

# Navigating Nevada's Adoption Subsidy Program

LEGAL AID CENTER Since 1958  
■■■ of Southern Nevada

A GUIDE FOR  
CLARK COUNTY  
FAMILIES

# Navigating Nevada's Adoption Subsidy Program

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This publication is intended to be used as a resource for Clark County adoptive families. If your family needs legal advice or tax advice, contact a professional in that field. For low income families, legal assistance may be available: contact Legal Aid Center of Southern Nevada at (702) 386-1070 or 725 East Charleston Boulevard, Las Vegas, NV 89104.

NOTE: Additional information can be found on the Nevada Department of Health and Human Services (DHHS) website <http://dcfs.nv.gov/Programs/CWS/Adoption/Guide/AdoptionInNV/> and in the DHHS publication "Guide to Adoption in Nevada", available at <http://dcfs.nv.gov/uploadedFiles/dcfsnv.gov/content/Programs/CWS/Adoption/Guide/GuideToAdoptionInNevada.pdf>

## *About Legal Aid Center of Southern Nevada*

Established in 1958, Legal Aid Center of Southern Nevada is a private, non-profit, 501(c)(3) organization that ensures equal access to justice through free legal advice and representation for those who cannot afford to hire an attorney. Service areas include domestic violence, child abuse, consumer fraud, social security and immigration. Free classes are offered in bankruptcy, divorce, custody, small claims, guardianship and immigration. Funding is provided through private donations, government grants and pro bono hours donated by local attorneys.

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# The Nevada Adoption Placement Process

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A child becomes legally available for adoption when his/her biological parent(s) voluntarily give up their rights, or when the Juvenile Court issues a Termination of Parental Rights (TPR) Order. The TPR Order ends a biological parent's rights to a child and places the child in the custody and guardianship of the Clark County Department of Family Services (DFS).

Once the TPR is granted, DFS will complete a Social Summary containing all available, relevant information about the child. The child will then be assigned to a DFS adoption worker. If DFS has not already approved an adoption resource (such as a foster parent or relative), DFS will hold an adoption staffing meeting to select the most appropriate adoptive placement for the child. The child's past or current foster parents and relatives will be given primary consideration as an appropriate placement for the child. DFS staff will discuss the strengths and needs of the child and the prospective adoptive family's ability to meet those needs. Professionals working with the child may be invited to attend the staffing meeting to offer their views. After a review of the information, a potential adoptive family will be selected.

Foster parents are often selected as adoptive parents for a child in their care. When a child has a concurrent permanency plan, that is, both reunification with birth parents and adoption, the foster parents may be asked very early in the process about their interest in adopting a child in their care. When foster parents or relatives are unable, or choose not, to adopt the child in their care, an adoptive family will be selected by DFS from the list of approved adoptive families in Nevada or other states.

Once an approved adoptive placement is determined, a Home Study of the prospective adoptive parents will be conducted.

## Is Special Needs Adoption Right for You?

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For adoption purposes in Nevada, a special needs child is defined as:

1. A child who has not yet reached the age of 18; and
2. A child who cannot or should not be returned to the home of his/her parents; and
3. There exists, with respect to the child, a specific factor or condition because of which he/she cannot be placed in an adoptive home without recruitment, special services, and/or adoption assistance. The following factors specifically define special needs children for purposes of subsidy assistance:
  - a. Child is considered difficult to place because of race; and
  - b. Child is five years of age or older; or

- c. Child is a member of a sibling group of two or more children to be placed together; and at least one of the children is age three years or older; and
- d. Child has a diagnosed medical, physical, emotional, or mental disability or documented history of abuse/neglect that requires ongoing treatment intervention; or
- e. Child has documented factors in his/her background that places child at high risk for future problems. Children meeting these criteria include those genetically related to persons having heritable physical, mental, emotional, or behavioral concerns; prenatal substance abuse exposure; and other factors identified / determined by a treatment professional, which will result in child's need for treatment or special services.

All children need and deserve permanent homes. Parenting children with special needs is rewarding but also may be challenging. You should consider the impact that a special needs adoption will have on your family. Any adoption may impact the family's finances, personal relationships, and family relationships. In addition, you may also require more flexibility at work and more space in the home to accommodate a special needs child.

When considering adoption of a child with special needs, it is important for a family to ask themselves, "What support services will my family have to get in order to meet the needs of this child?" You must consider if the child's special needs generate extra costs that will not be covered by Medicaid, private insurance, or school programs. You and the DFS adoption worker must decide together if your family is able to meet the child's needs with available support and community services.

