



## Administrative Policies and Procedures: 15.11

<b>Subject:</b>	<b>Adoption Assistance</b>
<b>Authority:</b>	TCA 36-1-101 et. Seq.; 36-1-102-(5); Fostering Connections to Success and Increasing Adoptions Act 2008; TCA 37-1-102 (b)(27); TCA 36-1-108; TCA 37-4-201 through 37-4-207; P.L. 109-239, Safe & Timely Interstate Placement of Children in Foster Care; TCA 37-5-1, 105 (5) and 106; TCA 36-1-201, Interstate Compact on Adoption and Medical Assistance, TCA 37-13-502-39-13-504;TCA 37-4-201-207; Interstate Compact on the Placement of Children; TCA 39-13-522; TCA 39-15-302; TCA 39-17-408(d)(2),TCA 39-17-1005, TCA 4-58-203, (P.L. 104-193) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), The Family First Prevention Services Act (P. L. 115-123), TCA 37-2-604; (P.L. 785)
<b>Standards:</b>	<b>COA:</b> PA-CFS 29.01; PA-CFS 29.01; PA-CFS 29.04-29.05; PA-CFS 29.07
<b>Application:</b>	DCS Permanency Specialists and Licensed Child Placing Agency Staff
<b>Policy Statement:</b>	
Children who are legally free for adoption and meet the criteria of special needs are eligible to receive Adoption Assistance.	
<b>Purpose:</b>	
To help staff and adoptive parents understand the basic eligibility criteria and process for applying for Adoption Assistance.	
<b>Procedures:</b>	
<b>A. Availability of Adoption Assistance</b>	<ol style="list-style-type: none"><li>1. The Department of Children's Services shall make known to prospective foster, adoptive, and kinship families the availability of Adoption Assistance to include the provisions and the eligibility requirements for the Adoption Assistance program. Refer to DCS Policy <a href="#">16.59, Disclosure of Permanency Options and Available Services for Relatives or Kin Caregivers</a> and <a href="#">Guide to Full Disclosure of Permanency Options</a>.</li><li>2. The DCS Permanency Specialist and/or Contract Provider Representative shall advise foster/adoptive parent(s) of the availability of Adoption Assistance, the application and approval process, and provisions of the program when they are matched with a child who is in full guardianship of DCS or any potential foster, adoptive, or kinship parent who makes an inquiry about the Adoption Assistance program and its benefits and services.</li></ol>

<b>B. Provisions of the Adoption Assistance Program</b>	<ol style="list-style-type: none"><li>1. The Adoption Assistance program can include the reimbursement of a one-time adoption expense, also known as non-recurring fees, which are expenses necessary to finalize the adoption, TennCare/Medicaid benefits, and a monthly subsidy payment.</li><li>2. Foster/adoptive parent(s) can apply for one or more of these benefits based on the child's needs and the family's capacity to permanently integrate them into their home.</li><li>3. Benefits, services, and the time frame for which a child can remain eligible for the Adoption Assistance program are contingent upon whether the child's Subsidy agreement is funded through Title IV-E Fostering Connections, Title IV-E, or State-Funded, and the subsidy effective date. Specific provisions and requirements for approval and ongoing eligibility for Adoption Assistance benefits are uniquely outlined in the Adoption Assistance Agreement, based on the unique circumstance of each case.</li></ol>
<b>C. Eligibility Criteria for Adoption Assistance</b>	<p>Eligibility for Title IV-E Fostering Connections, Title IV-E, and State-Funded Adoption Assistance is based, in part, on a Special Needs Determination made by DCS. This determination is a three-part requirement established in section 473 (c) of the Social Security Act. All three parts of the special needs provision must be met for a child to be considered a child with special needs. This determination must be made prior to completing the Adoption Assistance Agreement and the finalization of adoption and requires DCS to establish and document the following:</p> <ol style="list-style-type: none"><li>1. The child cannot or should not be returned to the home of his/her parents. This decision must be reached based on evidence by a court order legally clearing the child for adoption through Termination of Parental Rights (TPR) of both parents or a Voluntary Surrender signed by the parent(s) before an appropriate official and accepted by the DCS or a Licensed Child Placing Agency. In the case of an orphan child, DCS must obtain verification of the death of both parents.</li><li>2. Reasonable efforts have been made to place the child with appropriate adoptive parents without providing Adoption Assistance or Title XIX Medical Assistance (Medicaid/TennCare). In the case of a foster child who has established significant ties with his/her foster parent or is being adopted by a relative, DCS may certify the child as eligible for Adoption Assistance without searching for families willing to adopt without assistance.</li><li>3. There exists a specific factor or condition whereby DCS determines the child cannot be placed for adoption without providing the adoptive parent with Adoption Assistance or Title XIX medical assistance (TennCare). The Special Need factors for Adoption Assistance are outlined below (a-k).<ol style="list-style-type: none"><li>a) The child has a medically diagnosed disability which substantially limits one or more major life activities, requires professional treatment, and assistance in self-care.</li></ol></li></ol>

	<ul style="list-style-type: none"> <li>b) The child is diagnosed to be intellectually disabled by a qualified professional.</li> <li>c) 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 the child's intellectual, social, and personal functioning.</li> <li>d) The child has a moderate to severe medical, physical, or psychological condition, diagnosed by a licensed provider, board certified Applied Behavior Analysis (ABA) provider, or TEIS provider and the identified condition requires treatment.</li> <li>e) The child is of a minority race or ethnic group, two (2) years of age or older.</li> <li>f) The child is Caucasian, nine (9) years of age or older.</li> <li>g) The child is a member of a sibling group of two or more children to be placed in the same adoptive home.</li> <li>h) The child's life experiences include three (3) or more consecutive years in Tennessee Department of Children's Services state custody.</li> <li>i) The child's life experiences include neglect, physical abuse or sexual abuse which rises to the level of severe child abuse as substantiated by DCS or adjudicated by a court and as defined in TCA 37-1-102 (b)(27)" Severe child abuse".</li> <li>j) The child meets all of the medical and disability requirements for Supplemental Security Income (SSI).</li> <li>k) The child meets the criteria for a deferred subsidy due to one of the following: <ul style="list-style-type: none"> <li>◆ The child is at risk for a condition described above due to prenatal exposure to toxins or genetic/medical history.</li> <li>◆ The child has a history of multiple (three or more) disrupted foster or adoptive placements that are documented in the Electronic Case Record.</li> <li>◆ The child meets the definition of a Safe Haven child.</li> <li>◆ The child is diagnosed with Neonatal Abstinence Syndrome.</li> </ul> </li> </ul> <p>4. In addition to the above criteria, the child must be in the guardianship of DCS or a Licensed Child Placing Agency prior to the initiation of the adoption proceedings, under the age of eighteen (18) at the time of the application, and a U.S. citizen or qualified alien to be eligible for the Adoption Assistance program.</p> <p>5. A means test is not used when establishing eligibility for Adoption Assistance.</p>
<b>D. Determining the Funding Source for Adoption Assistance</b>	<p>Adoption Assistance may be federally funded, under Title IV-E Fostering Connections or Title IV-E, or State-Funded for children who do not meet IV-E eligibility criteria. The criteria used to establish the funding source for each funding type are documented below.</p>

**Title IV-E Fostering Connections (Applicable Child)**

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351), enacted on October 7, 2008, amended the eligibility requirements for the Title IV-E Adoption Assistance program. The revised eligibility criteria will be phased in for specific children over an eight year period beginning in Federal Fiscal Year (FFY) 2011 (October 1, 2010 ). A child for whom the revised eligibility criteria applies is referred to as an "applicable child". The Fostering Connections legislation defines "applicable child" as a child who meets the Special Needs definition, in addition to the Applicable Age, Time in Foster Care, or Sibling requirement.

