

# **Adoption Permanent Placement Procedures**

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## **Overview**

This chapter describes state procedures for Department of Health and Human Service (Department) workers who perform case management for children for whom a permanent adoptive placement has been identified as their permanency goal. The organization of the policy and procedures chapters is aligned. For some topics in the procedures, there are no associated laws, rules, or Department-required policies. These procedures are in addition to the general procedures given in the case planning and case management chapters.

The goal of adoption services is to secure permanent families for children who have been removed due to abuse or neglect, cannot be reunited with their parents, and termination of parental rights has occurred. Adoption provides the child and adoptive parents with the same legal rights and responsibilities as if the child were born to the parents.

## **Legal Basis**

Federal laws governing adoption services include:

- Title IV-E of the Social Security Act (42 US Code sections 670 through 679b) provides for federal funding for foster care and adoption assistance.
- The Howard Metzenbaum Multiethnic Placement Act of 1994 (MEPA), 42 U.S.C.A. 51151, as amended by the Interethnic Adoption Provision of 1996 (IEP).
- Public Law, 95-608, Indian Child Welfare Act of 1978, Policy Sec. 4(4), 101(a), (b), and (c), 102(a), 102(d), 103(a), 105(b), 201.
- Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980.
- Public Law 100-294, the Child Abuse Prevention, Adoption, and Family Services Act of 1988.
- Public Law 105-89, the Adoption and Safe Families Act of 1997 (ASFA), PL 108-145, the Adoption Promotion Act of 2003.
- Public Law 109-239, the Safe and Timely Interstate Placement of Foster Children Act of 2006.
- Public Law 109-248 - Adam Walsh Child Protection and Safety Act of 2006
- Public Law 109-288 - Child and Family Services Improvement Act of 2006
- Public Law 110-351 - Fostering Connections to Success and Increasing Adoptions Act of 2008
- Public Law 111-320 - CAPTA Reauthorization Act of 2010
- Public Law 112-34 - Child and Family Services Improvement and Innovation Act of 2011
- Public Law 113-183, Preventing Sex Trafficking and Strengthening Families Act of 2014
- Public Law 114-95, Every Student Succeeds Act of 2015
- Public Law 114-22 - Justice for Victims of Trafficking Act of 2015
- Public Law 115-123 - Bipartisan Budget Act of 2018 (also Family First Prevention Services Act)
- State Laws and Administrative rules

- Iowa Code Chapter 232, Juvenile Justice
- Iowa Code Chapter 600, Adoption
- Iowa Administrative Code 441-200, Adoption
- Iowa Administrative Code 441-201, Adoption Subsidy
- Iowa Administrative Code 441-203, Iowa Adoption Exchange

### **Definitions**

**“Adoption”** means a legal and social process through which a child becomes a member of a family into which the child was not born. Adoption provides the child the same rights, privileges, and duties as a birth child.

**“Adoption Selection”** means the process of making adoption placement decisions. The Adoption Selection Committee Team, which is tasked with making the final adoption placement decision, is made up of Department of Health and Human Service (HHS) professionals. These professionals are brought together to review the child(ren)’s needs and the family’s abilities to meet those needs, to make the best adoption match available and to ensure compliance with applicable adoption laws.

**“Adoption Selection Committee Team”** means HHS staff members designated to assist in the adoption selection process. The Adoption Selection Committee Team consists of the Adoption Supervisor and a minimum of two Adoption Workers. The Social Work Administrator (SWA) may elect to be part of the team if there is more than one family seeking to adopt the child and the SWA may select additional HHS staff to serve as members of the Team on a case-by-case basis.

**“Adoption service”** means a service directed towards children who are legally available for adoption, the birth family, the prospective adoptive family, and the adoptive family.

**“Adoption Service Provider”** means a state licensed private agency which is recognized as exempt under section 501(c)(3) of the Internal Revenue Code and which represents itself as placing children permanently or temporarily in private family homes, receiving children for placement in private family homes, and engaging in placement of children in private family homes for adoption.

**“Adoptive Child”** means a person who has not attained the age of 18 and is legally available for adoption.

**“Adoptive Family”** means an approved person or persons who:

- Have a child placed in their home and are being supervised by a public or private approved adoption agency before finalizing the adoption, or
- Have a child in their home who is legally adopted and entitled to the same benefits as a child born into the family.

**“Adoptive home study”** includes:

- An assessment of the family’s parental attributes.

- A written report stating approval or non-approval of the family for adoptive placement of a child or children.
- Appropriate record and background checks in compliance with Iowa Code, the Adam Walsh Child Protection and Safety Act of 2006 (PL 109-248) and the Child Abuse Prevention and Treatment Reauthorization Act of 2010 (PL 111-3)

**“Adoption worker”** means Adoption Social Work Case Manager (SWCM). This is the worker assigned to child(ren) for ongoing services in which termination of parental rights has occurred. Child(ren) assigned are legally available for adoption.

**“Child study”** or **“social history”** means a written description of the child that includes:

- The child’s strengths and needs.
- The child’s medical, mental, social, educational, placement, and court histories.
- A description of the child’s relationships with the birth family, foster family, and significant others.
- A summary of the child’s understanding and feeling about adoption; and
- Recommendations as to the type of family that can best meet the child’s needs.

**“Child”** means a person who has not attained the age of 18, or a person who has a diagnosed mental or medical disability and who has not attained the age of 21.

**“Consanguinity within the fourth degree”** means a blood relationship by descent from a common ancestor. “Degrees” of consanguinity are defined as follows:

- First degree: parents, children
- Second degree: brothers, sisters, grandparents, grandchildren
- Third degree: uncles, aunts, nephews, nieces, great-grandparents, great-grandchildren
- Fourth degree: great-uncle, great-aunt, first cousins, grand-nephews, grand-nieces, great-great grandparents

**“Court-ordered studies”** means home studies ordered by a judge for the purpose of determining custody of a child or placement of a child for the purpose of adoption.

**“Department”** means the Iowa Department of Health and Human Services.

**“Easy-to-place child”** means a healthy child who does not meet one or more of the criteria of a child with special needs.

**“Fictive Kin”** means an adult person who is unrelated by either birth or marriage to the child in care but who has an emotionally significant relationship with the child or the child’s biological family.

**“Foster family adoption”** means the adoption of a child by a licensed foster family who has cared for the child.

**“Guardian”** means a person who is not the parent of a child, but who has been appointed by a court having jurisdiction over the child, to have a permanent self-sustaining relationship with the child and to make important decisions which have a permanent effect on the life and development of that child and to promote the general welfare of that child.

Unless otherwise enlarged or circumscribed by a court or juvenile court having jurisdiction over the child or by operation of law, the rights and duties of a guardian with respect to a child are as follows:

- To consent to marriage, enlistment in the armed forces of the United States; or medical, psychiatric, or surgical treatment.
- To serve as guardian ad litem unless the interests of the guardian conflict with the interests of the child or unless another person has been appointed guardian ad litem.
- To serve as custodian unless another person has been appointed custodian.
- To make periodic visitations if the guardian does not have physical possession or custody of the child.
- To consent to adoption and to make any other decision that the parents could have made when the parent-child relationship existed.
- To make other decisions involving protection, education, and care and control of the child.
- Make an annual report to the court. (See form [470-3355, Adoption Report to the Court](#) for an example of a potential format.)

**“Guardianship record”** means a case record regarding a child, established, and retained by the Department, when the Department is named guardian of the child by court order. The purpose of the guardianship record is to collect and maintain information about the child and the birth family, legal documents, and other information that will assist in fulfilling the responsibility of guardian.

**“Indian Child”** is defined as any unmarried person who is under age 18 and either: (1) is a member or citizen of an Indian tribe; (2) or is eligible for membership or citizenship in an Indian Tribe and is the biological child of a member/citizen of an Indian Tribe. 25 CFR 23.2. The Indian Child Welfare Act (ICWA) applies to all cases involving Indian Children.

**“Interstate Compact Home Study”** includes:

- An assessment of the family’s parental attributes.
- A written report stating approval or non-approval of the family for placement of a specific child or children.
- Appropriate record and background checks in compliance with Iowa Code, the Adam Walsh Child Protection and Safety Act of 2006 (PL 109-248) and the Child Abuse Prevention and Treatment Reauthorization Act of 2010 (PL 111-3)

**“Kin”** means one’s family and relations. However, for this chapter only kin are limited to relations within the 4<sup>th</sup> degree of consanguinity.

**“Life book”** means a compilation of information about the child to assist the child in dealing with separation and loss issues.

**“Maintenance subsidy”** means a monthly payment to assist the family in meeting the living expenses and expenses related to the care of a special needs child in covering the cost of room, board, clothing, and spending money. The child will also be eligible for medical assistance pursuant to 441 IAC 75.

**“Nonrecurring expenses”** means reasonable and necessary adoption fees, court costs, attorney fees and other expenses which are directly related to the legal adoption of a child with special needs. These shall be limited to attorney fees, court filing fees and other court costs.

**“Permanency goal”** means the case plan goal which is established to ensure the child will receive a permanent, safe, and stable setting to grow up in. Available permanency goal options are reunification, adoption, permanent guardianship of a dependent child, or another planned permanent living arrangement.

**“Physician”** means a licensed medical or osteopathic doctor as defined in 441-77.1(249A). Physicians. All physicians (Doctor of Medicine and osteopathy) licensed to practice in the state of Iowa are eligible to participate in the program. Physicians in other states are also eligible if duly licensed to practice in that state.

**“Pre-Placement services”** include the activities and travel necessary to place the child in the adoptive family.

**“Postadoption services”** include those services that an adoptive family may access after the adoption is finalized to assist the family in coping with and resolving problems within the family.

**“Postplacement services”** include the supervision, support, and intervention necessary before finalization to assist in maintaining the adoptive placement.

**“Pre-adoptive family”** means an approved adoptive family with a child placed in the home whose adoption has not been finalized.

**“Preparation of child”** includes activities necessary to ready the child for placement into an adoptive family.

**“Preparation of family”** includes the activities necessary to assist the family in adding an adoptive child as a new member of their family.

**“Preplacement visits”** means contacts, activities, and visits between the child and prospective adoptive family before the adoptive placement.

**“Procedendo”** means an order issued by the Iowa Supreme Court returning jurisdiction to the district court after a final appellate decision regarding an appeal.

**“Presubsidy”** means payment for maintenance or special services for a special needs child who is placed in an adoptive home and who meets all eligibility criteria for maintenance subsidy but whose adoption is not finalized.



**“Qualified intellectual disability professional”** means a person who has at least one year of experience working directly with persons with an intellectual disability or other developmental disabilities and who is also one of the following:

- A Doctor of Medicine or osteopathy.
- A registered nurse.
- A person who holds at least a bachelor’s degree in a human services field including, but not limited to, social work, sociology, special education, rehabilitation counseling, or psychology.

**“Qualified mental health professional”** means a person who meets all the following criteria:

- Holds a master’s degree in a mental health field including, but not limited to, psychology, counseling and guidance, or psychiatric nursing and social work; or is a Doctor of Medicine or osteopathic medicine; and
- Holds a current Iowa license when required by the Iowa professional licensure laws for persons practicing as a psychiatrist, a psychologist, a marital and family therapist, a mental health counselor, an advanced registered nurse practitioner, a psychiatric nurse, or a social worker; and
- Has at least two years of post-degree experience supervised by a mental health professional in assessing mental health problems, mental illness, and services needs and in providing mental health services.

**“Recruitment, Retention, Support and Training (RRTS) Contract”** means the state wide contractor responsible for activities related to licensing foster families and approving adoptive families; providing support services to foster and pre-adoptive families; conducting pre-service and in-service training; and assistance in matching children in need of foster home care as well as identifying adoptive homes for children legally available for adoption. Contractor is also responsible for providing post adoption and post guardianship services.

**“Relative”** means an individual related to a child within the fourth degree of consanguinity of affinity, by marriage, or through adoption. Relative includes the parent of a sibling of the child if the sibling’s parent’s parental rights were not previously terminated in relation to the child.

**“Selection of family”** means completing the HHS adoption selection process to match a family’s strengths with a specific child’s needs to determine the permanent adoptive home.

**“Sibling group”** means at least two children who are whole or half siblings with a common parent. Stepsiblings are not included as part of the sibling group.

**“Special needs”** means that the child meets one or more of the following criteria:

- The child has a medically diagnosed disability as determined by a physician, advanced registered nurse practitioner or physician’s assistant which:
  - Substantially limits one or more major life activities.
  - Requires professional ongoing professional treatment,
  - Impacts the child’s ability to perform daily living skills, and
  - Is expected to last 12 months or longer.

- The child has been determined by a qualified intellectual disability professional to be intellectually disabled.
- The child is at high risk of:
  - Developing an intellectual disability, as determined by a qualified intellectual disability professional,
  - Developing a physical disability, as determined by a physician, and/or
  - The child has been determined by a qualified professional to be at high risk of developing a qualifying medical, mental, or emotional condition as defined in this subrule. A child in this group is eligible for subsidy of nonrecurring expenses only.
- The child has been diagnosed by a qualified mental health professional to have a psychiatric condition which impairs the child’s mental, intellectual, or social functioning, and for which the child requires ongoing professional services.
- The child has been diagnosed by a qualified mental health professional to have a behavioral or emotional disorder characterized by situationally inappropriate behavior which:
  - Deviates substantially from behavior appropriate to the child’s age,
  - Interferes significantly with the child’s intellectual, social, and personal adjustment, and
  - Requires ongoing treatment.
- The child is age five or older.
- The child is a member of a sibling group of three or more who are placed in the same adoptive home.

**“Special services subsidy”** means payment to a provider or reimbursement to the parent for medical, dental, therapeutic, or other services, equipment or appliances required by a child in order to meet the child’s identified special needs.

**“Subsidy”** means payment for maintenance or special services for a special needs child who is placed in an adoptive home and who meets all eligibility criteria for maintenance subsidy and whose adoption is finalized.

**“Social work case manager” or “SWCM”** means the person assigned to manage a child welfare case using case planning and case management for the “life of the case.” This is the worker assigned to the child(ren) for ongoing services in which termination of parental rights has not occurred.

**“Termination of parental rights (TPR)”** means the legal severing of the rights and responsibilities between a parent and their child.

**“National Training and Development Curriculum (NTDC)”** is the approved foster and adoptive parent preservice preparation, selection and training curriculum.

## **Transitioning a Case From Foster Care to Adoption**

Transfer of a foster care case to an adoption case occurs after a court order for termination of parental rights has been issued. Key to the transition is relieving the foster care SWCM, often called the ongoing worker, of duties and assigning an adoption specialized SWCM, who is often called an adoption worker/SWCM.

The ongoing SWCM and adoption worker need to work together to determine and document the special needs of children who are available for adoption, so that each child:

- Receives the needed supports and services,
- Is matched and placed with a family that can best meet those needs, and
- Receives needed benefits that are available through the adoption subsidy program (See [Comm. 385, Overview of Iowa's Adoption Subsidy Program](#) for more information).

Transition from foster care to adoption begins with concurrent planning. Teaming a case early in the life of a case with an adoption worker benefits the caregivers by providing accurate information about the adoption process and supports available to adoptive families.

The period for transferring a child's case responsibility from a SWCM to an adoption worker is 45 days from electronic filing of the order for termination of parental rights.

Include children in the planning and tasks below when age appropriate. HHS Service Areas may develop more specific steps or tasks based upon this chapter.

NOTE: Please see [Adoption Transfer Quick Reference Guide](#) for adoption case transfer condensed information.

### **SWCM Staff Responsibilities**

1. Determine if a permanency goal of adoption is appropriate by using supervisory and adoption staff, and if needed, other professional review of the case. The willingness of the child's current caregivers to be a permanent family should be discussed with adoption staff.
2. If the decision is made that adoption is the best permanency goal, request that a [termination of parental rights](#) petition be filed (See [18-D\(1\), Termination of Parental Rights and Adoption](#)). Enter the date of the request in the data entry system to start termination of parental rights tracking.
3. Notify the adoption unit by emailing the Adoption Social Work Supervisor at the time of the filing of petition to terminate parental rights. Enter the filing date for the petition in the data entry system.

An initial adoption transfer staffing will be set within 20 days of the filing of the termination of parental rights order. The staff members included in the staffing are the ongoing SWCM, adoption worker, ongoing Social Work Supervisor (SWS), and the adoption Social Work Supervisor.

This team of staff will determine who completes documentation and tasks in the form [470-5721, Adoption Transfer Checklist/Discussion Guide](#). The team will generate a discussion and comprehensive assessment of the case. The team will assign any identified next steps for successful case transfer. The ongoing SWCM will begin the process of gathering information for completion of the child study form [470-3698, Child Study](#).

4. If not already done, obtain a certified copy of child's birth certificate for termination of parental rights as well future adoption proceedings.
5. Complete the court report for the termination of parental rights hearing as required by the juvenile court. Include the specific concurrent plan for an adoptive placement. If applicable address Iowa Code §232.117(4) which states: "If the court orders a termination of parental rights and siblings are not placed together but have an existing relationship, the court shall order ongoing contact between the siblings in accordance with section §232.108 if the court finds that either visitation or ongoing interaction is in the best interests of each sibling. This subsection shall not be construed to require visitation between a child and a parent whose parental rights have been terminated as to that child, even if a sibling remains with the parent."
6. Provide a brief update to the adoption worker or unit on the outcome and status of the termination of parental rights hearing shortly thereafter (i.e., oral order, likelihood of termination of parental rights based upon hearing events, etc.).
7. When an order terminating parental rights is received, email a copy of the order to ongoing SWS, adoption SWS, adoption worker and the Service Area Guardianship list
  - Arrange closure or final visit (as determined in the child's case planning process) with the child's biological parents or other significant relatives.
  - Schedule warm hand off with adoption worker and child/family.
  - A transfer staffing will be held within 30 days of the termination of parental rights order to ensure the case is ready for transfer.
8. Complete form [470-3698, Child Study](#), within 30 days of termination of parental rights.
9. Make all data system entries relevant to termination of parental rights.
10. Provide the adoption worker with:
  - A copy of the current case permanency plan, including current providers of service.
  - Form [470-4401, Foster Child Behavioral Assessment](#), if applicable.
  - The [470-3615, Social History](#).
  - Any information that may be a barrier to approving the child's caregiver for adoption, including any criminal or child abuse history.
  - All other reports or documents (psychological reports, school reports or Individual Educational Plan, medical reports, etc.) that verify the child's [special needs](#).
  - A complete list of relative and fictive kinship searches and vetting relevant to the child.

