

UNDERSTANDING ADOPTION SUBSIDIES

STATE-SPECIFIC GUIDES FOR ADOPTIVE PARENTS AND ADOPTION PROFESSIONALS

MICHIGAN

MICHIGAN TITLE IV-E ADOPTION SUBSIDY REGULATIONS

Introduction

The Michigan Adoption Assistance program provides adoption assistance to adoptive families in order to “remove financial barriers to the adoption” of special needs foster children and to help with out of pocket expenses associated with the cost of the adoption procedure. (*Dept. of Human Services-Policy & Procedure Manual, Child and Family Services, Adoption Subsidy – Program Overview*) Annually, the state of Michigan pays approximately \$208 million to the over 25,000 adopted children who are receiving the adoption support subsidy. Since 1996, the number of Michigan adoption subsidy cases increased by over 111%. (*Report found at: http://www.michigan.gov/dhs/0,1607,7-124-5452_7116_7131---,00.html*) From October of 2004- September 2005, 2,841 Michigan foster children were adopted. Of these children, only 268 did not receive a subsidy. (*State of Michigan, Department of Human Services, AFCARS Adoption Reporting System, State Ward Finalized Adoptions by Subsidy/Special Need Category, Report No: A00034 found at: www.michigan.gov/documents/FIA-AdoptSubFinal_13125_7.pdf*)

The Michigan Adoption Assistance program is administered by the Adoption Subsidy Program office located within the Central Office of the Family Independence Agency (FIA). The agency is responsible for determining the eligibility for subsidy payment and nonrecurring expenses. (*Dept. of Human Services-Policy & Procedure Manual, Child and Family Services, Adoption Subsidy – Program Overview*)

In this guide, “adoption assistance” is a support subsidy or medical aid, or a combination of both. The term “certified” means that the department has determined that the child is eligible for a support or medical subsidy and the term “department” refers to the Family Independence Agency. *MCLS § 400.115f*

Federal Subsidies:

An adopted child will qualify to receive for federally funded Title IV-E adoption assistance if the child is:

- 1) a U.S. citizen;
- 2) eligible for:
 - a. the former ADC program when he or she most recently entered foster care or at the last redetermination of foster care funding eligibility and the court has determined that the if the child continued to be in the birth parent's home it would be contrary to his or her welfare; or
 - b. SSI; and
- 3) 3 years old or greater, a member of a minority group, a member of a sibling group or has a need for medical, mental health or rehabilitative care.

If the child is eligible to receive the federally funded adoption subsidy, he or she is automatically eligible for Medicaid. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Funding and Support Subsidy Funding Source Determination*

The federal government's contribution to subsidy payments for federally funded Title IV-E-eligible Michigan children is 56.38%. This is called the Federal Financial Participation (FFP) rate. The remainder of the subsidy is funded through TANF and state funds. <http://www.nacac.org/adoptionssubsidy/stateprofiles/michigan.html>

State Subsidies:

If the child does not meet the eligibility requirements for federal funding, the subsidy will be funded through the state or Temporary Assistance for Needy Families (TANF). TANF will be used to fund the subsidy if at the time the adoption subsidy payment begins the adoptive family is not receiving child support or the family's income is not above 500% of the poverty level. The child will only be eligible for Medicaid, if he or she has a physical, mental or emotional handicap or condition that existed prior to the adoption. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Funding and Support Subsidy Funding Source Determination*

Subsidy Eligibility and its Requirements

A child may be eligible for one or more of the Michigan adoption assistance programs. When looking at the child's eligibility, the state cannot take into account the adoptive parents' income. To receive a subsidy, the child must be either a US citizen or a qualified alien. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Program Overview; CFF Manual Item 902-2*

Support Subsidy

This subsidy is available to aid with everyday expenses associated with raising a special needs child. The adoptive parents are free to allocate this money in any manner they

deem appropriate. This subsidy comes in the form of a monthly payment. Eligibility for the adoption support subsidy will be determined prior to the finalization of the adoption. The department will first look to see whether a child is eligible for the support subsidy, if the child is eligible, then the department will determine whether the subsidy will be funded by federal or state monies (the eligibility criteria is shown in the above federal section). If a child is eligible for the federal subsidy, he or she will automatically receive Medicaid coverage, if he or she is eligible for the state subsidy Medicaid coverage will only be available if the child has a physical, mental or emotional handicap or condition that existed prior to the adoption. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Funding and Adoption Subsidy – Program Overview*

