

ADMIN LETTER # C.S. 2-01

URGENT INFORMATION

TO: County Directors of Social Services

North Carolina Licensed Child Placing Agencies

SUBJECT: 2001 LEGISLATIVE CHANGES IMPACTING COUNTY DSS POLICY AND PRACTICE

Federal Changes to IV-E Adoption Assistance

EFFECTIVE DATE: Various Dates as Indicated

DATE: October 2, 2001

ATTENTION: CPS Social Workers and Supervisors

Foster Care Social Workers and Supervisors

Adoption Social Workers and Supervisors

This administrative letter contains information regarding legislative actions during the 2001 session that impact Children's Services. Several new laws were enacted and substantive clarifying changes were made to others. The time for implementation of these laws vary so it is most important that you adhere to the dates given in the legislation.

The following laws can be found on the NC General Assembly Website. That address is <http://www.ncleg.net/SessionLaws/2001/default.htm>.

1. Session Law 2001-208-(HB375)-An Act to Make Clarifying and other Changes to Child Welfare Laws;
2. Session Law 2001-150-(SB499)- An Act to Amend Adoption;
3. Session Law 2001-291-(HB275)- Infant Homicide Prevention Act;
4. Session Law 2001-303-(SB836)-School Assignment/Child in Pre-adoptive Home Act;
5. Session Law 2001-309-(SB715)-DSS/Indian Affairs Collaboration Act;

6. Session Law 2001-277-(HB643)-Testimonial Privilege for Violence Victims Act;
7. Session Law 2001-109-(SB541)-Sanitation Rules/Family Foster Home Act;
and
8. Session Law 2001-124-(SB542)-Database on Psychotropic Medication for
Children

Attached is information and guidelines regarding implementation. Substantive and clarifying changes for child welfare services in Chapter 7B are made in HB375. The change in a parent's right to counsel and the appointment of a guardian-ad-litem in 7B-602 became effective on July 1, 2001. Other changes to Chapter 7B become effective on January 1, 2002.

Several adoption changes were made during this session. Changes in SB499 become effective on November 1, 2001. Other adoption changes have been made in Chapter 7B, HB375. These changes are effective on January 1, 2002.

SB541 is very significant in that it eliminates the requirements for well inspections for foster homes and therapeutic homes. Strike through Health Regulations (Section 1213, IV(B2) in Family Services Manual, Vol. I., Chapter IV, Standards and Procedures for Licensure. The rule relating to this requirement in 10 NACAC 41F.0704 will be repealed. Please refer to a Dear County Director Letter dated 9-7-01.

Adoption Assistance

All the federal requirements for IV-E Adoption Assistance benefits have been incorporated in one issuance, ACYF-CB-PA-01-01. See <http://www.nacac.org/PA0101.html>. This issuance replaces all prior federal guidelines on adoption assistance. Please disregard all references to Policy Interpretation Questions (PIQs) in Chapter VI: Adoption Services Manual and refer to this issuance for information.

According to the federal guidelines, in order for a child to be eligible to receive Title IV-E adoption assistance, the child must meet the criteria for AFDC eligibility **both** at the time of removal **and** in the month the adoption petition is initiated. (See Chapter IV: Child Placement, Section 1205 dated 10-1-01 for eligibility for foster care assistance benefits.) This differs from our current policy which states children are IV-E eligible, if at the time they are cleared for adoption, they are eligible for or recipient of IV-E foster care assistance benefits. The change in policy does not affect most children in placement since at the time of the clearance for adoption and at the time of petition the eligibility status remains the same. It does affect those children who receive adoption assistance whose eligibility is based on the fact that they had been in the placement responsibility of an agency that subsequently placed the child in the custody of a person now pursuing adoption.

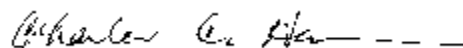
This federal issuance gives further guidance for children who receive SSI benefits. The child must meet the requirement for SSI benefits at the time the petition is filed and prior to the finalization of the adoption. When a child is SSI eligible at the time of the filing of the petition for adoption, there are no additional criteria that a child must meet to be eligible for IV-E adoption assistance. How a child is removed from the home or whether the state has responsibility for the child's placement is irrelevant when the child receives SSI benefits at the time the adoption petition is filed. This means that a child does not have to be in agency custody to receive IV-E adoption assistance benefits if he is eligible for SSI at the time of the filing of the adoption petition and prior to the finalization of the adoption.

Further guidance is also given regarding IV-E eligibility for a child of a minor parent in foster care. A child is eligible for IV-E adoption assistance in this circumstance if the child's parent receives IV-E foster payments that cover both the minor parent and the child at the time the adoption petition is initiated; **and** prior to the finalization of the adoption, the child of the minor parent is determined to meet the definition of a child with special needs. However, if the child and minor parent have been separated in foster care prior to the time of the adoption petition, the child's eligibility for IV-E adoption assistance must be determined based on the child's current and individual circumstances.

On a related matter, many of you have asked about the proposed change in administrative rules that will allow the total amount of annual vendor payments of \$2400 to be used for any combination of medical and/or therapeutic services. The Social Services Commission has approved this change but it does not become effective until **July 1, 2002**. Further information will be provided before that time.

County Departments of Social Services and private child placing agencies must become familiar with the changes in state child welfare laws and federal adoption assistance policy. Please contact your Children's Programs Representative or the Policy and Initiatives Team at (919) 733-4622 if you have any questions about this letter.

Sincerely,



Charles C. Harris, Chief

Children's Services Section

cc: Pheon Beal

Paul Lesieur

Children's Services Team Leaders

Children's Services Program Representatives

[Attachment- Information and Guidelines regarding implementation](#)