

Subsidized Adoption Eligibility

Service Chapter 447-05

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Economic Assistance Subsidized Adoption Eligibility 447-05

Philosophy 447-05-05

(Revised 9/1/07 ML 3032)

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The intent of the adoption assistance program is to help secure and support safe and permanent adoptive families for children with special needs. Adoption assistance is designed to provide adoptive families of any economic stratum with needed social services, medical services, and financial support to care for children that are considered hard to place.

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Legal Reference 447-05-06

(New 7/1/25 ML 3926)

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North Dakota Century Code §§ 50-09, 50-28, Public Law 96-272, Public Law 105-89, and Title IV-E of the Social Security Act.

Philosophy of Negotiation 447-05-07

(New 7/1/2025 ML 3926)

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The goal of negotiation for adoption assistance is to come to an agreement on the amount of the monthly adoption assistance payment and to identify the types of services the family will need to maintain the permanency of the adoption. Unlike the foster care program, adoptive parents are primarily responsible for the child's support. As such, services provided through the adoption assistance program are designed to supplement the resources of the adoptive family. As the child's needs and the family's circumstances change, flexibility in reevaluating the levels and types of assistance which may be required should be an integral part of the program to ensure the ongoing needs of the child are met and to promote the stability of the adoption. Negotiation should take into consideration the needs of the child and the circumstances of the family.

In addition to an agreement regarding an amount of a monthly subsidy payment, the negotiation process is an opportunity to:

- Engage the parent(s) in discussing and understanding the needs of the child.
- Identify and prepare families for the behaviors that can be expected when a child transitions from foster care to adoption.
- Explain the potential impact of adoption on the development of the child and the family.
- Identify appropriate community resources and supports.
- Connect parents with community resources and supports.
- Provide parent with another opportunity to ask questions and raise concerns.
- Enhance the agency's relationship with the adoptive parents.

Definition of Terms 447-05-08

(Revised 10/1/2025 ML 3949)

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1. Decree of Adoption: A legal order of the court that finalizes an adoption.
2. Effective Date of Payment: The date indicated on the SFN 1803 form, Subsidized Adoption Agreement, signed by the authorized representative of the North Dakota Department of Health and Human Services which denotes that payment may commence at the time of pre-adoptive placement in the home, or thereafter if the application process occurs after placement, but before finalization of the adoption.
3. FCSA Eligibility Unit: The Foster Care and Subsidized Adoption Eligibility Unit is a unit under the Children and Family Services section of NDHHS that is responsible for determining eligibility for subsidized adoption and facilitates those payments.
4. Finalization: The final legal step in the adoption process that involves a court hearing during which the judge orders that the adoptive parents become the child's legal parents.
5. Ineligible payment: Ineligible payment may include, but is not limited to:
 - a. A payment that is made after a child has left the home and the parent is no longer financially supporting the child,
 - b. As a result of a payment made that is not consistent with the agreement,
 - c. A payment made for a service anticipated but not provided (childcare, non-recurring expenses).
6. Interlocutory Decree: A decree of adoption granted by the Court, which becomes a final decree after a period of time specified by the Court.
7. Interstate Compact on Adoption and Medical Assistance (ICAMA): An agreement between member states that governs the interstate delivery of payment for medical services and adoption assistance payments/subsidies for adopted children with special needs. The agreements are established by the laws of the states that are parties to the compact. The Child and Family Services Division of the N.D. Department of Health and Human Services administers the ICAMA.
8. LCPA or Licensed Child Placement Agency: LCPA'S are governed by N.D. Century Code § 50-12 and ND Administrative Chapter 75-03-36. These

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agencies are licensed by the state to provide adoption services. For the purposes of adoption, these agencies are the only entities authorized by law to do adoption assessments (home studies) or to provide adoption services.

9. Legally Free: A child whose birth parents' rights have been legally terminated so that the child is "free" to be adopted by relatives or another family.
10. Monthly Subsidy: A payment to adoptive parents, not to exceed the current foster care rate, to support the ordinary and special needs of the adopted child.
11. Medical/Dental Benefits: Medical and/or dental benefits provided under Title XIX (Medicaid) in accordance with the scope of Medicaid coverage of the Division of Medical Assistance, North Dakota Department of Health and Human Services, or in accordance with the scope of Medicaid coverage of the state of adoptive child's physical residence.
12. North Dakota Health and Human Services (NDHHS): NDHHS is responsible for the administration of the Adoption Assistance Program, including medical assistance and subsidy supports. The Adoption Assistance Program is administered by the Children and Family Services (CFS) Section. North Dakota Health and Human Services will be referred to as the Department or NDHHS through this manual chapter.
13. Nonrecurring Adoption Expenses: A maximum of \$2000 per child with special needs is allowable for nonrecurring (one-time) expenses. The expenses may include reasonable and necessary agency fees, court costs, fees for physical and psychological evaluations, travel expenses to visit the child prior to placement, to attend required training, and court hearings, and attorney fees.
14. Placement Date: The pre-adopt placement date is the date that an adoption placement agreement is signed by the prospective adoptive parent. This is generally the date the child comes to live with the adopting parents, or in the case of a child adopted by a foster care provider or relative they are already residing with, the point at which the formal status of the placement changes to adoption.
15. Special Needs: A child with special needs is any child in the custody of a North Dakota human service zone, a North Dakota Indian tribe, or a licensed child-placing agency at the time of adoptive placement and meets specific criteria as per statute and policy.
16. Title IV-E Funding: IV-E is a federal funding source for foster care and adoption assistance. Title IV-E Adoption Assistance Program eligibility is determined pursuant to Subsidized Adoption Service Manual Chapter 447-05.

