

Southeast Service Area Adoption Assistance Pilot

The Nebraska Children’s Commission charged the Foster Care Reimbursement Rate Committee with reviewing the pilot and making recommendations about the DHHS pilot and reduced rate methodology in March 2019.

The Essential Rate and Foster Parent Survey (ERFP) Workgroup was assigned to conduct research and make findings related to the adoption and guardianship assistance pilot.

Methods

The Workgroup researched other state adoption assistance programs by contacting border state adoption specialists, reviewed publications and consulted with the North American Council on Adoptable Children (NACAC). Data gathered by DHHS during the pilot was also reviewed.

Findings

1. **Surrounding state post-adoption assistance programs.**
 - a. Each state reports the maximum for maintenance, rather than a minimum (no more than a child would be eligible for reimbursement as a foster child, which is consistent with federal regulation).
 - b. State to state comparisons fall short as there is considerable variation in the way the programs are administered. For example, Nebraska groups the ages into three age categories (0-5, 6-11, 12-18), whereas Iowa uses four age categories and South Dakota uses two age categories.
 - c. Assistance programs can include additional services beyond maintenance to support the needs of the child including but not limited to medical assistance, post-adoption support services, and treatment placements.
2. **Rate development and methodology.** Limited documentation exists in the border states contacted about how the rates are set, and what methodology was used to establish statewide rates.
3. **National Rate Comparison.** According to the NACAC website¹, Nebraska’s foster care reimbursement rates are consistent with other states in the nation and are not considered outliers (high or low).
4. **65% of the minimum foster care rate**
 - a. Iowa established the 65% of the USDA “Cost of Raising Children” as a minimum assistance rate and reported this 65% was established by the Iowa Legislature.
 - b. Nebraska is proposing a 65% minimum for negotiated assistance rates for both adoption and guardianship subsidies. The DHHS established the 65% of the minimum foster care reimbursement rate for essential level of responsibility based on border state research. The workgroup also found the only existing border state with a stated minimum methodology was Iowa’s program. No other states have a stated rationale for minimum amounts.

¹ <https://www.nacac.org/help/adoption-assistance/adoption-assistance-us/all-states-at-a-glance/>

5. **Adoption and Guardianship & the NCR**
 - a. The pilot includes the use of the Nebraska Permanency Resource Responsibility Tool children entering adoption and guardianship assistance agreements.
 - b. The reduced and negotiated assistance rates are offered only for children whose responsibility scores at the “essential” level.
 - c. The reduced and negotiated assistance rate is not offered for those whose responsibility scores at the enhanced or intensive levels.
6. **Increase requests.**
 - a. Nebraska Administrative Code² outlines a process for adoptive parents to request and receive an increase in their adoption assistance amount when necessary. Most requests for increase are approved.
 - b. Nebraska Administrative Code³ does not outline a process for Guardians to request and receive an increase of their state funded guardianship assistance amount. The majority of guardianship assistance agreements are state funded.
 - c. Nebraska Administrative Code outlines a process for Guardians to request and receive an increase of their federal KinGAP, or guardianship assistance amount when necessary.
7. **Rationale.** The workgroup discussed the rationale behind offering a reduced and negotiated rate. The workgroup agreed that making the transition from foster care to permanency alleviates some financial requirements of foster care such as visits, specialists, frequent agency meetings, and other court expectations. The workgroup also agreed with the Department’s philosophical perspective that the transition to permanency demonstrates the enhanced commitment, claiming and integration of the child into the family unit, which increases the share of responsibility in meeting the child’s day to day needs, with assistance from the Department to offset the costs of the child’s special needs.
8. **Implementation.** At this time, there is no timeframe for statewide implementation.
9. **Barriers to Permanency.** At this time, DHHS reports no delays or barriers to permanency as a result of the pilot. Unique situations which result in barriers to permanency because of subsidy negotiations are reported to be because the maximum foster care reimbursement rate is insufficient to meet the needs of children with exceptional medical needs.

Recommendations

1. The workgroup agrees with the Department’s initiative to implement a standardized process which is equitable and fair across jurisdictions as this did not exist before and case managers were ill-equipped to negotiate assistance agreements.
2. 65% of the maximum foster care reimbursement rate for those children whose responsibility level is essential is an acceptable minimum offer for a reduced assistance amount.

² “Subsidized Adoption Program,” *Nebraska Administrative Code*, Title 479 (2004): Chapter 8
http://www.sos.ne.gov/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-479/Chapter-8.pdf

³ “Subsidized Guardianship Program,” *Nebraska Administrative Code*, Title 479 (2015): Chapter 7
http://www.sos.ne.gov/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-479/Chapter-7.pdf

3. This negotiated rate should not be used for state funded guardianship assistance agreements as no process is in place to grant increase requests post-finalization.