The DFS adoption worker is required to provide you with all relevant information about the child. This information should include a detailed background report, psychological and medical report, school information, placement history, and information concerning the child's eligibility for an adoption subsidy.

You may need to research the child's background by reading case information; talking with significant people in the child's life, and meeting with past and current foster parents and service providers. Sometimes, basic information concerning the child is not known, such as medical history, where the child has lived, and what has happened to the child before his or her placement into foster care. You must decide if you can make an informed decision about adopting the child and assuming a life-long commitment to him or her based on the information available to you and your ability to provide for the child's needs.

## Questions to Consider in an Adoptive Placement

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Below are sample questions to assist you with the adoption decision. Some questions may not be applicable to all children in need of an adoptive placement. You should contact the DFS adoption worker to verify the information available on a child.

1. What are the child's strengths and needs?

- a. What are the child's special needs (physical, emotional or psychiatric, learning or behavioral disabilities)? What special skills, training, or equipment must our family have to manage these needs?
  - b. What are the child's health needs or issues? What treatment has the child received? Where was the treatment provided and by whom? What is the prognosis for the condition? What is the frequency of treatment appointments?
  - c. Does the child have any dangerous behaviors?
  - d. What kind of attachment behavior has the child exhibited?
  - e. How does the child relate to adults and other children?
  - f. What are the child's special qualities?
  - g. How does the child do in school?
  - h. What does the child like to do? Does the child have any special skills or talents?
  - i. Does the child have favorite toys, foods, sports, television shows, or other activities?
  - j. Does the child attend religious services? If so, what kind?
  - k. What forms of discipline have been used with the child, and which ones have been successful?
2. What is the child's placement history?
- a. Why did the child enter foster care? Was the child abused or neglected?
  - b. Who was in the home at the time of the removal?
  - c. Is there a history of sexual abuse? If so, by whom, and what happened to the perpetrator?
  - d. Is there a history of drug use by either biological parent? What was the frequency and type of drugs used? Did the biological mother use drugs during pregnancy? Is there a history of alcohol abuse by either biological parent? Did the biological mother drink alcohol during her pregnancy?
  - e. Who were any previous foster parents? How many foster care placements has the child had? If they had more than one placement, why were they moved?
  - f. How often did the biological parents have visits with the child? When was the last visit? What was this contact like for the child?
  - g. Why were parental rights terminated? What does the child understand about the reasons for the termination of parental rights?
3. What is the child's family history?
- a. Does the child have biological siblings? If so, where are they? What visits or contacts are planned? Why aren't they placed together?
  - b. Are there biological relatives with whom the child will remain in contact?
  - c. Do either of the biological parents have a family history of mental illness, learning disabilities, mental retardation, or physical problems? What treatment was used and what was successful? Do the biological parents support the adoption?
  - d. Did the child have a good-bye visit with the biological parents? What was said to the child?

- e. If the child wants to search for the biological parents, how will he/she be able to contact them?
  - f. Are there safety concerns regarding contact with the biological parents?
  - g. Are there any photos or keepsakes from the biological family and foster family available for the child?
4. What services are available to meet the child's needs?
- a. What services has the child received?
  - b. What services are available in the community?
  - c. What services will be provided before the adoption?
  - d. What services will be available after the adoption?
  - e. What can our family contribute toward the care of this child?
  - f. Can our family adopt the child without a subsidy?
  - g. Is the child eligible for a special services subsidy?
  - h. If the child needs additional services or has a crisis, whom should we contact?
5. Questions to ask when considering a relative placement:
- a. How will parenting the child affect our relationships with other family members?
  - b. How will parenting the child affect our relationship with the child? (i.e., grandparents are now the parents; aunts are now mothers, etc.)
  - c. Will it be necessary to set limits on the relationship between the biological parents and the child? If so, how will this be done?
  - d. Do the biological parents support the placement? How will the placement affect the roles of each member of the biological family?
6. Questions to ask when you have other children in your home:
- a. What impact will this new placement have on the other children in our home?
  - b. Will our home physically accommodate an additional child?
  - c. How will the new placement affect all of the children's privacy, special needs, or family relationships?
  - d. Is there a potential for abuse between the children? What additional supervision may be needed?
  - e. How will the age of the new child impact our other children? Will another child in the home be the same age or in the same grade? Will the birth order change?
  - f. Will the older children in our home take over some of the caretaking roles? Are they able and willing to do this?
  - g. What support systems are available to help with transitioning and blending the child into our family unit?