Role of the Child Placing Agency 447-05-09-05 (NEW 10/1/2025 ML# 3949)

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The role of the child-placing agency is to:

1. Compile a packet of information to support the adoptive family's application for subsidy and forward to the CFS FCSA Unit when the family is ready to make application. This packet will include:
 - a. A cover letter requesting adoption subsidy negotiation with complete contact information for each of the prospective adoptive parents (including names, phone numbers, mailing address and email addresses) and list of non-recurring expenses being claimed,
 - b. Copies of any non-recurring expense documentation (if applicable),
 - c. Copies of insurance cards (if applicable),
 - d. A completed [SFN 793](#),
 - e. [SFN 1865](#) - Foster Care Child Needs Assessment and Agreement (if applicable),
 - f. And the [SFN 854](#) - Title IV-E Adoption Subsidy Certification.
2. Submit a statement concerning reasonable but unsuccessful efforts that were made to place the child without providing financial assistance (except where the child is being adopted by someone with whom they have a significant relationship, such as a foster parent or relative) or a statement regarding a preexisting significant relationship between the child and family, with the subsidy packet;
3. Provide an evaluation of the needs of the child at the request of the CFS FCSA Unit;
4. Review with the adoptive family their responsibilities to the child, within the scope of the adoption subsidy program;
5. Inform the adoptive family of the necessity for long-term planning for a child with special needs;
6. Provide the CFS FCSA Unit adoption subsidy worker with the date of adoptive placement for payment purposes;
7. Inform the adoptive parents that they may receive reimbursement of nonrecurring expenses related to the adoption of a child with special needs, and include verification of those expenses with the subsidy packet; and

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8. Participate in periodic reviews (Child and Family Team Meetings) concerning adoptive placements prior to finalization of the adoption (even if subsidized adoption payments are being made).

Role of the Family 447-05-09-10
(NEW 10/1/2025 ML# 3949)

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The role of the family in the adoption subsidy negotiation process is:

1. In good faith, enter into negotiation with the CFS FCSA Unit regarding the adoption subsidy request;
2. Fairly assess the ordinary and special needs of the child and the circumstances of their family prior to making a request for a specific amount of adoption assistance;
3. Inform the subsidy worker of circumstances that would make them ineligible for payments or eligible for subsidy payments in a different amount;
4. Return to the CFS FCSA Unit any ineligible payment amounts that have been received in error;
5. Notify the subsidy worker of change of addresses or other contact information;
6. Provide medical or dental reports concerning the adoptive child if requested or required; and
7. Provide the subsidy worker with mandated information as required under Title XIX regulations (e.g. Social Security numbers, new birth certificate, adoption decree, assignment of health insurance benefits).

Family Circumstances 447-05-09-10-05

(NEW 1/1/2026 ML 3960)

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Changes in family circumstances must be reported immediately to the Foster Care Sub-Adopt Eligibility Unit by the parent. Circumstances such as the following may impact adoption subsidy:

1. Divorce

Parents who divorce, but maintain parental rights, continue to be responsible to participate in subsidy negotiations or agreements. Subsidy may not be divided and made payable to two parties. If the established subsidy is to be divided between the parents, the parent who is the payee is responsible to facilitate such division. If there is a court order that determines that only one parent is to be the recipient of the subsidy, those documents must be provided to the FCSA Eligibility Unit. Additionally, parents may agree that one party will be responsible for managing the child's subsidy case; written notification and signed statements must be provided to the FCSA Eligibility Unit.

2. Marriage

If a single parent marries or remarries, that parent may continue to receive the subsidy. If the new stepparent adopts the child and becomes the child's legal second parent, that parent may participate in the child's subsidy case and be made a co-payee. Marriage documents and adoption decree must be provided to the FCSA Eligibility Unit.

3. Placement of a child outside the adoptive home

Parents may continue to receive the subsidy if they continue to support a child not living in their home. Parents must notify the FCSA Eligibility Unit of a child's formal or informal placement out of the home within 10 days of the change in placement. Parents must provide the FCSA Eligibility Unit documentation as requested to verify and determine if the parents continue to support the child and whether they remain eligible to receive the subsidy. When a child is not living in the home, the subsidy amount may be subject to change.

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The parent may be required to sign a release of information so that the FCSA Eligibility Unit can obtain direct information from the out-of-home placement or new caregiver.

4. Formal guardianship established with another party

If a child receiving subsidy is party to a guardianship order with a new family, the adoptive parent must provide the guardianship documentation to the FCSA Eligibility Unit for review. A determination will be made whether the adoptive parent continues to be financially responsible for the child. If a court order specifically identifies the adoption subsidy in the guardianship order, the adoption subsidy payment may continue.

5. Death

Information regarding the death of a parent receiving subsidy or the death of a child eligible for subsidy must be reported to the FCSA Eligibility Unit within 10 days. A determination will be made regarding continued subsidy or if the payee information will require an update. Subsidy must end with the death of both parents, or in the case of a single parent, when the single parent dies, or the death of the child determined eligible for subsidy. Federal standards do not allow for the adoption subsidy to be transferred to a successor guardian of an adopted child, even if referenced in a family will.

Role of CFS Foster Care and Subsidized Eligibility Unit 447-05-09-15

(NEW 10/1/2025 ML# 3949)

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The role of the Foster Care and Subsidized Adoption Eligibility Unit is to:

1. Verify the foster care eligibility of the child and the amount the child receives in foster care payment, including any specialized payments due to the needs of the child (EMP payments), or childcare paid for working parents;
2. Complete [SFN 855](#) – Title IV-E Adoption Subsidy Eligibility Determination;
3. Contact adoptive parents to initiate the subsidy negotiation process, review program information, and negotiate subsidy amount;
4. Negotiate within the parameters of the program, the amount of the adoption subsidy monthly payment and non-recurring expense reimbursement;
5. Complete and take action on the [SFN 1803](#), Subsidized Adoption Agreement within 10 business days of receipt of the packet;
6. Send copies of the agreement to those who are parties to the Agreement and the child-placing agency;
7. Initiate payment based on the terms of [SFN 1803](#), Subsidized Adoption Agreement and upon notification of adoptive placement;
8. Provide technical assistance to the licensed child-placing agencies, human service zones and Tribal Nations regarding adoption assistance;
9. Assure that appropriate verification is in the case file for auditing purposes; and
10. Inform the adoptive family of their right to appeal an agency's decision to reduce, change or terminate subsidized adoption in accordance with the rules and procedures of the North Dakota Department of Human Services fair hearing and appeal process.

Eligibility Requirements 447-05-10

Initial Eligibility Requirements 447-05-10-05

(Revised 10/1/25 ML# 3949)

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In order for a child to be eligible for adoption assistance from the state of North Dakota, the following must be true:

1. The child must be in the custody of a public child welfare agency (Human Service Zone, or Tribal Nation) in North Dakota, or in the custody of a North Dakota Licensed Child Placing Agency, be legally free for adoption and meet IV-E eligibility criteria. (Unless the child has been determined to be eligible for SSI, is eligible as a child of a minor parent in foster care or is eligible due to prior title IV-E adoption assistance and is a child with special needs ([447-05-25](#))).
2. There must be an adoption assistance agreement between the state and the adoptive parents which is signed and in effect prior to the final decree of adoption;
3. The child must meet the special needs requirements; and
4. The child must:
 - be eligible for SSI benefits, or
 - meet certain AFDC relatedness criteria at the time of the initial removal from the birth family home and the initiation of court proceedings for removal, or
 - have been eligible for Title IV-E adoption assistance in a prior adoption, or
 - be a child of a minor parent in foster care that received increased title IV-E maintenance payments to cover the cost of the child.

