

7. Adoption Subsidy

- a. Adoption Subsidy Statute citation
- b. Sample Adoption Subsidy Agreement
- c. District of Columbia Subsidy Profile from the North American Council on Adoptable Children's website (last updated January 2013)
- d. 2011 CFSA Adoption Subsidy Policy
- e. 2011 Amended Adoption and Guardianship Subsidy Policy
- f. Adoption and Guardianship Subsidy Temporary Amendment Act 2010
- g. Negotiating Title IV-E Adoption Subsidy Agreements (NACAC)
- h. Fair Hearings & Adoption Assistance Appeals (NACAC)
- i. Post Adoption Contract Statute citation
- j. CLC Post Adoption Contact Agreement Fact Sheet
- k. Other Post-Adoption Information: Birth Certificates, Tax Benefits, Scholarship Information for DC Residents
- l. D.C. Department of Health Guidelines for Obtaining a Birth Certificate
- m. Post-adoption Social Security Information

Please see DC Code §§ 4-301 (Adoption
Subsidy Payments)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency



Re: Application for an Adoption Subsidy for [REDACTED]

Dear [REDACTED]

Child and Family Services Agency (CFSA) has reviewed your application for an Adoption Subsidy on behalf of [REDACTED] and has made a subsidy determination on behalf of the child. The Adoption Subsidy Agreement (Agreement) for your child will include a maintenance payment, Medical Assistance (Medicaid card) and Post Permanency Services. For a child who is residing in or moving to another state after adoption, the child's Medical Assistance (Medicaid card) will be transferred to the new state of residence.

Please read this Agreement in its entirety before signing. As a potential adoptive parent, you have a right to consult with your attorney before signing this Agreement. This Agreement must be submitted to CFSA and receive final agency approval before finalization of the adoption to comply with federal Title IV-E requirements.

The Agreement clearly spells out the benefits to be provided for your child, and identifies the provisions affecting those benefits. It will also specify the circumstances under which the benefits may be changed in the future, and whether such changes require a new Agreement and Agency approval. Please be advised that adoptive parents may request a review of the subsidy agreement. The request must be in writing, summarizing the reason(s) with any supporting documentation attached. Additionally, please find included, information regarding the Adoption Tax Credit (information available at <http://www.irs.gov/taxtopics/tc607.html>). Further information regarding the Adoption Tax Credit can also be found on the North American Council on Adoptable Children (NACAC) website @ <http://www.nacac.org/postadopt/taxcredit.html>.

Included in your packet are three copies of the Agreement for your review and signature (please return each of the three copies). Once the Agreement is signed and returned by you, and the agency official has given final approval to the Agreement, this will constitute a contract between the adoptive parent(s) and the CFSA subject to the laws of the District of Columbia and the regulations of CFSA. You will be given a copy of the final signed Agreement upon finalization of the Adoption.

If you have any questions or concerns, please contact Chianti Proctor, Subsidy Social Worker at (202) 727-7368 or Patricia Johnson, Supervisory Social Worker at (202) 727-5424.

Sincerely,

Subsidy Social Worker

Cc: [REDACTED]

Patricia Johnson, Supervisory Social Worker

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency



ADOPTION SUBSIDY AGREEMENT

I, [REDACTED] (Parent), enter into this Adoption Subsidy Agreement (Agreement) with the District of Columbia Child and Family Services Agency (CFSA).

1. The payments made pursuant to this Agreement are to support financially the care of [REDACTED] (child), a **female** born on [REDACTED] who is committed to CFSA and who the Parent (s) are planning to adopt.
2. This Agreement is the sole and complete statement of the funds and services that the Parents shall receive from an adoption subsidy related to the child.
3. This Agreement is effective only upon the receipt of a final order of adoption from the Family Court of the District of Columbia, Superior Court.
4. If a final order of adoption is not received from the Family Court of the District of Columbia, Superior Court within one (1) year of the date that this Agreement is signed, this Agreement is null and void.
5. This Agreement is subject to the requirements of District and federal laws, statutes and regulations, including, but not limited to, D.C. Official Code § 4-301.
6. This Agreement shall remain in full force and effect regardless of the Parent's state of residence.

Statement of Need

7. The Parent cannot adopt the child without an adoption subsidy. The Parent cannot afford to adopt the child without a maintenance subsidy, as she feels she cannot meet her needs otherwise.

Eligibility

8. The Parent is eligible to receive an adoption subsidy because the child has special needs that make her difficult to place for adoption because she:

- ____X____ a. Is of an age or has an ethnic or racial background which presents a barrier to adoption;
- ____ b. Is a member of a sibling group in which the siblings should be placed together;
- ____ c. Has a physical or mental condition as follows:

NOTE: For historical information regarding the child's birth mother the following is noted. According to a [REDACTED] psychological evaluation conducted by [REDACTED] the birth mother of [REDACTED] has a history of substance use, mental health disorders, personality disorders and her level of cognitive functioning was in the deficient range.

9. The following evaluations and/or reports are contained in the child's adoption subsidy file: Psychological evaluation dated [REDACTED] contained in the child's record. Individualized Educational Plan dated [REDACTED] Evaluations and/or medical reports received after the effective date of this Agreement shall be maintained in the adoption subsidy file and may be utilized in future amendment to this Agreement in accordance with ¶ 17 of this Agreement.

10. The Parents shall notify the CFSA Subsidy Unit immediately and in writing if there is a change in the child's circumstances that may affect eligibility as set out in ¶8 of this Agreement.

Subsidy Amount and Services

11. The Parents shall receive the following adoption subsidy amount and services:

- a. *Payment for non-recurring adoption expenses* for a contested adoption, as follows:
- Amount: One time payment, not to exceed two thousand dollars (\$2,000).
 - Use: To pay for attorney's fees, court costs and other expenses associated with the adoption proceeding.
- b. *Direct monthly payments* for the child's maintenance, as follows:
- Amount: **\$31.06 per day. Thirty-one dollars and six cents per day which equals \$962.86 per 31 day (Level 1)**
 - Use: For maintenance costs necessary for the child's care and well-being.
- c. *Social services*, as follows:
- Will be provided under Title XX of the Social Security Act (homemaker services, day care, and protective services) in accordance with the procedures of the District of Columbia or of the State in which the child resides. For social services

provided in the District of Columbia under Title XX but not offered by the child's State of residence, the District of Columbia, Child and Family Services Agency shall remain financially responsible for the provision of the services.

12. CFSA will reimburse the Parents for their payment of a service set forth in ¶11 of this Agreement upon submission of a cancelled check or other proof of payment, and a detailed invoice on the provider's letterhead. Alternatively, CFSA will pay the provider based on submission of a detailed invoice on the provider's letterhead.

13. The Parents are eligible to receive, on behalf of the child, medical benefits provided for under Title XIX of the Social Security Act (Medicaid) as follows:

- a. If the Parents reside in the District of Columbia, the child is eligible to receive Medicaid benefits through the District of Columbia.
- b. If the Parents reside outside of the District of Columbia, and within the United States, the child will receive Medicaid in the state which they reside. The District of Columbia is a member of the Association of Administrators of the Interstate Compact on Adoption and Medical Assistance (ICAMA). Under the provisions of ICAMA, children adopted from one state who reside in a different state are eligible to receive Medicaid through the state in which they reside. CFSA will submit an application for Medicaid benefits on behalf of the child to the state in which the child resides. The coordination of medical services for the child will be the responsibility of the Parents and the Medicaid office in the state of residence.
- c. If the Parents reside outside of the United States, Medicaid is not available.

14. It is understood that educational services, tuition, tutoring or related services will not be included in the subsidy agreement, as these services are to be covered through the public school system. Subsidy does not pay for any therapeutic services (physical, occupational, speech/language, psycho/developmental), which can be obtained through the public school system or Medicaid. Daycare services will not be paid through the adoption subsidy. Payment for transportation services will not be included in the Subsidy Agreement.

15. Upon request, the Parents may also receive post-adoption services, which may include advocacy, support, information and referral and education.

16. Except as provided by ¶ 19 of this Agreement, the child's subsidy shall terminate upon reaching twenty-one (21) years of age.

Review of Agreement

17. This Agreement shall be reviewed: at least annually to determine the need for continuance of the adoption subsidy; when changed conditions arise that indicate that the Parents are no longer financially responsible for the child; or when the Parents submit a

written request for a review setting forth reasons why this Agreement should be changed.

18. This Agreement may be modified or amended by a written addendum, signed by each of the parties, following a review as set forth in ¶17 of this Agreement.

Termination of Agreement

19. This Agreement shall terminate: (1) on the child's twenty-first (21st) birthday; (2) upon the death of both Parents or the death of the child; (3) if the child is no longer receiving support from the Parents; (4) if for a reason other than the child's being twenty-one (21) years of age or older, the Parents are no longer legally responsible for the support of the child; or (5) any other circumstance that would make the Parents ineligible for assistance payments.

20. The Parents shall notify the CFSA Subsidy Unit within two weeks of the occurrence of any of the factors listed in ¶ 17 or 19 of this Agreement.

Appeal

21. As a recipient(s) of an adoption subsidy, if the Parents are aggrieved by a decision of CFSA in connection with the denial, reduction, suspension or termination of the subsidy, the Parents may appeal the decision in accordance with 29 DCMR Chapter 59 or otherwise in accordance with law.

This Agreement represents the entire Agreement between [REDACTED] (Parent) and the District of Columbia Child and Family Services Agency.

The Parents have received a copy of this Agreement.

The latest date of signing below is the date of this Agreement.

[REDACTED]

[REDACTED]
Date

Ritu Atwal, Program Manager
Family Resources Division
Child and Family Services Agency of the District of Columbia

Date



District of Columbia Subsidy Profile



Updated July 2015

State Subsidy Contact Person

Adoption Subsidy

United States

- [State Profiles](#)
- [Fact Sheets](#)
- [Definitions](#)
- [National Summary](#)

Canada

- [Provincial Profiles](#)

News & Resources

FAQs

Patricia Johnson
Child and Family Services Agency
Adoption Resources Program
400 6th St. SW, 3rd floor
Washington, DC 20024
202-727-5424 • fax: 202-727-7236
patricia.johnson2@dc.gov

NACAC Subsidy Representative (parent/volunteer)

Currently, there is no District Volunteer. If you or someone you know would like to volunteer to help families learn more about adoption assistance, please call Josh Kroll at NACAC, 800-470-6665 x15 or e-mail joshk@nacac.org.

What Is Adoption Subsidy?

Parents who are thinking about or are in the process of adopting a child with special needs from foster care should know about adoption assistance (also known as adoption subsidy). Federal (Title IV-E) and state (often called non-IV-E) adoption assistance programs are designed to help parents meet their adopted children's varied, and often costly, needs. Children can qualify for federal adoption assistance or state assistance, depending on the child's history. Adoption subsidy policies and practices are, for the most part, dependent on the state in which the child was in foster care before the adoption.

Below is information related to definitions of special needs, benefits available, and procedures in District of Columbia. Answers to select questions were made available by the Association of Administrators of the Interstate Compact on Adoption and Medical Assistance (AAICAMA) through the Child Welfare Information Gateway (www.childwelfare.gov). Profiles for [other states' subsidy programs](#) are available. If you have additional questions, please contact NACAC at 651-644-3036, 800-470-6665, or adoption.assistance@nacac.org. If you have state-specific questions, please call your State Subsidy Contact Person or the NACAC Subsidy Representative (listed above) for more information.

For more information on Title IV-E eligibility, view our fact sheet [Eligibility and Benefits for Federal Adoption Assistance](#).

Washington, D.C.'s specific medical assistance links:

<http://dchealth.dc.gov/doh/site/default.asp>

District of Columbia Code 4-301

<http://government.westlaw.com/linkedslice/default.asp?SP=DCC-1000>

Click on Title 4, Public Care Systems

Click on Chapter 3, Adoption programs

Click on Subchapter I, General

Click on s4-301, Adoption subsidy payments

Washington, D.C.'s Adoption Subsidy Policy

http://cfssa.dc.gov/sites/default/files/dc/sites/cfssa/publication/attachments/Program%20-%20Adoption%20Subsidy%20%28final%29%20rev%205-3-2011%28H%29_4.pdf

Who is Eligible for Adoption Assistance or Subsidy?

1. How does the District of Columbia define special needs to determine eligibility?

In determining eligibility for adoption assistance, a child with special needs is defined as a child that has at least one of the following needs or circumstances that may be a barrier to placement or adoption without financial assistance:

- a. The child has a chronic medically diagnosed disability that substantially limits one or more major life activities, or requires professional treatment, or assistance in self-care.
- b. The child has been diagnosed by a qualified mental health professional to have a psychiatric condition that impairs the child's mental, intellectual, or social functioning, and for which the child requires professional services.
- c. The child has been determined to be mentally disabled by a qualified medical professional.
- d. The child has been diagnosed by a qualified mental health professional to have a behavioral or emotional disorder characterized by situationally inappropriate behavior that deviates substantially from behavior appropriate to the child's age and interferes significantly with the child's intellectual, social, and personal adjustment.
- e. The child meets all medical or disability requirements of Title XVI of the Social Security Act with respect to eligibility for supplemental security income benefits.
- f. The child is a member of a sibling group, in which the siblings will be adopted together at the same time.
- g. The child is of an age or has an ethnic or racial background that presents a barrier to adoption.
- h. The child has been legally free for adoption for six months or more and an adoptive placement has not been found.

Children must be legally free for adoption to be eligible for adoption assistance.

2. Does the state-only funded adoption assistance program differ in any way from the Title IV-E program?

Children receiving D.C.-funded adoption assistance receive the same benefits as children who receive Title IV-E adoption assistance. However, Medicaid provisions may differ when families move outside the District of

Columbia. To be eligible for D.C.-funded adoption assistance, a child must be a child with special needs as defined above and be in the custody of a public or private child-placing agency.

3. Are children adopted from private agencies in the District of Columbia eligible for adoption assistance?

Children adopted from private agencies in D.C. are eligible for adoption assistance if the child meets all eligibility criteria.

What Supports and Services Are Available?

Monthly Payments

4. What is the maximum basic daily adoption assistance maintenance payment in District of Columbia?

	Age 11 and Under	Age 12 and Over
Normal	\$33.69	\$37.92
Special	\$34.36	\$39.29
Handicapped	\$36.53	\$42.01
Multi-handicapped	\$42.87	\$49.50

The above rates went into effect on January 1, 2015, and are consistent with CFSA foster care rates.

5. Does the District of Columbia provide specialized rates (based on the extraordinary needs of the child or the additional parenting skill needed to raise the child)?

These rates must be established prior to adoption finalization, and are based upon the child’s rate in foster care, which are described below:

Normal Board Rate: The Normal Board Rate is paid for the basic and routine care required by a child who comes from a neglecting or abusing family.

Special Board Rate: The Special Board Rate is paid for a child who has a regular, re-occurring, or ongoing professionally diagnosed special need that requires extraordinary time or expense on the part of a foster parent.

