

# Policy on establishing Northstar Adoption Assistance eligibility for children receiving Northstar Kinship Assistance

## Overview

This policy addresses Northstar Adoption Assistance eligibility requirements for children currently receiving Northstar Kinship Assistance payments whose relative custodians are now adopting them.

## Reason for policy

This policy ensures consistency in implementation of federal and state requirements for determining Northstar Adoption Assistance eligibility for children whose relative custodians are adopting them.

## Applicability

This policy is applicable only for determining Northstar Adoption Assistance eligibility for children currently receiving Northstar Kinship Assistance payments under Minnesota Statutes, Chapter 256N, whose relative custodians are now adopting them.

## Policy

1. Federal law and guidance allows children receiving Northstar Kinship Assistance benefits to potentially be eligible for Northstar Adoption Assistance benefits.
  - a. When the state agency is determining adoption assistance eligibility for a child who is the subject of a transfer of permanent legal and physical custody (TPLPC) to a relative under Minn. Stat., section 260C.515, subd. 4, and who receives Northstar Kinship Assistance payments, state agency staff must consider both the TPLPC and Northstar Kinship Assistance payments made on behalf of the child to have never been made. [42 U.S.C. 673 (a)(2)(D)]
  - b. The state agency must apply adoption assistance criteria for a child as if the TPLPC never occurred. [ACYF-CB-PI-09-10]
  - c. If a TPLPC is dissolved and the child is later placed for adoption with the relative custodian or another individual, the state agency must still consider the TPLPC as never having occurred when determining adoption assistance eligibility. [ACYF-CB-PI-09-10]
2. Minnesota law outlines Northstar Adoption Assistance eligibility criteria for children receiving Northstar Kinship Assistance benefits.

- a. A child receiving Northstar Kinship Assistance payments under Minn. Stat., section 256N.22, is eligible for Northstar Adoption Assistance when their relative custodian is adopting them and the following criteria are met:
  - i. Child is determined to be a child with special needs under Minn. Stat., section 256N.23, subd. 2.
  - ii. Child meets applicable citizenship and immigration requirements in Minn. Stat., section 256N.23, subd. 3.
  - iii. Child meets criteria in section 473 of the Social Security Act, or they had foster care payments paid on their behalf while in out-of-home placement through a county or tribal social services agency prior to a court transferring guardianship to the commissioner of the Minnesota Department of Human Services, or making them a ward of the tribe.
  - iv. A written, binding Northstar Adoption Assistance benefit agreement is executed on the child's behalf prior to adoption finalization.

[Minn. Stat., section 256N.23, subd. 1 (d)]

- b. A child's relative custodian must meet applicable background study requirements in Minn. Stat., section 256N.23, subd. 4.
- 3. When the Indian Child Welfare Act (ICWA) applies, ICWA adoptive placement preference order also applies.
  - a. If the child is an Indian child, and the ICWA applies, an adoptive placement with the relative custodian must comply with ICWA adoption placement preferences for purposes of establishing Northstar Adoption Assistance eligibility. [Minn. Stat., section 256N.23, subd. 2 (e) and (f)(2)]

## Procedures

### Agency roles and responsibilities

1. When no agency has placement and care responsibility of a child receiving Northstar Kinship Assistance whose relative custodian is now adopting them:
  - a. Child's relative custodian pursues legal adoption of the child privately.
  - b. Child's legally responsible agency in regard to the Northstar Adoption Assistance eligibility determination and benefit agreement is the same agency that was legally responsible for the child during the continuous placement episode that resulted in the child's current TPLPC and Northstar Kinship Assistance payments. **This does not confer legal responsibility for placement and care of the child during a private adoption.**
  - c. Child's financially responsible agency is the agency financially responsible for Northstar Kinship Assistance payments on behalf of the child. Child's financially responsible agency is responsible for completing and submitting a Northstar Adoption Assistance eligibility determination and negotiating a benefit agreement on behalf of the child, and will continue to be the financially responsible agency under Northstar Adoption Assistance, if the child is determined eligible.
  - d. The Minnesota Department of Human Services (department) is responsible for reviewing and processing eligibility determinations and benefit agreements submitted by financially responsible agencies.

