Introduction

In Maryland, a subsidized adoption is a plan under which a local department makes financial payments and authorizes the issuance of medical assistance, medical care, or special services on behalf of a child, to the child’s adoptive family before, and after, legal completion of the adoption. Public subsidy programs are permitted to make the most appropriate adoption plan as possible for the child under guardianship. COMAR 07.02.12.02 (40)(a)-(b).

Subsidies can be in the form of monetary payment, medical care or assistance, or special services. A minor child under state guardianship becomes eligible when the requisite local social services department determines that, due to the child’s special circumstances, a subsidy is necessary to ensure adoption. An adoptive family can qualify for an adoption subsidy based on their income or by adopting a child who has special needs.

To qualify based on the income, the IRS calculates the family’s adjusted gross income and compares it to other family incomes. The annual adjusted gross income, as defined by the IRS, of the prospective adoptive family can not exceed 80% of the median income figure most recently published for a family of that size in that state. COMAR 07.02.04.11 Schedule A.

In contrast, when an adoption involves a “special needs” child, the adoptive family’s income is irrelevant, yet qualifying for this type of subsidy can seem quite complex. It is for this reason that this manual has been constructed. As one reads on, it will become apparent that even if one qualifies as a child with “special needs”, additional circumstances must exist.

For starters, in order to be eligible for this type of adoption subsidy there must be evidence of an inability, after all reasonable efforts, to place the eligible child without a subsidy, with an appropriate adoptive parent because of the special circumstances and the local department director must append such evidence to the subsidy application.
However, if the director determines that the eligible child has established emotional ties with a prospective adoptive parent who is the child’s foster parent, evidence of efforts to place the child elsewhere, is not required.

The remainder of this manual focuses on, in detail, the eligibility requirements, necessary processes and other important information surrounding Maryland’s “special needs” based adoption subsidies. MD Code § 5-409.

The Maryland Adoption Subsidy Act is a great place to start as you begin the adoption subsidy process because it is well written and easy to understand. The Act explains who is eligible to receive subsidies, what kinds of subsidies are available and how to obtain them. It is a mechanism designed to assist you as you set out to obtain a subsidy and help you understand the underlying rationales and responsibilities of all the parties involved in the adoption subsidy process.

On the other hand, the Code of Maryland Regulations, COMAR, provides a more detailed, complex explanation of the actual process for determining adoption subsidy eligibility and what must occur before an adoptive parent can actually receive the subsidy. Therefore, reviewing the Act is only your first step in understanding the Maryland adoption subsidy process.

The goal of the Act is to make the adoption of each eligible child possible through public subsidy. Each local department must establish and administer an adoption subsidy program for eligible children. The program will then determine if a subsidy is necessary to assure the adoption of a child because she is a child with special needs.

The Maryland Subsidy Program is a flexible program that adjusts when circumstances change. As one can imagine, children, as well as their situations are unique and ever changing. Thus, an eligible child will not be denied a subsidy if a special condition existed at the time of the adoption, but went undiscovered until later. Likewise, a subsidy cannot be denied to a child whose adoption has been dissolved or whose adoptive parents have died if the child received an adoption subsidy during the child’s prior adoption and the child continues to meet the subsidy’s criteria. In fact, a subsidy may continue to be provided, on behalf of the child, to another adult who assumes responsibility for the child upon the death or incapacitation of the adoptive parent. And finally, a subsidy will not be dissolved merely because the adoptive parent relocates to another state with the child.

The program’s monetary payments and services are funded by appropriations to the local department and money made available to the department from other sources. Its medical care and assistance can be funded in one of two ways. First, by savings for the fiscal year derived from the Department of Health and Mental Hygiene and the Department of Human Resources. Then, as a second source, appropriations from the Department of Human Resources can be used. The Department of Human Resources’ Social Services Administration can then reimburse the Health and Mental Hygiene Department for the

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1 §5-406
2 Link to special needs definition.
cost of medical care and assistance directly or through an established contract between
them. Finally, these departments are required to apply for and administer all federal aid
that is relevant under the law.