The first three criteria apply to all children requesting an adoption subsidy. In order for North Dakota to secure federal reimbursement under the Title IV-E Subsidized Adoption Program the child must meet certain eligibility criteria, as noted in #4. If the child does not meet the criteria for IV-E adoption subsidy in #4 above, but meets the criteria 1-3, the child may qualify for a State-funded subsidy.

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Adoption subsidy payment may not be made on behalf of a child to an adoptive parent whose fingerprint based criminal records check determines that a prospective adoptive parent has been convicted of a felony as detailed in NDCC 50-11.3. Adoption assessments must include reference to the results of a fingerprint based criminal history records investigation and the packet of information forwarded to the Foster Care and Subsidized Adoption Eligibility Unit by the licensed child placing agency will include copies of the fingerprint based criminal background check results.

No adoption subsidy payment (including reimbursement for non-recurring expenses of adoption) may be made with respect to a child who is a child with special needs, is not a citizen or resident of the United States and was adopted outside of the United States or was brought into the United States for the purpose of being adopted. A child that is not a citizen or resident of the US and was adopted outside of the US or brought into the US for the purpose of being adopted may be eligible for adoption assistance if the initial adoption of the child by parent is a failure and the child is subsequently placed into foster care.

Ongoing Requirements 447-05-10-10
(Revised 1/1/24 ML 3782)

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A periodic review of the continuing need for and the amount of the subsidy is necessary. However, a redetermination of technical eligibility factors is not required for continued adoption subsidy funding.

In order for the child to be continually eligible for subsidy, the following criteria must be met:

- The child must be under 18, and
- The parents must be legally responsible for the support of the child and the child must be receiving support from the parents.

A Title IV-E adoption subsidy may continue to age 21 if the child has a continuing physical, mental, or emotional disability.

The child may continue to be eligible for a subsidy until age 21 if the agency determines the child is a student regularly attending a secondary, post-secondary, or vocational school pursuing a diploma, degree, or gainful employment.

Payments - Amounts and Conditions 447-05-14
(NEW 10/1/2025 ML# 3949)

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1. Subsidized adoption monthly payments are made directly to the adoptive parents in amounts specified in the Agreement.
2. Payments shall be made for reimbursement of nonrecurring adoption expenses incurred by or on behalf of adoptive parents in connection with the adoption of a child with special needs in amounts determined through the [SFN 1803](#), Subsidized Adoption Agreement, which indicates the nature and amount of expenses. Payment to vendors is made directly by the adoptive parents, who may then claim reimbursement within two years of the date of the final decree. Total reimbursement for nonrecurring expenses may not exceed \$2,000.00 per child.
3. Title XIX benefits must be provided for an eligible child.
4. Payments may begin effective the date of adoptive placement in the home, if the agreement ([SFN 1803](#)) has been signed by the adoptive parent(s) and the representative of the Department of Health and Human Services, and is in effect prior to placement. The adoptive family may also make application after placement but before finalization of the placement.
5. The amount of such payment shall take into consideration the circumstances of the adopting parents and the special needs of the child being adopted. However, in determining eligibility there can be no income requirement (means test) for the adoptive parents.
6. Once the adoption assistance agreement is signed and payments are made, the adoptive parents are free to make decisions about expenditures on behalf of the child without further agency approval or oversight.
7. Once a child has been determined eligible for adoption subsidy payment, the base rate payment may not be reduced or changed without the concurrence of the adoptive parents. Termination or suspension of payment may occur only as outlined in the agreement.
8. The adoptive family may appeal an agency's decision to reduce, change or terminate subsidized adoption in accordance with the rules and procedures of the North Dakota Department of Health and Human Services fair hearing and appeal process.

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9. The monthly subsidy payment and payment of nonrecurring expenses will remain the responsibility of the state of origin should the adoptive family move to another state.
10. The Adoption Agreement and Conditions listed are binding on the parties to the agreement.

Adoption Subsidy Agreement 447-05-15
(Revised 9/1/07 ML 3032)

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(Applies to all adoption subsidies.)

An adoption subsidy agreement is a written agreement between the Department and the prospective parents of the child. It must be signed and in effect prior to adoption finalization in accordance with applicable state and local laws. A copy of the signed agreement must be given to each party. The agreement must specify:

- The duration of the agreement;
- The nature and amount of payments, services and assistance;
- The child is eligible for Medicaid;
- The agreement will remain in effect regardless of the state in which the child is a resident;
- The state will reimburse the adoptive parents for nonrecurring adoption expenses up to \$2000, incurred in connection with the adoption of such child;
- The amount and nature of the nonrecurring expenses must be specified in the agreement.
- That the adoptive parents may appeal the agency's decision to reduce, change or terminate adoption assistance in accordance with the rules and procedures of the states fair hearing process.

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Nonrecurring Expenses 447-05-15-05

(Revised 9/1/07 ML 3032)

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Nonrecurring expenses are defined as adoption fees, court costs, attorney fees, and other expenses, which are directly related to the legal adoption of a child with special needs.

Other expenses means the costs of the adoption study, including health and psychological examinations and consultations, transportation, and the reasonable costs of lodging and food for the child and adoptive parents when necessary to complete the placement or adoption process. In North Dakota, home studies are paid for through the special needs contract, so there are minimal fees charged by the child placing agency for registration, evaluative tools and criminal background checks that may be reimbursed.

Nonrecurring expenses claimed must be specified by type and by amount on the [SFN 1803](#).

Duration of Agreement 447-05-15-10

(Revised 1/1/24 ML 3782)

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The subsidy agreement specifies that subsidy will end when the child reaches age 18. If agreed upon by the parent and on a case-by-case basis, the agreement may specify an earlier end date. The subsidized adoption agreement cannot have a blanket policy that limits the duration of the payment to a date earlier than the child's 18th birthday. If agreed upon by the parent and on a case-by-case basis, the agreement may specify a time limit for the amount of the monthly payment, or that the payment may be renegotiated at a specific time.