## Application of Northstar Adoption Assistance eligibility criteria

1. Relative custodians can use the document, [Title IV-E Northstar Adoption Assistance Eligibility Status \(DHS-7885\)](#) (PDF), to determine the likelihood of a child being eligible to receive Northstar Adoption Assistance.
2. Children must:
  - a. Be legally free for adoption
  - b. Be under age 18
  - c. Be a U.S. citizen or meet immigration requirements
  - d. Meet all three points of the special needs determination
  - e. Meet at least one eligibility pathway under 42 U.S.C. 673 (a)(2)(A).
    - i. Based on federal law and Children’s Bureau guidance, in all instances of a relative custodian adopting a child for whom they receive Northstar Kinship Assistance payments, the department will consider the TPLPC and Northstar Kinship Assistance payments to never have occurred.
    - ii. The circumstances of the former continuous placement episode that resulted in the child’s TPLPC and Northstar Kinship Assistance payments will be used to determine eligibility for Northstar Adoption Assistance.
3. Relative custodians must:
  - a. Be adopting child for whom they receive Northstar Kinship Assistance payments
  - b. Have a current adoption background study with no federal barrier crimes as listed under Minn. Stat., section 256N.23, subd. 4 (b).
4. Certain documentation that was used to establish eligibility for child’s current Northstar Kinship Assistance payments may also be used for establishing Northstar Adoption Assistance eligibility, including, but not limited to:
  - a. Birth certificate
  - b. Citizenship/immigration status
  - c. Method of removal from the home
  - d. Title IV-E AFDC Relatedness worksheet.

## Special considerations

1. Reasonable, but unsuccessful, efforts to place a child without providing adoption assistance must be made. This includes a documented search under Minn. Stat., section 256N.23, subd. 2 (d), unless a waiver is granted under Minn. Stat., section 256N.23, subd. 2 (e), or the commissioner determines such a search is not in a child’s best interests. A waiver must not be granted if an adoptive placement is out of compliance with the ICWA adoptive placement preference order.
  - a. To waive the documented search requirement, a child’s placing agency must determine that adoption by their relative custodian is in the child’s best interests.
    - i. Since the child-placing agency had previously determined that a TPLPC to the relative custodian was in the child’s best interests, as documented in the Kinship Placement Agreement, the department will consider this criterion met for purposes of a waiver of the documented search requirement.

2. Relative custodians must meet background study requirements under Minn. Stat., section 256N.23, subd. 4. Background studies completed for foster care licensure can be used for establishing Northstar Adoption Assistance eligibility for children under guardianship of the commissioner.
  - a. Children who are being adopted privately by their relative custodians are not under guardianship of the commissioner. However, if a relative custodian is currently licensed for child foster care, and has remained continuously licensed since before the TPLPC was finalized, the department will consider using the background studies completed for child foster care licensure on a case-by-case basis.
3. Adoption home study reports are required to be filed with the court in private adoption matters.
  - a. The court determines whether an adoption home study will be required. The department does not require an adoption home study to be completed for purposes of establishing Northstar Adoption Assistance.
4. When a child is an applicable child, one of the criteria that often must be met is that they were in the care of a county, tribal, or licensed private child-placing agency at the time of initiation of adoption proceedings, as a result of a voluntary placement agreement or a court order removing them from their parents' home because it was contrary to their welfare to remain in the home.
  - a. As long as the child was in the care of a county, tribal, or licensed private child-placing agency at the time the TPLPC was ordered, the department will consider the child to have met this criterion.
5. When a child is a non-applicable child, one of the criteria that often must be met is that they were removed from the care of a specified relative via a voluntary placement agreement or a court order removing them from their parents' home because it was contrary to their welfare to remain in the home.
  - a. Since the TPLPC and Northstar Kinship Assistance payments must be considered to have never been made, the circumstances of a child's removal for a continuous placement episode resulting in a TPLPC can be used to potentially meet this criterion.
6. The department must first attempt to establish eligibility for Title IV-E Northstar Adoption Assistance before considering eligibility factors for Non-Title IV-E Northstar Adoption Assistance. A child who does not meet Title IV-E criteria for Northstar Adoption Assistance may be eligible for Non-Title IV-E Northstar Adoption Assistance if a county or tribal agency had placement and care responsibility for the child while they were in foster care at the time the court ordered them under guardianship of the commissioner, or made them a ward of the tribe.
  - a. Because children under this policy are not under guardianship of the commissioner, nor wards of tribes, they are not eligible for Non-Title IV-E Northstar Adoption Assistance.

