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|  | INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY | |
| | Chapter 10: Adoption | Effective Date: May 1, 2020 |
| | Section 19: Continuations, Terminations, and Suspensions of Adoption Assistance Periodic Payments | Version: 6 |

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| STATEMENTS OF PURPOSE |
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Continuation of Adoption Assistance Agreements after a Youth Becomes 18 Years of Age

The Indiana Department of Child Services (DCS) will determine if youth remains eligible for adoption assistance *after turning 18 years old*. *Ninety (90) calendar days prior to the youth's 18th birthday, the DCS Central Eligibility Unit (CEU) will send an [Application for Continuation of Adoption Agreement Beyond Age Eighteen \(18\)](#) to the adoptive parent.* This application will also provide instructions for applying for a continuation of the periodic payment past the youth's 18th birthday. Adoption assistance is not automatically continued when the youth turns 18 years of age, but adoption assistance may be available upon approval of a completed application and demonstration of certain criteria as specified within this policy.

A completed [Application for Continuation of Adoption Agreement Beyond Age Eighteen \(18\)](#) must be received by DCS CEU at least 30 calendar days prior to the youth's 18th birthday. The application includes the statutory eligibility requirements for the continuation of adoption assistance, depending on the type of adoption subsidy the youth receives. The application also includes instructions for documentation the adoptive parent must provide DCS to support continued periodic payments.

DCS CEU will process any continuation requests during the month of the youth's 18th birthday. A [Notice of Continuation Beyond Age 18 or Termination of Adoption Agreement](#) will be sent to the adoptive parent indicating whether the youth is eligible or ineligible for a continuation of adoption assistance. Approved continuations will include the continuation of periodic monthly payments and Medicaid.

If the application for continuation is received after the month of the youth's 18th birthday, he or she is no longer eligible for a continuation of periodic payments. The [Notice of Continuation Beyond Age 18 or Termination of Adoption Agreement](#) letter and the [Request for Administrative Review Indiana Adoption Program \(SF 54348\)](#) will subsequently be sent to the adoptive parent to notify the parent of the youth's ineligibility.

The youth or adoptive parent shall promptly notify DCS of any change in the youth's circumstances as it relates to the need for continuation of periodic payments, including but not limited to:

1. Any change in the nature or scope of legal, financial, or other support the adoptive parent provides for the youth (e.g., living expenses, medical needs, and/or

- necessary care and level of supervision); or
2. Termination of enrollment in any school or educational program before graduation or completion of the program (if applicable to the youth's subsidy type); and
3. Termination of employment or participation in a program or activity designed to promote or remove barriers to employment (if applicable to the youth's subsidy type).

Continuation of County Adoption Subsidy (CAS) and State Adoption Subsidy (SAS) Adoption Assistance

CAS or SAS and Medicaid may be continued up to age 21 if a youth is enrolled in a secondary or post-secondary school.

Continuation of Adoption Assistance Program (AAP)

AAP and Medicaid may be continued up to age 21:

1. **[REVISED]** If the youth has "a mental or physical handicap which warrants the continuation of assistance" because it significantly limits his/her self-supporting capability (per the [Severe Impairment Determination](#) process); or
2. Under the Fostering Connections to Success and Increasing Adoptions Act of 2008 ([Public Law 110-351](#)) if:
 - a. The adoption was finalized on or after the child's 16th birthday (but before the child's 18th birthday); and
 - b. The youth continues to meet at least one (1) of the following educational or employment conditions:
 - i. Enrolled in secondary education or a program leading to an equivalent credential;
 - ii. Enrolled in an institution which provides post-secondary or vocational education;
 - iii. Participation in a program or activity designed to promote or remove barriers to employment;
 - iv. Employed at least 80 hours per month; or
 - v. **[REVISED]** Is incapable of doing any of the previously described educational or employment activities due to a documented medical condition (per [Severe Impairment Determination](#) process).

Termination or Administrative Suspension of Adoption Assistance

The adoptive parent is required to promptly notify DCS CEU, in writing, of the occurrence of any event that is or could be grounds for termination or suspension of the adoption assistance agreement. If the adoptive parent fails to notify DCS CEU within 30 calendar days of the occurrence of the event, DCS may require the adoptive parent to refund DCS for any payments received for any month after the date of the occurrence.

Unless otherwise determined by DCS CEU, all periodic payments provided under an adoption assistance agreement shall cease when one (1) of the following occurs:

1. The child turns 18 years of age;
2. The child is emancipated;
3. The adoptive parent is no longer legally responsible for supporting the child;
4. The adoptive parent is no longer providing financial support for the child;
5. The child is married;
6. The adoptive parent or the child dies;

7. The child's adoption is terminated;
8. The youth is on active duty in the United States armed services or National Guard for more than 30 consecutive calendar days in a calendar year;
9. The adoptive parent requests termination of the periodic payment; or
10. The adoptive youth no longer meets the criteria for the continuation of adoption assistance periodic payments past the age of 18.

Note: Adoption Agreements continued beyond age 18 will terminate the day prior to the youth's 21st birthday, unless otherwise determined by CEU that the requirements of continuation are not being met. Sixty (60) days prior to the youth's 21st birthday, DCS CEU will send a notification to inform the adoptive parent the periodic payments and Medicaid will end.

All parents who have entered into adoption assistance agreements shall periodically submit a fully completed [Adoption Program Status Report](#), at the request of DCS, to verify the youth remains eligible for assistance. The [Adoption Program Status Report](#) shall be submitted to DCS CEU by the due date listed on the report.

