



**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 (23)(A)-(D); TCA 37-4-201 through 37-4-207; P.L. 109-239, Safe & Timely Interstate Placement of Children in Foster Care; 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).
<b>Standards:</b>	<b>DCS:</b> 2-102 A, 2-104 A, 2-501, 2-600; <b>COA:</b> PA-AS 2.03, PA-AS 7.01, PA-AS 8.06, PA-AS 10.02, PA-FC 2.02, PA-FC 4.06
<b>Application:</b>	DCS Permanency Specialists and Licensed Child Placing Agency Staff
<b>Policy Statement:</b>	
Children who are legally free for adoption or are in the process of being adopted, 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. Adoption Assistance is a financial assistance program for adopted children with special needs. This financial assistance helps families pay for one-time adoption expenses, medical expenses, and housing expenses.	
<b>Procedures:</b>	
<b>A. Eligibility Criteria for Adoption Assistance</b>	<ol style="list-style-type: none"> <li>1. In order for a child to be eligible for Adoption Assistance, the child must meet all of the following special needs criteria: <ol style="list-style-type: none"> <li>a) DCS has determined that the child cannot or should not be returned to the home of his/her parents.</li> <li>b) Efforts have been made to place the child without providing Adoption Assistance. In the case of a foster child who has established significant ties with his/her pre-adoptive 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 a child without assistance.</li> <li>c) DCS must determine that there exists a specific factor or condition because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing Adoption Assistance or Title</li> </ol> </li> </ol>

	<p>XIX medical assistance (TennCare).</p> <p>d) The child must be in the guardianship of DCS or a Licensed Child Placing agency prior to the initiation of adoption proceedings.</p> <p>e) The child must be under the age of eighteen (18) at the time of the application.</p> <p>f) The child is legally free for adoption.</p> <p>g) The child must be a U.S. citizen or qualified alien. Children who are not a U.S. citizen or qualified alien are not eligible for Title IV-E or State Funded Adoption Assistance.</p> <p>2. When DCS has determined that the child has special needs (as defined by the State), the possibility of Adoption Assistance is discussed with the prospective adoptive parents.</p>
<p><b>B. Eligibility of an applicable child</b></p>	<p>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 “<b>applicable child</b>”. An applicable child is defined as a child who meets the applicable age requirements, or a child who has been in foster care for at least sixty (60) consecutive months, or a sibling of either such child if both are to have the same adoptive placement. Additionally, an applicable child must meet the special needs criteria (please see the criteria outlined below). A child who is a “non-applicable child” is one for whom the revised eligibility criteria does not apply. For each circumstance described below, the child must also be either a United States citizen or a Qualified Alien:</p> <ol style="list-style-type: none"> <li>1. <u>Applicable Child by Age:</u> 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.             <ul style="list-style-type: none"> <li>◆ Beginning October 1, 2017 through December 31, 2017, children of all ages met the applicable child criteria.</li> <li>◆ 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.</li> </ul> </li> <li>2. <u>Applicable Child by Time in Foster Care:</u> A child who has been in foster care for at least sixty (60) consecutive months.</li> <li>3. <u>Applicable Child by Sibling:</u> 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.</li> <li>4. <u>Applicable Child-Special Needs Determination:</u></li> </ol>

An applicable child must also meet the following criteria:

- a) DCS has determined that the child cannot or should not be returned to the home of his/her parents. DCS must have reached this decision based on evidence by a court order legally clearing the child through Termination of Parental Rights (TPR) of both parents. In the case of an orphan child, verification of the death of both parents;
- b) Efforts have been made to place the child without Adoption Assistance. In the case of a foster child who has established significant ties with his/her pre-adoptive 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; and
- c) That there is a specific factor or condition because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing Adoption Assistance and Title XIX Medical Assistance (TennCare). One or more of the following factors or conditions must exist and be documented in order for the child to be eligible for Adoption Assistance.
  - ◆ The child has a medically diagnosed disability which substantially limits one or more major life activities, requires professional treatment, and assistance in self-care;
  - ◆ The child is diagnosed to be intellectually disabled by a qualified professional;
  - ◆ The child is diagnosed by a qualified professional to have a behavioral or emotional disorder characterized by inappropriate behavior, which deviates substantially from behavior appropriate to the child's age or significantly interferes with child's intellectual, social, and personal functioning.
  - ◆ The child has a moderate to severe medical, physical or psychological condition, diagnosed by a licensed professional and the identified condition requires treatment.
  - ◆ The child meets the criteria for a deferred subsidy due to one of the following:
    - The child is at risk for a condition described above due to prenatal exposure to toxins, genetic/medical history, or a child who has a history of multiple (three or more) disrupted foster or adoptive placements that are documented in TFACTS.
    - The child meets the definition of a Safe Haven child.
    - The child is diagnosed with Neonatal Abstinence Syndrome.