Handicapped Board Rate: The Handicapped Board Rate is paid for a child who needs foster parent intervention because he cannot accomplish normal age-appropriate life processes, (such as eating, bathing, toileting, dressing, walking, or maintaining emotional and/or social control without adult intervention).

Multiple Handicapped Board Rate: The Multiple Handicapped Board Rate is paid for children who require adult intervention in more than one age-appropriate daily living process. The Multiple Handicapped Rate is reserved for the most severely disabled children.

6. When do adoption assistance payments begin?

Adoption assistance payments and benefits begin at adoption finalization.

7. When a child turns 18, which benefits, if any, continue?

For children whose adoptions finalized on or after May 7, 2010, adoption assistance is available for the child until 21 years of age. For adoptions finalized before May 7, 2010, if circumstances warrant an extension, adoption assistance can continue for an appropriate period of time, up to the child's 21st birthday. The adoptive parent must remain legally and financially responsible for the child.

8. Does the District of Columbia offer deferred adoption assistance agreements (agreements where initial monthly maintenance amount is \$0 for children at risk of developing special needs later)?

Yes, Washington, D.C. offers deferred adoption assistance. Deferred agreements are available to children who are at high risk of developing a special need but do not otherwise qualify as special needs. "High risk" means that a child does not currently exhibit a special need but, due to factors in their biological, social, or familial background, are at risk of developing a special need in the future.

Medical Care

9. What Medicaid services are available in District of Columbia?

The program covers the following services to eligible recipients when furnished by eligible providers:

- Inpatient hospital
- Outpatient hospital
- Hospital emergency room
- Laboratory and x-Ray
- Skilled nursing facility
- Intermediate care facility
- Physician
- Optometrist
- Doctors of osteopathy
- Medical transportation
- Dental
- Medical equipment, supplies, prosthetics, orthosis, and appliances
- Early and Periodic Screening, Diagnosis and Treatment (EPSDT)
- Pharmacy
- Podiatrist
- Optician
- Home health agency care
- Personal care
- Health maintenance organizations
- Out-of district services

For more information, visit <http://www.dchealth.dc.gov/doh>.

10. What medical benefits are available for D.C.-funded children? (Children who have federally funded/Title IV-E adoption assistance are automatically eligible for Medicaid benefits.)

Children who are eligible for D.C.-funded adoption assistance are eligible for Medicaid benefits from the District of Columbia. However, coverage for specific medical services may be limited.

11. What mental health services are available?

Public mental health services for children in the District of Columbia are administered by the Department of Health, Medical Assistance Administration and may include mental health, physician, clinic, inpatient or outpatient hospital care, residential treatment, and pharmacy or prescription drugs. Generally, the District does not pay for therapeutic services. Contact Information: <http://dchealth.dc.gov/doh> or 202-698-2000.

In addition, the Post Permanency Family Center (see [question 16](#)) offers short-term counseling focused on adjustment difficulties, grief and loss, abandonment, identity development, and family identity formation. For more information, call 202-526-4802.

Not all services may be available in all cases. Parents should contact their adoption assistance worker or post-adoption services contact for information regarding process, eligibility, availability, and duration of services.

Other Benefits

12. In the District of Columbia, what nonrecurring adoption expenses directly related to the finalization of an adoption may be reimbursed?

Parents may be reimbursed, up to \$2,000 per child, for nonrecurring adoption expenses. Nonrecurring expenses can include attorney's fees directly related to the finalization of the adoption, court costs, travel costs for placement, and other costs reasonably related to the placement. Families should submit their receipts for these nonrecurring adoption expenses after adoption finalization. International adoptees, children in private agency custody, and private adoption adoptees are not eligible for the program.

13. Is child care available? If yes, who is eligible and how do families access child care?

Child care assistance is not a service available through the adoption assistance program.

14. Is respite care available? If yes, who is eligible and how do families' accesses respite care?

Respite care assistance is available to children qualified for the Handicapped or Multi-handicapped level of adoption assistance payment. Determinations are made on a case-by-case basis. A special services agreement would be included in the adoption assistance agreement.

15. Is residential treatment available? If yes, who is eligible and how do families access residential treatment services?

Residential treatment costs are not covered by the adoption assistance program; however, the District has access to more than 20 residential treatment providers who accept D.C. Medicaid. To access residential treatment for D.C. residents, the family may contact the D.C. adoption subsidy unit, and provide a doctor's recommendation for residential treatment. The family should first look for a facility that accepts Medicaid or private insurance. The Medicaid Residential Placement Unit must review the child's case for medical suitability.

On a limited, case-by-case basis, D.C. may pay for unique treatment needs that can only be treated at certain specialized non-Medicaid facilities.

Most families who live outside the District will have their home state's Medicaid program available to them. Families must follow the Medicaid procedures in their state of residence. The family must also explore local funding through their state of residence, such as from a community services board.

16. What other post-adoption services are available in District of Columbia and how do families find out more about them?

Post-adoption services in Washington, D.C. are offered through Post Permanency Family Center (PPFC), Child and Family Services Agency (CFSA) Post Permanency Services Unit, and the adoption assistance program.

The PPFC can help D.C. families find supportive community resources in such areas as mental health, parenting, emergency services, public health, academic support, and adoption assistance.

Post-adoption services may include:

- Information and referral
- Short-term individual, family and group counseling
- Support groups for adults, teens and children
- Crisis intervention services 24 hours a day/7 days a week
- Parent trainings and workshops
- Resource library
- Case management and advocacy
- Professional training

For more information, contact PPFC at 202-526-4802. The PPFC's crisis hotline at 202-526-4802 is available 7 days a week, 24 hours a day.

The CFSA Post Permanency Services Unit connects adoptive and guardianship parents with post-permanency services. Families can access CFSA Post Permanency Services by calling Mary Hembry at 202-727-4817.

Not all services may be available in all cases. Parents should contact their adoption assistance worker or post adoption services contact for information regarding process, eligibility, availability, and duration of services.

17. If the assistance listed above in questions 13 to 16 are for specific services, must these services be explicitly identified in the adoption assistance agreement?

Yes. A special services clause must be included in the adoption assistance agreement identifying any specific services being provided for the child.

What Should Families Know About Applying for Subsidy?

18. Who initiates the adoption assistance agreement?

Your subsidy social worker will initiate the adoption assistance agreement.

19. Who makes the final determination on an adoption assistance agreement?

In accordance with state regulations and CFSA policy, the subsidy social

worker, subsidy supervisor, and program manager (in certain cases) make the final determination.

20. How do families request adoption assistance after finalization of an adoption?

In limited circumstances, a child adopted without adoption assistance may be eligible for assistance after finalization. For review, families should submit a request in writing to the adoption assistance program. The family must provide medical documentation (such as psychological, psychiatric or medical evaluations) that establishes that the child's special needs existed, but were not known, before the adoption, and that the special needs would have made the child eligible for adoption assistance. Adoption assistance program staff will assist those interested in applying for adoption assistance post finalization.

To initiate the process, should contact the Adoption Subsidy Unit at 202-727-5424 or submit a written request to:

Child and Family Services Agency
Adoption and Guardianship Subsidy Unit
Attn: Patricia Johnson
400 6th St., SW
Washington, DC 20024

How Can a Family Adjust an Adoption Assistance Agreement?

21. Can adoptive parents ask to change an adoption assistance agreement?

Adoptive parents who have an adoption assistance agreement can request a change in the agreement any time there is a change in the child's condition that was part of the special needs determination or an at-risk designation at the time of adoption. Parents must send a written request specifying the reason for change to the adoption assistance unit. Requests for modification of the adoption assistance agreement are reviewed within 30 days of receipt by CFSA.

With the change request, parents will need to submit a copy of a current evaluation administered either by a physician (M.D.), a psychiatrist (M.D.), or a psychologist (Ph.D.). The following elements must be in the evaluation:

The child's evaluation must include the child's diagnosis/diagnoses as categorized by DSM-IV format. The evaluation should describe the child's current behavioral or health management needs with a history and description of the special needs that the parent must address. Doctors should be specific about the child's need, describing behaviors, frequency and severity of the problems, intervention requirements, testing, results, diagnosis/diagnoses, date of diagnosis, treatment recommendations and prognosis. This evaluation must be no older than one year old. If conditions are unchanged or stable from the time of adoption, CFSA will not approve a request for an increase.

Parents must submit the request and documentation to:

Child and Family Services Agency
Adoption Subsidy Unit
400 6th Street, SW
Washington, DC 20024

Each year, CFSA reviews adoption assistance agreements for continued need. Adoptive families must verify the child's residence by providing a copy of the child's school registration and provide proof of medical coverage for the child.

22. What steps does a family go through to appeal an adoption assistance decision in the District of Columbia?

An adoptive parent can appeal CFSA's denial, reduction, or termination of their adoption assistance benefits through the Office of Fair Hearings and Appeals. With each decision, CFSA sends Notice of Action and a Fair Hearing request form to parents instructing them on how to formally request a hearing. Parents must submit the fair hearing request form or a written request for fair hearing by mail.

Hearing requests must be received within 30 days from receipt of the Notice of Action. The parent may request a hearing with an examiner or choose to have the case mediated by an impartial third party. A trained mediator will work to bring the parties together to help resolve disputes quickly and to the satisfaction of both CFSA and parents. The Office of Fair Hearings and Appeals must submit a notification of the hearing within 45 days of receiving the family's request for a hearing.

To initiate the process or request a hearing, parents should contact the Office of Fair Hearing at 202-724-7100 or submit a hearing request form to:

Tamara Rutland, Fair Hearings Coordinator
Child and Family Services Agency
Office of Fair Hearings and Appeals
955 L'Enfant Plaza – North Building, S.W.
Suite P101
Washington, DC 20024
Fax (202) 727-5619

Before seeking a formal fair hearing, the adoptive parent may request an administrative program review, which will be conducted by CFSA program staff.

What Else do Families Need to Know?

23. How is the adoption assistance program operated and funded in the District of Columbia?

The program is city-supervised/city-administered, which means both policy and eligibility decisions are made by personnel at the city level. The federal contribution to Title IV-E-eligible children (known as the Federal Financial Participation or FFP rate) is 70% in D.C. The remaining cost of the program is funded entirely with D.C. government funds.

24. Does District of Columbia operate a subsidized guardianship program?

In 2002, D.C. started a guardianship assistance program for kinship

caregivers, which has since been expanded to include non-kinship caregivers. Permanent guardianship enables children to retain ties to their families of origin and community through placement with kin and non-kinship caregivers.

An applicant may be eligible to receive a permanent guardianship subsidy until the child reaches the age of 21 when all of the following criteria are met:

1. The court has awarded the applicant permanent guardianship over a child.
2. The applicant must be licensed in the state where they reside.
3. All of the following criteria are met at the time of the application and continue to be met until the court awards permanent guardianship:
 - a. The court has adjudicated the child to be a neglected child;
 - b. Following the disposition hearing, the court placed the child in CFSA's legal custody;
 - c. The child has been determined to meet one or more of the following special needs criteria:
 - i. Difficult to place for adoption because of age, race, ethnic background, physical or mental condition
 - ii. The child is a member of a sibling group that should be placed together
 - iii. The child in all likelihood would go without another permanent placement except for her or his acceptance as a member of the permanent guardian's family.
 - d. CFSA has determined that the child's best interest is not met by the permanency plan of either reunification or adoption.
 - e. CFSA has determined that the permanency plan of legal guardianship with the applicant is in the child's best interest.
 - f. The applicant is qualified in every other way but has a current and ongoing financial need for a permanent guardianship subsidy

25. Does the District of Columbia offer a tuition waiver program?

No.

26. Does the District of Columbia offer a local adoption tax credit?

No.

27. Does the District of Columbia have any program to support an adoptee whose adoptive parents die until the child is adopted again?

When his or her adoptive parent(s) dies, a child shall remain eligible for adoption assistance if the child received title IV-E Adoption Assistance and if the child continues to meet special needs criteria. CFSA's Post Permanency Unit shall help the child's new custodian/caretaker to identify alternative financial resources for which the child may be eligible (i.e. SSI, survivor benefits, TANF, Medicaid, etc.). The child's new caretaker may receive payments from CFSA for the child's care for three months to help stabilize the household.

Caretakers who are residents of the District of Columbia, they may continue receiving adoption assistance payments beyond the three-month period as long as the caretaker files a petition to adopt the child. The caretaker must file an adoption petition within six months after assuming care for the child.

28. What else differentiates the District of Columbia's adoption assistance program from others around the country?

On May 7, 2010, the District of Columbia passed the Adoption Reform Amendment Act (ARA) of 2010. The law extends a child or youth's eligibility for an adoption or guardianship subsidy until he or she turns 21 years of age. The law also expanded guardianship to include non-relatives. The law only extends subsidies until 21 years of age for adoptions and guardianships that finalized after May 7, 2010

North American Council on Adoptable Children (NACAC)

970 Raymond Avenue, Suite 106


St. Paul, MN 55114

phone: 651-644-3036

fax: 651-644-9848

e-mail: info@nacac.org

[Feedback](#)

POLICY TITLE: Adoption Subsidy		PAGE 1 OF 9
CHAPTER: Subsidy		
	CHILD AND FAMILY SERVICES AGENCY  Approved by: _____ Signature of Agency Director	PROFESSIONAL STANDARDS
EFFECTIVE DATE:	LATEST REVISION: May 2, 2011	REVIEW BY LEGAL COUNSEL: May 3, 2011

I. AUTHORITY	The Director of Child and Family Services Agency adopts this policy to be consistent with the Agency's mission and applicable federal and District of Columbia laws, rules and regulations, including the D.C. Official Code § 4-301 and the modified final order and implementation plan in LaShawn A. v. Fenty.
II. APPLICABILITY	This policy applies to all Agency employees and contracted personnel.
III. RATIONALE	The purpose of this policy is to identify the circumstances and process for receiving an Adoption Subsidy. The Adoption Subsidy program provides financial assistance to make adoption possible for children with special needs that might otherwise remain in long-term foster care. Through the provision of Adoption Subsidy, more children can be provided with permanent adoptive homes and the security, love, and nurturing of a family. The District may be eligible for federal Adoption Incentive funds if it meets the adoptions-related benchmarks outlined in Section 473A(b) of the Social Security Act.
IV. POLICY	It is the policy of the Child and Family Services Agency to provide an adoption subsidy to individuals that adopt children with special needs that are involved in the District's Child Welfare System. The Adoption Subsidy Program provides financial support subsidy and/or medical subsidy to encourage the placement of special needs children with adoptive families. Support Subsidy assists with the payment of expenses related to caring for and raising the child. Medical Subsidy assists with the costs of necessary treatment for a physical, mental, or emotional condition which existed, or the cause of which existed prior to the adoption. Upon the finalization of the adoption process, the adoptive parent will receive a monthly Adoption Subsidy. The monthly Adoption Subsidy will be based upon current CFSA foster care rates consistent with the special needs of the child. If the child has or is eligible for income from other sources (i.e. social security benefits) the subsidy amount may be reduced. The Adoption Subsidy is intended to supplement the adoptive family's financial resources by serving as an additional resource to help integrate the child into their family and meet that child's special needs. Medical provisions will be provided through the Medicaid program in the adoptive parent's state of residence.

