



Department of
Job and Family Services

To strengthen Ohio's families with solutions to temporary challenges

Adoption Subsidies Guide



Office of Families and Children

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Message to Prospective Adoptive Parents

Adoption subsidies help make permanent homes possible for children with special needs. This booklet describes assistance programs available in Ohio, the eligibility criteria for each program, and information about the application process. During the adoption process, an agency assessor can give you more details about each program and help you to determine whether the child you are adopting is eligible.

As you read this booklet, keep in mind what a wonderful thing it is for a family to have a child and, more importantly, what a wonderful thing it is for a child to have a family. Best of luck on your adoption adventure. We hope this information is helpful to you.

About Adoption Subsidies

In the past, children with special needs often were considered unadoptable and remained in foster care for long periods of time. The Adoption Assistance and Child Welfare Act of 1980 attempted to give children with special needs a fair chance at being adopted. This federal law began providing subsidies and medical assistance to families to encourage adoption of children who have the hardest time finding permanent homes: children often described as having special needs.

There are two categories of adoption subsidies: Title IV-E Adoption Assistance and State Adoption Subsidy programs. In Ohio, these programs are administered through the county public children services agencies (PCSAs), children services boards or county departments of job and family services. The Title IV-E and State Adoption Subsidy programs both aim to support and maintain special needs adoptive placements. Their eligibility requirements, however, are very different.

Title IV-E Adoption Assistance Programs

Title IV-E Adoption Assistance programs were established to provide financial support to encourage the adoption of eligible children with special needs. The concept of “special needs” can seem confusing. In general, it describes circumstances that prevent or delay a child from being placed into an adoptive home. Federal law states that when deciding whether a child has special needs, a state must make several determinations. This includes determining whether a specific factor or condition exists that would prevent the child from being placed with the adoptive parents if not for the adoption assistance.

Please contact your local PCSA to see if the child you seek to adopt has a specific factor or condition that may be considered a special need.

Title IV-E Adoption Assistance

Title IV-E Adoption Assistance provides financial assistance to families based on the child’s special needs at the time of the adoptive placement. The benefits may include a monthly payment and/or a Medicaid card.

What are the eligibility requirements for a child to qualify for Title IV-E Adoption Assistance?

In order for a child to be eligible for Title IV-E Adoption Assistance, the child must meet the definition of special needs and one of several other strict criteria, each of which has varying requirements. Factors considered include such things as the age of the child and length of time the child spent in foster care. Your PCSA or private child placing agency (PCPA) can provide more information.

Are children adopted internationally eligible for Title IV-E Adoption Assistance?

No. The program is available only to U.S. adoptions of children who already are American citizens.

Are children adopted through private agencies eligible for Title IV-E Adoption Assistance?

Yes. Children adopted through private adoption agencies must meet the same eligibility requirements as children adopted through PCSAs.

Are children adopted through an independent adoption eligible for Title IV-E Adoption Assistance?

It’s possible but unlikely that a child adopted through an independent, or open, adoption would be eligible for Title IV-E Adoption Assistance, since those adoptions typically take place immediately after a baby’s birth. To be eligible for Title IV-E Adoption Assistance, a child must previously have been in the custody of a state child welfare or other public agency.

How is the amount of the monthly Title IV-E Adoption Assistance payment determined?

The amount of the monthly Title IV-E Adoption Assistance payment is determined by negotiation and mutual agreement between the adoptive parent(s) and the PCSA. The circumstances of the adoptive family and the special needs of the child are taken into consideration. The use of an income eligibility test is prohibited when negotiating adoption assistance agreements or the amount of Title IV-E Adoption Assistance payments. If the child was in a family foster home, the amount of the monthly Title IV-E Adoption Assistance payment cannot exceed the foster care maintenance payment for the child.

When does the monthly Title IV-E Adoption Assistance payment begin?

Title IV-E Adoption Assistance payments may begin when all of the following steps have been completed:

- The child is placed in an approved adoptive home;
- The PCSA has determined that the child meets all of the eligibility requirements for Title IV-E Adoption Assistance;
- The Adoption Assistance Agreement form is completed and signed by the adoptive parent(s) and the PCSA.

When does the monthly Title IV-E Adoption Assistance payment end?

