

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 10:</b> Adoption	<b>Effective Date:</b> May 1, 2020
	<b>Section 14:</b> Indiana Adoption Assistance Program Overview (AAP and SAS)	<b>Version:</b> 5

**STATEMENTS OF PURPOSE**

The Indiana Department of Child Services (DCS) Adoption Assistance Program can provide three (3) types of adoption assistance benefits:

1. Medicaid: Indiana’s Title XIX Medicaid Program;
2. Non-Recurring Adoption Expenses (NRAE); and
3. Periodic Payments through either the Title IV-E Adoption Assistance Program (AAP) or State Adoption Subsidy (SAS).

DCS will determine the child’s eligibility for adoption assistance. All AAP eligible children are also eligible for Medicaid and NRAE. Children eligible for SAS will receive NRAE and a separate determination will need to be made to evaluate the child’s Medicaid eligibility. See policy [10.15 Eligibility Requirements for Adoption Assistance](#) and the [CEU Eligibility Binder](#) for eligibility requirements of periodic payments through AAP and SAS.

**Note:** Adoption assistance will not be provided for international adoptions.

Once a child’s permanency plan has been changed to adoption, and a prospective adoptive home has been identified, DCS will meet with the prospective adoptive parent to explain the following:

1. Indiana Adoption Assistance Program;
2. Needs and history of the child;
3. Availability of potential tax credits upon adoption; and
4. Background check process required for adoptions. See policies [13.07 Conducting Background Checks for Adoption](#) and [13.08 Evaluating Background Checks for Adoption](#).

At the conclusion of this meeting, the prospective adoptive parent will sign the [Explanation of Indiana Adoption Program \(AAP & SAS\) and Background Information \(SF 54352\)](#), and DCS will place the signed form in the case record.

**Note:** The prospective adoptive parent must complete and sign the [Explanation of Indiana Adoption Program \(AAP & SAS\) and Background Information \(SF 54352\)](#) form even if the prospective adoptive parent states they do not want to apply for any adoption assistance benefits. If circumstances change before the child is adopted and the adoptive parent would like to apply for benefits from the Indiana Adoption Assistance Program, the adoptive parents should submit an application to DCS. **If the child is found to be eligible for benefits, the adoption assistance agreement must be signed by all parties before the decree of adoption is finalized.**

DCS will initiate the background check process. See policy [13.07 Conducting Background Checks for Adoption](#) for additional information.

The DCS Central Eligibility Unit (CEU) will review a child's eligibility for adoption assistance benefits once all of the information required for the determination has been received. See [CEU Adoption Assistance Eligibility Checklist](#) for additional information.

A DCS Central Office Attorney will negotiate the amount of the Adoption Assistance periodic payment for each eligible child with the prospective adoptive parent or their attorney. See policy 10.17 Negotiations for Adoption Assistance for more information.

**Note:** The negotiated adoption assistance periodic payment amount may be for \$0, but it may not exceed the standard applicable foster care per diem amount the child would receive if the child were in foster care.

#### Code References

1. [IC 31-19-9-8\(a\)\(10\) Consent to adoption not required](#)
2. [IC 31-19-26.5: Adoption Subsidies](#)
3. [42 USC 673: Social Security Act](#)
4. [45 CFR 1356.41: Nonrecurring Expenses of Adoption](#)
5. [45 CFR 1356.40: Adoption Assistance Program: Administrative Requirements to Implement Section 473 of the Act](#)
6. [465 IAC 3 Administrative Reviews and Hearings](#)
7. [465 IAC 4 Indiana Adoption Assistance and Guardianship Assistance Programs](#)

#### PROCEDURE

The Family Case Manager (FCM) will

1. Meet with the prospective adoptive parent to:
  - a. Review the needs and history of the child,
  - b. Explain the Indiana Adoption Assistance Program and discuss the child's potential eligibility for Medicaid, NRAE, and adoption assistance periodic payments,
  - c. Gather verification of completion of the Resource and Adoptive Parent Training (RAPT) IV,
  - d. Review the [Explanation of Indiana Adoption Program \(AAP & SAS\) and Background Information \(SF 54352\)](#) with the prospective adoptive parent,
  - e. Request that the prospective adoptive parent sign the [Explanation of Indiana Adoption Program \(AAP & SAS\) and Background Information \(SF 54352\)](#),

**Note:** The prospective adoptive parent's signature will provide the FCM with documentation that the program has been explained and that the prospective adoptive parent has been provided an opportunity to review the child's file.