V. CONTENTS	A. Eligibility Criteria B. Application Process C. Notice to Subsidy Unit of Final Decree D. Termination of Adoption Subsidy E. Subsidy Review F. Transferability of Adoption Subsidy G. Appeals
VI. ATTACHMENTS	A. Application for Subsidized Adoption B. Adoption Subsidy Referral C. Required Documents Checklist D. Cover Letter for Adoption Subsidy Agreement E. Adoption Subsidy Agreement F. Adoption Subsidy Annual Review G. Request for a Fair Hearing H. Notice of Administrator's Subsidy Review
VII. PROCEDURES	<p>Procedure A: Eligibility Criteria</p> <p>1. In order for a child to qualify for an adoption subsidy, the following criteria shall be met:</p> <ul style="list-style-type: none"> a. The Agency has determined that the child cannot or should not be returned to the home of his/her parents and the child is legally free for adoption (e.g. TPR, relinquishment of parental rights); and b. A specific factor or condition exists which precludes the child from being placed for adoption without financial assistance; and c. Efforts have been made to place the child without providing adoption subsidy (i.e. registration on an Adoption Exchange, Wednesday's Child, or other recruitment efforts). In the case of the foster child who has established significant emotional ties with his/her pre-adoptive parent or is being adopted by a relative, CFSA may certify the foster child as eligible for a subsidy without searching for families willing to adopt the child without a subsidy. <p>2. The child is eligible for subsidy when the child is determined to have special needs based on one or more of the following conditions:</p> <ul style="list-style-type: none"> a. The child has a chronic medically diagnosed disability that substantially limits one or more major life activities, or requires professional treatment, or assistance in self-care; or b. The child has been diagnosed by a qualified mental health professional to have a psychiatric condition which impairs the child's mental, intellectual, or social functioning, and for which the child requires professional services; or c. The child has been determined to be mentally disabled by a qualified medical professional; or d. The child has been diagnosed by a qualified mental health professional to have a behavioral or emotional disorder characterized by situationally inappropriate behavior which deviates substantially from behavior appropriate to the child's age and interferes significantly with the child's intellectual, social, and personal adjustment; or

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	<p>e. The child meets all medical or disability requirements of Title XVI of the Social Security Act with respect to eligibility for supplemental security income benefits; or</p> <p>f. The child is a member of a sibling group, in which the siblings should be placed together and the adoptions must be finalized at the same time; or</p> <p>g. The child is of an age or has an ethnic or racial background which presents a barrier to adoption; or</p> <p>h. The child has been legally free for adoption for six (6) months or more and an adoptive placement has not been found.</p> <p><i>Note: There is no income eligibility requirement or means test for determining eligibility for adoption subsidy.</i></p> <p><i>Note: Non-citizens adopted outside the United States or those brought into the United States from abroad for the purposes of being adopted are not IV-E eligible and are not eligible for adoption subsidy.</i></p>
	<p>Procedure B: Application Process</p> <p>Any person(s) who wishes to receive an adoption subsidy must apply with the CFSA. CFSA shall assist those interested in applying and the below application process shall be followed:</p> <ol style="list-style-type: none"> 1. The ongoing social worker shall determine that the eligibility criteria have been met prior to making a referral to the adoption subsidy program. 2. If the child and prospective adoptive parent(s) meet the Eligibility Criteria found under <i>Procedure A</i> the ongoing social worker shall complete and submit the packet to the subsidy unit supervisor within 15 calendar days from the time the Adoption Petition is filed. This process shall consist of the following steps: <ol style="list-style-type: none"> a. Review the adoption subsidy program with the prospective adoptive parent(s) and provide all applicable forms; b. Assist the prospective adoptive parent(s) with completing the "Application for Subsidized Adoption" (Attachment A) and other applicable forms; c. Review the "Application for Subsidized Adoption" once completed by the prospective adoptive parent(s); d. Complete the "Adoption Subsidy Referral"(Attachment B); and e. Submit the packet to the appropriate supervisor for review, approval and signature of the "Adoption Subsidy Referral". 3. The adoption subsidy referral packet shall consist of the following: <ol style="list-style-type: none"> a. Completed "Application for Subsidized Adoption" (Attachment A); b. Completed "Adoption Subsidy Referral" (Attachment B); c. Adoption Petition; d. Current Commitment Order from the Court;

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	<ul style="list-style-type: none"> e. Copy of the child's social security card; f. Copy of the child's birth certificate; and g. Medical documentation (if level II or above is being requested.) <ol style="list-style-type: none"> 4. The ongoing social worker shall also submit the following documentation necessary to complete the application process: <ul style="list-style-type: none"> a. Adoption Report and Recommendation Part I; and b. Documentation legally freeing the child for adoption (i.e. TPR, death certificate, waiver, consent, relinquishment or appropriate court order). 5. The subsidy unit supervisor shall log in the packet upon receipt. 6. Within three (3) business days from the date the packet is logged in, the subsidy supervisor shall review the packet and determine whether it is complete. <ul style="list-style-type: none"> a. If the packet is incomplete, the subsidy supervisor shall return it to the referring supervisor, within one (1) business day of the determination, along with the "Required Documents Checklist" (Attachment C) identifying the missing or incomplete information or form. b. If the packet is complete, a subsidy worker shall be assigned within one (1) business day of the determination date. 7. If the subsidy worker determines that the applicant meets the eligibility criteria listed in <i>Procedure A</i> above, the subsidy worker shall prepare the "Subsidized Adoption Agreement" (Attachment D) and submit the Agreement for supervisory review. The Agreement shall be submitted to the subsidy supervisor within 30 calendar days from the date the case is assigned to the subsidy worker. <i>Note: The subsidy worker shall send a copy of all correspondence with the applicant to the ongoing social worker and supervisor.</i> 8. The subsidy supervisor shall immediately review the Subsidy Agreement for approval and return the Agreement to the subsidy worker. 9. The subsidy worker shall call to notify the applicant of the Agency's decision to accept or deny the subsidy request within three (3) business days from the completion date of the supervisory review. <ul style="list-style-type: none"> a. If the subsidy is not approved, the subsidy worker shall send a Notice of Action (Attachment E) to the applicant to inform the applicant of the agency's decision. b. If the Subsidy Agreement is approved, the subsidy worker shall send the Notice of Action, with information regarding the federal tax credit under section 23 of the Internal Revenue Code of 1986, and the Subsidy Agreement to the applicant for review and signature. c. The prospective adoptive parent shall accept or decline the subsidy decision and return the Agreement to the Agency within 30 calendar days. d. If the applicant disagrees with the Notice of Action, the applicant may appeal the decision through a written request for a fair hearing. See
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	<p><i>Procedure G below.</i></p> <ol style="list-style-type: none"> 10. Once the Subsidy Agreement is signed by the applicant and returned to the Agency, it shall be approved by the program manager within three (3) business days of receipt and immediately returned to the subsidy worker. 11. The subsidy worker shall send a copy of the Agreement to the ongoing social worker within one (1) business day. 12. The ongoing social worker shall incorporate the Subsidy Agreement into the final report and recommendation to the Director for review and approval. 13. Upon the Director's approval of the Subsidy Agreement, the ongoing worker shall submit the signed Subsidy Agreement to the court.
	<p>Procedure C: Notice to Subsidy Unit of Final Decree</p> <ol style="list-style-type: none"> 1. The ongoing social worker shall notify the Subsidy Unit of the Court's decision to finalize the adoption. 2. The ongoing social worker shall send a copy of the Final Decree of Adoption to the Subsidy Unit within five (5) business days of receipt.
	<p>Procedure D: Termination of Adoption Subsidy</p> <ol style="list-style-type: none"> 1. An Adoption Subsidy Agreement shall be terminated under the following circumstances: <ol style="list-style-type: none"> a. Upon the earlier of the child's: <ol style="list-style-type: none"> i. 21st birthday; ii. Residence outside of the adoptive parent's home, unless the adoptive parent can demonstrate that she/he retains financial responsibility for the child and substantial financial support for the child; iii. Marriage; iv. Death; v. Enlistment in the military; or b. If the adoptive parent is no longer the adoptive parent for the child, or c. If the adoptive parent is deceased, or d. By the terms of the Agreement. <p><i>Note: substantial financial support under this section may include but is not limited to payments for family therapy or other medical/clinical services, tuition, clothing, maintenance of special equipment in the home, or services for the child's special need.</i></p> 2. The adoptive parent shall notify the Subsidy Unit within two (2) weeks of the occurrence of any of the factors listed in <i>Procedure D(1)(a) and (b)</i> above, or any change of address.

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Procedure E: Subsidy Review

1. The Subsidy Unit shall complete a review of an adoption subsidy once each calendar year.
2. The Subsidy Unit shall also complete a review of the subsidy whenever CFSA has information that the factors listed in *Procedure D(1)(a)-(d)* above may apply; or upon the request of the adoptive parent(s).
Note: The Agency shall begin the review no later than 30 days from the receipt of the request.
3. The review shall determine the following:
 - a. Whether the child continues to meet the eligibility criteria identified in *Procedure A* above;
 - b. Whether any of the factors listed in *Procedure D* (Termination of Adoption Subsidy), above, apply; and
 - c. Whether there are any other factors that may necessitate a change in the adoption subsidy.*Note: A review will not automatically qualify the applicant for a higher rate.*
4. For the annual review, the subsidy worker shall send by regular mail the "Adoption Subsidy Annual Review" and a letter outlining the review process to the adoptive parent(s) (Attachment F) at least 60 calendar days prior to the annual review date. The letter shall also contain the contact information of the assigned subsidy worker.
5. The subsidy worker shall send a second letter, by certified and regular mail, at least 30 calendar days prior to the review date if the adoptive parent(s) has not responded to the initial request for completion of the review form.
6. If the adoptive parent(s) submits a completed "Adoption Subsidy Annual Review" within 90 days after the review date, the Subsidy Unit shall complete the subsidy review. If the subsidy is continued, the subsidy supervisor shall authorize payments from the date on which the subsidy terminated or 90 days, whichever is shorter.
7. The adoptive parent(s) may request an interim review of the adoption subsidy when there is a change in the child's circumstances that would warrant a review.
 - a. The adoptive parent(s) shall submit in writing a request for interim review of Adoption Subsidy Agreement to the Subsidy Unit;
 - b. The subsidy worker shall conduct the review no later than 30 days after the written request is received by the Subsidy Unit.
 - c. The annual review date shall be changed to one (1) year from the date of the approval or denial of the interim review request.

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	<ol style="list-style-type: none"> 8. An adjustment in the amount of the adoption subsidy made as a result of an interim review conducted may be made retroactive to the date the written request was received by the Subsidy Unit. 9. If the adoptive parent(s) requests a change in the adoption subsidy, the subsidy worker shall notify the adoptive parent(s) in writing, by certified mail, of the continuation, denial, reduction/increase, or termination of the adoption subsidy and explain the reason(s) for the decision and the fair hearing procedures, when applicable. (See the Fair Hearing Policy.) 10. If the adoptive parent(s) submits a completed "Adoption Subsidy Annual Review" within 90 days after the review date, the Subsidy Unit shall complete the subsidy review. If the subsidy is continued, the subsidy supervisor shall authorize retroactive payments from the date on which the subsidy terminated or 90 days, whichever is shorter. 11. The subsidy worker shall notify the adoptive parent(s) in writing, by certified mail, of the continuation, denial, reduction/increase, or termination of the adoption subsidy and explain the reason(s) for the decision and the fair hearing procedures, when applicable. (See the Fair Hearing Policy.)
	<p>Procedure F: Transferability of Adoption Subsidy</p> <p>When an adoption dissolves or an adoptive parent(s) dies, the child shall remain eligible for an adoption subsidy if the child received title IV-E Adoption Assistance and if the child remains a special needs child.</p> <ol style="list-style-type: none"> 1. When there is an adoption dissolution, the Subsidy Unit and the Post Permanency Unit shall assist the child's new custodian/caretaker with identifying alternative financial resources for which the child may be eligible (i.e. SSI, survivor benefits, TANF, Medicaid, etc.). 2. The child's new caretaker shall receive payments for the child's care for three (3) months in order to help stabilize the household. 3. Upon dissolution of an adoption, the subsequent petition must be filed within six (6) months. The child's caretaker may continue receiving subsidy payments beyond the three (3) month period if the caretaker files a petition to adopt the child. 4. If the child is placed with a State agency that assumes the responsibility for his/her placement and care, the placing State shall determine whether the child meets the definition of special needs, and pay the subsidy in a subsequent adoption. 5. However, if a public child welfare agency is not involved in the subsequent adoptive placement of a child, the public child welfare agency in the subsequent adoptive parents' State of residence shall determine whether the child meets the definition of special needs, enter into the adoption assistance agreement, and pay the subsidy. <p><i>Note: The State of the child's initial adoption or the State that pays the title IV-E adoption assistance in the child's initial adoption is irrelevant in a subsequent adoption.</i></p>

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Procedure G: Appeals

1. An adoptive parent aggrieved by a decision of the Agency in connection with the denial, reduction, suspension, or termination of the adoption subsidy, including a failure to act on a request for review as outlined in *Procedure D* may appeal the decision through a written request for a fair hearing. (Attachment G)

Note: The subsidy worker shall send written notice to the adoptive parent through a Notice of Action within ten (10) business days before the subsidy modification. The subsidy worker shall provide immediate notice to an adoptive parent whose subsidy is denied, reduced, suspended or terminated on an emergency basis. The Notice of Action shall inform the adoptive parent of the right to appeal and shall include the Request for [Fair Hearing Form](#) (Attachment G).

2. An adoptive parent shall have 30 days from the date of the notice of action denying, reducing, suspending or terminating the adoption subsidy to request a fair hearing. The letter must be sent to CFSA Fair Hearings Office at the address indicated on the Request for a [Fair Hearing Form](#).
3. The Fair Hearing Coordinator (FHC) shall schedule the hearing in coordination with the Office of General Counsel (OGC). The Hearing shall take place within 45 calendar days of the receipt of the appellant's request.
4. The FHC shall send written notice to the appellant informing the appellant of the date, time and place of the fair hearing. The notice shall be provided within ten (10) business days of the receipt of the request for a fair hearing and at least ten (10) business days in advance of the fair hearing.
5. The FHC shall notify the subsidy program administrator of each request for a fair hearing involving an adoption subsidy within 48 hours or two (2) business days of receipt of the request.
6. The subsidy program administrator shall review each request for a fair hearing and other relevant case documentation.
7. Program Administrator's Review (PAR): The subsidy program administrator shall coordinate with the appellant to schedule an informal review within 15 calendar days of receipt of the fair hearing request.
 - a. The appellant shall be advised by the subsidy program administrator that the informal review is optional and does not delay or replace the fair hearing process.
 - b. The appellant shall be notified of the informal review and strongly encouraged to attend.
 - c. The subsidy worker and subsidy supervisor shall attend the informal review unless otherwise determined by the subsidy program administrator.