The Title IV-E Adoption Assistance agreement may be in effect until the the child turns 18, or the month after his or her 21st birthday if he or she has a mentally or physically disabling condition as defined in the Ohio Administrative Code (OAC). Please contact your local PCSA to determine if your child’s condition allows for an extension of the Title IV-E Adoption Assistance agreement beyond his or her 18th birthday.

Is there an income requirement?

No, a family’s income is not taken into consideration in determining eligibility for Title IV-E Adoption Assistance.

Where and when do I apply for Title IV-E Adoption Assistance?

Prospective adoptive parent(s) must apply for Title IV-E Adoption Assistance prior to the finalization of the adoption, by submitting the application to the PCSA that has permanent custody of the child. If the child is in the custody of a PCSA, then the prospective adoptive parent(s) must apply for Title IV-E Adoption Assistance in the county in which the PCSA is located. However, if the child is in the custody of a PCPA as a result of a court order or permanent surrender, then the prospective adoptive parent(s) must apply for Title IV-E Adoption Assistance at the PCSA in the county where they live.

Can I apply for Title IV-E Adoption Assistance after an adoption has been finalized?

The family adopting the child may apply after the adoption is finalized if one of the following circumstances occurred:

- Relevant facts regarding the child were known to the PCSA or PCPA but were not presented to the adoptive parent(s) prior to the finalization of adoption.
- The PCSA or PCPA failed to advise the adoptive parent(s) of the availability of Title IV-E Adoption Assistance.

Nonrecurring Adoption Expenses Subsidy (Title IV-E)

Nonrecurring adoption expenses are one-time expenses directly related to the legal adoption of a child with special needs. This program provides payment or reimbursement for such expenses as supervision of placements prior to the adoption, attorney’s fees, court costs, transportation costs, and the reasonable costs of food and lodging. Payment or reimbursement also is available for costs associated with the adoption home study, health examinations related to the home study, and reasonable and necessary adoption fees.

Who is eligible to receive the Nonrecurring Adoption Expenses Subsidy?

In order to receive payment or reimbursement for nonrecurring adoption expenses, a child must meet the definition of special needs. In addition, the following criteria must be met:

1. The agency must have determined that the child cannot or should not be returned to the home of his or her parents because of **one** of the following:
 - an order from a court of competent jurisdiction terminating parental rights;
 - a petition for the termination of parental rights;
 - a signed relinquishment by the birth parents;
 - a determination that the child meets the special needs criteria.
2. The agency must have determined that a reasonable, but unsuccessful, effort was made to place the child with an appropriate adoptive parent(s). This effort must have been made without the offering of nonrecurring adoption assistance, or the PCSA must have determined that this requirement should be waived.

Is there an income requirement?

No, a family’s income is not taken into consideration in determining whether payments for nonrecurring adoption expenses should be made.

Where and when do I apply?

The application for reimbursement of Nonrecurring Adoption Expenses form must be submitted to the PCSA and approved prior to the adoption's finalization. If a Title IV-E Adoption Assistance agreement has not been executed, the application must be submitted to the PCSA in the county where the adoptive parent lives.

How do I prove what my direct expenses are?

Once you and the agency have signed an agreement stating that you can be reimbursed for nonrecurring adoption expenses, you must submit your receipts to the agency within two years of the adoption's finalization.

Are international adoptions eligible for nonrecurring adoption expense reimbursement?

No, they are not.

Are there any other resources available to offset the expenses of adopting a child?

The federal government and the state of Ohio allow families who adopt to receive a nonrefundable tax credit for the year in which the adoption was legalized. Many foster and adoptive parents are eligible for tax benefits.

The State Adoption Tax Credit is a tax credit for the expenses incurred in the legal adoption of a minor child (less than 18 years old). The State Adoption Tax Credit is limited to \$1,500 per child adopted during the taxable year. Any unused amounts can be carried forward for up to two years. For additional information on the State Adoption Tax Credit, please call the Ohio Department of Taxation at 1-800-282-1780 or visit www.tax.ohio.gov.

