

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption	Effective Date: May 1, 2012
	Section 18: Modification of an Adoption Assistance Agreement	Version: 1

POLICY	[NEW]
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The Indiana Department of Child Services (DCS) will process a request for modification of a current adoption assistance agreement providing ongoing financial assistance through the Indiana Adoption Assistance Program. An adoptive parent(s) who has signed an agreement and is receiving periodic payments may, during the term of the agreement, submit a request to change the periodic payment amount.

The request must be submitted to the DCS local office that handled the Child In Need of Services (CHINS) case or Juvenile Delinquency (JD) case at the time the child was adopted. If there was no CHINS or JD case when the original adoption assistance agreement was signed, the request must be sent to the DCS local office that serves the county of the child's residence. The request must include the information and documentation required, or that the adoptive parent(s) would consider relevant for an initial [Payment Request Information \(PRI\)](#) response. The request shall also include a detailed explanation of the change in circumstances of the child or adoptive family that was not known or anticipated at the time the current periodic payment was negotiated or most recent amendment to the agreement was determined. A request for modification may not be submitted more frequently than once in a consecutive 12 month period.

In considering a request for a change in the periodic payment amount, DCS may request from the adoptive parent(s), or any other source, additional information that is determined to be relevant. Any information that DCS receives from a source other than the adoptive parent(s) will be shared with the adoptive parent(s). The information will be subject to redaction of personally identifiable information that DCS determines should be kept confidential for protection of the persons involved. Within 60 calendar days of the date that DCS receives the requested information, DCS will decide whether to grant or deny the request to modify the agreement and will advise the adoptive parent(s) by letter of its decision.

Note: The amount of the modification cannot exceed the amount that would have been payable for the child if the child were in foster care.

If the DCS decision regarding a change to the periodic payment amount is not acceptable to the adoptive parent(s), the right to request administrative review of the decision may be available. See separate policy [10.20 Administrative Review for Adoption Assistance](#).

DCS may approve a temporary change in the periodic payment. The expiration date of the temporary change may be extended or renewed if the adoptive parent(s) submits a modification request and DCS determines that the circumstances on which the approved change was based continue to exist. All changes must be reflected in a written amendment to the agreement.

If the adoptive child is placed outside the home of the adoptive parent(s) and the adoptive parent(s) are not financially responsible for the placement (e.g. JD, foster care, etc), DCS may

request the adoptive parent(s) renegotiate the periodic payment amount for the duration of the out-of-home placement. Any change in the periodic payment amount will only be made by a written amendment to the agreement signed by DCS and the adoptive parent(s).

Note: If DCS determines that the adoptive parent(s) is not providing financial support to or for the benefit of the child, or the parent(s) is no longer legally responsible for the support of the child, DCS may administratively suspend the periodic payments for the duration of the out-of-home placement or terminate the adoption assistance agreement. Payments may also be suspended under the SAS agreement during the time a child is in out-of-home placement. See separate policy [10.19 Continuations, Terminations and Suspensions of Adoption Assistance](#).

If DCS is paying for the cost of an out-of-home placement of the adoptive child through a CHINS or JD case, and DCS and the adoptive parent(s) are unable to come to an agreement concerning any change in the periodic payment amount that DCS will pay during the out-of-home placement, DCS will seek a child support court order for the adoptive parent(s) to pay DCS. DCS may offset the amount payable under a support order against the amount of the periodic payment otherwise payable to the adoptive parent(s) under the adoption assistance agreement. DCS may, if appropriate for purposes of determining the amount of any modification of the periodic payment amount payable to the adoptive parent(s) during the child's out-of-home placement, seek a child support court order if a person or entity other than DCS or the adoptive parent(s) is paying for care and maintenance of the child in the out-of-home placement.

Code References

1. [IC 31-40-1-5](#) Obligation of parent or guardian for costs of institutional placement of child
2. 42 USC 673(a)(4)

PROCEDURE

The Family Case Manager (FCM) will:

1. Notify the DCS Local Office Attorney when a child receiving adoption assistance has been removed from an adoptive home; and
2. Coordinate with the DCS CEU staff and other entities in obtaining and providing to the DCS Local Office Attorney documents such as the adoption assistance agreement, previous modifications, the adoption decree, and information on subsequent removals and out-of-home placements.