A person who has been approved to adopt, and is actively seeking to adopt, an eligible,
“special needs” child can qualify to receive a subsidy for that child regardless of the
person’s income. To apply for a subsidy, the prospective adoptive parent must file an
subsidy application with the local department and before a final adoption degree is
ordered, the local department and prospective adoptive parent must enter into a written
subsidy agreement. If the child’s special needs were unknown at that time, the agreement
must be made and entered into promptly after the local department approves the subsidy
application.

An adoptive family will begin to receive subsidy at the time of the adoptive placement or
at an appropriate time after the passage of the adoption decree. The amount is determined
by the needs of the child and the availability of other resources to meet the child's needs.
The subsidy may be for a limited amount of time, or over a period of time and can be for
nonrecurring expenses such as adoption fees, or recurring expenses such as the cost of
continual medical services. Generally, the subsidy amount cannot exceed the amount the
child would have received in foster care and there is an annual reapplication requirement
for subsidies lasting longer than one year.

Title IV-E is important because it provides federal funding when funding social services
is becoming increasingly difficult but the need for such services is growing. Under the
Social Security Act, Title IV-E provides federal adoption subsidy payments for eligible
children who are placed in adoptive homes. Title IV-E eligibility is determined when the
child enters care and the Maryland Department of Human Resources is responsible for
determining and claiming Title IV-E on behalf of eligible children in all state agencies.

The federal contribution to Title IV-E-eligible children is 50.00 percent of that provided
by the state\(^3\), with the local department making payments out of their own funds to be
reimbursed after eligibility is determined. COMAR 07.02.11.27.

**Subsidy Eligibility and its Requirements**

Initial eligibility is determined when certain requirements are met during the month that
the voluntary placement agreement was signed or the petition to remove the child was
filed with the court. The child must have been the legal responsibility of a local
department because of a removal from his home or as the result of a voluntary out of
home placement agreement that was not a voluntary relinquishment for adoption.

If the child was removed from the home, a judicial determination finding that it was not
in the child’s best interest to remain in the home is required. The finding must also show
that before placement, reasonable efforts were made to eliminate the need to remove the

\(^3\) Link to site: [www.dhr.state.md.us/ssa/fund.htm](http://www.dhr.state.md.us/ssa/fund.htm)
child, or could not be made and reasonable efforts are being made to reunify the child with his family.

Before a state can be eligible for federal reimbursement, the child must be determined eligible under Title IV-E. A child can lose and regain reimbursement eligibility depending on the changes in his circumstances. However, even a child who is determined ineligible for reimbursement at a given point in time is not permanently ineligible for Title IV-E reimbursement. The same child may be eligible for reimbursement in the future. The child’s care for a given month is reimbursable as long as the conditions set forth in 07.02.11.27I, are met.

To be eligible for Title IV-E adoption assistance, the following requirements must be met. First, the child must be a special needs child and an adoption assistance agreement between the adoptive parents and the local department must exist. Plus, the child must be eligible for Supplemental Security Income (SSI)\(^4\) or Temporary Cash Assistance (TCA)\(^5\) at the time the adoption assistance agreement is entered into or when the adoption petition is filed.

To qualify for an adoption subsidy on the basis of special needs, the local agency holding guardianship of the child has to have made reasonable efforts\(^6\) to find an adoptive family for the child without subsidy\(^7\) but, has been unsuccessful because of at least one of the following factors:

1) The child is at least six years old, but not yet 18.
2) The child’s membership in a minority race or ethnic group. Note, while this alone will not qualify the child for a subsidy, if the child’s records clearly indicate how the child’s minority or ethnic background, in addition to other special needs, prevented an adoptive placement without a subsidy.
3) The child’s risk of or actual, physical or mental disability. (“Disability” may include a physical, mental, emotional or medical condition that significantly impairs behavior or affects the functioning of an individual.)
4) The child’s emotional disturbance.
5) The child’s membership in a sibling group.
6) A recognized, high risk that the child may have a physical or mental disease.