# Steps in the Adoption of Special Needs Children

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**First**, families interested in adoption must complete parent preparation and training coordinated by DFS. Information on resources for ongoing support, training and advocacy group activities for special needs children will be provided as part of the training process.

**Second**, families must participate in a home study conducted by DFS, which includes questionnaires, interviews, personal references, a home safety inspection, law enforcement and child abuse/neglect background checks on family members and medical examinations. All marriages, divorces and deaths of spouses must be verified.

*Adoptive Home Study.* The *Home Study* is used as a screening tool as well as an educational process, where you are encouraged to have your questions and concerns about adoption answered. This process must be completed on all applicants wishing to adopt a non-related child and is required **prior** to placement of the child. The *Home Study* may be completed by DFS, or by a private, licensed child-placing agency. The purpose of the *Home Study* is to help DFS become better acquainted with you and your family, to help you decide whether adoption is right for you, and to assist you in preparing for the life-long commitment of adoption.

Things required in a Home Study:

- Completed application; a description of your family, home and family activities;
- References from people who know you well;
- Criminal history and Child Abuse/Neglect (CANS) screenings and fingerprint clearances for all adult members of your household;
- Interviews and home visits with a social worker;
- Physical examination for you and your household members;
- Review and discussion of various types of adoptions;
- Discussion on types of children available for adoption and your preferences; and
- Review of community and individual resources for the type of child you plan to adopt

You may read your home study (except for confidential references), however, copies of the Home Study will only be released to a licensed child-placing agency. A Home Study is generally completed within 90 days after the application has been submitted, unless there are unusual circumstances.

**Third**, families who complete the Home Study process must be approved by DFS before they may proceed to adopt a child. Prospective parents are matched with a waiting child whom DFS determines they would be best suited to parent, based upon factors discussed during the conduct of their Home Study (i.e., age, gender, types of circumstances or conditions the child or a sibling group may present).

**Fourth**, if a match between a child and a prospective family is found, the adoptive parents will be given a report to read about the child known as a Social Summary. The Summary is prepared by the child's case worker, and contains as much non-identifying information as is available to the

agency concerning the child and his/her family's background. Information available on a child or sibling group will vary, depending upon the child's age, physical and mental conditions, and the circumstances surrounding his/her removal (or voluntary release) from his or her biological family.

Details in the Social Summary may include:

- The child and his/her family's social history
- The reasons an adoptive placement is needed
- The child's personality and temperament
- The child's self-help skills and functioning level in comparison to his/her age
- The child's residential placement history
- The child's/sibling's history of abuse / neglect / abandonment, if applicable
- Information on the child's siblings and the strength of their relationship, if applicable
- The child and family's health and medical history, including known hereditary conditions or problems
- The child's birth records and developmental history
- The child's psychological and psychiatric history and reports, if applicable
- Information on the child's specific special needs
- The child's intellectual functioning and educational reports, if applicable

The exchange of the information contained in the Social Summary is intended to assist you in understanding the child and his/her current and possible future needs. It is also used to determine whether your family will require financial and/or medical assistance to meet those needs. Due to its vital importance, a copy of the Social Summary and other pertinent records available will be provided to you by the child's case worker at the time he/she is placed in your home.

**Fifth**, once you review the child's background and if you have not previously met the child, an initial meeting will be arranged by DFS. Other visits will be scheduled, depending upon the results of the first meeting and if it appears to be in the best interest of both you and the child. Successful visitation will lead to the agreement upon a date for DFS to place the child in your home. Factors such as age, the child's adjustment to you and your family, and his/her special needs will be considered in the commitment to a move-in date.

**Finally**, the child must reside a minimum of six months in your home before he/she may be legally adopted by you, which is known as finalization. A case worker will supervise the placement and make periodic visits up to your home until finalization by the court. The worker will also assist you with any issues or circumstances that may arise related to the child's adjustment. The supervision period may be extended beyond six months, depending upon the child's needs and those of your family, before the court issues a decree of adoption. You will need to retain the services of an attorney to finalize the adoption. If the child is found eligible, you can apply for financial assistance to assist with costs associated with finalizing the adoption.

Due to the challenges that may be presented by the adoption of a child with special needs, the DFS worker will review with you the options for post-adoptive counseling and financial assistance to meet the child's ongoing needs.



# When Foster Parents Adopt A Special Needs Child

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Many foster parents become adoptive parents of children they have parented through the DFS foster care program. The adoption subsidy program does not provide the same benefits that are available to children in foster care. If you are the child's foster parents, you need to have a clear understanding of the difference between foster care benefits and the adoption subsidy program before you make an adoption decision.

