
INFORMATION SHEET ON THE VIRGINIA ADOPTION ASSISTANCE PROGRAM

Thank you for your interest in adopting a child from Virginia's foster care system. Adoption provides children with lifelong family relationships to share family traditions, special holidays, and important life events through childhood to adulthood.

The purpose of this document is to provide you with general information about Virginia's adoption assistance program as it relates to adoption from public or private foster care. Adoption assistance is not automatic and is based on the special needs of your child. Adoption assistance is not the same as a foster care payment and the adoption assistance payment cannot exceed what your child would have received while in foster care at the time of adoption.

_____ local department of social services (LDSS) will assist you with adoption assistance and answer any specific questions about a child or your family's circumstances and you can reach the LDSS at _____. The LDSS will give you a Full Disclosure of Child Information Form that contains all known and relevant information about your child and the birth family, without revealing the identity of the birth family. The LDSS will discuss the Full Disclosure of Child Information Form with you. The LDSS will also help you plan how to integrate your child into your family and assess what services are available to meet your child's special needs.

PURPOSE OF ADOPTION ASSISTANCE

Adoption assistance supports you as you raise your child with special needs. Special needs may include physical, mental, or development needs. While you assume primary financial responsibility for raising your adopted child, adoption assistance supplements your resources to care for your child's special needs. It is not intended to cover the entire cost of raising your child and the assessment of adoption assistance is not the same as how the foster care payment was determined. Public and private community resources should be used prior to seeking adoption assistance for your child.

ADOPTION ASSISTANCE FOR ELIGIBLE SPECIAL NEEDS CHILDREN

NON-RECURRING ADOPTION EXPENSE PAYMENTS are made on behalf of your child in an adoptive placement prior to the final order of adoption when there is an adoption assistance agreement in effect. Non-recurring expense payments cover up to \$2,000 for services directly related to the adoption of your child, such as reasonable and necessary costs for legal services, attorney fees, adoption home study, and medical and psychological examinations. Other reimbursable services include supervision of placement and transportation, lodging, and meal costs for you and your child during the placement or adoption process as long as you have not previously been reimbursed for these services.

BASIC MAINTENANCE PAYMENTS are monthly payments made to assist you in meeting your child's special needs. The amount is based on your child's level of care and supervision taking into consideration your family and community resources available to you. This monthly payment is made to you and it is your decision how you use the payment to meet your child's special needs. For example, you may use your monthly basic maintenance payment to cover medical cost not covered by insurance, special transportation needs for your child, respite care, or child care to name a few.

ENHANCED MAINTENANCE PAYMENTS are monthly payments available when your child has a clearly defined, ongoing need that requires you to provide additional supervision and support beyond what is developmentally appropriate to ensure your child's safety and well-being. The LDSS makes the determination that your child may require additional supervision and support from you by using the Virginia Enhanced Maintenance Tool (VEMAT) and supporting documentation to assess your child's behavioral, emotional, and physical/personal care needs and the increased supervision that you are providing to meet your child's needs. At no time shall the amount of the basic and enhanced maintenance payments exceed what would have been paid if the child was in foster care.

SPECIAL SERVICE PAYMENTS are time-limited payments that are directly related to address the child's special needs as documented by a qualified professional. You and the LDSS will explore all available health insurance, extended family, community, government, and other resources available to determine if they can provide services or supports necessary to meet your child's special needs. Adoption assistance funds shall not be used to pay for services that can be provided through other resources. You and the LDSS also examine whether you can financially afford the special service, as required by law. The LDSS shall consider this information as one factor when assessing and negotiating the special service payments. It shall not be the only factor in assessing your family's circumstances and in determining the special service payments. Special services payments are not intended as a long-term solution and you and the LDSS will assess a long-term service and support needed to meet your child's need.

If your child requires a service provider, you have the responsibility for selecting that provider based on what you believe is the most important for your child and for ensuring the provider's qualifications. You will select these providers, when applicable:

- Providers through Medicaid, FAMIS, private health insurance, local school division, state education agency, or early intervention supports and services. Adoption assistance funds shall not be used to pay other providers when the services are available, appropriate, and accessible through these avenues.
- Providers are fully licensed, regulated, approved, or accredited. The LDSS will assist you in verifying the status of providers.

