NYS ADOPTION SUBSIDY

What is this program all about?
Is it for all adopted children?
When are applications submitted?
How long does this program last?
What will you learn today?
Will there be time for your questions?

(Revised 4.2010)
WHAT ARE ADOPTION MAINTENANCE SUBSIDIES?

*Monthly payment made to parent(s) for the care of an adopted child who meets the definition of a NYS special needs child*

- authorized in the approved adoption subsidy agreement
- considered approved when agreement signed by the prospective adoptive parent(s), local district, and has the authorized final signature
- If child is eligible for a subsidy before finalization, this agreement must be signed and approved *BEFORE* the adoption is finalized
- continue to age 21

- Subsidy exists in order to provide money after adoption to meet the extraordinary needs of eligible children who are adopted from the custody of NYS local departments of social services or who are adopted from the custody of a NYS authorized voluntary agency.

- Subsidy is to meet the needs of children.

- Adoption subsidy and foster care boarding rates are based on the same regulations.

WHY ARE ADOPTION SUBSIDIES AVAILABLE?

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NYS ADOPTION SUBSIDY

• Who can answer my questions after today?
  • Caseworker/Local district adoption worker or adoption supervisor
  • Regional office
  • Find answers online www.ocfs.state.ny.us/adopt
  • NYSAS

VOCABULARY

• ADOPTION SUBSIDY AGREEMENT: a legal contract for payment between the adoptive parent(s) and the local Department of Social Services or the New York State Office of Children and Family Services
• ADOPTIVE PARENT: parent(s) who have adopted a child from a local DSS or a NYS authorized voluntary agency.
• POST FINALIZATION REQUEST: An initial request for a child who was adopted without a subsidy from a local DSS or a NYS authorized voluntary agency.
• UPGRADE AFTER FINALIZATION: A request for a higher level of payment for a child adopted with subsidy.

MORE DEFINITIONS

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• UPGRADE AFTER FINALIZATION: A request for a higher level of payment for a child adopted with subsidy.
• CHILD: person under the age of 21 in the custody of a social services official or a voluntary agency before age 18.
• HANDICAPPED CHILD: child who possesses a specific physical, mental or emotional condition or disability which, in the opinion of NYSAS, would significantly limit the chance of adoption
• MEDICAL ASSISTANCE: Medicaid for adopted, IVE eligible children or COBRA cases
• MEDICAL SUBSIDY: medical reimbursement
• VOLUNTARY AUTHORIZED ADOPTION: children in custody & guardianship of an approved adoption agency treated as voluntary authorized agency adoptions.
HARD TO PLACE

- Child has not been placed for adoption within six months from the date his or her guardianship and custody were committed to social services official or voluntary authorized agency or from the date a previous adoption placement terminated (Most not eligible for Medical Subsidy)

- Child in care with foster parents for 12 months prior to signing of Adoption Agreement

- Child is Age 10 or Older

- Child is Age 8 and is a member of a minority group over-represented in NYS foster care

- Sibling group of 3 or more placed together

- Sibling group of 2 and at least one is: a minority or age five or over or one child otherwise eligible

- Child is sibling to one already adopted by this family and:
  - child to be adopted is age 5 or older
  - Minority
  - sibling is eligible

BASIC HANDICAPPED

"Handicapped child means a child who possesses a specific physical, mental or emotional condition or disability of such severity or kind which, in the opinion of the department, would constitute a significant obstacle to the child’s adoption."

SSL 421.24 (a)(2)

- For basic handicapped have an exam from a: Physician's assistant, Nurse Practitioner, Physician, Psychiatrist or Psychologist to support the definition above.

SPECIAL HANDICAPPED CHILDREN

suffer from pronounced physical conditions as a result of which a physician certifies that the child requires a high degree of physical care;

have been diagnosed by a qualified psychiatrist or psychologist as being moderately developmentally disabled, emotionally disturbed or having a behavioral disorder to the extent that they require a high degree of supervision
EXCEPTIONAL HANDICAPPED CHILDREN

• require, as certified by a physician, 24-hour a day care provided by qualified nurses, or persons closely supervised by qualified nurses or physicians

• have been diagnosed by a qualified physician as having severe mental illnesses, such as child schizophrenia, severe developmental disabilities, brain damage or autism

• have severe behavior problems characterized by the infliction of violence on themselves, other persons or their physical surroundings and who have been certified by a qualified psychiatrist or psychologist as requiring high levels of individual supervision in the home

• have AIDS (if this is acquired POST finalization, subsidy is not available.)
  – PCR (viral test required in Health Law)

UPGRADES

• risk may be noted in initial subsidy request documentation
• application for an upgrade may be appropriate
  – in cases of increased child need
    • due to pre-existing conditions
    • directly attributable to preadoptive circumstances
• If you have a signed subsidy and your child has a new problem diagnosed or your child’s condition gets worse, BEFORE you finalize, ask for a new subsidy

POST FINALIZATION

➤ this refers to no subsidy at time of adoption

➤ handicap diagnosed after finalization that is a documented pre-existing condition
WHAT LEVEL OF ADOPTION SUBSIDY PAYMENT WILL BE APPROVED?

- There is no hard-to-place post finalization.
- Handicapped
  - basic
  - special
  - exceptional
- level of handicapped subsidy is an administrative decision based on medical information
- Not all adopted children with increased levels of need or a newly diagnosed problem qualify for a post finalization subsidy or a subsidy upgrade.

HOW ARE POST FINALIZATIONS AND UPGRADE APPLICATIONS AFTER FINALIZATION SUBMITTED?