**Applicable Child by Age:** The applicable age requirement applies to any child who has attained the applicable age before the end of the Federal Fiscal Year (FFY) in which their Adoption Assistance Agreement was signed.

- ◆ The applicable age for a child began at fourteen (14) years of age in the Federal Fiscal Year 2011 and decreased by two (2) years for each Fiscal Year until October 1, 2017.
- ◆ Beginning October 1, 2017 through December 31, 2017, children of all ages met the applicable child criteria.
- ◆ Effective January 1, 2018 through June 30, 2024, any child age two (2) and older will meet the applicable age criteria, so long as the child has attained the age of two (2) within the federal fiscal year in which their adoption assistance agreement is signed. The applicable age will remain at age two (2) years through June 30, 2024.

**Applicable Child by Time in Foster Care:** A child who has been in foster care for at least sixty (60) consecutive months preceding adoption can be considered as an applicable child due to their length of stay in foster care.

**Applicable Child by Sibling:** A child who is a sibling of an applicable child by virtue of age or time in foster care and is placed together in the same adoptive home. It is not necessary that the applicable child and the eligible siblings be adopted at the same time if the siblings are placed in the same adoptive home within the same federal fiscal year and the siblings meet all other eligibility criteria for Adoption Assistance.

DCS must also determine an applicable child with special needs is a U.S. citizen or qualified alien and meets one of the four (4) following eligibility requirements for Title IV-E Fostering Connections Adoption Assistance.

1. At the initiation of adoption proceedings, the child was in the care of the Department of Children's Services or a Licensed Private Child Placement agency or an Indian tribal organization pursuant to:
  - ◆ A removal court order with a judicial determination to the effect it was contrary to the child's welfare to remain in the home; or
  - ◆ A Voluntary Placement Agreement or Voluntary Surrender.
2. The child meets all the medical or disability requirements for Social Security Income (SSI). An "applicable child" does not have to meet the needs-based

	<p>requirements for SSI.</p> <ol style="list-style-type: none"> <li>3. The child of a minor parent and residing in the foster home or a childcare institution with his/her minor parent and was removed from the home pursuant to:             <ul style="list-style-type: none"> <li>◆ A removal court order with a judicial determination to the effect it was contrary to the child's welfare to remain in the home; or</li> <li>◆ A Voluntary Placement Agreement or Voluntary Surrender.</li> </ul> </li> <li>4. The child was adopted and determined eligible for Title IV-E Adoption Assistance in a prior adoption.</li> </ol> <p><b>Title IV-E (Non-Applicable Child)</b></p> <p>A child determined to be ineligible for Title IV-E through the Fostering Connections applicable child pathway may be eligible for Title IV-E as a “non-applicable” child. A non-applicable child is one for whom the revised eligibility criteria for an applicable child (Title IV-E Fostering Connections) does not apply. Title IV-E (non-applicable) children must meet the Special Needs definition described in section C of this policy and meet at least one of the four (4) following Title IV-E eligibility requirements.</p> <ol style="list-style-type: none"> <li>1. The child was eligible for Aid to Families with Dependent Children (AFDC) at the time of removal from the home, and the removal was the result of either:             <ul style="list-style-type: none"> <li>◆ A court ordered removal with a finding that continuation in the home would be contrary to the child's welfare;</li> <li>◆ A Voluntary Placement Agreement (VPA) between the child's parent/ legal guardian and DCS, under which at least one Title IV-E foster care maintenance payment had been made on behalf of the child; or</li> <li>◆ A Voluntary Surrender- If there is a petition to the court to remove the child from his or her home within six (6) months of the date the child lived with the specified relative from whom the child was removed, and there is a subsequent judicial determination to the effect that remaining in the home would be contrary to the child's welfare.</li> </ul> </li> <li>2. The child was eligible for Supplemental Security Income (SSI) prior to adoption finalization.</li> <li>3. The child's minor parent is currently in foster care and receives Title IV-E foster care payment that covers both the child and the minor parent.</li> <li>4. The child was eligible for Adoption Assistance through Title IV-E funding in a previous adoption.</li> </ol> <p><b>State-Funded Adoption Assistance</b></p> <ol style="list-style-type: none"> <li>1. Children who are ineligible for Title IV-E Adoption Assistance (applicable or non-applicable) may be eligible for State-Funded Adoption Assistance, so long as they meet the three-part Special Needs requirement as defined in section C of this policy.</li> <li>2. State-Funded Adoption Assistance is reserved for children and youth in full guardianship and adopted from the public child welfare agency in Tennessee. Therefore, children in the guardianship of a Licensed Child Placing Agency are <b>ONLY</b> eligible for Adoption Assistance through Title IV-E Fostering</li> </ol>
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	Connections or Title IV-E, so long as the eligibility criteria are met. This part is also applicable for youth who were determined eligible for Title IV-E Adoption Assistance prior to age 18 but later determined <b>INELIGIBLE</b> for Title IV-E Fostering Connection or Title IV-E Adoption Assistance on or after his/her 18 <sup>th</sup> birthday.
<b>E. Determining Title IV-E Adoption Assistance Eligibility for Children placed in a Subsidized Permanent Guardianship Arrangement</b>	<ol style="list-style-type: none"> <li>1. In determining eligibility for Title IV-E adoption assistance of a child in a Subsidized Permanent Guardianship arrangement, the Department shall use the technical and financial eligibility factors that existed before guardianship was granted in Tennessee.</li> <li>2. The process for making an application, determining eligibility, and establishing the adoption assistance agreement is consistent with the Department's administrative policies, protocols, and procedures governing the adoption assistance program.</li> <li>3. The Department shall enter into an Adoption Assistance agreement with the adopting family before the finalization of the adoption, if each of the following is true: <ul style="list-style-type: none"> <li>◆ The child and family meet the requirements for Title IV-E Adoption Assistance.</li> <li>◆ The adopting parent is the legal guardian with whom the child exited DCS foster care to SPG or the Successor Guardian named in the SPG Agreement when the child exited foster care.</li> <li>◆ The adopting parents have completed foster parent pre-service training and obtained an approved home study.</li> </ul> </li> <li>4. All provisions, benefits, and services of the Adoption Assistance program will be afforded to the adopting family and child once the child and family have been determined eligible for Title IV-E Adoption Assistance.</li> </ol>
<b>F. Explanation of Benefits and Services</b>	<p>Prior to prospective adoptive parents applying for Adoption Assistance, the DCS Permanency Specialist/FSW or Contract Provider representative, if applicable, ensures the prospective family is provided with the following information.</p> <ol style="list-style-type: none"> <li>1. Advise the prospective adoptive parent of the child's eligibility for Title IV-E Fostering Connections, Title IV-E, or State-Funded Adoption Assistance to include TennCare/Medicaid benefits.</li> <li>2. Children determined eligible for Adoption Assistance (active or deferred) through Title IV-E Fostering Connections or Title IV-E Funding are eligible for Medicaid regardless of their state of residence.</li> <li>3. Children determined eligible for Adoption Assistance (active or deferred) through State-Funding will be eligible for TennCare (or successor plan) in Tennessee if the child has medical or rehabilitative needs.</li> <li>4. Children determined eligible for Adoption Assistance through State-Funding may be eligible for Medicaid if residing outside Tennessee, depending on the regulations of the state of residence or if the new state of residence offers reciprocity to other ICAMA states.</li> </ol>