FEDERAL ADOPTION TAX CREDIT while not part of Virginia's adoption assistance program, you may be eligible for a federal adoption tax credit when adopting a child from foster care, including a child with special needs. You should consult a tax professional to determine your eligibility for the tax credit and to address any questions you may have. For more information on the federal adoption tax credit see the Internal Revenue Service (IRS) website at <http://www.irs.gov/> and the North American Council on Adoptable Children website at <http://www.nacac.org/>.

APPLYING FOR ADOPTION ASSISTANCE

To begin the process of determining if you are eligible or if you wish not to request adoption assistance, you will submit the Virginia Application for Adoption Assistance to the LDSS responsible for assessing adoption assistance for your child. The application also serves as a tool to help you plan how to integrate your child into your family, evaluate financial resources, expenses, and health coverage available for your child, and identify services and supports to address your child's special needs. You will complete the application with the LDSS or licensed child placing agency when the child is in agency custody.

ASSESSING THE NEED FOR ADOPTION ASSISTANCE

Adoption assistance is individually tailored for your child using your resources as well as community resources to address your child's special needs. The amount and terms for adoption assistance are assessed, negotiated, and agreed upon by you and the LDSS to meet the child's special needs, secure a safe, loving and permanent family for your child. During the process of assessing adoption assistance for your child, you have a right to determine how you will use your financial resources and have the responsibility and right to raise your child with minimal government involvement, including denying adoption assistance.

The LDSS will use the Screening Tool to determine if your child meets the eligibility criteria for adoption assistance. Once your child is determined eligible for adoption assistance, the adoption assistance is negotiated with you, the LDSS, and a representative of the state, an Adoption Negotiator. The purpose of negotiation is to assess your child's needs for adoption assistance and your family circumstances to address these needs. Negotiation for adoption assistance is to review what is needed now, and what is known to be needed in the immediate future to help meet your child's needs. Future needs for your child are not negotiated at this time because those needs cannot be known with certainty and may change. At any time during the duration of the agreement, you may request changes to the adoption assistance agreement to address changes in the needs of your child and your family circumstances. Changes to the agreement will be evaluated based on the special needs that were initially documented on the adoption assistance agreement.

The LDSS will use the Virginia Screening Tool to determine your child's eligibility for adoption assistance. You, the LDSS, and Adoption Negotiator will consider the following factors when assessing the need for adoption assistance:

- The special needs of the child, as documented by a qualified professional.
- The care and supervision your child requires.
- Your family circumstances and how these circumstances impact your need for adoption assistance. Your circumstances include your overall ability to meet the needs of your child and incorporate your child into your home, based on your current lifestyle, standard of living, and future plans.
- Other available resources that can be used creatively to help meet your child's special needs and help defray costs for you and the adoption assistance program. Resources may be from relatives, friends, neighbors, faith-based organization, community centers, cultural and civic organization, health insurance, and other community and government agencies.
- Legal requirements for adoption assistance.
- The type of adoption assistance that is important to you (e.g. financial assistance, health insurance, special services, and other supports).
- The amount, timing, and how long adoption assistance is need.

ENTERING INTO AN ADOPTION ASSISTANCE AGREEMENT

After you and the LDSS agree on the terms for adoption assistance, you will sign the Virginia Adoption Assistance Agreement that documents the agreed upon terms. The agreement is signed and executed within ninety days from the date the LDSS received the completed application from you 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 shall only be provided once the agreement is executed. The LDSS is responsible for payments and services specified in the agreement. Once the adoption assistance agreement is executed, the terms of the agreement shall be changed only when new terms are assessed, negotiated, and agreed upon by you and the LDSS.

CHANGING THE ADOPTION ASSISTANCE AGREEMENT

You may request a change to the adoption assistance agreement at any time during the duration of the agreement based on changes in your child's special needs or your family's circumstances. A change in non-recurring adoption assistance cannot be reassessed as they are a one-time only expense.