  - f. Sign the [Explanation of Indiana Adoption Program \(AAP & SAS\) and Background Information \(SF 54352\)](#) and place it in the adoption file, and
  - g. Inform the prospective adoptive parent that they must complete required background checks on members of the household as part of the adoption process. See policy [13.07 Conducting Background Checks for Adoption](#) for more information.
2. Send the following documentation necessary for the DCS CEU to determine adoption assistance eligibility.
  - a. Signed [Indiana Adoption Program Application \(SF 54351\)](#) and [Explanation of Indiana Adoption Program \(AAP & SAS\) and Background Information \(SF 54352\)](#),

**Note:** The application and all supporting documentation must be received for DCS CEU to review a child's eligibility for adoption assistance benefits.

- b. Verification that the child cannot or should not be returned to the home of either parent which consist of **at least one** of the following for each, legal or alleged, parent identified in the case management system;
  - i. Court ordered Termination of Parental Rights (TPR);
  - ii. Signed consent of the parent, including a [Consent to Adoption \(SF 12582\)](#), Voluntary TPR, or consent to termination;
  - iii. Death Certificate or obituary for the parent;  
Petition for TPR;
  - iv. If father is unknown, an Affidavit from the Putative Father Registry indicating a father has not be registered; or
  - v. Order from the court citing [IC 31-19-9-8](#) that consent to adoption is not required.
- c. Background check results for the prospective adoptive parent and all appropriate household members, including waivers if applicable. See policy [13.08 Evaluating Background Checks for Adoption](#) for additional information.

**Note:** If the prospective adoptive parent resides in another state, submit the adoption home study. The home study should indicate the results of the fingerprint, CPS, and Sex Offender Registry (SOR) checks (or the applicable background checks required by the state in which the prospective adoptive parent resides).

- d. Signed letter from a licensed physician, psychiatrist, or psychologist If the child is under age two (2) and not a member of a sibling group being adopted by the same prospective adoptive parent, to document a disability that requires continued treatment; and
  - e. Completed and signed [CEU Adoption Assistance Eligibility Checklist](#).
3. Complete all of the following items in the child welfare system **prior to submitting an application to DCS CEU**.
    - a. Complete the Pre-Adoption Plan;
    - b. Ensure the family relationships for the child are accurate; and
    - c. Ensure the child's household reflects the household composition on the day of removal (not the child's current placement).
  4. Submit the [Indiana Adoption Program Application \(SF 54351\)](#) and all of the supporting documentation to DCS CEU ([centralized.eligibility@dcs.in.gov](mailto:centralized.eligibility@dcs.in.gov));
  5. Submit a letter or statement, **if** requested by DCS CEU, detailing the child's mental, emotional, medical, or physical disabilities (including those conditions that may be inherited) for the child's Medicaid eligibility determination (only for the children DCS CEU determines are eligible for SAS);
  6. Notify the DCS Local Office Director (LOD) and the DCS Staff Attorney when the petition for adoption is filed and the adoption hearing court date has been set;
  7. Notify the prospective adoptive parent and the Staff Attorney of the child's eligibility for adoption assistance benefits and provide him/her with the Payment Request Information

(PRI) form required for the negotiation of the Adoption Assistance periodic payment amount, if appropriate.

8. Inform the prospective adoptive parent that it is extremely important that they carefully and accurately report their income and expense information on the PRI, that they may utilize additional paper to do so as needed, and that they will likely be asked to provide proof of reported income and expenses;
9. Ensure the Adoption Assistance Agreement is signed by all parties prior to the Final Decree of Adoption date; and
10. Send the signed Adoption Assistance Agreement and Final Decree of Adoption to the DCS CEU inbox ([centralized.eligibility@dcs.in.gov](mailto:centralized.eligibility@dcs.in.gov)). See [CEU Adoption Assistance Finalization Checklist](#) for more information.