	<ol style="list-style-type: none"> <li>5. Adoption Assistance continues until the youth attains the age of eighteen (18). In some instances, Adoption Assistance can continue past the age of 18 if continued eligibility qualifications are met.</li> <li>6. Adoption Assistance will not pay expenses for medical, psychological, psychiatric, dental, hospitalization, residential treatment services, or medical equipment for a child eligible for private insurance or TennCare/Medicaid.</li> <li>7. Post Adoption Services and Supports are available to any family who adopts a child from DCS foster care at no cost to the family.</li> <li>8. Adoption Assistance subsidies are paid monthly and are based on a daily per diem rate.</li> </ol>
<b>G. Non-Recurring Expenses</b>	<ol style="list-style-type: none"> <li>1. The term non-recurring adoption expense is defined in section 473 (c) of the Social Security Act as reasonable and necessary fees, court costs, attorney fees, or other expenses which are directly related to legal finalization of the adoption of a "special needs" child.</li> <li>2. The DCS Permanency Specialist and/or Contract Provider representative, if applicable, ensures prospective adoptive parents are aware of the availability and benefits of non-recurring Adoption Assistance and the eligibility criteria.</li> <li>3. A list of adoption attorneys is available on the DCS website at: <a href="https://www.tn.gov/dcs/program-areas/foster-care-and-adoption/adoption/attorneys.html">:https://www.tn.gov/dcs/program-areas/foster-care-and-adoption/adoption/attorneys.html</a>. The adoption attorney is intended and shall be used for informational purposes only to share with adoptive parents who have not yet retained an attorney for the adoption. It is strictly prohibited for any DCS employee or Contract Provider representative to make any recommendation or comment to sway the decision or selection of specific legal representation for the finalization of an adoption.</li> <li>4. Parents adopting special needs children are eligible for reimbursement of non-recurring costs of the adoption up to a maximum of \$1,500.00 for each adoptive placement (per adoption episode).</li> <li>5. In cases where siblings are placed and adopted, either separately or as a sibling group, each child is treated as an individual with separate reimbursement for non-recurring expenses up to the maximum amount allowable for each child.</li> <li>6. Non-recurring expenses may include one or a combination of the following related to the finalization of the adoption: <ol style="list-style-type: none"> <li>a) Attorney fees should not typically exceed \$1,000.00;</li> <li>b) Court Costs – (Typically an attorney-billed expense);</li> <li>c) Birth Certificate Cost – (Typically an attorney- billed expense);</li> <li>d) The application fee, a home study by a Licensed Child Placing Agency, and supervision of placement;</li> <li>e) Travel expenses such as transportation and lodging for the prospective adoptive parent(s) related to the placement of a child with an out-of-county or out-of-state family. Any exceptions related to the transportation of a child during the process of placement must be referred to the Regional</li> </ol> </li> </ol>

	<p>Administrator or his or her designee. Travel must be in accordance with state travel regulations; or</p> <p>f) Health and psychological examination, if required and related to completing the home study.</p> <ol style="list-style-type: none"> <li>1. In cases where the request is only for non-recurring expenses, form <b>CS-0930, Application for Adoption Assistance</b>, form <b>CS-4200, Adoption Assistance Eligibility</b>, and form <b>CS-0513, Adoption Assistance Agreement</b>, will be prepared to indicate the request for payment of non-recurring expenses. The daily rate for the Adoption Assistance maintenance payment on form <b>CS-4200, Adoption Assistance Eligibility</b>, and form <b>CS-0513, Adoption Assistance Agreement</b>, will be zero.</li> <li>2. In instances where a DCS custodial child does not meet the criteria for Adoption Assistance, a request can be submitted to the Regional Administrator (or Designee) and the Director of Adoptions and Adoption Support (or Designee) to request assistance with payment of legal expenses associated with finalizing the adoption, if those expenses present a financial barrier, preventing the prospective adoptive parent from proceeding with adoption finalization. DCS form <b>CS-1203, Request for Payment for Non-Recurring/Legal Expenses for DCS Custodial Children INELIGIBLE for Adoption Subsidy</b> is utilized to make this request. In these situations, an Adoption Assistance Agreement is not required and should not be completed.</li> </ol>
<b>H. Adoption Assistance Application Process</b>	<ol style="list-style-type: none"> <li>1. The adoptive parent(s) may apply for Adoption Assistance (AA) when a child is placed in their home for the purpose of adoption and the following has occurred:             <ol style="list-style-type: none"> <li>a) DCS or Licensed Child Placing Agency has obtained full guardianship of the child through evidence of a court order awarding guardianship of the child to the State agency or Private Licensed Child Placing agency and the adoptive parent(s) have an approved home study per the DCS guidelines for an approved home study; or</li> <li>b) The child meets the eligibility requirements for Title XVI supplemental security income (SSI) benefits; or</li> <li>c) The child is the subject of a previous Title IV-E Fostering Connections or Title IV-E adoption for which the prospective adoptive parent is making an application for Title IV-E Fostering Connections or Title IV-E Adoption Assistance.</li> </ol> </li> <li>2. The DCS Permanency Specialist and/or Contract Provider representative shall provide the family with all known medical, psychological, psychiatric information concerning the child and child's birth family during the Full Disclosure process; this includes informing the family about the child's eligibility for Adoption Assistance. It is not necessary that an Adoption Assistance rate be approved at this juncture, but merely a determination made as it relates to the child's eligibility or ineligibility for AA. See DCS Policy <a href="#">15.1, Adoption Related Disclosure</a> and the <a href="#">Protocol for Making an Adoptive Placement</a>.</li> <li>3. Prospective adoptive parents must request Adoption Assistance to include subsidy payments, Title XIX medical assistance (TennCare), and/or non-recurring expenses by applying to the Department of Children's Services,</li> </ol>



