

Section Six:

State of Alaska Adoption or Guardianship Subsidy Program

The State of Alaska Adoption and Guardianship Subsidy program can seem to be very complex. There are many intricacies when discussing subsidies. Ultimately, subsidy negotiations happen between the social worker and the adoptive family who together define the subsidy agreement. The subsidy agreement is then approved by the OCS Regional Adoption Specialist and the OCS Director.

This section is an overview of the elements of an adoption subsidy and should not be considered the authority on Alaska adoption subsidy but as a guide to help you through this process.

In this section the resource family will learn:

- Aspects of adoption subsidies and who qualifies
- General guidelines for subsidy determinations
- Other factors to consider that impact adoption or guardianship subsidies
- Definition of a deferred subsidy
- Adoption Subsidy Definitions
- Other Resources

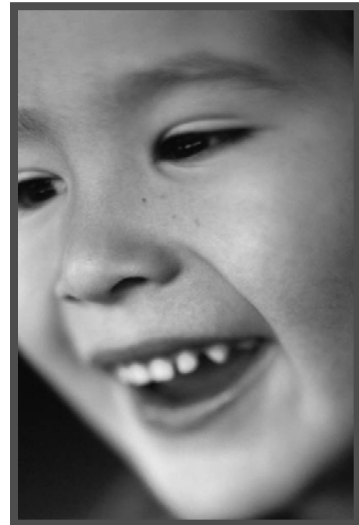
Overview

Earlier in this course we discussed the meaning of “special needs” and the kinds of children in the State of Alaska child protection system who become available for adoption. Many of the children who are available for adoption from the State of Alaska system have special needs. Traditionally, children with special needs have been considered harder to place for adoption than other children, but experience has shown that many children with special needs can be placed successfully with families, if they

have additional support. The Adoption and Safe Families Act of 1997 (P.L. 105-89) has focused on making sure that families who adopt children with special needs receive post adoption services and financial assistance, called an “adoption” or “guardianship” subsidy, to help with the special needs of the child.

Which Children Qualify?

Most children who are adopted, or in guardianship, qualify for some sort of adoption or guardianship subsidy through the State of Alaska. In order to qualify the child must be considered a special needs child, as described earlier in this series. Additionally, the social worker must show that, “The State must determine that in EACH CASE a reasonable, but unsuccessful, effort to place the child with appropriate parents without providing adoption assistance has been made.” The social worker must demonstrate and document that they have made efforts to place the child with out a



subsidy by conducting a complete relative search, listing the child on adoption exchanges, engaging in recruitment activities to locate a home to adopt the child without a subsidy or engaged in other activities to place the child with out a subsidy.

Subsidy Determination

When an adoption or guardianship subsidy is considered, the State must also “pose the question of whether or not the prospective adoption parents are willing to adopt without assistance.” However, there are some exceptions to the above criteria.

Exceptions:

First,

- ✓ The child has significant emotional ties to the adoption or guardianship family and
- ✓ The placement meets statutory requirements on the placement of children with relatives, such as in an ICWA case.

Second, “The State must determine that the child cannot or should not be returned to the home of his or her parents” as determined by

- ✓ Parental Relinquishments
- ✓ Termination of Parental Rights
- ✓ Tribal Adoption with State’s Consent

Finally, the State must determine that there exists a specific factor or condition which precludes that the child cannot be placed with adoptive parents without providing title IV-E adoption assistance or Medicaid. Such a factor or condition may include (but is not limited to)

- ✓ ethnic background,
- ✓ age or membership in a minority or sibling group,
- ✓ the presence of a medical condition, or
- ✓ Physical, mental or emotional disabilities.”

In order to qualify for the above bulleted factors, criteria to measure medical conditions, physical, mental or emotional disabilities must be examined by the social worker or State of Alaska officials. Let’s look at the criteria for qualification of special needs.

What Qualifies As A Special Needs Determination? The following conditions may qualify a child as “special needs” for the purposes of an adoption or guardianship subsidy. However, there must be documentation of the disability from a qualified expert in order for the determination to be made.