If the child is over the age of 18 and a recipient of a federally funded adoption subsidy, documentation of a continuing physical, mental, or emotional disability must be obtained to continue the IV-E funding. To continue subsidy beyond age 18, the adoption subsidy worker must determine the adopted child is a student regularly attending a secondary, postsecondary, or vocational school in pursuance of a course of study leading to a diploma, degree or gainful employment. Documentation of school attendance is required.

The parent is responsible to provide documentation of school attendance as long as the subsidy is to continue. Authorization for payment will only be made for periods of school attendance that are verified.

Amount of Payment 447-05-15-15
(Revised 1/1/2026 ML 3960)

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Subsidy is established using a monthly base rate that may not exceed the family foster care maintenance rate reimbursed for a child placed in a foster home. The amount of such payment shall take into consideration the age of the child, circumstances of the adopting parents and the needs of the child being adopted. The subsidy may be negotiated at a lower amount in accordance with the needs of the child. Subsidy may also be deferred and a \$0 entered into the agreement, if the family chooses.

Subsidy for the initial month of adoptive placement will be prorated to the number of days in the month in which the child remains in public custody and is placed in pre-adopt placement. Prorating applies to the base rate and if applicable, the level of care and/or childcare amounts which have been negotiated.

An EMP (Excess Maintenance Payment) is an additional subsidy option to pursue if a child has extraordinary special needs. The needs of the child and level of care required must be evaluated prior to negotiating the subsidy rate. The family must complete an SFN 793, Adoption Assistance Documentation of Need. Levels 1-3 require a narrative detailing specifics related to the selected level. If the child is receiving specialized treatment or ongoing clinical interventions, the adoptive family must submit supporting documentation from the behavioral health or medical professional detailing current diagnosis and any prescribed equipment/aids. The family may be asked to submit additional documentation detailing the cost to meet the special needs of the child. If approved for the EMP, re-evaluation must occur on an annual basis to determine the child's current level of need. The EMP amount may be subject to change based on the current needs of the child.

Youth over the age of 18 who meet the educational criteria are eligible at the base subsidy rate only and are not eligible for an EMP. On a case-by-case basis, the department may grant an expectation based on current supporting documentation.

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Subsidy may also include review of the needs for childcare. Childcare reimbursement is determined after reviewing parental employment status, child's age, supervision needs, etc. Special attention is given to history; was childcare reimbursed when the child was in foster care or would the child have been eligible for childcare reimbursement if placed in a licensed foster home. Childcare providers must be providing direct supervisory care for the child in a licensed childcare setting, unless otherwise approved by the FCSA Eligibility Unit. Reimbursable childcare does not include extracurricular or enrichment activities. Childcare is evaluated on an annual basis for need and amount. Childcare reimbursement is based on the current rates set under the Child Care Assistance Program and may not exceed the established rate related to the age of the child and the licensure status of the childcare provider. At the time of review, the parent is required to provide documentation of childcare costs and licensure status of the provider. For children receiving subsidy over the age of 13 who remain in need of childcare, the parent must provide updated statement or supporting documentation from a behavioral health or medical professional detailing the need for continued childcare. Supporting documentation must be provided initially upon reaching the age of 13 and annually thereafter.

Negotiated amounts for the base rate, excess maintenance payment and childcare may not exceed the amount the child received or would receive if they were in a family foster care placement. Subsidy increases may be considered on a case-by-case basis and are to be negotiated with the child's needs in mind. If at any time a child's needs change, the amount of subsidy may be adjusted. The adoptive parents must submit a written request for a change in the subsidy to the FCSA Eligibility Unit. Legislative increases for family foster care maintenance rates are not automatically given to adoption subsidy recipients.

Lastly, a "means" test measuring the family's income and assets may not be used to determine if the adoptive parents are eligible for adoption subsidy nor can a financial means test be used to determine the amount of the adoption subsidy. However, any form of income (SSI, SSDI, etc.) received by the parent on behalf of the child must be reported and may be considered in the negotiation.

State of Residence 447-05-15-20

(Revised 1/1/24 ML 3782)

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If the child (and the adoptive parents) moves to another state, the adoption subsidy agreement remains in effect. The monthly subsidy payment is maintained by North Dakota in the Foster Care and Subsidized Adoption Eligibility Unit.

State Funded Subsidized Adoption. Medical benefits are available to adoptive children in accordance with the scope of Medicaid coverage of Medical Services, North Dakota Department of Health and Human Services or by the resident state of the parents if the state is a member of the Interstate Compact on Adoption and Medical Assistance (ICAMA) and offers reciprocity to other states' state funded subsidy recipients. If the latter is the case, HHS will inform the resident state of the child's eligibility for MA in the resident state through the procedures of the ICAMA. If the resident state does not offer reciprocity, the sub adopt state (North Dakota for a ND child for whom there is a subsidized adoption agreement) will maintain Medicaid coverage for the child, in accordance with it's scope of services. The adoptive parents are responsible to locate providers in the resident state that will accept ND Medicaid for payment.

IV-E Funded Subsidized Adoption. Medical benefits are available to the adoptive child in accordance with the scope of Medicaid coverage of the state in which the child resides. The department will make the resident state aware of the child's eligibility for Medicaid in the resident state through the procedures of the Interstate Compact on Adoption and Medical Assistance (ICAMA).

The new state of residence is responsible for providing Title XIX services. However, if the receiving state does not have the social services or medical services available that were agreed upon in the adoption subsidy agreement, the sending state remains financially responsible for providing these services to the child.

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Termination of Payment 447-05-15-25 (Revised 10/1/2025 ML 3949)

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Termination of the Subsidized adoption agreement will occur in any of the following circumstances:

1. At the conclusion of the terms of this Agreement.
2. Upon the adoptive parent(s)' request.
3. When the child reaches the age of 18. Subsidized adoption may be provided at State Option until the child is 21 years of age. The family's request to continue subsidy must be made in writing prior to the recipient's 18th birthday. Requests for extension and/or reinstatement must be in writing and verification of school attendance must be submitted. If the subsidy has been suspended for lack of school verification, reinstatement will be as of the date of request and/or when school attendance commences.
4. Upon the child's death
5. Upon the death of the parent(s) of the child (one in a single parent family and both in a two-parent family).
6. At the cessation of legal responsibility of the adoptive parent(s) for the child.
7. If the agency determines that the child is no longer receiving support from the adoptive parent(s).
8. If the family fails to participate in the renewal process for subsidized adoption.

