

Revision Date: 1/20/22	Primary Author(s): Moira Dillon
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**POLICY 503 – POST-PERMANENCY FINANCIAL ASSISTANCE**

**A. POLICY**

Foster care is a temporary setting; foster children exit to permanent homes when they cannot return home. The Division of Family Services (DFS) provides financial support to families that provide permanent homes for foster children.

The purpose of the Adoption Assistance/Subsidy program is to reduce the barriers to adoption for children whom DFS holds parental rights, have special needs and may need additional financial support throughout their youth. The determination of special needs and the approval of the child for the assistance and subsidy must be done prior to the finalization of adoption. Adoption Assistance is a state and federally funded program that provides payments for children who are Title IV-E or SSI eligible. Adoption Subsidy is a state funded program that provides payments for those children who are not IV-E eligible.

The purpose of the Permanent Guardianship Subsidy program is to reduce the barriers to permanent guardianship for children for whom DFS holds parental rights or grounds for termination of parental rights exist, adoption is not possible or appropriate, and the guardianship family needs financial support.

The purpose of the Psychological Subsidy is to provide supplemental financial assistance to adoptive families for mental health expenses to maintain family stability and health.

Non-recurring adoption expense reimbursements support timely adoptions of children with special needs by offsetting legal fees.

Medicaid insurance coverage is available for adopted children to promote a healthy childhood.

**ADOPTION ASSISTANCE/SUBSIDY**

**B.1. PROCEDURES**

1. The determination of special needs and the approval of the child for the assistance and subsidy must be done prior to the finalization of adoption.
2. A child is considered special needs based on one or more of the following factors:
  - a. eight (8) years of age or older
  - b. member of a minority race or ethnic culture
  - c. member of a sibling group to be adopted by the same family at the same time
  - d. has a diagnosed physical disability or chronic disease requiring ongoing medical attention
  - e. has a mental or emotional condition requiring treatment



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3. An eligible child may receive supports under the program until their 18<sup>th</sup> birthday.
4. In individual cases, support may end before the 18<sup>th</sup> birthday if the child receives their high school diploma or equivalency before they turn 18. The Adoption Program Manager has discretion to make this decision based on case circumstances.
5. For youth who will not be able to graduate high school within one year after the school year in which the youth turned 18, the adoption assistance case will be closed.
6. Support may be extended to age 21 depending on mental or physical disability circumstances. Supporting documentation from Social Security may be needed.
7. The caseworker will submit a request for assistance via FOCUS for Adoption Assistance/Subsidy three (3) months after receipt of an adoption case. The request will be submitted to the Adoption Assistance/Subsidy Specialist in the Central Office. If a family has yet to be determined for the child, the application will consist of the first FOCUS screen for each child.
8. The Adoption Assistance/Subsidy Specialist will make an initial determination of eligibility within two (2) weeks of receipt of the application. The outcome will be communicated to the permanency caseworker via e-mail to assist with recruitment activities. The outcome will be documented in a FOCUS progress note by the permanency caseworker.
9. The Adoption Assistance/Subsidy Specialist and/or the Adoption Program Manager will determine the monthly payments based on the following factors:
  - a. The child's needs and current functioning (based on the Request Assistance event in FOCUS), the child's Level of Care, Child Plan, Resource Review FOCUS event, on-going treatment, and progress notes; AND
    - i. The adoptive family's capacity to incorporate the child into its family and meet their current needs and anticipated future needs
    - ii. The long-term social benefit versus short-term monetary needs.

The monthly payment may not exceed the foster care maintenance payment which would have been paid during the period if the child with respect to whom the adoption assistance payment is made had been in a foster family home.