The adoptive family is permitted to receive a subsidy on the child’s behalf as long as the family has retained legal and financial responsibility for the child. After annual reapplication, if the child continues to meet the eligibility criteria set forth above, the

\(^4\) Link to [www.dhr.state.md.us/ssa/fund.htm](http://www.dhr.state.md.us/ssa/fund.htm)
\(^5\) link to [www.dhr.state.md.us/fia/cassist.htm](http://www.dhr.state.md.us/fia/cassist.htm)
\(^6\) Provide link to COMAR 07.02.12.18(B)(3)(a) (describes reasonable efforts, but unsure if appropriate to use here)
\(^7\) Except if the child is living with a foster family and it is in the child’s best interest to be adopted by that family, the local guardianship agency is not required to exhaust all reasonable efforts to place the child without subsidy. Generally, “[p]lacement of a child with a family before consideration for adoption may not affect the family’s eligibility for subsidy. The placement should be the most suitable permanent plan available for the child.” COMAR 07.02.12.15(B)(3).
subsidy may continue. Generally, Title IV-E eligibility lasts until the child turns 18 but, under certain circumstances, it can last longer. For example, if the child is still in secondary school when she turns 18 and is expected to graduate before turning 19. COMAR 07.02.12.15A(4).

Eligibility when Adoption is by the Child’s Foster Family: At the time of the next subsidy renewal period, a family who provided foster care to a medically fragile child before adoption may request an increase in their regular monthly subsidy from the approved agency. A child may fall under the term “medically fragile” in a variety of circumstances which are listed below.

1) If the child depends on mechanical ventilation for at least part of each day.
2) If the child requires intravenous administration of nutritional substances or drugs.
3) If the child depends on other device-based respiratory or nutritional support including tracheotomy tube care, suctioning, oxygen support, or tube feeding on a daily basis.
4) If the child depends on other medical devices that compensate for vital body functions and requires daily, or near daily, nursing care. This situation encompasses a child who requires renal dialysis due to chronic kidney failure or other mechanical devices such as catheters or colostomy bags, as well as substantial nursing care in connection with the disabilities. COMAR 07.02.12.02(24.1).

Upon this request, current payment can be raised up to the amount that would have been received for the monthly care of the child at the time of the child was placed for adoption. The new rate will then take effect the on first month covered by the subsidy agreement. COMAR 07.02.12.15A(5).

Continuing Eligibility and the Death or Incapacitation of Adoptive Parent: Generally, a child will not be denied an adoption subsidy merely because the adoption has dissolved or the adoptive parent(s) have died. COMAR 07.02.12.15-1 [Provide Link identifies requirements for the continuation of subsidy payments. It provides steps to take in the event that the local department decides not to authorize the subsidy, including acknowledgement of the new adoptive parents’ right to a fair hearing.]

Thus, upon the death or incapacitation of the child’s adoptive parents, the local department shall meet with the adult who has assumed responsibility for the child and wishes to receive a subsidy to determine if the individual appears qualified to assume responsibility for the child’s care and welfare. When the local department determines that the individual is in fact qualified it shall require that the caretaker sign a subsidy agreement and authorize the caretaker to receive a subsidy for the child in an amount that may not exceed what the adoptive parents received.

8 provide link to COMAR 07.02.12.02(B)(42)
9 provide link to COMAR 07.02.12.02(B)(24-1)
10 INFO STILL PENDING
However, if the local department determines that the individual is not qualified, it shall notify the individual of the department’s decision not to authorize a subsidy for the child and advise the individual of the right to a fair hearing.

If the individual who has assumed responsibility for the care and custody of the child does not wish to receive subsidy, the local department may not assess the family but shall discontinue the subsidy at the end of the month of the adoptive parent’s death or incapacitation. COMAR 07.02.12.15-1(G).

**The Subsidy Application Process**

Obviously, before subsidies can be handed out certain procedures must be followed and the final placement should be the most suitable permanent plan available for the child. The procedures that are required depend on what type of situation exists before the adoption placement.

If the child who is the subject of the adoption is not currently in foster care, there must be documentation of the reasonable efforts by the agency holding guardianship to place the child without the aide of a subsidy. This is satisfied if the child’s record indicates that registration with Maryland Adoption Resource Exchange (MARE), other exchanges, and other recruitment efforts have failed to procure an approved adoptive family that is willing to adopt without a subsidy within 60 days of registration due to the child’s individual special needs or the family’s request for subsidy based on the family’s income and current financial situation.

