



## INFORMATION ON VIRGINIA'S ADOPTION ASSISTANCE PROGRAM

Thank you for your interest in providing a permanent home for a child in Virginia's foster care system through adoption. Adoption offers children the stability of lifelong family connections, cherished traditions, special celebrations, and support through every stage of life—from childhood to adulthood. This document provides an overview of Virginia's Adoption Assistance program, as it relates to adoption from both public and private foster care.

**PURPOSE:** The purpose of this information sheet is to provide prospective adoptive parents with important information about Virginia's Adoption Assistance Program and to serve as a reference tool for adoptive parents and other interested parties. It provides clear guidance and support to ensure that all eligible families and children being adopted in Virginia have equal opportunities to access Adoption Assistance benefits.

The purpose of providing adoption assistance is to:

- Encourage families of any economic status to adopt eligible children and to provide such families with benefits that will enable them to meet the needs of eligible children who meet the criteria for the benefits;
- Ensure that families, considering their individual circumstances, can maintain safe and stable homes for the eligible children they adopt through benefits tailored to accommodate and support the needs of the adopted eligible children.

The adoption assistance program is designed to support you as you raise your child, particularly if they have special needs. While you assume the primary financial responsibility for your adopted child, this assistance serves as a supplement to help address their unique needs—it is not intended to cover the full cost of raising a child. Unlike foster care payments, adoption assistance is assessed differently, based on the child's specific circumstances.

Before seeking adoption assistance, families are encouraged to utilize available public and private community resources. This support may help with a range of needs, including physical, mental, or developmental challenges.

**RESPONSIBILITY:** The local department of social services (LDSS) and an Assistance Compliance Consultant will work with the family to negotiate the Adoption Assistance Agreement.

**TYPES OF ADOPTION ASSISTANCE SERVICES AND SUBSIDIES:** The adoptive parent must enter into an Adoption Assistance Agreement with the LDSS prior to the finalization of their adoption in order to receive services and subsidies. The types of services and subsidies are as follows:

- a) Medicaid. Adopted children and youth who were formerly in foster care are eligible for health care coverage through Medicaid. Medicaid provides benefits for physical health, dental health, and mental health. There are no monthly premiums for Medicaid.
- b) Monthly Adoption Assistance Payments. A monthly cash assistance amount may be paid to the adoptive family. The amount of the assistance is subject to negotiation. The negotiation process is described in more detail later in this document.
- c) Non-Recurring Expenses. Reimbursement of expenses, up to \$2,000, incurred in the adoption of an eligible child, such as the legal fees, adoption fees and other expenses associated with finalizing an adoption. Families must request reimbursement no later than 12 months after finalization of the adoption.



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- d) **Special Service Reimbursement.** Reimbursement for special services includes direct payment or reimbursement for time-limited services that are not covered by adoption assistance subsidies, other public programs, or Medicaid. These payments must specifically address barriers identified in the initial adoption assistance agreement or be related to genetic conditions.

Eligible services must either be outlined in the original adoption assistance agreement or added through an amendment if they are genetic in nature or connected to the originally identified barriers.

Adoption Assistance payments may not include payments for services that are reasonably accessible and can be funded through other public or private sources, including but not limited to Social Security and Medicaid unless approved by the LDSS, through a negotiated Adoption Assistance Agreement.

**APPLYING FOR ADOPTION ASSISTANCE:** To begin the process of determining the child's eligibility, the parent must submit the Virginia Adoption Assistance Application to the LDSS responsible for assessing assistance for the child. The application also serves as a tool to help plan how to integrate the child into the family, evaluate financial resources, expenses, and health coverage available for the child, and identify services and supports to address the child's special needs. The application is completed with the LDSS or licensed child placing agency when the child is in the custody of an agency.

The LDSS will complete the Virginia Adoption Assistance Screening Tool to determine the child's eligibility for adoption assistance, and the Virginia Enhanced Maintenance Assessment Tool to determine if additional supports and supervision is required, when necessary.

**NEGOTIATING ADOPTION ASSISTANCE:** An Adoption Assistance Agreement is a formal agreement between the adoptive parents and the LDSS. The terms of this agreement are established through a collaborative discussion and good-faith negotiation involving the Assistance Compliance Consultant, LDSS, and the adoptive family. These discussions focus on addressing both the current and anticipated needs of the eligible child, as well as the family's circumstances. Once all parties reach an agreement, they must sign the Adoption Assistance Agreement before the adoption is finalized.

In negotiating the child's assistance benefits, the family's circumstances will be taken into account. Family circumstances refer to the family's ability to meet the anticipated needs of the eligible child or youth. Anticipated needs are those that are reasonably foreseeable and known at the time of adoption finalization.

The monthly adoption assistance payment subsidy cannot exceed the foster care maintenance payment that would have been provided if the child or youth had remained in foster care at the time of adoption.

The adoptive parents have the right to bring others to the negotiation meeting, including parties who possess relevant information about the child's history and needs, including the child's Guardian ad Litem or the family's advocate, legal representation for the child or the prospective adoptive family.

