

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 revised rate methodology used for all new adoption and guardianship assistance agreements in the Southeast Service Area 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 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 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

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

methodology was Iowa's program. No other states have a stated rationale for minimum amounts.

5. **Special considerations**

- a. Health insurance stipends are available for the limited number of state funded adoption and guardianship assistance agreements which are not eligible for Medicaid to offset the premium costs to adoptive parents and guardians following finalization.

6. **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 revised assistance rates are offered only for children whose responsibility scores at the "essential" level.
- c. The reduced assistance rate is not offered for those whose caregiving responsibility level scores at the enhanced, intensive and specialized levels.

7. **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. These increase requests are subject to an appeal process in accordance with the Administrative Appeals Act. According to DHHS, most requests for increase in adoption assistance maintenance rates are approved³.
- b. Nebraska Administrative Code⁴ 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 and therefore requests for increases are not functionally available, nor are administrative appeal processes.
- 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.

8. **Rationale**

The workgroup discussed the rationale behind offering the new 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.

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 *Adoption Assistance Pilot Presentation to FCRR* 11/05/2018; January to October 2018, 150 adoption increase requests were submitted. 75% were approved; 25% were denied due to no change in circumstances, no supporting documentation or were approved but were at the maximum rate.

⁴ "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

9. Implementation

At this time, there is no timeframe for statewide implementation.

10. Barriers to Permanency

In order to be consistent and equitable across permanency objectives, the pilot was administered to both adoption and guardianship so as to not incentivize guardianship over adoption or vice versa.

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 the subsidy 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 the pilot.
2. 65% of the maximum foster care reimbursement rate for those children whose responsibility level is essential is an acceptable minimum offer for children who do not present with a guarded prognosis and whose caregiving responsibility level is "essential."
3. **The workgroup recommends updates to the Nebraska Administrative Code 479, Chapters 7 & 8 specific to the Guardianship and Adoption Assistance programs increase request and appeal process. The Administrative Code should be updated to clarify that all assistance agreements (adoption and guardianship), regardless of funding source (federal or state), must have an means to provide each caregiver the ability to request a maintenance rate increase and the ability to appeal the determination in accordance with the Administrative Appeals Act.**