The Federal Adoption Tax Credit is a nonrefundable tax credit for qualifying expenses paid to adopt an eligible child. The maximum amount of the credit is \$12,650 for adoptions finalized in 2012 and \$12,970 for adoptions finalized in 2013. Families have six years to use the entire credit. For additional information on federal adoption tax credits, see Internal Revenue Services (IRS) Topic 607 "Adoption Credit and

Adoption Assistance Programs" and IRS form 8839 "Qualified Adoption Expenses," call the IRS at 1-800-829-1040 or visit www.irs.gov.

State Adoption Subsidy Programs

PCSA's are responsible for determining eligibility and administering the State Adoption Subsidy programs. Subsidy amounts are based on the needs of the child. In order to be eligible, a local PCSA must document that the child was placed for adoption by a PCPA or PCSA and that the child has met at least one of the state's criteria of special needs for this program.

In addition, the agency must document that the child's special needs exceed the economic resources of the prospective adoptive parent(s) and that it would not be in the best interest of the child to place the child with the prospective adoptive parent(s) without providing assistance.

State Adoption Maintenance Subsidy (SAMS)

The State Adoption Maintenance Subsidy (SAMS) program provides financial assistance to families based on children's special needs at the time of the adoptive placement. To be eligible for SAMS, the adoptive family's gross income must not exceed 120 percent of the median income of a family of the same size. A child who is eligible to receive the Title IV-E Adoption Assistance is not eligible to receive SAMS.



What are the benefits of SAMS?

The benefits of the SAMS program are a monthly adoption assistance payment and/or a Medicaid card. Medicaid cards are available to children with mental, physical or rehabilitative needs. Application must be made at the county department of job and family services, local Benefit Bank site or www.odjfsbenefits.ohio.gov.

Where and when do I apply?

Prospective adoptive parent(s) must submit the Application for State Adoption Subsidy form to the PCSA that has permanent custody of the waiting child. You can get this form from your PCSA, and staff there can help you complete it.

If the child is in the custody of a PCSA, then the prospective adoptive parent(s) should apply for SAMS in the county in which the PCSA is located. However, if the child is in the custody of a PCPA, then the prospective adoptive parents must apply for SAMS in the county where the private agency is located.

Application for SAMS must be made prior to the final decree of adoption. Once an adoption has been finalized, a child will not be eligible for SAMS but may be eligible for the Post Adoption Special Services Subsidy (PASSS) program.

Post Adoption Special Services Subsidy (PASSS)

PASSS is a unique subsidy designed to assist Ohio families **after** the finalization of their adoption. PASSS is available to all adoptive families, with the exception of stepparent adoptions, regardless of the type of adoption (international, attorney, public or private agency). The child does not have to meet the federal or state definition of special needs, which are more detailed than the PASSS definition of special needs.

How do I know if my child is eligible for PASSS?

In order to qualify for PASSS, the following criteria must be met:

- The child must have a special need consisting of a physical, developmental, mental or emotional condition;
- The child's special need must have existed before the

adoption was finalized or must have been caused by a pre-adoptive condition;

- The child is less than 18 years old, or less than 21 years old and mentally or physically disabled;
- The family has explored other sources of assistance, but the sources are inadequate or not available to meet the needs of the child;
- The expenses are beyond the economic resources of the adoptive family;
- The child is not in the custody of a PCSA or PCPA;
- The family resides in Ohio.

Is there an income limitation or sliding scale of benefits for PASSS?

There is no fixed income limit for PASSS. Therefore, even if you have a good income, you may be eligible to receive PASSS assistance if the cost of service is beyond your economic resources. An adoptive parent will be required to pay a 5 percent copayment on the amount approved if his or her gross income is more than 200 percent of the federal poverty guideline.

What types of services will PASSS cover?

PASSS is intended to pay for services not covered by other adoption subsidy programs, insurance programs or Medicaid. PASSS funds may be used to cover medical or psychological services that are deemed necessary to meet the needs of the child. Respite care and the maintenance costs of residential treatment programs may also be covered under the PASSS program. PASSS will not cover educational or recreational services or activities solely designed to improve self-esteem.

We did not adopt our child through an agency. Can we still get help?

Yes. As long as funds are available, the program covers all adopted children, with the exception of children adopted by stepparents, regardless of the method of adoption.

Our child is not having any unusual problems, but we are still having a hard time making ends meet. Can PASSS help with some sort of monthly payments?