The DCS Local Office Director (LOD) or designee will:

1. Obtain a copy of the original agreement from the adoptive parent(s), DCS CEU, or the DCS local office adoption file when a request for modification of an existing adoption assistance agreement is received;
2. Gather information from relevant sources, including the adoptive parent(s), within 30 calendar days of the request to appropriately consider the request for a modification of the agreement; and complete the following steps:
 - a. Decide whether or not a prior request for modification has been received from the adoptive parent(s) within the previous 12 months. If so, deny the request for modification and include the [Request for Administrative Review \(SF54348\)](#) form with the denial,

- b. If no request has been received within the previous 12 months, decide whether or not a change in circumstances exists that was not known or anticipated at the time the periodic payment was negotiated. If not, deny the request for modification and include the [Request for Administrative Review \(SF54348\)](#) form with the denial, or
- c. If no request was received within the previous 12 months and the request documents a change in circumstances warranting review of the current periodic payment amount, submit the documentation and information to the DCS Local Office Attorney to negotiate any appropriate change in the periodic payment.

The DCS Local Office Attorney will:

1. Contact the adoptive parent(s) and negotiate any appropriate change in the periodic payment amount with regard to the modification request that has been received. This should occur within 60 calendar days of receipt of the currently effective adoption assistance agreement, the modification request, any additional information requested, and any other relevant information received from the DCS LOD or designee;
2. Contact the adoptive parent(s) and request that they renegotiate the periodic payment for the duration of the out-of-home placement. See separate policy [10.19 Continuations, Terminations and Suspensions of Adoption Assistance Periodic Payments](#);

Note: Any change in the periodic payment amount will be reflected in an amendment to the agreement that must be signed by both the adoptive parent(s) and DCS CEU.

3. Prepare an amendment reflecting the revised terms if an agreement is reached;
4. Obtain the signature on the amendment by the adoptive parent(s) and the DCS LOD, or designee, and return the signed amendment to DCS CEU for processing;
5. Send a notice to the adoptive parent(s) stating that there is no agreement to the modification requested and include the [Request for Administrative Review \(SF54348\)](#) form if no agreement can be reached within 60 calendar days of the receipt of the documents and information described above, or an approved extension of time; and
6. Request an appropriate child support order under [IC 31-40-1-5](#) if the child is in an out-of-home placement for which DCS is making payment, and no agreement has been reached with the adoptive parent(s) regarding an amendment to the periodic payment amount.

The DCS CEU will:

1. Terminate an adoption assistance agreement, or administratively suspend periodic payments under an adoption assistance agreement, if it is determined that the adoptive parents are not legally responsible or are not providing current support for the adoptive child;
2. Provide a copy to the appropriate DCS local office of the original adoption assistance agreement and any amendments, when a parent or DCS is requesting a modification; and
3. Process amendments of adoption assistance agreements.

PRACTICE GUIDANCE

Post Adoption Services

The adoptive parent(s) may at any time submit a request to DCS for a post adoption service referral on behalf of the adoptive child or family. The adoptive parent(s) must contact the DCS Special Needs Adoption Program (SNAP) Specialist in the region of their residence to initiate a referral for services. The SNAP Specialist will complete a referral to an appropriate service provider for purposes of an assessment and creation of a service delivery plan tailored to the particular needs of the adoptive child and family.

FORMS AND TOOLS

1. [Adoption Assistance Agreement](#) – Available via CEU
2. [Payment Request Information](#) – Available via CEU
3. [Request for Administrative Review \(SF54348\)](#)
4. [Amendment to Adoption Agreement](#) – Available via CEU
5. [Adoption Program Status Report](#) – Available via CEU
6. [Notice of Termination of Adoption Assistance Agreement](#) – Available via CEU
7. [Notice of Administrative Suspension of Adoption Assistance Periodic Payments](#) – Available via CEU

RELATED INFORMATION

Definition of Financial Support for the Purposes of Adoption Assistance

If a parent(s) is no longer providing a form of financial support to or for the child, adoption assistance benefits may be terminated. DCS may determine that if the parent is maintaining regular visitation with the child and is cooperating with the child's case plan to return home while the child is in out-of-home care, and if that one (1) of the following are met, the parent(s) should be considered as providing financial support to the child:

1. The parent(s) is making regular payments, or otherwise providing support for the child for:
 - 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;
2. The parent(s) is providing support for the child while the child is in out-of-home care, in the form of regular monetary payments of not less than \$100.00 per month or provision of materials, supplies or services having an equivalent monetary value; or
3. The parent(s) is paying child support pursuant to a court order.