Mentally retarded

Visually impaired

Hearing impaired

Physically disabled

- Cerebral Palsy
- Paraplegic
- Spina Bifida
- Orthopedic Impairment
- Quadriplegic

Emotionally Disturbed

- Attachment Disorder
- Autism
- Depression/Suicidal Tendencies
- Mental Illness/Psychosis
- Oppositional Defiant Disorder
- Post-Traumatic Stress Disorder

Other Medical Conditions

- ADD/ADHD
- AIDS/HIV Positive
- Asthma/Chronic Respiratory Problems
- Diabetes
- FAS/FAE
- Learning Disability
- Organic Brain Damage
- Sickle Cell Anemia
- Speech Disability
- Failure to Thrive

Recognized High-Risk of Physical and Mental Disease:

- Abandonment
- Alcohol/Drug Abuse in the Home
- Domestic Violence
- Emotional Abuse
- High Risk Behavior—Alcohol Abuse
- High Risk Behavior— Drug Abuse
- Neglect
- Physical Abuse
- Prenatal Exposure to Alcohol
- Prenatal Exposure to Cocaine
- Prenatal Exposure to Other Drugs
- Sexual Abuse

Race or Origin

Age

Membership in a Sibling Group

Are There Other Factors To Consider In Determining A Subsidy?

Supplemental Security Income (Ssi):

Is child SSI eligible? SSI is means tested, which means that the family's income will count against the benefit. Adoptive families may chose (based on their income) to accept the SSI benefit only, without a subsidy. Should the family choose to receive an adoption subsidy, the family would lose the SSI benefit. Therefore, SSI is not a factor in the negotiation process. In guardianship, SSI benefits will continue. However, the subsidy must be deducted dollar-for-dollar based on the amount of the SSI benefit. If the child is eligible for Social Security Income, that amount would go with the child and be provided to the adoptive parents to assist in caring for the child.

Survivor Benefits through Social Security

Does the child receive SSA (survivor) benefits? Social Security Survivor's Benefits are available to children whose parent(s) is deceased. These benefits follow the child in both adoption and guardianship. The Survivor's Benefits are deducted dollar-for-dollar from the negotiated subsidy amount. Social Security Survivor benefits are for the child and often transfer with them in an adoption or guardianship. Always check with the Adoption Specialist to determine SSA benefits for your specific situation.

Other Factors:

What funds and services can an adoptive family provide? It is expected that the family will provide basic care for their child once adopted; therefore, if they were receiving foster care payments (which is reimbursement for the cost of care for the child) the foster care payments end with the implementation of the subsidy.



If a child is legally free, a subsidy can be implemented prior to an adoption. Adoption subsidies can begin as soon as a child is legally free for adoption, if the adoptive family has an approved adoption home study (or resource family assessment), and the child placed with them is legally free for adoption. The family does not need to be licensed as a foster parent and can begin the adoption subsidy on the date placement begins.

Deferred Subsidy for Ages 3 And Younger

In Alaska, if a child is under the age of three and has not been diagnosed with a special needs condition the child is not eligible to receive an adoption subsidy. If the child has no CURRENTLY DIAGNOSED special needs, as described above, a ZERO dollar deferred subsidy with Medicaid is put into place.



However, the paperwork to implement a subsidy should be done prior to the adoption to ensure the possibility of re-evaluating a child's special needs in the future after age three. If a child acquires a special needs diagnosis and the family needs financial support, the subsidy can be re-negotiated at any time up until the child's 18th birthday to ensure the possibility of a future diagnosis that would necessitate the need for a subsidy.

ZERO SUBSIDIES OCCUR WHEN:

- ✓ You are able to financially meet your adoptive son or daughter's needs, also
- ✓ \$0 Subsidy Agreement is insurance for the future and is a safety net
- ✓ A Zero Subsidy for Guardianship subsidies does not exist.
- ✓ Preferable to do \$0 paperwork rather than no subsidy

Other Things to Know:

- ✓ Families must apply and be approved for a subsidy before an adoption or guardianship is finalized.
- ✓ The amount of the subsidy cannot exceed the existing amount for foster care.
- ✓ Subsidy agreements are reviewed annually and can be renegotiated as the needs of the child or family change.
- ✓ Medicaid health coverage can be included in the adoption subsidy after consideration of adoptive parents' health insurance resources.

Things you need to know about subsidies...

Adoption or guardianship subsidies do not replace foster care payments. Subsidies are financial assistance to families to assist them in providing for the child's special needs. Subsidies are an amount of funding that is based on the child's current special needs. The subsidy amount is negotiated between the adoptive or guardian parent(s) and the State of Alaska through the social worker and Regional Adoption Specialist, but must be approved by the OCS Director. The subsidy amount can not exceed the OCS foster care amount. Once the agreement is signed by the State of Alaska designee, the agreement becomes a legal agreement with the State of Alaska and will continue until the child's 18th birthday.

An increase or decrease in amount can be renegotiated at the adoptive family's request, depending on the situation. If the child develops problems later in life, the subsidy amount can be increased, with supporting documentation

Adoption Subsidy Definitions — United States

In foster care and adoption, many abbreviations, acronyms, and special phrases are used. Below is a brief list of common subsidy-related terms and their definitions.