### **Joint Responsibilities of the ongoing SWCM and adoption worker**

1. As part of the concurrent planning process, begin the process of locating an adoptive placement, if the child is not in a concurrent home.
  - The SWCM should refer any person interested in adopting a specific child to the adoption worker for information and possible completion of an adoptive home study.

The SWCM will make a referral to RRTS, all of the following must be completed for Relative or Fictive Kin, in order to proceed to adoption approval:

- Background checks required by Iowa Code, the Adam Walsh Child Protection and Safety Act of 2006 (PL 109-248) and the Child Abuse Prevention and Treatment Reauthorization Act of 2010 (PL 111-320).
  - Iowa criminal, child abuse, and sex offender registry checks prior to a prospective Adoptive Family's enrollment in the Agency's approved training for each adult and child age 14 years and older residing in the home.
  - Fingerprint-based checks of the National Crime Information Database for each adult applicant. The Contractor shall conduct fingerprint-based checks of any other adults residing in the home of the prospective Resource Family home for initial applications.
  - Out-of-state child abuse checks for all prospective adoptive parents and any other adult living in the home in any state where the person lived during the previous five years.
- Once all checks have been completed and the Relative and Fictive Kin families have been approved to move forward in the RRTS adoptive home study process, field staff will make the determination as to what process is most appropriate for each child and family's circumstances.
    - Pre-service training may be waived on both fictive kin and Relative families. See form [470-4873](#). Field staff in consultation with field leadership staff will determine if it is appropriate to waive training or require families to complete the training when considering their vetting process for adoption and the circumstances of each case.
  - An adoptive home study **must be** completed on fictive kin families or individuals who are not related to the child(ren) within the 4<sup>th</sup> degree of consanguinity.
    - Adoptive home studies for Relative families within the 4<sup>th</sup> degree of consanguinity **may be** asked to be complete the home study or they **may** have the home study waived by the Court overseeing the child welfare case. Field staff in consultation with field leadership staff will make the decision as to whether or not a home study is necessary or appropriate when considering their vetting process for adoption and the circumstances of each case.
  - If there is no current potential permanent home available, the adoption worker will begin a search and recruitment efforts in order to locate one. (See [Finding an Adoptive Home](#).)
  - Document the search for a permanent family in the narrative of the child's adoption case and in the 45-day report to the court.

NOTE: The adoption worker will submit a written report to the court within 45 days of the receipt of the termination order and every 45 days after that until the court determines that such reports are no longer necessary.

3. Compile the guardianship record file separate from the foster care service file. Documents for the guardianship file should include at a minimum the following:
  - Birth certificate
  - Death certificate
  - Medical history

- Physical record
- Social history/Child study
- Psychological reports
- School reports
- Service authorization history
- Child study
- Legal documents
- Petition to terminate
- Court order for termination of parental rights
- Any appeal petitions and orders

The SWCM shall ensure that the HHS service file and date entries including the child(ren)'s social security number are up to date. All needed information will be provided to the adoption worker.

4. Complete a joint visit with the child and child's placement provider within 45 days of termination of parental rights.
5. The adoption worker and SWCM SWS shall ensure that tasks have been completed or that a plan exists to do so before transfer of the case to the adoption worker. A transfer staffing is required to ensure the case is ready for transfer.

The unique circumstances of a particular child may involve operating outside of transition protocol. If so, supervisors, Service Area Administrators, and Service Area Managers will negotiate and agree upon responsibilities.

NOTE: See the Department's Adoption Selection process outlined under the [Adoption Selection](#) portion in the manual for SWCM and Adoption Worker defined responsibilities.

### **Adoption Staff Responsibilities**

1. If the child(ren) is not in a permanent home at the time of case transfer, the adoption worker will continue efforts described below to locate an adoptive home (see [Finding an Adoptive Home](#)) and document these efforts in the child's case file narrative.
2. Continue services to assist the child and the family in the transition from foster care to permanency. This may include family centered services, behavioral health intervention services, or therapy for the child and family.
3. Complete form [470-0761 Agreement of Placement for Adoption](#).
4. Ensure the adoptive family understands the types of subsidies that may be available to them. When appropriate, negotiate form [470-0749 Adoption Subsidy Agreement](#).
5. Complete foster care reviews and court reports due after termination of parental rights but before finalization.
6. Complete all data system entries relevant to adoption and code the county of financial responsibility according to service area protocol.
7. Ensure that the case permanency plan is relevant to the current adoption circumstances.

8. Discuss potential post-finalization matters.
  - Plan with the prospective parents for post finalization contingencies, such as need for services and available resources.
  - Inform the parents that postadoption (finalization) support services are available through the RRTS contractor.
  - Plan with the prospective parents for ongoing contact between the child(ren) and any known siblings to the child(ren) not placed in the same adoptive home.
  - Clear communication with the prospective parents that once adoption is finalized it is a permanent decision and the responsibilities to the child(ren) are the same as if the child(ren) had been born to the prospective parents.
  - Complete form [470-5722 Iowa Adoption Program Discussion Guide](#) to ensure pertinent information regarding the adoption process is discussed with and provided to the adoptive family.
9. Complete the *Consent to Adoption*, forms [470-0755](#) or [470-0755\(S\)](#), to initiate adoption finalization procedures. The *Consent to Adoption* 470-0755 or 470-0755(S) should be signed by the designated staff in the Service Area the child's CINA/TPR proceedings occurred.

### **Finding an Adoptive Home**

Legal reference: 441 IAC 200.4(3)

Unless the process of finding an adoptive home has been initiated through concurrent planning, the adoption SWCM shall begin the process of locating an adoptive home when the termination of parental rights is filed, and adoption is the permanency goal.

1. For a Native American child registered with a tribe who is legally available for adoption or a child who is eligible for tribe membership but not yet registered, follow the [Indian Child Welfare Act](#) procedures before selection of a family and placement for the purpose of adoption.
2. The adoption SWCM should ensure relative notice procedures have been followed (See [18-C\(2\), Case Management](#)). If any identified relative has not been given notice of the child's entry into care, immediately provide notice.

All referrals for Relative and Fictive Kin families who have been designated as the concurrent plan or formal adoption selection should be referred to the local RRTS provider to begin the adoption home study process. Families can decide if they would also like to be approved for foster care to get additional financial support prior to TPR. See [18-C\(4\), Kinship Support](#).

The adoption SWCM will make a referral to RRTS, all of the following must be completed for Relative, in order to proceed to adoption:

- Background checks required by Iowa Code, the Adam Walsh Child Protection and Safety Act of 2006 (PL 109-248) and the Child Abuse Prevention and Treatment Reauthorization Act of 2010 (PL 111-320).
- Iowa criminal, child abuse, and sex offender registry checks prior to a prospective Adoptive Family's enrollment in the Agency's approved training for each adult and child age 14 years and older residing in the home.

- Fingerprint-based checks of the National Crime Information Database for each adult applicant. The Contractor shall conduct fingerprint-based checks of any other adults residing in the home of the prospective Resource Family home for initial applications.
- Out-of-state child abuse checks for all prospective adoptive parents and any other adult living in the home in any state where the person lived during the previous five years.

Once all checks have been completed and the Relative and Fictive Kin families have been approved to move forward in the RRTS adoptive home study process, field staff in consultation with field leadership staff will make the determination as to what process is most appropriate for each child and family's circumstances.

Pre-service training may be waived on both fictive kin and Relative families. See form [470-4873](#). Field staff in consultation with field leadership staff will determine if it is appropriate to waive training or require families to complete the training when considering their vetting process for adoption and the circumstances of each case.

- An adoptive home study **must be** completed on fictive kin families or individuals who are not related to the child(ren) within the 4<sup>th</sup> degree of consanguinity.
  - Adoptive home studies for Relative families within the 4<sup>th</sup> degree of consanguinity **may be** asked to be complete the home study or they **may** have the home study waived by the Court overseeing the child welfare case. Field staff in consultation with field leadership staff will make the decision as to whether or not a home study is necessary or appropriate when considering their vetting process for adoption and the circumstances of each case.
3. If the child is not in an adoptive home begin a search or recruitment efforts to locate a family for the child by identifying and contacting:
    - Any interested Relative for potential adoptive placement. Any interested persons or fictive kin with whom the child has a significant relationship and who may be interested in adopting the child.
    - The RRTS contractor for assistance in identifying a potential permanent family.

NOTE: The RRTS contractor is only responsible for matching a child to a foster family home. The RRTS contractor can provide information about potential families but cannot match a child to a “dually” licensed/approved family for the purpose of adoption.
    - Review family profiles on the RRTS website.
    - Families who have an approved adoption home study completed by a private licensed child placing agency may be considered for a child in care. The family does not need to be referred to the RRTS contractor or be required to complete pre-service training.
  4. Document the search for an adoptive placement in the narrative section of the child's adoption case file or in the data entry system.
  5. If necessary, contact other resources for potential adoptive homes, such as:
    - Adoption workers in other counties and service areas
    - AdoptUsKids and other regional exchanges
    - Wendy's Wonderful Kids
    - Relatives



- Fictive Kin
  - Reel Hope Project
6. Document the search for an adoptive placement in the narrative section of the child's adoption case file or in the data entry system.

### **Adoption Exchanges**

Legal reference: Iowa Code Section 232.119, 411 IAC 203.1(232), 203.2(232)

Iowa law requires children in the guardianship of the department be registered on the Iowa Adoption Exchange System (IAES) through the data entry system within 60 days of receipt of the termination of parental rights court order, unless the adoption program manager grants a deferral.

This timeline applies even when the birth parents are appealing the termination if no one with a significant relationship is being considered as a prospective permanent family.

The Iowa Adoption Exchange System (IAES) is a computerized system established to facilitate the adoptive placement of children by matching children legally available for placement and approved families desiring to adopt a child with special needs or a sibling group and referring all families to the child's adoption worker. The IAES system is accessed through the data entry system.

Request a deferral of IAES registration if any of the following conditions exist:

- The child is in an adoptive placement.
- The child's foster parent or another person with a significant relationship is being considered as the adoptive family.
- The child needs diagnostic study or testing to clarify the child's needs and provide an adequate description of them.
- The deferral expires after 90 days.
- The child is receiving medical care or mental health treatment, and the child's care or treatment provider has determined that meeting prospective adoptive parents is not in the child's best interest.
  - A deferral for this reason shall be granted for no more than 120 days.
  - The child is 14 years of age or older and will not consent to an adoptive plan, and the consequences of not being adopted have been explained to the child.
- The termination of parental rights is under appeal by the birth parents, and foster parents or other persons with a significant relationship continue to be considered as the prospective adoptive parents.

The deferral **may** be extended until 60 days after a final decision on the appeal.
- The court prohibits IAES registration and orders the child placed in a planned alternative permanent living arrangement.

The adoption program manager will grant a deferral upon receipt of a request via the data entry system based on one of these conditions.

When a deferral expires, register the child on IAES if the child does not qualify for another deferral category.

If an adoptive home is not available within 90 days of termination of parental rights, the child shall be listed on the state and national photo listing. The RRTS contractors manage the state photo listing. AdoptUSKids manages the national photo listing.

Arrange for the child's photo to be taken in preparation for photo listing the child on the Iowa exchange and the national adoption exchange.

- Complete form [470-3351, Waiting Child Enrollment](#), to enroll a child available for adoption with the contractor for recruitment and retention of resource families, This form authorizes the RRTS contractor to post the child on the state and national exchanges.
- Complete form [470-4155, AdoptUsKids Website Waiver](#), if a child should not be listed on AdoptUsKids. Send the completed form to the RRTS contractor.

### **45 Day Reports on Progress to Achieving Adoption**

Legal reference: Iowa Code Section 232.117(6)

Within 45 days of the termination of parental rights and the transfer of guardianship to the Department, submit a report to the juvenile court documenting the progress towards adoption.

NOTE: The juvenile court could mandate the use of form [470-2889, Report on Efforts to Place Child for Adoption](#), or a specific report format other than 470-2889.

This report must be submitted every 45 days thereafter, until the court deems the reports no longer necessary.

### **Adoptive Family Approval Process**

Legal reference: Iowa Code Section 600.8, 411 IAC 200.3(600)

The Department has entered into a statewide contract for the RRTS that are available to be successfully matched with children who need care in a foster family setting, adoptive placement, or Relationship placement. Contractors are responsible for:

- Providing families with orientation and pre-service training.
- Assisting families in completing the adoption approval process, which includes conducting all required record checks and fingerprinting.
- Completing home studies, home study updates, and relative studies. The home studies will assess the attitudes toward the child's birth parents and family and the importance of ongoing biological family contact.

### **Orientation**

When individuals or couples contact the Department about adopting a child with [special needs](#), refer them to the RRTS contractor in the service area where the family resides for orientation and assistance in completing the adoption approval process.

NOTE: Refer families who are interested in infant or international adoption rather than special needs adoption to the Iowa Association of Adoption Agencies (IAAA) web site (<http://www.iowaadoption.org>).

Orientation may be provided in a group or individual setting but must be done face to face. That does include the use of electronic mediums such as videoconferencing.

The following information will be provided to the prospective parents at orientation:

- Processes and procedures for placement and termination of placement.
- Medical assistance program information.
- Adoption subsidy information.
- Child abuse law and child abuse investigation procedures.
- Necessary confidentiality procedures and standards.
- Explain the process of foster home licensing and adoption approval.
- Explain the difference between foster care and adoption.
- Explain special needs adoption.
- The family will be requested to sign form [470-0743, Application for Adoption](#), as well as forms to complete the record check process.

### **Record Checks**

Legal reference: PL 109-248, 111-320, Iowa Code Section 600.11,411 IAC 201.(4)1“b”

All prospective adoptive applicants and household members aged 14 and older are required to have the following record checks completed:

- State of Iowa criminal history checks using form [DCI-77 State of Iowa Criminal History Record Check Request Form](#);
- Federal criminal history checks through FBI fingerprinting;
- Iowa child and dependent adult abuse registry checks using form [470-3301 Authorization for Release of Child and Dependent Abuse Information](#);
- Iowa Sex Offender Registry Checks;
- Iowa Courts Online checks; and
- Child abuse registry checks from any state where the prospective applicants lived in the five years prior to application for adoption approval.

If the applicants and household members pass all record checks, the RRTS contractor will conduct the preservice training and preparation.

## **Evaluation Process**

Legal reference: Iowa Code 600.8, 411 IAC 200.4”

If there is a record of a founded abuse or a criminal conviction for the applicant or any person who is 14 years of age or older living in the applicant’s home, the contractor will send the Department the completed *Record Check Evaluation*, form [470-2310](#) or [470-2310\(S\)](#), to notify the Department’s Record Check Evaluation Unit that an evaluation is required.

The completed *Record Check Evaluation* form must be returned to the contractor within 10 days. Failure to do so can result in a denial of the application.

The Department’s Record Check Unit shall conduct an evaluation of a record of founded abuse or a criminal conviction on initial application and renewals (See [18-B\(1\), Record Check Evaluation](#)).

EXCEPTION: Do **not** conduct an evaluation or approve for adoption a person convicted of any of the following felony offenses:

- Domestic abuse.
- A forcible felony.
- A drug-related offense committed within the last five years.
- A crime against a child, including sexual exploitation of a minor or
- Child endangerment or neglect or abandonment of a dependent person.

If the family is a relative or kin caregiver who has not had record checks completed prior to the application to adopt, the adoption worker may be contacted for additional information in making the record check decision.

The Record Check Evaluation Unit will review the information and provide a written decision either approving or denying the applicants continuation with the adoption approval process.

- If the decision is to not allow the applicants to proceed with the adoption approval process issue form [470-0745, Adoption Notice of Decision](#) notifying the subject.
- If the subject is not the prospective adoptive parent, issue an Adoption Notice of Decision to the subject, and a separate Adoption Notice of Decision to the applicants but do not reveal the name or nature of the criminal or child abuse finding.
- Example language for *the Adoption Notice of Decision*:

Your application to be approved to adopt is denied due to a record check decision on a household member.

## **Pre-Service Training**

Legal reference: 411 IAC 200.4(1)“d”, 200.4(4)“a”

Pre-service training is offered for families seeking adoption approval.

The National Training and Development Curriculum (NTDC) is a curriculum that is based on research and input from experts, families who have experience with fostering or adopting children, and former foster and adoptive youth. It provides potential foster or adoptive parents with the information and tools needed to parent a child who has experienced trauma, separation, or loss. It is an online classroom and program which helps to prepare prospective foster and adoptive parents to be successful parents. In addition, the NTDC gives parents access to information and resources needed to continue building skills once they have a child in their home.

The RRTS contractor will complete adoption home studies and updates and will:

- Submit a completed home study and documentation to the department licensing worker within 100 days of the date the applicant began pre-service training.
- Submit a home study update at least 45 days before the expiration of the home study approval to the department licensing worker.

The department licensing worker completes the following activities:

- Send a copy of the [470-0745, Adoption Notice of Decision](#) to the adoptive family and to the RRTS contractor.
- Enter the approved adoptive family into the HHS data system as a provider.
- Register the family on IAES.