**Reinstatement of Subsidy 447-05-15-25-05
(NEW 10/1/2025 ML# 3949)**

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Payment may be suspended if the child no longer meets program requirements or the adoptive parent requests the payment be suspended because they no longer need the adoption subsidy supports. If at a later date, changes in the child's situation indicate that the adoption subsidy should begin again, the adoptive parent may request the reinstatement of their subsidy. When this occurs, the subsidy may be renegotiated and reinstated. Reinstatement will not be for prior months during the period of suspension but may only be for the period of time from the reinstatement request forward.

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Overpayments 447-05-15-26

(NEW 10/1/2025 ML# 3949)

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Any payments that have been made after the Subsidized Adoption agreement is terminated will be an overpayment. The ineligible payment amount must be returned to the NDHHS - Foster Care and Subsidized Adoption Eligibility Unit.

The expectation for repayment would be payment in full of the outstanding balance. If the obligor is unable to make payment in full, a negotiated amount will be determined and agreed upon with the CFS FCSA Unit. Agreed upon payment is expected to be made monthly pursuant to the payment plan.

Overpayment amounts will be referred to a collection agency when the obligor has not made good faith efforts to repay the outstanding amount owed or where there has been a lack of payment for three months or longer.

Special Needs Requirements 447-05-20
(Revised 7/1/25 ML 3926)

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To be determined to have "special needs" for the purposes of adoption assistance, the following three criteria must be met, and documented in the file. Application for a determination of special needs is made on [SFN 1084](#) to NDHHS, Adoption Administrator.

1. The Department must determine that the child cannot or should not be returned to the home of his parents (as evidenced by a Termination of Parental Rights or in the case of a Tribal child being adopted customarily, pursuant to Tribal Code, an order of the Tribal court that the child cannot or should not be returned to the home of the parent).

2. The child must meet at least one of the following criteria:
 - 7 years of age or older.
 - Member of a sibling group being placed for adoption with a sibling.
 - Member of a minority race, which makes adoptive placements difficult,
 - Diagnosed with a medical condition or mental, physical, or emotional disability.
 - At high risk for a physical, emotional or mental disability as diagnosed by a licensed physician, physician assistant or advanced practice registered nurse.

The child must have a special need, which indicates that the child could not be placed without providing an adoption subsidy or medical assistance under Title XIX.

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3. An effort must be made to place the child with adoptive parents without providing an adoption subsidy or medical assistance or there must be documentation that the child has established significant emotional ties with prospective adoptive parents (i.e. having parented the child in their home in foster care or being a relative of the child). Documentation regarding efforts to place without a subsidy will be contained in the cover letter from the licensed child-placing agency or in separate documentation.

IV-E Adoption Assistance Requirements 447-05-25 **(Revised 1/1/24 ML 3782)**

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A State is required to enter into an adoption assistance agreement with the adoptive parents of a child with special needs and provide adoption assistance if the child meets specific requirements. There are four ways that a child can be eligible for Title IV-E adoption assistance:

1. Child is eligible for Aid to Families with Dependent Children (AFDC) and meets the definition of a child with special needs.

Adoption assistance eligibility that is based on a child's AFDC eligibility (in accordance with the program rules in effect on July 16, 1996) is predicated on a child meeting the criteria for such at the time of removal. In addition, the State must determine that the child meets the definition of a child with special needs prior to finalization of the adoption.

The method of removal has the following implications for the AFDC-eligible child's eligibility for Title IV-E adoption assistance: If the child is removed from the home pursuant to a judicial determination, such determination must indicate that it was contrary to the child's welfare to remain in the home; or if the child is removed from the home pursuant to a voluntary placement agreement, that child must actually receive Title IV-E foster care payments to be eligible for Title IV-E adoption assistance.

2. Child is eligible for Supplemental Security Income (SSI) benefits and meets the definition of a child with special needs.

A child is eligible for adoption assistance if the child meets the requirements of Title XVI SSI benefits and is determined by the State to be a child with special needs prior to the finalization of the adoption.

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There are no additional criteria that a child must meet to be eligible for Title IV-E adoption assistance when eligibility is based on a special needs child meeting SSI requirements. Specifically, how a child is removed from his or her home or whether the State has responsibility for the child's placement and care is irrelevant in this situation.

Only a designated Social Security Administration claims representative can determine SSI eligibility and provide the appropriate eligibility documentation to the State.

3. Child is eligible as a child of a minor parent and meets the definition of a child with special needs.

A child is eligible for Title IV-E adoption assistance in this circumstance if: prior to the finalization of the adoption, the child's parent was in foster care and received a Title IV-E foster care maintenance payment that covered both the minor parent and the child of the minor parent and is determined by the State to meet the definition of a child with special needs.

There are no additional criteria that must be met in order for a child to be eligible for Title IV-E adoption assistance if the child's eligibility is based on his or her minor parent's receipt of a foster care maintenance payment while placed with the minor parent in foster care. As with SSI, there is no requirement that a child must have been removed from home pursuant to a voluntary placement agreement or as a result of a judicial determination.

4. Child is eligible due to prior Title IV-E adoption assistance eligibility and meets the definition of a child with special needs.

In the situation where a child is adopted and receives Title IV-E adoption assistance, but the adoption later dissolves or the adoptive parents die, a child may continue to be eligible for Title IV-E adoption assistance in a subsequent adoption. The only determination that must be made by the State prior to the finalization of the subsequent adoption is whether the child is a child with special needs, consistent

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with the requirements in section 473(c) of the Act. Need and eligibility factors in section 473(a)(2)(A) of the Act must not be redetermined when such a child is subsequently adopted because the child is to be treated as though his or her circumstances are the same as those prior to his or her previous adoption. Since Title IV-E adoption assistance eligibility need not be re-established in such subsequent adoptions, the manner of a child's removal from the adoptive home, including whether the child is voluntarily relinquished to an individual or private agency, is irrelevant.

"At the time adoption proceedings were initiated" means in the month the child was placed in the adoptive home and the Adoption Subsidy Agreement was signed.

At the time of the removal of the child from the home means the month the petition was filed which led to the child's removal from the home.

See Foster Care Manual Chapter 447-10 for extensive information regarding IV-E eligibility/reimbursability determination.

Applicable Child Provisions 447-05-25-05
(NEW 1/1/24 ML 3782)

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An applicable child is a child who meets the applicable age requirements of P.L.110-351, or a child who has been in foster care for at least 60 months, or a sibling to either such child if both are to have the same adoption placement. A child who is referred to in section 473 of the Act as "not an applicable child" is one for whom the revised eligibility criteria do not apply and to whom the eligibility requirements in place prior to October 1, 2009 apply. This phased in eligibility criteria change has the effect of increasing the adoption assistance penetration rate over time.