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	<p>d. The subsidy program administrator shall notify the appellant, FHC and OGC in writing of the results of the informal review within five (5) business days of the informal review. (Attachment H)</p> <p>e. If the dispute is resolved at the PAR, the FHC shall cancel the fair hearing and notify the Hearing Examiner and all parties.</p> <p>8. If the appellant elects not to participate in a PAR, or attends the PAR and is not satisfied with the administrator's decision, then the appellant shall proceed to the scheduled fair hearing. (See the Fair Hearing Policy.)</p>
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ATTACHMENT A

Government of the District of Columbia
Child & Family Services Agency
Application for Subsidized Adoption



A. IDENTIFYING INFORMATION ON PROSPECTIVE ADOPTIVE PARENTS:

Adoptive Parent: _____
Last First Middle

Social Security Number: _____ Date of Birth _____ Place of Birth _____

Address: _____
Street Address City State ZIP

Home Phone: (____) _____ Work Phone: (____) _____

Fax number: (____) _____ Cell phone: (____) _____ e-mail: _____

Name of Employer: _____

Address of Employer: _____

Occupation: _____ Retired? _____ Disabled? _____

Adoptive Parent: _____
Last First Middle

Social Security Number: _____ Date of Birth _____ Place of Birth _____

Address: _____
Street Address City State ZIP

Home Phone: (____) _____ Work Phone: (____) _____

Fax number: (____) _____ Cell phone: (____) _____ e-mail: _____

Name of Employer: _____

Address of Employer: _____

Occupation: _____ Retired? _____ Disabled? _____

Other Members of Household (Use additional Page if necessary)

<u>Full Name</u>	<u>D.O.B.</u>	<u>Relationship</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. CHILD(REN) TO BE ADOPTED

<u>Name</u>	<u>D.O.B.</u>	<u>Child's relationship to applicant</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

C. RESOURCES

ADOPTIVE PARENT ADOPTIVE PARENT

Annual Salary \$ _____ \$ _____

Other Income (specify) \$ _____ \$ _____

(e.g., disability, workmen's comp, retirement, interest, earned income credit etc. Do not include any current foster care payments which you receive.)

Total Combined Annual Income \$ _____

	Adoptive Parent	Adoptive Parent	Joint Account
Savings Account	\$ _____	\$ _____	\$ _____
Checking Account	\$ _____	\$ _____	\$ _____
Money Market, etc.	\$ _____	\$ _____	\$ _____

D. INSURANCE COVERAGE

Does applicant have Life Insurance? () yes () no

If yes, indicate Persons Covered: _____

Name of Insurance Company: _____

Amount of Coverage: \$ _____

Does applicant have Health Insurance? () yes () no

Name of Insurance Company: _____

Type of Coverage: () Self only () Self and Spouse () Self and Family

Child(ren) being placed in adoption will _____ will not _____ be covered by the applicant's health insurance upon receipt of the adoption decree. Has applicant contacted their health insurance and benefits office to verify terms of coverage and eligibility? () yes () no

E. MONTHLY FAMILY EXPENDITURES

Mortgage Payment	\$ _____	Food	\$ _____
Rent	\$ _____	Clothing	\$ _____
Utilities	\$ _____	School Expenses	\$ _____
Gas	\$ _____	Recreation	\$ _____
Oil	\$ _____	Medical Expenses	\$ _____
Electric	\$ _____	(Not covered by insurance)	
Water	\$ _____	Car Payment	\$ _____
Telephone	\$ _____	Transportation	\$ _____
Cell Phone	\$ _____	Church	\$ _____
Cable	\$ _____	Union dues	\$ _____
Internet	\$ _____	Retirement	\$ _____
		Pets	\$ _____
		Publications	\$ _____
Insurance:		Other Expenses (specify)	
Health	\$ _____	_____	\$ _____
Life	\$ _____	_____	\$ _____
Car	\$ _____	_____	\$ _____
Other	\$ _____	_____	\$ _____
Sub-total	\$ _____	-	
Total Monthly Expenditures	\$ _____		
Total Annual Expenditures	\$ _____		

Adoptive Parent's Signature Date

Adoptive Parent's Signature Date

RETURN TO:

Name: _____

Title: _____

Address: _____

ATTACHMENT B

Government of the District of Columbia Child & Family Services Agency Adoption Subsidy Referral



Section I: Information on Adoptive Parents

Adoptive Parent(s) Name: _____

Adoptive Parent's Current Address: _____

Street Address State ZIP

Home Phone: (____) _____ Work Phone: (____) _____

Please provide the following information on the adoptive parent(s): _____

1. Adopt Parent Social Security Nos. Parent: ____ - ____ - ____ Parent : ____ - ____ - ____

2. Adopt. Parent(s) DOB: Parent : _____ Parent: _____

3. Provider ID: _____

4. Current Daily Rate: _____(Please specify which child receives which rate)

Were the children originally foster children in the adoptive home? Yes _____ No _____; If not,

What efforts were made to place the child without a subsidy

Were the adoptive parents asked to consider placement without a subsidy? Yes ____ No ____

Section II: Information on Children

Children's Names:	Date of Birth	Client Number	Social Security #	Medicaid Number	Is the child related to the caretaker(How)?
-------------------	---------------	---------------	-------------------	-----------------	---

A. _____

B. _____

C. _____

D. _____

Reason for Referral: (Provide a short diagnostic statement regarding child's history and reason for subsidy; provide additional sheets as necessary). If the subsidy request is due to child's developmental delays, a thorough developmental evaluation is required, include documentation.

Please refer to each child by using the letters above.

- _____ 1. Age 2 and over
- _____ 2. Sibling group being adopted
- _____ 3. Physically, mentally or emotionally handicapped*
- _____ 4. Legally free for six months and not placed

- _____ 5. Foster parent adoption
 _____ 6. Member of a minority (*note: not currently a sole criteria for subsidy eligibility*)
 _____ 7. High risk of development of a physical or mental disease (*note: not a factor under D.C. Law*)
 _____ 8. Other

- **ATTACH SUPPORTING MEDICAL DOCUMENTATION TO INCLUDE DIAGNOSIS, PROGNOSIS AND TREATMENT INDICATED.**

Section II: Title IV-E information

Was the child eligible for Title IV-E foster care benefits? Yes _____ No _____
 If not, why not?
 Is the child a recipient of SSI? Yes _____ No _____
 If the child is severely disabled, has application been made for SSI? Yes _____ No _____
 If not, why not?
 (e.g. no judicial determination within 180 days of removal or no reasonable efforts language)
 Does the child have assets or unearned income greater than \$2,000? Yes _____ No _____
 If yes, are the resources placed in an inaccessible trust? Yes _____ No _____

What is the current foster care rate being paid on behalf of this child(ren): _____
 Indicate the amount of the proposed monthly adoption subsidy grant: _____

Section III: Information regarding legal status of the adoptive child:

a. Has the identity of the birth parents been established?

Mother: Yes _____ No _____ Father: Yes _____ No _____
 Please attach copies of any judicial finding regarding inability to ascertain the parent's identity.

b. Is one of the birth parents deceased?

Mother: Yes _____ No _____ Father: Yes _____ No _____
 if yes, please attach documentation, i.e. death certificate, obituary, etc.

c. Was the child voluntarily relinquished by either or both parent(s)?

Mother: Yes _____ No _____ Father: Yes _____ No _____
 if yes, attach copies of the relinquishment(s)

d. Prior to the relinquishment, had the child been committed to the agency? Yes _____ No _____

e. Prior to relinquishment, was there judicial (court) involvement due to an open neglect case?
 Yes _____ No _____

f. Is there a Court document placing the child in the custody of the agency which is dated within 180 days of the date the voluntary relinquishment was signed? Yes _____ No _____; if yes, indicate the date of the custody document (please attach a copy)

g. Is there a document stating that the mother consents to the adoption? Yes _____ No _____
 Is there a document stating that the father consents to the adoption? Yes _____ No _____
 if yes, please attach copies

h. Are there Court document(s) terminating parental rights of known living birth parent(s)?
 Yes _____ No _____; if yes, please attach copy of the document(s)

Section IV: Court information:

Has Inter-state Compact approval been received (Date)?

Has an adoption petition been filed in this case? (Please attach copy)

_____ What is the

A-number of the case?

When is your next court hearing on this case?

Is this adoption contested or uncontested?

- Please note that developmental and psychological evaluations should be within the last year.
- If you are requesting that the child be deemed special needs due to pre-natal drug exposure, you must submit medical records from birth which show either an admission by the mother of drug use or positive toxicology screens (drug testing).
- If you don't have these, please submit a brief statement regarding maternal drug history, e.g. "X has been in three drug rehab programs, both before and after this child's birth. She is an IV drug user."

*** **IMPORTANT NOTE** **** *** **IMPORTANT NOTE:** ***** **IMPORTANT NOTE:** ****

In order to process this referral, all documents and information required need to be attached and submitted with this referral. Provide the following information on each child:

- Petition to Adopt (**Must** accompany the referral application)
- Assets Statement (Note: this is the first page of the initial adoptions report, where it says that the child has no assets)
- Legal Status on the **Birth Mother** (TPR, Death Certificate, Relinquishment, Consent to Adopt, Waiver of Consent)
- Legal Status on the **Birth Father** (TPR, Death Certificate, Relinquishment, Consent to Adopt, Waiver of Consent)
- Medical Documentation
- Copy of Birth Certificate/ Social Security Card
- IV-E Summary
- Commitment Order
- Final Decree of Adoption (Upon Receipt)

Signature of Referring Worker

Print Name

Date

Signature of Supervisor

Print Name

Date

Agency

Referring Worker's Phone Number

ATTACHMENT C

**Government of the District of Columbia
Child & Family Services Agency
Required Documents Checklist for Adoption Subsidy**



MEMORANDUM

TO: _____, Supervisor

FROM: _____, Subsidy Supervisor

DATE: _____, 20____

This memorandum is to notify you that the Adoption Subsidy packet submitted to the Subsidy Unit by _____ is incomplete. The following required documentation was not submitted or, if submitted, was not complete:

- ☐ Adoption Subsidy Referral _____
- ☐ Application for Adoption Subsidy _____
- ☐ Adoption Petition _____
- ☐ Current Commitment Order _____
- ☐ Birth Certificate _____
- ☐ Social Security Card _____
- ☐ Legal status document for the Birth Mother _____
- ☐ Legal status document for the Birth Father _____
- ☐ Medical/Psychological documentation (if applicable) _____
- ☐ Assets Statement (Part I of Report and Recommendations) _____

We are returning the packet to you. It may be returned to use when it is completed. If you have any questions, I can be reached at 202-_____-_____

cc: _____, Social Worker

ATTACHMENT D
COVER LETTER FOR ADOPTION SUBSIDY AGREEMENT
GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency



Insert date

Insert Name

Insert Address

Insert City, State, zip code

Re: Application for an Adoption Subsidy for Insert child's name:

Dear Insert Name:

Child and Family Services Agency (CFSA) has reviewed your application for an Adoption Subsidy on behalf of child's name, and has made a subsidy determination on behalf of the child. The Adoption Subsidy Agreement (Agreement) for your child will include a maintenance payment, Medical Assistance (Medicaid card) and Post Permanency Services. **(note: include another line about services here if the child is awarded a service in the subsidy – ex. Child is allotted twenty-four (24) respite hours per month).** For a child who is residing in or moving to another state after adoption, the child's Medical Assistance (Medicaid card) will be transferred to the new state of residence.

Please read this Agreement in its entirety before signing. As a potential adoptive parent, you have a right to consult with your attorney before signing this Agreement. This Agreement must be submitted to CFSA and receive final agency approval before finalization of the adoption to comply with federal Title IV-E requirements.

The Agreement clearly spells out the benefits to be provided for your child, and identifies the provisions affecting those benefits. It will also specify the circumstances under which the benefits may be changed in the future, and whether such changes require a new Agreement and Agency approval. Please be advised that adoptive parents may request a review of the subsidy agreement. The request must be in writing, summarizing the reason(s) with any supporting documentation attached. Additionally, please find included, information regarding the Adoption Tax Credit (information available at [http:// www.irs.gov/taxtopics/tc607.html](http://www.irs.gov/taxtopics/tc607.html)). Further information regarding the Adoption Tax Credit can also be found on the North American Council on Adoptable Children (NACAC) website @ <http://www.nacac.org/postadopt/taxcredit.html>.

Included in your packet are three copies of the Agreement for your review and signature (please return each of the three copies). Once the Agreement is signed and returned by you, and the agency official has given final approval to the Agreement, this will constitute a contract between the adoptive parent(s) and the CFSA subject to the laws of the District of Columbia and the regulations of CFSA. You will be given a copy of the final signed Agreement upon finalization of the Adoption.

If you have any questions or concerns, please contact _____, Subsidy Social Worker at (202) _____ or _____, Supervisory Social Worker at (202) ____.

Sincerely,

Subsidy Social Worker

Supervisory Social Worker

CC:

ATTACHMENT E

GOVERNMENT OF THE DISTRICT OF COLUMBIA Child and Family Services Agency



ADOPTION SUBSIDY AGREEMENT

I (we), _____, hereby enter into this Adoption Subsidy Agreement (Agreement) with the District of Columbia Child and Family Services Agency (CFSA).

1. The payments made pursuant to this Agreement are made to financially support the care of _____ ("child"), a ___male/female___ born _____, who is legally committed to CFSA custody and who I (we) are planning to adopt.
2. I (we) understand and agree that this Agreement is the sole and complete statement of the funds and services that I (we) shall receive from an adoption subsidy related to the child.
3. I (we) understand and agree that this Agreement is effective only upon the receipt of an order of adoption from the Family Court of the District of Columbia Superior Court.
4. I (we) understand and agree that if a final order of adoption is not received from the Family Court of the District of Columbia Superior Court within one (1) year of the date this Agreement is signed, this Agreement is null and void.
5. I (we) understand and agree that this Agreement is subject to the requirements of District and federal statute and regulation, including but not limited to DC Official Code, § 4-301.
6. I (we) understand and agree that this Agreement shall remain in full force and effect regardless of my (our) state of residence.
7. I (we) understand and agree that I (we) may review this Agreement with my (our) attorney prior to signing, and that I (we) have had the opportunity to review this Agreement with my (our) attorney.

_____ Initial here if you choose not to have the Adoption Subsidy Agreement reviewed by your attorney.

_____ Initial here if your attorney has reviewed the Adoption Subsidy Agreement.

Statement of Need

8. I (we) cannot adopt the child without an adoption subsidy. I (we) cannot afford to adopt the child without a maintenance subsidy and cannot meet her/his needs otherwise.

Eligibility

9. I (we) are eligible to receive an adoption subsidy because the child has special needs that make her/him difficult to place for adoption because he/she:

_____ is a member of a sibling group.

_____ is over two (2) years of age, and would likely not be placed in a permanent placement.

_____ would be difficult to place for adoption because of her or his racial or ethnic background, or physical or mental disability as follows:

- *Narrative about child if applicable*

10. The following evaluations and/or reports are contained in the child's adoption subsidy file: Evaluations and/or medical reports received after the effective date of this Agreement shall be maintained in the adoption subsidy file and may be utilized in future amendment to this Agreement in accordance with ¶18 of this Agreement.
11. I (we) shall notify the CFSA Subsidy Unit immediately and in writing if there is a change in the child's circumstances that may affect eligibility as set out in ¶9 of this Agreement.