## **Home Study**

Legal reference: Iowa Code 600.8, 41 IAC 200.4(4)

The RRTS contractor will complete adoption home studies and updates. The home study assesses the family in the following areas:

- Motivation to adopt.
- Emotional maturity and compatibility of the adoptive parents.
- Ability to cope with stress, frustrations, separation and loss.
- Any medical, emotional or mental health concerns that may impact their ability to parent.
- Financial stability and the family's ability to financial integrate the child into the family.
- Parenting experience and discipline practices.

Any history of substance abuse history and treatment of any household members. The initial home study is completed in conjunction with pre-service training. The RRTS contractors will have three face to face visits in the prospective adoptive home. A minimum of six references will be contacted, which may include the child's department worker, providers or teachers. The completed initial home study is submitted to the HHS licensing worker within 100 days of the date the applicant attended pre-service training.

HHS can waive pre-service training for relatives, fictive kin caregivers, families who have completed comparable pre-service training, or when it is in the child's best interest. The initial home study is due to the HHS licensing worker within 90 days of the date the RRTS contractor received the approved waiver from HHS.

Approved home studies are valid for two years. If the adoptive family is also a licensed foster family, the dates of renewal will align. The updated study will address any changes in the family from the last study. The updated study will be submitted to the department licensing worker at least 45 days before the expiration of approval.

- The HHS licensing worker completes the following activities:
  - Send a copy of the [470-0745, Adoption Notice of Decision](#) to the adoptive family and to the RRTS contractor.
  - Enter the approved adoptive family into FACS as a provider.
  - Register the family on IAES.

NOTE: There are times when one married person will adopt alone. The court can allow a married person to adopt alone under the following circumstances, including:

- One spouse has abandoned the marriage.
- One spouse is incapacitated, has an unexplained and prolonged absence, is not available, or because of an unreasonable withholding of joining on the petition.
- The home study will be completed on the individual. The department can recommend the individual adopt alone but their attorney will need to present the request to the court for approval.

NOTE: Unmarried couples who live in the same home may also be approved to adopt together. The home study can be completed jointly, but each individual will need to have a separate recommendation.

NOTE: The court may waive the adoptive home study for relatives within the fourth degree of consanguinity. The attorney for the parents submits the request when the adoption petition is filed. The Department can recommend waiving the home study, but the request must come from the family through the adoption court process.

### **Relatives and Fictive Kin Families with Private Agency Adoption Home Study**

Prospective adoptive parents who approach the department about being placed on the IAES adoption registry must have a completed home study that documents their interest in adopting a special needs child.

- A family who has been approved for adoption by a private adoption agency or certified adoption investigator is eligible to file an application to adopt through the department if they are willing and able to adopt a special needs child.
- These families do not need to complete pre-service training or be referred to the RRTS contractor for a study.
- Families who obtain adoption approval from a private adoption agency or certified adoption investigator are required by Iowa law to complete full background checks, including national FBI checks.

## **Out of State Adoptive Home**

If the prospective adoptive family resides in another state, follow ICPC procedures. Keep in mind the following when working with the family:

- If the family resides out of state, submit a referral for an adoption home study through ICPC once TPR has been ordered.
  - NOTE: Many states vary in when they will complete an adoption home study. Please consult with your local ICPC staff to ensure the appropriate referrals are made to meet each individual state's ICPC process expectations.
  - NOTE: An adoption home study must be requested after TPR through the ICPC process even if the family has a home study approved for both foster care and adoption through the initial ICPC placement. This is a requirement of the ICPC process. This process alerts the other state to the change in status of the child and allows the appropriate supervision to continue to take place through the ICPC process.
- The family will need to meet the requirements for adoption in the state where they live.
- Iowa law allowing the waiving of a home study for a relative does not apply to relatives who live out of state.
- Medical through the Interstate Compact on Adoption and Medical Assistance (ICAMA) does not apply until there is a signed Adoption Subsidy Agreement.
  - Note: A pre-subsidy Adoption Subsidy Agreement can be used to initiate an Interstate Compact on Adoption & Medical Assistance (ICAMA) referral.

## **Selection of the Adoptive Family**

Legal reference: Iowa Code Section 600.8; 411 IAC 200.4(3)

The Iowa Department of Health and Human Services' (HHS) Adoption Selection Staffing Process is designed to secure permanent families for child(ren) who have been removed from the care of their parent due to abuse or denial of care, cannot be reunited with their parent, and where termination of parental rights has occurred. Adoption provides the child(ren) and new parents with the same legal rights and responsibilities as if the child were born into the adoptive family.

When HHS is appointed guardian of a child(ren) following the termination of parental rights, HHS has both the duty and the authority to select an adoptive placement for that child(ren). In order to fulfil this duty, HHS must hold a conference pursuant to Iowa Administrative Code section 441-200.4(3) during which HHS selects an adoptive family for an identified child(ren). At the conference, known as an Adoption Selection Staffing, each interested family with an approved Adoption, or Interstate Compact home study will be considered. The team members of the Adoption Selection Committee will determine which family will be able to best meet the needs of the child(ren) going forward. The Adoption Selection Staffing Process is conducted with the ultimate goal of selecting an adoptive family that will be in the child(ren)'s best interests.

### **Adoption Selection Staffing Process Guiding Principle**

- The Adoptive Selection Staffing Process will value the best interest of the child(ren) above all else.
- The Selection Committee will consider placement priority as outlined in Iowa Code § 232.117 which includes:
  - An adult relative of the child(ren), including but not limited to adult siblings or parents of siblings.
  - Fictive kin, defined as an adult person who is not related to the child within four degrees of consanguinity (blood) or affinity (marriage) to the child(ren) in care but who has an emotionally significant relationship with the child(ren) or the child(ren)'s biological family.
  - A child-placing agency or other suitable private agency, facility, or institution which is licensed or otherwise authorized by law to receive and to provide care for the child(ren).
  - The adoptive family selected for a child(ren) must be based on a thorough assessment of each child's current and potential developmental, medical, emotional, educational needs.
  - The child(ren)'s need for family connections will be valued.

Separation of siblings should be avoided. When separation is necessary to protect the well-being of one or more children in the sibling group, all reasonable efforts must be made to maintain contact between siblings.

The adoptive family selected will be able to nurture and accept the child(ren) as a fully integrated member of the family.

The Adoption Selection Staffing Process consists of two potential paths. The first path is utilized when there is one family with an approved Adoption or Interstate Compact home study interested in adopting. The second path is utilized when two or more families with approved Adoption or Interstate Compact home studies express interest in adopting particular child(ren).

One Adoption Selection Staffing process will be utilized for all children in a sibling group whose families are being evaluated for selection for adoption together. There is not a need complete the Adoption Selection Process for each individual child in a sibling group when the children are being adopted collectively.

The Adoption Selection Committee Team consists of the Adoption Supervisor and a minimum of two Adoption Workers. The Social Work Administrator (SWA) may elect to be part of the team if there is more than one family seeking to adopt the child(ren) and the SWA may select additional HHS staff to serve as members of the Team on a case-by-case basis.

The Adoption Selection Committee Team should strive to complete the Adoption Selection Staffing Process in 60 days or less absent special circumstances.

### **Single Family Path**

When there is one family with an approved Adoption or Interstate Compact home study who is interested in adoption, the Adoption Supervisor and assigned adoption worker will complete all of the following:

- Schedule a Selection Staffing date.



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- Obtain Social Worker Case Manager (SWCM) and SWCM Supervisor input as to how the child has adjusted to living in the home, the needs of the child and the family's preparedness to address those needs.
  - Offer opportunity to provide written statement or verbal input from the child's assigned Guardian ad Litem (GAL)/Attorney.
  - Review child study and home study, if applicable.
  - Confirm a relative search was completed for maternal and paternal relatives and is documented in the case file.
  - Request input from interested parties, which may include but are not limited to Court Appointed Special Advocate (CASA), child therapist, tribe, and the child, if age appropriate.
  - Review concurrent planning notes, if applicable.
  - Ensure ICWA compliance as outlined in [18-C\(5\)](#).
  - Once complete, the adoption worker will send the information gathered to the Adoption Selection Committee Team five days prior to the Adoption Selection Staffing date.

During the scheduled selection staffing, the Adoption Selection Committee Team will:

- Review all information provided.
- Discuss the child(ren)'s needs and the prospective family's ability to meet those needs.
- Gain consensus among team members that the family selected is the family most likely to meet the needs of the child(ren). A consensus decision is one that is reached through negotiation and compromise. Any disagreements are discussed and debated, and the ultimate decision is reached when all parties can subscribe to an unanimously acceptable resolution.
- Complete form [470-0774, Adoption Staffing Summary](#) including decision and send to SWA.

### **Multiple Family Path**

When more than one family with an approved Adoption or Interstate Compact home study is interested in adoption, the adoption supervisor will:

- Notify the SWA multiple families are interested in a child(ren) available for adoption. The Adoption Selection Staffing Process will be started which will include interviews with each potential family.
- Invite SWA to participate. If the SWA opts to be become part of the team, they will be an equal member of the committee, with equal decision-making authority along with other Adoption Selection Committee Team members.
- The Adoption Selection Committee Team is comprised of Department staff. It is appropriate and acceptable to consider inviting the child(ren)'s assigned Guardian ad Litem (GAL)/attorney to participate in the family interview portion of the Adoption Selection Staffing Process. The Department conducts the interviews with the families and will use standard questions for both families. The child's GALs/attorneys are permitted to ask questions. At the conclusion of the interview, the Department's Adoption Selection Committee Team members will conduct the deliberation and make decisions for the adoptive placement.

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The child's GAL/attorney is not permitted to be part of the Department's Adoption Selection Committee Team deliberation process.

The Adoption Supervisor and Adoption Worker will complete all of the following in preparation for the Adoption Selection Staffing Process:

- Obtain written or verbal SWCM and SWCM Supervisor input.
- Offer opportunity to provide written statements or verbal input from Guardian ad Litem (GAL)/attorney addressing the following:
  - Describe your observations of this child in their current placement.
  - Describe your interactions with the alternative placement and observations of the child in other alternative placement(s).
  - Share anything that you wish the committee to know about making this decision.
- Review child study and home study.
- Ensure a relative search was completed for maternal and paternal relatives and is documented in the case file. If a search was not completed ensure one is done as outlined in Iowa Code Section 232.84
- Review concurrent planning notes, if applicable.
- Request input from interested parties, which may include but are not limited to Court Appointed Special Advocate (CASA), child therapist, tribe, and the child, if age appropriate.
- Schedule a staffing date and set up interviews with identified families.
- Send [Comm. 581, Family Guide to Adoption Selection Interview Process](#) to each family.
- Adoption Worker will send all information gathered to the Adoption Selection Committee Team 5 days prior to interviews and selection meeting.

The Adoption Selection Interview: The interview is for the Adoption Selection Committee Team to meet with each of the prospective families, separately, to explore whether the family interviewed is the best family for the child(ren). Components of the interview are as follows:

- A designated lead member of the Adoption Selection Committee Team will conduct a welcome and introductions of all participants. A statement of purpose will be provided as well as a thank you for the family participants commitment to the child(ren) and the process.
- Confidentiality expectations will be discussed. Form [470-5641 Adoption Selection Meeting Agreement on Confidentiality](#) must be signed by all participants
- A brief overview of the child(ren) will be provided. The presentation may include the child(ren)'s legal status and a clear, but concise description of the child(ren)'s condition, including any changes or updates since the child(ren)'s Social History was completed. The child(ren)'s desires in an adoptive family should be noted if applicable. Any special requirements established for the child(ren) by the child(ren)'s court status should be discussed.
- Families will be asked questions regarding their current situation and motivation to adopt using form [470-5615, Adoption Family Interview Questions](#).

The Adoption Selection Committee Team will:

- Conduct interviews with families individually.
- Secure a signed Confidentiality Agreement to protect the identified child(ren)'s information, signed between all parties present. Use Form 470-5641, *Adoption Selection Meeting Agreement on Confidentiality*.
- The Adoption Selection Committee Team will use the same set of statewide-standardized questions for each interested family. During the interview process, the members of the Adoption Selection Committee Team will take notes and may ask additional questions specific to an identified family. Form 470-5615, *Adoption Family Interview Questions* should be used as the question guide for each interview.

Upon completion of all interviews, the Adoption Selection Committee Team will:

- Discuss the child(ren)'s needs and each prospective family's ability to meet those needs
- Should conflict or policy questions arise during the team discussion of the potential families and the SWA is not a member of the team, the Adoption Selection Committee Team will contact the SWA for guidance.
- Come to consensus among team members that the selected family is best suited to adopt the child. A consensus decision is one that is reached through negotiation and compromise. Any disagreements are discussed and debated, and the ultimate decision is reached when all parties can subscribe to an unanimously acceptable resolution.

Upon reaching a decision, the Adoption Worker and/or Supervisor will:

- Notify families of the decision made by Adoption Selection Committee Team within two business days and document the method, time, and date of contacts.
- Adoption worker or Supervisor will send placement notification to the family not selected within two business days of the date all parties were initially notified, using form. [470-5645, Placement Notification](#).
- The Supervisor or Adoption Worker will inform the SWA all proper notifications have been made and documentation is in the record.
- Document the selection decision on form [470-0774, Adoption Staffing Decision](#). Form 470-0774 should be sent to the service area SWA and placed in the child's permanent case record.
- If the adoptive home selected is the home the child(ren) is currently residing in, efforts will be started to move the adoption process forward as outlined in Adoption Staff Responsibilities in this manual.
- If the child(ren) is moving from current placement to a selected adoptive placement, the Adoption Worker will complete a plan for the transition of the child to the selected family home within five business days. The plan for transition will be provided to the child(ren)'s GAL/attorney, selected family and approved by the Adoption Supervisor.

NOTE: **Race, color, or national origin** may not be routinely considered in adoption placement selections. To comply with the requirements of The Multiethnic Placement Act (MEPA) of 1994 and the Interethnic Adoption Provisions (IEP) of 1996 (MEPA-IEP), all placement decisions must be made as an individualized determination of each child's needs. Determine the proposed adoptive parent's capacity to care for a child based on an assessment of the child's needs.

NOTE: The Fostering Connections to Success and Increasing Adoptions Act of 2008 is a federal law which addresses the importance of keeping siblings together. The law mandates that states must make reasonable efforts to place siblings together and, when placement together is not possible, maintain healthy sibling connections through frequent contact.

More specifically, the Act states under section 471(a)(31), a Title IV-E agency, in this case the Iowa Department of Health and Human Services (HHS), **must** make reasonable efforts to place siblings removed from their home in the same foster care, adoption or guardianship placement, or to facilitate frequent visitation or ongoing interactions (for example, letters, phone calls, text, email and other electronic communication) for those that cannot be placed together unless it is contrary to the safety or well-being of any of the siblings to do so.

Sometimes HHS determines siblings cannot be placed together and/or cannot have frequent visitation due to safety concerns, and sometimes identified relatives may not agree to have siblings placed in their home together. This may still meet the federal requirement to make reasonable efforts to place siblings together. HHS may meet the reasonable effort mandate without being successful in keeping siblings placed together as it may not be possible in all situations to do so.

### **Adoption Support Services**

The service area RRTS support caseworker can assist families with the transition to adoption. The caseworker will provide monthly contacts with the family after a child is placed in the home. The RRTS contractor can also provide post-adoption finalization supports and services. Before adoption finalization, adoptive families may be eligible to receive family centered services. After adoption finalization, adoptive families are not eligible for family centered services unless the case meets criteria for HHS service eligibility.

### **Preplacement Services**

Legal reference: 411 IAC 200.4(6)

#### **Preparation of Child**

1. Complete the form [470-3698, Child Study](#). (The child's SWCM is responsible for completing this form within 30 days after termination of parental rights.)

File the *Child Study* in the child's case file and guardianship file.

Note: [470-3615, Social History](#) can also be included in the information for the guardianship file. [470-3615, Social History](#) is completed by the ongoing SWCM in the child's ongoing case for the CINA dispositional hearing. [470-3615, Social History](#) should have de-identified information with regard to the child's biological family members before placement in the guardianship file.

2. Work with the child to prepare the child for adoption and to transition the child into an adoptive placement. Activities may include, but are not limited to, the following:
  - Counseling regarding issues of separation, loss, grief, anger, guilt, blame, and adjustment to an adoptive family.
  - Preparing or updating the child's life book. An older child can assist in compiling the life book, but you may need to compile one for a younger child.

- Talking to the child about age-appropriate community resources, such as children’s support groups, that may assist the child in the transition from foster care to adoption. Older children can especially benefit from peer interaction and assistance. Local foster care youth councils are a valuable resource for children in out of home care and who are in the process of adoption.
- Age-appropriate discussion regarding the plan for ongoing contact with any siblings not placed for adoption in the same pre-adoptive home as the child.

NOTE: Child preparation activities may be provided by the family centered services contractor.

3. If appropriate, arrange for the child to be evaluated or tested before the child is placed in an adoptive family. Physical, mental, psychological, or emotional evaluations may signal a need for further counseling or treatment and may document the child’s eligibility for adoption subsidy.
4. Service area funds may be used to purchase adoption resources such as birth certificates. Payment for these items can be made via the GAX (General Accounting Expenditure) using the following codes:

Fund	0001
Agency	413
Unit	NAPE for a IV-E-eligible child NAPE for a child who is not IV-E-eligible
Sub Unit	Enter the decategorization project number if applicable
Object	2218 for birth certificates

### **Life Books**

Life books are a critical tool in helping children understand their past, maintain connections to birth family and other important people in their life, and help them move forward in permanency. A life book tells the child’s story before entering care, while in care and at permanency. A life book should be started the first day a child enters out of home care. A child’s life book is personal to them, and includes pictures, documents, or other items important to the child’s story. At a minimum, a life book should include:

- Birth information and photographs of the child
- Pictures of relatives, friends, foster families, social workers, providers, and other people meaningful in the child’s life
- Pictures of places that are meaningful to the child’s life, such as the birth family’s house, the hospital where the child was born, schools, and foster homes
- Medical history and growth chart
- A list of schools the child has attended
- Report cards, awards, class pictures
- A description of the child’s likes and dislikes, such as foods, colors, favorite games, or movies

- Origin of the child's first and middle names
- Special stories from the child's childhood or family
- The child's family tree
- A simple explanation about each placement the child has had and the reason for any moves
- Anything else the child considers important to include

Children should be active participants in the creation of their life book when age appropriate. The child's parents can be asked to provide pictures or other important items to include in the life book. A child's life book is their story and needs to go with them any time they change placements.