	<p>utilizing DCS form CS-0930, Application for Adoption Assistance.</p> <ol style="list-style-type: none"> <li>4. The DCS Permanency Specialist and/or Contract Provider Representative will assist the prospective adoptive parent(s) with completing the application for Adoption Assistance to include explaining the application process and benefits and services available through the Adoption Assistance program.</li> <li>5. Adoption Assistance through Title IV-E Fostering Connections or Title IV-E funding is requested in either the child's state of placement or residence. When the child is placed for adoption by the state agency, Adoption Assistance must be requested in the child's state of jurisdiction.</li> <li>6. State-Funded (non-Title IV-E eligible) Adoption Assistance must be requested in the child's state of jurisdiction.</li> <li>7. A child's eligibility, approval, or denial for Adoption Assistance is determined through a Certification of Eligibility process within the Electronic Case Record and documented on form <b>CS-4200, Adoption Assistance Eligibility</b>.</li> <li>8. If the child is determined eligible for Adoption Assistance, the Department of Children's Services enters into an Adoption Assistance Agreement with the adoptive family before finalizing the adoption. The Adoption Assistance Agreement is made effective on the date of the adoption finalization.</li> <li>9. If the child is determined ineligible for Adoption Assistance, the Department of Children's Services provides the prospective adoptive family with notification of the denial and their right to appeal. DCS form, <b>CS-0686, Notice of Denial, Termination, or Change in Adoption Assistance</b> and <b>CS-0403, Appeal for Fair Hearing by State Department</b> are used for this process.</li> <li>10. Forms <b>CS-0930, Application for Adoption Assistance</b>, and <b>CS-4200, Adoption Assistance Eligibility</b> are provided to the adoptive family, documenting their application for assistance and the system-generated decision concerning the approval or denial for Adoption Assistance benefits.</li> </ol>
<b>I. Adoption Assistance Agreement</b>	<ol style="list-style-type: none"> <li>1. The Adoption Assistance Agreement must be entered into with the prospective adoptive parent(s) before the finalization of the adoption.</li> <li>2. The Agreement must be signed by all parties (namely the adoptive parent(s) and the DCS and/or Contract Provider representative), at least one (1) day before the adoption finalization date, and a signed copy given to all parties.</li> <li>3. Only in extenuating circumstances should an Adoption Assistance Agreement be signed on the same date that the adoption is made final. When extenuating circumstances exist, the DCS Permanency Specialist or Contract provider representative, when applicable, is responsible for documenting the reason(s) that precluded the respective parties from signing the Adoption Assistance Agreement at least one day before the hearing date.</li> <li>4. The DCS Permanency Specialist and/or Contract Provider representative shall review and fully explain, to the adoptive parent(s), the content in the Adoption Assistance Agreement to include the following information: <ul style="list-style-type: none"> <li>◆ The Agreement is a written instrument that is legally binding on all the parties. The Agreement must be reviewed, approved, and signed by the State Agency representative(s) and the adoptive parent(s) prior to</li> </ul> </li> </ol>

	<p>the finalization of adoption.</p> <ul style="list-style-type: none"> <li>◆ The Rights and Responsibilities of all parties to the Agreement</li> <li>◆ The duration of the Agreement;</li> <li>◆ The nature and amount of the payment, service, and assistance to be provided;</li> <li>◆ The Agreement shall remain in effect regardless of the State in which the adoptive parent (s) reside;</li> <li>◆ The interests of the child are protected in cases where the adoptive parent (s) and child move to another state;</li> <li>◆ Provisions of the Adoption Assistance Agreement;</li> <li>◆ Parents who receive Adoption Assistance payment have the responsibility to keep the State agency informed of circumstances that would make them ineligible for Adoption Assistance payments or eligible for assistance payments in a different amount (Section 473 (a)(4)(B) of the Social Security Act); and</li> <li>◆ Whoever knowingly obtains, or attempts to obtain, or aids, or abets any person to obtain, by means of a willfully false statement or representation or by impersonation, or other fraudulent device, any assistance on behalf of a child or other person pursuant to the Interstate Compact on Adoption Assistance and Medical Assistance to which such child or other person is not entitled or assistance greater than such child or other person is entitled, commits a Class E felony (TCA 36-1-205).</li> </ul> <p>5. Services for treatment related to a diagnosis documented prior to adoption finalization will be included in the initial Adoption Assistance Agreement with a notation under cost as "TennCare, or successor plan, rate".</p> <p>6. The payee of the Adoption Assistance Agreement may only be altered by Agreement of the parties to the Adoption Assistance Agreement or pursuant to a court order or by written, notarized consent of the designated payee.</p>
<p><b>J. Payments and Services Included in the Adoption Assistance Agreement</b></p>	<p>1. Payments and/or services included in the Adoption Assistance Agreement will be based on the conditions that are supported by the provided documentation and are determined medically necessary as specified by a licensed provider, board certified ABA provider, or TEIS provider.</p> <p>2. Payments and services for Adoption Assistance Agreements signed on or after August 23, 2006, may only be made in accordance with form <b>CS-0513, Adoption Assistance Agreement</b>, and the DCS policy effective at the date of its renewal/renegotiation. There is not a requirement for renewal of any IV-E Adoption Assistance Agreements.</p> <p>3. When the Adoption Assistance Agreement was initially approved on or after October 1, 1997, payment for medical, psychological/psychiatric, dental, hospitalization, residential treatment, or medical equipment will only be made through Adoption Assistance when the child is ineligible for private insurance and TennCare (Medicaid). The child's ineligibility cannot be a result of the</p>

	<p>adoptive family's failure to complete an application to procure available insurance for the child.</p> <ul style="list-style-type: none"> <li>◆ If DCS has a contract with the provider, the maximum payment for the services will be the TennCare (Medicaid) rate for that service.</li> </ul> <p>4. A statement from the treatment professional must be obtained, documenting that treatment is medically necessary.</p> <p>5. If DCS has a contract with the provider for services that are denied by insurance but will be covered under the Adoption Assistance agreement, the state contracted rate will be the maximum payment.</p> <p>6. If DCS does not have a contract with the provider, the maximum payment for the service will be the TennCare (Medicaid) rate for that service.</p> <p>7. Adoption Assistance payments cannot be made before adoption finalization. The family foster home board payment continues until the adoption finalization occurs.</p> <p>8. Adoption Assistance payments are made monthly based on a daily payment amount.</p>
<b>K. Payments and Services Not Included in Adoption Assistance</b>	<p>The following items or services cannot be considered in determining the Adoption Assistance rate:</p> <ul style="list-style-type: none"> <li>◆ School Tuition and/or tutoring;</li> <li>◆ Summer Camp or Day Care;</li> <li>◆ Riding Therapy, Dance or Gymnastics;</li> <li>◆ Computers and/or Computer Software; (Exceptions may be made by the Director of Adoptions and Adoption Support for severely handicapped children.)</li> <li>◆ Dentistry or Orthodontia;(Exceptions may be for documented cases of medical necessity by the Director of Adoptions and Adoption Support.)</li> <li>◆ Vehicles to transport children;</li> <li>◆ Major Home Renovations (e.g., fences, pools, extra rooms, or accessibility modifications); and</li> <li>◆ Routine medical expenses (e.g., over the counter medications, doctor visits, or hospitalizations unrelated to the child's documented special needs).</li> </ul>
<b>L. Adoption Assistance Rates</b>	<p>Adoption Assistance is categorized into four (4) rate types. Each rate type, definition, and rate criteria are described below.</p> <p>1. <b>Deferred Adoption Assistance</b> is reserved for children who only meet the deferred special needs factors prior to the finalization of an adoption, making them ineligible for Adoption Assistance payments. These children are recognized as being at a high risk of developing significant medical, psychological, emotional, and/or behavioral issues due to their history.</p>

