

Model Adoption Assistance Policies

Below we outline some ideal adoption assistance policies that will best support children and families. Advocates can use these suggestions as a goal when working toward the best adoption assistance program in their community. Of course, while it is not always possible to achieve the ideal, advocates can certainly make significant improvements that improve children’s lives.

Eligibility and Benefits

Definition of special needs	<p>Define special needs qualifications as broadly as possible to provide assistance to the highest number of children who are having difficulties being adopted</p> <p>Sample language to cover all children is: “All children in the custody of the Department of Social Services are considered to have special needs.” If achieving coverage for all children is not possible, the following specific additions to special needs definitions will ensure that more children are covered:</p> <ul style="list-style-type: none"> • “is a child being adopted by adoptive parents who have previously adopted, another child born of the same mother and/or father” • “is a child who has lived for at least a year with a foster parent who is going to adopt and cannot adopt without support” • “has had a previous adoption disruption or multiple placements” • “is a child with a demonstrated need for intensive adult supervision beyond ordinary age needs”
Rates	<p>Set basic and specialized adoption assistance rates equal to family foster care rates and ensure that all rates are adequate to remove financial disincentives to special needs adoption and to meet the child’s needs.</p> <p>Provide children who received specialized rates in family foster care with similar adoption assistance rates since the needs of the child do not change with adoption.</p>
Health insurance coverage	<p>Provide Medicaid (or similar state health coverage) equally to federally and state-eligible children. Currently in several states, children who are not Title IV-E eligible do not necessarily receive Medicaid or other health coverage. All adopted children who meet their state’s definition of special needs should receive health insurance coverage, regardless of the funding stream for their adoption assistance payments.</p> <p>Ensure that health care coverage is transferrable when a child is adopted in another state or the adoptive family moves from one state to another. States should provide the same coverage to children adopted from the state to adopted children living in the state.</p>
Other supportive services	<p>Make the following special services available, as needed, to adopted children with special needs:</p> <ul style="list-style-type: none"> • respite care programs, with a certain number of days of care covered per year • child care • residential treatment services when needed; when children or youth receiving adoption assistance payments need out-of-home care, the cost of care to the family should not exceed the adoption assistance payment

Deferred agreements	<p>Use deferred adoption assistance agreements combined with a “high-risk” special needs definition to ensure future access to necessary adoption assistance benefits for foster children at risk of developing or manifesting special needs as they age (such as those at high risk for mental illness or exposed to drugs or alcohol in utero, for example).</p> <p>Include Medicaid and an adoption assistance payment of zero in a deferred agreement. If the child develops special needs in the future, the family can document the needs and the agency can easily modify the agreement to meet the child’s needs.</p>
Eliminate means testing	<p>Eliminate a financial means test (use of parents’ income to limit eligibility or benefits) to determine a child’s or youth’s eligibility for adoption assistance benefits or the level of those benefits. Means tests cannot be used for federally funded adoption assistance, but states can—and some do—use a means test for state-funded children.</p>
Extend assistance beyond age 18	<p>State clearly that adoption assistance agreements will remain in force at least until a youth is 18. For youth with mental, physical, or behavioral special needs or other special circumstances (including continued support by the adoptive parents), adoption assistance should be extended until the youth is 21.</p>

Administration

Promote the program	<p>Promote the adoption assistance program as required by federal law and get the word out to foster parents, relatives, prospective adoptive parents, and the general public</p>
Allow for changes	<p>Provide different adoption assistance benefits when a child’s needs change. Make the fair hearing (appeal) process more user-friendly.</p>
Publicize rates	<p>Publish the complete foster care rate structure, including all family foster care rates and group care and institutional payments; also publicize adoption assistance rates</p>
Negotiation	<p>Notify all prospective adoptive families of the benefits for which their child would be eligible. Be diligent and effective at providing parents with full information and equal status to ensure fairness in the negotiating process, thereby maximizing the opportunity for placement success. Negotiations should not be seen as a process to either minimize or maximize benefits, but rather a process by which the parties determine what the child or youth needs to function successfully in the adoptive family.</p>
Train staff	<p>Routinely offer training on adoption assistance policies for all public agency adoption workers and supervisors, and invite private agency personnel to attend.</p>