

Adoption Negotiations

- 1: In situations where the adoptive parents are requesting basic maintenance only and no enhanced maintenance or special services, can the LDSS proceed without referring the case to an Adoption Negotiator?
- 2: Do adoptive parents need to sign a Consent to Exchange Information form since their information is going to someone outside the LDSS?
- 3: In the event that the LDSS does not agree with the Adoption Negotiator's recommendation, what is the next step?
- 4: What happens when no agreement is reached?
- 5: When the negotiation process starts, who contacts the adoptive parents?
- 6: What, if any, documentation will be reviewed by the negotiators to support the child's special needs: If so, where will the documentation reviewed be noted?
- 7: Now that adoption assistance funds (basic maintenance, enhanced maintenance payments, and special service payments) are effective on the first day of the month following the last signature on the Adoption Assistance Agreement, will the services that were provided for the adoptee while in foster care (i.e. child care and treatment foster care services, such as case management) terminate?
- 8: How are treatment foster care homes transitioned to adoptive homes if the LCPA (licensed child-placing agency) is not licensed to provide adoption services?
- 9: Can the adoptive parents file the petition to adopt prior to the negotiation process?
- 10: Are Adoption Assistance Agreements for youth over the age of eighteen (18) being negotiated?
- 11: Is private insurance reviewed as part of the negotiation process?
- 12: Can an adoptive family decline adoption assistance and Medicaid even if the child is eligible?
- 13: How will emergencies be addressed in completing negotiation for addendums to existing Adoption Assistance Agreements (i.e. placement in residential treatment)?
- 14: What happens after the negotiation is complete?
- 15: Can the Initial Title IV-E Determination form (Title IV-E Foster Care Notice of Action) be added to the Initial Referral for Negotiations form since this is now required by the Adoption Negotiators?
- 16: Do Adoption Assistance Agreements without end dates need to be referred to negotiations? i.e. for special services, continuation past age 18, etc.
- 17: Does a referral need to be made to an Adoption Negotiator to change a provider or rate for special services?

18: Is it required that a specific provider be identified and named on the Adoption Assistance Agreement and addendums for special service payments?

19: Can timeframes for initial special services be lengthened to reduce the number of addendums that need to be executed?

20: Can residential treatment services be approved for longer than three months at a time?

21: Do requests for the administration of a new VEMAT need to be referred to an Adoption Negotiator if the newly administrated VEMAT results in a higher score and enhanced maintenance payment?

22: Does a request to continue an Adoption Assistance Agreement past the age of 18 which includes only the provision of basic maintenance and Medicaid need to be referred for negotiations?

23: Do special service payment requests require an estimate? If so, how many?

24: In addition to the required forms, what supporting documentation should be submitted to the negotiator?

Adoption Negotiations

- 1. Question:** In situations where the adoptive parents are requesting basic maintenance only and no enhanced maintenance or special services, can the LDSS proceed without referring the case to an Adoption Negotiator?

Answer: No, per Virginia 2015 Appropriations Act, “the Department of Social Services shall negotiate all Adoption Assistance Agreements with both existing and prospective adoptive parents on behalf of local departments of social services.”

Date Updated: July 29, 2016

- 2. Question:** Do adoptive parents need to sign a Consent to Exchange Information form since their information is going to someone outside the LDSS?

Answer: The information pertaining to the adoptive family is being shared within the VDSS System; therefore, consent is not required.

Date: August 7, 2015

- 3. Question:** In the event the LDSS does not agree with the Adoption Negotiator’s recommendation, what is the next step?

Answer: The LDSS should contact the Adoption Program Manager, Traci B. Jones at (804) 726-7537 or traci.jones@dss.virginia.gov as the next level of contact in an effort to resolve the matter.

Date: August 7, 2015

- 4. Question:** What happens when no agreement is reached?

Answer: In the event no agreement is reached, the Adoption Negotiator will contact the Adoption Program Manager for discussion in order to work towards a resolution.

Date: August 7, 2015

- 5. Question:** When the negotiation process starts, who contacts the adoptive parents?