## Foster Care and Adoption Service Differences

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### *Foster Care*

Foster care is a temporary placement for children whose parents are unable or unwilling to care for them. Children are placed in foster care by the Juvenile Court. While a child is in foster care, the biological parents are the child's legal parents. The Juvenile Court usually appoints DFS as the child's custodian.

As the child's custodian, DFS is responsible for developing a permanency plan for the child and reporting periodically to Juvenile Court on the progress made toward achieving this plan.

The services and payments that foster parents receive for children in their care are an entitlement. Maintenance payments are not negotiated, and every child in foster care receives the same level of benefits regardless of the family's circumstances. Foster care payments are designed to meet the child's basic needs for clothing, food, and shelter.

### *Adoption*

When a child is adopted, the adoptive parents become the child's legal parents. Adoptive parents have the same rights and responsibilities as if the child were born to them, which include financial and legal responsibility for the child. The adoptive family is primarily responsible for the child's care and support. The adoption subsidy program is designed to assist with the additional costs that may arise due to a child's special needs.

After an adoption is finalized, the DFS adoption worker no longer supervises the adopted child or your family. If additional support services are needed, you would need to contact the local DFS office for a possible resource referral.

Prior to adoption finalization, if other community resources are not available, you may negotiate an Adoption Subsidy Agreement based on the child's special needs, the family's circumstances, and the availability of funds.

# Overview of the Adoption Subsidy Program in Clark County

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The purpose of the adoption subsidy program is to help meet the pre-adoptive special needs of children and supplement the resources adoptive parents contribute towards the child's care and support (as well as any resources the child may have). DFS focuses on the actual cost to the adoptive parents as a result of the child's special needs rather than on compensation to the adoptive parents because the child has a special need. The program is not designed to duplicate the foster care program or its payment rates; but to supplement the support and resources provided by the adoptive parent and to cover the basic and treatment needs of the children relative to their pre-adoptive conditions. The amount of financial subsidy payments available for adoptive parents is determined on a case-by-case basis, based on the child's pre-adoptive needs, instead of a set standard schedule.

The adoption subsidy program is available only to children with special needs who are placed in the custody and guardianship of DFS or a licensed child-placing agency. An adoption subsidy is not an entitlement, so an attempt will be made to place a child for adoption without a subsidy. When placement decisions are made, the child's best interest is paramount in determining the appropriate adoptive placement.

The DFS adoption worker will determine and document the child's special needs, background, and family history to establish the child's level of care and subsidy eligibility before any adoptive placement.

The Adoption Subsidy Agreement is negotiated between the child's prospective adoptive parents and the DFS adoption worker prior to adoption finalization. An Adoption Subsidy Agreement may include a monthly financial payment, medical insurance, and nonrecurring legal fees.

## Eligibility for Nevada Adoption Subsidy

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If a child meets the criteria for a special needs child, he or she may be eligible for ongoing assistance from DFS or a future subsidy if documented needs arise in the future. To be eligible for assistance in the future, a qualified professional must determine beforehand that the child is at high risk of developing a medical, mental, or emotional condition that, if it existed at the time of adoption, would qualify him or her for a special needs subsidy.

## DFS Adoption Subsidy and Support Services

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A child with special needs is usually eligible for an adoption subsidy and support services, such as a financial subsidy and medical insurance. You must negotiate the child's financial subsidy

payment before the adoptive placement. A child is eligible for adoption assistance upon finalization of the adoption. If the adoptive parent is licensed as a foster parent, they are eligible to receive foster payments until finalization.

After an adoption is finalized, you must contact the DFS subsidy specialist if there is a change in your family's circumstances or in the placement of the child that would require a change in the Adoption Subsidy Agreement.

NOTE: Adoptive parents may request a review of the Adoption Subsidy Agreement at any time when the family's circumstances change or the child's needs change.

### *Financial Subsidy*

A financial subsidy is a monthly payment that helps cover the cost of room, board, clothing, and allowance for a child with special needs. You may be asked to document the additional expenses you anticipate as a result of the child's special needs. The financial subsidy negotiated may be lower than the basic foster parent rate. The amount of the maintenance payment you negotiate with the DFS adoption worker takes into consideration your family's circumstances and the needs of the child. The negotiated financial subsidy amount is documented in the Adoption Subsidy Agreement.