DCS will administratively suspend payments provided under an adoption assistance agreement if:

1. A determination is made that the adoptive parent is no longer providing legal or financial support for the child; or
2. DCS requests information based on circumstances not related to the periodic adoption program status report process and DCS is not able to establish contact with the parent to determine if the parent remains legally or financially responsible for the child. See [Related Information](#) for indicators of financial support.

DCS will mail a [Notice of Administrative Suspension of Adoption Assistance Periodic Payment and Request for Administrative Review Indiana Adoption Program \(SF 54348\)](#) to suspend the adoption assistance payment at least 10 days before suspending a payment.

If the adoptive parent resumes regular legal or financial support of the child, DCS will end the suspension and continue payments as provided in the adoption assistance agreement.

Code References

1. [IC 31-19-26.5-9: Adoption Subsidies](#)
2. [42 USC 673\(a\)\(4\): Adoption and guardianship assistance program](#)
3. [465 IAC 4-1-30 Terminations](#)
4. [465 IAC 4-1-32 Continuations](#)

PROCEDURE

Continuation of Adoption Agreements after Youth Becomes 18 Years of Age

The DCS CEU will:

1. Send a copy of the appropriate [Application for Continuation of Adoption Agreement Beyond Age 18](#), based on the type of adoption assistance the youth receives, to the youth's adoptive parent 90 calendar days prior to the youth's 18th birthday;
2. Review the [Application for Continuation of Adoption Agreement Beyond 18](#), the documentation received, and the [Severe Impairment Determination](#) process (if applicable) to determine if the youth continues to be eligible for a periodic payment;

3. Complete the [Notice of Continuation Beyond Age 18 or Termination of Adoption Agreement](#) form;
4. Send the determination to the parent along with the [Request for Administrative Review \(SF 54348\)](#) form if the request for continuation beyond age 18 is denied;
5. Change the end date in KidTraks to the day before the youth's 21st birthday based on the youth's continued eligibility for assistance; and
6. Send an email to the DCS Medicaid Enrollment Unit (MEU) at MedicaidUnit@dcs.in.gov to advise if Medicaid should remain open or should be closed.

Termination or Administrative Suspension of Adoption Assistance

The DCS CEU will:

1. Review the [Adoption Program Status Report](#) or other updated information on the youth's current circumstances to determine whether the youth continues to be eligible for adoption assistance;
2. Complete and send the [Notice of Continuation Beyond Age 18 or Termination of Adoption Agreement](#) or [Notice of Administrative Suspension of Adoption Assistance Periodic Payment](#) (whichever is applicable) and the [Request for Administrative Review \(SF 54348\)](#) form (if applicable) to the adoptive parent;
3. Stop the payments in KidTraks if the youth is no longer eligible for adoption assistance or the payment is administratively suspended;
4. Send an email to the DCS MEU at MedicaidUnit@dcs.in.gov to inform them that the youth is no longer eligible for Medicaid (MA8) if the adoption assistance payment is terminated. See [Related Information](#) for indicators of financial support; and

NOTE: If the adoption assistance payment is administratively suspended, the child will remain eligible for Medicaid.

5. Maintain the [Adoption Program Status Report](#) or information provided by the adoptive parent or youth, which supports terminating or administratively suspending the adoption assistance.

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| PRACTICE GUIDANCE |
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N/A

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| FORMS AND TOOLS |
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1. [Adoption Program Status Report](#) -Available via CEU
2. [Application for Continuation of Adoption Agreement Beyond Age 18 for Recipients of Adoption Assistance Program \(AAP\)](#) -Available via CEU
3. [Application for Continuation of Adoption Agreement Beyond Age Eighteen \(18\) for Recipients of Adoption Assistance Program \(AAP-Older Youth\)](#)-Available via CEU
4. [Application for Continuation of Adoption Agreement Beyond Age Eighteen \(18\) for Recipients of Adoption Assistance Program \(AAP\) and County Adoption Subsidy \(CAS\) Combined Subsidies](#) -Available via CEU
5. [Application for Continuation of Adoption Agreement Beyond Age Eighteen \(18\) for Recipients of State Adoption Subsidy \(SAS\) or County Adoption Subsidy \(CAS\)](#) –

- Available via CEU
6. [Notice of Continuation Beyond Age 18 or Termination of Adoption Agreement](#) – Available via CEU
 7. [Request for Administrative Review Indiana Adoption Program \(SF 54348\)](#)
 8. [Notice of Administrative Suspension of Adoption Assistance Periodic Payment](#)-Available via CEU
 9. [Severe Impairment Determination Process Tool](#) – Available via CEU

RELATED INFORMATION

Application for Continuation

The documents necessary to determine eligibility for continuation of adoption assistance beyond age 18 are based on the type of assistance the youth is receiving and are listed on the [Application for Continuation of Adoption Agreement](#) sent to the parent 90 days prior to the youth's 18th birthday.

Severe Impairment Determination

A process utilized when determining whether a child under the age of two (2), who is not a member of a sibling group, is eligible for adoption assistance.

Indicators of Financial Support for the Purposes of Adoption Assistance

If the adoptive parent is no longer providing financial support for the child, adoption assistance benefits may be terminated. If the parent is maintaining regular visitation with the child and is cooperating with the case plan goal of reunification (if in DCS out-of-home placement), and if one (1) of the following are met, DCS may determine the parent is providing financial support for the child:

1. The parent is paying child support pursuant to a court order; or
2. The parent is making regular payments, of not less than 50% of the monthly adoption assistance amount, or provision of materials, supplies, or services having an equivalent monetary value, to provide support for the child's:
 - a. Family therapy,
 - b. Tuition,
 - c. Clothing,
 - d. Maintenance of special equipment in the home, or
 - e. Services for the child's special needs, such as occupational, physical, or speech therapy.