
INTRODUCTION

Federal Law

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (PL 110-351) includes an option for states to extend title IV-E funded adoption assistance agreements for youth whose Order Placing Child After Consent was signed after their 16th birthday and who meet certain criteria for education, employment, or are incapable due to a documented medical condition. This program is specific to older adoptees and must be used in lieu of the state and title IV-E-funded extensions described in AAM 630 for youth adopted prior to his/her 16th birthday.

State Law

To implement this option, Michigan passed the Young Adult Voluntary Foster Care Act (MCL 400.665 - 400.671), which allows eligible youth who were adopted on or after their 16th birthday from the Michigan public child welfare system to receive adoption assistance until their 21st birthday, if they are in school, in job training, employed or are incapable due to a documented medical condition.

PROGRAM ELIGIBILITY AND REQUIREMENTS

The adoption assistance eligibility policies in AAM 200 apply to adoption assistance for youth whose Order Placing Child After Consent was signed after their 16th birthday. To qualify for an extension of adoption assistance up to the youth's 21st birthday, the youth must satisfy all of the following requirements:

1. An adoption assistance agreement was in place through the adoptee's 18th birthday.
2. The youth was adopted on or after his/her 16th birthday.
3. The youth is now between the ages of 18 and 20, and requests to extend adoption assistance payments to the age of 21.
4. The youth and adoptive parent(s)/legal guardian (if adoptive parent(s) is/are deceased) have signed a DHS-1339, Young Adult Adoption Assistance Extension Application.
5. The youth meets at least one of the conditions listed below:

- Actively completing high school or a program leading to a general equivalency diploma (GED) exam.
- Enrolled at least part-time in a college, university, vocational program or trade school.

Note: An adoptee who is on a semester, summer, or other break, but was enrolled in school the previous semester and will be enrolled after the break, is considered enrolled in school. Full-time means the child is regularly attending classes that are required of him/her to achieve a high school diploma, or a certificate of completion or a GED.

- Employed in either full- or part-time work, or participating in a program that promotes employment (such as Job Corps, Michigan Works! or another employment skill-building program). Participation must be at least 80 hours per month and may be at one or more places of employment, and/or a combination of any of the above activities.
- Incapable of any of the above educational or employment activities due to a documented medical condition.

Note: If eligibility is based on incapacity, the subsidy specialist must provide direction to the youth and/or adoptive parent(s)/legal guardian (if adoptive parent(s) is/are deceased) on how to apply for Supplemental Security Income (SSI).

6. The DHS-1339, Young Adult Adoption Assistance Extension Application, is reviewed by the Adoption Subsidy Office and an agreement is issued if the youth meets the requirements of the program. The youth and the adoptive parent(s) must sign the DHS-4113-YA, Young Adult Adoption Assistance Extension Agreement. If the youth was eligible for adoption assistance under a legal guardian (if adoptive parent(s) is/are deceased) the youth and the guardian, must sign the DHS-1322, Young Adult Adoption Subsidy Guardians Extension Agreement.

Note: The DHS-4113-YA, Young Adult Adoption Assistance Extension Agreement, is an agreement between the adoptive parent(s) and DHHS, which outlines eligibility requirements in the areas of education and employment. The DHS-1322-YA, Young Adult Adoption Assistance Guardian Extension

Agreement, is an agreement between the legal guardian(s) and DHHS, which outlines eligibility requirements in the areas of education and employment.

**ADOPTION MEDICAL
SUBSIDY
EXTENSION
(STATE-FUNDED)**

A state-funded adoption medical subsidy extension may be authorized when the youth meets at least one of the conditions listed below:

- Actively completing high school or a program leading to a general equivalency diploma (GED) exam.
- Enrolled at least part-time in a college, university, vocational program, or trade school.

Note: A youth who is on a semester, summer, or other break, but was enrolled in school the previous semester and will be enrolled after the break, is considered enrolled in school. Full-time means the child is regularly attending classes that are required of him/her to achieve a high school diploma, or a certificate of completion or a GED.

- Employed in either full- or part-time work, or participating in a program that promotes employment (such as Job Corps, Michigan Works! or another employment skill-building program). Participation must be at least 80 hours per month and may be at one or more places of employment, and/or a combination of any of the above activities.
- Incapable of doing at least one of the above educational or employment activities due to a documented medical condition.
- Is not eligible for SSI (Supplemental Security Income).

