

Iowa Adoption Program Discussion Guide

1. **Guardianship of Child & Placement for Adoption**

At the time of Termination of Parental Rights (TPR) in which adoption is determined to be the permanency goal, legal guardianship is often appointed by the Court to HHS for the purposes of facilitation of an adoption for the identified child(ren). If TPR has occurred and child(ren) are legally available for adoption and placed in your home, some expectations do change for the care of the child(ren). Guardianship means HHS is in the position of being legally responsible for the care of a minor child(ren) instead of the child(ren)'s biological parents. Some of these responsibilities include but are not limited to:

- Taking custody of the minor child(ren) and establishing the minor child(ren)'s permanent residence.
- Consenting to medical, dental, and other health care treatment and services for the minor child(ren).
- Providing or arranging for the provision of education for the minor child(ren) including but not limited to preschool education, primary education and secondary education, special education and related services, and vocational services.
- Consenting to professional services for the minor to ensure the safety and welfare of the child(ren).

Due to the reason stated above, all medical and mental health authorizations and releases need to be routed to the HHS Adoption Social Worker for signatures and approval once TPR has occurred.

The approval process for extended overnight out of state travel varies by Court supervision. Out of state travel must be approved by HHS as the appointed guardian prior to leaving the state. Please notify your HHS Adoption Social Worker as early as possible regarding any planned out of state travel.

NOTE: Reasonable and Prudent Parent Standards continue to apply to foster care placements after TPR. A child in a foster placement is entitled to normal childhood experiences and the development of life skills. The HHS assigned social work case manager should continue to assure a child in out-of-home care will have opportunities to participate in age and developmentally appropriate activities for normal growth and development and to develop personal responsibility and life skills. Communication with the assigned HHS social work case manager is important to ensure all the needs of a child in a post-TPR placement are met.

2. **Appeal to the Termination of Parental Rights Order**

If there is an appeal filed by one or both biological parents to the Termination of Parental Rights (TPR), the adoption **cannot** proceed until the appeal has been reviewed and resolved by the Iowa Court of Appeals. The Court of Appeals will issue an order referred to as a *procedendo*. This is most often the last review of the TPR and will determine if an adoption can move forward or not. This review process generally takes 3 to 6 months.

If you are interested in following the progress of the appeal of your child(ren)'s case, the Court of Appeals make their initial written decisions available online. The case will be identifiable to

you by the County your child(ren)'s case took place in as well as their initials. The opinions are posted twice per month and can be accessed at the following link:

<https://www.iowacourts.gov/iowa-courts/court-of-appeals/court-of-appeals-court-opinions/>

3. 180 Day Residency Requirement & Adoption Finalization

Per Iowa Code §600.10 children must be living in the adoptive home for 180 days prior to an adoption being finalized.

4. Family Investment Program (FIP) and Supplemental Nutrition Assistance Program (SNAP) Assistance

FIP specific to children placed in the home for adoption cannot be received in conjunction with adoption assistance payments (Adoption Subsidy). A determination will be made if your child(ren) is eligible for Adoption Subsidy, which can include a monthly financial stipend. If your child(ren) is determined eligible and payments begin, please contact the HHS Income Maintenance call center at (877) 347-5678 and inform them of your Adoption Subsidy approval. Families **cannot** receive both benefits (Adoption Subsidy/FIP) at the same time. If this does occur, it may result in an overpayment which may have to be paid back.

A new determination of benefit eligibility will be required for SNAP assistance after adoption subsidy approval.

Free/reduced school lunches are based on your family's income and is not available through the adoption subsidy program. You will need to apply through your school district to see if your family is eligible.

5. Legal – Adoption Attorney

An attorney familiar with the process of adoption is needed to be retained by most adoptive families to finalize an adoption with the child(ren) placed in their home. Families may contact the Guardian Ad Litem (GAL) assigned to the child(ren) through the ongoing Child in Need of Assistance (CINA) court case, Four Oaks/LSI Support Worker, or other Foster/Adoptive parents for suggestions of attorneys. HHS staff are unable to make a recommendation for legal counsel to finalize an adoption.

Questions you may want to consider asking when you are determining if you would like to retain a particular attorney for legal services are:

- Do you have any experience with completing special needs adoptions for HHS?
- How much do you charge to complete an adoption? Do you have a flat fee? Is this rate for each child?
- Where is your office located and what counties do you travel to?
- What are your office hours?
- Do I need to come to your office to complete paperwork?

HHS may reimburse the cost of attorney fees up to \$ 1000 per child. An invoice will need to be provided to HHS by your attorney. The invoice will need to be received prior to the attorney fees being paid. The payment is sent directly to you. It is your responsibility to pay your attorney with these funds. There may be additional court cost and legal fees for adoption finalization and these additional costs will be your responsibility.

NOTE: Per Iowa Code §600.7(2)(a), child(ren) being adopted at age 14 and older will need to consent to their adoption during the adoption proceeding. Your adoption attorney will assist with this process.

