
EFFECTIVE

July 1, 2014.

Subject(s)

1. Rate determination process.
2. New application and agreement requirements.

**1) Rate
determination
process****AAM 210, Adoption Assistance Rate Determination:****Rate Determination Overview Process**

After a child is determined eligible for adoption assistance as a special needs child, an adoption assistance payment rate is determined.

Note: Prospective adoptive parent(s) may waive their right to have an eligibility determination for adoption assistance by signing section two of the DHS-4081, Intent Statement; see AAM 100, Program Overview.

The adoption assistance rate is not based on the adoptive parent(s) income or a means test. The negotiated adoption assistance rate takes into consideration the needs of the child and the circumstances of the adoptive family. The following steps are used to establish the ongoing daily adoption assistance payment rate:

1. The adoption worker will assist the prospective adoptive parent(s) with completing the DHS-959, Adoption Assistance Rate Determination Worksheet. Completion of the DHS-959 is the first step in the adoption assistance rate negotiation process. The prospective adoptive parent(s) will request a daily adoption assistance rate on the DHS-959, based on the information provided on the form. The requested rate cannot exceed the maximum foster care rate the child is receiving or would receive if placed in a licensed foster family home.
2. After the adoption worker assists the prospective adoptive parent(s) with completing the DHS-959, Adoption Assistance Rate Determination Worksheet, the adoption worker sends the DHS-959 and supporting documentation along with the application packet to the Adoption Subsidy Office.

Note: The DHS-959 takes into consideration the needs of the child and the circumstances of the prospective adoptive family.

3. The Adoption Subsidy Office reviews the information contained in the completed DHS-959, including the rate requested by the prospective adoptive parent(s) and may either accept the requested rate or determine and offer a new rate based on the information provided. The rate shall not exceed the foster care rate which was paid, or would have been paid if the child had been in a foster family home, which is the maximum adoption assistance daily rate.
4. The Adoption Subsidy Office will prepare and send to the adoption worker a proposed DHS-4113, Adoption Assistance Agreement, which includes the offered adoption assistance rate and the maximum adoption assistance rate.
5. The adoption worker must meet with the prospective adoptive parent(s) to discuss the offered rate and review the agreement.

Note: This discussion must occur within seven calendar days of receipt of the DHS 4113, Adoption Assistance Agreement.

6. The prospective adoptive parent(s) will either accept the offered daily rate and sign the DHS-4113 or reject the offered rate and submit a written request to the Adoption Subsidy Office for a rate review which includes their requested rate and supporting documentation. The prospective adoptive parent(s) must either sign the DHS-4113, or request a rate review within 14 calendar days of receiving the DHS-4113.

Note: Refusal to accept the offered adoption assistance rate, in and of itself, will not result in adverse action by the department.

7. If a rate review is requested, the review will be conducted by the adoption subsidy manager or DHS designee. Within seven calendar days of the review, the Adoption Subsidy Office will either:
 - Send a new DHS-4113, Adoption Assistance Agreement, with a change to the offered rate, to the adoption worker for the required signatures; or
 - Offer a rate review conference with the adoption worker, prospective adoptive parent(s) and the adoption subsidy manager or DHS designee regarding the rate. The rate

review conference will be held within 14 calendar days of the offer. A rate determination following a rate review conference will be made by the Adoption Subsidy office within seven calendar days following the conference.

Note: If the prospective adoptive parent(s) does not want a rate review and/or objects to the outcome of the conference, he/she may request an administrative hearing in writing; see AAM 700.

The DHS-4113, Adoption Assistance Agreement, **must** be signed by the adoptive parent(s) and the adoption subsidy program manager or DHS designee **prior** to the final order of adoption.

Agreed Upon Ongoing Rate

The agreed upon ongoing adoption assistance rate is determined by agreement between the adoptive parent(s) and the department taking into consideration the circumstances of the prospective adoptive family and the needs of the child being adopted. The circumstances of the family and the needs of the child are determined through a discussion between the prospective adoptive parent(s) and the adoption worker, using the DHS-959, Adoption Assistance Rate Determination Worksheet.

Renegotiation

If the adoptive parent(s) agree to an ongoing adoption assistance rate that is less than the maximum daily rate indicated on the DHS-4113, they may request a renegotiation of the rate (up to the maximum adoption assistance daily rate set by the Adoption Subsidy Office) when extraordinary circumstances occur that will impact the child's needs or family circumstances over an extended period of time, using the DHS-959, Adoption Assistance Rate Determination Worksheet.

Note: Supporting documentation is required.

2) New application and agreement requirements

AAM 500, Adoption Assistance Agreements:

Obtaining agreements

The DHS-959, Adoption Assistance Rate Determination Worksheet is required to be submitted with the DHS -1341, Adoption Assistance and/or Medical Subsidy Application, to the Adoption Subsidy Office.

Adoption Medical Subsidy Agreements

If the medical subsidy agreement(s) have not been signed by the prospective adoptive parent and returned to the Adoption Subsidy Office within 90 calendar days of the issuance of the agreement(s), the adoption worker must submit a DHS-4817, Adoption Assistance Program Change Request, to request a new agreement.

Agreement procedures

The Adoption Subsidy Office determines the maximum adoption assistance daily rate for eligible children. The rate shall not exceed the foster care rate which was paid, or would have been paid if the child had been in a foster family home. The Adoption Subsidy Office reviews the information contained in the completed DHS-959, including the rate requested by the prospective adoptive parent(s) and may either accept the requested rate or determine and offer a new rate based on the information provided.

Reason: To align policy with training provided on the adoption assistance negotiation process.

Communication Plan: Job aids and CI memo.

**MANUAL
MAINTENANCE
INSTRUCTIONS**

Changed Items ...

[AAM 210](#)

[AAM 500](#)