If the youth is eligible for a state-funded adoption medical subsidy extension the DHS-1317, Young Adult Adoption Medical Subsidy Extension Agreement will be issued.

VERIFICATION OF ELIGIBILITY

The following must be provided to the Adoption Subsidy Office to apply for a Young Adult Adoption Assistance Extension:

- DHS-1339, Young Adult Adoption Assistance Extension Application.
- DHS-678, Annual Report/Status Change. This form determines if a non-title IV-E extension will be funded through state or TANF funding.
- One or more of the appropriate verification forms to document eligibility must be completed and returned with the DHS-1339:
 - DHS-3380, Verification of Student Information (may be used to verify vocational training).
 - DHS-38, Verification of Employment.
 - DHS-54A, Medical Needs.

Home Schooling

Adoptive parents or legal guardians who are requesting an extension of the adoption assistance and/or medical subsidy for a child who is being educated at home must submit the following additional information to the adoption subsidy office with the extension application:

- A copy of the youth's comprehensive individual educational curriculum for the time period of 9th grade through 12th grade. The individual education curriculum must include instruction in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar; see www.michigan.gov/npshts.

APPLICATION FOR EXTENSION

Adoptive parents/legal guardian (if adoptive parent(s) is/are deceased) of youth who exited foster care to an adoption (Order Placing Child After Consent) between the ages of 16 and 18 and continued to receive adoption assistance until their 18th birthday, may apply for a Young Adult Adoption Assistance Extension if the youth is under the age of 21 and meets the program qualifications.

The DHS-1339, Young Adult Adoption Assistance Extension Application, and DHS-628-YA, Young Adult Extension Notice, will be mailed to the adoptive parent(s)/legal guardian (if adoptive parent(s) is/are deceased) prior to the youth's 18th birthday. The notice will explain that the adoption assistance payments will end when the adoptee reaches age 18 unless an extension agreement is in place. An explanation of the eligibility, application, and documentation requirements for extension requests will be included with the notice.

If an incomplete adoption assistance extension application is submitted to the Adoption Subsidy Office, the adoption subsidy specialist must respond in writing with the DHS-1314, Young Adult Adoption Assistance Extension Missing Documentation Notice, within 14 calendar days of receipt of the application. The DHS-1314, Young Adult Adoption Assistance Extension Missing Documentation Notice, will clarify the documentation requirements and notify the adoptive parent(s)/guardian of any missing application or verification information. The adoptive parent(s)/guardian will have 30 calendar days following the date of the DHS-1314 to provide the missing documentation for the application to be processed with an effective date of the young adult's 18th birthday.

If the adoptive parent(s)/guardian does not provide the missing documentation within this time frame, the application will be denied and the adoptive parent(s)/guardian will need to re-apply. Once a complete application with required documentation is received by the Adoption Subsidy Office, the department will process the application within 30 calendar days. The effective date will be the date the completed application was received in the Adoption Subsidy Office.

If an adoption assistance extension application is denied, the Adoption Subsidy Office will provide a denial notice to the adoptive family or legal guardian (if adoptive parent(s) is/are deceased) that includes the reason(s) for the denial and information regarding the right to request an administrative hearing; see AAM 700, Administrative Hearings.

EXTENSION AGREEMENT RATES

The maximum daily adoption assistance rate for extensions will be the maximum rate that was established on the original DHS-4113, Adoption Assistance Agreement. The rate will be negotiated

between the adoptive parent(s)/guardian and the Adoption Subsidy Office.

EXTENSION AGREEMENTS

After an extension is approved by the Adoption Subsidy Office, the DHS-4113-YA, Young Adult Adoption Assistance Extension Agreement, will be mailed to the adoptive parent(s) or the DHS-1321, Young Adult Adoption Subsidy Guardian Extension Agreement will be mailed to the legal guardian (if adoptive parent(s) is/are deceased) and youth for signatures. The signed agreement must be returned to the Adoption Subsidy Office within 30 calendar days of the agreement issuance date and must be signed by the Adoption Subsidy Office Manager or designee before the extension payments are authorized. If the agreement is missing information, the DHS-791, Young Adult Adoption Assistance Extension Agreement(s)-Incomplete Notice will be sent to the adoptive parent(s) or legal guardians (if adoptive parent(s) is/are deceased). If the agreement is not received within 30 calendar days of the agreement issuance date or the date of the DHS-791, the effective date will be the date the agreement was received by the Adoption Subsidy Office.