10. The caseworker will submit the family information via e-mail to the Adoption Assistance/Subsidy Specialist when the family for the child has been selected by the Permanency Planning Committee
11. Once a payment is determined, the Adoption Assistance/Subsidy Specialist will send the agreement to the adoptive family for signature. The family must sign and return. In addition, the family must complete and submit a W-9, a direct deposit form and a Medicaid application. The agreement must be in place PRIOR to the finalization of adoption.
12. Adoption Assistance/Subsidy agreements shall remain in effect regardless of the state in which the adoptive parents reside at any given time. When a family moves to another state, Delaware rates apply, not those of the receiving state.
13. Adoption Assistance/Subsidy Agreements shall be updated annually, and a new agreement and Medicaid application must be signed. The Adoption

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- Assistance/Subsidy Specialist will send correspondence to the family requesting the needed information. The signed agreement must be returned by the due date included with the correspondence from the Adoption Assistance/Subsidy Specialist.
14. Any request for changes in the amount must be made by the family in writing and must be accompanied by independent documentation such as provided by a doctor, psychologist, or school.
  15. The family is responsible for informing the Adoption Assistance/Subsidy Specialist of any changes in the family, such as address, bank account information, date of high school completion and any other changes that would affect the payment. Any changes with the individual who was adopted such as they no longer reside in the family home, guardian changed, or the family is no longer legally responsible to support the individual must also be reported. Other financial benefits such as SSI must also be reported. These should be reported within seven (7) days of the change.
  16. The Adoption Assistance/Subsidy Specialist and Adoption Program Manager will be responsible for terminating Adoption Assistance/Subsidy agreements using the following criteria:
    - a. The child has reached the age of 18. In individual cases it will end before the child's 18<sup>th</sup> birthday if the child receives their high school diploma or equivalency before they turn 18. The Adoption Program Manager has discretion to make this decision based on case circumstances.
    - b. A determination has been made that the assistance/subsidy payee is no longer responsible for the financial support of the child (such as Termination of Parental Rights, marriage, military enlistment, emancipated minor), or
    - c. A determination has been made that the assistance/subsidy payee(s) is no longer providing any financial support to the child.
  17. If an adoptive child is in an out of home placement, the Adoption Assistance/Subsidy Specialist will contact the adoptive family and other agencies as appropriate, to determine the legal obligation or financial support of the child. If the adoptive family is not legally responsible or not financially supporting the child, the Adoption Assistance/Subsidy Specialist/Adoption Program Manager will terminate the adoption assistance/subsidy agreement. The Adoption Assistance/Subsidy Specialist will notify the family in writing of any change and the reasons for the change
  18. The Division of Family Services reserves the right to recoup misappropriated adoption assistance/subsidy payments.

**C.1. FOCUS**

1. Caseworkers complete an Adoptive Placement Resource Referral in FOCUS
2. Caseworkers complete the Request for Assistance and assign to the Adoption Assistance/Subsidy Specialist

**D.1. FORMS**

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Adoption Assistance Initial Agreement  
 Adoption Assistance Renewal Agreement  
 Annual Review for Adoption Assistance Program  
 Application for Medicaid  
 Adoption Assistance/Subsidy Board Extension Agreement

**PERMANENT GUARDIANSHIP SUBSIDY**

**B.2. PROCEDURES**

1. The permanent guardian by law must be a guardian, relative or foster parent of the child.
2. The caseworker shall complete a referral via FOCUS for the Permanency Planning Committee to consider Permanent Guardianship as the permanency plan. If the family indicates their interest in financial assistance, the caseworker shall also complete the request for assistance in FOCUS at the same time. The request will be submitted to the Adoption Assistance/Subsidy Specialist in the Central Office.
3. A Permanent Guardianship payment must have prior approval by DFS and is only available to children in foster care.
4. The determination for Permanent Guardianship Subsidy must be completed and submitted prior to the court hearing awarding permanent guardianship.
5. To be eligible for funding through the Permanent Guardianship Subsidy program, the permanent guardian must complete a training program that addresses issues such as the role of a permanent guardian, separation and loss, child abuse and neglect and other areas significant to the new relationship. The Division will make a referral to a licensed child placing agency for training and completion of a child specific permanent guardianship social report.
6. The Permanency Planning Committee shall review and approve a child specific permanent guardianship social report.
7. Permanent Guardians who reside outside the state of Delaware must apply for Medicaid.
8. An eligible child may receive supports under the program until their 18<sup>th</sup> birthday. In individual cases, support may end before the 18<sup>th</sup> birthday if the child receives their high school diploma or equivalency before they turn 18. The Adoption Program Manager has discretion to make this decision based on case circumstances.
9. Support may be extended to age 21 depending on mental or physical disability circumstances. Supporting documentation from Social Security may be needed.
10. The Adoption Assistance/Subsidy Specialist and/or the Adoption Program Manager will determine the monthly payments based on the following factors:
  - a. The child's needs and current functioning (based on the Request Assistance event in FOCUS), the child's Level of Care, Child Plan, Resource Review FOCUS event, on-going treatment, and progress notes; AND