To be eligible to receive the Support Subsidy, a child must: (must meet 1, 2 and 3)

- 1) be identified as a “child with special needs;” (which means that he or she must meet all four factors a, b, c and d)
 - a. the child is under 18;
 - b. the court has decided that the child cannot or should not be returned to the his or her birth parent’s home through termination of parental rights;
 - c. the child has one of the following factors:
 - i. eligible for SSI;
 - ii. has special need for medical, mental health or rehabilitative care that is equal to or exceeds DHS level 2 foster care;
 - iii. is over 3 years old;
 - iv. has been in foster care for at least 2 years since his or her birth parents rights have been terminated and DHS has been unable to locate a family willing to adopt the child without aid of the subsidy;
 - v. the child’s birth parent’s rights were terminated before 8/1/02 and the child has resided with the prospective adoptive parents for 12 months or longer;
 - vi. he or she is being adopted by a relative;
 - vii. he or she “is being adopted by the parent(s) of his or her previously adopted sibling;” or
 - viii. he or she is part of a sibling group being adopted together and at least one sibling is eligible for the adoption support subsidy; and
 - d. the department has made a “reasonable but unsuccessful” effort to place the child in an adoptive home without adoption assistance or the adoptive placement is the only placement which is in the best interests of the child.
- 2) be certified as eligible for the support subsidy by the Adoption Subsidy Program Office prior to the petition for adoption being filed with the court; and
- 3) have a written adoption assistance agreement signed by the adoptive parents and DHS before the adoption is finalized.

MCLS § 400.115f(h); Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Support Subsidy;

Adoption Medical Subsidy

The medical subsidy program helps to pay for “medical, surgical, hospital and related expenses only for conditions certified by the Adoption Subsidy Program Office.” This may include things such as medication, supplies and laboratory expenses. *MCLS § 400.115f(n); Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Post Placement- Use of the Adoption Medical Subsidy Program*

A child is eligible to receive a medical subsidy if: 1) he or she was placed in the adoptive home under state law; 2) the medical subsidy is necessary due to a physical, mental, or emotional condition the child had or originated before the adoption petition was filed; 3) the child was in foster care when the adoption petition was filed; and 4) the child was deemed eligible before his or her 18th birthday. *MCLS§400.115h(1)*

Nonrecurring Adoption Expenses Reimbursement program

This subsidy provides payment up to \$2,000 for the non-recurring expenses associated with the adoption process. The child must be deemed eligible for this subsidy prior to the finalization of the adoption. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Program Overview*

A child is eligible if: 1) the child is a “child with special needs” as defined in the support subsidy section above; 2) the prospective adoptive parents requested reimbursement for the non-recurring adoption expenses; and 3) the child is 3 years old or over, a member of a minority group, a member of a sibling group or has a special need for medical, mental health or rehabilitative care. If he or she is eligible for Title IV-E federally funded support subsidies, he or she will automatically be eligible for the non-recurring expense reimbursement program. A child that is not eligible to receive any support subsidy may still be eligible to receive a nonrecurring adoption expense reimbursement. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Nonrecurring Adoption Expenses Eligibility*

In order to continue eligibility for any adoption subsidy, the adoptive parents must complete and file an annual report with the Adoption Subsidy Program Office each year. Parents must also notify the office within two weeks of any changes which may change the child’s eligibility status. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Post Placement-Parental Responsibilities*

The Subsidy Application Process

When a foster child is placed into the adoptive home, the department must give each prospective adoptive parent with a copy of the Michigan Adoption Subsidy Program Information Guide. After the birth parents’ rights have been terminated and an adoptive family has been identified, the agency responsible for the care of the child must submit the application for adoption support subsidy to the Adoption Subsidy Program Office. If the agency believes that the child is not eligible for a subsidy, but the prospective adoptive parents would still like to apply for a subsidy,

the agency must submit the application and the Adoption Subsidy Program Office will make the eligibility determination. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy- Program Overview and Adoption Subsidy- Support Subsidy*