### *Adoption Financial Subsidy Rates*

A child's special needs and level of care in foster care determine the maximum subsidy rate a child is eligible to receive. Financial subsidy payments are based on daily rates, and payments are issued at the beginning of each month as payment for the previous month.

The amount of subsidy is based on the needs of the child and the availability of funds. You may be asked to document the additional expenses you anticipate you will have to pay as a result of the child's special needs. The service needs of the child must be documented on the Application for Subsidy and the Adoption Subsidy Agreement, including:

- Outpatient counseling and therapy.  
[Reimbursement to a non-Medicaid provider will be limited to the Medicaid rate and will be pre-approved by the Adoption Program Manager only if:
  - A Medicaid provider of such services is not available within a reasonable distance from the family's home;
  - The child and your family were already receiving therapy or counseling from a non-Medicaid provider, and it would not be in the best interest of the child to disrupt the service; or
  - Available Medicaid providers lack experience in working with foster, adoptive, or blended families.]
- The additional cost to add the child to your family's health insurance plan.
- Supplies and equipment required by the special needs of the child and unavailable through other resources.
- Attorney fees and court costs necessary to finalize the adoption, up to \$250 per child.

NOTE: Your health insurance, Medicaid, or any service available to you free of charge must be used before subsidy funds will be authorized.

A child with physical, mental, or emotional problems may qualify for an additional financial subsidy based upon a current, approved, behavioral/medically fragile rate determined by the permanency worker. In order to qualify for the additional amount, the family must demonstrate out of pocket expenses related to the child's needs/condition. If a child was in group care before he/she was placed in your home, the maximum daily subsidy rate the child is eligible for is the rate that would have been paid for the child in a foster family placement.

### *Medical Assistance*

A child with special needs may be eligible to receive Medicaid (Title XIX) coverage, if he or she meets current IV-E income/asset standards. Medicaid is designed to cover most of the child's medical, dental, pharmacy, hospitalization, psychiatric, and special medical services. A medical card will be provided for the child.

Medicaid requires prior authorization for some services, and Medicaid does not cover all services. You need to inform the medical care provider that the child carries Medicaid and verify that the intended services are covered by Medicaid before those services are rendered. The provider may need to obtain pre-approval for the services from Medicaid.

If you have private health insurance and the child is eligible for coverage, you may place the child on your private insurance plan, in which case the insurance company would provide primary coverage for the child. Medicaid would provide secondary coverage. If there is an additional cost to add the child to your private health insurance plan, you are not required to place him or her on your insurance. If you chose to place them on your insurance, the cost of the additional premium can be included in the negotiation for an adoption subsidy.

The subsidy program does not provide reimbursement for residential treatment services. If a child resides in Nevada, residential treatment services must be obtained through Medicaid's First Health approval. If an adopted Nevada child resides in another state, the adoptive family must access residential treatment services through the family's state of residence.

## Checklist for Negotiation of the Adoption Subsidy

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Once a child is legally free for adoption and the child's eligibility for subsidy is determined by the DFS adoption worker and supervisor, the determination will be documented in the case file. If you are selected for placement of the child, the DFS adoption worker will meet you to:

1. Discuss the strengths and needs of the child and your family's ability to meet these needs.
2. Discuss the plan for pre-placement visits if the child is not already residing in your home.

3. Discuss the child's specific circumstances and legal issues in order to determine the anticipated time frame required to finalize the adoption.

You must be informed about the child's strengths and needs. If you do not have a clear understanding of the child's needs, you should contact the DFS adoption worker to request additional information, including additional reports and meetings with the child's physician, therapists, and teachers. Do you have access to the information on the questions listed on pages 5-7? Seek out information that is unclear or unknown and discuss any remaining questions with the DFS worker.

Discuss the child's eligibility for the adoption subsidy program. You should negotiate the child's eligibility for subsidy maintenance payments and available special services. You should consider if the child's special needs generate extra costs that will not be covered by Medicaid, private insurance, or school programs. (Note that you may be asked to adopt the child without assistance):

1. Verify services currently available to the child through the community and DFS.
2. Verify any unearned income the child receives or is eligible to receive.
3. Discuss and determine if your family is able to adopt the child without assistance.
4. Discuss and determine what your family expects to contribute toward the care of the child. This can include, but is not limited to: health insurance coverage, camp or registration fees, school fees, and incidental expenses.
5. Look to the future to anticipate and plan for the child's needs.
6. Document in writing the child's needs and eligibility for assistance.