Adoption Assistance	Adoption assistance, or subsidy, is provided for children with special needs as an incentive to help families meet a child's special needs. A subsidy agreement should be negotiated prior to the finalization of an adoption, and may include monthly maintenance payments, medical coverage, and other services such as therapy and respite care, as outlined in state and county policy.
Title IV-E	The federally funded adoption assistance program that provides financial support to adoptive parents of children with special needs. A portion of the support is federally funded, and the remaining portion may be all state dollars or a mix of state and county dollars. Title IV-E children are either AFDC- or SSI-eligible prior to adoption.

Non-IV-E	State funded children are often referred to as non-Title IV-E children. These special needs children are funded by state and/or county dollars, and are neither AFDC- nor SSI-eligible prior to adoption.
AFDC	Aid to Families with Dependent Children. This program no longer exists at the federal level as it was replaced with TANF—temporary aid to needy families. However, the rules for AFDC as of June 1996 are used to qualify a child for the Title IV-E Adoption Assistance Program. Specifically, a child whose biological family is of low income (e.g., receiving food stamps or some other type of welfare) and who is deprived of parental support (i.e., only one biological parent was in the home when the child was removed from the home) can be considered eligible for AFDC.
SSI	Supplemental Security Income. Children eligible for SSI are significantly disabled. Common diagnoses that qualify a child for SSI include Down’s Syndrome, deafness and blindness, and cerebral palsy.
Non-recurring	Non-recurring adoption expenses are one-time expenses directly related to the finalization of a child with special needs. Typical expenses that are paid or reimbursed to the family include the home study fees, attorney fees, replacement of the birth certificate, and travel to and from the child, including mileage, lodging and meals.
Means Testing	<p>This refers to using a family’s income to determine eligibility for a subsidy. While this is not common among states, it does happen occasionally. Means testing eligibility is different from means testing to establish the level of the subsidy. While it is permissible to look at the child’s condition along side the family’s resources to set the monthly rate of the subsidy, it is not appropriate to disqualify a child for eligibility based on family income.</p> <p>Federal policy guidance states that means testing eligibility for Title IV-E is not allowed. However, state funded (non IV-E Programs) can be means tested. In addition, Supplemental Security Income (SSI) is means tested.</p>

Title XX	Title XX Social Services are a flexible block grant of monies from the federal government to state governments. Some states pass the money directly from the federal level to the county level. Few states provide direct services to adoptive families using these monies, as was once the common practice. If a state does provide a service such as day care or respite care, families can apply for these services just like any other family.
Specialized Rates	Specialized maintenance rates are based on the extraordinary needs of the child, and/or the additional parenting skills required to raise the child. These rates are provided at state option. Other terms used by states include level of care (LOC) increments, difficulty of care rates (DOC), and exceptional rates.
Fair Hearings	An administrative hearing can be requested by parents if they believe they have been treated unfairly by the agency or in an untimely manner. Often, parents take the agency to hearing because the agency reduced the foster care or adoption subsidy rate without due notice or if the parents finalized an adoption of a special needs child without subsidy and believe the child is (and was) eligible.
EPSDT	Early and Periodic Screening, Diagnostic and Treatment Services is a program intended to maintain and enhance the health and development of Medicaid eligible children and adolescents. Basic benefits under EPSDT are screening (e.g., medical history, physical exams, tests) vision, dental and hearing services, and other necessary health care. Title IV-E children are automatically eligible for these services, and non-IV-E adoptees may be Medicaid eligible if the state providing the subsidy elected to cover them in accord with program options in the law. The importance of EPSDT is that if a doctor finds in a screening or test that a child has a specific condition, Medicaid must provide treatment of that condition.
Subsidized Guardianship	Private guardianship involves the transfer of legal responsibility for a state ward from public custody to a private caregiver who becomes the legal guardian of the child. Unlike adoption, guardianship does not require surrender or termination of parental rights. Subsidized guardianship allows the caregiver to receive a monthly payment on behalf of the child, similar to the adoption assistance payments.

Other Adoption and Guardianship Resources Available in Alaska

Each Office of Children's Services Region has a Regional Adoption Specialist (RAS) who monitors and facilitates adoptions through the State of Alaska. The RAS reviews the applications, helps to match children to families, and serves as a great source of information to resource families and social workers. Find out who the RAS is for your region by asking your caseworker or your Core trainer.



The Alaska Adoption Support Center is housed with the Alaska Center for Resource families and provides ongoing support, assessment, referrals and limited case management to pre-adoptive, post-adoptive, and guardianship families. For more information, go to www.acrf.org or contact 1-800-478-7307 for the Family Support Specialist in your area.