Once the child has been certified eligible for the subsidy, the adoption worker must inform the prospective adoptive parents of the child's eligibility for adoption assistance. At this time, the Department will then look at federal policy to determine the source of funding and whether the child is eligible for Medicaid through the Adoption Subsidy program. The adoptive parents will then be asked to enter into the Subsidy Agreement, a binding contract for services between the department and the adoptive parents. After the subsidy agreement has been signed, the services may begin. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Program Overview and Adoption Subsidy – Support Subsidy*

Application after Adoption finalization

In limited circumstances, DHS may approve an adoption subsidy after the adoption has been finalized. This will *only* occur if the child was in the state's care when the adoption petition was filed, the department finds that a specific error has occurred and the child met the adoption support subsidy eligibility requirements prior to adoption finalization. One of the following errors must have occurred: 1) "an erroneous written determination of a child's ineligibility prior to 6/1/02, 2) the subsidy was denied due to the adoptive family's income, or 3) failure of the local adoption program to notify the prospective adoptive parents of the availability of Adoption Support Subsidy.

After the application has been submitted to the adoption subsidy program office, it will be reviewed and the agency will send a written response to the adoptive parents. If the subsidy is denied, the adoptive parents may request an administrative hearing, as detailed below. If the child is deemed eligible for the subsidy, the Adoption Subsidy Program Office will determine the subsidy rate using the child's family foster care rate immediately prior to the adoption finalization adjusted for the current legislative increases. The payments will be retroactive to the date of the written request for the adoption subsidy.

Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Support Subsidy

The Subsidy Agreement

The agency is required to enter into a subsidy agreement with the adoptive parents prior to administering the subsidy. This agreement is a "legally binding arrangement" that must state the type and amount of the subsidy, the duration, the non-recurring expenses to be paid, the medical conditions covered by the medical subsidy and must be signed by both the department and the adoptive parents. *MCLS§400.115i; Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Agreements-All programs*

The adoption subsidy agreement must be signed before prospective adoptive parents file the petition to adopt in order for the family to begin receiving payments on the adoption placement

date. In order to be eligible for non-recurring adoption expense reimbursement the agreement must be executed prior to adoption finalization. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Support Subsidy*

Duration

The adoption assistance agreement is effective either on the date it is signed, if the child has already been placed in the adoptive home, or on the later date either the date of placement or date of the Order Placing the Child after Consent, if the agreement is signed prior to placing the child in the adoptive home. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Support Subsidy*

The adoption subsidy will continue until the child turns 18, is emancipated or dies, the adoption terminated or the department determines that the child is no longer eligible to receive the subsidy. (*MCLS§400.115j*) A subsidy funded through Title IV-E federal funds may be extended past the child's 18th birthday only if the child has a "chronic disability or handicapping condition" that was present prior to the adoption finalization. If the Title IV-E subsidy is continued, Medicaid coverage may also be continued. If the child is receiving a state subsidy, the subsidy may be continued if approved by the Department. In this case, Medicaid coverage cannot be extended. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Support Subsidy Funding Source Determination*

If the legislature dedicates funding in a certain year to extend the duration of adoption subsidies, adopted children over the age of 18 may continue to receive the subsidy if he or she has not yet completed high school or a GED program and is attending high school or a GED program or a program for children with disabilities and the child is not eligible to receive SSI payments. If the legislature has approved such funds for the year, adoptive parents will get a letter two months before the child's eighteenth birthday explaining this extension. To receive the extension, parents must provide the required documentation within 90 days of the child's 18th birthday. This subsidy extension will end when the child is no longer attending high school or a GED program full time, the child reaches 21 or the child becomes eligible to receive SSI. *MCLS§400.115j; Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Post Placement- Extensions*

In some cases, the department may terminate the subsidy due to "changed conditions" A Michigan Court of Appeals found that this meant a change of circumstances which makes the adoption no longer a financial burden on the adoptive parents even if the subsidy were no longer to be provided. This includes situations where "the subsidy funds are wrongfully diverted for uses other than the support of the children." *In re Klaus, 310 N.W.2d 394, 398-399(Mich. Ct. App. 1981)*

