

DFPS Adoption Assistance Description:

Definition of Special Needs:

The child must be younger than 18 years old and meet one of the following criteria when the adoptive placement agreement is signed:

1. The child is at least six years old;
2. The child is at least two years old and a member of a minority group that traditionally has barriers to adoption;
3. The child is being adopted with a sibling or to join a sibling; or
4. The child has a verifiable physical, mental, or emotional handicapping condition, as established by an appropriately qualified professional through a diagnosis that addresses:
(a) what the condition is; and (b) that the condition is indeed handicapping.

The state must determine that the child cannot or should not be returned to the home of his parents.

A reasonable effort must be made to find an adoptive placement without providing adoption assistance, unless doing so is against the child's best interests.

Program Benefits

- **Medicaid health care coverage** for the adopted child. This benefit assists with the child's medical and dental care, eye care, durable medical equipment and supplies, psychiatric/behavioral health care, and medical transportation.
- **Reimbursement for certain one-time expenses** relating to completing the adoption process (non-recurring adoption expenses). This benefit provides reimbursement up to \$1,500 per adoption for reasonable and necessary adoption expenses directly related to completing the adoption process. These expenses may include fees paid directly to child placing agencies as well as court costs, attorney fees, and other fees directly related to the legal completion of the adoption.
- **Monthly payments to assist with the child's needs.** The monthly adoption assistance payments are determined based upon the child's special needs and the adoptive family's circumstances. Assistance is considered for the following types of special needs:
 - (a) Exceptional initial placement expenses,
 - (b) special maintenance,
 - (c) child care,
 - (d) supportive educational needs,
 - (e) maintaining sibling/other family contact, and
 - (f) routine maintenance when needed.

Children under DFPS Jurisdiction

DFPS is responsible for determining eligibility and negotiating the adoption assistance agreements for children who are placed for adoption under varying circumstances. Foremost among these responsibilities are determinations for children who are in the managing conservatorship of DFPS, regardless of the location of the placement. These responsibilities also extend to children who are in the legal care of and placed for adoption by a licensed, non-profit child-placing agency when the child is placed with a family that resides in Texas. The child-

placing agency need not be licensed in Texas but at least must be licensed/certified by another state to provide adoption placement services.

DFPS also determines eligibility and negotiates agreements for children who previously received Title IV-E adoption assistance or state adoption assistance and whose adoption terminated because of the death of the adoptive parents or termination of their parental rights and at the same time are not in the care of another state's public child welfare agency. DFPS will also assume responsibility for children who have subsequent adoptive parents who resided in Texas at the time of the adoptive placement. If the child received prior state adoption assistance, DFPS will assume responsibility regardless of the adoptive parents' state of residence.

Payment Ceilings for Adoption Assistance

The payment ceilings are established by the DFPS Board and are based upon two separate amounts. For children whose service level is Basic at the time of adoptive placement the ceiling is \$400 per month. For children whose service level is Moderate or higher, the payment ceiling is \$545 per month. The payment ceilings cannot be exceeded and are not automatically provided to any child.

Enhanced Adoption Assistance is a monthly adoption assistance payment amount that may exceed the maximum monthly payment indicated above. The maximum monthly payment that can be paid is based on the foster care rate in effect on the date the adoption assistance agreement is signed. Enhanced adoption assistance is available to adoptive or prospective adoptive parents who enter into an initial adoption assistance agreement on or after January 1, 2009. Eligibility requirements for enhanced adoption assistance: 1. The child has been in the managing conservatorship of DFPS and all parental rights to the child have been terminated for at least 24 months; 2. The child has an authorized services level of "specialized or intense". 3. The child is living in a foster home or other residential child-care operation that is regulated by DFPS Child Care Licensing Division and is approved under Licensing minimum standards to provide treatment services. 4. One of the following exists: (A) the child has not been adopted despite having made extensive and ongoing local and national adoption recruitment efforts; or (B) a DFPS program director or his/her designee reviews agency records, and determines, that without benefit of enhanced adoption assistance, the child will likely remain in paid foster care until at least the age of 18 years, based on factors including, but not limited to: (I) the existence of a significant mental, emotional, physical or medical disability; (II) the child's age, especially adolescents; or (III) the number of prior foster care or adoptive placement disruptions the child has experienced.

Requests for Adoption Assistance

Requests for adoption assistance are made through the regional adoption assistance eligibility units. Ask your worker for the Request for Adoption Assistance, form 2250.

For more information go to:

www.dfps.state.tx.us

State Adoption Assistance Contact:

Latasha Henry
Texas Department of Family & Protective Services
2525 Ridgepoint Drive
Austin, Texas 78754

Phone: 512-919-7965
FAX: 512-339-5927

Texas Tuition and Fee Waiver

Only applies to children who receive monthly payments and Medicaid support from the Adoption Assistance Program.