PASSS is not a maintenance program. Therefore, it cannot provide monthly payments. A clear, well-defined, pre-adoptive need for service must be identified in order for PASSS to help. You can talk with your county department of job and family services to determine if there may be another program that could help you.

What if things change, and the amount of money we need is different from what we agreed upon?

Keep in touch with your PCSA to let them know of any unexpected changes in costs. If services will cost less than expected, the agency will want to free up the money to help another child. If the services will cost more, you can submit a new application. There is a limit of \$10,000 per child per state fiscal year (calculated from July 1 through June 30). If the Ohio Department of Job and Family Services (ODJFS) determines that extraordinary circumstances exist, families may apply for an additional \$5,000. PASSS applications are approved based upon the availability of funds.

Is there anything I should do before applying for help through PASSS?

Yes. Before applying for PASSS, you first must explore other community resources. PASSS funding is intended only for situations in which other sources of funding are not available or are inadequate. The PCSA should assist you in exploring community resources. Early exploration can help you define your child's needs so that a PASSS application is easier to complete.

When and where do I apply for PASSS?

You can apply for PASSS any time after the finalization of the adoption. The application must be submitted to the PCSA— or children services board or county department of job and family services—in the county where you live.

What happens if my PASSS application is approved?

After you have received written approval from your local PCSA, you may schedule the approved service(s). The provider

usually bills the agency directly. You should ask about billing procedures prior to receiving the service or at the time of service. If you decide not to use the approved services, please let the agency know as soon as possible so the money may be used for another child.

Who makes the decision to approve the application?

Each agency has a PASSS committee that reviews applications and supporting documentation. If the committee requires more information, you may be asked to submit additional documentation. The PASSS committee makes a recommendation to the PCSA director, who then approves or denies the application and informs the family of the decision.

State Hearing Rights

If you do not agree with decisions regarding any of these adoption subsidy programs, you may apply for a county conference and/or state hearing. A state hearing is a meeting with you, someone from the PCSA and an ODJFS hearing officer.

You may request a state hearing if your child has been denied an adoption subsidy, if your child has been approved for an adoption subsidy but you disagree with the amount, or if you are notified that the subsidy is being reduced or terminated.

To request a state hearing, call or write the PCSA. You also may contact the ODJFS Bureau of State Hearings at:

Ohio Department of Job and Family Services
Bureau of State Hearings
P.O. Box 182825
Columbus, Ohio 43218-2825
Phone: 1-866-635-3748 or 1-866-ODJFS-4-U
Fax: (614) 728-9574
Email: BSH@jfs.ohio.gov

If you receive written notice denying, reducing or discontinuing your subsidy and you disagree with the proposed action, complete the bottom of the required

notification form and send it to the Bureau of State Hearings. State Hearings must receive your request within 90 days of the mailing date of the notice of action (for example, the denial of your application).

When will the hearing be held?

After receiving your request for a hearing, the Bureau of State Hearings will notify you of the date, time and place of your hearing. The notice will be sent to you at least 10 days before the hearing.

Where are hearings held?

Hearings usually are held at the local agency. If you are unable to go there, specify that you would like a new location on your hearing request, and the hearing may be held some other place convenient to you and to the other people involved.

What happens at the hearing?

You may bring friends, relatives or an attorney to the hearing to help present your case. The hearing officer may limit the number of witnesses allowed in the room if there is not enough space. You and your representative may look at the evidence used at the hearing and present your side of the case. The hearing officer will listen to both sides and recommend a decision, and the hearing authority will issue a decision. This decision will be sent to you in the mail.

If you disagree with the hearing officer’s decision, you may file an administrative appeal with the ODJFS Office of Legal and Acquisition Services. Attorneys there will reconsider your case and decide whether the hearing officer’s decision was correct. Administrative appeal decisions are the agency’s final say, although these can be appealed to the common pleas court.



Conclusion

We hope this adoption subsidy information has been helpful to you. Please note that the OAC rules from which this information was taken are subject to change.