The FCM Supervisor will:

1. Review the child's adoption file to ensure the required documentation is included and the [Explanation of Indiana Adoption Program \(AAP and SAS\) and Background Information \(SF 54352\)](#) and [Indiana Adoption Program Application \(SF 54351\)](#) are signed.
2. Confirm the FCM has received all of the supporting documentation and completed the required information in the child welfare system prior to submitting the application to DCS CEU at [centralized.eligibility@dcs.in.gov](mailto:centralized.eligibility@dcs.in.gov);
3. Ensure the DCS Central Office Attorney has received the completed PRI and any related documentation;
4. Verify that the Adoption Assistance Agreement is signed by all parties prior to the Final Decree of Adoption date; and
5. Ensure the DCS Staff Attorney is advised of the completed/signed Adoption Assistance Agreement.

The DCS LOD or Designee will:

1. Receive the completed PRI and supporting documentation from the prospective adoptive parent or their attorney. See policy 10.17 Negotiations for Adoption Assistance for more information;
2. Ensure the completed PRI and supporting documents are forwarded to the Adoption Assistance Negotiation Unit for a DCS Central Office Attorney to negotiate a periodic payment amount;
3. Staff with the DCS Central Office Attorney to determine the appropriate periodic payment amount;
4. Sign the Adoption Assistance Agreement **after** the adoptive parent has signed the agreement **but before the adoption is finalized**;
5. Sign the [Consent to Adoption \(SF 12582\)](#) **after** the Adoption Assistance Agreement is **fully executed**; and
6. Provide signed agency consent(s) to the DCS Staff Attorney.

The DCS Staff Attorney will:

1. Notify the attorney for the adoptive parent(s) that a CEU determination has been made;
2. Consult with the DCS Central Office Attorney, FCM and FCM Supervisor as necessary; and
3. File necessary court documentation as needed.

The DCS CEU will:

1. Review the completed [CEU Adoption Assistance Eligibility Checklist](#) and documentation submitted by the FCM;

2. Return the application and supporting documentation to the FCM if all of the information on the [CEU Adoption Assistance Eligibility Checklist](#) was not provided;
3. Review the child's eligibility for adoption assistance benefits once a completed application and supporting documentation has been received;
4. Use the Severe Impairment Determination Process (if applicable);
5. Provide the Final Adoption Program Eligibility Determination form to the FCM for review with the prospective adoptive parents. See policy [10.15 Eligibility Requirements for Adoption Assistance](#) for more information; and
6. Review the case when the Final Decree of Adoption and signed Adoption Assistance Agreement are received to ensure the agreement was signed by all parties on, or prior to, the date of the Final Decree of Adoption.

## **PRACTICE GUIDANCE**

NA

## **FORMS AND TOOLS**

1. Indiana Adoption Program Desk Guide - Available in CEU Eligibility Binder
2. [CEU Adoption Assistance Eligibility Checklist](#)
3. [Explanation of Indiana Adoption Program \(AAP & SAS\) and Background Information \(SF 54352\)](#) - Available via CEU
4. [Indiana Adoption Program Application \(SF 54351\)](#)
5. Final Adoption Program Eligibility Determination – Available via CEU
6. Title IV-E Adoption Assistance Agreement – Available via CEU
7. State Adoption Subsidy Agreement – Available via CEU
8. [Consent to Adoption \(SF 12582\)](#)
9. Payment Request Information (PRI) – Available via CEU
10. [CEU Adoption Assistance Finalization Checklist](#) – Available in the CEU Eligibility Binder
11. [CEU Eligibility Binder](#)
12. Pre-Adoption Plan – Located in Tools in the child welfare system
13. Severe Impairment Determination Process - Available via CEU

## **RELATED INFORMATION**

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