FUNDING SOURCE

The Young Adult Adoption Assistance Extension program is funded by title IV-E, state, and TANF. The funding source for the youth's extension is the same funding source that was established on the original DHS-4113, Adoption Assistance Agreement, with the exception of youth who had an agreement established with a legal guardian (if adoptive parent(s) is/are deceased). These cases will be state-funded.

For non-title IV-E cases, the Adoption Subsidy Office will determine if the funding source is state or TANF. TANF eligibility is determined based upon information obtained from the DHS-678, Annual Report/Status Change. TANF-funded extensions must be changed to state-funded once the youth:

- Reaches his or her 19th birthday, or
- Is no longer attending or graduates from high school, or
- Is no longer living in his/her adoptive parent(s) home, or

- No longer meets TANF eligibility based upon information provided on the DHS-678, Annual Report/Status Change.

Note: The adoptive parent(s) information must be provided on the DHS-678, Annual Report/Status Change, as Michigan's definition of a child has been extended to age 21.

During periods of ineligibility, a grace period for re-establishing eligibility may occur. A funding source change must occur for title IV-E-funded cases during the grace period. Title IV-E-funded cases must be changed to state-funding when any grace period begins and must be changed back to title IV-E funding when the youth re-establishes eligibility.

MEDICAID ELIGIBILITY

Title IV-E Medicaid Eligibility

Youth who are eligible for a title IV-E-funded young adult adoption assistance extension are categorically eligible for Medicaid during the extension period.

Non-title IV-E Medicaid Eligibility

Medicaid is not continued for adoptees over age 18 who are eligible for a non-title IV-E funded young adult adoption assistance extension, unless determined eligible for continuation by the Adoption Subsidy Office. Determination is based on the adoptee's medical needs and determination of care (DOC) level. If the extension agreement is with a legal guardian (if adoptive parent(s) is/are deceased) the youth will not be eligible for Medicaid through the Adoption Subsidy Office. A Medicaid application may be made at the local DHHS office if the adoptee is not eligible through the Adoption Subsidy Office for continuation of Medicaid.

CHANGE REPORTING

Change reporting by the adoptive parent/legal guardian (if adoptive parent(s) is/are deceased) of the Young Adult Adoption Assistance is required as listed in AAM 650, Parent Responsibilities, with the exception of the time frame for reporting. The adoptive parent/legal guardian (if adoptive parent(s) is/are deceased) and/or youth must

report changes as soon as they occur, but no later than two weeks after the event.

GRACE PERIOD

A grace period is the period of time after the youth ceases to meet the educational, employment, and/or incapacitating medical condition requirements. Grace periods are to be applied based on the following:

- Youth are allowed a 30-day grace period in which to re-establish eligibility.
- Youth are allowed up to three grace periods per fiscal year.
- The grace period begins the day immediately following the day the youth becomes ineligible, whether or not it is reported timely.
- The Young Adult Adoption Assistance Extension payments and Medicaid coverage, if the youth was eligible for Medicaid, continues during the grace period.

Note: A funding source change must occur for title IV-E-funded cases during the grace period. Title IV-E-funded cases must be changed to state-funding when any grace period begins and must be changed back to title IV-E funding when the youth re-establishes eligibility.

The adoptive parent(s) or legal guardian (if adoptive parent(s) is/are deceased) must contact the Adoption Subsidy Office to discuss ways in which the youth could meet the requirements or the assistance will terminate at the end of the grace period. The Adoption Subsidy Office will monitor and track the time frame for the grace period.

A grace period cannot be used for youth who become ineligible due to one of the following circumstances:

- Reaches his or her 21st birthday.
- Enters military service.

Exception: Membership in the Reserve Officers' Training (ROTC) or the reserve component of the Armed Forces; such as, Army National Guard of the United States, Air Force Reserve, and Coast Guard Reserve does not disqualify a youth from the Young Adult

Adoption Assistance Extension, unless participation requirements exceed 21 consecutive calendar days of active duty or training responsibilities.

- Marries.
- Begins receiving federal Supplemental Security Income (SSI) payments.
- Is living with his/her biological parent(s).
- Dies.