	<p>A child approved for Adoption Assistance under the deferred category will not receive a subsidy payment until he/she meets the criteria for active Adoption Assistance. However, the child may be eligible for other benefits through the deferred Agreement, such as TennCare, and payment for non-recurring expenses directly associated with the finalization of the adoption.</p> <ol style="list-style-type: none"> <li>2. <b>Regular Adoption Assistance Rates</b> are available to any child who meets the criteria outlined in Section C of this policy.</li> <li>3. <b>Special Circumstance Adoption Assistance Rates</b> are designed for children who have needs that cannot be met with a regular Adoption Assistance rate. To qualify, the child must meet all three (3) of the following conditions: <ul style="list-style-type: none"> <li>◆ Have unique needs due to a diagnosed medical/mental health condition or developmental delay that substantially limits a major life activity; for example: walking, speaking, breathing, working, learning, the performance of manual tasks, hearing, self-care, social skills, vision, and interpersonal relationships; and</li> <li>◆ Who require a level of supervision exceeding that of his/her peers; and</li> <li>◆ Who require extra care (treatment) due to a physical, emotional, or mental disability.</li> </ul> </li> <li>4. <b>Extraordinary Adoption Assistance Rates</b> are reserved for children whose needs are so unique and extensive that they cannot be met at the regular or special circumstance rate. To be approved for an Extraordinary Adoption Assistance rate, the child must meet each of the three Special Circumstances rate criteria, and the requirements established in form <b>CS-0674, Special or Extraordinary Rate Request</b> and in the Electronic Case Record Special Circumstances or Extraordinary Rate Request (Spec/Extra Rate Request). Extraordinary rates are determined on a case-by-case basis but do not exceed \$60.00 per day.</li> <li>5. The current Adoption Assistance daily rates can be found on the DCS website. <a href="https://www.tn.gov/dcs/program-areas/foster-care-and-adoption/current.html">https://www.tn.gov/dcs/program-areas/foster-care-and-adoption/current.html</a>.</li> <li>6. Each Adoption Assistance rate is negotiated based on the age of the child and a review of the child's documented level of need and is not linked to the means of the foster family.</li> <li>7. The Adoption Assistance rate may not exceed the amount of a child's final or most recent DCS foster home board payment for rates initially approved prior to adoption finalization.</li> <li>8. When negotiating Adoption Assistance rates for those children who are in Contract Agency homes, the DCS rate structure should be used.</li> </ol>
<b>M. Activating Deferred Adoption Assistance</b>	<ol style="list-style-type: none"> <li>1. A Deferred Adoption Assistance Agreement may become an active agreement when a medical, psychological, emotional, or behavioral condition manifests whereby the condition is directly related to the reason(s) for which the child was initially approved for deferred assistance and is verifiable through documentation by a licensed provider, board-certified ABA provider, or TEIS provider.</li> </ol>

	<ol style="list-style-type: none"> <li>2. The adoptive parents may request active Adoption Assistance at the time they believe their child meets the special needs definition, based on the high risk factors identified in their application for Deferred Adoption Assistance.</li> <li>3. The family will make a request to their DCS Subsidy Specialist so that their request can be reviewed and processed for approval.</li> </ol>
<b>N. Requesting a Rate Special or Extraordinary for Adoption Assistance</b>	<ol style="list-style-type: none"> <li>1. If during the negotiation process, it is determined that the child's needs cannot be met at a regular Adoption Assistance rate, the DCS Permanency Specialist or Contract Provider representative, if applicable, will work with the prospective adoptive parent in gathering documentation to support a higher (Special Circumstances or Extraordinary) rate, based on the needs of the child.</li> <li>2. Acceptable forms of documentation can include any of the following, signed by the licensed provider, board certified ABA provider, or TEIS provider responsible for the child's care and treatment. <ul style="list-style-type: none"> <li>◆ <b>CS-0934, Special Needs Justification;</b> (preferred)</li> <li>◆ Psychological/Psychiatric Evaluations;</li> <li>◆ Psycho-educational Evaluation;</li> <li>◆ Individual Education Plan (IEP) or 504 Plan;</li> <li>◆ TEIS Individualized Family Service Plan; and/or</li> <li>◆ Medical records.</li> </ul> </li> <li>3. The DCS Permanency Specialist submits the Special Circumstances or Extraordinary Rate Request (Spec/Extra Rate Request) and the Subsidy Record to the Central Office Subsidy Unit for review and approval in the Electronic Case Record. The supporting documentation must be uploaded to Electronic Case Record and linked to the Subsidy Record.</li> <li>4. If the child resides in an agency foster home, the Contract Provider representative submits DCS form <b>CS-0674, Special or Extraordinary Rate Request</b> and supporting documentation to the DCS Permanency Specialist. The DCS Permanency Specialist then submits the Special Circumstances or Extraordinary Rate Request (Spec/Extra Rate Request) and the Subsidy Record to the Central Office Subsidy Unit for review and approval in the Electronic Case Record.</li> <li>5. Adoption Assistance may be revised at any point after approval when there is a change in circumstances. A revision to the adoption assistance agreement can be initiated by DCS or at the request of the adoptive parent. All revisions to the adoption assistance agreement require supporting documentation.</li> <li>6. The Central Office Subsidy Unit reviews the request and documentation within five (5) business days from the receipt of the request to determine if the documentation justifies the requested rate. If the documentation supports the requested rate, the Central Office Subsidy Unit approves the rate request and Subsidy Record in the Electronic Case Record.</li> <li>7. An approval of a Special or Extraordinary Foster Home Board Rate does not guarantee approval of a Special or Extraordinary Adoption Assistance rate.</li> </ol>

	<p>Only after a review of the current documentation presented with the Special Circumstances or Extraordinary Rate Request will it be possible to determine the appropriate Adoption Assistance rate.</p> <p>8. If the documentation does not justify the rate, the Central Office Subsidy Unit consults with the DCS Permanency Specialist to determine if additional documentation should be obtained to support the initial request; or if further negotiations are needed with the prospective adoptive parent(s).</p> <p>9. An adoptive parent may request re-negotiation of the Adoption Assistance rate at any point after the initial approval if the child's needs have changed. When the adoptive parent requests an increase in the Adoption Assistance rate, he/she is informed that current documentation from a licensed provider, board-certified ABA provider, or TEIS provider is required.</p>
<p><b>O. Adoption Assistance Revisions, Renewals, Renegotiations, or Reviews</b></p>	<p>1. DCS may adjust Adoption Assistance rates across the board based on availability of funds. This adjustment will always be applied to the Adoption Assistance rate currently contracted for the child. Other increases are limited to those where proper documentation is presented that demonstrates a change in the child's needs.</p> <p>2. Renewal or renegotiation of all State-Funded Adoption Assistance Agreements is required periodically in order for Adoption Assistance, paid at any rate, to continue. The adoptive parents must return a completed form <b>CS-0513, Adoption Assistance Agreement</b>, within the timeframes outlined in form <b>CS-0513, Adoption Assistance Agreement</b>.</p> <p>3. Adoptive parents may request revisions at any time there is a significant change in the child's circumstance. The adoptive family is responsible for providing the Department with the documentation required to support their request. Revisions to the Adoption Assistance rate, for agreements modified after adoption finalization, cannot exceed the amount a child would have received if he/she was placed in a DCS foster home.</p> <p>4. For all children who are approved for a special or extraordinary Adoption Assistance rate, the adoptive parents will request the licensed provider, board certified ABA provider, or TEIS provider responsible for the child's treatment and care to complete form <b>CS-0934, Special Needs Justification</b>. Form <b>CS-0934</b> as well as any documentation received from the provider, in addition to form <b>CS-0513, Adoption Assistance Agreement</b>, is required to renew a <b>State-Funded special or extraordinary Adoption Assistance rate</b>. This documentation must verify the following:</p> <ul style="list-style-type: none"> <li>a) Current diagnosis, prognosis, and summary of treatment services for the previous year; and</li> <li>b) An estimated summary of services that will be necessary to meet the continued special or exceptionally uncommon needs of the child.</li> </ul> <p>4. At the time of renewal of a State-Funded Adoption Assistance Agreement, if the supporting documentation shows that the adoptive child's condition has improved and their treatment needs have decreased, the state will work with the parents to renegotiate the Adoption Assistance Subsidy Agreement to the age appropriate Adoption Assistance rate.</p>