You must work with DFS to obtain documentation that verifies the child's need for special services. The documentation could include a report or letter from a physician, a mental health professional, or mental retardation professional, which clearly documents the child's need for a special services subsidy.

If you are the licensed foster parent for the child, you may continue to receive foster care payments after the Adoptive Placement Agreement is signed by all parties but before the adoption is finalized.

Work with the DFS adoption worker to sign and complete all relevant adoption and subsidy forms. You should keep a copy of all the forms you have signed and completed.

### *Deferred Assistance Agreement*

You may negotiate a Deferred Assistance Agreement with DFS prior to finalizing the adoption in the following situations:

- The child is eligible for subsidy, but the child or your family does not currently need assistance.
- A physician, a qualified mental retardation specialist, or a qualified mental health professional has determined that the child is "at risk" of becoming a child with special

needs and provides a written statement from such physician or specialist to support the at-risk determination.

If the child meets the special needs criteria in the future, the adoptive family may contact the local DFS office and negotiate an Adoption Subsidy Agreement.

In the Deferred Assistance Agreement, the adoptive family may include a request for reimbursement of up to \$250 for attorney fees and court costs in finalizing the adoption.

## Resolving Subsidy Negotiation Disputes

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With proper documentation, subsidy negotiation should be a smooth process.

If you are unable to reach an agreement with the DFS adoption worker on the child's eligibility for subsidy and special services, you may contact the DFS adoption worker's supervisor to request a clarification and review of the special needs of the child and level of care; this must be done before the adoption is finalized. An evaluation or assessment of the child's needs may be warranted. If there is still a disagreement about services and assistance, the DFS worker must give you information concerning your right to appeal the decision. You can continue to pursue the process by contacting the next person in the chain of command.

The DFS chain of command:

Adoption Worker  
Adoption Supervisor  
Adoption Manager  
DFS Assistant Director  
DFS Director

Per Federal and State policy, a person who has had their subsidy denied, reduced or terminated can request a fair hearing. To appeal the decision, you must make a request in writing for a Fair Hearing and Review within thirty days after receiving a written copy of the decision. This request can be sent to:

Department of Family Services  
Attention: Adoption Specialist  
121 S. Martin Luther King Boulevard  
Las Vegas, NV 89106

A hearing will be scheduled no later than 30 calendar days after DFS receives your request for a Fair Hearing. The Fair Hearing Officer will be an attorney appointed by Clark County to hear such appeals. The Fair Hearing Officer will preside over the hearing, can request the attendance of witnesses and the production of records, take testimony and review evidence. While legal counsel

is not required, you are entitled to have an attorney present at the Hearing if you choose. DFS will not pay your attorney's fees even if you win at the Hearing.

The Fair Hearing Officer will provide a decision, in writing, within 30 business days after the conclusion of the Hearing.

## Finalization of the Adoption

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A child must reside in an adoptive home at least 180 days before an adoption will be finalized. In a foster parent adoption, the time in the home as a foster child could count toward the 180 day requirement. The Agreement of Placement for Adoption, and Adoption Subsidy Agreement should be completed and signed by all parties prior to the adoptive placement. When the child is legally free for adoption, the DFS adoption worker will initiate and complete the following documents to prepare for adoption finalization:

*Consent to Adoption.* The Consent to Adoption can be issued by DFS when the child is legally free for adoption and the family is prepared to finalize the adoption. The Consent to Adoption grants permission for the family to adopt the child. The DFS guardian or representative will review and sign the Consent to Adoption and have it notarized.

*Adoptive Placement Supervisory Report or Report to the Court.* This report details the child's current situation, the family's situation, adjustments, and recommendations.

*Confidential (Final) Report.* This report will verify the facts of the case, the child's needs, the family's ability to meet those needs, and the worker's recommendation for adoption. Attached to this report will be a variety of documents, including the child's birth certificate. The DFS adoption worker will apply for a new birth certificate if you request it; you will have to pay the cost of having the new birth certificate issued.

The DFS adoption worker will forward the adoption documents to the adoptive family's attorney. The attorney will initiate and complete the following:

- a. Draft and file the Adoption Petition and Adoption Decree (including all required documents and attachments).
- b. Set the final hearing date.
- c. Verify any name changes.

The attorney will send the adoptive parents a bill for services.

If attorney fees were negotiated in the Adoption Subsidy Agreement or the Future Adoption Subsidy Agreement, DFS will issue a payment to the adoptive parents after the adoption finalization, in an amount up to \$250, per child.