Subsidy Payment Amounts

The Adoption Subsidy Program Office will base the subsidy amount based on the foster care rate the child currently is receiving without regard to the adoptive family’s income. The adoption rate cannot be greater than the amount paid to support the child while he or she was in foster care (title IV-E, county child care fund, SSI, FIP and semi-annual clothing allowance payments are all included in this computation). If the child only receives RSDI or VA benefits, the subsidy rate will be \$0, but the child will be eligible to receive non-recurring adoption expenses and Medicaid. *MCLS §400.115g; Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Support Subsidy Rates*

The subsidy agreement must state the maximum amount of the subsidy offered by the state and the amount of the support subsidy that the parents have requested. The support subsidy payment will be the amount requested by the parents so long as it does not exceed the maximum amount stated in the agreement. The payment amount stated in the agreement cannot be changed after the adoption petition has been filed. Unless the parents have agreed to a lower payment than the maximum offered by the state, the payment amount is not negotiable because the state has already offered the maximum amount possible. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Support Subsidy*

The department will automatically adjust the rate when the child reaches an age that affects the foster care payment amount or when the legislature amends the rates. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Support Subsidy Rates*

Basic rates:

Age	Rate
0-13	\$443.83 (effective 10-1-01)
13+	\$546.65 (effective 10-1-01)

<http://www.nacac.org/adoptionssubsidy/stateprofiles/michigan.html>

Types of Available Subsidies

Adoption Support Subsidy

This subsidy is available to aid with everyday expenses associated with raising a special needs child. The adoptive parents are free to allocate this money in any manner they deem appropriate. This subsidy comes in the form of a monthly payment. Eligibility for the adoption support subsidy will be determined prior to the finalization of the adoption using the criteria in the above “eligibility” section. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Program Overview*

The amount of the subsidy will be determined without regard to the adoptive parents’ income and must be equal to the foster care rate that the adoptee received while in foster

care with appropriate increases for age increases or state mandated increases. *MCLS §400.115g*

Adoption Medical Subsidy

This subsidy is to assist with the payment of medical costs for children with physical, mental or emotional conditions in existence at the time of the adoption. The child may be deemed eligible to receive this subsidy prior to or after the finalization of the adoption. *MCLS§400.115h; Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Program Overview*

The medical subsidy program helps to pay for “medical, surgical, hospital and related expenses only for conditions certified by the Adoption Subsidy Program Office.” This may include things such as medication, supplies and laboratory expenses. (*MCLS § 400.115f*) The medical subsidy will also cover psychological and mental health treatment if the specific mental or emotional condition was present or originated prior to adoption. Normally, the medical subsidy will only cover outpatient treatment, unless the child is eligible for an adoption support subsidy, the agency certified the condition and the child “was placed in foster care as a result of a finding of abuse or neglect by a Michigan Family Court” prior to adoption. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Post Placement- Use of the Adoption Medical Subsidy Program; MCLS§400.115h*

The adoption medical subsidy is a benefit of last resort; the parents must seek other sources of payment prior to using this subsidy. The parents are responsible for seeking medical attention, getting approval for services and arranging payment with the medical provider. Payments are made after a bill has been submitted by the parents or service provider. The department will pay the portion of the bill it approves by sending the payment directly to the service provider or the parent, if so requested. The payment will be approved only if the service is necessary to treat a certified condition, the service occurred after the date of the Adoption Medical Subsidy Agreement, the family has received prior approval, if needed, the service provider is licensed or certified, the bill is over \$10.00, and “all other payment resources have been exhausted.” *MCLS§400.115h; Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Post Placement- Use of the Adoption Medical Subsidy Program*

Nonrecurring Adoption Expenses Reimbursement program

This subsidy provides reimbursement up to \$2,000 for the non-recurring expenses associated with the adoption process. In order to receive the reimbursement, the adopted child must be deemed eligible for this subsidy prior to the finalization of the adoption and the adoptive parents and department must enter into an agreement. The agreement must state the nature and amount of expenses that the department will cover. *MCLS § 400.115l*