6. Documentation of continued eligibility is required for all children who receive Adoption Assistance at any rate. An eligibility determination must be completed, in the Electronic Case Record, for all youth turning 18, 19, or 20 years old to determine if the youth will continue to remain eligible for the Adoption Assistance subsidy past the age of 18.
7. Continued eligibility for Adoption Assistance for youth 18, 19, and 20, regardless of the funding source, is determined through a Review of Eligibility process within the Electronic Case Record, based on the following Adoption Assistance program requirements:
  - a) State-Funded children/youth who were adopted between October 1, 1997 and February 29, 2008 can receive Adoption Assistance as long as they are attending high school full time up to the youth's 21<sup>st</sup> birthday. School attendance must be documented yearly.
  - b) For children adopted on or after March 1, 2008 who have State-Funded Adoption Assistance and remain in high school full time, Adoption Assistance ends at high school graduation and the youth is at least 18 years old, or age 19, whichever event occurs first. School attendance must be documented yearly.
  - c) An applicable child, eighteen (18) years of age and older, will continue to be Title IV-E eligible through Fostering Connections until their 21<sup>st</sup> birthday, provided the child was at least age sixteen (16) at the time of adoption finalization and meets at least one of the following criteria:
    - ◆ Is completing full-time secondary school (high school) or a program leading to an equivalent credential;
    - ◆ Is enrolled in an institution which provides post-secondary or vocational education;
    - ◆ Is employed at least 80 hours per month;
    - ◆ Is participating in a program or activity designed to promote or remove barriers to employment; or
    - ◆ Is incapable of doing any educational or employment activities due to a medical condition.

Verification of school attendance, employment, or medical incapacities is required annually. School attendance or medical incapacity will be verified and documented annually by the educational institution or a medical professional.

  - d) Non-applicable Title IV-E children will continue to be eligible until their 21<sup>st</sup> birthday, provided the child has a mental or physical disability, which warrants the continuation of the subsidy, as determined by the Review of Eligibility Process within the Electronic Case Record, based on the Adoption Assistance Program Requirements.
8. On July 1, 2010, the Tennessee General Assembly enacted Tennessee Youth Empowerment Act of 2010 that provides additional criteria of eligibility for children/youth past the age of 18 and/or post-custody youth transitioning to

	<p>adulthood. This criteria includes:</p> <ul style="list-style-type: none"> <li>◆ Completing secondary education or a program leading to an equivalent credential;</li> <li>◆ Enrolled in an institution which provides post-secondary or vocational education;</li> <li>◆ Participating in a program or activity designed to promote or remove barriers to employment;</li> <li>◆ Employed for at least eight (8S) hours a month; and</li> <li>◆ Is incapable of doing any of the previously described educational employment activities due to a medical condition.</li> </ul> <p>9. If a youth has been determined eligible for continuation of State-Funded and Title IV-E Fostering Connections Adoption Assistance beyond the youth's 18th birthday, the youth must maintain continual full time school enrollment and attendance. Breaks in full time attendance and enrollment will disqualify the youth for continued eligibility. The only exception is in instances where the educational institution considers the break to be normal or customary for the school year.</p> <p>10. Fostering Connections Title IV-E payments can continue for Adoption Assistance Agreements made effective for youth under the age of 16 when their adoption was finalized if the youth has a disability which warrants the continuation of Adoption Assistance and the youth was determined Non-Applicable Title IV-E eligible prior to finalization of the adoption. If the youth does not have a disability which warrants the continuation of the Title IV-E subsidy, the Title IV-E payment must be terminated. Once the Title IV-E payment is terminated, the Adoption Assistance Agreement can be funded through state dollars if the youth is still in high school and under the age of 19.</p> <p>11. Effective July 1, 2021, and every year thereafter, the Department of Children's Services shall require any person receiving Title IV-E Fostering Connections, Title IV-E, or State-Funded Adoption Assistance, from DCS, on behalf of an adopted child to provide the Department with medical/mental health documentation verifying the child has attended an appointment within the last year or educational documentation verifying the child is enrolled in school full-time.</p> <ul style="list-style-type: none"> <li>a) Verification must be submitted to the Department using acceptable Departmental forms provided by DCS.</li> <li>b) The only acceptable form of verification for home-schooled children is medical/mental health documentation.</li> <li>c) Failure to submit the required medical or educational information may precipitate a home visit by DCS to ascertain the well-being of the adopted child or termination of the Adoption Assistance Agreement pursuant to state statutes, program policies, and federal laws governing the Adoption Assistance program.</li> </ul>
<b>P. Notification of Change</b>	Adoptive parents will immediately notify their Subsidy Specialist of any changes in circumstances that may impact their adoption assistance payment, make them



