to a Review Committee for consideration.



### ■ Medical Coverage

Title XIX Medicaid is the resource available to almost all children in the Adoption Assistance Program. If the child is eligible for IV-E or receiving Supplemental Security Income from Social Security, he/she is automatically eligible for medical coverage. Eligibility for these children has already been determined by the agency.

For children who are not IV-E or SSI eligible, one of the following criteria must be met in order to approve Title XIX Medicaid:

- The child has a documented medical condition or rehabilitative need that existed prior to placement of the child for adoption.
- The adoptive parents are eligible for Title XIX due to their income and resource level (annual redetermination by Adult and Family Services required).
- The child has special needs which would have prevented his/her adoption without receipt of Title XIX benefits.

Medical coverage for families living in Oregon is provided through the Oregon Health Plan. Families select a prepaid managed care program for their child.

Families living **outside of Oregon** will receive medical coverage in one of two ways: If a child is Title IV-E eligible, medical coverage will be provided by the state where the child resides. The family must apply in that state. Many states now provide coverage for non IV-E children.

We currently anticipate that most states will allow for the same medical coverage for non IV-E children by 2002.

Title XIX Medicaid and a family’s private insurance must always be explored and utilized before consideration will be given to providing Adoption Assistance cash payments for medical expenses. Private insurance is always billed first.

If a child moves from Oregon to another state or is placed in another state:

# Medical Assistance for Out-of-State Children Receiving Adoption Assistance

<u>IV-E</u>	<u>Non IV-E</u>
<ul style="list-style-type: none"> <li>• Family applies in other state for Title XIX Medicaid.</li> <li>• Adoption Assistance sends IV-E verification to other state.</li> <li>• Child continues to receive Adoption Assistance payments from Oregon.</li> </ul>	<p style="text-align: center;"><b>OR</b></p> <ul style="list-style-type: none"> <li>• Receiving state provides coverage to non IV-E child.</li> <li>• Family applies in other state for Title XIX Medicaid.</li> <li>• Adoption Assistance sends IV-E verification to other state.</li> <li style="text-align: center;">AND</li> <li>• Child continues to receive Title XIX Medicaid and Adoption Assistance payments from Oregon.</li> </ul>
	<ul style="list-style-type: none"> <li>• Receiving state does not provide IV-E coverage.</li> <li style="text-align: center;">AND</li> <li>• Child continues to receive Title XIX Medicaid and Adoption Assistance payments from Oregon.</li> <li style="text-align: center;">AND</li> <li>• Out-of-state medical providers must get an Oregon Medicaid provider number.</li> <li style="text-align: center;">AND</li> <li>• Child continues to receive Adoption Assistance payments from Oregon.</li> </ul>



## Benefits (cont.)

### ■ Monthly Payments

Monthly cash payments are available with the amount determined on an individual basis in a negotiation between the family and the agency considering the child's needs and the family's circumstances. The amount cannot exceed what a child would need if currently placed in foster care.

#### • Deciding What to Request

In deciding the amount and type of benefits to request in Adoption Assistance, families are encouraged to consider the needs of the individual child they wish to adopt, the services required to meet the child's needs, the resources (financial, friends and extended family, church, community, schools, etc.) they have to meet those needs, and what will be required to "bridge the gap" between the cost of required services and available resources.

At the time of adoption, most families expect to assume significant responsibility for meeting the needs of their child and ask for assistance for exceptional needs. Families are encouraged to think about what will be required to incorporate the child into their household in relation to their lifestyle, standard of living, and immediate and future needs. Adoption Assistance helps with **current needs**, keeping in mind that if needs or circumstances change, the amount and type of benefits can usually be adjusted in renegotiation.

#### • Coming to an Agreement

Negotiating an Adoption Assistance agreement begins with the family in consultation with the agency worker. In discussing the needs of the child, the perspectives of the family and the worker will be helpful. Usually the worker and family will have similar ideas of an appropriate request. If there is disagreement, the family can enter their requested amount and type of benefits on the application form and the worker will have the opportunity to provide comments regarding any differing thoughts about an appropriate request. The Adoption Assistance Coordinator is available for consultation during the negotiation process.