**ADOPTION ASSISTANCE AGREEMENT:** All parties will sign the Virginia Adoption Assistance Agreement documenting the agreed upon terms. The agreement is signed and executed within sixty days from the date the LDSS received the completed application with all required documentation. The signed agreement is legally binding on all parties beginning on the effective date stated on the agreement. Payments and services will only be provided once the agreement is executed. The LDSS is responsible for payments and services specified in the agreement, and the terms of the agreement can only be changed when new terms are assessed, negotiated, and agreed upon in an Amended Adoption



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Assistance Agreement. It is important that the family is aware and understands that an Adoption Assistance Agreement must be signed and effective prior to the finalization of the adoption.

The family also has the right to refuse any type of adoption assistance. If the family refuses to accept any type of adoption assistance including Medicaid, the LDSS will document the family's refusal and reasons for such refusal in the services record and both the family and the LDSS will sign a statement that the family is refusing adoption assistance. This statement will be kept in the sealed adoption file.

**AFTER THE ADOPTION:** The Adoption Assistance Agreement will be reviewed annually by the LDSS and the adoptive parents. The LDSS will send the annual certification to the adoptive family 60 days prior to the anniversary of the agreement. The necessary documentation must be returned to the LDSS no later than 30 days upon receipt.

**SCHOOL ATTENDANCE REQUIREMENT:** Annually, the adoptive family will provide the LDSS with documentation that each child who is eligible for adoption assistance and has attained the minimum age for compulsory school attendance is:

- Enrolled in an institution that provides elementary or secondary education, or
- Instructed in elementary or secondary education at home in accordance with the home school statute, and which is administered by the local school district, or
- Is incapable of attending school on a full-time basis due to the medical condition of the child. The reasons must be supported by regularly updated information in the educational plan maintained by the school district.

**CHANGING THE AGREEMENT:** If significant changes occur following the adoption and the need is directly related to the original barriers identified on the Adoption Assistance Agreement, the adoptive family may request a review of the terms in the agreement. Through negotiation with the adoptive family, the Assistance Compliance Consultant and the LDSS will review the request and make a recommendation to continue the current assistance amount, increase the long-term assistance amount, decrease the assistance amount, or approve time-limited services. An Addendum to the Adoption Assistance Agreement must be signed by all parties prior to making any changes.

**REGIONAL POST ADOPTION CONSORTIUM:** The Virginia Department of Social Services is committed to providing high quality, adoption competent services and supports to all post-adoptive families living in Virginia. These services are free of charge and include information and referral, case management, education and training, support and advocacy, peer support, planned respite activities, and crisis planning.

**ADOPTION TAX CREDIT:** Adoptive parents are encouraged to pursue eligibility for the federal Adoption Tax Credit available for parents who adopt a child with special needs from foster care. Parents should consult a tax professional to determine their eligibility for the tax credit and to address any questions they may have.

**TERMINATING ADOPTION ASSISTANCE:** The LDSS must terminate the agreement and payments based on the terms specified in the assistance agreement or the addendum in effect. The agreement can also be terminated when the LDSS determines that any one of the following circumstances has occurred:



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- The child reaches the age of 18 years, unless an addendum to extend the agreement has been negotiated, signed, and executed.
• The child reaches the age of 21 years.
• Parents request in writing that the agreement ends.
• Parents are no longer legally responsible for the child's care, are not providing any financial support for the child, or are deceased.

APPEALS AND FAIR HEARINGS: Once a final decision has been made—whether it is an offer or denial of adoption assistance, a reduction in the amount of assistance, or the termination of an adoption assistance agreement, adoptive parents have the right to request a fair hearing with the state. Adoptive parents may choose to be represented by legal counsel during the appeal process at their own expense.

Request for appeals are submitted in writing to:

Virginia Department of Social Services
Appeals and Fair Hearings Unit
5600 Cox Rd
Glen Allen, Virginia 23060

If the parent does not agree with the decision of the hearing officer, they may seek further review of the decision by the appropriate circuit court. Parents have 30 days from the date of service (the date they received the hearing officers' decision or the date it was mailed to you, whichever occurred first) to provide notice of your intent to file an appeal with the circuit court. Parents must send written notice of intent to appeal the hearing officer's decision to:

Virginia Department of Social Services
Commissioner
5600 Cox Rd
Glen Allen, Virginia 23060

In addition, parents must file a petition in circuit court in the locality where they live in order to perfect the appeal. Parents will not receive correspondence, nor will the assistance continue as a result of you sending written notices to VDSS of your intent to appeal, as the hearing officer's decision is the final administrative action.

DISCRIMINATION COMPLAINT: Parents who believe they have been discriminated against by VDSS or LDSS because of race, color, national origin, sex, age, or disability have the right to file a complaint of discrimination with the:

VDSS Civil Rights Program Administrator
5600 Cox Rd
Glen Allen, Virginia 23060

-Or-

U.S. Department of Health and Human Services
Director, Office of Civil Rights
Region III 150 S. Independence Mall West Suite 372
Philadelphia, PA 19106-3499

Parent Signature:

Date:

Parent Signature:

Date:

Agency Representative:

Date: