

## When can an adoption subsidy be renegotiated?

Parents can renegotiate an adoption assistance agreement if the adoptive parents request an increase in payment due to a *change in their circumstances* and a higher foster care rate would have been paid on behalf of the child if the child had still been in foster care.

As an example, a child is adopted and the adoption assistance agreement is negotiated for \$250 a month, the same amount the child had been receiving in foster care. If, two years later, the State's monthly foster care board rate is increased to \$400, the family can request that the adoption assistance agreement be renegotiated and receive up to \$400 for the child, since this is the amount the child would have received each month if s/he had continued to be in foster care.

## What is a “change in circumstance”?

The child has a new diagnosis and/or their behavior is at a point where they need additional services.

## How Much Of An Increase Can A Parent Ask For?

A family can request that the adoption assistance agreement be renegotiated and receive up to the amount the child **would have received if s/he had continued to be in foster care.**



## The Process

If there is a change in circumstances the parent should contact the county's children and youth agency responsible for issuing the subsidy. This contact should be by phone and in writing.

If you receive a denial letter from the county you can request a fair hearing.

## Subsidized Permanent Legal Custodianship

Fully execute the subsidy agreement prior to the legal establishment of PLC and provide the SPLC family with a copy of the agreement **including the process for requesting a change to the subsidy amount** by either party, and include all applicable appeal rights

**Can a State agency automatically suspend the adoption assistance payment for the duration of an adopted child's placement in foster care? The State agency would reinstate the payment upon the child's return home.**

**No.** An automatic suspension is, in effect, the equivalent to a termination of the adoption assistance payment and as such is unallowable under section 473(a)(4)(B) if the parent remains legally responsible or is providing any support for the child. However, consistent with section 473(a)(4)(B) of the Act, there may be circumstances in which adoptive parent(s) may be eligible for payments in a different amount. In these instances, a State may **re-negotiate** the agreement and reduce the payment for the duration of an adopted child's placement in foster care with the concurrence of the adoptive parent

## Please explain the circumstances in which adoptive parents have the right to a fair hearing

According to federal and State regulations, the following situations constitute grounds for a fair hearing:

- If the adoptive parents feel they wrongly have been denied benefits on behalf of an adoptive child,
- Relevant facts regarding the child were known by the title IV-E agency or child-placing agency and not presented to the adoptive parents prior to the finalization of the adoption;
- Denial of assistance based upon a means test of the adoptive family;
- Adoptive family disagrees with the determination by the title-IV-E agency that a child is ineligible for adoption assistance;
- Decrease in the amount of adoption assistance without the concurrence of the adoptive parents; and
- Denial of a request for a change in payment level due to a change in the adoptive parents circumstances.

## Once an adoption assistance agreement is entered into with the county, can the adoption assistance payments be adjusted (either reduced or increased)?

With the concurrence of the adoptive parents, the amount of the assistance may be adjusted if the family's or child's circumstances change.

Parents have the right to re-open negotiations and ask for a new agreement any time the child's needs or the family circumstances changes. There is **no limit** to how often or how many times any agreement can be negotiated.

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# How To Renegotiate An Adoption Assistance Agreement



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