However, when a child is currently in foster care and it is the foster parents who are planning to seek an adoption with a subsidy, there must be evidence documenting the fact that it is in the child’s best interest for his foster family to adopt him. It is sufficient to document the family’s commitment to this child, including the child’s specific relationships with each family member and that family member’s importance to the child.

A third situation presents itself when an approved adoptive family is located within the 60 day period but wishes to seek an adoption subsidy. To do this, the adoptive family must make a written declaration that the subsidy is necessary for them to be able to provide proper care and treatment for the child and to meet their other parenting obligations. The local department will satisfy the reasonable efforts to place without a subsidy requirement when the family’s declaration that they will not be able to adopt this child without a subsidy is coupled with documentation in the child’s record that confirms that the child meets the special needs criteria discussed above and that placement with this particular family is in the child’s best interest.

Finally, when a special needs child is placed without a subsidy, the local department must prepare a written statement signed by the adoptive parents confirming that they were told about the different types of subsidy and the reasons that their placement was made without any along with the terms and conditions under which the child might become eligible for subsidy in the future and the procedures for how to apply for a post-adoption
subsidy. Then, copies of this written, signed and dated instrument must be maintained in the case records of the family and the child.

Upon the event that an agreement is entered into, its terms must be negotiated before placement and the agreement must be signed before the final adoption decree is issued, and before subsidy payments begin. However, if a child is placed with a family before consideration for adoption, this placement will not affect the family’s eligibility for a subsidy. Even after all this is completed, the director of the local department must approve the proposed subsidy agreement before a prospective adoptive family’s subsidy may be confirmed.

The Subsidy Agreement

An adoption subsidy agreement, when completed and signed, becomes a binding and enforceable contract. The terms will be specific to the adoptive family and will be defined by the child’s special needs. The type and amount of payment will be dependent on the particular needs and resources of the child and the adoptive parents except that, with respect to a child with special needs, the income or resources of the adoptive family may not be considered.

The subsidy agreement must be signed by the local department director (or designee), the adoptive parents, and the caseworker prior to signing the adoption decree and before payments begin. There must be one individual agreement for each child for whom a subsidy is authorized, even in case of siblings being adopted at the same time by a single family.

To be valid, the agreement must at least include a statement of all the applicable eligibility factors, the amount of subsidy payments to be made and the duration of the agreement. It must also discuss the local department’s responsibility to continue the subsidy, regardless of the state of residence of the family and the child’s eligibility for benefits under the Maryland Medical Assistance Program or for the Title XIX Medicaid along with a statement explaining the requirement that the family must reapply for the subsidy annually, unless the subsidy terminates within the first year.

Once a subsidy goes into effect, the recipients of these agreements must renew the subsidy agreement annually and must continue to have legal and financial responsibility for the child in order to remain eligible for their subsidy. COMAR 07.02.12.19(D).

Subsidy Payment Amounts

A subsidy can amount to up to 100 percent of the foster family board rate for which the child qualifies. In situations where less than that rate is agreed upon, the agreement must articulate the percentage of the foster care rate and provide the monthly payment

11 Except if it is a post-finalization application for subsidy. COMAR 07.02.12.15(2).
12 Provide link to www.dhr.state.md.us/fia/medicaid.htm
13 Provide link to www.dhr.state.md.us/fia/medicaid.htm
14 Provide link to COMAR 07.02.11.28.
amount so that the amount can be recalculated when the foster care rate changes or when age rate increases\textsuperscript{15} are due.

For a medically fragile child adopted by treatment foster parents\textsuperscript{16}, the subsidy cannot exceed the amount of the payment paid by the approved treatment foster care agency at the time the child was placed for adoption, unless an exception is granted. If an exception is granted, the amount may be higher than the board rate, but cannot exceed the maximum amount of $2,000 per month.

**Types of Available Subsidies**

**Regular Subsidy:** This is a monthly payment that cannot exceed 100 percent of the amount set forth in the Schedule A. However, if the child is medically fragile child\textsuperscript{17} placed in a licensed treatment foster care home and adopted thereafter by the treatment foster parent(s), an amount equal to the rate paid by the approved agency but less than $2,000 is considered a regular subsidy. COMAR 07.02.11.34, Schedule A; COMAR 07.02.12.15-1(A)(1)(a)-(b).