To be exempt from the payment of tuition and fees at a Texas state supported institution of higher education, the youth must:

1. Have been in DFPS conservatorship in foster or other residential care on or after:
 - the day preceding the 18th birthday;
 - the day the youth graduated from high school or received the equivalent of a high school diploma; or
 - the day of the youth's 14th birthday, if the youth was eligible for adoption (parental rights being terminated) on or after that day; and
2. Enroll as an undergraduate by his or her 21st birthday or not later than whichever of the following dates occurs first;
 - three years after the date the youth was discharged from foster or other residential care, or
 - three years after the date of high school graduation or completion of an equivalency of a high school diploma (GED).

Note: Youths who meet requirements and are adopted at age 14 and older are eligible.

3. The tuition and fee waiver program includes any person who was adopted and the subject of a written adoption assistance agreement (receiving services from the Adoption Assistance Program through DFPS).

Preparation for Adult Living (PAL) Coordinators research eligibility and provide tuition waiver letters to youth who are aging out of foster care.

For persons who were subjects of adoption assistance agreements, staff has been designated in the local districts/region offices to research eligibility and provide tuition waiver letters.

DFPS Post Adoption Services:

The Texas Department of Protective and Regulatory Services (PRS) want to make that transition easier. We're offering services to help you, your child, and your family understand and cope with the effects of past abuse, and live together as a new family.

Support Services

You, your adoptive child, and your new family may be eligible for a number of services and programs provided by local agencies and experts, including:

Case work services and planning,
Parent education and support groups, counseling,
Respite care,
Residential treatment services,
Information and referral, and
24 hour crisis intervention.

Qualifications

Services may be available to your family if either of the following conditions are satisfied and the child is under the age 18:

The department served as the child's managing conservator and placed the child for adoption with you; or

A licensed Texas child placing agency served as the child's managing conservator and placed the child with you for the purpose of adoption and the department is providing the child Title IV-E adoption assistance.

You may request a fair hearing if services are denied, delayed, or reduced. The request must be made either orally or in writing within 90 days from the effective date of the action.

DFPS Voluntary Adoption Registry (VAR)

About DFPS VAR

The DFPS Voluntary Adoption Registry is a mutual-consent registry. It is designed to allow adoptee, birth parents, and/or birth siblings who are at least 18 years of age and who were placed for adoption by DFPS or who are looking for a person adopted by DFPS to voluntarily attempt to locate one another by listing in the registry.

How Does It Work?

The Texas Department of Family and Protective Services also known as The Texas Department of Public Welfare, Child Protective Services, or The Texas Department of Human Services, must have been involved in the placement and adoption of the adoptee.

A "match" occurs when an adopted person and his/her birth parent or biological sibling register. Registrants are then instructed to attend at least one hour of counseling to help prepare for a reunion. The person providing the counseling must have adoption and search/reunion expertise. The counseling will explore a variety of pertinent issues relating to your search and possible reunification. After you and the other parties have completed the required counseling, the registry can release the name, address and phone number of the matched registrant.

Requirements

Person registering must be 18 years of age or older.

Provide sufficient proof of identity (copies of birth certificate, driver's license, passport, marriage certificate, etc.).

Pay \$15 to complete the registration. Please make check or money orders payable to **TDFPS-VAR** and mail to:

Texas Department of Family and Protective Services
Adoption Registry -- Mail Code E-557
P.O. Box 149030
Austin, TX 78714-9030
512/438-5646

Supplemental information may be requested from the matching parties (i.e., photographs, letters, updated medical and social information, etc.) to prepare each registrant during the reunion process.

IRS Publication 968 *Special Rule for Adopting a Child With Special Needs: from www.IRS.gov*

Adoption credit. For 2009, the maximum adoption credit has increased to \$12,150. Also, the maximum exclusion from income for benefits under your employer's adoption assistance program has increased to \$12,150. Also for 2009, the income eligibility phase-out range for both programs has been adjusted to \$182,180 - \$222,180, with individuals earning more than \$222,180 ineligible for either program.

Child with special needs. An eligible child is a child with special needs if he or she is a citizen or resident of the United States (including U.S. possessions) and a state (including the District of Columbia) determines that the child cannot or should not be returned to his or her parents' home and probably will not be adopted unless adoption assistance is provided to the adoptive parents. Factors used by states to determine if a child has special needs could include:

- The child's ethnic background,
- The child's age,
- Whether the child is a member of a minority or sibling group, or
- Whether the child has a medical condition or physical, mental, or emotional handicap.

If your state has determined that the child you are adopting is a child with special needs, you should keep evidence of that fact for your records.