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Medicaid 447-05-25-06

(NEW 10/1/2025 ML# 3949)

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All North Dakota children eligible for subsidized adoption are entitled to Medicaid.

If the child who was found eligible for IV-E subsidized adoption, moves out-of-state, they are entitled to medical and dental services in accordance with the scope of Medicaid coverage of the state in which they reside.

Children who are eligible for State subsidized adoption are entitled to Medicaid in accordance with the scope of Medicaid coverage of the Division of Medical Assistance, North Dakota Department of Health and Human Services or the scope of the Medicaid coverage of the state in which they reside. The latter will apply if the new resident state is a state that offers reciprocity to other states' state funded subsidized adoption recipients.

For a child residing out of state, the CFS FCSA Unit ICAMA specialist will notify the new resident state of the child's eligibility to receive Medicaid in the resident state.

**State Funded Adoption Assistance Requirements
447-05-30**

(Revised 1/1/24 ML 3782)

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If the child does not meet any of the above requirements of IV-E adoption assistance eligibility, the child may be eligible to receive a state funded subsidy. The child must meet be in the custody of the human service zone or Tribal Nation prior to the adoption and must meet the special needs criteria as described in section [447-05-20](#) of this manual section and have been determined to not be eligible for IV-E adoption assistance.

**Review of Adoption Subsidy Agreement 447-05-35-01
(NEW 10/1/2025 ML# 3949)**

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The adoption subsidy agreement shall be reviewed periodically. The adoption subsidy worker, prior to the recertification date noted on the previous year's award letter, shall initiate the [SFN 856](#). The subsidy worker will verify that there have been no changes for the family that would warrant a discontinuance of the subsidy (the parents are no longer legally responsible for the child, the child is no longer receiving support from the parent, etc.). Private health insurance information should be reviewed and accurately reflected on SFN 856, so that an assignment of benefits can be obtained for utilization of such benefits.

Should the needs of the child or the circumstances of the family change, the subsidy amount may be renegotiated at the time of the review or at any time the family requests a renegotiated amount. The adoption subsidy worker will request the parent to detail, in writing, the reason for the request and specific information that documents the need for an increased/decreased subsidy amount. If the parent is requesting an amount that exceeds the regular foster care rate for the child's age, the parent will document the special needs of the child that warrant the higher amount, on the [SFN 793](#) – Adoption Assistance Documentation of Need. The negotiated amount cannot exceed what the child would receive if the child were in foster care on that date, including any difficulty of care amount. The base subsidy amount cannot be reduced or discontinued without the concurrence of the adoptive parent, except where the reasons for termination apply.

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Age 447-05-35-05

(Revised 7/1/25 ML 3926)

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The child must be under 18. IV-E funded subsidy and medical assistance may be provided at State option until the child is 21 years of age if the child has a physical, mental, or emotional condition that warrants continuation.

The child may continue to be eligible for a state subsidy until age 21 if the agency determines the child is a student regularly attending a secondary, post-secondary, or vocational school in pursuance of a cause of study leading to a diploma, degree, or gainful employment.

A title IV-E agency may extend the age that a child may receive adoption assistance payments and assistance up to age 19, 20 or 21 (at the title IV-E agency's option) if the title IV-E adoption assistance agreement was entered into after the child turned age 16 and the child meets certain conditions. These conditions are that, once s/he reaches age 18, the child is: 1) completing secondary school (or equivalent); 2) enrolled in post-secondary or vocational school; 3) participating in a program or activity that promotes or removes barriers to employment; or 4) determined incapable of any of the above due to a documented medical condition.

In addition to this option, the title IV-E agency remains able to provide adoption assistance payments up to age 21 to an "applicable" or "non-applicable child" when the agency determines that a child has a physical or mental handicap that warrants the continuation of assistance as currently provided for.

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Legal Responsibility 447-05-35-10

(Revised 7/1/25 ML 3926)

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The adoptive parents must continue to be legally responsible for the support of the child. The adoptive parents must also continue to support the child.

If the agency determines that the adoptive parents are not supporting the child, payment will be suspended.

Parent Responsibility to Report 447-05-35-15
(Revised 7/1/25 ML 3926)

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Adoptive parents are required to inform NDHHS - Foster Care and Subsidized Adoption Eligibility Unit of circumstances that would make them ineligible for adoption assistance payment or eligible for assistance in a different amount. SFN 816, which is available on the state E-forms web site, may be used by the parent to report changes in the circumstance of the child or family that may affect the continuation of adoption subsidy or support a change in the amount of adoption subsidy. Parent may also provide this information in written correspondence to the FCSA Eligibility Unit.

School Attendance Requirement 447-05-35-20
(NEW 1/1/24 ML 3782)

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Adoption subsidy payments may not be made on behalf of a child who has attained the minimum age for compulsory school attendance under State law and who is not a full time elementary or secondary school student or has completed secondary school. For the purposes of this provision, the term "elementary or secondary school student" means a child that is:

- Enrolled (or in the process of enrolling) in an institution which provide elementary or secondary education;
- Instructed in elementary or secondary education at home according to state law in which the home is located;
- In an independent study elementary or secondary education program in accordance with the law of the state in which the program is located;
- or
- Is incapable of attending school on a full-time basis due to the medical condition of the child, which is supported by regularly updated information in the case plan of the child.

Adoption Subsidy Procedures 447-05-40 **(Revised 1/1/24 ML 3782)**

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The child placing agency adoption specialist and the human service zone worker are responsible for providing the information necessary to determine adoption subsidy eligibility. The adoption subsidy worker is responsible for determining if the child meets the adoption subsidy eligibility requirements, and facilitates the negotiation of the subsidy amount. The state office makes a final review/determination of adoption assistance eligibility.

The documents designed to enable the Department to meet the Title IV-E Adoption Subsidy requirements and to enhance the eligibility determination process are:

1. [SFN 1084](#) - Notice to the North Dakota Department of Health and Human Services – Determination of Special Needs
2. [SFN 854](#) - Title IV-E Adoption Subsidy Certification
3. [SFN 869](#) – Title IV-E Initial Eligibility (a foster care form)
4. Initial Removal Order placing the child in foster care
5. [SFN 856](#) - Adoption Subsidy Agreement - Review
6. [SFN 855](#)- Title IV-E Initial Subsidy Eligibility Determination
7. [SFN 1803](#) - Subsidized Adoption Agreement
8. [SFN 1865](#) - Foster Care Child Needs Assessment
9. [SFN 793](#) - ND Adoption Assistance Documentation of Need

Initial Placement 447-05-40-05

(Revised 1/1/24 ML 3782)

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1. The case worker refers the child to the contracted child-placing agency at the time adoption is added as a case plan goal. The child-placing agency recruits a potential placement for the child, or works with an identified placement resource to complete preadoption requirements, including the adoptive family assessment and child preparation activities.