Life books are easy to start and can be done at no cost. Life book pages can be obtained at no cost from the Iowa Foster and Adoptive Parents Association website, or other online resources.

### **Preparation of Family**

Legal reference: 411 IAC 200.4(4)

The goal of family preparation is to assist the prospective family in expanding their knowledge and understanding of a child to be adopted, to assess the family's readiness to accept the child into their family and encourage their lifelong commitment to the child. Even when children are to be adopted by their current caregiver, the family needs preparation on the difference between foster or relative kinship care, and what it means emotionally, and legally to adopt.

Families who are accepting a child who has not been placed in the home for foster or relative care will need additional time to prepare, form a relationship with the child, and understand the complexities of children who have trauma backgrounds.

In addition to the preservice training, preplacement family preparation services may be provided by the [Family Centered Services](#) contractor.

After the prospective family has been selected, and is not the child's current caregiver, preparation activities may include the following:

1. Exchanging information about the child and the family, including pictures.
2. A meeting between the prospective family, the child's current caregiver, and any other members of the child's team when appropriate. At this meeting:
  - Share information about the child with the prospective family and answer their questions.
  - Discuss service needs for the child and who will provide those services. Discuss plans to transition the child into the home. Determine the number of preplacement visits, the visit locations, and the projected date of placement. The timing of the move to the prospective family must be based on the age and needs of the child.

- Share information the child who is in pre-adoptive foster care under the responsibility of the Department of the potential eligibility for a Federal tax credit under section 23 of the Internal Revenue Code of 1986, commonly known as the “federal adoption tax credit.”
3. Provide the prospective parents with background information regarding the child. Form [470-3614, Adoption Information Checklist](#), outlines the minimum information about the child that must be given to the prospective parents.
- The *Social History*, form 470-3615
  - The *Child Study*, form 470-3698
  - The child’s life book
  - The birth parents’ de-identified history.

Iowa Code Section 600.8(1)(c)(1) states:

- (1) A background information investigation of the medical and social history of the biological parents of the minor person to be adopted and a report of the investigation shall be made by the adoption service provider, the department, or a certified adoption investigator prior to the placement of the minor person to be adopted with any prospective adoption petitioner.
  - (2) The background information investigation and report shall not disclose the identity of the biological parents of the minor person to be adopted.
  - (3) The completed report shall be filed with the court prior to the holding of the adoption hearing prescribed in section 600.12.
  - (4) The report shall be in substantial conformance with the prescribed medical and social history forms designed by the department pursuant to section 600A.4, subsection 2, paragraph “f”.
  - (5) A copy of the background information investigation report shall be furnished to the prospective adoption petitioner prior to placement of the minor person to be adopted with the prospective adoption petitioner.
  - (6) Any person, including a juvenile court, who has gained relevant background information concerning a minor person subject to an adoption petition shall, upon request, fully cooperate with the conducting of a background information investigation by disclosing any relevant background information, whether contained in sealed records or not.
- Details about the child’s history and child’s experiences such as previous foster and adoptive families.
- NOTE: The prospective parents should not be given access to the child’s file. They are not authorized to see any mental health or substance abuse treatment documents regarding the child’s biological parents or child abuse information.
4. Share all information from the child’s current caregiver regarding the child’s behavior, including:
- A description of the child’s strengths, talents, and interests.

- A description of the child's special needs, behavior patterns, and medical needs. Information about trauma informed care and trauma-based behaviors.
  - Safety related behaviors such as physical aggression, sexualized behaviors, or self-harming actions.
  - A description of the child's reaction to the termination of parental rights and behaviors resulting from the child's separation, loss, grief, and anger due to the loss of the child's birth parents.
5. Counsel family members about the impact of adding the child to the family and how this may affect current family members.
  6. Discuss with the prospective parents whether the child's special needs make the child eligible for benefits through the adoption subsidy program. If the child is eligible for subsidy:
    - Give the prospective parents documentation of the child's eligibility for subsidy.
    - Make the prospective parents aware that the subsidy program provides resources to reimburse them for preplacement visit expenses both in state and out of state.
    - Follow the procedures under [Adoption Subsidy](#).
  7. Follow the interstate compact procedures for transitioning out of Iowa. See [ICPC](#).
  8. Upon placement of a child into an adoptive family, Ensure form [470-0761, Agreement of Placement for Adoption](#), is signed and completed by all necessary parties at the time the child moves to the prospective family home.

### **Postplacement Services**

Legal reference: 441 IAC 200.4(7)

When a child is with a prospective family, the adoption worker will provide ongoing case management, supervision, support, and crisis intervention until the child's adoption is finalized. Support services will also be provided by the RRTS contractor on a monthly basis. HHS workers may also make a referral to the RRTS contractor for Post Adoption Services (PAS). These services can be provided prior to an adoption being finalized. PAS services may also continue with the child and family after an adoption is final. If the child has a therapist or BHIS worker, they can also assist the child and family in the transition to adoption.

Postplacement services continue until the adoption is finalized and include activities necessary to assist prospective families to cope with and resolve problems of the child or children in their family, maintain stability and achieve adoption finalization. Postplacement activities include:

- Monthly visits by the adoption worker to assess the child and family's integration and readiness for adoption.
- Supervision of the child and family, and crisis intervention as needed.
- Completion of supervisory reports and court reports regarding the child and prospective family's readiness for adoption.
- Updating the child's case plan.



- Support for the child's social and emotional adjustment.
- Counseling with the prospective family regarding trauma response behaviors and trauma informed strategies for managing behaviors.
- Counseling with the prospective family regarding contact with any known siblings to the child they are adopting who are not placed for adoption with the prospective adoptive family. Adoption SWCM must make all reasonable efforts to encourage and maintain contact between known siblings.
- Assessment of the degree to which the child is becoming integrated as a permanent member of the family, and the family's acceptance of the child as a member of the family.
- Make a referral for post adoption services to the RRTS provider. Post adoption services can be provided to the child and family prior to the adoption being finalized.
- Arrange a meeting with RRTS post adoption support staff and the family to discuss post-adoption services and supports.

### **Removal of Child**

Legal reference: 411 IAC 200.12(600)

The Department may remove a child from a prospective family before the finalizing of the adoption when a supervisory review determines that this action is in the best interest of the child.

1. Discuss concerns with the prospective family and develop a corrective action plan if appropriate. Engage RRTS support caseworkers to assist with monitoring progress toward addressing concerns.
2. Mail form [470-3018, Letter of Removal](#), to the family before the removal. Removal of a child from a prospective family before finalizing the adoption is not an appealable issue, as the child continues to be under the guardianship of the Department until the adoption is finalized.
  - If there are immediate safety concerns, remove the child prior to sending the Letter of Removal, or provide the letter at the time of removal.
  - Inform the court and the child's GAL of the removal.
3. Refer the family to the RRTS contractor for support. The family may be considered for another child unless there has been abuse of a child in their home.
4. Assist the child in working through the emotional issues around the disruption, either directly or through referral to the family centered services. Engage therapeutic services as needed if the child is not in therapy.

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## **Safe Haven**

Legal reference: Iowa Code Chapter 233

The Newborn Safe Haven Act is a law that allows parents – or another person who has the parent's authorization – to release custody of a newborn up to 90 days old, to medical staff at a hospital or other facility following delivery of the newborn infant or by relinquishing physical custody of the newborn infant at a hospital, a fire station, or an emergency medical care provider, through a newborn safety device or to an Adoption service providers without fear of prosecution for abandonment. A parent may also contact 911 and relinquish physical custody of an infant up to 90 days old to a first responder.

The parent does not have to say the words “safe haven” to initiate safe haven procedures. For example, a parent who delivers at the hospital and clearly says they are not taking the infant home should be considered a safe haven case.

Adoption Service Providers involved in the relinquishment through the safe haven process are responsible to complete the process in its entirety, including the court requirements. HHS does not have a role in safe haven relinquishments in which a parent chooses to relinquish to an approved adoption service provider.

When an Adoption Service Provider is not involved in a safe haven relinquishment, the health care facility or first responder is required to contact HHS when an infant is relinquished by calling the child abuse hotline. The department is responsible for the following actions:

- Hotline personnel will immediately notify appropriate HHS field staff and a child protection worker (CPW) will be assigned to the infant's case.
- Immediately request an Ex Parte Order from the Juvenile Court ordering HHS to take custody of the infant in accordance with the requirements of Iowa Code Section 232.78.

If the child has not been given a name, HHS staff will need to work with HHS leadership staff as well as hospital staff to give the child a name for the child's certificated birth certificate. This identified name should be used to request appropriate Juvenile Court action. Hospital staff will submit the certificate of birth report as required pursuant to Iowa code section 144.14.

- Upon receiving the order, the CPW takes physical custody of the infant or informs the hospital of the order.
- Select a prospective permanent family for the infant.
  - Work with adoption department staff to select the most appropriate family for the infant.
  - The RRTS contract may also be consulted for prospective families for consideration.

NOTE: The RRTS contractor is only responsible for matching a child to a foster home. The department is responsible for selecting an adoptive home. The RRTS contractor may be requested to provide assistance in finding a prospective adoptive home but cannot match a child to a prospective adoptive home. See “*Protocol for placement information for available approved homes for Safe Haven Children*” located in the HHS Share Point for additional information for HHS to identify and place a safe haven infant.

- Arrange placement of the infant with the selected family.

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- Immediately (within 24 hours) notify the Juvenile Court and the County Attorney in writing of actions taken and the circumstances surrounding the relinquishment.
  - Within 24 hours of taking custody of the infant, notify the juvenile court and county attorney in writing the following information for notification of CINA and TPR proceedings:
    - The names of the parents, if known.
    - The name and address of the facility, and the name of the person in the facility who took the child from the parent or person who relinquished the child.
  - Seek a medical determination that the infant is healthy and able to be placed in a home setting if the infant has not been examined by a medical professional. If not already done, arrange for the medical exam prior to placement in a foster/adopt setting.
  - A hearing on the CINA petition will be held at the earliest possible time.

Relative notice is not required. The parent is assured anonymity through the Safe Haven process.

NOTE: Service Areas can determine if a safe haven case should be transferred to an ongoing SWCM or directly to an adoption SWCM. Due to the fast-tracked nature of permanency in a safe haven case, it is appropriate for an adoption SWCM to be assigned directly from the CPW in safe haven cases.

- A hearing on the TPR petition will be held within 30 days after relinquishment unless the court continues the hearing for good cause.

If the identification of the parents is known, the law requires they be served notice of the CINA and TPR petition.

- Either parent may intervene in the CINA or TPR proceedings regarding the child. The requester must show by clear and convincing evidence that the requester is the parent.

If a parent comes forward to intervene, consult the County Attorney and GAL for guidance on how to proceed.

- If the court determines the requester is the parent and granting custody to the parent is in the child's best interest, the court shall issue an order granting custody to the parent.
- The court may order services for the child and parent as are in the best interest of the child.
- TPR hearing is held. Custody and guardianship are given to HHS for the purpose of adoption when the TPR is granted.
- Reasonable efforts are limited to efforts made to finalize a permanency plan.
- HHS should provide the following supporting documents to the Court at the time of the TPR hearing
  - CINA Assessment
  - Case plan
  - Social History
  - Termination of Parental Rights Report
  - Any pertinent medical information on the child
  - Documentation of the results of search of the State's Paternity Registry

- Case transfers to the adoption unit if not assigned to an adoption worker.
- Determination of subsidy eligibility should be completed with the child and family. Follow procedures laid out for subsidy procedures and adoption case management.
- Adoption petition is filed after 180-day residency requirement is met unless waived by the court.
- Adoption is finalized.

If a birth certificate is not applied for by the parent or Medical Facility within 5 days of accepting custody, the department shall report to the county registrar the following information:

- The date and place the child was relinquished or found
- The sex, color or race, and approximate age of the child
- The name and address of the person or institution which has assumed custody of the child
- The name given to the child by the custodian
- Other data required by the state registrar
- The place where the child was found shall be entered as the place of birth and the date of birth shall be determined by approximation.

### **Adoption Finalization**

Legal reference: Iowa Code Chapter 600; 411 IAC 200.13(600)

When the 180-day supervisory period is over and no circumstances preclude the completion of the adoption, all parties should proceed with the necessary steps to finalize the adoption. The juvenile court maintains jurisdiction of an adoption case until finalization.

1. Discuss the legal procedure with the potential adoptive parents during the supervisory (waiting) period.

NOTE: The juvenile court may waive the waiting period when the child is being adopted by:

- A relative/Kin related within the 4<sup>th</sup> degree on consanguinity, or
- The court makes a finding there is good cause to shorten the time period if there is evidence the child and prospective parents have formed a strong relationship and are suited to each other.

2. After the supervisory period has been completed:

- Request the Service Area Manager or designee to sign form [470-0755, Consent to Adoption](#), and
- Instruct the prospective parents to select an attorney to complete the adoption. To facilitate timely finalization, the prospective parents may select or retain an attorney before the final supervisory visit is made.

NOTE: The Department may rescind a *Consent to Adoption* for any of the following reasons by signing form [470-2990, Rescinding the Consent to Adoption](#), and submitting the form to the juvenile court:

- At the request of the prospective parents
- Upon a founded child abuse report, or accusation of child abuse, pending determination of the report
- Upon a conviction of a crime, or accusation of a crime, pending court decision regarding the crime
- At the request of the child who is aged 14 or over who has reversed the decision regarding adoption
- Due to other indications that the adoption is not in the best interest of the child

3. After the prospective parents' attorney receives the *Consent to Adoption*, form 470-0755, from the Department, the prospective parents' attorney will file a petition to adopt.

NOTE: If the prospective parents have applied for an adoption subsidy, the petition to adopt must contain a statement indicating that:

- The child meets the definition of a [special needs](#) child, and
  - The prospective parents need subsidy now or in the future to meet the child's needs, as required by Iowa Code Section 600.18.
4. When the petition to adopt has been filed, review the petition to ensure that:
    - It confirms the child's citizenship. If the petition does not include language that confirms the child's citizenship, notify the attorney immediately of the omission so that this statement can be included in the final adoption decree.
    - If applicable, it contains a statement indicating that the child meets the definition of a special needs or future special needs child, and the child is eligible for the subsidized adoption program. If the petition does not include the special needs statement, notify the prospective parents or their attorney immediately of the omission so that the attorney can amend the petition.
    - The petition includes the names of siblings placed separately from the child to be adopted and either the plan for ongoing contact between the siblings if a court found that continued contact is in the best interest of each sibling or a statement that the court found continued contact between the siblings is not in the best interest of each sibling.
  5. Within three days after the adoption petition is received from the attorney, complete form [470-4075, Adoption IV-E Checklist](#).
  6. Before finalization of the adoption, negotiate form [470-0749, Adoption Subsidy Agreement](#), with the selected adoptive parents.
  7. Upon receipt of the petition to adopt, the court will issue an order requesting an investigation and set a time for a hearing.

The court report verifies that the child and family have been supervised and observed and supervisory (progress) reports have been written during the time the child resided in the family as a foster child.
  8. The court will review form [470-3355, Adoption Report to the Court](#) and set a final hearing date.
  9. After the hearing, the court will issue a decree of adoption. A copy of the decree is given to the adoptive parents and a copy is sent to the Department.
  10. The family's attorney prepares an abstract of the adoption. The clerk of court sends the abstract to the Bureau of Vital Records in the Department of Public Health. The attorney should include the required fee with the abstract to have an amended birth certificate sent to the family.

The Department of Public Health provides one free birth certificate per child for the Department's use. By agreement with the department of Public Health it is not to be furnished to other people. Attorneys must obtain a copy directly from the Department of Public Health.

If the family and their attorney fail to secure a new birth certificate that confirms the child's citizenship, remind them to do so. Confirmation of citizenship is necessary to establish Medicaid eligibility for a special needs child.

11. When finalization occurs, inform the juvenile court to ensure that the child in need of assistance case is closed.

### **Immigration Status**

The adoption of an undocumented child does not provide the child with U.S. citizenship. A child's immigration status needs to be resolved prior to adoption. While parents can apply for legal status for their child, it is much more complicated after adoption due to the child's name change, and possible lack of a social security number.

Work with the child's GAL and the Service Help Desk if a child is not a documented immigrant or if there are questions about the child's immigration status. Ethnic Minorities of Burma Advocacy and Resource Center (EMBARC) can also be accessed as a resource to assist with citizenship issues.

A Request for Fee Waiver Form by The Department of Homeland Security can be requested for children in the child welfare system. Use form [I-912](#) when applying for U. S. Citizenship and Immigration Services.

### **Procedure for Closing a Department Case**

After an adoption is completed, no records pertaining to the termination and to the adoption are open to inspection. The identity of the birth parents of an adopted child shall not be revealed except under specific circumstances defined in Iowa Code Section 600.16A.

After a child is legally adopted, the adoption record to be archived. Follow the procedure listed below:

Following the finalization of an HHS adoption, HHS adoption staff will upload the required adoption documents for both subsidy and permanent adoption storage into JARVIS file manager. The documents will be housed under the adoptive state ID and FACS number in File manager in JARVIS. All documents will have their own naming convention and will be stored in the Adoption Section Tab. The table below outlines all the necessary documents as well as the naming conventions adoption staff will use for both subsidy and long-term storage purposes.

