



## INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

**Chapter 14:** Adoption Assistance and Guardianship Assistance

**Section 10:** Continuations, Termination and Suspensions of Adoption Assistance Periodic Payments

**Effective Date:** June 1, 2022

**Version:** 7

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### POLICY OVERVIEW

The Adoption Assistance and Child Welfare Act of 1980 provides subsidies to encourage the adoption of eligible children from the child welfare system. These subsidies, known as adoption assistance, typically will continue until the child reaches 18 years of age but may be terminated or suspended before the child reaches the age of 18 if the adoptive parent is no longer legally responsible or financially supporting the child as determined by the Central Eligibility Unit (CEU). Adoption assistance may continue after an adopted child turns 18 years of age based on the determination of certain criteria.

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### PROCEDURE

#### **Continuation of Adoption Assistance Agreements after a Youth Becomes 18 Years of Age**

The Indiana Department of Child Services (DCS) will determine if youth remain eligible for adoption assistance after turning 18 years old. Adoption assistance is not automatically continued when youth turn 18 years of age, but adoption assistance may be available upon approval of a completed application and demonstration of certain criteria, as specified within this policy.

DCS CEU will send an Application for Continuation of Adoption Agreement Beyond Age Eighteen to the adoptive parent 90 calendar days prior to the youth's 18<sup>th</sup> birthday. A completed Application for Continuation of Adoption Agreement Beyond Age Eighteen form must be received by DCS CEU at least 30 calendar days prior to the youth's 18<sup>th</sup> birthday. The application includes the statutory eligibility requirements for the continuation of adoption assistance, depending on the type of adoption subsidy the youth receive. The application also includes instructions for documentation the adoptive parent must provide DCS to support continued periodic payments.

DCS CEU will process any continuation request during the month of the youth's 18<sup>th</sup> birthday. A Notice of Continuation Beyond Age Eighteen (18) or Termination of Adoption Agreement letter will be sent to the adoptive parent indicating whether the youth is eligible or ineligible for a continuation of adoption assistance. Approved continuations will include the continuation of periodic monthly payments and Medicaid.

**If the application for continuation is received after the month of the youth's 18<sup>th</sup> birthday, the youth is no longer eligible for a continuation of periodic payments.** The Notice of Continuation Beyond Age 18 or Termination of Adoption Agreement letter and the Request for Administrative Review Indiana Adoption Program form will subsequently be sent to the adoptive parent to notify the parent of the youth's ineligibility.

The youth or adoptive parent shall promptly notify DCS of any change in the youth's circumstances as it relates to the need for continuation of periodic payments including, but not limited to:

1. Any change in the nature or scope of legal, financial, or other support the adoptive parent provides for the youth (e.g., living expenses, medical needs, and/or necessary care and level of supervision); or
2. Termination of enrollment in any school or educational program before graduation or completion of the program (if applicable to the youth's subsidy type); and
3. Termination of employment or participation in a program or activity designed to promote or remove barriers to employment (if applicable to the youth's subsidy type).

### **Continuation of County Adoption Subsidy (CAS) and State Adoption Subsidy (SAS) Adoption Assistance**

A youth's CAS or SAS may be continued up to age 21 if the youth is enrolled in a secondary or post-secondary school. Medicaid may also continue to age 21 with documentation/letter from the child's physician, psychiatrist, psychologist, teacher, or other school official outlining the needs of the child.

### **Continuation of Title IV-E Adoption Assistance Program (AAP)**

AAP and Medicaid may be continued up to age 21 if:

1. The youth has "a mental or physical handicap which warrants the continuation of assistance" because it limits the youth's self-supporting capability (per the Severe Impairment Determination process); or
2. The youth meets the requirements under the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351):
  - a. The adoption was finalized on or after the youth's 16<sup>th</sup> birthday but before the youth's 18<sup>th</sup> birthday; and
  - b. The youth continues to meet at least one (1) of the following educational or employment conditions:
    - i. Enrolled in secondary education or a program leading to an equivalent credential;
    - ii. Enrolled in an institution which provides post-secondary or vocational education;
    - iii. Participation in a program or activity designed to promote or remove barriers to employment;
    - iv. Employed at least 80 hours per month; or
    - v. Is incapable of doing any of the previously described educational or employment activities due to a documented medical condition (per Severe Impairment Determination process).