6. Adoption Finalization Process & Court Hearing

Only you may notify others of the adoption. Your HHS Adoption Social Worker cannot tell anyone about the adoption being scheduled unless you have given them permission to do so. The adoption hearing is scheduled by your attorney, and they will discuss this with you at the time they meet with you to go over the adoption documents.

Adoptive parents need to be present in person at the scheduled adoption hearing. Child(ren) being adopted also need to be present in person at the court hearing. You will be asked to testify to your attorney's questions surrounding your intent to adopt the child(ren) in your care.

You should receive a certified adoption decree the day of or soon after the adoption hearing. You will want to ensure the certified copy of the adoption decree is kept in a safe place.

Adoption records are sealed after an adoption is final. Access to the adoption record is only given with Court approval after the record is sealed. Please ensure a copy of the Adoption Decree is provided to your HHS Adoption Social Worker.

All court cases and HHS supervision will close at the time of adoption finalization as all safety and permanency issues for the child(ren) will have been remedied.

7. Child Care/Clothing Allowance

Child Care reimbursement and clothing allowance is not available through the adoption subsidy program. Child Care Assistance is offered through the Department of Health and Human Services. You may apply for Child Care Assistance at your local HHS office or online at <https://hhs.iowa.gov/>. Eligibility is based on your household income.

NOTE: Adoption Subsidy received is not included as part of the overall household income as part of Child Care Assistance eligibility determination.

8. Medical/Social Security

Children determined to be eligible for Subsidized and Future Needs adoptions will receive a new Medicaid number (State ID) post-adoption and a new card will be mailed to you. Any name changes will also be noted on the new card. You will receive notice of the Managed Care Organization (MCO) assignment.

NOTE: It is possible that the child's Medicaid Provider (MCO) may be changed to a different provider after adoption. If you want to keep the same provider, you will need to call Member Services at 1-800-338-8366 and request your child(ren) remain with the MCO prior to the adoption. If you have questions regarding your child(ren)'s Medicaid Case, contact your HHS Adoption Subsidy worker.

NOTE: MCO case management is an option for children with qualifying mental health behavioral needs. You can make the request for case management directly to your assigned MCO by calling the number on the back of your adopted child's MCO card. This service can assist with referrals for needed services to meet the mental health and behavioral needs of your child.

Social Security Number – Post Adoption - HHS agency records must match Social Security Administration (SSA) records. It is your responsibility to file the correct adoption information and request a new social security card and/or number for your child(ren) with the SSA.

Process to obtain a new social security card after adoption: Your attorney should file all needed documentation for a new birth certificate to be issued post-adoption. The new (amended) birth certificate will reflect any name changes as well as new legal parents. Once you receive the amended certified birth certificate, **which may take 4-6 weeks**, take the amended certified birth certificate, certified copy of the adoption decree, Social Security application as well as a government issued photo ID to your local Social Security office and file the request. You may request a new Social Security number if you would like a new number assigned, but SSA may or may not change the number. Filing the adoption with SSA is necessary even if there is not a name or social security number change. SSA needs to be informed of the legal responsibility of your adopted child for appropriate record keeping.

You have the right to request three free credit reports per year regarding your adopted child to monitor any fraudulent uses of their social security number.

If you do obtain a new social security number, please provide the new number to HHS so our case records are up to date. This can be provided to the HHS Adoption Social Worker or your assigned HHS Adoption Subsidy Worker.

9. **Iowa Adoption Subsidy Program and Payments**

Purpose: The purpose of the Iowa Adoption Subsidy program is to secure a permanent family for Iowa's children whose special needs present barriers to adoption. The subsidy program enables a family to make a permanent commitment to a child(ren) with special needs without placing an undue financial burden on the family.

Eligible population: The Adoption Subsidy Program is only available to children who have special needs and are placed in the custody and guardianship of the Iowa Department of Health and Human Services or a licensed child placing agency. Adoption subsidy is not an entitlement, so an attempt will be made to place children for adoption without a subsidy. When placement decisions are made, the children's best interest is paramount in determining the adoptive placement.

The HHS Adoption Social Worker documents the child(ren)'s special needs. The *Adoption Subsidy Agreement* is negotiated between the child(ren)'s prospective adoptive parents and the HHS Adoption Social Worker before adoption finalization. The *Adoption Subsidy Agreement* could include:

- A monthly maintenance payment,
- Medical coverage,
- Nonrecurring legal fees, and
- Special services.

Monthly maintenance payments for subsidy cannot exceed what the child(ren) received or would be eligible to receive in licensed family foster care. These payments begin at the time of adoptive placement and will end at age 18, regardless of whether the child(ren) has graduated high school. If the youth has a disability or condition diagnosed within one year of the youth's 18th birthday, adoption subsidy may continue up to age 21.