This includes both the Title IV-E Adoption Assistance Program\textsuperscript{18} which is a federal subsidy program for a special needs child who was TCA\textsuperscript{19} eligible, Title IV-E foster care eligible, or SSI eligible at the time adoption proceedings were initiated and the State Subsidized Adoption Program which is a state subsidy program for children and families who do not qualify for the federal subsidy program.

When an adoption placement takes place between two states, known as interstate placement, it compares the allowable subsidy rate for Maryland to the state in which the child is to be placed. The subsidy can be up to 100 percent of the higher of the two rates with the payments being made by the state that holds, or held, guardianship of the child.

**One-Time-Only Subsidy:** A lump sum subsidy payment that occurs only once and cannot exceed a specified amount and can be made in addition to a regular subsidy as detailed above. This subsidy typically reimburses monies already spent by the adoptive parents and may include specific expenses incurred in connection with adoption such as legal costs and other one-time expenditures that arise when adopting. It may also include expenses associated with the costs of particular medical equipment that cannot be obtained through other resources and applies to special needs children adopted through a local Maryland department or licensed child placement agency that holds guardianship of the child. COMAR 07.02.12.15-1(C)(1); COMAR 07.02.11.34, Schedule A.

\textsuperscript{15} Provide link to age rate increases and/or explanation of such.
\textsuperscript{16} Provide link to specific definitional section as required previously.
\textsuperscript{17} Provide link to definitional section for medically fragile child as previously.
\textsuperscript{18} Provide link to Title IV-E Adoption Assistance Program (42 USC §§ 673, 473)
\textsuperscript{19} www.dhr.state.md.us/fia/cassist.htm
**Medical Subsidy:** This medical subsidy, provided by the Administration through the Medical Assistance Program,\(^{20}\) covers the costs of necessary medical care for children meeting the special needs criteria (provide link to this definition previously in this document) set forth by the Department of Health and Mental Hygiene. Title IV-E adoption assistance children are eligible for Medicaid in their state of residence if they are placed outside Maryland or if they have moved outside the State with their adoptive families.

**Respite Care:** Link to [http://www.dhr.state.md.us/oas/respite.htm](http://www.dhr.state.md.us/oas/respite.htm)

List of DHR funded Respite Services in Local Jurisdictions

[http://www.dhr.state.md.us/oas/pdf/respite.pdf](http://www.dhr.state.md.us/oas/pdf/respite.pdf)

**Post-Adoption Subsidy:** This situation usually presents itself when an adoption subsidy is requested after an adoption decree has already been issued by a local department or licensed child placement agency as the result of a verified condition which existed before the adoption the would have made the child eligible for subsidy prior to adoption finalization if its existence had been known at that time. When a payment such as this is given it may be in the form of a regular subsidy payment, a one-time-only payment, or both. In addition to this, a retroactive post-adoption subsidy may be provided as a one-time-only lump sum subsidy payment as discussed above. COMAR 07.02.12.15-1(E)(4)(a)-(c), (5).

**Nonrecurring Adoption Expenses Reimbursement Subsidy:** Actual expenses incurred by adoptive parents involved in either an independent or inter-country adoption of a special needs child which is paid as a one-time-only, lump sum payment, of up to $2,000 per child. It may also include expenses incurred by parents who are adopting a special needs child through a child placement agency licensed in another state if this family is not applying for, or receiving, a subsidy from that state.

Families who are adopting a special needs child through a Maryland local department or a child placement agency licensed by the Administration are not eligible for reimbursement of nonrecurring adoptions expenses because those families are eligible under the one-time-only subsidy.

Non recurring adoption expenses can include a variety of things. It can include legal expenses such as reasonable and necessary adoption fees, court costs and attorney fees along with the costs associated with the adoption home study, the health and psychological exams and the placement supervision that are required before the adoption. It may even include transportation and the reasonable costs of food and lodging for the child and the adoptive parents that may be incurred during pre-placement visits. COMAR 07.02.12.18(A)-(E); COMAR 07.02.12.02; COMAR 07.02.12.02(27).