QUARTERLY REVIEWS

The Adoption Subsidy Office will continue to review eligibility for the extension program every three months, beginning three months from the effective date of the extension. Verification of the youth's continued employment, education, vocational or job training enrollment, or inability to participate in any educational or employment activities due to medical reasons must be provided every three months.

The DHS-881-YA, Quarterly Young Adult Extension Review, and applicable verification forms will be mailed to the adoptive parent(s) or legal guardian (if adoptive parent(s) is/are deceased) 30 calendar days prior to the quarterly review due date for completion. If the DHS-881-YA, Quarterly Young Adult Extension Review, and applicable verification documentation are not returned to the Adoption Subsidy Office within 30 calendar days from date on the DHS-881-YA, Quarterly Young Adult Extension Review, payments will be terminated.

TERMINATION OF EXTENSION

DHHS may terminate the DHS-4113-YA, Young Adult Adoption Assistance Extension Agreement or DHS-1321, Young Adult Adoption Subsidy Guardian Extension Agreement and payments will end, if the youth becomes ineligible. Ineligibility occurs when the youth:

- Discontinues his/her educational, vocational or trade program and does not re-enter a similar program or meet another eligibility requirement within the 30 calendar day grace period.

Note: A youth who is on a semester, summer, or other break, but was enrolled in school the previous semester and will be enrolled after the break, is considered enrolled in school. Full-time means the child is regularly attending classes that are required of him/her to achieve a high school diploma, or a certificate of completion or a GED.

- Is no longer employed at least 80 hours per month or participating in a program that promotes employment (such as Job Corps, Michigan Works! or another employment skill-building program), and has not met one of the other eligibility requirements within the 30 calendar day grace period.
- Is no longer deemed incapable due to a medical condition and does not meet one of the other eligibility requirements within the 30 calendar day grace period.
- Is incarcerated for more than 30 calendar days.
- Is living with his/her biological parent(s).
- Reaches his or her 21st birthday.
- Marries.
- Enters military service.

Exception: Membership in the Reserve Officers' Training (ROTC) or the reserve component of the Armed Forces; such as, Army National Guard of the United States, Air Force Reserve, and Coast Guard Reserve does not disqualify a youth from the Young Adult Adoption Assistance Extension, unless participation requirements exceed 21 consecutive calendar days of active duty or training responsibilities.

- Begins receiving federal Supplemental Security Income (SSI) payments.
- Dies.

The DHHS Adoption Subsidy Office will send written notification of termination of the adoption assistance by mail to the adoptive parent(s)/legal guardian (if adoptive parent(s) is/are deceased). This written notification will include a statement of the department's reason for termination and rights to an administrative hearing; see AAM 700, Administrative Hearings.

**RE-ENTERING THE
YOUNG ADULT
ADOPTION
ASSISTANCE
EXTENSION
PROGRAM**

To re-enter the Young Adult Adoption Assistance Extension program, the adoptive parent or legal guardian (if adoptive parent(s) is/are deceased) must contact his/her adoption assistance specialist for an application and required verification forms or locate this information on the DHHS website, and then submit this documentation to the Adoption Subsidy Office. The adoptive parent/guardian may re-apply for an adoptee to re-enter the Young Adult Adoption Assistance Extension program if the Order Placing Child After Consent was signed after the youth's 16th birthday, and if the adoptee is under the age of 21, and if the Young Adult Adoption Assistance Extension was terminated when the youth:

- Discontinued his/her educational, vocational or trade program and did not re-enter a similar program or meet another eligibility requirement within the 30 calendar day grace period.
- Was no longer employed at least 80 hours per month or participating in a program that promotes employment (such as Job Corps, Michigan Works! or another employment skill-building program), and did not meet one of the other eligibility requirements within the 30 calendar day grace period.
- Was no longer deemed incapable due to a medical condition and did not meet one of the other eligibility requirements within the 30 calendar day grace period.
- Was incarcerated for more than 30 calendar days.

The youth may re-enter the Young Adult Adoption Assistance Extension program if he/she is under the age of 21 and meets the eligibility requirements of the program.

If an extension application is denied, the Adoption Subsidy Office will provide a denial notice to the adoptive parent(s)/legal guardian (if adoptive parent(s) is/are deceased) that includes the reason(s) for the denial and information regarding the right to request an administrative hearing; see AAM 700, Administrative Hearings.

RECOUPMENT

Recoupment for overpayments will be pursued from the payee retroactively to the date that eligibility ceased to exist; see AAM 140, Recoupment.