### **Termination or Administrative Suspension of Adoption Assistance**

The adoptive parent is required to promptly notify DCS CEU, in writing, of the occurrence of any event that is or could be grounds for termination or suspension of the adoption assistance agreement. If the adoptive parent fails to notify DCS CEU within 30 calendar

days of the occurrence of the event, DCS may require the adoptive parent to refund DCS for any payments received for any month after the date of the occurrence.

Unless otherwise determined by DCS CEU, all periodic payments provided under an adoption assistance agreement shall cease when one (1) of the following occurs:

1. The child turns 18 years of age;
2. The child is emancipated;
3. The adoptive parent is no longer legally responsible for supporting the child;
4. The adoptive parent is no longer providing financial support for the child;
5. The child is married;
6. The adoptive parent or the child dies;
7. The child's adoption is terminated;
8. The youth is on active duty in the United States Armed Forces for more than 30 consecutive calendar days in a calendar year;
9. The adoptive parent requests termination of the periodic payment; or
10. The adoptive youth no longer meets the criteria for the continuation of adoption assistance periodic payments past the age of 18.

**Note:** Adoption Agreements continued beyond age 18 will terminate the day prior to the youth's 21<sup>st</sup> birthday, unless otherwise determined by CEU that the requirements of continuation are not being met. DCS CEU will send notification to inform the adoptive parent the periodic payments and Medicaid will end 60 days prior to the youth's 21<sup>st</sup> birthday.

All parents who have entered into adoption assistance agreements shall periodically submit a fully completed Adoption Program Status Report form at the request of DCS, to verify the youth remains eligible for assistance. The Adoption Program Status Report form shall be submitted to DCS CEU by the due date listed on the report.

If the adoptive parent is no longer providing financial support for the child, adoption assistance benefits may be terminated. DCS may determine the parent is providing financial support for a child who is in out-of-home placement if the adoptive parent is maintaining regular visitation with the child, cooperating with the case plan goal of reunification, and if one (1) of the following are met:

1. The adoptive parent is paying child support pursuant to a court order; or
2. The adoptive parent is making regular payments of not less than 50% of the monthly adoption assistance amount or provision of materials, supplies, or services having an equivalent monetary value to provide support for the child's:
  - a. Family therapy,
  - b. Tuition,
  - c. Clothing,
  - d. Maintenance of special equipment in the home, or
  - e. Services for the child's special needs (e.g., occupational, physical, or speech therapy).

DCS will administratively suspend payments provided under an adoption assistance agreement if:

1. A determination is made that the adoptive parent is no longer providing legal or financial support for the child; or
2. DCS requests information based on circumstances not related to the periodic Adoption Program Status Report process and DCS is not able to establish contact with the parent

to determine if the parent remains legally or financially responsible for the child.

DCS will mail a Notice of Administrative Suspension of Adoption Assistance Periodic Payment form and a Request for Administrative Review Indiana Adoption Program form to suspend the adoption assistance payment at least 10 days before suspending a payment.

If the adoptive parent resumes regular legal or financial support of the child, and the adoptive parent shows they have resumed support of the child and requests DCS to end the suspension, DCS will end the suspension and continue payments as provided in the adoption assistance agreement.

### **Continuation of Adoption Assistance Agreements after Youth Becomes 18 Years of Age**

The DCS CEU will:

1. Send a copy of the appropriate Application for Continuation of Adoption Agreement Beyond Age 18 form, based on the type of adoption assistance the youth receives, to the youth's adoptive parent 90 calendar days prior to the youth's 18<sup>th</sup> birthday;

**Note:** This application provides instructions for applying for a continuation of the periodic payment past the youth's 18<sup>th</sup> birthday.