Subsidy Amount and Services

12. I (we) shall receive the following adoption subsidy amount and services:

Payment for Non-Recurring Adoption Expenses for a Contested Adoption

- Amount: One-time payment, not to exceed two thousand dollars (\$2,000).
- Use: To pay for attorney's fees, court costs and other expenses associated with the adoption proceeding.

Direct Monthly Payments for the Child's Maintenance

- Amount: \$ _____/day, which equals \$ _____ per 31 day month.
- Use: For maintenance costs necessary for the child's care and well-being.

Social Services

- To be provided under Title XX of the Social Security Act (homemaker services, day care, and protective services) in accordance with the procedures of the District of Columbia or of the State in which the child resides. For social services provided in the District of Columbia under Title XX but not offered by the child's State of residence, the District of Columbia, Child and Family Services Agency shall remain financially responsible for the provision of the services.
13. I (we) will be reimbursed for the payment of a service set forth in ¶12 of this Agreement upon submission of a cancelled check or other proof of payment, and a detailed invoice on the provider's letterhead. Alternatively, CFSA will pay the provider based on submission of a detailed invoice on the provider's letterhead.

14. I (we) am (are) eligible to receive, on behalf of the child, medical benefits provided for under Title XIX of the Social Security Act (Medicaid) as follows:
- a. If I (we) reside in the District of Columbia, the child is eligible to receive Medicaid benefits through the District of Columbia.
 - b. If I (we) reside outside of the District of Columbia, and within the United States, the child will receive Medicaid in the state which I (we) reside. The District of Columbia is a member of the Association of Administrators of the Interstate Compact on Adoption and Medical Assistance (ICAMA). Under the provisions of ICAMA, children adopted from one state who reside in a different state are eligible to receive Medicaid through the state in which they reside. CFSA will submit an application for Medicaid benefits on behalf of the child to the state in which the child resides. I (we) will be responsible for the coordination of medical services for the child and the Medicaid office in the state of residence.
 - c. If I (we) reside outside of the United States, Medicaid is not available.
15. It is understood that subsidy does not pay for educational services, tuition, tutoring or related services as these are to be covered through the public school system. Subsidy does not pay for any therapeutic services (physical, occupational, speech/language, psycho/developmental), which can be obtained through the public school system or Medicaid. Daycare services will not be paid through the adoption subsidy. Payment for transportation services will not be included in the Subsidy Agreement.
16. Upon request, I (we) may also receive post-adoption services, which may include advocacy, support, information and referral and education.
17. Except as provided by ¶ 20 of this Agreement, the child's subsidy shall terminate upon reaching twenty-one (21) years of age.

Review of Agreement

18. This Agreement shall be reviewed: at least annually to determine the need for continuance of the adoption subsidy; when changed conditions arise that indicate that I (we) are no longer financially responsible for the child; or when I (we) submit a written request for a review setting forth reasons why this Agreement should be changed.
19. This Agreement may be modified or amended by a written addendum, signed by each of the parties, following a review as set forth in ¶18 of this Agreement.

Termination of Agreement

20. I (we) understand that this Agreement shall terminate: (1) upon the earlier of the child's: (a) 21st birthday; (b) residence outside my home, unless I (we) can demonstrate that I (we) retain financial responsibility for the child; (c) marriage; (d) death; or (e) enlistment in the military; (2) I (we) die; (3) if I (we) am (are) no longer the adoptive parent for the child; or (4) by the terms of this Agreement.
21. I (we) shall notify the CFSA Subsidy Unit within two weeks of the occurrence of any of the factors listed in ¶ 18 or 20 of this Agreement.

Appeal

- 22.** As recipients of an adoption subsidy, if I (we) are aggrieved by a decision of CFSA in connection with the denial, reduction, suspension or termination of the subsidy, I (we) may appeal the decision in accordance with 29 DCMR Chapter 59 or otherwise in accordance with law.

This Agreement represents the entire Agreement between _____
(prospective adoptive parents) and the District of Columbia's Child and Family Services Agency.

I (we) have received a copy of this Agreement.

The latest date of signing below is the date of this Agreement.

Prospective Adoptive Parent

Date

ATTACHMENT F

GOVERNMENT OF THE DISTRICT OF COLUMBIA Child and Family Services Agency



ADOPTION SUBSIDY ANNUAL REVIEW

Directions

The Child and Family Services Agency will conduct a review of an adoption subsidy award **Annually**.

As the first step in the review, this form must be completed and signed by the recipient(s) of an adoption subsidy.

The requested information must be provided concerning each recipient and the child.

The information provided may be used as a basis for a decision to continue, increase, reduce or discontinue the subsidy.

Please return the completed form to CFSA as soon as possible, but no later than

_____.

I. **Adoptive Parent (s) - Provide the following information concerning each adoptive parent**

Parent (1)

1. Full name: _____
Last First Middle

a. Date of Birth: _____ b. Social Security Number: _____

Parent (2)

2. Full name: _____
Last First Middle

a. Date of Birth: _____ b. Social Security Number: _____

c. Address: _____
Street Apt.# City State Zip Code

4. Home Phone: _____

5. Work Phone: Parent (1) _____ Parent (2) _____

6. Cell Phone: Parent (1) _____ Parent (2) _____

7. E-mail address Parent (1) _____ Parent (2) _____

II. Child - Provide the following information concerning the child.

1. Full name: _____
Last First Middle

Date of Birth: _____

2. Is the child residing outside adoptive parent's home _____ Yes _____ No

If yes: Child's address: _____

Does the adoptive parent retain financial responsibility for the child _____ Yes _____ No

3. Is the child attending a residential school: _____ Yes _____ No

4. Is the child married: _____ Yes _____ No

***** Please attach a copy of marriage license *****

5. Has the child died: _____ Yes _____ No

***** Please attach a copy of death certificate *****

6. Has the child enlisted in the military? _____ Yes _____ No

If yes, date of enlistment and service _____

7. Is the child in the legal custody of another individual or Agency? _____ Yes _____ No

If Yes: Please specify: _____

Child's Address: _____

Street

Apt.#

City

State

Zip Code

8. Do you have access to medical coverage: _____ Yes _____ No

Name of treating physician: _____

Address: _____

Phone number: _____

***** Attach the annual medical evaluation from the child's physician/or provide a copy of the medical card(s).**

III. School - Provide the following information concerning the child's school:

1. Name of School : _____

2. Address: _____

Street

Apt.#

City

State

Zip Code

3. Phone number: _____

4. Child's grade level: _____

***** Please attach a copy of the child's report card.**

IV. Adoption subsidy payments on behalf of _____ are scheduled to end on _____.

The information in this Adoption Subsidy Review is true and correct to the best of my knowledge, information and belief.

Signature

Date

Print name

Signature

Date

Print name

ATTACHMENT G

**CHILD AND FAMILY SERVICES AGENCY
OFFICE OF FAIR HEARINGS AND APPEALS**
400-6th STREET, SW, WASHINGTON, DC 20024
202-724-7064
FAX (202) 727-5619



FAIR HEARING REQUEST FORM

Person Appealing (Applicant)	Daytime Telephone Number
	Email Address
Address	
REASON(S) FOR REQUEST (ATTACH ADDITIONAL, SHEETS IF NECESSARY):	
If not included, CFSA may refuse to consider the request or require re-submission of the statement before it will consider the request.	
Requester's Signature _____ Date of Request _____	
Are the services of an interpreter required? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what type _____	
REPRESENTATIVE AUTHORIZATION I authorize the following person to represent me, the claimant, in this matter.	
Name _____	
Address _____	
Email Address _____	

Claimant's Signature _____

DATES NOT AVAILABLE

I am not available during the following hours or days (When identifying hours/days you will not be available, please keep in mind that the fair hearing will be held within 45 days after the receipt of your request):

Signature of Claimant or Authorized representative

Distribution: Office of Fair Hearings & Appeals; Claimant; Attorney for Claimant; Program Administrator; Office of General Counsel

The Agency provides an opportunity for a Fair Hearing as a mechanism for review of certain CFSA decisions. The Agency's decisions for which a Fair Hearing may be requested are as follows:

- (a) An applicant for, or recipient of, an adoption subsidy under D.C. Code § 4-301, who appeals from a decision by CFSA to deny, reduce or terminate the subsidy;
- (b) An applicant for, or recipient of, a permanent guardianship subsidy under D.C. Official Code § 16-2399 who appeals from a decision by CFSA to deny, reduce or terminate the subsidy;
- (c) A person identified in the Child Protection Register who appeals a finding by CFSA of abuse or neglect (Except in court cases involved in a fact-finding hearing or criminal trial);
- (d) An applicant for a foster home license or a licensed foster parent who appeals from a decision to deny, modify, suspend, convert, revoke or take another action concerning the application or license;
- (e) An applicant for a license to operate a youth residential facility or independent living program, or a person who is licensed to operate a youth residential facility or independent living program who appeals from a decision to deny, modify, suspend, convert, revoke or take another action concerning the application or license; and
- (f) A foster parent, where the foster child has been removed from the home.

YOUR APPEAL RIGHTS

- 1. You have the right to a fair hearing.
- 2. You may be represented by legal counsel or by an individual who is not a lawyer, at your own expense or you may represent yourself. Your representative may not be a District Government or CFSA employee.
- 3. You have the right to be present in all proceedings to present written and oral evidence.
- 4. You have the right to confront and cross-examine witnesses.
- 5. You or your authorized representatives have the right to access and examine records prior to any meeting or hearing.
- 6. You have the right to an interpreter.
- 7. You have the right to an informal meeting. Notification of the proposed date, times and places for an informal meeting shall be provided by CFSA.

INSTRUCTIONS

You may request a fair hearing by doing the following:

1. A written request for a fair hearing which must be received within thirty (30) days of the date of the notice of action or intended action was sent to you (within seven (7) days for an expedited preliminary hearing request). If eligible, a Fair Hearing will be scheduled within forty-five (45) working days.
2. The written request for a fair hearing must include the date and a clear, brief statement of the grievance with factual support if appropriate and an explanation of why the proposed decision by CFSA is incorrect (see attached form). If not included, CFSA may refuse to consider the request or require re-submission of the statement before it will consider the request.
3. The written request is to be sent to the Office of Fair Hearing & Appeals, 400 Sixth Street, SW, Washington, DC 20024. You may hand-deliver the form to 955 L'Enfant Plaza, North Building, Suite P101. You may also fax the form to 202-727-5619.
4. A hearing decision will be rendered within 30 days of the Fair Hearing and will be mailed to all parties.

ATTACHMENT H

GOVERNMENT OF THE DISTRICT OF COLUMBIA Child and Family Services Agency



NOTICE OF ADMINISTRATOR'S SUBSIDY REVIEW

IN REPLY REFER TO:

PHONE NUMBER

NOTICE OF ADMINISTRATOR'S SUBSIDY REVIEW

Insert date

Insert Name

Insert Address

Re: Application for Adoption Subsidy for **NAME OF CHILD (DOB -)**

Dear :

As you requested, I met with you and your attorney on _____ to discuss your issues about the adoption subsidy agreement that you were offered. You had requested (***a higher rate/more respite hours/day care/etc.***) After listening to your concerns about the child's needs, I have

SAMPLE CHOICES, MUST BE TYPED OUT:

- a) ____ concluded that the subsidy agreement should remain unchanged
- b) ____ concluded that we can offer a daily rate of ____
- c) ____ decided to offer the following services in the subsidy:

As you have already filed for a fair hearing and this is one step in that process, you may meet with a representative of our Office of General Counsel for a pre-hearing conference. This conference should be scheduled with that office.

Sincerely,

, LICSW, Administrator

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Child and Family Services Agency



September 26, 2011

Dear Stakeholders:

This letter is in response to recent questions regarding CFSA's "Adoption and Guardianship Subsidy Policy".

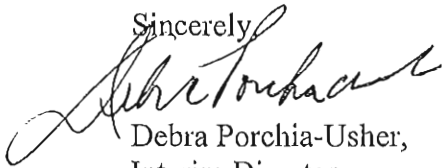
As required by Federal guidelines, CFSA established criteria to determine eligibility for children to receive adoption/guardianship subsidies. These guidelines have been in place for several years with one change made as of FY10 which is explained below. A minimum of one of the established eligibility criteria must be met for each child or youth to receive a subsidy payment. It has come to our attention that the policy is being widely interpreted and questions have arisen about how and who can make subsidy commitments on behalf of CFSA. A copy of the policy is attached, but please also note the following:

- The determination of subsidy eligibility and/or the amount and terms of the subsidy is the responsibility of the CFSA Subsidy Unit.
- The child's social worker should discuss the child's needs and circumstances in advance with the subsidy staff and submit information so that a determination can be made by the subsidy social worker in accordance with timeframes of the finalization.
- Last year, CFSA made a change to the eligibility criteria and policy that reflects the decision to expedite permanency for children and not to use a particular set age as special needs criteria in making a subsidy determination for a child; the previous policy that set the age of two (2) as an eligibility criteria was eliminated. The elimination of this requirement was intended to remove a barrier that lent itself to potential adoptive parents or guardians waiting until age 2 before pursuing permanency. A new age limit will not be established.
- In order to meet the best of interest of children reaching permanency through adoption and guardianship in the District of Columbia, CFSA will consistently apply interpretation of the existing criteria to assure that the needs of children are met. CFSA will consider minority ethnic or racial background as a special needs criterion in the DC area. This category best describes the "special needs" for children in the Washington Metropolitan Region (see attached policy) and is consistent with existing Federal language.

- Adoption and guardianship subsidy benefits will continue to be determined on a case-by-case basis to meet the specific needs of the foster child being adopted, or for whom, guardianship is being granted. If a child does not qualify for an adoption or guardianship subsidy at the time of the adoption or guardianship, a deferred subsidy may be offered if the child has a “high-risk” special need. By definition, a child is categorized as “high-risk” special need when he/she is at risk of developing or manifesting special needs as they age (such as those with a family history of mental illness or exposed to drugs or alcohol in utero). Establishing a deferred subsidy agreement will ensure that an adoptive parent or guardian will have future access to benefits as those needs may arise.

Hopefully this provides sufficient clarification to answer the recent questions and to address any pending concerns. The eligibility criteria from the Adoption and Guardianship policies which discuss how a child qualifies for an adoption or guardianship subsidy is attached. Please direct any questions or comments to Ritu Atwal, Program Manager, at (202) 727-3777/ ritu.atwal@dc.gov or Patricia Johnson, Supervisory Social Worker, at (202) 727-5424/ patricia.rjohnson@dc.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Debra Porchia-Usher", written in a cursive style.

