

**DSS ADMINISTRATIVE LETTER
CHILD WELFARE SERVICES CWS-AL-03-12**

TO: COUNTY DIRECTORS OF SOCIAL SERVICES

**ATTENTION: CHILD WELFARE SERVICES PROGRAM ADMINISTRATORS,
MANAGERS, SUPERVISORS, AND SOCIAL WORKERS**

DATE: JANUARY 20, 2012

SUBJECT: ADOPTION ASSISTANCE BENEFITS RULE CHANGES

EFFECTIVE DATE: IMMEDIATELY

INTENT

The purpose of this letter is to introduce two revised forms, which reflect changes to Adoption Assistance as a result of the Fostering Connections to Success and Increasing Adoption Act of 2008 and changes to administrative rule. The forms are the Adoption Assistance Checklist ([DSS-5012](#)) and Adoption Assistance Agreement ([DSS-5013](#)).

BACKGROUND INFORMATION

The Fostering Connections to Success and Increasing Adoption Act of 2008 (<http://www.fosteringconnections.org/>) added a requirement that each child receiving a Title IV-E foster care, adoption assistance, or guardianship payment and who has reached compulsory school attendance age be enrolled as a full-time elementary or secondary school student; or that there be sufficient information to support the decision not to enroll the child if they are incapable of attending school due to documented medical, physical and/or therapeutic conditions.

On September 15, 2011 the Rules Review Commission amended North Carolina Administrative Rule 10A NCAC 70M .0403 (<http://tinyurl.com/6p48xds>) that relates to adoption assistance benefits. This amended rule became effective October 1, 2011. The State Fund is no longer available for a child to whom a Decree of Adoption is issued on or after October 1, 2011. Adoption assistance benefits will only be available for children meeting the eligibility requirements of Titles IV-E or IV-B of the Social Security Act. This will impact those children who are or have been in the placement and care of a North Carolina licensed private agency prior to the finalization of the adoption.

PROCEDURE

The DSS-5013 now provides a requirement for adoptive parents to notify the agency if the child has reached compulsory school age and is not enrolled as a full-time elementary or secondary school student or has completed secondary school. "Elementary or secondary school student" is defined to include a child that is:

1. enrolled in an institution which provides elementary or secondary education in compliance with state law,
2. instructed in elementary or secondary education at home in accordance with state law on home schools, or
3. in an independent study program in elementary or secondary education that is administered by the local school or school district and is in accordance with state law.

If none of these are applicable, documentation must support that the child is incapable of attending school on a full-time basis due to a documented medical condition, physical and or therapeutic condition(s). Documentation shall be maintained in the Adoption Assistance case record.

The State fund option has been eliminated from the [DSS-5012](#) and [DSS-5013](#) to reflect changes to administrative rule. Children in the placement responsibility of private agencies must meet the three-part special needs requirements for adoption assistance as well as the one of the other eligibility requirements for IV-E or have been in the placement and care of a county DSS prior to the finalization of the adoption, as required for IV-B funding, in order to be eligible for ongoing monthly cash payment, vendor payment and medical assistance benefits. A private agency requesting Adoption Assistance benefits for special needs children in its custody shall complete and submit Parts I-VII of the [DSS-5012](#) with all supporting documentation to the department of social services representative. The department of social services representative will review the information to make an eligibility determination and contact the private agency representative if additional documentation is necessary; or notify the private agency of the child's eligibility for adoption assistance benefits.

Two additional revisions were made to the forms for purposes of clarification. Page 2 of the [DSS-5012](#) now indicates which section of the form should be completed based on the determination as to whether the child is determined to be an "applicable" or "non-applicable" child. The determination of eligibility for Medicaid for the Title IV-B eligible child may include the income and resources of the family assistance unit if the child's income and resources are above the allowable limits for Family and Children's Medicaid (MAF). This is also now explained on the [DSS-5013](#).

If you have any questions about the information included in this Administrative Letter, please contact the Policy Team at 919-733-4622.

Sincerely,

A handwritten signature in blue ink that reads "Kevin Kelley". The signature is written in a cursive style with a large initial 'K'.

Kevin Kelley, Section Chief
Child Welfare Services

cc: Sherry S. Bradsher
Jack Rogers
Kathy Sommese
Child Welfare Services Team Leaders
Local Business Liaisons

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