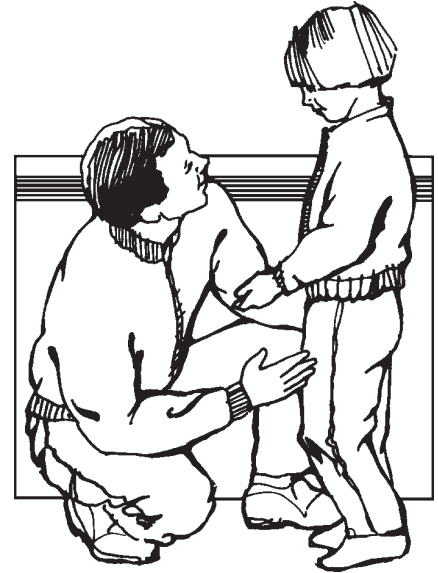


Workers may be asked to contact the family to discuss a reconsideration of the amount requested. The Coordinator may also make direct contact with the family to negotiate and seek clarification. In unusual situations, including requests for high monthly payments or where there is difficulty in reaching a negotiated agreement, the Coordinator may refer the case to a Review Committee for consideration. The final negotiated agreement must be signed by the Coordinator and by the family.

## Benefits (cont.)

- **Once an Agreement is in Place**

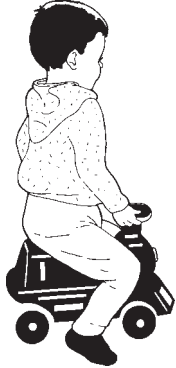
Once an agreement is in place, the family chooses how to best utilize benefits to meet the child's needs. The family will not be asked to report how they used the money. There is an **annual review** form sent to families asking them to report significant changes and, sometimes, with the family's agreement, adjustments are made in the type and amount of the assistance. Change in income or in the child's needs are not automatically reasons for terminating or reducing the benefits. However, families may decide they no longer need certain benefits or the same amount of assistance.



Amounts of monthly payments can usually be renegotiated at any time at the request of the family. A letter from the parents to the Adoption Assistance coordinator, indicating the change in situation and what adjustment in amount or type of benefit they believe is needed is the starting point. Documentation will be needed to justify an increase and can be included with the letter. Documentation might include school reports or psychological evaluations, medical reports, costs and descriptions of services, or anything else which supports the need and the amount requested.

The program recognizes that a child's needs or family circumstances may change. The program will provide an "Adoption Assistance Annual Review" form to the adoptive parent(s) which may be used to establish any changes in circumstances requiring modification in the agreed-upon Adoption Assistance payment. Adoptive

## Benefits (cont.)



parents may request a review of their Adoption Assistance at any time without waiting for an annual review. If requested by the program, the adoptive parent shall provide documentation of changes in the child's needs or the family circumstances to determine the modification of the Adoption Assistance agreement.

### ■ Out of Home Placements

The purpose of ongoing Adoption Assistance payments is to maintain the child in the adoptive family's home. When parents sign the Adoption Assistance agreement, **they agree to notify Adoption Assistance staff immediately if their child no longer resides with them.** Monthly payments may be suspended, reduced, or continued while the child is out of the home.

### ■ Substitute Care and Residential Treatment

If a child enters foster care or residential care in Oregon and the adoptive family receives Adoption Assistance, the Adoption Assistance program should be notified both by the family and by the caseworker.

**Within Oregon, SCF has an agreement with the Division of Child Support (formerly SED) to exempt families who adopted SCF children from the requirement to pay support.** The policy describing this provision is I-E.7.1. The caseworker notifies the Adoption Assistance Coordinator of the out-of-home placement. When the family receives a letter from the Division of Child Support which is a notice of intent to collect child support, the family should immediately send a copy of this notice to the Adoption Assistance Coordinator. This will allow Adoption Assistance to get an exemption for the family using the case number provided by the Division of Child Support.

Adoption Assistance may remain open while the child is out of the home. The family must be involved in the child's treatment plan which includes a plan for the child to return to the adoptive home. Factors such as travel, home visits and family need will be considered. Duration of payments and amounts will be determined on a case-by-case basis.

When the necessary paperwork and legal work is completed, your Adoption Assistance agreement will be opened. After your child has been in your home long enough for your worker to recommend finalization, your attorney will receive the paperwork to draw up the legal petition for adoption.

## Finalization of the Adoption

Your attorney will have you sign this petition, either by mail or in his/her office. The original petition is filed with the court and a copy sent to SCF Central Office. SCF Central Office will prepare a report to the court which waives the 90-day waiting period and provides a brief biographical background of birth parents and adoptive parents. This report is mailed to the court. Then the attorney can send the decree to the judge for his/her signature or request a signing ceremony in front of the judge.

Your attorney will send you a copy of the decree and a certified copy of the child's new birth certificate.

After SCF Central Office in Salem receives a copy of the decree from the court, your vendor attorney will be paid and your nonrecurring expenses – if you have them – will be reimbursed.