**Note:** If the child qualifies only under these criteria, the child must be placed in the deferred category where they shall receive Medicaid, if determined eligible for Title IV-E, but will receive a zero amount monthly payment until a diagnosis is made.
  - ◆ The child is of a minority race or ethnic group, two (2) years of age or older;

	<ul style="list-style-type: none"> <li>◆ The child is Caucasian, nine (9) years of age or older;</li> <li>◆ The child is a member of a sibling group of two or more children to be placed in the same adoptive home;</li> <li>◆ The child’s life experiences include three (3) or more consecutive years in Tennessee Department of Children’s Services state custody;</li> <li>◆ The child’s life experiences include neglect, physical abuse or sexual abuse which rises to the level of severe child abuse as indicated by DCS or adjudicated by a court and as defined in TCA 37-1-102 (23) (A)-(D). "Severe child abuse"-             <ul style="list-style-type: none"> <li>(A) <i>The commission of any act towards the child prohibited by §§ 39-13-502-39-13504, 39-13-522, 39-15-302 and 39-17-1005 or the knowing failure to protect the child from the commission of any such act toward the child; or (B) Knowingly allowing a child to be present within a structure where the act of creating methamphetamine, as that substance is identified in § 39-17-408(d)(20) is occurring.</i></li> </ul> </li> <li>◆ The child meets all of the medical and disability requirements for Supplemental Security Income (SSI).</li> </ul> <p>5. DCS must also determine whether an applicable child with special needs meets one of the following eligibility requirements:</p> <ul style="list-style-type: none"> <li>a) At initiation of adoption proceedings the child was in care of the Department of Children’s Services or a Licensed Contract Child Placement agency or an Indian tribal organization pursuant to:             <ul style="list-style-type: none"> <li>◆ A removal court order with a judicial determination that 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>b) 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 requirements for SSI.</li> <li>c) The child was residing in a foster family home or child care institution with his/her parent, and the minor parent was removed from the home pursuant to either:             <ul style="list-style-type: none"> <li>◆ A removal court order with a judicial determination that 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>d) The child was adopted and determined eligible for Title IV-E Adoption Assistance in a prior adoption.</li> </ul>
<p><b>C. Eligibility Criteria non-applicable child</b></p>	<p>For a child determined to be a “non-applicable child,” the following eligibility requirements apply.</p> <ol style="list-style-type: none"> <li>1. DCS has determined that the child cannot or should not be returned to the home of his/her parents. DCS must have reached that decision based on</li> </ol>

evidence by a court order legally freeing the child for adoption through Termination of Parental Rights (TPR) of both parents, or the existence of a petition for TPR for both parents, or a relinquishment by both parents to a child-placing agency (or some combination of these procedures to include both parents), or, in the case of an orphan child, verification of the death of both parents;

2. That a reasonable, but unsuccessful effort has been made to place the child with adoptive parents without providing Adoption Assistance or Title XIX Medical Assistance (TennCare). Such an effort might include the use of adoption exchanges, or other such activities. The only exception to this requirement is when it would not be in the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of those parents as a foster child. The exception also extends to other circumstances that are not in the child's best interest, as well as adoption by a relative, in keeping with the statutory emphasis on the placement of children with relatives. DCS must document in each child's case record the specific factor(s) that make the child difficult to place and describe the efforts to place the child for adoption without providing assistance. It is not necessary for DCS to search for an adoptive family while the child remains in foster care. Once the agency has determined that placement with a certain family is in the child's best interest, the agency should make full disclosure about the child's background, as well as known or potential problems. If the agency has determined that, the child cannot or should not return home and the child meets the statutory definition of special needs with regard to specific factors or conditions, then the agency can pose the question of whether the prospective adoptive parents are willing to adopt without Adoption Assistance. If they say they cannot adopt the child without Adoption Assistance, the requirement for a reasonable, but unsuccessful, effort to place the child without providing Adoption Assistance will be met and must be documented on DCS form, **CS-0930, Application for Adoption Assistance**.
  - ◆ A full disclosure of the child's history is presented to the foster family, the family identifies a specific factor, or condition that would prevent the adoption without Adoption Assistance and no other solution that would be in the child's best interest can be found.
3. That there is a specific factor or condition because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing Adoption Assistance and Title XIX Medical Assistance (TennCare). One or more of the following factors or conditions must exist and be documented in order for the child to be eligible for Adoption Assistance:
  - a) The child has a medically diagnosed disability that substantially limits one or more major life activities, requires professional treatment, and requires assistance in self-care.
  - b) The child is diagnosed by a qualified professional to have a behavioral or emotional disorder characterized by inappropriate behavior, which deviates substantially from behavior appropriate to the child's age or significantly interferes with child's intellectual, social, and personal functioning.

- c) The child is diagnosed by a qualified professional to be intellectually disabled.
- d) The child has a moderate to severe medical, physical, or psychological condition, diagnosed by a licensed professional, and the identified condition requires treatment.
- e) The child meets the criteria for a deferred subsidy due to one of the following:
  - ◆ The child is at risk for a condition described above due to prenatal exposure to toxins, genetic/medical history, or a child who has a history of multiple (three or more) disrupted foster or adoptive placements that are documented in **TFACTS**.
  - ◆ The child meets the definition of a Safe Haven child.
  - ◆ The child is diagnosed with Neonatal Abstinence Syndrome.

**Note:** If the child qualifies only under these criteria, the child must be placed in the deferred category where they shall receive Medicaid, if determined eligible for Title IV-E, but will receive a zero amount monthly payment until a diagnosis is made.