## **Process for applying for Northstar Adoption Assistance**

1. Relative custodians are responsible for initiating the Northstar Adoption Assistance application process. However, if a child-placing agency is notified of an upcoming adoption of a child by their relative custodian, the agency should inform the relative custodian of the Northstar Adoption Assistance application process, as outlined in this policy.
  - a. Prior to initiating the process, all of the following must be met:
    - i. Child must be legally free for adoption.
    - ii. Relative custodians and all required household members must have completed adoption background studies.

- iii. Child must be placed for adoption with the relative custodian, typically via [Report of Adoptive Placement \(DHS-0178\)](#) (PDF).
- 2. To initiate the Northstar Adoption Assistance application process, relative custodians must send a request, in writing, to the financially responsible agency listed in their child's Northstar Kinship Assistance benefit agreement, indicating their desire to apply for Northstar Adoption Assistance.
- 3. Financially responsible agency staff must confirm the following prior to proceeding:
  - a. Relative custodian is currently receiving Northstar Kinship Assistance payments on behalf of the child they are adopting.
    - i. This can be done by emailing [adoption.assistance@state.mn.us](mailto:adoption.assistance@state.mn.us) to request verification of Northstar Kinship Assistance benefits for the child and their relative custodian.
    - ii. If the relative custodian is not currently receiving Northstar Kinship Assistance payments on behalf of the child they are adopting, the application process outlined in this policy is not applicable.
  - b. Child will be adopted by their relative custodian, but has not yet finalized the adoption.
- 4. The financially responsible agency may open a child welfare workgroup in Social Service Information System (SSIS) to manage time reporting, complete a courtesy Minnesota Assessment for Parenting Children and Youth (MAPCY), and complete other tasks and responsibilities; however, the Northstar Adoption Assistance eligibility determination and benefit agreement will be completed outside of SSIS.
- 5. Financially responsible agency staff notify the department of a relative custodian's request and submit Report of Adoptive Placement (DHS-0178) to the department via email, fax or mail.
  - a. Report of Adoptive Placement (DHS-0178) is used to enter information into SSIS to establish the child's new status as a domestic adoption and to continue the Northstar Adoption Assistance application process.
- 6. Department staff send financially responsible agency staff the form, Title IV-E Northstar Adoption Assistance Eligibility Determination for Children Currently Receiving Northstar Kinship Assistance (eligibility determination).
- 7. Financially responsible agency staff, with assistance from parties involved, complete an eligibility determination on behalf of the child.
  - a. If eligible for payments, financially responsible agency staff also complete a courtesy MAPCY in SSIS. Questions on how to complete a courtesy MAPCY in SSIS should be submitted to Jody McElroy at [jody.mcelroy@state.mn.us](mailto:jody.mcelroy@state.mn.us).
- 8. Financially responsible agency staff submit the completed eligibility determination to the department via email, fax, or mail, along with any required documentation.
- 9. Department staff review the eligibility determination and required documentation for accuracy and completeness and either request corrections, as needed, or confirm eligibility or ineligibility. Department staff enter data into adoption events in SSIS-Adoptions.
- 10. If a child is determined eligible for Northstar Adoption Assistance, department staff create a manual benefit agreement outside of SSIS and send to the financially responsible agency.
- 11. Financially responsible agency staff review the terms of the benefit agreement with the relative custodian.
  - a. After agreement to the terms, the financially responsible agency and relative custodian sign the benefit agreement.