Debra Porchia-Usher,
Interim Director,
Child and Family Services Agency

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency



Adoption Subsidy Policy

Procedure A: Eligibility Criteria

1. In order for a child to qualify for an adoption subsidy, the following criteria shall be met:

- The Agency has determined that the child cannot or should not be returned to the home of his/her parents and the child is legally free for adoption (e.g. TPR, relinquishment of parental rights);
- A specific factor or condition exists which precludes the child from being placed for adoption without financial assistance; and
- A reasonable, but unsuccessful effort has been made to place the child without providing adoption subsidy (i.e. registration on an Adoption Exchange, Wednesday's Child, or other recruitment efforts). In the case of the foster child who has established significant emotional ties with his/her pre-adoptive parent or is being adopted by a relative, CFSA may certify the foster child as eligible for a subsidy without searching for families willing to adopt the child without a subsidy.

2. The child is eligible for subsidy when the child is determined to have special needs based on one or more of the following conditions:

- The child has a chronic medically diagnosed disability that substantially limits one or more major life activities, or requires professional treatment, or assistance in self-care; or
- The child has been diagnosed by a qualified mental health professional to have a psychiatric condition which impairs the child's mental, intellectual, or social functioning, and for which the child requires professional services; or The child has been determined to be mentally retarded by a qualified medical professional; or
- The child has been diagnosed by a qualified mental health professional to have a behavioral or emotional disorder characterized by situationally inappropriate behavior which deviates substantially from behavior appropriate to the child's age and interferes significantly with the child's intellectual, social, and personal adjustment; or the child meets all medical or disability requirements of Title XVI of the Social Security Act with respect to eligibility for supplemental security income benefits; or

- The child is a member of a sibling group, in which the siblings should be placed together and the adoptions must be finalized at the same time; or
- **The child is of an age or has an ethnic or racial background which presents a barrier to adoption; or**
- The child has been legally free for adoption for six (6) months or more and an adoptive placement has not been found.

Guardianship Subsidy Policy

Procedure A: Eligibility Criteria for Guardianship Subsidy

Permanent Guardianship enables children to retain ties to their families of origin and community through placement with kin. When such funding is available, an applicant may be eligible to receive a permanent guardianship subsidy up until the child reaches the age of 21 when all of the following criteria are met:

1. The Court has awarded the applicant permanent guardianship over a child.
2. The applicant must be licensed in the state where they reside.
3. The following criteria are met at the time of the application and were continuously met through the point that the Court awarded permanent guardianship:
 - a. The Court has adjudicated the child to be a neglected child;
 - b. Following the disposition hearing, the Court placed the child in the legal custody of CFSA;
 - c. The child has been determined to meet one of the following special needs criteria:
 - i. Difficult to place for adoption because of age, race, ethnic background, physical or mental condition; or
 - ii. The child is a member of a sibling group which should be placed together; or
 - iii. The child in all likelihood would go without another permanent placement except for her or his acceptance as a member of the permanent guardian's family.
 - d. CFSA has determined that the child's best interest is not met by the permanency plan of either reunification or adoption;
 - e. CFSA has determined that the permanency plan of legal guardianship with the applicant is in the child's best interest; and
 - f. The applicant is qualified in every other way but has a current and potential ongoing financial need for a permanent guardianship subsidy.

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Fall
Supp.

West Group
Publisher

To amend, on a temporary basis, An act to provide for the care of dependent children in the District of Columbia and to create a board of children's guardians to extend the adoption subsidy for a child from 18 years of age to 21 years of age; and to amend Chapter 23 of Title 16 of the District of Columbia Official Code to extend the guardianship subsidy for a child from 18 years of age to 21 years of age, and to clarify that a child who exits foster care to a guardianship or an adoption may not reenter foster care.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Adoption and Guardianship Subsidy Temporary Amendment Act of 2010".

Sec. 2. Section 3(e) of An act to provide for the care of dependent children in the District of Columbia and to create a board of children's guardians, approved July 26, 1892 (27 Stat. 269; D.C. Official Code § 4-301(e)), is amended as follows:

Note,
§ 4-301

(a) Designate the existing text as paragraph (1).

(b) The newly designated paragraph (1) is amended by striking the phrase "Eligibility for payments" and inserting the phrase "Except as provided in paragraph (2) of this subsection, eligibility for payments" in its place.

(c) A new paragraph (2) is added to read as follows:

"(2) For adoptions that are finalized on or after the effective date of the Adoption and Guardianship Subsidy Emergency Amendment Act of 2010, passed on emergency basis on April 20, 2010 (Enrolled version of Bill 18-759), eligibility for payments shall continue until the child reaches 21 years of age."

Sec. 3. Chapter 23 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-2390 is amended to read as follows:

"§ 16-2390. Jurisdiction.

Note,
§ 16-2390

"(a) Subject to subsection (b) of this section, the court shall retain jurisdiction to enforce, modify, or terminate a guardianship order until a child reaches 18 years of age; provided, that the court may retain jurisdiction until the child reaches 21 years of age if the child consents and the court finds it is in the best interest of the child.

"(b) A child who exits foster care to guardianship or adoption may not reenter

ENROLLED ORIGINAL

foster care after age 18.”.

(b) Section 16-2399 is amended as follows:

Note,
§ 16-2399

(1) Subsection (b) is amended as follows:

(A) Paragraph (2) is amended by adding the word “and” at the end.

(B) Paragraph (3) is repealed.

(2) Subsection (d) is amended as follows:

(A) Designate the existing text as paragraph (1).

(B) The newly designated paragraph (1) is amended by striking the phrase “Eligibility for subsidy” and inserting the phrase “Except as provided in paragraph (2) of this subsection, eligibility for subsidy” in its place.

(C) A new paragraph (2) is added to read as follows:

“(2) For guardianships that are finalized on or after the effective date of the Adoption and Guardianship Subsidy Emergency Amendment Act of 2010, passed on emergency basis on April 20, 2010 (Enrolled version of Bill 18-759), eligibility for subsidy payments under this section may continue during the period of the guardianship order until the child reaches 21 years of age.”.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

North American Council on Adoptable Children									
Search Site Map									
About NACAC	How to Adopt	Adoption Subsidy	Parent Groups	Post-Adoption Support	Public Policy	Adoptalk Articles & Publications	Conference & Training	Adoption Tax Credit	Links



Adoption Subsidy

United States

- [State Profiles](#)
- [Fact Sheets](#)
- [Definitions](#)
- [National Summary](#)

Canada

- [Provincial Profiles](#)

News & Resources

FAQs

Negotiating Title IV-E Adoption Subsidy Agreements

The Adoption Assistance Agreement must be written and is a legal document that is binding on all parties. It is entered into by the prospective adoptive parents, the state or local adoption agency, and any other relevant agencies. The agreement must, at a minimum, specify the amount of the adoption assistance payments and any other services or assistance to be provided, and list the date when each benefit or service will begin and end.

The agreement must also include provisions for the protection of the interests of the child in interstate situations. Interstate situations may occur when the child is placed out of state for adoption or when the adoptive family moves from one state to another after the agreement goes into effect. The agreement must expressly stipulate that it will remain in effect regardless of the state of residency of the adoptive parents at any given time.

Below is a checklist of items that should be included in an adoption assistance agreement, as adapted from *Adoption Law and Practice*, "Chapter 9: Adoption Assistance for Children With Special Needs" by Alice Bussiere and Ellen C. Segal, published by Matthew Bender and Company, Inc., (1988).

1. Is the assistance agreement a written document, and does it contain all of the promises made by the agency?
2. Does the agreement spell out all of the responsibilities of the prospective adoptive parents? Are all financial reporting requirements and recertification requirements identified? Are there excessive restrictions placed upon the parents following the adoption?
3. Is the agreement signed by someone with authority to bind the state agency?
4. Are all necessary state agencies included as parties to the agreement?

5. Does the agreement specify the amount of cash assistance, if any, that will be paid to the prospective adoptive parents?
6. Does the agreement specify all of the necessary services to be provided?
7. Does the agreement specify the date when each benefit or service will begin or terminate?
8. Does the agreement specify the conditions under which benefits and services can be increased or decreased? Have the prospective adoptive parents fully considered any clause that restricts or limits their authority to negotiate changes in the future?
9. Does the agreement specify that it will remain in effect until the child is 18 or 21 years old?
10. Does the agreement specify that it will remain in effect if the adoptive family moves out of state? If the parents die?
11. Does the agreement contain other provisions that will protect the interests of the child if the prospective adoptive family moves to another state? For instance, does it provide assurance that the child will continue to receive the same level of benefits and services?
12. Does the agreement provide Medicaid eligibility for the child in the state where the child lives?
13. Does the agreement describe the procedure for requesting a fair hearing?

When Does an Agreement End?

According to Section 473(a)(4) of the Act, a subsidy agreement shall remain in effect, unless one of the following occurs:

- i. the child has attained the age of 18 (or the age of 21 if the State has determined that the child has a mental or physical disability which would warrant continuation of assistance);
- ii. the State determines that the adoptive parents are no longer legally responsible for support of the child; or
- iii. the State determines that the adoptive parents are no longer providing

any support to the child.

A parent is considered no longer legally responsible for the support of a child when parental rights have been terminated or when the child becomes an emancipated minor, marries, or enlists in the military. The Children's Bureau defined "any support" in ACYF-CB-PIQ-98-02 as various forms of financial support. The State may determine that payments for family therapy, tuition, clothing, maintenance of special equipment in the home, or services for the child's special needs, are acceptable forms of financial support. Consequently, the State may continue the Title IV-E adoption subsidy if it determines that the parent is, in fact, providing some form of financial support to the child even in situations where the child is placed in some form of out-of-home care.

What Rates Are Appropriate?

Adoption assistance payments made on behalf of a child cannot exceed the amount the child would have received if s/he had been in a foster family home. Accordingly, a State may negotiate an adoption assistance agreement that automatically allows for adjustments to the adoption assistance payment when there is an increase in the foster care board rate. Alternatively, a State may renegotiate an adoption assistance agreement if the adoptive parents request an increase in payment due to a change in their circumstance and a higher foster care rate would have been paid on behalf of the child if the child had still been in foster care. As an example, a child is adopted and the adoption assistance agreement is negotiated for \$250 a month, the same amount the child had been receiving in foster care. If, two years later, the State's monthly foster care board rate is increased to \$400, the family can request that the adoption assistance agreement be renegotiated and receive up to \$400 for the child, since this is the amount the child would have received each month if s/he had continued to be in foster care.

If a State's foster care payment schedule includes higher level-of-care rates that are paid across-the-board for certain children, the State may pay up to that amount in adoption assistance if that specific child would have received the higher level-of-care rate in foster care. In addition, if a State's foster care payment standard includes across-the-board higher foster care rates for working foster parents to pay for child care, or includes provisions for periodic across-the-board increases for such items as seasonal clothing, the adoption assistance agreement may include the higher rate. However, special allowances that may be made on behalf of an individual child in certain situations in foster care, such as child care or clothing allowances, are not permitted as an allowable additional reimbursement in the adoption assistance

program. Special allowances for individual children that are over and above the State's foster care payment standard cannot be included in the amount negotiated in the adoption assistance agreement since the adoption assistance payment cannot exceed the foster care maintenance payment rate for the child.

(The above information pertaining to rates is taken directly from ACYF-CB-PA-01-01)

Differences between States

There is quite a bit of difference in amounts and policy regarding adoption subsidy levels from state to state. Some states have many tiers of payment rates, some have two. Some have adequate rates, some are low. Some tie the amounts directly to foster care rates, and some do not. Each state is given the freedom to develop its own "rate structure" and to write its own definition of what "special needs" entails.

What states are cannot do is set "additional" requirements for "qualification for subsidy" other than those already described in federal law. In other words, states cannot modify or add to federal eligibility requirements.

As an example, a child may qualify in one state but not in another due to differences in the states' legal definition of what constitutes 'special needs.' This is fine because states can write their own definition. However, no state can say, for example, that in addition to the IV-E requirements, no child shall be eligible for a subsidy unless they also qualify as developmentally delayed (DD). This is not one of the federal requirements so it cannot be a state requirement when it comes to Title IV-E adoption assistance.

Negotiation Considerations

When you sit down to negotiate your child's subsidy agreement, there are two factors that can be considered:

- The needs of the child
- The circumstances of the family

Obviously, the needs of the child pertain to his or her special medical or emotional needs. "Family circumstances" have been defined by the federal Children's Bureau as meaning a family's ability to incorporate a child's needs into the family circumstances. Income, debt, housing, transportation, space, family size, parental occupations, parental health needs, the needs of other

family members, climate, and any number of other factors must all be looked at together. There is no set formula.

The negotiation process looks at the overall needs and circumstance of the family as a starting point for further discussions. In most cases, circumstances will be such that the family must negotiate for maximum subsidy and services, and the agency suggests a lower amount. The task is then to find some middle or acceptable point at which to set the rate. Remember, each case is unique.

How helpful was this fact sheet in answering your question?

- ☐ very helpful
- ☐ somewhat helpful
- ☐ a little helpful
- ☐ not helpful

What is your role?

- ☐ adoptive parent
- ☐ prospective adoptive parent
- ☐ adoption worker
- ☐ child welfare administrator
- ☐ other

Submit Query

If you are in the process of adopting a special needs child and need assistance in negotiating a subsidy agreement with your agency, please contact NACAC's Adoption Subsidy Resource Center at 800-470-6665, 651-644-3036, or e-mail at adoption.assistance@nacac.org. The Center was created by NACAC to help educate parents and professionals throughout the United

States on adoption subsidy issues.

North American Council on Adoptable Children (NACAC)

970 Raymond Avenue, Suite 106

St. Paul, MN 55114

phone: 651-644-3036

fax: 651-644-9848

e-mail: info@nacac.org

[Feedback](#)

North American Council on Adoptable Children									
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Fair Hearings & Adoption Assistance Appeals

What Are Fair Hearings?

An administrative fair hearing (or an adoption assistance appeal) is a process for settling differences between adoption assistance applicants or recipients and the public agency which administers the program. Parents who think that a particular decision is unfair are entitled to request a fair hearing to resolve the dispute. The public agency's responsibility for fair hearings is outlined in 45 CFR Ch. 11 §205.10 (10-1-93 Ed.), which is available from NACAC. Also, request a copy of the state's policy outlining your rights at a hearing.

Policy Announcement (PA) 01-01, issued January 23, 2001, outlines six allegations that constitute grounds for a fair hearing (previously known as extenuating circumstances):

1. Relevant facts regarding child were known by State agency or child-placing agency and not presented to the adoptive parents prior to finalization of the adoption
2. Denial of assistance based upon a means test
3. Adoptive family disagrees with the determination by the State that a child is ineligible for adoption assistance
4. Failure by the State agency to advise potential parents about the availability of adoption assistance for children in the State foster care system
5. Decrease in the amount of adoption assistance without the concurrence of the adoptive parents
6. Denial of a request for a change in payment level due to a change in the adoptive parents circumstances

How Do I Request a Fair Hearing?