- f) The child is of a minority race or ethnic group, two (2) years of age or older.
  - g) The child is Caucasian, nine (9) years of age or older.
  - h) The child is a member of a sibling group of two (2) or more children to be placed in the same adoptive home.
  - i) The child's life experiences include three (3) or more consecutive years in Tennessee Department of Children's Services custody.
  - j) The child's life experiences include neglect, physical abuse or sexual abuse which rises to the level of severe child abuse as indicated by DCS or adjudicated by a court and as defined in TCA 37-1-102 (23) (A)-(D) "Severe child abuse".
    - (A) *The commission of any act towards the child prohibited by §§ 39-13-502-39-13504, 39-13-522, 39-15-302 and 39-17-1005 or the knowing failure to protect the child from the commission of any such act toward the child; or (B) Knowingly allowing a child to be present within a structure where the act of creating methamphetamine, as that substance is identified in § 39-17-408(d)(20) is occurring.*
  - k) The child meets all of the medical and disability requirements for Supplemental Security Income (SSI).
4. DCS must also determine a non-applicable child with special needs meets one of the following eligibility requirements:
- a) The Child Welfare Benefits Unit determined that 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:
    - ◆ A court ordered removal with a finding that continuation in the home would be contrary to the child's welfare.

	<ul style="list-style-type: none"> <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.</li> <li>◆ A Voluntary Surrender- If there is a subsequent 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> <ol style="list-style-type: none"> <li>b) The child was eligible for SSI prior to adoption finalization.</li> <li>c) The child’s minor parent is currently in foster care and is receiving Title IV-E foster care payments that cover both the child and the minor parent.</li> <li>d) The child was eligible for Adoption Assistance through Title IV-E funding in a previous adoption.</li> </ol>
<p><b>D. State Funded Adoption Assistance eligibility</b></p>	<ol style="list-style-type: none"> <li>1. Children who do not meet the Federal IV-E Adoption Assistance eligibility requirements may be eligible for State Funded Adoption Assistance. In order to be eligible for State Adoption Assistance, the child must meet the following criteria prior to the finalization of the adoption:             <ol style="list-style-type: none"> <li>a) The child must meet the special needs criteria for the “non-applicable child”;</li> <li>b) The child must be or have been in the guardianship of DCS prior to finalization of the adoption.</li> </ol> <p><b>Note:</b> Children in the guardianship of a Licensed Child Placing Agency are not eligible for state funded Adoption Assistance but are only eligible for Title IV-E Adoption Assistance as long as the Title IV-E criteria are met.</p> </li> <li>2. A child’s Adoption Assistance eligibility will be determined by the completion of form <b>CS-0821, Certification of Eligibility for Title IV-E/State Funded Adoption Assistance</b> or <b>CS-0931, Certification of Eligibility for Title IV-E Foster Connections Adoption Assistance</b> or within the <b>TFACTS</b> system for Adoption Assistance.</li> </ol>
<p><b>E. Adoption Assistance application process</b></p>	<ol style="list-style-type: none"> <li>1. Title IV-E Adoption Assistance is available on behalf of a child if he/she meets all of the eligibility criteria and the state agency enters into an Adoption Assistance Agreement with the prospective adoptive parent(s) prior to the finalization of the adoption.</li> <li>2. Adoption Assistance through 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 state of the child’s jurisdiction.</li> <li>3. Adoption Assistance that is paid through state funds must be requested in the state of the child’s jurisdiction.</li> <li>4. All supporting documentation, including a statement from the child’s licensed physician or treatment professional that provides the diagnosis and prognosis and identifies any current treatment being provided, that is used to determine the child’s eligibility for Adoption Assistance is reviewed with the adoptive parents, the Permanency Specialist, and the Contract Agency representative,</li> </ol>