For changes to the agreement, you will submit an Addendum Request to the Virginia Adoption Assistance Agreement to the LDSS with which you established the agreement. You and the LDSS will assess, negotiate, and agree upon new terms of adoption assistance. You and the LDSS sign an Addendum to the Virginia Adoption Assistance Agreement that documents the agreed upon revised terms.

TERMINATING THE AGREEMENT AND PAYMENTS

The LDSS shall only terminate the agreement and payments based on the terms specified in the adoption assistance agreement or the addendum in effect. The agreement can also be terminated when the LDSS determines that any one of the following circumstances occurs:

- Your child reaches the age of 18 years, unless the LDSS determines that your child has a condition that warrants continuation of adoption assistance beyond age 18 years up to age 21.
- Your child reaches the age of 21 years, after the LDSS established that the youth has a condition that warrants the continuation of adoption assistance beyond the age of 18 years.
- You request in writing that the agreement ends, are no longer legally responsible for your child's care, are not providing any financial support for the child, or you are deceased.

APPEALS AND FAIR HEARING

Any applicant or recipient of adoption assistance aggrieved by any decision of the LDSS in granting, denying, or discontinuing adoption assistance may appeal the decision. An applicant aggrieved by the failure of the LDSS to make a decision within a reasonable time may ask for a review of the process.

Appeals shall be processed in accordance with Virginia legal requirements and written procedures at the time of the appeal shall be used. You may request a fair hearing within thirty days after receiving written notice of the LDSS's decision. A person acting on behalf of you (e.g. relative, friend, or an attorney) may act as your authorized representative and request the hearing. Requests for appeals are submitted in writing to:

Appeals and Fair Hearings Unit
Virginia Department of Social Services
801 East Main Street
Richmond, Virginia 23219

When the hearing officer determines the appeal request is valid, a formal Administrative Hearing is conducted. The hearing officer is an impartial person charged by the Commissioner of the Virginia Department of Social Services (VDSS) to hear appeals and decide if the LDSS followed policy and procedure in making a decision. The LDSS prepares a Summary of Facts and sends a copy to you, your representative if any, and the hearing officer prior to the hearing.

At the hearing, you or your authorized representative have the opportunity to:

- Examine all documents and records used at the hearing.
- Present your case.
- Bring witnesses.
- Establish pertinent facts and advance arguments.

- Question or refute any testimony or evidence, including the opportunity to confront and cross examine adverse witnesses.

The LDSS has the opportunity to:

- Clarify or modify statements contained in the Summary of Facts.
- Question you and your witnesses on the salient issue.
- Examine all documents submitted by you or your authorized representative.

Only relevant evidence related to the issue being appealed is admissible at the hearing. There is a legal presumption that the LDSS acted in accordance with law and policy and the burden of proof is on you to demonstrate the LDSS's error. The decision of the hearing officer shall be based exclusively on the evidence introduced at the hearing, and on all applicable laws, regulations, policies, and guidance manuals.

The hearing officer shall notify you and the LDSS in writing of its decision on the appeal within sixty days following the date the appeal request was received by VDSS, except when a postponement was requested. If the hearing was postponed, the time limit will be extended for as many days as the hearing was postponed.

The decision of the hearing officer is final and binding when the decision is mailed to you and the LDSS. If you and the LDSS resolved the issue at any time after the Appeals and Fair Hearings Unit receives your request for an Administrative Review Hearing, you must provide a written statement withdrawing the appeal request. The withdrawal statement is sent to the hearing officer with a copy sent to the LDSS.

If you aggrieved the decision of the hearing officer, you may seek further review of the decision by the appropriate circuit court. You have thirty days from the date of service (the date they actually 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. You must send written notice of intent to appeal the hearing officer's decision to:

Commissioner
Virginia Department of Social Services
801 East Main Street
Richmond, Virginia 23219

In addition, you must file a petition in circuit court in the locality where you live in order to perfect the appeal. You will not receive correspondence nor will the adoption 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

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

<p>VDSS Civil Rights Program Administrator 801 East Main Street, 8th Floor Richmond Virginia 23219</p>	<p>-Or-</p>	<p>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</p>
---	-------------	---