Form/Document	File Section	Document Type	Display Name
Birth Certificate/ Verification	Adoption	Legal Document	Birth Verification
Social History 470-3615	Adoption	Other	Social History
Child Study 470-3698	Adoption	Child Study	Child Study
Termination of Parental Rights	Adoption	Legal Document	TPR(Either Mom or Dad)
Death Certificate	Adoption	Legal Document	Death Certificate (Mom or Dad)
Procedendo and Appellate Decision	Adoption	Legal Document	Procedendo
Adoptive Family's Home Study	Adoption	Home Study	Home Study

Form/Document	File Section	Document Type	Display Name
Agreement of placement for adoption 470-0761	Adoption	Agreement	Placement Agreement
Final Adoption Report to Court	Adoption	Other	Court Report
Interstate compact Forms	Adoption	Other	ICPC Forms
Petition to Adopt	Adoption	Legal Document	Petition
Decree of adoption	Adoption	Adoption Order	Decree
Other information including medical, mental health reports, education reports or evaluations	Adoption	Other	Comprehensive Reports
Application for Subsidy 470-074 Future Needs Professional Documentation form 470-4311 (attached to 470-0749) Adoption Subsidy Special Needs Documentation form 470-4312 (attached to 470-0749)	Adoption	Agreement	Application
Adoption Subsidy Agreement 470-0749	Adoption	Agreement	Subsidy
Relevant reports to document the child's special needs, including current medical, psychological evaluation and school reports	Adoption	Eligibility	Subsidy Eligibility
ICWA Information	Adoption	Legal	ICWA
Application for Foster Care and Subsidized Adoption Medicaid 470-5535	Adoption	Eligibility	Medicaid Application
Adoption Staffing Summary Form	Adoption	Other	Selection Summary
Adoption Notice of Decision 470-0745	Adoption	Eligibility	NOD

### **Requests for Information From Sealed Adoption Records**

Legal reference: Iowa Code Sections 600.16 and 600.16A

Adoption records are sealed according to Iowa law. When a request for information for adoption records for **research** or **treatment** purposes is received:

- I. Advise the requester to compile documentation that indicates that the information is needed for research or to treat a patient in a facility. Information should include:
  - Research to be conducted and benefits
  - The methodology of research
  - Confidentiality measures to be followed

- Information and need for data of a patient to be treated
  - Documentation from the physician treating the patient
2. Send the documentation to the Adoption Manager  
  
Division of Family Well-Being and Protection  
1305 E. Walnut Street  
Des Moines, IA 50309-0114.
  3. The Department director or designee will review the request and respond in writing, providing approval or denial. If denied, the reasons for denial shall be stated.

When a request for information for adoption records for purposes **other than research or treatment** is received, advise the person making the request to mail a written request to:

The Department of Health and Human Services  
Division of Family Well-Being and Protection, Adoption Program,  
1305 E. Walnut Street  
Des Moines, IA 50319-0114

or call 515-281-4174.

### **Post-Adoption Support Services**

The service area RRTS contractor will provide preadoption and postadoption support services to adoptive families. Parents may contact the contractor directly for services, or the Department's adoption worker can make a referral to the RRTS contractor.

The RRTS contractor shall provide direct support and assistance to any family who is eligible for adoption subsidy from Iowa. Services may include:

- Crisis intervention
- Information and referral
- Advocacy
- Support groups
- Training
- Identification of resources
- Five days of paid respite per year

Before adoption finalization, children in prospective families continue to be eligible to receive family centered services. Resource families receive monthly RRTS placement support while a child(ren) is in pre-adoption status. A referral for post adoption services may be made prior to adoption finalization as well. After adoption finalization, families are not eligible for family centered services unless the case meets criteria for HHS service eligibility.



## **Adoption Subsidy**

The Department shall provide adoption subsidy as a direct service to children who are under the guardianship of the Department or a licensed child-placing agency in Iowa when a child is eligible. The Department is responsible for:

- Determining the child's eligibility based on the documentation of special needs
- Determining the type of subsidy
- Negotiating the amount of maintenance subsidy with the prospective parents
- Reviewing the family's circumstances and need for subsidy at the family's request

The following benefits are available to eligible children through the adoption subsidy program:

- [Monthly maintenance subsidy payments](#)
- [Reimbursement for special services](#)
- [Medical assistance \(Medicaid\)](#)

### **Application for Subsidy**

Legal reference: 411 IAC 201.4(600)

A prospective family who resides in Iowa has been studied and approved to adopt, or a family who resides outside of Iowa and has approved to adopt in that state may apply for a subsidy for an eligible Iowa child.

1. The prospective family completes the form [470-0744, Application for Subsidy](#). Applications shall be made at any time after termination of parental rights but prior to finalization of the adoption. If the prospective parents indicate they do not need subsidy they do not need to apply.
2. Prospective parents shall submit the application to the Department along with a statement indicating the prospective family's circumstances. Circumstances may include earned or unearned income of the family members, expenditures that may affect their ability to meet the adoptive child's needs, and verification of any unearned income of the child from the source of the income. This verification may be a letter of eligibility from Social Security Administration, a trust fund, or other sources. Prospective parents should also include their current private health insurance available to provide health care coverage for the child if available.
3. Within 30 days of receipt of the application, the Department shall determine whether a child meets eligibility requirements. If the child does not meet the criteria under [Eligibility Determination](#) the child is not eligible.

Possible dispositions of the application are:

- Approval (case active, presubsidy or subsidy agreement negotiated);
- Approval (case inactive, form [470-0749, Adoption Subsidy Agreement](#) – Future Needs, negotiated);
- Denial of the application; or
- Withdrawal of the application. (The family shall immediately inform to the Department when the application for subsidy is withdrawn.)

4. If an application for subsidy is denied, provide a form 470-0745, *Adoption Notice of Decision* to the applicant within 30 days of the date of application, stating the reason for denial and relevant legal reference.
5. To initiate a subsidy, a form [470-0749, Adoption Subsidy Agreement](#) must be negotiated and signed by all parties before the child receives benefits.

NOTE: Before adoption finalization, an approved case is in **presubsidy status** and after finalization an approved case is in **subsidy status**. The *Adoption Subsidy Agreement* is completed for both case types. Checking the “agreement type” on the agreement designates the appropriate case type.

### **Eligibility Determination**

Legal reference: Iowa Code Section 600.17, 411 IAC 201.3(1)

Receipt of adoption subsidy is based on the child’s eligibility. Children in pre-subsidy status (prior to finalization) must also meet all eligibility criteria before payments can be made.

The following criteria must be met for a child to be eligible:

- The child must have a documented qualifying special need as defined. The condition must be diagnosed prior to finalization.
- The child cannot be returned to the parent, which is documented by the termination of parental rights order or the parent’s death.

NOTE: Children who are placed with their birth parent(s) and have parental rights reinstated **are not** eligible for adoption subsidy.

- Efforts have been made to place the child for adoption without subsidy were unsuccessful unless:
  - Adoption is by a relative with whom the child has bonded.
  - Adoption is by a foster parent with whom the child has bonded.
  - Other situations in which it is in the best interest of the child to be adopted by the family.
- The child is under 18 years of age.
- The child is a citizen or is a qualified alien.
- The adoption subsidy agreement was signed by the family and HHS prior to finalization.

Children are also eligible under the following conditions:

- The child is eligible for SSI benefits regardless of what person or agency was given guardianship of the child at the time of TPR
- The child was IV-E eligible in the prior adoption.
  - A IV-E eligible child whose subsidized adoption dissolved and is being adopted again is eligible for adoption subsidy if the child meets special needs criteria.
  - The IV-E eligible child does not have to be in HHS guardianship prior to the adoption to receive adoption subsidy according to federal policy.

Children who were not IV-E eligible in the prior adoption are required by state law to be in the guardianship of the department or a licensed child-placing agency immediately prior to the adoption to receive adoption subsidy.

**Frequently asked question for adoption subsidy eligibility:**

Can a biological parent whose parental rights have been terminated and who later adopts his or her biological child receive title IV-E adoption assistance?

**Answer:**

No. The purpose of the title IV-E adoption assistance program is to provide assistance to adoptive families who adopt special needs children in need of alternative permanent homes. A child cannot be considered a child with special needs unless, among other things, "the State has determined that the child cannot or should not be returned to the home of his parents" (section 473(c) of the Act). While the termination of parental rights (TPR) would verify that this determination had previously been made, the placement of the child back into the biological home would nullify such a determination. While the IV-E agency may continue to recognize that the legal ties have been severed, the biological ties remain.

In this situation, the child would be returned to the home of the biological parent. Thus, a determining factor for title IV-E eligibility in section 473(c) of the Act would not be present. The adoption by the biological parent in these circumstances, would be undertaken as a means of restoring the legal relationship between the parent and child, rather than for purposes of providing the child with new parents or a substitute for the original home.

**Source/Date:** ACYF-CB-PIQ-89-04 (8/8/89)

**Legal and Related References:** Social Security Act - sections 472 (a)(2)(A) and (C), 473 (a)(2)(A)(ii) and 473 (c)

**Eligibility Documentation**

Legal reference: Iowa Code Chapter 600.17, 411 IAC 201.3(1)

- I. When a child has been determined eligible for an adoption subsidy document in the narrative of the child's case record the following:
  - The selection of the prospective family is in the best interest of the child
  - The child's special need (medical, mental or emotional condition)
  - The family's need for a subsidy in order to adopt the child and continue to meet the child's needs
  - Efforts made to place the child without subsidy, or the reason adoption exchanges were not used.

2. If the child's eligibility is based on physical, mental, emotional, or behavioral conditions or disabilities, or the child is at high risk of developing any of these conditions or disabilities, written reports or statements from a qualified professional must document the condition or disability.
  - Documentation previously obtained from physicians, mental health, or intellectual disability professionals for other purposes, and the child's *Social History* and *Child Study* unless there has been a substantial change in the child's condition since the documentation was prepared.
  - All information and applicable documentation for cases that are active, inactive, or denied must be retained in a locked file.
3. Instruct a caregiver who receives caretaker Family Investment Program funds and adopts a child with special needs to notify the IM worker who has the FIP case of the addition of the child and the monthly subsidy payment. The caregiver is responsible for reporting the subsidy to the FIP worker and any overpayments of FIP. The internal HHS IVE process will also assist in notifying the FIP program of the change.
4. A child does not have to be adopted at the same time as other siblings to be considered a sibling group of three. They do have to be adopted by the same family.
  - Eligibility solely on being part of a sibling group cannot be made retroactively. Older children who were not eligible for subsidy at the time of their adoption cannot be made eligible when siblings are adopted at a later time.

EXAMPLE: Sibling A is age 2 and adopted. Sibling A was determined to be eligible for a future needs subsidy. One year later, Sibling B is adopted and due to a diagnosed medical disability is eligible for adoption subsidy. Sibling C is adopted 2 years later at age 9 months. Sibling C is eligible for subsidy based on being part of a sibling group of three adopted by the same family. Eligibility for subsidy remains the same for the older two siblings.

### **Referral From Child-Placing Agency**

Legal reference: 411 IAC 201.4(5)

Families who are adopting a child through a private adoption agency may be eligible for adoption subsidy. The child must meet all eligibility criteria. The family will also need to apply for SSI benefits on behalf of the child prior to filing an application.

1. When subsidy is requested for a special needs child under the guardianship of a licensed private child-placing agency, follow the same policies as for a child under the Department's guardianship.
2. The agency having guardianship shall submit the following information to the adoption worker in the service area office where the prospective adoptive family resides:
  - The signed placement agreement between the agency having guardianship of the child and the prospective adoptive family
  - Legal documents establishing guardianship
  - Information necessary to determine the child's Title IV E eligibility
  - A copy of the child study (background reports)
  - Verification of any unearned income the child receives

- A copy of the petition to adopt that contains a statement indicating that the child meets the definition of special needs and that the family may need a subsidy now or in the future to meet the child's needs, as required by Iowa Code Section 600.18
  - Documentation of the child's special needs
  - Verification of application for SSI benefits and written determination of eligibility from the Social Security Administration.
3. Explain the subsidy program to the prospective adoptive parents and work cooperatively with the private agency's worker and the parents to complete the form [470-0744, Application for Subsidy](#).
  4. Cooperate with the agency worker in negotiating the amount of maintenance subsidy needed by the prospective adoptive parents to meet the needs of the child and completing the form [470-0749, Adoption Subsidy Agreement](#).
  5. The child-placing agency shall provide an e-file stamped copy of the final adoption decree or interlocutory decree to the Department at finalization.

### **Application After Finalization**

Legal reference: Social Security Act -sections 471(a)(12) and 473

An application for subsidy will not be routinely approved after the child is adopted. The purpose of the subsidy is to enable the child to be adopted.

An application for subsidy cannot be taken after a child is adopted, except in the following situations:

- Facts determining the child's eligibility were not presented before the finalizing of the adoption.
  - The child enters the country, is adopted, and meets the criteria described in International Adoptions: Children from outside the United States. The parents will only be eligible for non-recurring expenses.
1. When parents request adoption subsidy after the adoption of an Iowa child has been finalized, stating that the child's special need existed before finalization:
    - Request the parents provide documentation from a qualified specialist that the special need existed before the adoption was finalized (consistent with the child's special needs).
    - Review the child's situation, ensuring that a qualified specialist has documented a special need.
  2. When parents request subsidy for an international adoption, request parents provide:
    - A copy of the adoption decree.
    - Documentation of the child's special need.
    - Claim form [GAX, General Accounting Expenditure](#).
    - Receipts for the nonrecurring expenses to be reimbursed.
  3. Mail the request for an administrative review with verification to the adoption program manager, Division of Family Well-Being and Protection. Include the child's name, date of birth, and date of adoption.

4. The adoption program manager shall conduct an administrative review of the eligibility factors and render a decision within 30 days of receipt of request. If additional verification is needed, a decision will be rendered 30 days after receipt of the additional material.
5. The parents will receive a written decision to approve or deny subsidy. A denial can be appealed.
6. Subsidy benefits may not begin until after the parents receive a decision approving eligibility. If the child is approved as a special needs child:
  - Complete the form [470-0744, Application for Subsidy](#).
  - [Negotiate](#) the subsidy amount and complete form [470-0749, Adoption Subsidy Agreement](#). Have all parties sign the agreement.
  - File the agreement according to standard procedures. Retain the approval decision in the subsidy case file for auditing purposes.

### **International Adoptions**

Families bringing children into Iowa for the purpose of adoption from countries outside of the United States must follow the procedures in Iowa Code Chapter 600, plus regulations of the Federal Bureau of Citizenship and Immigration Services. International adoptions are usually facilitated by private agencies, certified adoption investigators, or private attorneys.

A child who enters the United States from another country as an orphan for the purpose of adoption by a specific U.S. family will likely be ineligible for subsidized adoption maintenance payments, medical assistance, or special services.

Parents may be eligible for nonrecurring expenses not to exceed \$1,000, if the child meets the [special needs](#) criteria. To receive reimbursement for nonrecurring expenses, the parents must:

1. File an application on form [470-0744, Application for Subsidy](#), and
2. Submit the following within two years of the date of the adoption decree:
  - A copy of the adoption decree.
  - Claim form [GAX, General Accounting Expenditure](#).
  - Receipts for the expenses to be reimbursed.
  - Documentation the child has a diagnosed disability or condition meets the definition of special needs.
3. Complete form [470-0749, Adoption Subsidy Agreement](#).

Refer parents requesting assistance with an international adoption to the adoption program manager at:

The Department of Health and Human Services  
1305 E. Walnut Street  
Des Moines, IA 50319-0114.

## **Tribal Customary Adoption (TCA)**

Tribal Customary Adoption (TCA) is a permanency option which can be recommended by the Iowa Department of Health and Human Services and pursued in child in need of assistance actions involving native children to whom ICWA applies. TCA allows Indian children to achieve permanency in a manner consistent with their tribal heritage in cases where reunification efforts have been unsuccessful despite the provision of active efforts. TCA requires concurrent jurisdiction in both the Iowa juvenile court and a partnering tribal court. Through this cooperation, the Indian child can receive the benefits of adoption, including applicable IV-E subsidies, without the culturally incompatible requirement of an accompanying termination of parental rights.

TCA is an adoption that does not require a termination of the parental rights of the birth parents. The practice of TCA is more culturally appropriate than the practice of termination of parental rights and traditional adoption due to our country's history of oppression and forced assimilation that was often effectuated against Native families through the child welfare system. TCA is intended to establish permanency for the Indian Child without disrupting tribal ties and erasing cultural connections.

Tribal Customary Adoption (TCA) process allows the State of Iowa to partner with a child's Tribe and the Tribal courts to ensure the Indian Child's rights are protected and the Tribe's sovereignty and traditions are recognized. Each Tribe's socio-political-cultural make-up is unique and distinct. Therefore, what TCA culturally means may be different for each Tribe. However, the importance of family is universal to that socio-political-cultural make-up and TCA respects that universal principle. It allows for 1) the children to be in a safe and permanent environment, 2) their political, familial, and cultural rights to be safeguarded, and 3) the Tribe to exercise their sovereignty and protect their most vital resource: their children.

Please refer to [18-C\(5\), Indian Child Welfare Act](#) to ensure the appropriate case management has been followed in the underlying child welfare case.

The following step should be followed by HHS SWCM and supervisory staff when completing a TCA.