	<p>as applicable, and attached to completed form <b>CS-0930, Application for Adoption Assistance</b>.</p> <ol style="list-style-type: none"><li>5. The Permanency Specialist, and the Family Service Worker (as applicable) or the Contract Agency representative gathers the initial supporting documentation.</li><li>6. During the initial Adoption Assistance negotiation, the following information is explained to the prospective adoptive parents:<ol style="list-style-type: none"><li>a) Foster parents are provided with all known medical/psychological and psychiatric needs of the child.</li><li>b) If the foster parent elects not to cover the child under an available group family plan, TennCare will be the only available payment option for medically necessary expenses.</li><li>c) Children receiving Adoption Assistance through Federal Title IV-E Funding are eligible for Medicaid regardless of the state of residence.</li><li>d) Children receiving Adoption Assistance through state funding will be eligible for TennCare (or successor plan) in Tennessee if the child has medical or rehabilitative needs.</li><li>e) Children receiving 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><li>f) Adoption Assistance will not pay expenses for medical, psychological, psychiatric, dental, hospitalization, residential treatment services or for medical equipment for a child who is eligible for private insurance or TennCare/Medicaid.</li></ol></li><li>7. Completion of form <b>CS-0930, Application for Adoption Assistance</b>, by the adoptive family will:<ol style="list-style-type: none"><li>a) Solidify the family's intention to provide permanence through adoption for the child;</li><li>b) Allow the adoptive family to request payment of non-recurring expenses and/or subsidy; and</li><li>c) Inform the adoptive family of the proposed Adoption Assistance benefits prior to the adoption finalization.</li></ol></li><li>8. If the only conditions or factors upon which a child is eligible for Adoption Assistance are age or minority heritage and the child has no diagnosis or treatment needs, the only payment requests appropriate are the regular Adoption Assistance daily payment amount and non-recurring expenses.</li><li>9. In cases where a child's needs are beyond a regular Adoption Assistance rate, the foster parents can request the approval of a Special or Extraordinary rate. The approval must be documented in <b>TFACTS</b> and on form <b>CS-0674, Special or Extraordinary Rate Request</b>.</li><li>10. In cases where the request is only for non-recurring expenses, form <b>CS-0930, Application for Adoption Assistance</b>, will be prepared to outline the non-recurring expenses and form <b>CS-0513, Adoption Assistance Agreement</b></li></ol>
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	<p>will be prepared to indicate the amount of the non-recurring expenses. The daily rate amount for the Adoption Assistance maintenance payment on form <b>CS-0513, Adoption Assistance Agreement</b> will be zero.</p> <p>11. During the Adoption Assistance negotiation process, the adoptive parents must provide documentation that specifies whether private insurance is available for the child. If private insurance is available, the adoptive parents must notify the Permanency Specialist if they intend to place the child on the policy. [It is acceptable for the family to add the child to a state sponsored insurance plan (<i>i.e.</i>, TennCare, etc.)].</p>
<p><b>F. Adoption Assistance agreement</b></p>	<ol style="list-style-type: none"> <li>1. The initial Adoption Assistance Agreement, form <b>CS-0513, Adoption Assistance Agreement</b>, must be completed before Adoption Assistance benefits can be provided. This agreement must be a written instrument that is binding on all the parties. The agreement is entered into by the prospective adoptive parent(s) and DCS. The agreement must be reviewed, approved, and signed by the Permanency Specialist and the Team Leader for the Permanency Specialist, at least one (1) day prior to the finalization of adoption. Only in extenuating circumstances should an adoption assistance agreement be signed on the same date that the adoption is made final. However, in all situations, the Adoption Assistance agreement must be signed and approved prior to the court proceedings legally finalizing the adoption.</li> <li>2. 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”.</li> <li>3. The Permanency Specialist will review form <b>CS-0513, Adoption Assistance Agreement</b> with the adoptive family and obtain their signature prior to finalization. The form will specify rates to be paid for the conditions discussed during the negotiation period and approved on form <b>CS-0930, Application for Adoption Assistance</b>.</li> <li>4. The agreement must document the responsibilities of the parties and detailed financial reporting requirements. The agreement must specify the types and amounts of assistance, the types of services available, and the conditions under which benefits or services may be increased or decreased.</li> <li>5. The agreement must specify the date for beginning and ending benefits and services. The agreement must state the beginning month and year rather than indicating “a month after the Decree of Adoption”.</li> <li>6. The agreement must include specific discussion of what will happen if the adoptive family moves out of state or if the adoptive parents die.</li> <li>7. The agreement must describe the procedure for requesting a fair hearing.</li> <li>8. The Adoption Assistance Agreement must be signed by all parties to the agreement (namely, the adoptive parents and a DCS representative) before the final decree of adoption is entered in order to meet the requirements for an Adoption Assistance Agreement.</li> </ol>

<p><b>G. Payments and services included in Adoption Assistance</b></p>	<ol style="list-style-type: none"> <li>1. Payments and/or services included in the Adoption Assistance Agreement will be based on the conditions that are supported by the accompanying documentation and are determined medically necessary as specified by a licensed professional.</li> </ol> <p><b>Note:</b> For those children/families participating in Applied Behavioral Analysis (ABA) Therapy practitioners in the State of Tennessee are not licensed but considered to be Board Certified. For the purpose of documentation of eligibility of a special/extraordinary rate, Board Certification for ABA is acceptable in the absence of a Licensure.</p> <ol style="list-style-type: none"> <li>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.</li> <li>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 foster family’s failure to complete an application to insure the child.             <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> </li> <li>4. For Adoption Assistance Agreements initiated prior to October 1, 1997, services will be provided as outlined in the Adoption Assistance Agreement provided it is supported by the documentation submitted at renewal. Refer to DCS Policy <a href="#"><u>15.10, Adoption Assistance Agreements Created Prior to October 1997.</u></a></li> <li>5. A statement from the treatment professional must be obtained documenting that treatment is medically necessary.</li> <li>6. 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.</li> <li>7. 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.</li> <li>8. Adoption Assistance payments cannot be made before adoption finalization. The family foster home board payment continues until the adoption finalization occurs.</li> <li>9. Adoption Assistance payments are made monthly based on a daily payment amount.</li> </ol>
<p><b>H. Payments and services not included in Adoption Assistance</b></p>	<p>The following items or services cannot be considered in determining the Adoption Assistance rate:</p> <ol style="list-style-type: none"> <li>1. School Tuition and/or tutoring;</li> <li>2. Summer Camp or Day Care;</li> </ol>