If the family identified by the child's team to adopt the child is not a family with whom the child has a pre-existing, significant relationship (i.e. a relative or a foster family), the child-placing agency will document that adoption assistance has been discussed, and whether the family can or cannot adopt without adoption assistance.

2. The child placing agency adoption specialist completes [SFN 1084](#), "Notice to the North Dakota Department of Health and Human Services – Determination of Special Needs." This form is sent to the adoptions administrator with the following information:
 - Termination of Parental Rights Order
 - Documentation supporting the designation of the child's special needs
 - The social history of the child, including medical/psychological information
 - The child's birth certificate
 - Any other information requested by the department
3. The Adoptions Administrator approves and returns the designation of special needs or returns the [SFN 1084](#) with an explanation as to why the designation is not being approved. If the designation is approved, copies of the approved [SFN 1084](#), "Notice to the North Dakota

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Department of Health and Human Services – Determination of Special Needs" are returned to the adoption specialist.

4. The HSZ or Tribal Nation case worker is responsible for completing the [SFN 854](#) - Title IV-E Adoption Subsidy Certification, after being notified that the child is to be placed for adoption. This certification and the following documents are sent to the child-placing agency adoption specialist:
 - Proof of determination of SSI eligibility, if applicable
 - Documentation of foster care payment, including, if applicable the [SFN 1865](#) Foster Care Child Needs Assessment and childcare paid for working parents on behalf of the child.
5. The completed [SFN 793](#) Adoption Assistance Documentation of Need
6. The child-placing agency forwards the family's adoption subsidy packet to the Foster Care and Subsidized Adoption (FCSA) Eligibility Unit. This packet will include completed [SFN 854](#), cover letter with contact information for prospective adoptive parent, [SFN 1865](#) if applicable, [SFN 793](#), non recurring expense documentation, insurance cards and any other information that would assist in the negotiation. If the prospective adoptive parent is not a family who has had a prior relationship with the child (such as a relative or licensed foster care provider), a statement must be included in the packet that asserts the family is unable to adopt without adoption subsidy support.
7. The adoption subsidy worker reviews the materials sent by the child placing agency, facilitates the completion of the [SFN 1803](#) – Adoption Subsidy Agreement, and approves or disapproves the agreement with the adoptive parents. The subsidy worker negotiates the amount of the monthly subsidy, not to exceed the amount the child received, or would receive in a foster care payment. The adoption subsidy worker will obtain a copy of the [SFN 869](#) - Title IV-E Initial Eligibility (a foster care form) and initial removal order from the foster care eligibility file within the Foster Care and Subsidized Adoption Eligibility Unit.
8. The adoption subsidy worker reviews the file, completes the [SFN 855](#) – Title IV-E Adoption Subsidy Eligibility Determination. If adoptive

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placement has not already been accomplished, the adoption subsidy worker notifies the adoption specialist that the subsidy has been approved and that they may make adoptive placement. When the department has been informed (via the [SFN 939](#) – Report of Adoptive Placement) that adoptive placement has occurred, an award letter and copy of the [SFN 1803](#) is sent to the adoptive parents with a with a copy of the approval letter.

9. The adoptions administrator will authorize payment on the payment system. Payments may begin effective the date of adoptive placement in the home, if the agreement ([SFN 1803](#)) is effective prior to placement and has been signed by the adoptive parent(s), and an authorized state agency representative of the Department of Health and Human Services. The adoptive family may also make application after placement but before finalization of the placement.
10. When the adoption is finalized, the parent must provide copies of the adoption decree, the amended birth certificate and the new social security card. The Medicaid worker closes the Medicaid foster care case and opens a Medicaid adoption case, using the child's new name and number.

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Reviews 447-05-40-10

(Revised 1/1/24 ML 3782)

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1. The Foster Care and Subsidized Adoption (FCSA) Eligibility Unit maintains a list of all cases for the purpose of annual review.
2. Two months before the review is due, the adoption subsidy worker sends a letter and the [SFN 856](#) – Adoption Subsidy Agreement Review form to the adoptive parents. Optionally, the adoption subsidy worker may include [SFN 816](#) - Change Report For Adoption Assistance so that adoptive parents may report any change in circumstance for the child or family.
3. If the adopted individual is over the age of 18, or approaching his/her 18th birthday, the adoption subsidy worker may inquire as to whether the parent will request subsidy continue beyond age 18 and if so, request documentation regarding a continued physical, mental, or emotional disability and/or verification of continued school attendance.
4. Upon return of the review form, the adoption subsidy worker assures that the parents continue to be legally responsible for the child and continue to support the child. The amount of the subsidy is renegotiated, if requested by the parent. If an increase in subsidy is requested, adoptive parents must supply information regarding the nature of their request and reasons for the increase. If indicated, the FCSA Eligibility Unit may enter into renegotiation of the monthly subsidy amount, either at the time of the review, or whenever the needs of the child or the circumstances of the family change and warrant a reconsideration of the amount.
5. A renegotiated monthly subsidy may not exceed an amount the child would receive if that child were placed in a family foster care home at the time of the negotiation. The amount may include amounts that

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would be paid for level of care needs of the child and for child care if it would be paid for in foster care for working parents.

6. An award letter and copy of the final signed [SFN 856](#) is sent to the adoptive parents.

If the review paperwork is not returned in a timely manner and the family cannot be contacted, the monthly subsidy may be temporarily suspended. The Department will reinstate the subsidy and authorize any missed payments when the review documentation is received.

Post Adoption Services 447-05-40-15

(Revised 1/1/24 ML 3782)

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Post adoption services are provided under contract from the Department with the North Dakota Post Adopt Network. Services may include educational information, support groups, social media supports, family and parent camp experiences, weekend retreats, and other supports.

If the adoptive family requires post-adoption services, a release of information should be obtained by the adoption subsidy worker and the family referred to the North Dakota Post Adopt Network.

Case Record Set-Up 447-05-50

(Revised 7/1/25 ML 3926)

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Two adoption case records will be maintained at the state office, an adoption subsidy record and an adoption service record (this record will be imaged for permanent archival when the subsidy is closed).