Keep copies of the adoption reports and forms. These documents should be stored in a safe place that is easily accessed. The adoption documents verify the child's eligibility for assistance. If they are not available, this may impact the child's ability to access assistance in the future.

## Review/Renegotiation of a Nevada Adoption Subsidy

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The subsidy must be reviewed at least annually or whenever circumstances change. Annual contact with the family is required to verify that the child remains in the home, and/or that the family continues to support the child; to verify that the assistance provided meets the child's needs; and to determine whether changes have occurred that would require changes in the subsidy benefit provided.

Adoptive parents must notify DFS, in writing, immediately if any of the following changes in circumstances occur:

- The adoptive parents are no longer legally responsible for the support of the child;
- The adoptive parents are no longer providing any financial support for the child;
- The child no longer resides with the adoptive parents;
- The child begins to receive unearned income – includes, but not limited to, SSA, SSI, death benefits from deceased adoptive parents, and trust funds;
- The adoptive parents are willing to assume full, less or greater financial responsibility;
- The child ages into a higher rate of maintenance payment; or
- The child attains the age of 18 years, becomes self-supporting, is emancipated or dies.

If at the time of review or contact, the family requests a change in the amount of assistance provided due to a change in circumstances, the agency worker may re-negotiate the assistance agreement. The amount cannot exceed the amount that would have been paid on behalf of child if the child had still been in foster care.

## Requesting Subsidy After Adoption Finalization

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At the time of the adoption, all families adopting children from Nevada DFS should be informed of benefits available to children with special needs. If the adoptive family was not informed of subsidy benefits at the time, they may request a review of the child's situation and apply for benefits after the adoption is finalized. Federal policy states there are six allegations that constitute grounds for a fair hearing (previously known as extenuating circumstances):

- Relevant facts regarding the child were known by the state agency or child-placing agency and not presented to the adoptive parents prior to finalization of the adoption.
- Denial of assistance was based on a means test. (Eligibility is determined by the child's needs, not the family's income.)



- The adoptive family disagrees with the determination by DFS that the child is ineligible for adoption assistance.
- Failure by DFS to advise potential parents about the availability of adoption assistance for children in the state foster care system.
- Decrease in the amount of adoption assistance without the concurrence of the adoptive parents.
- Denial of a request for change in payment level due to a change in the adoptive parents' circumstances.

If you weren't told about the possibility of subsidy benefits before you adopted, you may contact DFS for application and eligibility information. DFS will conduct an administrative review of the facts to determine if your child is eligible for adoption subsidy.

If you apply for or are receiving adoption assistance and received a decision from DFS that you consider adverse or unfair, you have the right to ask to appeal the decision. To appeal, you make a request in writing for a Fair Hearing and Review within thirty days of receiving written notice of the decision. A request is sent to:

Department of Family Services  
 Attention: Adoption Specialist  
 121 S. Martin Luther King Boulevard  
 Las Vegas, NV 89106

## What Happens After a Child Turns 18

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After an adopted child turns 18, regardless of the level of diagnosed mental or physical disability, the adoption subsidy terminates. DFS will refer you to the Social Security Administration, for SSI assistance.

## Termination of Adoption Subsidy Agreements

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Adoption subsidy benefits will terminate when any of the following occur:

- The adoptive child turns 18;
- The child marries;
- The child enters the military;
- Death of the child or the parents of the child (one parent in a single parent adoption and both in a two-parent adoption);
- The adoptive parents are no longer using the maintenance payment to support the child;
- The adoptive parents fail to complete the requirements for renewal;
- The terms of the agreement are concluded; or
- The adoptive parents request termination in writing.

Reinstatement of the subsidy will be made if the adoptive family: begins to use the maintenance payments to support the child, requests the subsidy be reinstated, or participates in the renewal process.

If the adoptive family fails to participate in the renewal process, medical benefits (Medicaid) may be terminated.

## Moving Out of State

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If your family moves out of Nevada, the child's maintenance and special services subsidy will continue to be paid by Nevada. Nevada or the new state of residence will provide medical services.

Nevada is a member of the Interstate Compact on Adoption and Medical Assistance (ICAMA). The purpose of ICAMA is to assist families who have adopted a child with special needs to obtain medical assistance when they move from one state to another.