	<ol style="list-style-type: none"> <li>3. Riding Therapy, Dance or Gymnastics;</li> <li>4. Computers and/or Computer Software;             <ul style="list-style-type: none"> <li>◆ (Exceptions may be made by the Director of Adoptions and Adoption Support for severely handicapped children)</li> </ul> </li> <li>5. Dentistry or Orthodontia;             <ul style="list-style-type: none"> <li>◆ (Exceptions may be for documented cases of medical necessity by the Director of Adoptions and Adoption Support).</li> </ul> </li> <li>6. Vehicles to transport children;</li> <li>7. Major Home Renovations (e.g., fences, pools, extra rooms, or accessibility modifications); and</li> <li>8. Routine medical expenses (e.g., over the counter medications, doctor visits, or hospitalizations unrelated to the child’s documented special needs).</li> </ol>
<p><b>I. Adoption Assistance rates</b></p>	<ol style="list-style-type: none"> <li>1. Adoption Assistance Rates are categorized in four (4) levels:             <ol style="list-style-type: none"> <li>a) <b>The Deferred Adoption Assistance Rate</b> is a zero dollar amount until such time that the child presents symptoms of a condition attributed to the identified risk factors;</li> <li>b) <b>The Regular Adoption Assistance Rate</b> - Check the following web link for the most current Adoption Assistance rate;  <a href="https://www.tn.gov/dcs/program-areas/fca/current/foster-parent-board-rates.html">https://www.tn.gov/dcs/program-areas/fca/current/foster-parent-board-rates.html</a></li> <li>c) <b>The Special Circumstance Adoption Assistance Rate</b> - Check the following web link for the most current Adoption Assistance rate;  <a href="https://www.tn.gov/dcs/program-areas/fca/current/foster-parent-board-rates.html">https://www.tn.gov/dcs/program-areas/fca/current/foster-parent-board-rates.html</a>; and</li> <li>d) <b>The Extraordinary Adoption Assistance Rates</b> are determined on a case-by-case basis but do not exceed \$60.00 per day.</li> </ol> </li> <li>2. 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 <u>not</u> linked to the means of the foster family.             <ol style="list-style-type: none"> <li>a) The Adoption Assistance rate may not exceed the amount of a child’s final or most recent foster home board payment for rates initially approved prior to adoption finalization.</li> <li>b) The DCS foster home rates must have been in place at least 90 days prior to signing Adoption Assistance agreements. If this requirement presents a barrier or delays permanency for any child, a waiver can be obtained from the Director of Adoptions and Adoption Support or his or her designee.</li> <li>c) When negotiating Adoption Assistance rates for those children who are in Contract Agency homes, the DCS rate structure should be used.</li> <li>d) Revisions made to the Adoption Assistance rate, after adoption finalization, cannot exceed the amount a child would have received if he/she was placed in a DCS foster home.</li> </ol> </li> </ol>

	<p>3. Any approved Adoption Assistance will be paid according to the terms outlined in form <b>CS-0513, Adoption Assistance Agreement</b>. Modifications to the agreement may be completed at renewal/renegotiation based on changes in policy or significant changes in the child’s circumstances.</p> <p>4. Adoption Assistance Agreements/renewals are subject to review at any time for correction of errors or oversight.</p>
<p><b>J. Deferred Adoption Assistance</b></p>	<p>1. 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. High-risk considerations include:</p> <ul style="list-style-type: none"> <li>a) Any child whose genetic/medical background or birth parent’s medical history indicates potential for developing physical/psychological problems;</li> <li>b) An infant who was exposed to alcohol/drugs where such exposure is documented in the child’s birth record;</li> <li>c) A child who has a history of multiple (three or more) disrupted foster or adoptive placements that are documented in <b>TFACTS</b>; or</li> <li>d) A child who meets the definition of Safe Haven (<i>See Child Protective Services <a href="#">Work Aid 5-Protocol for Anonymous Voluntary Abandonment of Unharmed Newborn Infant</a></i>)</li> <li>e) A child diagnosed with <i>Neonatal Abstinence Syndrome (NAS)</i></li> </ul> <p>2. The process for making an application for Deferred Adoption Assistance requires the Family Service Worker (FSW) or the Permanency Specialist to obtain documentation from the licensed physician, psychiatrist, psychologist, or other licensed mental health professional regarding the child’s high risk factors. Examples of documentation include, but are not limited to, medical exam results or psychological or psychiatric evaluations.</p> <p>3. The Family Service Worker (FSW), Permanency Specialist, or Contract Agency representative will work with the adoptive family to complete (including all signatures) forms <b>CS-0930, Application for Adoption Assistance</b>, and <b>CS-0513, Adoption Assistance Agreement</b>. Upon completion of these documents, the forms and all documentation must be submitted for approval to the Team Leader of the Permanency Specialist.</p> <p>4. Children eligible for Title IV-E deferred Adoption Assistance can receive Medicaid but will receive a “zero” amount monthly payment until a diagnosis is made. A child determined eligible for state deferred Adoption Assistance is not eligible for Medicaid.</p> <p>5. 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.</p> <p>6. The family will make a request to their DCS Subsidy Specialist so that their request can be reviewed and processed for approval.</p>