After receiving an adverse decision, write a letter to the agency requesting a fair hearing. The written decision from the agency should explain the right of

Adoption Subsidy

United States

- [State Profiles](#)
- [Fact Sheets](#)
- [Definitions](#)
- [National Summary](#)

Canada

- [Provincial Profiles](#)

News & Resources

FAQs

appeal and list the name and address of the person to contact. It should also set an appeal period—frequently thirty days—within which the appeal must be requested. All states differ on the time allowed parents to request a hearing after a denial of services or benefits; they range from 15 to 90 days). Always date and sign the appeal letter, and simply state "I/we request an administrative fair hearing." Be sure to request a copy of your state's fair hearing procedures.

Remember to make a copy of the letter for your files, and mail it promptly—certified, if possible, so you create a "paper trail." Upon receiving the letter, the burden of responsibility to set up the hearing is placed on the agency. The agency must send you a summary of the issues that explains why the decision was made, and cite the law(s) governing the decision. The agency then schedules a hearing date.

Ways to Avoid a Hearing

If possible, do everything possible to avoid going to hearing. For State agencies, the average cost to hold an appeal hearing is \$5,000, so there is a financial incentive to settle the dispute, if possible, without going to hearing. Consider the following:

- If your dispute is at the local or county level, ask for an administrative review by the regional or state office. This allows a state administrator to take a fresh look at the issue(s) and offer a second opinion.
- If you already have a date scheduled, request a pre-hearing conference with the hearing officer and agency representative (often, the lead social worker or state subsidy supervisor and legal counsel for the agency). This allows the hearing officer and all parties to make clear what issues will be discussed at the hearing, and allows everyone to discuss/view all relevant evidence. If the lines of communication have broken down between the family and agency, this may be the only time prior to the hearing to present any new medical documents, for example. In some cases, agency workers request time to review the new documents and ultimately to side with the adoptive family.

If you cannot reach a settlement with the agency, then you're headed to an administrative appeal.

Common Mistakes to Avoid

1. People often rely on verbal information offered by the department receptionist or others about matters such as eligibility. This information may be incorrect, so always ask for the decision in writing – only then can you initiate a fair hearing.
2. Talk to an adoption supervisor at your agency before making a formal appeal. Many misunderstandings can be negotiated to an acceptable solution.
3. Pay close attention to appeal deadlines. If you are late, you lose out.
4. When adopting a special needs child, the agency **must** tell the prospective parents about the child's problems and explain the possibility of receiving adoption assistance. If you were not informed, you may be able to apply for benefits retroactively.

Preparing for a Hearing

Thorough preparation is a must if you want a positive outcome.

Documentation to prove a child's disability can come from licensed professionals (i.e., physicians, teachers and therapists), but can also include information from personal experience. Daily behavior logs or journals are persuasive in administrative hearings. Also, if you speak to a social worker who says "a, b, c" always send a follow-up letter (signed and dated) stating what you heard. This helps to make certain your information is correct and creates a paper trail you can use at the hearing. If the worker says "a, b, c" but you heard "x, y, z," the letter will help to resolve the matter before it escalates.

Read the case file. Check to see if it includes copies of notices to you (such as about the availability of assistance), or if it documents the child's potential for disability. Does it accurately reports contacts and conversations between you and the worker?

Make an outline to follow at the hearing. Clearly state the issue, list the statute or federal policy statements or PIQs (Policy Interpretation Questions) that supports your position (you can get these from NACAC or on-line), the facts you hope to prove, and the evidence that supports the facts. As you present your case, check off each point to ensure you have offered each document, legal citation, and argument.

Some parents seek legal advice before going into a hearing or hire an attorney

to go the hearing. Others ask spouses, friends, or colleague to attend the hearing to provide support. Although a fair hearing is an administrative process, not a court proceeding, the process is often new and a bit intimidating. Feel free to bring anyone with you.

What Happens at the Hearing?

In NACAC's experience, hearings are either very informal—like a business meeting around a large table—or feel quite a bit like a court of law. Some hearings are held over the phone. In these cases the hearing will be audio-taped. The hearing is run by an impartial hearing officer or administrative law judge. Rules of evidence do not apply so most any information can be presented. The agency's representative will be seated along one side of the table, opposite the parents and their representatives and witnesses. The hearing officer sits at the head of the table. He or she begins by explaining the process and then asks questions. Each party can make statements and question the other side. At the end of the hearing the case is taken under advisement and a written decision issued later, usually within two to three months.

If you realize at the hearing you have forgotten to bring essential information, you can ask the judge to keep the record open for a few days to allow time to submit additional information. Finally, if the hearing decision is not in your favor, your state may have an option for another hearing, or if not available, you can appeal the case to court.

Strategies for Success

1. Request an administrative review
2. Request an administrative hearing
3. Request a pre-hearing meeting
4. Document EVERYTHING
5. Obtain official diagnosis from medical professionals—i.e., folks with lots of letters after their names
6. Send documents certified mail
7. Bring someone with you to the hearing
8. Find an advocate or talk with parents who have been through an appeal in your state
9. Create your position statement—tell your story; create a timeline of important dates
10. Create your hearing binder—use tabs A, B, C...—and provide copies to all parties at least 10 days prior to the hearing. Obtain the agency's position statement.

11. Find cases of precedence in your state
12. Use the Internet
13. Write out opening and closing statements
14. Bullet point your argument
15. Support your case using state and federal policy statements
16. Pay attention to deadlines
17. Bring pictures of your kids
18. Request a telephone hearing if needed
19. Ask to leave the record open for 10 days if you forget something at the hearing
20. Get a good night's sleep before the hearing and try to eat something prior to the hearing
21. Bring something to drink or snack on in case the hearing goes longer than expected
22. Don't be afraid to ask someone to explain a term or repeat a question
23. Stay calm but don't hesitate to describe your reactions and feelings about the case and about how it has affected your child and your family

The Hearing Decision

The hearing decision is written after the hearing and will be mailed to you one to three months after the record is closed. The decision may be partly or completely in your favor or may go against you. If you do not get the result you want, give yourself a few days to absorb the bad news. Then contact your advocate and begin work on your appeal, if you choose. Generally, an appeal is a good idea because:

- There is very little work involved—simply writing a rebuttal to the decision and attaching any new evidence or legal research you may have gathered since the hearing
- Many people win on appeal. Generally, the higher up the legal ladder you go, the more carefully the federal law will be scrutinized
- Appeals normally leave the purview of the human services legal department giving a more comprehensive legal eye a chance to review the facts
- Since attorneys are usually optional in this phase, there is nothing to lose by appealing, except time

- Your win in an appeal has the potential to help other parents with a similar problem if you share the decision with NACAC.

Remember, there is a limited amount of time after which you cannot appeal a decision so be clear about your rights and the rules. If you lose on appeal or the State appeals your win, the next step is usually a district court lawsuit. Contact NACAC for information about finding an attorney who is experienced in this type of law.

The Psychology of Advocacy

For many people, advocating in a fair hearing is their first experience of going up against the "system." For some, insisting on fairness in a matter of financial assistance is an uncomfortable experience. They may worry that the State or the hearing officer sees them as greedy or demanding, when in fact they are only trying to help their children.

You may have to remind yourself and the other parties involved that you are your child's advocate and that adoption assistance is an entitlement program and the subsidy is the child's legal entitlement. You are there for and in your child's best interests. Children cannot advocate for themselves within a bureaucracy. It is up to their parents to do this on their behalf.

For more information, please contact NACAC's Adoption Subsidy Resource Center at 800-470-6665, 651-644-3036, or e-mail at adoption.assistance@nacac.org. The Center was created to help educate parents and professionals across the United States on subsidy issues.

NACAC appreciates the assistance of Dr. Rita Laws for collaborating on this fact sheet.

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[Feedback](#)



Please see DC Code §§ 4-361(Post-adoption
contact agreement)



May 2011

Post-Adoption Contact Agreements

A significant piece of legislation passed in 2010 called the Adoption Reform Amendment Act (“ARA”) changed several of the laws around adoption and guardianship.¹ The law includes provisions allowing for judicial enforcement of voluntarily-entered post-adoption contact agreements between adoptive and biological parents.² This CLC Fact Sheet provides a summary of the new law, a copy of which is attached to this Fact Sheet, as is a sample post-adoption contact agreement.

THE LAW:

The ARA establishes judicially-enforceable “post-adoption contact agreements.” ARA § 101. Biological parents, other birth relatives, adoptive parents, and adoptees (if they are 14 or older) can enter into agreements governing “contact” between the child and his or her biological family after the adoption is finalized. ARA § 101(a). For cases involving an adoptee who is a respondent in a child abuse and neglect case, the court finalizing the adoption shall review and approve any agreement based on whether it is in the best interests of the adoptee. ARA § 101(b)(3).

Either the adoptive or biological parent can move the Family Court to enforce a post-adoption contact agreement, and the Court should do so if it finds that enforcement is in the child’s best interests. ARA §§ 101(b) & 101(c)(2). For instance, if an adoptive parent refuses to permit promised contact soon after an adoption is finalized, the birth parent may petition the Family Court to enforce the agreement.

A party may also ask the Court to modify a post-adoption contract agreement and the Court may do so if convinced that such modification is in the child’s best interest. ARA § 101(c)(3). For instance, if an adoptive parent stops permitting contact after some time because the birth parent’s substance abuse problems have worsened and the birth parent seeks to enforce the agreement, the

¹ The law is available at <http://www.dccouncil.us/images/00001/20100624152755.pdf>.

² The ARA also contains other important provisions including: extending adoption and guardianship subsidies until children turn 21 and expanding guardianship subsidies to include non-kin; easing technical requirements for adoption of foster children over 18; and establishing a foster care registry so adults who are or were in foster care can seek out biological family members with whom they have lost contact.

adoptive parent could ask the Court to modify the agreement to make any future contact in the adoptive parent's discretion.

Under no circumstances may any dispute over post-adoption contact lead to rescission of an adoption order or revocation of consent to adoption. ARA § 101(a)(2).

If post-adoption disputes regarding contact agreements arise, the statute states: "the parties shall certify that they have participated, or attempted to participate, in good faith in mediation or other appropriate dispute resolution proceedings to resolve the dispute prior to seeking judicial resolution. The mediator shall be selected by the adoptive parent." ARA § 101(c)(1). This provision does not clarify whether failure to seek mediation will prevent a party from seeking to enforce a post-adoption contact agreement in Family Court, or how adoptive parents should select a mediator.

PRACTICE POINTS:

1. **First and foremost, post-adoption contact agreements are entirely voluntary and must be agreed to by both adoptive and biological parents or other birth relatives.** It is the parties' choice whether or not to enter into one of these agreements. Parties may confer with counsel about the agreement and engage counsel to negotiate the agreement.
2. **Second, the statute does not define what kind of "contact" may be included in post-adoption contact agreements.** Lawyers and parties negotiating such agreements have to define "contact" in each case. It is important to know that a range of actions may amount to "contact" – from annual letters and/or photographs from an undisclosed address to the biological parent to regular in-person visits – and to determine whether to seek specific or general provisions about the "contact" that will occur.
3. **Third, as with adoptions themselves, an adoptee who is 14 years old or older must consent in writing to any post-adoption contact agreement.** ARA § 101(a)(1). This gives children of that age (and their GALs) some influence over the negotiating process.

4. **Fourth, once entered into, and in the cases from the abuse and neglect system approved by the judge in the adoption proceeding, the agreement is enforceable.** Once the agreement is signed and approved, only a judge can change the agreement. Therefore, all parties should be comfortable with the agreement before signing it.

5. **Fifth, this is a very new law and how it will fully work in practice is not known.** Many people, including social workers and lawyers, may not be familiar with the law change and there have likely been very few agreements executed in the context of child abuse and neglect cases thus far.

QUESTIONS ABOUT A CASE?

Call the Children's Law Center Helpline, 202-467-4900, option 3. Our Helpline attorney will be happy to discuss the issue with you after conducting a conflict check.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT – ADOPTION BRANCH

EX PARTE IN THE MATTER OF

The Petition of

For Adoption of Minor
Child

Adoption Case No.:

Adoption Calendar
Judge Juliet McKenna

Post-Adoption Contact Agreement

This Post-Adoption Contact Agreement (“Agreement”) is made and entered into effect pursuant to D.C. Code § 4-303 (2010) (Section 101 of D.C. Law 18-230) as of January 25, 2010 by and

biological great-aunt, biological great-uncle,

preadoptive mother, and
preadoptive father (collectively “the parties”).

RECITALS

Whereas, all of the undersigned parties concur that this Agreement is in the best interest of the children;

Whereas, this Agreement has been negotiated in the context of consultation and review by their respective counsel;

Whereas, all parties to this Agreement acknowledge that they have signed this Agreement voluntarily and that they have consulted their respective attorneys before signing;

Whereas, all parties to this Agreement acknowledge that this Agreement contains the entirety of their understanding and agreement as to the grounds for this post-adoption contact Agreement.

NOW THEREFORE, in consideration of the mutual promises set forth herein, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. [REDACTED] each agree to provide a telephone number and address through which they can communicate.
2. Mr. and Mrs. [REDACTED] agree that Mr. and Mrs. [REDACTED] may visit with [REDACTED] one day a week and one weekend-overnight visit a month.
 - (i) These visit shall take place in the [REDACTED] home at a mutually agreeable date and time.
3. Mr. and Mrs. [REDACTED] agree that [REDACTED] and [REDACTED] may be present at family gatherings or events attended during the visitation periods identified in paragraph 2 of this agreement upon notice to Mr. and Mrs. [REDACTED] and that any interaction between [REDACTED] and her biological parents be supervised by Mr. and Mrs. [REDACTED]

INTEGRATION AND FUTURE MODIFICATION

This Agreement contains the entire understanding between the parties. There are no representations, warranties, covenants, or undertakings other than those expressly set forth in this Agreement. No modification or waiver of any terms of this Agreement by the parties shall be valid unless made in writing and signed by the parties.