- The Department's Ongoing SWCM and their supervisor (Ongoing Supervisor) identify the potential for recommendation of TCA in an ICWA-applicable case. The Ongoing SWCM schedules a staffing with the Adoption Team where the Department's Adoption SWCM is identified. From this point in the identified child(ren)'s case forward the Adoption SWCM should participate in all meetings with the prospective Adoptive Family and the Tribe relative to the TCA.
- The Ongoing Supervisor will schedule a staffing between the Department (to include all Department staff, ongoing, adoption, etc.) and Tribe to determine if the Tribe agrees with TCA recommendation. Discussion at this meeting should include conversations regarding the timetable and applicable Tribal Court Process (i.e., how many hearings the Tribal court will hold, when they anticipate it would be set for hearing in the Tribal Court, timing for filings and orders, etc.). At this staffing, all participants are provided a copy of the most recent version of the Tribal Customary Adoption: Definition and Process.
- A meeting will be held between the Department Ongoing SWCM and Adoption SWCM, Tribal representatives, and proposed Tribal Customary Adoptive parents. This is an opportunity for the SWCMs to explain to the proposed TCA parents what TCA is and how the process will be different.

- Ongoing SWCM and Adoption SWCM will work together to develop a Family Guide specific to case and provide finalized Family Guide to prospective TCA parents.
- Ongoing Supervisor schedules a meeting with all court parties, Ongoing SWCM AND Adoption SWCM to inform all parties of the Department's permanency recommendation of TCA. If biological parents are involved at the time the team agrees to pursue TCA, the Ongoing SWCM and/or Adoption SWCM will work with the Tribe to obtain any parental signatures requested by the Tribe.
- HHS will request permanency hearing be set in Juvenile Court
- Ongoing SWCM refers family for adoptive home study if not already complete or in progress. Ongoing SWCM begins preparing the case file for transfer to the adoption team by using the "Transfer to Adoptions Transfer Checklist and Discussion Guide" form 470-5721, as the Adoption SWCM will make sure the necessary paperwork is done to determine subsidy eligibility. Adoption SWCM will have a discussion with the Tribe to confirm the Tribe will have all required paperwork for future filing in Tribal Court (i.e., appropriate language for adoption petition regarding subsidy, biometrics, 180-day placement requirement, etc.).
- The Permanency hearing is held in Juvenile Court and the Juvenile Court adopts HHS's recommendation pursuant to Iowa Code Section 232.104(2)(d)(2) that guardianship and custody of the child transfer to HHS as a suitable person for the purpose of establishing a TCA with the Tribe. Juvenile Court also grants concurrent jurisdiction to the identified Tribal Court for purposes of establishing a TCA.
- Once the permanency order is filed transferring guardianship to HHS for purposes of effectuating Tribal Customary Adoption, the Ongoing SWCM schedules staffing with Ongoing Supervisor, Adoption SWCM and Adoption Supervisor to provide relevant updated information in preparation to officially transfer case. If the prospective adoptive family has a completed adoptive home study, this staffing may serve as the selection staffing. Case transfer will occur no later than 30 days after the receipt of the order that identifies Tribal Customary Adoption as the permanency goal, but not before the file is ready.
- If adoption selection staffing has not yet occurred, Adoption SWCM may schedule a single-family selection staffing.
- The person that will file the petition for adoption in Tribal Court (Tribal attorney/official or designee, hereinafter "Tribal Designee") is identified (this person may be a Tribal Representative, attorney, or a pro se party). Adoption SWCM works with this individual to ensure they have everything necessary to file in Tribal Court so Tribal Court knows concurrent jurisdiction has been requested/granted.
- Adoption SWCM meets prospective family and child(ren) and works with adoptive family to sign all needed paperwork (placement agreement/subsidy paperwork). This step cannot occur prior to permanency order establishing TCA as goal but must occur prior to the petition to adopt being filed in Tribal Court, as the petition needs to include language regarding whether the family has applied for adoption subsidy and what the child may or may not qualify for. HHS management (Social Work Administrator "SWA" or higher) approves placement paperwork and provides consent for adoption. For Adoption SWCM's instructions on data entry for pre-subsidy in FACS, contact supervisor.
- Adoption SWCM works with the Tribal Designee to determine what is needed in the Adoption Finalization Packet and then sends the Adoption Finalization Packet, including the Adoption Subsidy Agreement and any additional documentation requested by the Tribal Designee, to the Tribal Designee. Tribal Designee will inform Adoption SWCM of the Tribal Court's requirements for upcoming hearing in Tribal Court (i.e., attendance, testimony, and/or presentation of the case).



NOTE: Items to consider at this step: will the Tribal Court require documentation/testimony that TCA is sought in lieu of a termination of parental rights; will the Tribal Court require documentation/testimony regarding guardian's consent for adoption; is language regarding an amendment to birth certificate(s) required; is the subsidy agreement required, and/or is Tribe willing to provide HHS with the Tribal home study and cultural plan?

- Tribal Designee communicates with the prospective adoptive family and then files the Tribal Customary Adoption petition and any related paperwork. The petition to adopt and the final decree must include adoption subsidy language.
- The filing party in Tribal Court will notify Adoption SWCM of the date of Adoption hearing in Tribal Court.
- Tribal Court sets/holds court hearing to finalize Tribal Customary Adoption and issues final Tribal Customary Adoption decree/order. Adoptive family or their attorney fills out Adoption Abstract/Report which will need to be certified by the Tribal Court that is issuing the adoption. The Adoption Abstract/Report form must be obtained from the State clerk of court's office where the Tribal Court is located. Adoptive family or their attorney sends a certified copy of the Adoption Abstract to the Vital Records Department in the State where the Tribe is located.
- Tribal Designee sends copy of Tribal Customary Adoption petition and decree/order to the Adoption SWCM and assigned assistant county attorney or assistant attorney general representing the State ("State's Attorney"). For parties who are pro se, they will be in contact with their Adoption SWCM and the Adoption SWCM will provide to the State's Attorney.
- State's Attorney files
  - 1) Application and Notice of Request for Registration of the certified Tribal Customary Adoption Decree/Order and
  - 2) Proposed Order Determining Request for Registration of a Tribal Customary Adoption Order: Determination of Objection and Notice of Registration
  - 3) Motion to Continue (only necessary if the next hearing is scheduled prior to the 20-day notice)
- Upon the filing of these pleadings, the Court issues an order setting the matter for review after 20 days. Adoption SWCM notifies adoptive family of date of this review hearing to allow the opportunity for them to attend the final hearing in Iowa Juvenile Court if they so choose.
- If, after 20 days, there are no objections, the Iowa Court enters the Order Determining Request for Registration of Tribal Customary Adoption Decree/Order.
- When this order is issued, the County Clerk will certify the Registration of the Tribal Customary Adoption Order.
- The Order Determining Request for Registration is confirmed as a matter of law. If there is a cultural agreement or stipulation that is part of the Tribal Customary Adoption decree/order, it is now an enforceable order under Iowa law.
- Once we have 1) TCA from Tribal Court, 2) Juvenile Court Order Registering TCA, and 3) the Clerk's certification, the Adoption is considered FINAL. The Juvenile Court may then terminate jurisdiction and close the CINA case.

- Policies and Procedures related to adoption finalization should be completed. The Adoption Subsidy case (if child/children are eligible) is transferred to Adoption Subsidy worker.

NOTE: Many of these steps will be occurring concurrently and depending on the circumstances, not necessarily in this sequential order.

Process will vary by tribe, and deference is given to the Tribe/Tribal court.

TCA may occur through the ICPC process. Consultation with the HHS Help Desk to effectuate an out of State TCA **will** be necessary due complications of the ICPC process.

## **IV-E Eligibility**

The IV-E Unit determines IV-E eligibility for a child receiving both adoption future needs and special needs subsidy. Complete form [470-4075, Adoption IV-E Checklist](#), and send it with the required documentation to the IV-E Eligibility Unit for processing. See [13-B, Determining Title IV-E Eligibility](#) for more information on IV-E requirements and processes.

## **Application Decision**

Legal reference: 411 IAC 201.4(600)

Within 30 days of receipt of the application, the Department shall determine whether a child meets eligibility requirements. If the child does not meet the criteria under [Eligibility Determination](#), the child is not eligible.

Possible dispositions of the application are:

- Approval (case active, presubsidy or subsidy agreement negotiated);
- Approval (case inactive, Agreement to Future Adoption Subsidy, form 470-0762, negotiated);
- Denial of the application; or
- Withdrawal of the application. (The parents shall immediately inform to the Department when the application for subsidy is withdrawn.)

## **Denial of Application**

1. Within 30 days of receipt of the application, determine whether a child meets eligibility requirements. If the child does not meet the criteria, the child is not eligible.
2. If an application for subsidy is denied, provide a form [470-0745, Adoption Notice of Decision](#) to the applicant within 30 days of the date of application, stating the reason for denial and relevant legal reference.
3. The applicant may appeal an adverse determination according to policies in [I-E, Appeals and Hearings](#). Appeal rights are explained on the back of the *Adoption Notice of Decision* form 470-0745.

## **Negotiating Subsidy Payments**

Legal reference: Iowa Code Chapter 600.19, 411 IAC 201.5(600)

After the child has been determined to be eligible and the application for subsidy has been approved, the adoption worker must negotiate with the family the amount and kind of subsidy that the child is eligible to receive, and the family believes they will need in order to meet the long term needs of the child.

- I. Negotiate the type and amount of adoption subsidy based on:
  - The services and supports for the prospective family to meet the child's needs;
  - The resources needed to address those special needs and the expenses expected to be incurred for the child;
  - The prospective family's circumstances (i.e., financial, medical resources) and whether the prospective family requires financial or other assistance to meet the needs of the child;
  - The child's unearned income; and
  - Community resources available to the child and prospective family.

NOTE: The prospective adoptive parents' income is not relevant to the child's eligibility for subsidy. Use of a means test is prohibited.

2. Use the prospective family's medical insurance, Medicaid, Child Care Assistance, or any services available free of cost before expending of subsidy funds. When community services are available and will meet the needs of the child and prospective family, use them before expending subsidized adoption funds.
3. Before expending subsidy funds, assist families in exploring other community resources available to them to help meet the child's needs, such as federal, state, or local government or private programs.

## **Monthly Maintenance Subsidy**

Legal reference: 411 IAC 201.6(3), 156.6(1), 156.6(4)

If a maintenance subsidy is needed, negotiate a specific amount necessary to enable the adoption and to assist the prospective family in meeting the child's needs. The prospective family's income and resources cannot be used as a means test to establish an adoption subsidy rate.

- I. Base the negotiated amount of maintenance subsidy on specific needs of the child and circumstances of the family.

The maximum maintenance payment a child is eligible to receive is the daily rate the child received in family foster care at the time of adoption placement.

If the child was in a setting other than a foster family home at the time of the adoption placement, the child shall receive the rate the child would have been eligible for in family foster care.

Subsidy payments should be negotiated at a lower rate if the family indicates a lesser amount is adequate to meet the child’s needs.

- Siblings are not eligible for the additional \$1.00 per day that they may have received in family foster care. The additional \$1.00 is available for a child who does not have special needs. If a child receives an adoption subsidy payment the child has been determined to have special needs, and therefore is not eligible for the additional payment.
  - The additional \$1.00 per day transportation allowance is not allowed in adoption subsidy.
2. Negotiate any special maintenance allowance when negotiating the maintenance allowance. Use form [470-4401, Foster Child Behavioral Assessment](#) completed after termination of parental rights to determine whether the child’s needs would have justified a special care maintenance allowance in foster care.

Children who are eligible for adoption subsidy based solely on age should only receive the basic daily rate.

3. Enter the negotiated amount on the form [470-0749, Adoption Subsidy Agreement](#), each time the agreement is completed.
4. Revise the payment amount on the data entry system that results in an adoption constant payment.

NOTE: It is not necessary to complete a new *Adoption Subsidy Agreement*, form 470-0749 when there is an automatic across the board adjustment or if the family requests an age group increase.

The maximum daily payment allowed for a child in subsidized adoption is summarized in the following chart of maintenance allowances by age and special needs of the child, effective July 1, 2013:

Age of Child	Basic Daily Rate	Maintenance Plus \$4.81 Per Day	Maintenance Plus \$9.62 Per Day	Maintenance Plus \$14.44 Per Day
0-5 years	\$16.78	\$21.59	\$26.40	\$31.22
6-11	\$17.45	\$22.26	\$27.07	\$31.89
12-15	\$19.10	\$23.91	\$28.72	\$33.54
16-20	\$19.35	\$24.16	\$28.97	\$33.79

Subsidy payments are paid at the beginning of the month for the month. For example, a subsidy payment received in June is for the month of June, not post payment for May as in foster care. Any adjustments to the rate are not effective until the following month.

### **Special Services Subsidy**

Legal reference: Iowa Code Sections 600.17, 600.18, and 600.19,  
 411 IAC 201.6(600)

In addition to subsidy payments a special service subsidy may also be negotiated based on the documented needs of the child. The services provided must meet the child’s needs. Special service subsidies can be provided for a child eligible for adoption subsidy payments. Children who are only eligible for Future Needs Subsidy are not eligible for special services funds. Special service payments may be made before finalization, when the child is in the presubsidy status.

1. Negotiate all special services and obtain documentation of the family’s stated need for special services to maintain the placement.

2. Establish the need for special services by assessing the needs of the child as documented in the child's case record.
3. Negotiate with the parents the services, supports or equipment needed to meet the ongoing needs of the child.
  - If the family is requesting funds to make accommodations to their home to meet the child's needs, the family shall submit estimates from at least two contractors.
  - Supplies needed by a child according to a physician, mental health provider, or intellectual disability professional may be paid using special services funds when no other funding sources are available. Documentation of efforts to seek out alternative funding sources should be provided with the request for supplies from the family.

4. Pay only allowable special services not covered under Medicaid. The family must provide verification of payment, such as receipts, for all special service payments paid directly to the family or to a provider.

NOTE: Parents may request a policy exception from the director of the Department for services that are needed but not included in the allowable list of services. Decisions will be made on a case-by-case basis. Reimbursement for childcare or respite may only be allowed under extraordinary circumstances. Documentation of the extraordinary circumstances must be provided in the Exception to Policy (ETP) to the director for consideration.

5. Obtain approval from the adoption program manager for any single special service costing \$500 or more, or any special service delivered over a 12-month period costing [\\$500 or more. Approval is for a state fiscal year. Ongoing expenses require a new approval at the beginning of each state fiscal year. State fiscal years run from July 1 to June 30.](#)
6. Enter the service and the negotiated amount on the form [470-0749, Adoption Subsidy Agreement](#), each time the agreement is completed. Revise the payment amount on the data entry and payment system.
7. Issue the payment through the Data entry Special Issuance system or on a GAX if payment cannot be issued through the data entry system.

### **Types of Special Services**

Reimbursement to the family or direct payment to a provider may be made for the following special services needed to meet the needs of the child.

- Outpatient counseling or therapy services. Reimbursement for outpatient individual or family counseling or therapy services may be provided from a non-Medicaid provider only with approval from the Service Area Manager or designee and when one of the following applies:
  - The services are not available from a Medicaid provider within a reasonable distance from the family.
  - The child and the family were already receiving therapy or counseling from a non-Medicaid provider, and it would not be in the child's best interest to disrupt the services.
  - Available Medicaid providers lack experience in working with foster, adoptive, or blended families. Reimbursement to non-Medicaid providers shall be limited to the Medicaid rate.

- Expenses for transportation, lodging, or per diem related to preplacement visits, not to exceed \$2000 per family.
- Medical services not covered by the Medicaid program when the child, either alone or with the family, resides outside the state of Iowa and that state's Medicaid does not cover a needed service, or a provider enrolled with Iowa Medicaid cannot be secured. Adoption subsidy funds cannot supplement the Medicaid payment rate to a Medicaid provider or a non-Medicaid provider.
- An additional insurance premium as a result of adding the child to the family's health insurance group. The family must provide documentation they have been denied by [the Health Insurance Premium Payment Program Application \(HIPPPA\), form 470-2875](#) in order to use subsidy funds to pay the cost of additional insurance premiums as a result of adding their adopted child(ren) to their private health insurance plan.
- Reimbursement for transportation, food and lodging not covered by Medicaid when the child is receiving specialized care in a facility 50 miles or farther from the family home, when the family is participating in services and to facilitate reunification with the child.
  - Documented actual food and lodging expenses are reimbursed.
  - Travel expenses other than the family's vehicle are also reimbursed at actual cost. Mileage is reimbursed at the state mileage rate.
- Supplies and equipment as required by the child's special needs and unavailable through other resources. Documentation of efforts to secure funding through other resources should be provided by the family prior to authorization of payment for supplies and equipment.
  - When the siblings in a sibling group of three or more are placed together, a one-time-only payment can be made, not to exceed \$500 per child, to reimburse the family for expenses related to accommodating the needs of the sibling group. Examples would be buying beds, remodeling a room to accommodate the additional children, or put towards purchasing a larger vehicle.
  - When home modifications have been authorized to accommodate a child's special needs and the family later sells the house, the family shall repay the department an amount equal to the increase in the equity value of the home attributable to the modifications.
- Nonrecurring expenses. Payment for nonrecurring expenses is generally limited to a total of \$1,000 per child for attorney fees, court costs and other related legal expenses. Nonrecurring expenses may be paid when the adoptive family has negotiated an Adoption Subsidy Agreement, Form 470-0747.
- Funeral benefits at the amount allowed for a foster child in accordance with IAC 441 156.8(5). Funeral benefits up to \$650.

NOTE: Adoption special services funds cannot be used to pay for residential treatment or inpatient treatment.

The need for special services shall be documented in the Adoption Subsidy Agreement. The family shall provide documentation of expenses to the department before receiving reimbursement.

### **Special Services Subsidies Over \$500**

Legal reference: 411 IAC 201.6(1)c

Any special service that will cost \$500 or more in a fiscal year must have prior approval from the adoption program manager in the Division of Adult, Children and Family Services before program funds are expended. This includes services delivered within a 12-month period, such as, counseling, therapy or any special service expected to exceed \$500 in total.