<p><b>K. Regular Adoption Assistance rates</b></p>	<ol style="list-style-type: none"> <li>1. The Adoption Assistance regular rate is available to any child who meets the criteria outlined in <i>Section A</i> of this policy.</li> <li>2. If there are significant changes in the child’s circumstances and the adoptive family wishes to request a different rate refer to <i>Sections L</i> and <i>M</i> of this policy.</li> </ol>
<p><b>L. Special circumstance Adoption Assistance rates</b></p>	<ol style="list-style-type: none"> <li>1. <b>Special Circumstance Rates</b> are designed for children:             <ol style="list-style-type: none"> <li>a) 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, performance of manual tasks, vision, hearing, or self-care);</li> <li>b) Who require a level of supervision exceeding that of their peers; and</li> <li>c) Who requires extra care (treatment) due to physical, emotional, or mental disability.</li> </ol> </li> <li>2. Permanency Specialists must complete <i>Section A</i> of the form <b>CS-0674, Special or Extraordinary Board Rates Request</b> and submit it to the Central Office Subsidy Unit Supervisor.</li> <li>3. If the child is residing in a Contract Agency foster home or the family requests approval of the special circumstance rate, the Contract Agency representative, in collaboration with the Permanency Specialist, must complete the form <b>CS-0674, Special or Extraordinary Board Rate Request</b> and submit it, with supporting documentation from the licensed professional who diagnosed or is treating the child.             <ul style="list-style-type: none"> <li>◆ When negotiating rates for those children who are in Contract Agency homes, the DCS rate structure should be used.</li> </ul> </li> <li>4. The Central Office Subsidy Unit Supervisor will respond in writing to the request within five (5) working days from the receipt of the request. If the request is approved, a copy of the approval, along with the supporting documentation, must be filed in the child’s Adoption Assistance case file and sealed in the adoption case record after the adoption finalization.</li> </ol>
<p><b>M. Extraordinary Adoption Assistance rates</b></p>	<ol style="list-style-type: none"> <li>1. <b>Extraordinary Adoption Assistance Rates</b> are reserved for children whose needs are <b>so unique and extensive</b> that they cannot be met at the regular or special circumstance rate. The Permanency Specialist will submit a request for approval to the Central Office Subsidy Unit Supervisor for an extraordinary rate. The Regional Administrator/designee will work with the Regional Well-Being Units regarding children who may meet criteria, as outlined in the scope of services, for medically fragile.</li> <li>2. The request must be made in writing to the Central Office Subsidy Unit Supervisor, utilizing form <b>CS-0674, Special or Extraordinary Board Rates Request</b>, and include documentation from the treating, licensed provider of medical or psychological care and/or any additional material needed to describe the child’s condition.</li> <li>3. If the child is residing in a Contract Agency foster home, the Contract Agency Representative, in collaboration with the Permanency Specialist, must submit the request; form <b>CS-0674, Special or Extraordinary Board Rates Request</b></li> </ol>

	<p>and supporting documentation to Central Office Subsidy Unit Supervisor responsible for approving Adoption Assistance.</p> <ul style="list-style-type: none"> <li>◆ When negotiating rates for those children who are in Contract Agency homes, the DCS rate structure should be used.</li> </ul> <ol style="list-style-type: none"> <li>4. The Central Office Subsidy Unit Supervisor will review the request for an extraordinary rate within five (5) working days from the receipt of the request. If the request is approved, a copy of the approval, along with the supporting documentation, must be filed in the child's Adoption Assistance case file, and sealed in the adoption case record after the adoption finalization.</li> <li>5. An approval of an Extraordinary Foster Home Board Rate does not guarantee approval of an Extraordinary Adoption Assistance Rate. Only after a review of the current documentation presented with form <b>CS-0674, Special or Extraordinary Board Rates Request</b>, will it be possible to determine the appropriate Adoption Assistance rate.</li> <li>6. An adoptive parent may request re-negotiation of the Adoption Assistance rate at any point after the initial approval. When the parent requests an increase in the Adoption Assistance rate, he/she must be informed that current documentation from a licensed professional is required.</li> <li>7. The documentation must be reviewed by the Central Office Subsidy Unit Supervisor to determine if the current level of assistance is still appropriate or if an increase in the Adoption Assistance rate is warranted.</li> </ol>
<p><b>N. Non-Recurring Adoption Assistance</b></p>	<ol style="list-style-type: none"> <li>1. Parents adopting special needs children are eligible for reimbursement of non-recurring costs of the adoption up to a maximum of \$1,500 for each adoptive placement (per adoption episode).</li> <li>2. When the adoption involves an interstate placement, the state agency entering into the Adoption Assistance Agreement with the prospective adoptive parent(s) is responsible for paying the non-recurring adoption expenses.</li> <li>3. The Contract Agency representative, in collaboration with the Permanency Specialist, should determine the eligibility for non-recurring expenses prior to the adoptive placement. Eligibility determination for the child must be made prior to the adoption finalization.</li> <li>4. The only criterion considered for eligibility for reimbursement of the non-recurring expenses of adoption is that DCS determine that the child meets the definition of special needs.</li> <li>5. 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> </ol> <p><b>Note:</b> This figure may vary based on the case, but the non-recurring expenses cap is fixed.</p> <ol style="list-style-type: none"> <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 Contract Child Placing Agency,</li> </ol> </li> </ol>

	<p>and supervision of placement;</p> <p>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 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> <p>6. If a child does not meet the special needs criteria for payment of non-recurring expenses, and if payment of those expenses will create a barrier or cause a delay to finalizing the adoption, the Permanency Specialist or Family Service worker will submit the request for payment in the form of a memo justifying payment to their Regional Administrator or his or her designee. The Regional Administrator or his or her designee will forward the request to the Director of Adoptions and Adoption Support for final approval.</p> <p><b>Note:</b> An Adoption Assistance Agreement is not required and should not be completed for non-recurring expenses in cases where the child does not meet the special needs criteria.</p>
<p><b>O. Reimbursement of non-recurring Adoption Assistance</b></p>	<p>1. Non-recurring legal expenses will not be reimbursed until:</p> <p>a) Finalization of the adoption (except in cases of a disruption);</p> <p>b) A final decree of adoption has been received in the local DCS office; and</p> <p>c) The attorney has submitted a signed, itemized bill for payment in all cases, including cases in which the adoptive placement has disrupted. In cases of disruption, DCS can only pay for services provided up to the point of the disruption.</p> <p>2. The Permanency Specialist and Contract Agency representative, when appropriate, will obtain a <u>signed, itemized final invoice/billing statement</u> from the attorney following the finalization of the adoption. The amounts on form <b>CS-0513, Adoption Assistance Agreement</b>, form <b>CS-0930, Application for Adoption Assistance</b>, and the attorney's final invoice/billing statement must be consistent in order for payment to be made.</p> <p>3. The signed, itemized, final invoice/billing statement from the attorney, the written approval of the non-recurring adoption expenses, and its supporting documentation must be submitted to DCS Fiscal Services. Copies of all related non-recurring expenses billing documentation must be maintained in the Adoption Assistance file.</p>
<p><b>P. Adoption Assistance revisions, renewals or renegotiations</b></p>	<p>Subsidy Specialists are available for consultation with adoptive parents at any point in the life of an Adoption Assistance case.</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>