When the adoption is finalized, you will need to contact your local Social Security Administration office to update your child's social security records. If your child is receiving SSI or SSA benefits, the name on their social security account needs to be changed to their new adoptive name. If your child is not receiving SSI or SSA benefits, you may request an "original" social security number be established for him/her due to adoption. If the number is changed, please notify the Adoption Assistance worker.



## Agreement Termination



Benefits continue until:

- A child reaches age 18; or
- The family is no longer legally and financially responsible for the child; or
- The child is out of the home and the plan is that the child will never return; or
- The family requests termination of the agreement; or
- The death of the adoptive parent(s). (Children adopted on or after October 1, 1997 may be eligible for benefits to transfer to another caretaker.)

Special services may be available if your child has disabilities when he/she turns 18.

- He/she may be eligible to receive Social Security disability services. Contact your Social Security office to find out. At 18, a child may apply based upon their own income, as a household of one, even when living at home.
- Case management services may be available through the local county Developmental Disabilities program.
- In many cases, education supports are available through the school year he/she turns 21. Contact the Oregon Advocacy Center at 1-800-452-1694 for help.
- After 21, a person with disabilities may be eligible for Vocational Rehabilitation services for job training and job placement supports.
- An adult with disabilities may be eligible for placements as necessary. You can access these services through the Mental Health and Developmental Disabilities Division.

## Review and Appeal

Adoption Assistance staff will try to negotiate agreements with families which are mutually acceptable. They also try to be responsive to requests for adjustments after the agreement is in place. Disagreements about decisions may occasionally occur. For example, if a change in circumstances of the child or family occurs which may make the adoptive parent(s) eligible for assistance payments in a different amount. If SCF and the adoptive parent(s) cannot reach an agreement as to the new amount, SCF may issue a notice of intent to modify the amount of Adoption Assistance.

Families are encouraged to contact the Adoption Assistance Coordinator to discuss these issues and seek resolution.

There are several opportunities for formal administrative review and appeal:

- A request may be made to have the issue presented to the Adoption Assistance Review Committee. Depending on the issues in dispute, the coordinator may have already presented the case to this committee and received a decision. Unless there is new information to be presented to the committee, the family may move directly to the next level of review.
- If the family is dissatisfied with the decision of the Review Committee, the family may request review by writing to the SCF Central Office Adoptions Manager.
- If the family is dissatisfied with the decision of the Adoptions Manager, they are entitled to a contested case hearing before a hearings officer.

No matter what level of review the family is participating in, they are always encouraged to continue discussions with the Adoption Assistance Coordinator to informally try to resolve the disagreement.

If the family is still dissatisfied with SCF's decision at the conclusion of the contested case hearing and upon entry of the Final Order, the family is entitled to seek judicial review of the Final Order in the Oregon Court of Appeals.

If the family's Adoption Assistance is discontinued for reasons other than required by law (such as marriage of the child, disruption of the adoption, if the family decides not to adopt before the decree of adoption is issued. The adoptive child is no longer eligible after reaching the age of 18, the family may request a contested case hearing. These requests must also be in writing to the SCF Central Office Adoptions Manager within the time period specified in the notice.

## Review and Appeal (cont.)



## Post Adoption Applications

Applications for Adoption Assistance must be received and a signed agreement must be in place before the adoption is finalized except where the family can show that there were **extenuating circumstances**. Examples of those situations are:

- Relevant facts regarding the child, his background, or family were known, but not shared with adoptive parents.
- Adoption assistance was denied based on the family's income.
- The state made an error in determining whether the child was eligible for assistance.
- The state did not inform the adoptive parents of a child who had special needs of the availability of Adoption Assistance.

The family should write a written request to the Adoption Assistance Coordinator indicating the current situation, the **extenuating circumstances** that they believe make them eligible to apply after the adoption is legalized, and pertinent information from the time of the adoption. Documentation may be included. SCF Adoptions staff will access information from adoption records to assist in establishing eligibility when appropriate.

When a child is Title IV-E eligible, the federal policy requires that a hearing be held before the state can accept an application for adoption assistance. For non-IV-E children the decision may be made by the SCF Adoptions Manager. If the family disagrees with the manager's decision, a request for a hearing may be submitted.



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## Questions

For questions about the process, OMAP Medical Care ID, payment problems, or change of address, contact the Adoption Assistance unit at 503-947-1134.

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We practice non-discrimination and provide reasonable accommodation for persons with disabilities. If you have questions or need this document in an alternative format, such as large print, computer disk, braille, audiotape, or oral presentation, talk to your worker or branch manager.

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