	<p>ineligible for the adoption assistance program, or eligible for subsidy payments in a different amount. Changes in circumstances may include the following:</p> <ol style="list-style-type: none"><li>1. If they are no longer legally responsible for the child;</li><li>2. If they are no longer providing financial support for their child;</li><li>3. If there is a change in the child's treatment needs that would warrant an increase or decrease to the Adoption Assistance payment;</li><li>4. If there is any change of address;</li><li>5. If the youth is approved for Extension of Foster Care (EFC) program;</li><li>6. If the youth is approved for the Relative Caregiver program;</li><li>7. If the child marries or enlists in the military;</li><li>8. If the child's custodial status changes;</li><li>9. If the child dies;</li><li>10. When a child/youth receiving State-Funded Adoption Assistance between October 1, 1997 and February 29, 2008 graduates from high school up to the youth's 21<sup>st</sup> birthday;</li><li>11. When a child/youth adopted on or after March 1, 2008 receiving State-Funded Adoption Assistance graduates from high school up to the youth's 19<sup>th</sup> birthday, whichever event occurs first;</li><li>12. When a child/youth adopted on or after October 1, 2010 who has been determined Fostering Connections Title IV-E eligible, graduates and is at least 16 years old at the time of adoption, the secondary educational program ends, or the child/youth turns age 21, whichever event comes first; or</li><li>13. When a child/youth adopted on or after October 1, 2010, who has been determined Fostering Connections Title IV-E eligible and is at least 16 years old at the time of adoption, graduates from an institution which provides post-secondary or vocational education graduates or turns age 21, whichever comes first; or</li><li>14. When a child/youth adopted on or after October 1, 2010 who has been determined Fostering Connections Title IV-E eligible and is at least 16 years old at the time of adoption, becomes capable of employment or attending school that has previously been identified as incapable by a medical professional.</li><li>15. When a youth adopted on or after January 1, 2023, was determined Fostering Connections Title IV-E eligible, and was at least 16 years old at the time of adoption, is no longer employed for at least 80 hours per month.</li><li>16. When a youth adopted on or after January 1, 2023, was determined Fostering Connections Title IV-E eligible, and was at least 16 years old at the time of adoption, is no longer participating in a program or activity designed to promote or remove barriers to employment.</li><li>17. When the adoptive parents are made payees of SSA or VA benefits on behalf of the child as well as any changes in benefits.</li></ol>
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<b>Q. Termination of Title IV-E Fostering Connections or Title IV-E Adoption Assistance</b>	<p>Once a Title IV-E Fostering Connections or Title IV-E Adoption Assistance Agreement is signed and in effect, it can be terminated if any one of the following circumstances occur:</p> <ol style="list-style-type: none"><li>1. Upon the adoptive parents(s) request;</li><li>2. DCS determines that the adoptive parent(s) are no longer providing any support to the child;</li><li>3. DCS determined that the adoptive parent(s) are no longer legally responsible for support of the child. Examples include, but are not limited to:<ol style="list-style-type: none"><li>a) The youth is approved for and begins receiving benefits from the Extension of Foster Care (EFC) program.</li><li>b) The youth is approved for and begins receiving benefits from the Relative Caregiver Program (RCP).</li><li>c) The child marries.</li><li>d) The child enlists in military service.</li><li>e) The child dies.</li></ol></li><li>4. A youth approved for Deferred Adoption Assistance turns eighteen (18) years old.</li><li>5. Upon the conclusion of the terms of the Adoption Assistance Agreement;</li><li>6. The adoptive parent(s) dies.</li><li>7. When the person with whom a subsidy agreement is made dies before the adoptive child reaches age eighteen (18), Adoption Assistance Subsidy payments can be continued to the legal guardian of the child once the guardian legally adopts the child. The request and agreement procedure would be the same as outlined in Sections G and H of this policy.</li><li>8. For Title IV-E non-applicable children, Adoption Assistance will be provided until the child is twenty-one (21) years of age if the child has a documented mental or physical disability, which warrants continuation as determined by the Review of Eligibility Process within the Electronic Case Record based on the Adoption Assistance Program Requirement.</li><li>9. For Title IV-E applicable children, Adoption Assistance will be provided until the child is age twenty-one (21) and if they are a full-time high school student or in an approved secondary educational program leading to an equivalent credential and is expected to graduate by their twenty-first ( 21<sup>st</sup>) birthday if the youth is at least age sixteen (16) at the time of adoption.</li><li>10. When a child/youth adopted on or after October 1, 2010 who has been determined Title IV-E Fostering Connections eligible and is at least sixteen (16) years old at the time of adoption, graduates from an institution, which provides post-secondary or vocational education graduates, or turns age twenty-one (21), whichever comes first.</li><li>11. When a child/youth adopted on or after October 1, 2010 that has been determined Title IV-E Fostering Connections eligible and is at least sixteen (16) years old at the time of adoption, becomes capable of employment or</li></ol>
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	<p>attending school that has previously been identified as incapable by a medical professional.</p> <p>12. When a child/youth was under the age of sixteen (16) when the Title IV-E Fostering Connections agreement went in effect turns eighteen (18) years old. The subsidy can be evaluated prior to the youth's eighteenth (18<sup>th</sup>) birthday to determine if the youth can continue to receive a subsidy beyond the youth's eighteenth (18<sup>th</sup>) birthday through Non-Applicable Title IV-E or State-Funded Adoption Assistance.</p> <p>13. When a youth adopted on or after January 1, 2023, was determined Fostering Connections Title IV-E eligible, and was at least sixteen (16) years old at the time of adoption, is no longer employed for at least eighty (80) hours per month.</p> <p>14. When a youth adopted on or after January 1, 2023, was determined Fostering Connections Title IV-E eligible, and was at least sixteen (16) years old at the time of adoption, is no longer participating in a program or activity designed to promote or remove barriers to employment.</p> <p>15. If the Department determines that a child was determined eligible for the Adoption Assistance program in error. DCS reserves the right to terminate the Adoption Assistance Agreement due to error or oversight.</p>
<b>R. Termination of State-Funded Adoption Assistance</b>	<p>Once a State-Funded Adoption Assistance Agreement is signed and in effect, it may be terminated if any one of the following circumstances occur:</p> <ol style="list-style-type: none"> <li>1. The adoptive parent(s) request termination.</li> <li>2. DCS determines that the adoptive parent(s) are no longer providing any support to the child.</li> <li>3. DCS determines that the adoptive parent(s) are no longer legally responsible for support of the child. Examples include, but are not limited to: <ol style="list-style-type: none"> <li>a) The child marries.</li> <li>b) The child enlists in military service.</li> <li>c) The child dies.</li> <li>d) The youth is approved for and begins receiving benefits from the Extension of Foster Care (EFC) program;</li> <li>e) The youth is approved for and begins receiving benefits from the Relative Caregiver Program (RCP).</li> </ol> </li> <li>4. A youth approved for Deferred Adoption Assistance turns 18 years old.</li> <li>5. The Agreement will be terminated upon the conclusion of the terms of the Adoption Assistance Agreement being met.</li> <li>6. Adoptive parent(s) fails to submit yearly medical, mental health, or educational documentation.</li> <li>7. The adoptive parent(s) dies.</li> <li>9. DCS determines that the family fails to complete the renewal/renegotiation process within the timeframes outlined in the Adoption Assistance Agreement.</li> </ol>

	<p>State-Funded children who have an Adoption Assistance Agreement effective between October 1, 1997 and February 29, 2008 can receive Adoption Assistance as long as they are in high school full time or up to the age of 21. School attendance must be documented yearly.</p> <p>10. Children adopted on or after March 1, 2008, who have State-Funded Adoption Assistance and remain in high school full time, their Adoption Assistance ends at high school graduation or age 19, whichever event occurs first. School attendance must be documented yearly.</p> <p>11. If the Department determines that a child was determined eligible for the Adoption Assistance program in error. DCS reserves the right to terminate the Adoption Assistance Agreement due to error or oversight.</p>
<b>S. Appeals</b>	<p>Adoptive parent(s) may appeal DCS' decision to deny, terminate, or change their child's Adoption Assistance or the Adoption Assistance amount by using the state's Fair Hearing and Appeal Process. If the termination is due to the youth turning twenty-one (21), which is when an adoption subsidy automatically ends for any individual, or if the adoptive parent requests termination of the subsidy, DCS does not have to provide the parents with a Notice of Appeal. Adoptive parents must appeal an adverse decision within ten (10) business days of written notice of adverse action. Adoption Assistance may continue pending the determination of an appeal, but payments will be suspended for appeals filed for circumstances identified in <i>Sections Q &amp; R</i> in this policy. Families who receive a favorable ruling in their hearing would be entitled to assistance that had been suspended. If adverse action is upheld during an appeal, payments continued during the appeal period will be considered an overpayment and will be subject to recovery. The following are the steps in the appeals process:</p> <ol style="list-style-type: none"> <li>1. If DCS determines that Adoption Assistance will be denied, terminated, or changed, the Permanency Specialist or Subsidy Specialist must notify the adoptive family immediately, in writing, utilizing form <b>CS-0686, Notice of Denial, Termination, or Change in Adoption Assistance</b> letter. Form <b>CS-0403, Appeal for Fair Hearing</b>, must be given to the adoptive parent(s) at the same time the form <b>CS-0686, Notice of Denial, Termination, or Change in Adoption Assistance</b>, letter is given.</li> <li>2. The notice letter, form <b>CS-0686, Notice of Denial, Termination, or Change in Adoption Assistance</b>, must be dated with the same date it is mailed or, if hand delivered, the date it is hand delivered to the family.</li> <li>3. A copy of all notification documents that were provided to the adoptive family must be provided to the Administrative Procedures Division, if requested.</li> <li>4. The family must be informed of the timeframe in which they must file an appeal. They must also be provided with the fax number and the mailing address to send the form <b>CS-0403, Appeal for Fair Hearing</b>.</li> <li>5. The Administrative Procedures Division will notify the Central Office designated staff if an appeal of Adoption Assistance is received. Once notified by the Administrative Procedures Division, the Central Office designated staff must follow the direction of that office to ensure due process protocol is followed</li> </ol>