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 **CS-1004, Adoption Assistance Renewal Affidavit**, within the timeframes outlined in form **CS-0513, Adoption Assistance Agreement**.
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.
4. For all children who are approved for a special or extraordinary Adoption Assistance rate, the adoptive parents will request the licensed service provider responsible for the child's treatment and care to complete form **CS-0934, Special or Extraordinary Rate Justification**. Form CS-0934 as well as any documentation received from the treating, licensed, service provider, in addition to form **CS-1004, Adoption Assistance Renewal Affidavit or CS-513, Adoption Assistance (Renewal Agreement)** is required to renew a state funded special or extraordinary Adoption Assistance rate. This documentation must verify the following:
  - a) Current diagnosis, prognosis, and summary of treatment services for the previous year; and
  - b) An estimated summary of services that will be necessary to meet the continued special or exceptionally uncommon needs of the child.
5. 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.
6. Documentation of continued eligibility is required for all children who receive Adoption Assistance at any rate: An eligibility determination must be completed, in TFACTS, 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, regardless of the funding source, is determined through a Review of Eligibility process within TFACTS, based on the following Adoption Assistance program requirements:
  - a) State funded children/youth who were adopted prior to October 1, 1997 can continue to receive Adoption Assistance as long as they attend any accredited school full time up to the youth's 21<sup>st</sup> birthday. School attendance must be documented yearly.
  - b) 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.
  - c) For children adopted on or after March 1, 2008 who have state funded



	<p>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.</p> <p>d) 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 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, or is incapable of doing any educational or employment activities due to a medical condition and was a least age sixteen (16) at the time of adoption finalization. Verification of school attendance or medical incapacities will have to be provided annually. School attendance will be verified and documented annually by the educational institution or a medical professional.</p> <p>e) 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 TFACTS, based on the Adoption Assistance Program Requirements.</p> <p><b>Note:</b> 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 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 eighty (80) 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>DCS is currently only implementing criteria in <i>Section P (7) (d)</i> as identified above. Our agency is retaining in policy the right to implement one or all of the above-mentioned eligibility criteria (i-v) options above, with the understanding that should future funding become available, DCS may make available options for applicable children/youth that are identified as Title IV-E eligible.</p>
<p><b>Q. Notification of change</b></p>	<p>Adoptive parents will notify the Subsidy Specialist responsible for their region of any changes in circumstances as soon as possible. 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> </ol>

4. If there is any change of address;
5. If the youth is approved for Extension to Foster Care (EFC) program
6. If the child marries or enlists in the military;
7. When the child's custodial status changes;
8. When the child dies;
9. When a child/youth receiving state funded Adoption Assistance adopted before October 1, 1997 graduates from college or post secondary school up to the youth's 21<sup>st</sup> birthday;
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;
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;
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
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
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.
15. If a youth has been determined eligible for continuation of State Funded and Title IV-E Fostering Connections Adoption Assistance beyond the youth's 18<sup>th</sup> 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.
16. 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.
17. The adoptive parents are made payees of SSA or VA benefits on behalf of the child as well as any changes in benefits.

**R. Termination of Title IV-E Adoption Assistance**

Once a Title IV-E Adoption Assistance Agreement is signed and in effect, it can be terminated if any one of the following circumstances occur:

1. Upon the adoptive parents(s) request;
2. DCS determines that the adoptive parents are no longer providing any support to the child;
3. DCS determined that the adoptive parents are no longer legally responsible for support of the child. Examples include, but are not limited to;
4. The youth is approved for and begins receiving benefits from the Extension to Foster Care (EFC) program;
5. The child marries
6. The child enlists in military service
7. A youth approved for Deferred Adoption Assistance turns 18 years old.
8. The child dies.
9. Upon the conclusion of the terms of the Adoption Assistance Agreement;
10. The adoptive parent(s) dies.
11. 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 E and F of this policy.
12. For Title IV-E non- applicable children, Adoption Assistance will be provided until the child is 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 TFACTS based on the Adoption Assistance Program Requirement.
13. For Title IV-E applicable children, Adoption Assistance will be provided until the child is age 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 21<sup>st</sup> birthday if the youth is at least age 16 at the time of adoption.
14. 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 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.
15. 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 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.
16. When a child/youth was under the age of 16 when the Title IV-E Fostering Connections agreement went in effect turns 18 years old. The subsidy can be evaluated prior to the youth's 18<sup>th</sup> birthday to determine if the youth can