Answer: The LDSS contacts the adoptive family regarding the negotiation process including scheduling the negotiation meeting.

Date: August 7, 2015

6. **Question:** What, if any, documentation will be reviewed by the negotiators to support the child's special needs: If so, where will the documentation reviewed be noted?

Answer: The Adoption Negotiators will review any and all documentation which supports and/or identifies the child's special needs. This includes, but is not limited to, service plans, case contacts, psychological and medical evaluations, and individualized educational plans (IEPs). The documents reviewed and their contents will be summarized in the Adoption Negotiation Report completed by the Adoption Negotiator and submitted to the LDSS at the conclusion of the negotiation process.

Date: August 7, 2015

7. **Question:** Now that adoption assistance funds (basic maintenance, enhanced maintenance payments, and special service payments) are effective on the first day of the month following the last signature on the Adoption Assistance Agreement, will the services that were provided for the adoptee while in foster care (i.e. child care and treatment foster care services, such as case management) terminate?

Answer: Adoption assistance funds can only be utilized for those services identified in the Adoption Assistance Agreement. All services listed on the agreement should directly relate to the child's special needs as documented in the case record (paper and electronic.) Short term services may be utilized using adoption assistance funds if it is directly related to the child's special needs. Each situation should be addressed on a case by case basis. The LDSS should prepare the child and adoptive family to transition from foster care to adoption in advance of service termination.

Date Updated: July 29, 2016

8. **Question:** How are treatment foster care homes transitioned to adoptive homes if the LCPA (licensed child-placing agency) is not licensed to provide adoption services?

Answer: Foster homes approved by an LCPA are considered to be dually approved if the family was trained using PRIDE, MAPP, or PATH or if the core competencies are covered in pre-service training. The Regional Resource Family Consultants can provide further assistance, if needed on a case by case basis. In addition, if the child placing agency (CPA) is not an LDSS, the LCPA should contact their VDSS Licensing Consultant.

Date: August 7, 2015

9. **Question:** Can the adoptive parents file the petition to adopt prior to the negotiation process?

Answer: It is recommended that the negotiation process be completed and the Adoption Assistance Agreement be executed prior to filing the petition to adopt.

Date: August 7, 2015

10. Question: Are Adoption Assistance Agreements for youth over the age of eighteen (18) being negotiated?

Answer: Yes. The Adoption Negotiators will be monitoring Adoptive Children's Reports in OASIS and proactively contacting local agencies to discuss potential addendum requests prior to the adopted youth turning eighteen years of age.

Date: August 7, 2015

11. Question: Is private health insurance reviewed as part of the negotiation process?

Answer: The Adoption Negotiator will review available resources that may offset expenses, such as medical insurance.

Date Updated: July 29, 2016

12. Question: Can an adoptive family decline adoption assistance and Medicaid even if the child is eligible?

Answer: An adoptive family can decline adoption assistance and Medicaid; however, in order to preserve the child's ability to access Title IV-E adoption assistance funds for future needs, an Adoption Assistance Agreement should be executed for a zero dollar (\$0) payment and Medicaid.

Date: August 7, 2015

13. Question: How will emergencies be addressed in completing negotiation for addendums to existing Adoption Assistance Agreements (i.e. placement in residential treatment)?

Answer: The LDSS should notify their assigned Adoption Negotiator as soon as possible after they learn that a child with an existing Adoption Assistance Agreement is in need of placement in a residential treatment facility or other emergency services. The Adoption Negotiators will make diligent efforts to expedite the negotiation process so as not to delay necessary treatment. The LDSS should also be working collaboratively with their local Children's Services Act (CSA) Coordinator.

Date: August 7, 2015

14. Question: What happens after the negotiation is complete?

Answer: The LDSS should submit the signed and executed Virginia Adoption Assistance Agreement or addendum to the Adoption Negotiator within 10 days of the last signature on the document. The Adoption Negotiator will also review OASIS to ensure the adoption case has been opened (for new cases) and all the adoption screens, such as the funding screen, in the electronic case record (OASIS)

have been completed and updated.