	<p>6. DCS staff must complete an Appeal Summary as directed by the Administrative Procedures Division.</p> <p>7. Additional information may be accessed by contacting DCS Administrative Procedures Division at:</p> <p style="text-align: center;"> <b>Plaza Tower-Metro Center</b>  <b>200 Athens Way, 2<sup>nd</sup> Floor, Suite B</b>  <b>Nashville, TN 37243</b>  <b>Phone: 615-741-1110</b>  <b>Fax: 615-741-4518</b> </p>
<b>Forms:</b>	<p><a href="#"><u>CS-0403, Appeal for Fair Hearing</u></a></p> <p><a href="#"><u>CS-0460, Intent to Adopt Placement Agreement</u></a></p> <p><a href="#"><u>CS-0674, Special or Extraordinary Rate Request</u></a></p> <p><a href="#"><u>CS-0513, Adoption Assistance Agreement (in the Electronic Case Record)</u></a></p> <p><a href="#"><u>CS-4237, Adoption Assistance Agreement Title IV-E Fostering Connections (Effective on or after January 1, 2023 for Youth 16 or older)</u></a></p> <p><a href="#"><u>CS-0686, Notice of Denial, Termination, or Change in Adoption Assistance W-9</u></a></p> <p><a href="#"><u>CS-0809, Verification of Full Time School Attendance</u></a></p> <p><a href="#"><u>CS-4200, Adoption Assistance Eligibility (in the Electronic Case Record )</u></a></p> <p><a href="#"><u>CS-0930, Application for Adoption Assistance (in the Electronic Case Record)</u></a></p> <p><a href="#"><u>CS-0934, Special Needs Justification</u></a></p> <p><a href="#"><u>CS-1203, Request for Payment for Non-Recurring/Legal Expenses for DCS custodial children INELIGIBLE for Adoption Subsidy</u></a></p> <p><a href="#"><u>CS-4220, Verification of Medical/Mental Health Provider Visit (For Adoption Assistance</u></a></p> <p><a href="#"><u>CS-4239, Verification of Employment or Employment Readiness Training (AA/SPG ROE)</u></a></p> <p><a href="#"><u>CS-0821, Certification of Eligibility for Title IV-E/State-Funded Adoption Assistance (internal program use only)</u></a></p> <p><a href="#"><u>CS-0931, Certification of Eligibility for Title IV-E Fostering Connections Adoption Assistance (internal program use only)</u></a></p>
<b>Collateral documents:</b>	<p>Documentation to support the Adoption Assistance Agreement</p> <p><a href="#"><u>Adoption Assistance Rates</u></a></p> <p><a href="#"><u>Protocol For Adoption Assistance/Subsidized Permanent Guardianship When Children Re-enter State Custody or Placed in Out of Home Care</u></a></p> <p><a href="#"><u>Policy 15.10, Adoption Assistance Agreements Created Prior to October, 1997</u></a></p> <p><a href="#"><u>Subsidy Manual for Assistance and Subsidized Permanent Guardianship</u></a></p>

	<a href="#"><u><i>The Interstate ICPC on the Placement of Children Procedures Manual Children Manual</i></u></a>
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<b>Glossary:</b>	
<b>Term</b>	<b>Definition</b>
<b>Aid to Families with Dependent Children (AFDC):</b>	A federal funding source that has been replaced by Temporary Assistance to Needy Families (TANF) funding. AFDC was replaced by TANF in July 1996 as part of the Personal Responsibility and Work Opportunities Reconciliation Act (PRWORA). All states are required by PRWORA to use the state's 1996 AFDC criteria to determine a child's eligibility for Title IV-E.
<b>Deferred Adoption Assistance:</b>	Deferred Adoption Assistance is a type of Adoption Assistance reserved for children who are recognized as high-risk and have the potential to develop significant medical, psychological, emotional, or behavioral issues due to their history. Refer to Section A-2 of this policy.
<b>Family Service Worker:</b>	A DCS term used to identify the position previously known as the DCS Case Manager. This person is principally responsible for the case and has the primary responsibility of building, preparing, supporting and maintaining the Child and Family Team as the child and family move to permanence.
<b>Neo-Natal Abstinence Syndrome:</b>	(NAS) is a term for a group of problems a baby experiences when withdrawing from exposure to narcotics. It is estimated that 3 to 50% of newborn babies have been exposed to maternal drug use, depending on the population and area of the country. Almost every drug passes from the mother's blood stream through the placenta to the fetus. Illicit substances that cause drug dependence and addiction in the mother also cause the fetus to become addicted. At birth, the baby's dependence on the substance continues. However since the drug is no longer available, the baby's central nervous system becomes overstimulated and the baby experiences symptoms of withdrawal.
<b>Permanency Specialist:</b>	This is a DCS term used to identify the position previously known as DCS Adoption Specialists. This person is principally responsible for preparing children and families for permanence through adoption, negotiating and preparing Adoption Assistance, and maintaining technical knowledge of all permanency options.
<b>Qualifying Alien:</b>	A person who does not have U.S. citizenship established, but does not have Special Immigrant Juvenile Status established, or otherwise meets the criteria to remain lawfully in the United States as an emancipated adult according to necessary verifications.
<b>Residential Treatment:</b>	The rates established by TennCare (Medicaid) or any subsequent plan for a particular medically necessary service or treatment.
<b>Safe Haven Child:</b>	<ol style="list-style-type: none"> <li>1. The infant must be aged seventy-two (72) hours old or younger (as determined within a reasonable degree of medical certainty) and must not have been harmed by the statutory parent, and</li> <li>2. The birth mother must have left the newborn infant by voluntary delivery to any hospital as defined by <i>TCA § 68-11-201(21)</i> [68-11-201(23)], birthing center as defined by <i>TCA § 68-11-201(6)</i> [68-11-201(8)], community health clinic, and any out-patient "walk-in" clinic without expressing any intention to return for the</li> </ol>

	infant.
<b><i>TennCare (or successor plan) Rate:</i></b>	The rates established by TennCare (Medicaid) or any subsequent plan for a particular medically necessary service or treatment.
<b><i>Licensed Child Placing Agency:</i></b>	Any agency operating under a license to place children for adoption.
<b><i>Title IV-E</i></b>	The maintenance payments made for eligible children in foster care family homes or childcare institutions housing up to 25 people, and that portion of the title that permanently authorized states to develop Adoption Assistance agreements with the adoptive parents of children with "special needs". A maintenance payment is the expenditure for room, board, clothing and food.