Families who adopt a child from Nevada DFS must notify the eligibility specialist for the ICAMA program of a move out of the state. The eligibility specialist will terminate Nevada Medicaid (if applicable) and fill out ICAMA referral and send it to Nevada's ICAMA Coordinator in Carson City who will then forward on to ICAMA Coordinator in new state. A copy of the referral will be sent to you. The ICAMA referral notifies that state of the child's eligibility for medical coverage. [Note: The ICAMA process can be slow. If you know you are going to move out of state, **get the process started as early as possible.**]

When the ICAMA referral is received, a worker in the new state should contact you to determine the child's eligibility for medical coverage. This worker will also be a contact to identify additional resources in your new community.

If the child is Title IV-E (federal assistance program) eligible, the child should receive Medicaid coverage in the new state. The child will receive the services that the Medicaid program in the new state provides. These services may be different than those provided by the Medicaid program in Nevada. If the child is not IV-E eligible, the child will continue to receive Medicaid through Nevada. If the new state does not accept Nevada Medicaid, you will need to discuss with the Nevada DFS worker how to be reimbursed for medical services not provided by private insurance.

If you move out of Nevada with your adopted child, and the child is in need of treatment services, you will need to verify the availability of funds and services in the state where you move.

# Adoption Subsidy and Supplemental Security Income

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Supplemental Security Income (SSI) is a monthly payment made to children and adults who have serious disabilities. To be eligible for SSI, the child must have a medically determinable physical or mental impairment that results in severe functional limitations for a substantial period of time.

After adoption, SSI eligibility is based on both the income and resources of the adoptive parents and the child's disabilities. You can apply for SSI benefits for your child through the local Social Security Administration (SSA) office. The local SSA office will arrange an interview to discuss the child's circumstances. SSA sends the completed application to the Disability Determination Services (DDS) to determine if the child is disabled as the term is defined under the law.

If your child is eligible to receive SSI benefits, he or she may receive benefits from SSI and the adoption subsidy concurrently, however, in no event will the combination of the two payments exceed the benefit level specified by SSI. You may choose to decline adoption subsidy and choose to receive only SSI for the child. If you choose this option, it is important to negotiate an Adoptive Subsidy Agreement for Medicaid and verify that the child will be eligible for subsidy benefits in the future.

For additional information or an SSI application, contact your local Social Security Administration office.

# Appendix

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## Glossary of Terminology Used in this Booklet

The following glossary contains many of the terms used in this booklet.

**Adoption:** A permanent, legally binding arrangement whereby persons other than the birth parents become the parents for a child.

**Adoptive parent(s):** The person(s) who become the permanent parent(s) of a child. They have the same legal rights and responsibilities as those of a birth parent.

**Birth parent(s):** The biological parent(s).

**Child with special needs:** A child who has specific medical, mental, and/or emotional disorders, an older child, or siblings who must be placed together. See pages 2-3 for additional information on Nevada's definition of a child with special needs.

**Child:** A person who is younger than age 18, or a person with a physical or mental disability who has not yet reached age 18.

**Clark County Department of Family Services:** In this booklet the Clark County Department of Family Services is referred to as DFS.

**Developmental Disability professional:** A person who has at least one year of experience working directly with persons with mental retardation or other developmental disabilities and who is one of the following: a doctor of medicine or osteopathy, a registered nurse, or a person who holds at least a bachelor's degree in a human service field.

**Financial subsidy:** A monthly payment to assist the adoptive family in covering the additional costs of raising a child with special needs.

**Foster care:** A temporary legal arrangement in which a person other than the birth parent(s) care for a child. Foster parents do not have the legal rights of birth or adoptive parents.

**Mental health professional:** A person who is a psychiatrist, psychologist, social worker, psychiatric nurse, or mental health counselor who holds a current license as required by law.

**Nonrecurring expenses:** One-time expenses that include reasonable and necessary adoption fees, court costs, and court filing fees.

**Physician:** A licensed medical or osteopathic doctor.

**Supplemental Security Income (SSI):** SSI is a federally-funded, need-based disability program for adults and children that provides a monthly cash benefit and medical eligibility.

Termination of Parental Rights: A process involving a court hearing whereby a judge enters a decree permanently severing all legal parental rights to a child. This must occur before a child is considered legally free for adoption. Termination of parental rights may be voluntary (the birth parent(s) choose to relinquish their rights and make an adoption plan for their child) or involuntarily (the legal rights of the birth parents are terminated by the court without their signed consent).

Title IV-E assistance: A federally-funded program that provides matching funds to a State to offset the cost of public assistance for a child's subsidy maintenance payment. Title IV-E children are either AFDC (TANF) or SSI eligible prior to the adoption. A portion of the support is federally-funded, and the remaining portion may be state dollars. If a child is non-IV-E eligible, public assistance is paid using state funds only.