Date: August 7, 2015

15. Question: Can the Initial Title IV-E Determination form (Title IV-E Foster Care Notice of Action) be added to the Initial Referral for Negotiations form since this is now required by the Adoption Negotiators?

Answer: Yes. The Initial Referral for Negotiations has been revised to include the Title IV-E Determination form (Title IV-E Foster Care Notice of Action) from the most recent foster care episode.

Date Revised: July 29, 2016

16. Question: Do Adoption Assistance Agreements without end dates need to be referred to negotiations? i.e. for special services, continuation past age 18, etc.

Answer: No, the LDSS may utilize their existing internal processes to extend the agreement past age 18 or continue special service payments in accordance with the terms of the agreement. However, if new services are requested, a referral must be made for negotiation.

Date: July 29, 2016

17. Question: Does a referral need to be made to an Adoption Negotiator to change a provider or rate for special services?

Answer: For existing agreements the LDSS may make this administrative change by having all parties initial the change, complete an addendum, or place a memo in the case record explaining the change.

Exception: For rate changes that are 30% over the rate identified on the agreement, a referral will need to be made for negotiation.

Date: July 29, 2016

18. Question: Is it required that a specific provider be identified and named on the Adoption Assistance Agreement and addendums for special service payments?

Answer: No, the language "qualified professional" per adoption guidance may be used in lieu of identifying a specific service provider.

Date: July 29, 2016

19. Question: Can timeframes for initial special services be lengthened to reduce the number of addendums that need to be executed?

Answer: Yes, the initial approval of services such as tutoring, counseling, and mentoring can be approved for a period of up to one year through negotiations. The Adoption Negotiator retains the ability to approve shorter timeframes when the specific case circumstances indicate a need for an earlier termination date.

Date: July 29, 2016

20. Question: Can residential treatment services be approved for longer than three months at a time?

Answer: Yes, residential treatment services can be approved for up to six months with the requirement that a review is conducted within three months by the LDSS.

Date: July 29, 2016

21. Question: Do requests for the administration of a new VEMAT need to be referred to an Adoption Negotiator if the newly administrated VEMAT results in a higher score and enhanced maintenance payment?

Answer: Yes, in accordance with the Appropriations Act, all changes to existing agreements must be negotiated by a VDSS Adoption Negotiator (2015 Appropriations Act).

Date: July 29, 2016

22. Question: Does a request to continue an Adoption Assistance Agreement past the age of 18 which includes only the provision of basic maintenance and Medicaid need to be referred for negotiations?

Answer: Yes, if the current agreement contains an end date. These referrals may be completed through a desk review and no formal negotiation meeting is required.

Date: July 29, 2016

23. Question: Do special service payment requests require an estimate? If so, how many?

Answer: Special services requests that exceed \$2,500 require the submission of two provider estimates for consideration in the negotiation.

Date: July 29, 2016

24. Question: In addition to the required forms, what supporting documentation should be submitted to the negotiator?

Answer: The supporting documentation that should be submitted to the negotiator for basic maintenance, special service payments, and to extend the agreement past age 18:

Basic Maintenance Payments:

- Professional documentation of current special needs which may include an IEP, psychological evaluation, therapy treatment plan with diagnoses, and/or medical records;
- Copy of the Full Disclosure of Child Information; and/or
- Copy of the Report of Investigation; and/or
- VEMAT documentation.

Special Service Payments:

For special service payments, provide current documentation that is within one year from the date of the request.

- Professional documentation of the need with a recommendation/explanation to justify the service;
- Specific details on funds being requested, including the frequency and duration of the service, total cost, and parent contribution; and
- Estimates from other providers if applicable.

Extend past 18:

For the agreement to extend past age 18, provide current documentation that is within one year from the date of the request.

- Current evidence of existing mental, emotional, or physical condition;
- Documentation of ongoing treatment/interventions needed; and
- Length of extension being requested.

Date: July 29, 2016