**The Subsidy Reimbursement Program**

\(^{20}\) Provide link [www.dhr.md.us/fia/medicaid.htm](http://www.dhr.md.us/fia/medicaid.htm)
The process requirements differ slightly when a subsidy is being issued as reimbursements. Unlike the regular subsidy which is distributed on a regular monthly basis, these isolated lump sum payments involve repayments for monies already expended thus making the requisite eligibility, application and documentation vary from those described so far.

When determining eligibility for nonrecurring adoption expenses, a child is considered to be a child with special needs only after the Administration has determined that:

1) The child either cannot or should not be returned to the birth parents’ home because of evidence documenting a court order terminating parental rights or verification of the death of the parents and the child’s status as an orphan.
2) Documentation shows that child could not be placed without adoption assistance because of at least one of the special needs criteria set forth previously.\(^{21}\)
3) And either a reasonable effort was made to place the child without assistance but was unsuccessful in placing the child [*Reasonable Efforts means, Link to COMAR 07.02.12.18(B)(3)(a)-(b)] or efforts to place the child without assistance are not required because the child has been in foster care and it is in the child’s best interest to be adopted by his foster parents since the child has developed substantial emotional ties with the prospective adoptive parents as foster parents for at least 12 months.

A family who adopts a special needs child from another state or country is eligible for nonrecurring adoption expenses if the family, who lives in Maryland, is not receiving adoption assistance from any other state and has the expenses approved by the Maryland Interstate Compact Office\(^{22}\) before the child’s placement and that child’s placement is approved under all applicable state and local laws.

**Program Exclusions:** Like all types of subsidies, this too has its limits. For instance, if a child is eligible to receive adoption assistance from another state then that state is responsible for reimbursing nonrecurring costs. Thus, a family seeking this type of reimbursement must apply for it in that state and eligibility will be determined by its rules and laws.

**Medicaid Payments:** If a special needs child is not eligible for ongoing adoption assistance and the state only makes nonrecurring adoption expense payments, the child is not eligible for Medicaid under the nonrecurring adoption expense program. However, the child might be eligible for Medicaid payments if the child qualifies under the Medicaid statute.\(^{23}\)

\(^{21}\) Provide link to ADOPTION SUBSIDY REGULATIONS 1. a. Qualification p. 9 of this document

\(^{22}\) www.dhr.state.md.us/ssa/icpc

\(^{23}\) provide link to www.dhr.state.md.us/fia/medicaid.htm
Stepparent Adoptions: A stepparent adoption is not eligible for nonrecurring adoption expense reimbursement if a birth parent is currently living in the home. However, if the birth parent is not living in the home because of death, divorce, or abandonment, a request involving a stepparent may qualify for reimbursement.

Income Based Need: Eligibility is based on the child’s special needs. Therefore, the adoptive parents are not required to satisfy any means tests and cannot qualify on an income basis.

The Application Process: In order to apply for and be determined eligible to receive reimbursement, eligible adoptive parents must obtain a reimbursement application and cost agreement from the Social Services Administration, complete it and return it to them at least two months before the special needs adoption is finalized so that there is sufficient time to gather the necessary documentation. [Provide Links to these applications available on a website if possible] It is the responsibility of the social caseworker working with the adoptive parents, to advise the family of the availability of this type of reimbursement and the proper process that must be followed to be eligible to receive it. The family will be required to produce the original receipts for any out-of-pocket expenses paid they wish to be considered for reimbursement as nonrecurring adoption expenses.

In addition to the application and cost agreement requirement, the family, with the assistance of the agency, must supply the usual eligibility information showing that the child meets the special needs definition and documentation evidencing the termination of the birth parents’ parental rights or verifications of their death. The adopting family must also demonstrate proof that a specific factor or condition exists which prohibits the child from adoptive placement without assistance and reasonable, but unsuccessful, efforts have been made to place the child without providing adoption assistance.

When the Administration receives the application, agreement, and the required documentation it must review it and determine the family’s eligibility. If the family is deemed eligible for reimbursement, the Administration must enter into an agreement, signed by of all appropriate parties, before the adoption is finalized. However, the reimbursement payment will not be made until after the final adoption decree is received.