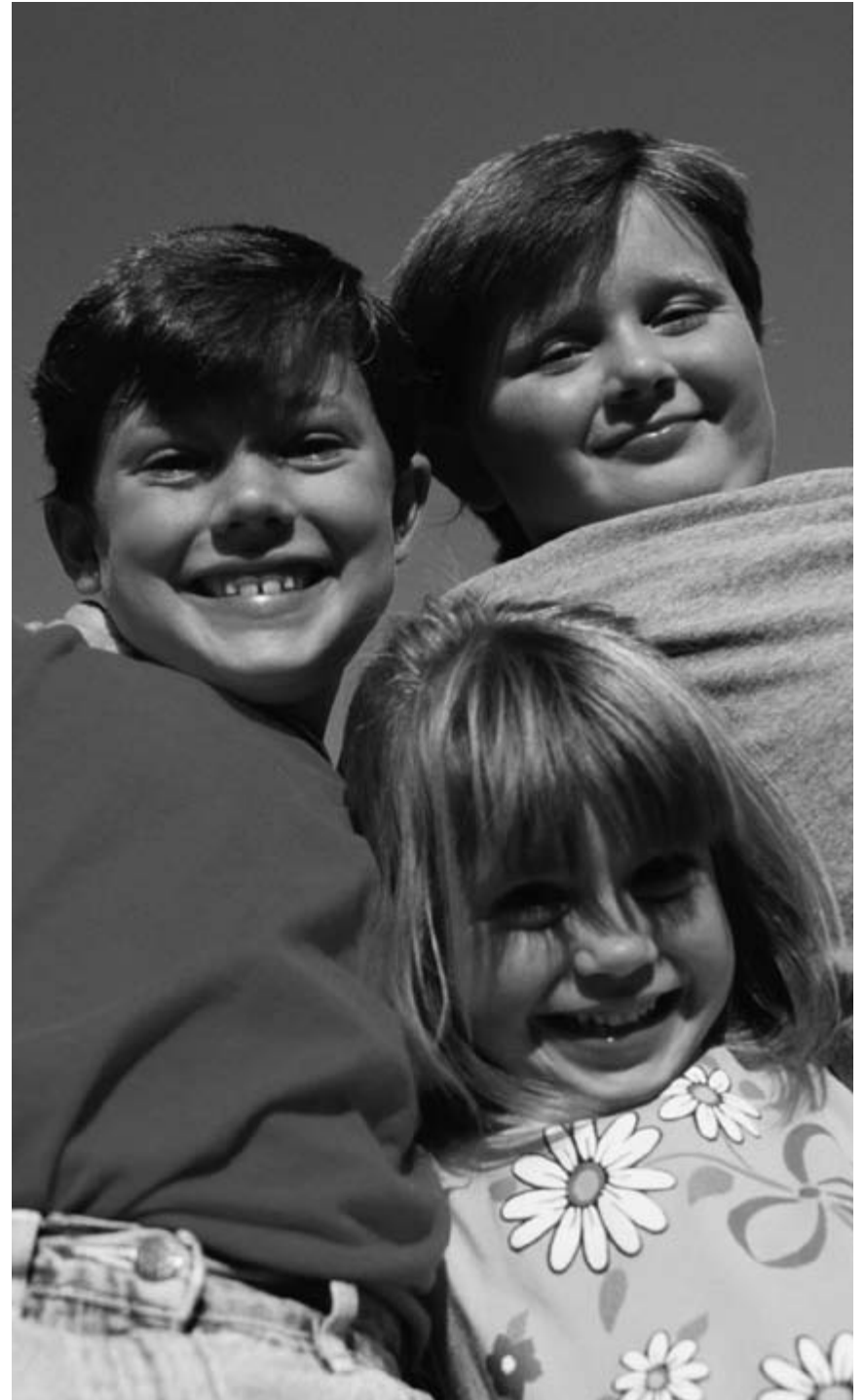
The most current eligibility rules for Title IV-E Adoption Assistance, SAMS and PASSS can be found in these OAC sections:

- OAC 5101:2-44-06, Eligibility of adoptive family and adoptive child for the state adoption maintenance subsidy program,
- OAC 5101:2-44-13.1, Eligibility and application process for the post adoption special services subsidy (PASSS) program,
- OAC 5101:2-49-02, Adoption assistance eligibility criteria.

This information also may be obtained from your local PCSA.

If you have questions or need additional information regarding adoption subsidies, please contact the PCSA in the county where you live.

Thank you for your interest in Ohio's waiting children.



John R. Kasich, Governor
Cynthia C. Dungey, Director

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