- Application is made
  - LDSS submits Official Adoption Subsidy Agreement form
  - Authorized voluntary agency with custody submits form
- Application may be made as soon as the parent(s) submit request, and documentation is obtained.
- If application does not meet guidelines, it should be denied at the local level and parents should receive a denial letter.
- There should be no applications for conditions known prior to finalization that have not worsened.

POST FINALIZATION DOCUMENTATION NEEDS

The documentation from the physician or psychiatrist MUST CLEARLY state when diagnosis was made, if this is a worsening of a problem known at time of finalization, and/or if this is a new diagnosis that is definitely considered to be a pre-existing problem not known to parent at time of finalization.

WHEN WORKING WITH HEALTH PROFESSIONALS REMEMBER

They’re busy They don’t always know our format May not know this determines subsidy until age 21
They are getting paid for their services
WHAT HOLDS UP SUBSIDY?
- Documentation
- Mail delays
- Agency delays

WHEN DO PAYMENTS START?
A post finalization subsidy for a child adopted without subsidy will start once it is approved by the local district, as long as it receives final approval from NYSAS.
Upgrades after finalization will start once they are approved by the local district, as long as the application receives final approval from NYSAS.
If retroactive payments are requested, these must be reviewed and decided through a fair hearing process.

WHAT IF THE CASE DOESN'T MEET REQUIREMENTS FOR A SUBSIDY?
- denial can be done at the local or state level
- officials must inform parent(s) they have the right to request a fair hearing within sixty days of the denial of an adoption subsidy application. This is done by a certified letter to the parent(s.)
- hearing officers review the application in terms of statutes and regulations provide a decision in response to the fair hearing request.

Non-recurring costs
Maximum $2000 per eligible special needs child. Parent(s) and district MUST sign PRIOR to finalization, and all receipts are to be submitted within 24 months of finalization, for a one time issuance of reimbursement.

- Adoption fees
- Court Costs
- Attorney fees
- Costs of Adoption study including:
  - health & psychological exams if require
  - Cost of Supervision of placement
  - Transportation
  - Lodging & food
WHAT'S DIFFERENT ABOUT THESE CHILDREN?

These three children don’t look a great deal different, but they each are eligible for subsidies with different maintenance and/or medical medical coverage.

Why?

- Federal Participating Maintenance Subsidy and Medical Assistance pursuant to Title IVE of the Social Security Act
- Non-federal participating Maintenance Subsidy and Medical Assistance pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1995.

Medical Subsidy

- Medical subsidies may be for Medicaid (IVE eligible children), COBRA, or New York State Medical Subsidy. Most NYS children who are eligible for a Maintenance subsidy will be eligible for a Medical Subsidy.
- Handicapped children who qualify for Medical Subsidy based on COBRA eligibility (the Consolidated Omnibus Budget Reconciliation Act) will receive medicaid as long as they and their family reside in New York State. If they move outside of New York or are outside New York at time of finalization, they need to apply for continued Medicaid in the new state of residence.
- Handicapped children who do not meet COBRA or IV-E requirements will receive a New York State Medical Subsidy. This provides reimbursement to adoptive parents for the child’s medical expenses. This allows the district to repay parents for the procedures, services, medications and amounts covered by Medicaid. Repayment is for the same rates that are authorized for services to children with Medicaid. This is usually only given to handicapped children who are getting a post finalization subsidy.
- What happens if the family moves out of state? Handicapped and hard to place children who are IVE eligible at time of adoption will continue to be Medicaid eligible in another state, but must take their adoption subsidy contract to with them to apply for Medicaid.
Medical Subsidy

- In many cases the bills for New York State Medical Subsidy must be paid by the parent first, and then submitted to the local district for reimbursement. Some districts may have agreements with certain providers to bill them directly for services to adopted children with New York State Medical Subsidies. Find out how this will work in your county before you adopt your child.

- If New York State Medical Subsidy is the medical coverage that applies to your child, be certain you understand that your child will not have a Medicaid card as part of the adoption subsidy. Have your worker provide you with an explanation and information on how this program will work. This will enable you to know in advance what your fiscal responsibility will be for the medical care and services needed by the child you are adopting.

- Your child may qualify for Medicaid outside of the subsidy program, and you may want to explore this possibility with your worker prior to finalization.

- Not all children who are adopted in New York State and are subsidy eligible will be eligible for a medical subsidy. The chart on the following page should help you sort out the different categories of eligibility. We have tried to include information on how long each of these will last and include factors such as the way moving out of state, or living outside of New York State at time adoption is finalized will effect the available medical subsidy coverage.

INSURANCE CONSIDERATIONS

Private insurance

Families who have private health insurance that allows you to add adopted children after finalization will want to research whether it is advisable to add the child to your policy. If a child has both private insurance and Medicaid, Medicaid will ALWAYS be the secondary insurance after adoption. Private insurance will be primary. This becomes a hard decision making process but your caseworker and insurance agent should be able to help you decide how you can get the best health insurance coverage for your child.
AFTER FINALIZATION

• You may change your child’s name at finalization. If you use the same social security number your child had before finalization, you need to inform social security of the new name, or they will not process Medicaid claims if you have Medicaid.

If you need a new Medicaid card with the correct name, be sure to get the correct card.

• You also may wish to change the social security number of your child. That needs to be on your Medicaid card as well or claims may not be processed.

WHERE TO GET MORE INFORMATION

Caseworker
Local Department of Social Services Adoption Unit or Adoption Supervisor
Regional Offices
– Adoption Specialists
Central Office:
– 1-800-345-5437 (KIDS)
The web site- www.ocfs.state.ny.us/adopt
Books, articles, electronic sources