Expenses eligible for reimbursement include reasonable “adoption fees, court costs, attorney fees and other expenses that are directly related to the legal adoption of a child

with special needs.” This includes the adoption study, medical exams, transportation, lodging or food for the child. *MCLS § 400.115f(p)&(q); Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Program Overview*

Adoptive parents must file a claim for reimbursement within 2 years of the date the adoption was finalized. For reimbursement, the adoptive parents must fill out a Parent Claim for Reimbursement of Nonrecurring Adoption Expenses and attach a receipt or documentation of the expense. Allowable expenses include: court fees; birth certificate fees; travel expenses such as mileage; airfare; gas and bridge or toll fees; lodging, meals; medical expenses; psychological evaluations; adoptive family assessments; attorney fees, and; adoption supervision fees. The following expenses are not reimbursable: vehicle/trailer rentals to move child’s belongings; fees related to adoptive parent records; remodeling of the home; family counseling prior to the adoption; and lost wages due to time off. *MCLS § 400.115l; Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Nonrecurring Adoption Expenses Eligibility*

Respite Care:

Respite care is not provided or funded through the Adoption Subsidy Program, but families receiving the medical subsidy may be eligible for some in-home services. Also, the Michigan county community health boards provide respite care for families with special needs children.

Other resources for respite care include:

<http://www.respitelocator.org>

<http://www.mare.org>

<http://www.nacac.org/adoptionssubsidy/stateprofiles/michigan.html>

Medical Coverage:

Eligibility for Medicaid will be determined by the Adoption Subsidy Program Office. Children eligible for Title IV-E federally funded subsidies are automatically eligible to receive Medicaid coverage. If the child is not eligible for federal funded subsidies, he or she will be eligible for Medicaid coverage if he or she has a “documented special need for medical, mental health or rehabilitative care,” cannot be placed in an adoptive home without medical assistance and is covered under the state funded subsidy program. The special need for medical care must have been present prior to the adoptive placement. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Support Subsidy*

Interstate Adoption Compacts Program

The department is able to negotiate and enter into interstate compacts with departments in other states to provide adoption assistance to a child with special needs who has either moved into or out of the state of Michigan and already has an adoption assistance agreement. *MCLS §400.115s*

If a child has already been approved for either an adoption support subsidy or an adoption medical subsidy, the benefits will continue if the family moves out of state. *MCLS§400.115j* If the child is eligible for Medicaid in Michigan, they should also be eligible in the new state. The adoptive parents should contact the Adoption Subsidy Program Office prior to the move to inform the office of their new address and the need for Medicaid in the new state. The office will contact the new state and inform that state of the child's need for medical assistance through that state's program. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy- Post Placement- Out of State Cases*

A child from another state moving into Michigan who was eligible for adoption and medical assistance the other state may be eligible for Medicaid in Michigan. The parents of the child should contact their old state and inform them of the move and need for Medicaid in Michigan. This state will then contact the Adoption Subsidy Program Office in Michigan to activate the benefits. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy- Post Placement- Out of State Cases*

The Subsidy Fair Hearing and Appeals Process

The fair hearing and appeals process is available to adoptive parents who wish to dispute eligibility for adoption assistance, "computation of subsidy rates" and reduction or termination of benefits. "Rates are not negotiable and therefore do not qualify for administrative hearings. It is outside the authority of Administrative Hearings to renegotiate support subsidy rates." The adopted child and his or her parents may appeal a "determination of the department" under the Administrative Procedures Act of 1969, MCLS §§ 24.204-24.328. The department must notify the adoptive family of their right to an appeal. *MCLS §400.115k; Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Administrative Hearings*

Hearing Request

The hearing may be requested by the adopted child, adoptive parents or the child's guardian by filing a request within 90 days of receiving the notice of disputed action taken by the department. Prospective adoptive parents do not have a right to a hearing. Hearing requests should be either filed with the local department or given directly to the Adoption Subsidy Hearings Coordinator. The Office of Administrative hearings (OAH) will review the request and will either grant or deny the applicant's hearing request. OAH must notify the adoptive parent in writing of its decision to grant or deny the hearing. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Administrative Hearings*