1. A van lift for a physically handicapped child's wheelchair at a cost of \$2,000 must have prior approval.
2. Adding a ramp to the home for wheelchair access at a cost of \$400 needs no prior approval.
3. Specialized telephone equipment for a hearing-impaired teenager at a cost of \$350 plus \$25 monthly service charges must have prior approval for the first year. The monthly service charges do not need prior approval thereafter.
4. Travel expenses that include mileage, meals, and hotel for a weekend visit with the child in a PMIC facility.
5. Special equipment for a child's wheelchair costing \$200 needs no prior approval.

1. To obtain prior approval for a special service costing \$500 or more, submit a written request for approval to the adoption program manager in the Division of Adult, Children and Family Services via e-mail or interoffice memo. Include the following information:
  - Name of the child
  - Explanation and documentation of the child's special needs
  - Estimated costs for durable goods, and services
  - Availability of community resources
  - Family circumstances and amount of family contribution
2. The adoption program manager will respond to the request in writing within 30 days of receipt of request. The response shall be one of the following:
  - Request for further information,
  - Denial of request and reason for denial, or
  - Approval of request.
    - The approval will include the amount approved and the approved period of time.
    - Approvals may not extend beyond the end of the fiscal year (June 30).
    - Payments for insurance premiums may be approved for the entire fiscal year.
    - Requests for reimbursement of travel expenses must be done prior to travel unless it is an emergency.
  - Payment of actual allowable expenses will be done once the family provides documentation of expenses.

## **Adoption Subsidy Agreement**

Legal reference: 41 IAC 201.4(3), 201.5(1), 201.6(a)7

The [Adoption Subsidy Agreement, form 470-0749](#) is a contract between the Department and the parents. The agreement formalizes the rights and responsibilities of the parents and the Department, and documents the supports and benefits parents are eligible to receive.

1. Formalize the daily rate and types of special services subsidy negotiated through an agreement between the adoptive parents and the Department, using the *Adoption Subsidy Agreement*.
2. Once the adoption subsidy agreement is finalized (signed by all parties), subsidy payments cannot be reduced without the concurrence of the parents unless there is an across-the-board adjustment in foster care maintenance payments.
3. The adoptive parents can request to re-negotiate the initial agreement if the circumstances of the child or parents substantially change.
4. Parents can request an increase in subsidy when their children reach a higher rate of base subsidy due to reaching an older age group. This does not require prior approval and can be done through each service area's subsidy worker.

## **Preadoption Subsidy**

1. Negotiate the preadoption subsidy terms and complete the form [470-0749, Adoption Subsidy Agreement](#), with the parents on the date the child enters the home or any date up to but not including the date the adoption is finalized. The child must meet all eligibility requirements.
2. Document the amount of the presubsidy, the frequency, and the duration, on the *Adoption Subsidy Agreement*. Ensure that all parties sign the *Adoption Subsidy Agreement*.
3. Indicate the child's IV-E Medicaid status on the *Adoption Subsidy Agreement* when information is received from the IV-E IM worker regarding the child's IV-E status.
4. Presubsidy payments cannot be made before the date the form [470-0744, Application for Subsidy](#), and the *Adoption Subsidy Agreement* are signed by the family. The form must also be signed and approved by the department.

## **Adoption Subsidy**

1. Document on the [Adoption Subsidy Agreement](#) the amount, frequency, and duration of the subsidy. Ensure that all parties sign the *Adoption Subsidy Agreement*.
2. When a child received presubsidy payments, complete a new *Adoption Subsidy Agreement* when the adoption is finalized. Change the case name on the subsidy case to the child's adoptive name.
3. A subsidy application can be approved either for current or for future needs. Subsidy payments cannot be made before the date the *Adoption Subsidy Agreement* are signed by all parties. Subsidy payments cannot be made prior to the Court entering an adoption decree finalizing the adoption.



## **Future Needs**

1. Negotiate a future needs adoption subsidy agreement when:
  - The prospective parents have a concern about the need for subsidy in the future, and
  - The child has been determined by a qualified professional to be at high risk of developing a defined [special need](#) (medical, mental or emotional condition) in the future.
2. Obtain documentation that a qualified professional has determined that the child is at high risk of developing a special need. Use of form [470-4311, Future Needs Adoption Subsidy Professional Documentation](#) is encouraged for documentation of future needs of a child but is not limited to the use of this form.
3. Parents complete form [470-0744, Adoption Subsidy Application](#). The *Adoption Subsidy Application* is be considered the formal request by the prospective parents to be approved or denied for future subsidy. Parents should submit the form to the Department for approval or denial.
4. Department Staff will send form [470-0745, Adoption Notice of Decision](#) informing the prospective family of approval or denial of their application for Future Needs Subsidy. Instructions for appeal of the Department's decision are included in the *Adoption Notice of Decision*.
5. The [Adoption Subsidy Agreement](#) should be signed by the prospective parents if their application is approved. The *Adoption Subsidy Agreement* is signed and approved by the Department. If applicable, reimbursement of non-recurring fees should be included in the *Adoption Subsidy Agreement*.

A child who is not eligible for a future needs agreement is not eligible for any adoption subsidy supports including reimbursement of non-recurring expenses.

## **Medical Assistance**

Legal reference: 411 IAC 201.11(600)

Children who are eligible for adoption subsidy are categorically eligible for medical assistance through Medicaid. Parents may elect to put a child on their private health insurance but are not required to do so. If requested by the family, a [special services subsidy](#) may be authorized to reimburse the family for the cost of an additional premium to add the child to the family health insurance coverage that results from the child's special needs. The family must provide documentation they have been denied by the HIPPPA program form 470-2875 in order to use subsidy funds to pay the cost of additional insurance premiums as a result of adding their adopted special needs child(ren) to their private health insurance plan

The Department provides Medicaid to:

- All children who have a valid [Adoption Subsidy Agreement](#) for whom the Department has financial responsibility. This includes children in pre-subsidy or who have a future needs agreement.
- Children who reside in Iowa and receive a IV-E funded subsidy payment though another state.
- Children who reside in Iowa and receive a state-funded subsidy payment though another state that has a reciprocity agreement with Iowa.

Even though a child in a presubsidy or subsidized adoption placement is automatically eligible for Medicaid, the child's circumstances must be examined to determine the funding source used to pay for the child's medical care.

NOTE: When a child from Iowa is placed for adoption in another state, the adoption worker should follow the Interstate Compact on Adoption and Medical Assistance (ICAMA) procedures in [8-H](#). ICAMA provides the administrative structure by which states adhere to the Consolidated Omnibus Budget Reconciliation Act (COBRA). ICAMA also is the mechanism by which the provision of Medicaid to children with state-funded adoption assistance is facilitated when such children move from state to state. Each ICAMA member state has a designated point of contact and follows the ICAMA protocol to ensure that eligible adopted children receive Medicaid in their states of residence. Currently, 47 states and the District of Columbia are members of ICAMA, including Virginia. Non-member states include New York, Vermont, and Wyoming.

For Iowa HHS, Adoption SWCM's need to provide an ICAMA referral via email to the Adoption Program Manager, which should include:

- Name, date of birth, and social security numbers for each adopted child and the parents.
- The family's address, email address and phone number in the other state.
- Whether the child is eligible for IV-E or state-funded subsidy assistance.
- A copy of the signed [470-0749, Adoption Subsidy Agreement](#).
- A copy of the adoption decree.
- Date of move to the residence state or date of adoption finalization

An ICAMA referral ensures that the child continues to receive medical assistance (Medicaid) wherever the child and family reside.

Determining Medicaid eligibility and funding source is a cooperative effort between the adoption worker and the IV-E IM worker. The adoption worker is responsible for ensuring that the information available to make the determination is provided to the IM worker.

1. Provide the documents listed on form [470-4075, Adoption IV-E Checklist](#) to the IV-E IM worker. The adoption worker should ensure the family completes form [470-5535, Application for Foster Care and Subsidized Adoption Medicaid](#) with the child(ren) adopted names should be provided to the IV-E IM worker in order to begin the process of Medicaid approval.
2. The IV-E IM worker will determine eligibility and authorize issuance of a medical authorization with the child(ren) adoptive name. Medicaid card.
3. Indicate the child's IV-E Medicaid status on the form [470-0749, Adoption Subsidy Agreement](#).
4. The adoption worker should notify the contracted Social Security Determination Agency when an adoption is final to ensure any type of benefits adopted child(ren) are entitled continue in adoption.

If the child is receiving a benefit from the Social Security Administration, the parents must also notify the Social Security Administration of the finalization and name change. Families will need to take the amended certified birth certificate, certified copy of the adoption decree, Social Security Card application and their photo ID to their local Social Security Social Security Administration in order to complete the process.

5. The IM worker will close the presubsidy Medicaid case and open a new case in the child's adoptive name. This procedure is necessary to protect the confidentiality of the adopted child.
6. The IV-E IM worker completes reviews of Medicaid eligibility according to the provisions of the child's coverage group.
7. The IM worker will issue a review form to the adoptive parents allowing enough time for completion and return. If the review form is not returned, the IM worker may request assistance in obtaining information necessary to complete the review.

### **Medicaid Benefits Guidelines**

Medicaid coverage is not restricted to services associated with the special needs of the child. The Medicaid card may be used for any service allowed under the Medicaid program.

Reimbursement for medical transportation expenses must be filed according to the procedures of the child's managed care organization. Forms and instructions can be found at <https://hhs.iowa.gov/programs/welcome-iowa-medicaid/iowa-medicaid-programs/nemt>

## **Ongoing Case Responsibility**

### **Setting Up a New Subsidy Case**

Approved cases are categorized as follows:

- Case opened and active: The child is receiving subsidy payments.
- Case inactive: The child is eligible for subsidy or future needs subsidy, but the child or family does not currently require or is eligible for the assistance.

For initial approval of an active case:

1. Complete a form [470-0749, Adoption Subsidy Agreement](#).
2. Provide the applicant a form [470-0745, Adoption Notice of Decision](#), within 30 days of the date of application.
3. Open a case in the data entry system. Record the child's social security number into the data entry system as follows:
  - For presubsidy cases, enter the child's birth name and original social security number.
  - For subsidy cases, enter the child's new name. Enter the child's social security number if the parents have not applied for a new number. If the parents have applied for a new social security number and it has not been issued, enter 9s (999 99 9999) for the number. Enter the new social security number into the data entry system when it is issued.
4. To move a case from presubsidy to subsidy status, obtain a new state ID number for the case. The data entry system will generate an "alert" to obtain a new state ID number for cases that were previously in a presubsidy status.

A child must be opened for pre-subsidy prior to setting up the adoption subsidy case in the data entry system. Pre-subsidy may be one day only if the child remained in foster care service up to finalization.

5. Make all adoption subsidy maintenance payments through the data entry system on the Adoption Constant Payment screen. The presubsidy case remains under the child's birth name.

For cases that are approved but inactive:

1. Provide an [Adoption Notice of Decision, form 470-0745](#) to the applicant within 30 days of the date of application.
2. Prepare form [470-0749, Adoption Subsidy Agreement](#).
3. Enter the case in the data entry system with the same start and end date of the service. Complete required fields indicating the child is eligible for a future needs agreement.

### **Subsidy Case Record**

Legal reference: Iowa Code 600.16A, 441 IAC 200.14

Open a separate subsidy case record for each child receiving subsidy or has a future subsidy agreement.

Keep subsidized adoption records confidential and secure. Store subsidy case records in a locked file.

Families will need to take the amended certified birth certificate, certified copy of the adoption decree, Social Security Card application and their photo ID to their local Social Security Administration in order to complete the process of notifying a name change. The parents can apply for a new social security number, but The Social Security Administration may refuse to issue new social security number for the child(ren), even though made aware of eliminating the link to birth parents.

Compile and retain the following in the subsidy case record:

- Form [470-0744, Application for Subsidy](#)
- Form [470-0749, Adoption Subsidy Agreement](#)
- Legal documents stating the agency (public or private) that had guardianship of the child and consented to the adoption of the child(ren).
- Verification and documentation of IV E eligibility, or a statement that the child is not IV-E-eligible
- Child study/social history
- Adoptive home study
- Petition to adopt
- Adoption decree
- Verification of the child's special needs (medical, psychological, and psychiatric reports)

- A statement from the family's attorney stating the legal expenses for the adoption, including the court costs, if paid with subsidy funds
- Notices of decision
- *Agreement of Placement for Adoption*, form 470-0761, for a Department case
- Form [470-5535, Application for Foster Care and Subsidized Adoption Medicaid](#) with the child(ren) adopted names. Retain this for medical reviews.
- Other information pertinent to the case (e.g., case narrative, receipts for special service payments, etc.)
- ICAMA (Interstate Compact on Medical Assistance) forms, each time the adoptive family moves to another state

Maintain subsidy case records in a locked file after the case is closed. Subsidy cases may be kept electronically as well. Subsidy cases must be retained three years after the case closes either at age 18 or 21 depending on the child's eligibility.

Since inactive cases can be reinstated, the inactive subsidy case record must be retained as though it were active until the child reaches age 18.

### **Case Review**

Legal reference: 441 IAC 201.1(3)5, 201.5(7)

The [Adoption Subsidy Agreement, form 470-0749](#) is a contract between the Department and the family. It is in effect until reviewed and replaced by a new agreement or until terminated. The subsidy agreement cannot be modified unless the adoptive parents agree to the modification, except for across the board increases or decreases to the family foster care rate.

When the family requests a review of the subsidy agreement, negotiate the subsidy based on family circumstances and the needs of the child.

- Requests for an increase in adoption subsidy must be in writing. The request must detail the following:
  - A description of the substantial change in circumstances
    - The change in the child's behaviors or needs.
    - The time period of the change.
  - A description of the child's strengths and positive behaviors.
  - A description of current services.
    - Frequency of services provided – daily, weekly, monthly, or quarterly.
    - The goals of the service.
    - The effectiveness of the service - Have the needs of the child improved, stayed the same, or worsened with the service?
  - A description of services that **have** been tried and **not** been effective, including when the services were provided, and the length of time services were provided.

- The child's current medical and/or mental health diagnosis.
- An explanation of how the additional funds will be used to support the additional needs of the child and family.
- Supporting documentation such as:
  - Provider reports – BHIS, therapist, psychiatrist, physician, etc.
  - Evaluations within one year of request
  - School documentation – IEP, school psychologist report, etc.
  - Hospital or facility treatment plans or discharge reports.
- Requests for a change in the adoption subsidy rate are processed as an exception to policy. The request and supporting documentation are submitted to the Appeals Unit, Hoover State Office Building, either by mail, fax, email or submission through the department website. Parents can submit the request directly, or department staff can submit the request on their behalf.
- The request is reviewed by the Director of the department. Parents will receive a written letter with the decision to approve the request as submitted, approve the request but modified, or deny the request.
- Complete a new form [470-0749, Adoption Subsidy Agreement](#), to document any changes in the daily rate or special services subsidy services. Payment changes are effective the first of the month following the decision. For example, if a decision is made to increase subsidy payments on the 10<sup>th</sup> of May, the payment goes into effect the 1<sup>st</sup> of June.

NOTE: A new agreement is not needed for an across-the-board adjustment to the adoption subsidy/family foster care rate.

### **Rate Increase Based on Age**

Unlike family foster care, adoption subsidy rates do not automatically increase when a child turns age 6, 12, or 15. Parents may request the increase without providing supporting documentation. The increase will be effective the first of the month following the request. A new subsidy agreement is not needed for a rate increase based on age.

NOTE: Payment increases based on age cannot be made retroactively to the child's birthdate.

### **Changes in the Household**

If the adoptive parents have divorced or separated, do not change the payee or remove a parent as a payee until the parents provide a written document stating who should receive the subsidy payments. Parents may provide a written statement signed by them both, or a copy of a court order or decree.

Send a form [470-0745, Adoption Notice of Decision](#) to each parent. Complete a new Adoption Subsidy Agreement with the designated parent.

### **Family Moves Out of Iowa**

When a family moves out of Iowa to another state, Iowa remains responsible for providing subsidy payments to the family. Iowa also remains responsible for any special services payments or other provisions agreed to in the Adoption Subsidy Agreement. Medicaid may be provided by the family's resident state. See ICAMA process.

### **Review for Continued Eligibility After Age 18**

Review the subsidy agreement when the child reaches the age of 17½ to determine whether the child is eligible to receive adoption subsidy through age 21 due to the child's physical or mental disability. The disability shall be diagnosed by a physician, a qualified mental health professional, or a qualified intellectual disability professional. The diagnosis shall be current within one year prior to the child's 18th birthday.

A disability is more than just having a diagnosed condition. A disability is a condition that is severe enough to prevent the youth from living independently, completing high school, , acquiring and keeping a job, or performing daily living skills. A disability requires the youth to need ongoing adult support in one or more areas of their life. Youth may have behaviors or needs that are outside what would be considered typical for their peers, but not be disabled.

A youth has a diagnosis of major depression. The youth is often withdrawn and minimally socially active, but is able to manage medication on their own, takes care of daily hygiene, will graduate from high school on time, is planning on attending college, and regularly attends therapy. This youth would not be considered disabled.

Another youth has the same diagnosis but misses school because the youth cannot not get out of bed, has poor grades, needs daily medication monitoring, refuses therapy and has been hospitalized three times in eight months for suicidal ideation. This youth may be considered disabled due to the need for ongoing supervision and monitoring for potential suicidal ideations or attempts.

Send a letter to the family when the youth turns 17½ requesting documentation of the youth's disability. Parents must provide written documentation from a qualifying professional to the Department prior to the youth turning 18.

NOTE: The *Adoption Subsidy Special Needs Documentation* form 470-4312 is **not** sufficient to document a child's disability for ongoing subsidy. Parents must provide a report or evaluation from a qualified professional.