- b. The date the relative custodian signs the Northstar Adoption Assistance benefit agreement determines whether the benefit agreement is a Pre-school Entry Rate or School-age Entry Rate agreement, consistent with department policy.
12. Financially responsible agency staff submit the signed benefit agreement to the department, where department staff review for accuracy and completeness, and sign, if approved. Department staff send a copy of the fully executed benefit agreement to the relative custodian and the financially responsible agency. Department staff enter the date of the Northstar Adoption Assistance benefit agreement in SSIS-Adoptions and request data fixes in the Adoption Assistance Payments screen for benefit levels.
13. Once a benefit agreement is fully executed, the relative custodian can finalize the adoption.
  - a. Relative custodians are responsible for notifying the department of a change in status between them and their child.
14. Court administration sends adoption decrees to the department, where they are reviewed for accuracy and completeness. Once approved, Northstar Kinship Assistance payments and benefits will end, and Northstar Adoption Assistance payments and benefits will begin, effective the date of the final adoption decree.

## Forms that apply

- [Title IV-E Northstar Adoption Assistance Eligibility Status \(DHS-7885\)](#) (PDF)
- [Report of Adoptive Placement \(DHS-0178\)](#) (PDF)
- Title IV-E Northstar Adoption Assistance Eligibility Determination for Children Currently Receiving Northstar Kinship Assistance
- MAPCY Rating Report

## Related policies and references

ACYF-CB-PI-09-10

## Training

None

## Legal authority

- 42 U.S.C. 673 (a)(2)(D)
- Minn. Stat., section 256N.23, subd. 1 (d)
- Minn. Stat., section 256N.23, subd. 2 (e)
- Minn. Stat., section 256N.23, subd. 2 (f)(2)

## Standards

None

## Definitions

**Applicable child:** A child who will reach the applicable age by the end of the federal fiscal year in which they have a Title IV-E Northstar Adoption Assistance benefit agreement entered into on their behalf. A child who does not meet the applicable age requirement may still be considered applicable if they are placed in the same adoption placement as their sibling, who is an applicable child.

**Benefit agreement for Northstar Adoption Assistance:** A written, binding agreement among a child's adoptive parents, the financially responsible agency, and the commissioner of human services that outlines the terms, benefits, nature, duration, and modification requirements for Northstar Adoption Assistance.

**Child with special needs:** A child who meets the three points of the special needs determination: 1) child cannot or should not return home, 2) child has a specific factor or condition that makes adoptive placement difficult without providing adoption assistance, and 3) agency made reasonable, but unsuccessful, efforts at placing child for adoption without providing adoption assistance.

**Eligibility determination for Northstar Adoption Assistance:** A document used to determine a child's eligibility or ineligibility for Title IV-E or Non–Title IV-E Northstar Adoption Assistance.

**Financially responsible agency:** The agency that has financial responsibility for a child's Northstar Kinship Assistance payments and maintains financial responsibility for a child's future Northstar Adoption Assistance payments.

**Legally responsible agency:** The agency that had legal responsibility for placement and care of a child through a court order or voluntary placement agreement during a continuous placement episode that resulted in a TPLPC.

**Minnesota Assessment of Parenting for Children and Youth (MAPCY):** The assessment tool used to determine any supplemental payments for children eligible to receive Northstar Adoption Assistance.

**Non-applicable child:** A child who does not meet the federal applicable child status criteria.

**Relative custodian:** A relative of a child who accepted a TPLPC of a child under Minn. Stat., section 260C.515, subd. 4.

**State agency:** The Minnesota Department of Human Services and its delegated agents.

**Transfer of permanent legal and physical custody (TPLPC):** A Minnesota juvenile court order permanently transferring legal and physical custody to a relative under Minn. Stat., section 260C.515, subd. 4; for a child under jurisdiction of tribal court, a judicial determination under a similar provision in tribal code which means that a relative will assume the duty and authority to provide care, control and protection of a child in foster care, and to make decisions regarding their education, health care and general welfare until adulthood.

## Policy contact

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## Policy history

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This policy and its procedures remain in effect until rescinded or updated.