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- i. The family’s capacity to incorporate the child into its family and meet their current needs and anticipated future needs
- ii. The long-term social benefit versus short-term monetary needs

The monthly payment may not exceed the foster care maintenance payment which would have been paid during the period if the child with respect to whom the permanent guardianship subsidy payment is made had been in a foster family home.

11. Once a payment is determined, the Adoption Assistance/Subsidy Specialist will send the Initial Permanent Guardianship Agreement to the family for signature. The family must sign and return. In addition, the family must complete and submit a W-9, a direct deposit form and a Medicaid application. The agreement must be in place PRIOR to the court hearing awarding permanent guardianship.
12. Permanent Guardianship Subsidy Agreements shall remain in effect regardless of the state in which the guardians reside at any given time. When a family moves to another state, Delaware rates apply, not those of the receiving state.
13. Permanent Guardianship Subsidy Agreements shall be updated annually, and a Permanent Guardianship Agreement Continuation and Medicaid application must be completed and signed. The Adoption Assistance/Subsidy Specialist shall send correspondence to the family requesting the needed information. The signed agreement must be returned by the due date included with the correspondence from the Adoption Assistance/Subsidy Specialist.
14. The family is responsible for informing the Adoption Assistance/Subsidy Specialist of any changes in the family, such as address, bank account information, date of high school completion and any other changes that would affect the payment. Other changes that must be reported include any changes with the child such as they no longer reside in the family home, or guardian changed, or the family is no longer legally responsible to support the individual. Other financial benefits such as SSI must also be reported. This should be reported within seven (7) days of the change.
15. The Adoption Assistance/Subsidy Specialist and Adoption Program Manager will be responsible for terminating Permanent Guardianship Subsidy Agreements using the following criteria:
  - a. The child has reached the age of 18. In individual cases it will end before the child’s 18<sup>th</sup> birthday if the child receives their high school diploma or equivalency before they turn 18 or:
    - i. A determination has been made that the family is no longer responsible for the financial support of the child (such as marriage, military enlistment, emancipated minor), or
    - ii. A determination has been made that the family is no longer providing any financial support to the child, or
    - iii. Permanent guardianship has been rescinded by the court and custody has reverted to the Division.
16. If a permanent guardianship child is in an out of home placement, the Adoption Assistance/Subsidy Specialist will contact the family and other agencies as

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appropriate, to determine the legal obligation or financial support of the child. If the family is not legally responsible or not financially supporting the child, the Adoption Assistance/Subsidy Specialist/Adoption Program Manager will terminate the Permanent Guardianship Subsidy Agreement. The Adoption Assistance/Subsidy Specialist will notify the family in writing of any change and the reasons for the change.

17. The Division of Family Services reserves the right to recoup misappropriated permanent guardianship subsidy payments.

### **C.2. FOCUS**

1. Caseworkers complete a Permanent Guardianship Resource Referral in FOCUS.
2. Caseworkers complete a Request for Assistance in FOCUS and assign to the Adoption Assistance/Subsidy Specialist

### **D.2. FORMS**

- Guardianship Subsidy Initial Agreement
- Guardianship Renewal Agreement
- Annual Review for the Guardianship Program
- Application for Medicaid
- Guardianship Board Extension Agreement