	<p>continue to receive a subsidy beyond the youth's 18<sup>th</sup> birthday through Non-Applicable Title IV-E or State funded Adoption Assistance.</p> <p>17. If a youth has been determined eligible for continuation of State Funded and Title IV-E Fostering Connections Adoption Assistance beyond the youth's 18<sup>th</sup> 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 <b>only</b> exception is in instances where the educational institution considers the break to be normal or customary for the school year.</p> <p>18. An eligibility determination must be completed, in TFACTS, for all youth turning 18, 19 or 20 years old to determine if the youth will remain eligible for the Adoption Assistance subsidy past the age of 18. Continued eligibility for youth 18, 19, or 20, regardless of the funding source, is determined through a Review of Eligibility process within TFACTS based on the Adoption Assistance program requirements.</p> <p>19. If the department determines that a child was made eligible for the adoption assistance due to programing error, DCS reserves the right to terminate the adoption assistance agreement due to error or oversight concerning the determination of eligibility for adoption assistance.</p>
<p><b>S. Termination of State Funded Adoption Assistance</b></p>	<p>Once a State Funded 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 request;</li> <li>2. DCS determines that the adoptive parents are no longer providing any support to the child;</li> <li>3. DCS determined that the adoptive parents 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> </ol> </li> <li>4. The youth is approved for and begins receiving benefits from the Extension to Foster Care (EFC) program;</li> <li>5. A youth approved for Deferred Adoption Assistance turns 18 years old;</li> <li>6. Upon the conclusion of the terms of the Adoption Assistance Agreement;</li> <li>7. The adoptive parent(s) dies;             <ul style="list-style-type: none"> <li>◆ 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 <i>Sections E and F</i> of this policy.</li> </ul> </li> <li>8. DCS determines that the family fails to complete the renewal/renegotiation process within the timeframes outlined in the Adoption Assistance Agreement <b>(for state funded adoption agreements only)</b>.</li> </ol>

	<p>9. State funded children who have an Adoption Assistance Agreement prior to October 1, 1997 can continue to receive Adoption Assistance as long as they attend any accredited school full time or up to age 21. School attendance must be documented yearly.</p> <p>10. 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>11. 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>12. If a youth has been determined eligible for continuation of State Funded and Title IV-E Fostering Connections Adoption Assistance beyond the youth's 18<sup>th</sup> 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 <b>only</b> exception is in instances where the educational institution considers the break to be normal or customary for the school year.</p> <p>13. An eligibility determination must be completed, in TFACTS, for all youth turning 18, 19, or 20 years old to determine if the youth will remain eligible for the Adoption Assistance subsidy past the age of 18. Continued eligibility for youth 18, 19, or 20, regardless of the funding source, is determined through a Review of Eligibility process within TFACTS based on the Adoption Assistance program requirements.</p> <p>14. If the department determines that a child was made eligible for the adoption assistance program due to error or oversight, DCS reserves the right to terminate the adoption assistance agreement due to error or oversight concerning the determination of eligibility for adoption assistance.</p>
<p><b>T. Appeals</b></p>	<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 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>Section P</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> <p>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-</b></p>

	<p><b>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.</p> <ol style="list-style-type: none"> <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 <u>mailed</u> 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 appropriate county office if an appeal of Adoption Assistance is received. Once notified by the Administrative Procedures Division, the county must follow the direction of that office to ensure due process protocol is followed.</li> <li>6. DCS staff must complete an Appeal Summary as directed by the Administrative Procedures Division.</li> <li>7. Additional information may be accessed by contacting DCS Administrative Procedures Division at:             <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> </li> </ol>
<p><b>Forms:</b></p>	<p><a href="#"><u>CS-0460, Intent to Adopt/Adoption Assistance Application</u></a>  <a href="#"><u>CS-0674, Special or Extraordinary Rate Request</u></a>  <a href="#"><u>CS-0513, Adoption Assistance Agreement</u></a>  <a href="#"><u>CS-1004, Adoption Assistance Renewal Affidavit</u></a>  <a href="#"><u>CS-0686, Notice of Denial, Termination, or Change in Adoption Assistance</u></a>  <a href="#"><u>CS-0403, Appeal for Fair Hearing</u></a>  <a href="#"><u>W-9</u></a>  <a href="#"><u>CS-0792, Review of Eligibility for Adoption Assistance for Child/Youth Turning 18,19, and 20 Years Old</u></a>  <a href="#"><u>CS-0809, Verification of Full Time School Attendance</u></a>  <a href="#"><u>CS-0821, Certification of Eligibility for Title IV-E/State Funded Adoption Assistance</u></a>  <a href="#"><u>CS-0930, Application for Adoption Assistance</u></a>  <a href="#"><u>CS-0931, Certification of Eligibility for Title IV-E Fostering Connections Adoption Assistance</u></a>  <a href="#"><u>CS-0934, Special or Extraordinary Rate Justification Form</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>Adoption Assistance/SPG Subsidy Manual</u></a></p> <p><a href="#"><u>The Interstate Compact on the Placement of Children Manual</u></a></p>
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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 or Home County 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 a 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 infant.</li> </ol>
<b>TennCare (or successor plan) Rate:</b>	The rates established by TennCare (Medicaid) or any subsequent plan for a particular medically necessary service or treatment.
<b>Licensed Child Placing Agency:</b>	Any agency operating under a license to place children for adoption.
<b>Title IV-E</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.