2. Review the Application for Continuation of Adoption Agreement Beyond Age 18 form, the documentation received, and the Severe Impairment Determination process (if applicable) to determine if the youth continues to be eligible for a periodic payment;
3. Complete the Notice of Continuation Beyond Age 18 or the Termination of Adoption Agreement form once the youth is determined eligible or ineligible for a continuation of adoption assistance;

**Note:** Approved continuations will include the continuation of periodic monthly payments and may include Medicaid.

4. Send the determination to the parent along with the Request for Administrative Review form if the request for continuation beyond age 18 is denied;
5. Change the end date in KidTraks to the day before the youth's 21<sup>st</sup> birthday, based on the youth's continued eligibility for assistance; and
6. Send an email to the DCS Medicaid Enrollment Unit (MEU) to advise if Medicaid should remain open or should be closed.

### **Termination or Administrative Suspension of Adoption Assistance**

The DCS CEU will:

1. Review the Adoption Program Status Report or other updated information on the youth's current circumstances to determine whether the youth continues to be eligible for adoption assistance;
2. Complete and send the Notice of Continuation Beyond Age 18 or Termination of Adoption Agreement form or Notice of Administrative Suspension of Adoption Assistance Periodic Payment form (whichever is applicable) and the Request for Administrative Review form (if applicable) to the adoptive parent;
3. Stop the payments in KidTraks if the youth is no longer eligible for adoption assistance or the payment is administratively suspended;
4. Send an email to the DCS MEU, if the adoption assistance payment is terminated, to inform them that the youth is no longer eligible for Medicaid (MA-8); and

**NOTE:** If the adoption assistance payment is administratively suspended, the child will remain eligible for Medicaid.

5. Maintain the Adoption Program Status Report or information provided by the adoptive parent or youth, which supports terminating or administratively suspending the adoption assistance.

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## RELEVANT INFORMATION

### Definitions

#### Severe Impairment Determination

A Severe Impairment Determination is a process utilized when determining whether:

- A child under the age of two (2), who is not a member of a sibling group, is eligible for adoption assistance;
- An eligible child under age 13 is eligible for guardianship assistance (GAP); or
- A youth is eligible for continuation of AAP or Title IVE-GAP at the age of 18 years old.

### Forms and Tools

- Adoption Program Status Report – Available via CEU
- Application for Continuation of Adoption Agreement Beyond Age 18 for Recipients of Adoption Assistance Program (AAP) - Available via CEU
- Application for Continuation of Adoption Agreement Beyond Age Eighteen (18) for Recipients of Adoption Assistance Program (AAP-Older Youth)-Available via CEU
- Application for Continuation of Adoption Agreement Beyond Age Eighteen (18) for Recipients of Adoption Assistance Program (AAP) and County Adoption Subsidy (CAS) Combined Subsidies -Available via CEU
- Application for Continuation of Adoption Agreement Beyond Age Eighteen (18) for Recipients of State Adoption Subsidy (SAS) or County Adoption Subsidy (CAS) – Available via CEU
- [CEU Eligibility Binder](#)
- [DCS Medicaid Enrollment Unit](#)
- Notice of Administrative Suspension of Adoption Assistance Periodic Payment-Available via CEU
- Notice of Continuation Beyond Age 18 or Termination of Adoption Agreement – Available via CEU
- [Request for Administrative Review Indiana Adoption Program \(SF 54348\)](#)
- Severe Impairment Determination Process – Available via CEU Eligibility Binder

### Related Policies

N/A

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## LEGAL REFERENCES

- [IC 31-19-26.5-9: Limits on term of adoption subsidies agreement](#)
- [Public Law 110-351-Fostering Connections to Success and Increasing Adoptions Act](#)
- [42 USC 673: Adoption and guardianship assistance program](#)
- [465 IAC 4-1-30 Termination of adoption assistance agreements](#)
- [465 IAC 4-1-32 Continuation of adoption assistance agreements beyond age 18](#)

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## **PRACTICE GUIDANCE- DCS POLICY 14.10**

*Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.*

N/A

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