Review the documentation for the following:

- The youth's diagnosis.
- How the youth's diagnosis impacts their daily living. Give consideration to the following:
  - Education – Is the youth attending school, working at grade level, and expected to graduation high school on time?
  - Employment – Does the youth have a job or employment history?

- Daily living – Is the youth able to manage living skills such as self-care, and basic household chores without assistance? Is the youth able to manage money?
- Social skills – Is the youth able to form age-appropriate peer relationships and maintain relationships?
- Behaviors – Does the youth exhibit behaviors that could be a danger to themselves or to others? Do they exhibit irrational behaviors or impulsive behaviors?
- Health – Does the youth have serious medical needs that require ongoing monitoring and follow-up care?

After consideration of all the available information, determine if the youth meets criteria for having a diagnosed disability that will allow subsidy to continue after age 18. Issue an *Adoption Notice of Decision* to inform the parents of the decision.

If the family fails to respond or provide documentation, issue an *Adoption Notice of Decision* terminating the adoption subsidy.

If the family submits documentation after the youth turns 18, inform the parents they will need to submit a request for an exception to policy. Provide information on the process for submitting the request.

If the child is not eligible for payments after age 18, the data entry system will no longer issue payments for approval.

If the child is eligible for payments up to age 21, an entry in the data entry system must be made prior to the child's 18<sup>th</sup> birthday to allow payments to continue. Enter a Y on the SPECIAL NEED DOCUMENTED FOR CONTINUATION OF SUBSIDY AFTER AGE 18 field on the ADCP screen. The field can be entered up to 60 days prior to the child's 18<sup>th</sup> birthday.

- If the flag is not entered prior to the child's 18<sup>th</sup> birthday, contact the adoption program manager who will notify the CWIS Help Desk to change the flag.

### **Transfer of Cases**

Responsibility for a subsidy case may change when a family lives or moves out of a Department service area, but it is not automatic. The transfer shall be determined by factors such as the family's location, the timing of a move in relation to the adoption process, and case responsibility for the child.

When a family moves out of state, the department shall continue to be responsible for the adoption subsidy. See [8-H, Out-of-State Subsidized Adoption](#) for guidelines.

When an adoption is final the subsidy case should be transferred to the appropriate service area subsidy worker for ongoing case management within 45 days of adoption finalization.



Observe the following guidelines unless the areas involved agree to an exception:

- When a child is placed in another Department service area for adoption, or when a family moves to another Department service area during the adoption process, the placing area retains subsidy case responsibility until the presubsidy application and subsidy agreement are completed. Then the case may transfer to the area of residence.
- When a family moves to another service area after an adoption is finalized, transfer case responsibility to the new area.
- If the child and parents are at risk of disruption, it may be in the best interest of the child to retain the placing worker until problems are stabilized or resolved.
- If the family requests that the placing worker retain the case responsibility until the adoption is finalized in a short time, it may be in the best interest of the child to comply with the request.

When responsibility for a subsidy case changes from one Department service area to another:

- Notify the service area the family has relocated to their area and the subsidy case will be transferred.
- Send the entire subsidy case record to the designated staff in the service area so the case can be assigned.
- Notify the family of the transfer of the case, the change of workers, and the reason for the change by the worker transferring the case.

### **Placement in an Out of Home Setting**

When a child enters a foster care, residential, or other out of home setting, parents may continue to receive adoption subsidy while their child is in out of home care. Parents are still responsible for providing financial support to their child, participate in services, and work towards reunification.

Contact the family to request to renegotiate the adoption subsidy agreement to reduce the subsidy payment to an amount necessary to meet the specific child's needs, such as the transportation for the parents to participate in therapy sessions.

Parents who receive adoption subsidy for their child in out of home care may not be assessed parental liability for Iowa's cost for foster care placement of their child. However, parents who reside in other states may be expected to pay parental liability if their child enters care, based on the laws of that state.

Psychiatric medical institutions for children (PMICs), Resource Centers, and Intermediate Care Facility (ICF) are funded by Medicaid. Therefore, federal Medicaid rules apply regarding client participation. The subsidy payment that the family receives is considered to be income to the child according to Medicaid and must be applied to the client participation fee. Parents can choose to reduce the subsidy to \$50.00 personal care allowance per month, or to use subsidy funds to pay the assessed client participation directly to the facility. The facility is responsible for collecting the participation fee from the parents.

When the child leaves the residential setting, and the subsidy was suspended or reduced, re-negotiate the adoption subsidy agreement. Complete a new form [470-0749, Adoption Subsidy Agreement](#) to reflect the changes in the daily rate.

### **Suspension of Adoption Subsidy**

Legal reference: 441 IAC 201.10(600)

Families are expected to provide financial support to their children. When information is received that the family is not providing financial support to the child, or is no longer legally responsible for the child, conduct an evaluation of the situation. The types of situations that would warrant an evaluation include:

- The child has not resided with the parents for 30 days or longer.
- The child applies for food assistance.
- A caregiver or other credible person reports the child is not in the home and the family is not providing support.
- A person is awarded custody or guardianship of the child.
- The custodial parent or both parents are incarcerated.
- The parent or both parents are awaiting trial on criminal charges related to abuse or neglect of the child, or other children in the home.

Financial responsibility can include:

- Payments to the child's caregiver if the child is living out of the home.
- Providing food, clothing or other tangible goods to the child.
- Funds are used for travel expenses related to visits and participation in therapy or other programming for the child.
- Making car payments or providing auto insurance for the child.

When information is received that parents are not providing financial support to their child or are no longer legally responsible for their child, contact the parents to request information about the situation. Parents can be requested to provide receipts or other documentation of financial support as part of the evaluation, or court documents if legal responsibility is in question. Upon completion of the evaluation, provide parents with written notification of the outcome, including the expectation of continued cooperation to provide documentation as requested.

Subsidy may be suspended when it cannot be determined if the parents are providing support to their child, are legally responsible for their child, because the family is not cooperating with providing documentation. Send the family a [470-0745, Adoption Notice of Decision](#) with an effective date of the suspension of payments. Parents can appeal the decision.

Families can agree to a renegotiation of the subsidy payment to reduce or forgo the payment. If the parents agree to reduce the payment amount or end payments, complete a new [470-0749, Adoption Subsidy Agreement](#) to document the reduced payment or a zero payment. Termination of the *Adoption Subsidy Agreement* will end Medicaid for the child.

Subsidy can be reinstated when the outcome of the evaluation determines the parents are providing financial support or remains legally responsible for their child. Provide parents with an *Adoption Notice of Decision* with an effective date of reinstatement. The parents will receive payments not received during the suspension.

1. A call is received from Aunt Betty saying Billy is living with her. He and his parents were not getting along and he began living with her 2 months ago. Aunt Betty states she isn't getting any assistance from Billy's parents. Billy's parents are contacted. They are giving Billy money directly, have bought groceries for him and his aunt, and they continue to pay for his cell phone. Parents are able to provide receipts and are cooperative. The family is also involved in therapy to work on getting Billy back home. Suspension of subsidy is not necessary.
2. A call is received from Grandma saying Jane is living with her. She and her parents were not getting along, and Jane began living with her 2 months ago. Grandma states she is not getting any assistance from Jane's parents. Attempts are made to contact Jane's parents. After the third attempt, parents responded and said they were helping support Jane, but could not provide any documentation. Payments are suspended until a determination can be made. Two months later the family shows documents that verify they are supporting Jane by providing her with cash and paying for her phone. Payments are reinstated and any payments missed during the suspension are paid.

### **Termination of Subsidy**

Legal reference: 441 IAC 201.7(600)

The subsidy agreement shall terminate when any of the following occur:

- The child is age 18 and determined not to be disabled or is age 21 having been determined to be disabled.
- The terms of the agreement have reached conclusion.
- The parents request termination of the subsidy.
- The parents are no longer legally responsible for the child (i.e., the parents are no longer the child's legal guardian, or their parental rights have been terminated).
- The death of the child, or death of the parents of the child (one parent in a single-parent family; both in a two-parent family).
- The child marries.
- The child enlists in the military.

- The parents are no longer using the maintenance payments to support the child.
- When payments have been suspended and it is determined the parents are no longer legally responsible for the child or are not providing support to the child.

Complete a timely [470-0745, Adoption Notice of Decision](#), and provide it to the parents before the termination of a subsidy.

Close the subsidy case if termination is due to the child's majority, marriage, enlistment, or death or due to the conclusion of the terms of the agreement.

When payments terminate at the request of the parents, the parents are not providing financial assistance, or payments have been suspended, the case becomes inactive, but the *Adoption Subsidy Agreement* remains valid. See [Reinstatement of Subsidy](#).

### **Reinstatement of Subsidy**

Legal reference: 441 IAC 201.8(600)

Reinstate subsidy when:

- The reason for termination no longer exists, and
- The subsidy was terminated because:
- The parents requested it.
- The parents become legally responsible for the child.
- The parents are using the maintenance payments to support the child.

Complete a new [470-0749, Adoption Subsidy Agreement](#) to document the reinstatement of payments, along with the [470-0745, Adoption Notice of Decision](#) approving reinstatement of subsidy funds.

Payments cannot begin until the *Adoption Subsidy Agreement* is signed by the parents and the department.

### **Closing the Adoption Subsidy Case**

When the [470-0749, Adoption Subsidy Agreement](#) has been terminated at the request of the parents, when the child turns 18, or when the child turns 21, send an [470-0745, Adoption Notice of Decision](#) to the parents no less than 10 days prior to subsidy ending.

Close out the service in the data entry system. A date must be entered in both the Service End Date and Subsidy End Date on ADOD to close out subsidy.

Retain the subsidy file for three years after payments end.

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## **Medical Assistance and IV-E Eligibility**

Legal reference: 441 IAC 201.11(600), 75.1(16)

Children who are eligible for adoption subsidy are categorically eligible for medical assistance through Medicaid. Parents may elect to put a child on their private health insurance but are not required to do so. If requested by the parents, a [special services subsidy](#) may be authorized to reimburse the family for the cost of an additional premium to add the child to the family health insurance coverage that results from the child's special needs. The family must provide documentation they have been denied by the [Health Insurance Premium Payment Program Application form 470-2875](#) in order to use subsidy funds to pay the cost of additional insurance premiums as a result of adding their adopted special needs child(ren) to their private health insurance plan.

The Department provides Medicaid to:

- All children receiving adoption presubsidy or subsidy payments for whom the Department has financial responsibility.
- Children who reside in Iowa and receive a [IV-E funded](#) subsidy payment through another state.
- Children who reside in Iowa and receive a state-funded subsidy payment through another state that has a reciprocity agreement with Iowa.

Even though a child in a presubsidy or subsidized adoption placement is automatically eligible for Medicaid, the child's circumstances must be examined to determine the funding source used to pay for the child's medical care.

NOTE: When a child from Iowa is placed for adoption in another state, or a child with special needs moves from Iowa to another state with the preadoptive or adoptive family, the adoption worker should follow the [Interstate Compact on Adoption and Medical Assistance \(ICAMA\)](#) procedures. This ensures that the child continues to receive medical assistance (Medicaid) wherever the child and family reside.

Determining Medicaid eligibility and funding source is a cooperative effort between the adoption worker and the IV-E IM worker. The adoption worker is responsible for ensuring that the information available to make the determination is provided to the IM worker.

- Complete form 470-4075, *Adoption IV-E Checklist*. Attach copies of necessary documents, including the adoption subsidy agreement, petition for adoption, adoption decree, termination of parental rights, orders for the birth parents, and child's background report, and send to the IV-E IM worker.
- The adoption worker should ensure the family completes the [Application for Foster Care and Subsidized Adoption Medicaid, form 470-5535](#) with the child(ren) adopted names should be provided to the IV-E IM worker in order to begin the process of Medicaid approval.
- Provide evidence that efforts were made to place the child without a subsidy, or that an exception was appropriate and in the best interests of the child.
- Provide supporting documentation of the child's special needs if the child's special needs status is related to a medical condition.
- Provide other necessary information as requested by the IV-E IM worker.

- Indicate the child's IV-E Medicaid status on the form [470-0749, Adoption Subsidy Agreement](#).
- If the child is receiving SSI, the parents must notify the Social Security Administration of the finalization and name change.
- The adoption worker should notify the contracted Social Security Determination Agency when an adoption is final to ensure any type of benefits adopted child(ren) are entitled continue in adoption. The adoption worker should notify the contracted Social Security Determination Agency when an adoption is final to ensure any type of benefits adopted child(ren) are entitled continue in adoption.

The IV-E IM worker will:

- Close the presubsidy Medicaid case and open a new case in the child's adoptive name. This procedure is necessary to protect the confidentiality of the adopted child. A new card will be issued.
- Complete reviews of Medicaid eligibility according to the provisions of the child's coverage group.
- Issue a review form to the adoptive parents allowing enough time for completion and return. If the review form is not returned, the IM worker may request assistance in obtaining information necessary to complete the review.

### **Medicaid Benefits Guidelines**

Medicaid coverage is not restricted to services associated with the special needs of the child. The Medicaid card may be used for any service allowed under the Medicaid program.

### **Interstate Compact on Adoption and Medical Assistance**

Legal reference: Iowa Code Chapter 600.23, 441 IAC 201.11(600), 75.1(16)

The Interstate Compact on Adoption and Medical Assistance (ICAMA) was established to ensure children receiving federally funded adoption assistance are eligible for Medicaid coverage in the state in which they reside. ICAMA covers IV-E-eligible children who are placed for adoption or have been adopted and have a current Adoption Subsidy Agreement for subsidy or presubsidy assistance.

The goal of ICAMA is to provide uniformity and consistency of policy and procedures concerning medical assistance when a family in another state adopts a child with special needs or the family moves to another state. The adoption program manager in the Division of Adult, Children and Family Services acts as the ICAMA compact administrator for Iowa. The adoption program manager maintains a database on all adopted children who move from Iowa or are placed in another state and children who enter Iowa from other states.

A number of states have established Medicaid reciprocity agreements to cover each other's non-IV-E-eligible children who are placed across state lines or whose family moves away from the state where the adoption was finalized.

States with Medicaid reciprocity agreements are:

Alabama	Indiana	Missouri	South Carolina
Alaska	Iowa	Montana	South Dakota
Arizona	Kansas	Nebraska	Tennessee
Arkansas	Kentucky	New Jersey	Texas
California	Louisiana	North Carolina	Utah
Colorado	Maine	North Dakota	Vermont
Connecticut	Maryland	Ohio	Virginia
Delaware	Massachusetts	Oklahoma	Washington
Florida	Michigan	Oregon	West Virginia
Georgia	Minnesota	Pennsylvania	Wisconsin
Idaho	Mississippi	Rhode Island	Wyoming

States that do not have reciprocal agreements are Hawaii, Illinois, Nevada, and New Mexico.

### **Iowa Children Who Reside In or Move to Another State**

When a child from Iowa is placed for adoption in another state, or a child with special needs moves from Iowa to another state with the preadoptive or adoptive family, send the following to the adoption program manager.

- Name, date of birth, and social security numbers for each adopted child and the parents.
- The family's address, email address and phone number in the other state.
- Whether the child is eligible for IV-E or state-funded subsidy assistance.
- A copy of the signed [470-0749, Adoption Subsidy Agreement](#).
- A copy of the adoption decree.
- Date of move to the residence state or date of adoption finalization.

Follow this procedure for both IV-E-eligible and non-IV-E-eligible children who move from Iowa to another state or are placed for adoption in another state.

Families who move to states without reciprocal agreements to cover non-IV-E children will remain on Iowa Medicaid.

### **When the Child Is IV-E Eligible**

When the child leaving Iowa is IV-E-eligible, the adoption program manager will:

- Submit *ICAMA Notice of Medicaid Eligibility/Case Activation* (ICAMA form 7.00) to the family's resident state.
- A copy of the current Adoption Subsidy Agreement

The ICAMA administrator in the family's new resident state is responsible for:

- Determining the child's Medicaid eligibility based on the documentation provided and issuing the Medicaid eligibility card.
- Notifying Iowa of the child's Medicaid status.

When the ICAMA administrator receives notice that the IV-E-eligible child is receiving Medicaid from another state, the notice will be sent to the IV-E IM worker, who will close the Medicaid case. Advise the parents that Iowa will continue to provide the monthly IV-E adoption maintenance payment or special services subsidy.

When there is a change in the child's situation (address, subsidy status, etc.) or the adoption subsidy is reviewed notify the adoption program manager to update the state of residence.

### **When the Child Is Not IV-E Eligible**

When an Iowa adoptive family for a child who is not IV-E-eligible moves to another state and the state does not provide Medicaid through a reciprocity agreement, the adoption program manager will notify the other state.

Instruct the family to apply for Medicaid for the child in their state of residence.

- If the child is approved, the Iowa Medicaid will be canceled.
- If the child is not approved, advise the family to seek services from providers who are or will apply to become an Iowa Medicaid provider.

Iowa children who are not IV-E-eligible are eligible for coverage by Iowa's Medicaid program, whether residing in Iowa or in another state. Follow the normal procedure for communicating with the IM worker and establishing Medicaid eligibility.

The adoption subsidy program **does not** cover inpatient or residential services. If the child needs extended inpatient treatment (e.g. residential treatment) the family's private health insurance may cover the inpatient treatment. If not, the family shall seek resources from the state of residence.

### **Children From Other States Residing in Iowa**

In compliance with Public Law 99-272, IV-E-eligible children from other states whose adoptive families move to Iowa are eligible for Iowa Medicaid. Non-IV-E-eligible children from states with a reciprocal agreement will receive Iowa Medicaid. Children from non-reciprocal states may apply for Iowa Medicaid.

When information is received regarding a child from another state who has moved to Iowa, the ICAMA administrator will receive a referral from the sending state in accordance with ICAMA procedures. The ICAMA administrator will provide the information to the assigned IV-E IM worker to set up Iowa Medicaid for the child.