The adoption subsidy record maintained by the adoption subsidy worker will contain:

- [SFN 869](#) – Title IV-E Initial Eligibility form and initial Removal Order placing the child in foster care
- [SFN 854](#) - Title IV-E Adoption Subsidy Certification
- [SFN 1865](#) - Foster Care Child Needs Assessment, if applicable
- [SFN 793](#) - Adoption Assistance Documentation of Need
- [SFN 1803](#) – Subsidized Adoption Agreement
- Documentation regarding negotiation/renegotiation of subsidy amount
- Documentation regarding nonrecurring expenses claimed on the [SFN 1803](#) Subsidized Adoption Agreement
- Correspondence with the adoptive family
- Copy of [SFN 855](#) - Title IV-E Initial Subsidy Eligibility Determination completed by the State Office
- Copy of adoption subsidy award letter, completed by the State Office
- Notices regarding recertifications
- [SFN 856](#) – Adoption Subsidy Agreement, Review forms
- Recertification approval letters
- File review checklists (initial and on-going)

Adoption subsidy files will follow the department's record retention policy.

The adoption service record at the state office which supports the adoption subsidy eligibility determination, will contain:

- [SFN 1084](#) - Notice to the North Dakota Department of Health and Human Services – Determination of Special Needs and supporting documentation received from the child placing agency

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- [SFN 764](#) - Notice of Intent to Place for Adoption
- [SFN 939](#) - Report of Adoption/Adoptive Placement
- The adoptive family assessment and criminal background history reports on any adult residing in the family home
- The social history of birth parents and child
- Termination of Parental Rights Order
- Psychological/medical/developmental information regarding the child
- The child's birth certificate and birth verification
- Legal documents including the termination of parental rights and petition for adoption
- The Final Adoption Decree

Adoption service files at the state office will be retained for permanent record retention.

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Transfer of Case Record 447-05-55

(Revised 9/1/07 ML 3032)

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When an adoptive family moves to another county within the state of North Dakota, the case record and responsibility for payment and Medicaid will be transferred to the new county of residence. Thereafter the new resident county will initiate the annual review process. The DHS – Central Office shall be informed of the family's new address and Resident County.

Conflict of Interest 447-05-60

(Revised 1/1/24 ML 3782)

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A conflict of interest may arise in managing a specific adoption assistance case, i.e. the adoptive parent is an agency coworker or employee. In this event, the adoption subsidy worker may request a different adoption subsidy worker or the adoptions administrator manage the adoption assistance case of the adoptive parent.

Overpayment 447-05-62

(New 7/1/2025 ML 3926)

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The parent becomes ineligible for subsidy payments the day after the expiration, termination date of the subsidy agreement or when circumstances occur that may make the child ineligible for payment. Parents are responsible for notifying the FCSA Eligibility Unit immediately when circumstances occur that will terminate the agreement.

The FCSA Eligibility Unit must update the payment system with the agreement end date to calculate the overpayment amount. The unit will send written notification to the parents of the payment error, options for repayment, and mailing instructions. Repayment can be made in full or under a payment plan to NDHHS in care of the FCSA Eligibility Unit. Overpayment can automatically be deducted through auto-recoupment from future payments for families receiving subsidy payments from North Dakota for other children in their home.

Outstanding balances over 90 days old where no action for repayment has been made will be subject to collections.

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Fair Hearing 447-05-65

(Revised 7/1/24 ML 3844)

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Adoptive parents may appeal the agency's decision to reduce, change or terminate adoption assistance in accordance with the rules and procedures of the states fair hearing process. Refer to NDAC 75-01-03 Appeals and Hearings.

To request a hearing, the adoptive parent must:

1. Notify the Foster Care Subsidized Adoption Eligibility Unit in writing within thirty days of receipt of notice of the reduction change or termination of adoption assistance. The notification must be emailed to cfsfcsaunit@nd.gov. The notification must explain the reason for appeal and include supporting documentation the reduction or termination of the benefit is not reasonable.

The Agency decision will be final if a hearing is not requested within thirty days.

When there is a disagreement between the parent and the department, the parent will receive a Notice of Change outlining the change. During the appeal process, the parent can choose to receive or decline the amount in question. The reduction in the monthly payment will not go into effect until the appeal has been decided, but may result in an overpayment, which you may have to repay should the appeal be decided in favor of the department.

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Forms 447-05-70

(Revised 7/1/24 ML 3845)

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1. [SFN 793](#), Adoption Assistance Documentation of Need

SFN 793 is used to evaluate a child's physical and behavioral needs and associate a level of payment to meet the needs of a child. For a child transitioning from a foster care placement the foster care case manager, adoption worker or parent must complete an SFN 793 to establish a baseline related to the child's need under subsidized adoption.

2. [SFN 816](#), Change Report for Adoption Assistance

SFN 816 may be used by the parent to report changes in the circumstances of the child or family that may affect the continuation of adoption subsidy or support a change in the amount of adoption subsidy.

3. [SFN 854](#), Title IV-E Adoption Subsidy Certification

SFN 854 asks a series of questions related to the child's IV-E eligibility in foster care and is completed by the foster care case manager. It is forwarded to the child-placing agency, along with required documentation, to be included in the subsidy packet.

4. [SFN 855](#), Title IV-E Initial Subsidy Eligibility Determination

This form is a final review of IV-E Adoption Assistance Eligibility and is completed at the state office as a final review of eligibility factors.

5. [SFN 856](#), Adoption Subsidy Agreement - Review

SFN 856 is the form that is completed for the review of adoption assistance and is a legal agreement between the adoptive parent and the state.

6. [SFN 1084](#) - Notice to the North Dakota Department of Health and Human Services Determination of Special Needs

SFN 1084 determines whether the child meets the federal and state criteria for special needs for the purposes of adoption assistance. This form is

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completed by the licensed child placing agency adoption specialist and approved by the adoption administrator at HHS.

7. [SFN 1803](#), Subsidized Adoption Agreement

SFN 1803 is a legal agreement between the adoptive parent and the state to provide adoption assistance as specified on the agreement. This form must be signed and in effect prior to the finalization of the adoption of the child.

8. [SFN 1865](#), Foster Care Child Needs Assessment

SFN 1865 is used to evaluate a child's physical and behavioral needs and associate a level of payment for the purposes of foster care. This form may be reviewed in conjunction with the SFN 793-Adoption Assistance Documentation of Need at the time of the initial negotiation.