Notice

If the hearing is granted the OAH must provide both the department and the adoptive parents with notice of the time, date and place of the hearing. The notice must also state the statutes and rules involved in the appeal and a statement of the matters to be resolved at the hearing. *MCLS § 24.271*

The Hearing

Prior to the hearing date, the Adoption Subsidy Program Office must provide a hearing summary to the OAH stating the agency's action and the adoptive parent's position against the action. A copy of the summary must be sent to the adoptive parent. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Administrative Hearings*

The typical hearing will proceed in this order: 1) introduction by the Administrative Law Judge (ALJ), 2) opening statements by both parties, 3) testimony of witnesses, 4) closing statements. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Administrative Hearings* At the hearing, both parties will be given an opportunity to present arguments and evidence on laws and facts. Each party is permitted to cross-examine witnesses and submit any rebuttal evidence. *MCLS §24.272* All evidence presented at the hearing, must be put in the record. Any evidence not in the record cannot be used by the hearing administrator when making his or her decision. *MCLS §24.276* The parties at the hearing may decide to agree on certain facts involved in the controversy. These facts will be put into evidence and cannot be later disputed. The parties may also agree to settle the controversy through settlement, consent order, waiver or default. *MCLS §24.278*

The administrative law judge may issue subpoenas upon request of either the department or adoptive parents. The subpoenas may request the presence of a particular person at the hearing or may require a party or person to produce evidence relating to the contested matter. *MCLS§24.273*

The Hearing Decision

The ALJ will make a decision based on the facts presented at the hearing and the law of Michigan. The ALJ must send a copy of the decision to the adoptive parent and department; both have the right to appeal the decision to the probate court within 60 days after receiving the decision. If the decision requires the Adoption Subsidy Program Office to take a certain action, they must do so within 10 days of the mailing date of the decision. *Dept. of Human Services-Policy & Procedure Manuel, Child and Family Services, Adoption Subsidy – Administrative Hearings*

The final decision must be made within a reasonable time period, must be in writing stating the findings of fact and conclusions of law. The findings of fact must be based only on the evidence presented. The decision must be delivered to each party. *MCLS§24.285*

Appeal of Hearing Decision

The OAH may order a rehearing if there is a request by either party or through its own motion. If the OAH finds that the record is not sufficient to make a decision on the matter, the ALJ may order a rehearing. The request for a rehearing must be filed within 60 days. Any former decisions may be amended or vacated after the rehearing. *MCLS §24.287*

Judicial Review

When an adoptive parent has exhausted all administrative remedies, he or she may have the OAH decision reviewed by the courts. *MCLS§24.301* In an appeal from an adoption subsidy determination, a judicial review petition should be filed in the probate court in the county where the adoption petition was filed or where the adoptee was found. The petition for judicial review must state: 1) “the nature of the proceedings as to which review is sought;” 2) venue; 3) grounds for relief; and 4) the outcome that is sought. A copy of the agency decision must be attached to the petition. *MCLS§24.303* The petition for judicial review must be filed within 60 days after the mailing of the final decision or order of the agency.

The judicial review will be conducted by the court without a jury and the review will be limited to the record of the administrative hearing. *MCLS§24.304*

CONTACT INFORMATION

State Subsidy Contact

Kate Hanley
Michigan Department of Human Services
P. O. Box 30037, Suite 413
Lansing, MI 48909
Phone: 517-335-3513
Fax: 517-335-4019
E-mail: HanleyK@michigan.gov
Web: <http://www.michigan.gov/dhs>

NACAC Subsidy Representatives (parent/advocate)

Benita Fyan
6460 Middle Lake Rd
Twin Lake, MI 49457
Home: 231-828-4029
Cell: 231-750-4589
E-mail: Airforexwife@aol.com

Fair Hearing Coordinator

Fair Hearing Coordinator
Adoption Subsidy Program
Michigan Department of Human Services
P.O. Box 30037, Grand Tower Building
Lansing, Michigan, 48909

Additional Groups

Post Adoption Support Services (PASS) <http://www.postadopt.msu.edu/links.asp>