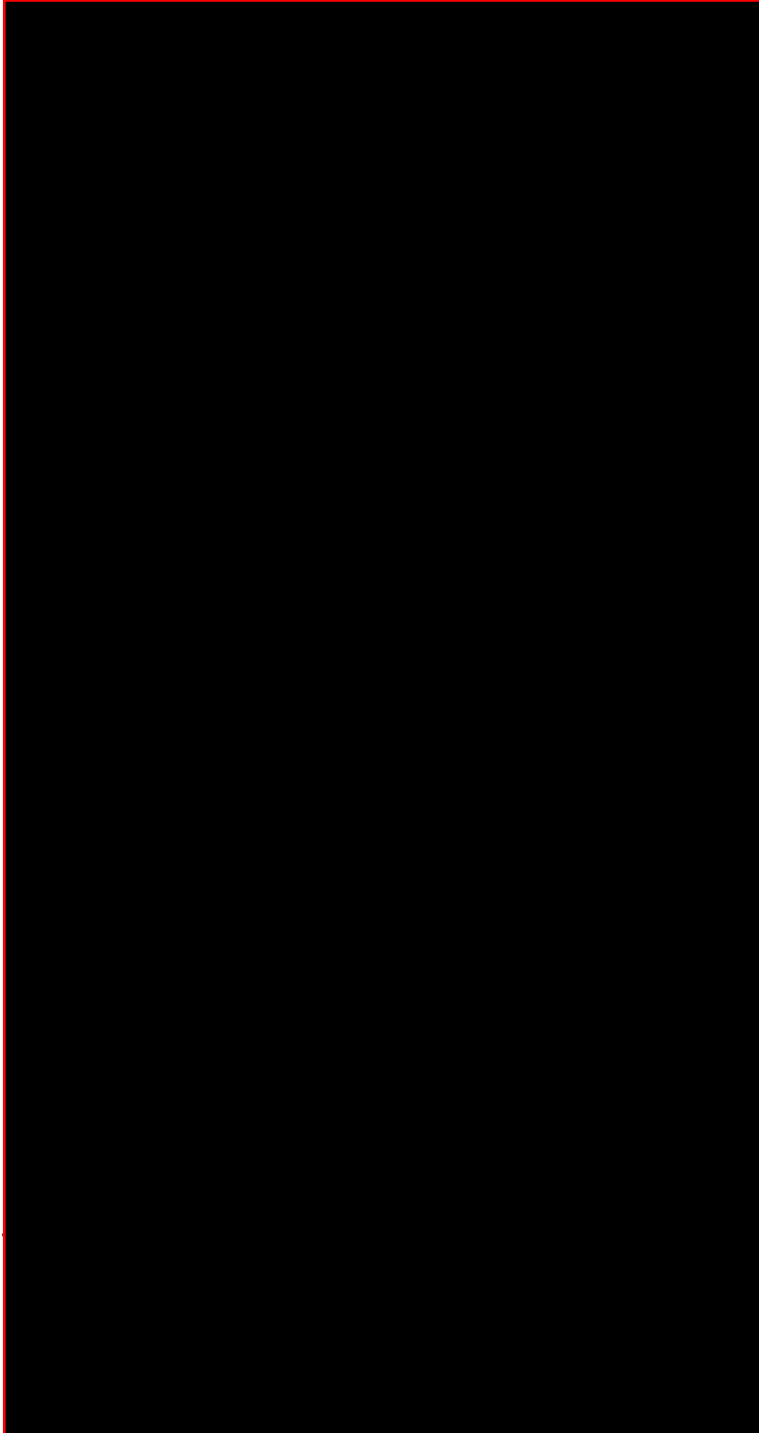
GOOD FAITH

The parties will undertake to resolve any disagreements through good faith discussions and mediation. Only in the event that they fail to reach mutual agreement on a resolution will they seek to invoke the assistance of the Court.

MISCELLANEOUS

- a.) No provision of this Agreement shall be interpreted for or against any party hereto by reason that said party or his or her legal representative drafted all or any part hereof.
- b.) Any headings preceding the text of any of the provisions in this Agreement are inserted solely for convenience of reference and do not constitute a part of the Agreement, nor shall they affect the meaning, construction, or effect of any of the provisions of this Agreement.
- c.) This Agreement shall be executed in duplicate or more copies, and each executed copy shall have the same force and effect as if it were the original copy.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.





BY THE COURT:

Date

The Honorable



Other Post Adoption Information

Obtaining a New Birth Certificate | Tax Benefits | Scholarship Information for DC Residents

Birth Certificates

When is a Birth Certificate Available Post-Adoption?

D.C. Superior Court automatically sends a copy of the Final Decree and Vital Records Form to D.C. Vital Records at the same time the Final Decree is mailed to petitioner's counsel. D.C. Vital Records produces the new birth certificate immediately upon receiving the Final Decree. According to D.C. Vital Records, the new birth certificate will most likely be available about 2-3 weeks after the Final Decree is received by counsel. If the adoptive parent calls D.C. Vital Records or walks-in with the name, date of birth, and adoption case number, D.C. Vital Records may be able to produce the new birth certificate quickly.

Contact Person: Roslyn Johnson (Adoptions Legal Assistant at DC Superior Court), 202-879-1809

How to Obtain a Birth Certificate in the District of Columbia

For a birth or death certificate that occurred in Washington, DC only, contact:

Vital Records Division
899 North Capitol Street, NE, First Floor
Washington, DC 20002
(202) 442-5865

http://app.doh.dc.gov/services/vital_records/index.shtm

The Vital Records walk-in counter is open from 8:30 am-3:30 pm Monday-Friday.
Closed on major holidays.

Persons entitled to purchase a vital record include the legal guardian. **It is highly recommended that the requestor bring a copy of the Final Decree of Adoption and photo ID.**

There is a \$23 fee for birth certificates and a \$28 required processing fee, bringing the total cost to \$51. This fee is likely reimbursable as a non-recurring adoption expense provided for in the Adoption Subsidy Agreement.

The long form is a certified copy of the original birth certificate in its entirety and is the only form of birth certificate available now.

Tax Benefits

Families who adopt a child with special needs from foster care can claim a federal adoption tax credit with qualifying expenses. The adoption tax credit is \$12,650 for tax year 2012 and \$12,970 for 2013. The tax credit was extended by congress and should remain available to adoptive parents. For further information regarding eligibility for this credit contact an accountant or tax attorney in addition to reviewing the links below.

*Please see the North American Council on Adoptable Children for more information:
<http://www.nacac.org/postadopt/taxcredit.html>*

Additionally, the National Foster Parent Association (NFPA) prepares an annual tax guide for foster and adoptive parents and kinship caregivers.

Please visit www.nfpaonline.org/taxinfo for more information.

Scholarship Information for DC Residents

The State Education Office (SEO) provides a variety of resources to help you find financial aid to pursue higher education at a college or university. In addition, the SEO has two grant programs. You may be eligible to receive up to \$10,000 per year for college through the DC Tuition Assistance Grant Program (DCTAG). The Leveraging Education Assistance Partnership Program offers \$1500 for college. The following is some information collected from the SEO website; it does not contain legal advice. If you would like to talk with someone about your specific situation, you should contact the SEO directly.

DC Tuition Assistance Grant Program (DC TAG)

The DC Tuition Assistance Grant is a grant that allows participants to attend any public institution in the nation as if you were a resident of the school's state. Participants pay the low in-state tuition and the grant pays the difference between in-state and out-of-state tuition up to \$10,000 a year. The grant also provides up to \$2,500 per

academic year toward tuition at private colleges in the Washington, DC Metropolitan area, private Historically Black Colleges and Universities (HBCUs) nationwide, and two-year colleges nationwide. There is a lifetime maximum of \$50,000.

For more information and to apply visit: **www.seo.dc.gov**. Go to the “Higher Education” link, then click on the “DC Financial Aid-Higher Education Financial Services (HEFS)” link, then “DC TAG” or call the DC TAG office at **(202) 727-2824**.

DC Leveraging Educational Assistance Partnership Program (DC LEAP)

DCLEAP is a grant that assists eligible District residents who demonstrate financial need. DCLEAP awards up to \$1,500 toward the total cost of attendance at public and private colleges and universities up to \$5,000. DC LEAP grants are awarded on a first come first serve basis, so apply early.

For more information and to apply visit: **www.seo.dc.gov**. Go to the “Higher Education” link, then click on the “DC Financial Aid-Higher Education Financial Services (HEFS)” link, then “DCLEAP” or call the SEO office at **202-724-6436** or contact the DC LEAP office at **441 4th Street, NW, Suite 350 Washington, DC 20001**.

Other Sources for Financial Aid

The SEO website provides contact information to numerous Financial Aid Resources (District, Federal, and Nonprofit). It also contains links to several other organizations and civic groups that provide information on financial aid and scholarships. These organizations include the DC College Access Program, the Education Opportunity Center (EOC), and the Greater Washington College Information Center. Information regarding Scholarship Search Services is also available at **www.seo.dc.gov**.



Vital Records Division

GUIDELINES FOR OBTAINING A BIRTH OR DEATH CERTIFICATE

The Registrar determines eligibility to receive a record on a case-by-case basis and may require additional documentation, therefore, the following are provided as guidelines for obtaining vital records:

APPLICANT	GUIDELINE FOR APPROVAL
Obtaining a copy of one's birth certificate with a valid, unexpired Government-issued picture ID	<ol style="list-style-type: none"> 1. A valid, unexpired government-issued photo identification issued by an appropriate issuing authority alone is typically sufficient to obtain a copy of one's birth certificate (must be original): <ul style="list-style-type: none"> • Valid, unexpired State-issued driver's license • Valid, unexpired United States passport • Valid, unexpired non-driver's identification card; and 2. Other documentation that establishes by a preponderance of evidence of identity may be required (e.g., letter from government or social agencies, recent utility bill, student identification card, signed social security card, court documents) <p>THE REGISTRAR MAY AT ANY TIME REQUEST ADDITIONAL DOCUMENTATION TO SUPPORT THE DETERMINATION OF IDENTITY OR ELIGIBILITY OF THE APPLICANT</p>
Obtaining a copy of one's birth certificate without a valid, unexpired Government-issued picture ID	<p>Three (3) pieces of documentation are recommended to establish a preponderance of evidence of identity, at least one of which should be a photo ID. Examples include (must be original) :</p> <ol style="list-style-type: none"> 1. Valid, unexpired Employment Identification card with photo, accompanied with pay stub or W-2 reflecting applicant's full name 2. School, university, or college identification card with photo, accompanied with a certified copy of report card/transcript from a United States jurisdiction or territory reflecting applicant's full name and date of birth or other proof of current school enrollment 3. Valid Department of Corrections identification card with photo, accompanied by probation documents or discharge papers reflecting full name and date of birth 4. Social Security Card with signature 5. Car registration or title with full name and current address 6. U.S. Selective Service Card 7. Voters Registration Card 8. Federal government Census records 9. Current, filed Federal tax form (reflecting full name, current address and signatures) 10. Most recent utility bill with full name and current address

	<p>11. Court documents with full name and current address</p> <p>THE REGISTRAR MAY AT ANY TIME REQUEST ADDITIONAL DOCUMENTATION TO SUPPORT THE DETERMINATION OF IDENTITY OR ELIGIBILITY OF THE APPLICANT</p>
Obtaining a Child's Birth Certificate	<p>1. Should have a valid, unexpired government-issued photo ID (<i>must be original</i>)</p> <p>2. Documentation that may establish a parental relationship include: original adoption records, original custody order, original parent's birth certificate, medical records, or Federal government Census report</p> <p>THE REGISTRAR MAY AT ANY TIME REQUEST ADDITIONAL DOCUMENTATION TO SUPPORT THE DETERMINATION OF IDENTITY OR ELIGIBILITY OF THE APPLICANT</p>
Obtaining a registrant's Birth Certificate by a guardian	<p>A legal guardian should provide a valid, unexpired government-issued photo ID and one of the following (must be original):</p> <ol style="list-style-type: none"> 1. Legal guardianship documentation 2. Custody or Court Order <p>THE REGISTRAR MAY AT ANY TIME REQUEST ADDITIONAL DOCUMENTATION TO SUPPORT THE DETERMINATION OF IDENTITY OR ELIGIBILITY OF THE APPLICANT</p>
Obtaining a registrant's Birth Certificate by an immediate family member	<ol style="list-style-type: none"> 1. Should have a valid, unexpired government-issued photo ID (<i>must be original</i>); and 2. Provide documentary evidence of the claimed familial relationship. In the case of adoption should provide birth record showing the adoption. <p>THE REGISTRAR MAY AT ANY TIME REQUEST ADDITIONAL DOCUMENTATION TO SUPPORT THE DETERMINATION OF IDENTITY OR ELIGIBILITY OF THE APPLICANT</p>
Obtaining a Birth or Death Certificate by Legal Counsel	<ol style="list-style-type: none"> 1. Requests should be typed on Company's Letterhead or be included in a signed representation letter (which may be a court order directing an attorney to represent someone) 2. Valid, unexpired Government- issued picture ID (<i>must be original</i>) <p>THE REGISTRAR MAY AT ANY TIME REQUEST ADDITIONAL DOCUMENTATION TO SUPPORT THE DETERMINATION OF IDENTITY OR ELIGIBILITY OF THE APPLICANT</p>
Obtaining a Birth Certificate by a Social Worker	<ol style="list-style-type: none"> 1. Social Worker should have a valid, unexpired Government-issued photo ID (<i>must be original</i>); and 2. Should have a letter of authorization signed by the parent or legal guardian or a court order; or 3. Should present a Letter on Company's Letter Head explaining the reason for the request and signed by a supervisor. <p>THE REGISTRAR MAY AT ANY TIME REQUEST ADDITIONAL DOCUMENTATION TO SUPPORT THE DETERMINATION OF IDENTITY OR ELIGIBILITY OF THE APPLICANT</p>
Obtaining a Death Certificate	<p>Persons that may request a death certificate include:</p> <ol style="list-style-type: none"> a. Parent b. Child

	<ul style="list-style-type: none"> c. Sibling d. Informant named on death certificate e. Spouse if married at the time f. Personal representative or Executor g. Funeral Directors <p>THE REGISTRAR MAY AT ANY TIME REQUEST ADDITIONAL DOCUMENTATION TO SUPPORT THE DETERMINATION OF IDENTITY OR ELIGIBILITY OF THE APPLICANT</p>
Obtaining a Birth Certificate 100 + years after Birth	Public record and no approval is needed
Obtaining a Death Certificate 50 + years after Death	Public record and no approval is needed

Social Security Numbers: Changes for an adopted child¹

How do I update my child's social security information post-adoption?

A child's social security information can be changed to reflect any name changes and to include the adoptive parents. A printable application and more information is available at <http://socialsecurity.gov/ssnumber/>. Note the application requires official documentation (usually the child's new birth certificate, the final adoption decree or court order approving name change, and the parent's driver's license or passport).

The application and documents can be mailed or brought in person to your local social security office. Once processed, the corrected social security information and card are mailed to your address.

What documents do I need?

Generally, acceptable documents are those that show both the child's original name and new name, like the adoption decree or a court order approving the name change. You will also need proof of the parents' identities. Please view the printable application for specific information: <http://socialsecurity.gov/ssnumber/>

Documents must be either originals or certified copies. Notarized documents or photocopies are not accepted.

Will the new card include a new Social Security Number (SSN) for the child?

No. After the process is complete, the child will retain the same SSN.

What if the child's birth parents continue to use the child's SSN to file for taxes?

If you think someone is using the child's SSN fraudulently, you can file a complaint with the Federal Trade Commission:

- www.idtheft.gov
- 1-877-438-4338
- 1-866-653-4261 (TTY)

Or the IRS Identity Protection Specialized Unit:

- 1-800-908-4490

You will then be required to fill out an Identity Theft Affidavit (Form 14039) and provide proof of your and the child's identities.

There are also IRS specialists available to help you file your tax return properly and secure you a refund (if applicable due to the fraud).

¹ Information taken from <http://socialsecurityinfo.areavoices.com/2013/09/05/ssn-changes-for-an-adopted-child/>, <http://socialsecurity.gov/pubs/EN-05-10023.pdf#nameddest=adoptiveparents>, and <http://www.consumer.ftc.gov/articles/0008-tax-related-identity-theft#dealing>