If the Administration determines that the family is not eligible, it must send them written notice of the denial. This notice must state the decision and the its basis, cite the regulation(s) supporting that decision, and explain the family’s right to appeal and the method that is required to request a fair hearing.

The adoptive parents must file a claim with the Administration within 2 years of the date of the final adoption decree. If a claim is not filed within this time frame, the administration is released from liability.

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24 Here, the term *eligible* refers to eligibility to *apply* for reimbursement of nonrecurring adoption expenses on behalf of a special needs child as determined previously in 07.02.12.18(B)(1)-(5) and in (C)(1). Provide Link

25 Except as provided in COMAR 07.02.12.18(D)(1)-(2) Provide Link
The Amount: The maximum reimbursable amount for nonrecurring adoption expenses for each special needs child adopted is $2,000 and for purposes of reimbursement, siblings are treated as individuals.

Types of Non-Reimbursable Expenses: While the reimbursable costs have been discussed earlier in this section, there are also types of expenses that are not eligible for reimbursement under this program.

Home Improvement: One-time costs associated with remodeling, renovating and altering the adoptive parents’ home and property are not considered expenses of the adoption process and are therefore not reimbursable.

Counseling: Family counseling taking place before the final adoption decree is not considered a recurring cost and is not reimbursable as such.

Otherwise Reimbursed Expenses: Out-of-pocket expenses for which the adoptive parents have already been reimbursed for are not reimbursable including expenses covered by insurance, grants, or other mechanisms.

The Subsidy Fair Hearing and Appeals Process

Every applicant for a regular or post-adoption subsidy, or family receiving a subsidy, has the right to appeal the denial, reduction or termination of a subsidy. COMAR 07.02.12.17.

If the local department denies, reduces or terminates a subsidy, then it must notify the individual(s) in writing of their right to appeal the local department’s decision and provide information regarding the appeal procedure.

Fair Hearings: The Administrative Procedure Act. COMAR 07.01.04.

Other Services Available in Maryland

Supportive Services: The local director shall determine the need for supportive services and authorize, to the extent that funds are available, the appropriate services in order to prepare a child for adoption or sustain a placement after adoption and shall document the need in the record. The local director must also determine that the service required is not available without cost to the local department, from any other state or privately established program, before authorizing the purchase of the service. COMAR 07.02.12.14.

The types of services which may be provided include, but are not limited to: Psychological evaluation; psychological or psychiatric counseling; educational services including tutorial or vocational services; special prosthetics; speech therapy; residential or day camp; expert court witnesses as necessary for a guardianship hearing; and post placement services from a private agency.
**Social Security Benefits:** Whenever adoptive children are eligible for continued social security benefits, the adoptive parents shall be apprised of the fact and given the opportunity to apply for social security benefits. If benefits are awarded to the child, the resources shall be applied against the subsidy. COMAR 07.02.12.16.

**CONTACT INFORMATION**

**State Agencies**

*Department of Human Resources*
311 West Saratoga Street
Baltimore, MD 21201
[www.dhr.state.md.us](http://www.dhr.state.md.us)
[www.dhr.state.md.us/phoneco/unitlist.htm#w](http://www.dhr.state.md.us/phoneco/unitlist.htm#w)

*Adoption Subsidy Contacts*
Stephanie J. Pettaway: 410.767.7506
Jill Taylor: 410.767.7695

*Office of Administrative Hearings:* [www.oah.state.md.us](http://www.oah.state.md.us)

*Department of Health and Mental Hygiene*
201 West Preston Street
Baltimore, MD 21201
[www.dhmh.state.md.us](http://www.dhmh.state.md.us)

*County Information:* [www.dhr.state.md.us/county.htm](http://www.dhr.state.md.us/county.htm)

*Additional Groups:* [www.nacac.org](http://www.nacac.org)

**APPENDIX**

*Appendix A:* Title IV-E

*Appendix B:* Title IV-E Adoption Assistance
Federal and State Case Law

*Appendix C:* The Maryland Adoption Subsidy Act