## **PSYCHOLOGICAL SUBSIDY**

### **B.3. PROCEDURES**

1. A child who resided in Delaware foster care and was subsequently adopted may be eligible for a psychological subsidy reimbursement up to \$3000 per year. The problems or issues must be actual or potential if identified prior to the finalization of the adoption. This may be in addition to the Adoption Assistance/Subsidy program payment.
2. The caseworker will determine a child's eligibility for psychological assistance based on the child's actual mental health issues or potential issues prior to the finalization of adoption. This determination will be documented in the case record.
3. The caseworker will inform the potential adoptive parents that the Psychological Subsidy Program exists to help offset the costs of providing services to the child. This will only cover those services not covered under the State Medicaid Plan or the parent's private insurance or time limited outpatient psychological therapy not covered by public insurance or the State Medicaid.
3. Adoptive parents may apply for the subsidy by contacting the Adoption Assistance/Subsidy Specialist. Approvals must be obtained prior to provision of service. Before approval will be given, independent documentation from a qualified professional must be received verifying the need for the requested service. Once

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service is rendered, a receipt or bill is required to process payment. Payment may be direct to the provider or reimbursed to the parent and must occur within the fiscal year (July 1-June 30) the service is provided.

4. Below are examples of services and Expenses NOT covered by the psychological subsidy:
  - Co-Pays
  - Dance, music, acting, modeling classes/lessons
  - Daycare/Pre-kindergarten
  - Day treatment and inpatient psychiatric hospitalization
  - Eyeglasses
  - Residential treatment and childcare facilities
  - Orthodontia and other dental care
  - Vision Therapy, music therapy
  - Medical services and medication
  - School tuition, books, computers, tutoring
  - Summer camp
  - Transportation
  - Speech, occupational, and physical therapies if part of the child's Individual Education Plan (IEP). If part of the IEP, services are provided by the school
  - Social Skills Group
  - Family Counseling/therapy
  - Respite
5. Decisions regarding the Psychological Subsidy are not subject to appeal.

**C.3. FOCUS**

Requests and decisions are recorded in FOCUS adoption case progress notes

**D.3. FORMS**

N/A

**NON-RECURRING ADOPTION EXPENSES**

**B.4. PROCEDURES**

1. Non-recurring expenses are directly related to the legal adoption of a child and cannot be paid or reimbursed by another source.
2. The maximum amount of assistance is \$2000.
3. The caseworker will determine if the adoptive family is eligible for financial assistance for adoption expenses based on the following criteria:
  - a. the child meets the definition of special needs, and
  - b. there is no other reimbursement source.

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4. The caseworker will inform the adoptive family of the assistance and complete the FOCUS event requesting approval.
5. The request is assigned to the Adoption Program manager for approval.
6. All requests must be made and approved for reimbursement PRIOR to the finalization of adoption.
7. Examples of expenses covered are adoption fees, court costs, and attorney fees (only when the adoption cannot be finalized by DFS).

**C.4. FOCUS**  
N/A

**D.4. FORMS**  
N/A

**MEDICAID**

**B.5. PROCEDURES**

1. A child with an adoption assistance agreement receives Medicaid in the state of residence via ICAMA if he/she meet Title IV-E eligibility guidelines.
2. A child who is not Title IV-E eligible may receive Delaware Medicaid if the adoptive family resides in Delaware and if the child was eligible for Delaware Medicaid while in foster care.
3. Medicaid may be the primary medical coverage for the adopted child. Medicaid does not require families to enroll the adopted child with their private insurance. The adoptive family may decide if it is necessary for the child to be covered by both insurance policies.
4. A signed annual Medicaid application and a signed adoption assistance/subsidy agreement (for Delaware residents only) must be received by the Adoption Assistance/Subsidy Specialist no later than the anniversary month the child was adopted. Failure to return the Medicaid application will result in the loss of Medicaid for the child.
5. The Adoption Assistance/Subsidy Specialist will send to the pre-adoptive parents the subsidy agreement and Medicaid application to sign, date and return to DFS prior to the filing of the adoption petition in the court.
6. A copy of the annual agreement and Medicaid application will be sent to the Division of Medicaid and Medical Assistance by the Adoption Assistance/Subsidy Specialist.

**C.5. FOCUS**  
N/A

**D.5. FORMS**





**DSCYF**  
Department of Services for  
Children, Youth & Their Families

**FAMILY SERVICES**

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Medicaid Application