Adoption Subsidy checks are approved by HHS staff on the first working day of each month. Adoption Subsidy is issued at the beginning of the month for the current month. The authorization is sent to HHS Central Office Accounting who issues both paper checks as well as direct deposit payment authorizations. The check or direct deposit payment should be received by the recipient 7 to 10 days after payment approval. The payment is not considered late until the 16th day of the month. Should the payment be late, contact your assigned HHS

(Adoption or Subsidy) worker and have them advise you as to the procedure of getting another payment issued.

Direct Deposit is an option. If you are receiving direct deposit for family foster care payments, you must request a new direct deposit form for the presubsidy and subsidy payments.

10. **HHS Adoption Subsidy Worker**

All families are assigned an ongoing HHS worker to assist with any issues after the adoption is final. This worker is referred to as an Adoption Subsidy Worker and is assigned based on where the adoptive family resides. The HHS Adoption Subsidy Worker will be available until the adoptive child ages out of the Adoption Subsidy Program. Notify the Adoption Subsidy Worker of any changes in phone number, address, or any changes in care and custody of the adopted child(ren). Age increases related to Adoption Subsidy are not automatic. Families must contact their assigned Adoption Subsidy Worker at ages 6, 12, and 16 to request an age increase to basic rate subsidy. If you have a question after the finalization of the adoption you should call.

HHS Adoption Subsidy worker: _____

Phone number: _____

Email address: _____

11. **Adoption Tax Credit**

Tax benefits for adoption include both a tax credit for qualified adoption expenses paid to adopt an eligible child(ren) and an exclusion from income for employer-provided adoption assistance. The tax credit is partially refundable, allowing adoptive parents to claim up to \$5,000 in refundable Adoption Tax Credit. Indian tribal government determinations of whether a child has special needs as required by section 23(c) of the IRS code are now allowable for the purposes of the Adoption Tax Credit. You will need to consult a tax expert for further information regarding adopting a child(ren) and tax liability. Possible resources for additional information can be found in the link below:

<https://adoptioncouncil.org/article/adoption-tax-credit-questions/>

12. **Transition Planning Services**

Children who enter adoption at age 16 and older are eligible for some transition services when they reach age 18 and the child is not eligible for continuing subsidized adoption payments until age 21.

- **Iowa Aftercare Services Program** The Iowa Aftercare Services Program serves youth aged 18-23 who have aged out of Iowa's foster care system. In addition, those who are adopted from Iowa foster care at age 16 or older can receive aftercare services when they reach age 18. Aftercare provides a variety of life skills and case management services. Some participants receive financial assistance in the form of "vendor payments" for housing, education, employment, or other needs associated with their goals. Youth who exit foster care to adoption are not eligible for PAL payments. PAL is only available to youth who exit state paid foster care at age 18 or older. More information is provided at the link below:

<https://www.iowaaftercare.org/Services.html>

- **Education and Training Vouchers** Children who are adopted from Iowa's child welfare system after reaching age 16 or older are eligible to receive education and training voucher funds, which pay for college and training. The ETV program provides up to \$5,000 a year for tuition and housing when an eligible youth is attending an accredited educational institution. More information is provided at the link below:
<https://www.iowacollegeaid.gov/ETV>
- **AMP** is a statewide group that seeks to welcome any young person aged 13-22, in Iowa, who have experienced out of home placement (foster care, adoption, kinship, shelter, treatment). AMP is free and meets monthly providing the life skills youth need to become healthy, independent, and successful adults while having fun.
<https://www.weareampiowa.com/>

13. Post-Adoption Support

Post-Adoption support is available to all adoptive families in Iowa. Your family may work individually with a Post-Adoption Specialist and/or you may choose to attend Support Groups in your area for adoptive families. Respite is available on subsidized adoptions and can be accessed through The RRTS contractor Iowa Foster Care and Adoption | Four Oaks Foster Care & Adoption. There are 10 calendar days per year available for respite. Post-adoption respite allows for families to choose a person who is a trusted caregiver for their child(ren.)

After the adoption is finalized, you may request this service by contacting the Post-Adoption Support Worker at: <https://iowafosterandadoption.org/adoption-permanency-support-referral-form/>

14. Adoption and Important Relationships

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. Discussion of plan for ongoing sibling contact:

It is also important other relationships are evaluated for continued contact for child(ren) after adoption. Child(ren) coming through the child welfare system often have many connections which are important to them. These relationships could include extended biological family members such as grandparents, aunts, uncles, cousins, etc. Relationships could also include school friends, previous neighbors, teachers, etc. These relationships are often referred to as "fictive kin." Discussion of plan for ongoing important "fictive kin" contact:

15. **Other/Additional Follow Up:**

I have received a copy of the Iowa Adoption Program Discussion Guide and have reviewed the contents with the HHS Adoption Social Worker.

Signature

Date

Signature

Date

HHS Adoption Social Worker

Date