

Pennsylvania

Adoption Assistance- Who Do You Contact?

State Contact Information

Adoption Assistance Specialist	ICAMA Compact Administrator or Contact
NAME: Cathy Utz ADDRESS: Department of Public Welfare Office of Children, Youth and Families P.O. Box 2675 Harrisburg, Pennsylvania 17105 E-MAIL: cutz@state.pa.us TELEPHONE: 717.705.2912	NAME: Warren L. Lewis ADDRESS: Department of Public Welfare Office of Children, Youth and Families P.O. Box 2675 Harrisburg, Pennsylvania 17105 E-MAIL: warlewis@state.pa.us TELEPHONE: 717.772.7016
Adoption Program Manager or Contact	ICPC Compact Administrator Or Contact
NAME: Kimberly Hunter ADDRESS: Department of Public Welfare Office of Children, Youth and Families P.O. Box 2675 Harrisburg, Pennsylvania 17105 E-MAIL: kihunter@state.pa.us TELEPHONE: 717.705.2908	NAME: Warren L. Lewis ADDRESS: Department of Public Welfare Office of Children, Youth and Families P.O. Box 2675 Harrisburg, Pennsylvania 17105 E-MAIL: warlewis@state.pa.us TELEPHONE: 717.772.7016
Post Adoption Services Contact	Medical Assistance Specialist
NAME: Sandy Gallagher ADDRESS: Department of Public Welfare Office of Children, Youth and Families P.O. Box 2675 Harrisburg, Pennsylvania 17105 E-MAIL: sagallagher@state.pa.us TELEPHONE: 717.772.7044	NAME: Lora Casteline ADDRESS: Department of Public Welfare Office of Children, Youth and Families P.O. Box 2675 Harrisburg, Pennsylvania 17105 E-MAIL: lcasteline@state.pa.us TELEPHONE: 717.787.7759

Adoption Assistance- Who is Eligible?

A good place to start. Public adoption in Pennsylvania is administered by the Department of Public Welfare (DPW), Office of Children, Youth and Families (OCYF). Pennsylvania has a Statewide Adoption Network (SWAN). SWAN is a partnership among public and private agencies, judges and the legal community, foster, and adoptive parents and is administered by the Department of Public Welfare through a prime contractor. The SWAN Program serves children with a goal of adoption in the custody of county children and youth agencies.

DPW, OCYF, and adoption links: www.dpw.state.pa.us/general/program.asp, www.dpw.state.pa.us/ocyf/dpwocyf.asp, and www.dpw.state.pa.us/ocyf/cw/adopt/adoptHome.asp or phone the Statewide Adoption Network (SWAN): 800.585 (800.585.7926).

1. What specific factors or conditions does your state consider to determine that a child cannot be placed with adoptive parents without providing financial assistance? (*"What is your state definition of special needs?"*)

A child with special needs is defined as a child that has at least one of the following needs or circumstances that may be a barrier to placement or adoption without financial assistance:

- Five years of age or older
- Member of a minority group
- Member of sibling group of two or more placed together in the same adoptive home
- Physical, mental, emotional condition or handicap
- Genetic condition which indicates a high risk of developing a disease or handicap

Note: Children must be under eighteen years of age at the time of the adoption to be eligible for adoption assistance.

2. What are the eligibility criteria for your state-funded adoption assistance program?

In order to be eligible for state-funded adoption assistance a child must be a special needs child as defined above, under eighteen years of age, and in foster care for no less than six months.

3. What is the maximum amount a family may receive in non-recurring adoption expenses from your state? Adoptive parents can receive reimbursement of certain approved, "one-time" adoption expenses incurred in the process of finalizing a special needs adoption.

\$2000.00 per child

4. Does your state enter into deferred adoption assistance agreements? In some states, adoptive parents can enter into an agreement in which they choose to defer the receipt of a Medicaid card, the monthly monetary payment, or both and can elect to receive the Medicaid card and/or monetary payment at another time.

Pennsylvania does not offer deferred adoption assistance.

5. When may adoption assistance payments and benefits begin in your state?

Adoption assistance payments and benefits may begin in Pennsylvania at adoption placement. All parties must sign the adoption assistance agreement and a petition of intent to adopt must be filed with the court. The effective date of the agreement may not be earlier than the date the child is placed in the adoptive home.

6. How are changes made to the adoption assistance agreement in your state?

- a. When can a parent request a change in the adoption assistance agreement?
- b. How does a parent request a change in the adoption assistance agreement?
- c. What if a parent does not receive the change they request in the adoption assistance agreement?

The County Children and Youth Agency (Agency) or the adoptive parents may request a change in the adoption assistance agreement and renegotiate the terms of the agreement at any time. The family must make a written request to the Agency to increase the monthly adoption assistance payment due to changes in the needs of the child or because the needs of the child were underestimated in the initial negotiation for an assistance agreement. The family must provide documentation related to the change in the needs of the child or the circumstances of the family that support the request for change.

The Agency is required to contact the parents annually to assess the child's continued dependence (ie that the child continues to be in the custody and care of the adoptive family). The Agency may request a renegotiation if significant changes in the circumstances of the child or family are reported. Any changes must be made with the concurrence of the adoptive parents and the county agency. Changes in the terms of the adoption assistance agreement require a new agreement be signed by both the county agency and the adoptive parents. County Assistance Offices locator link: www.dpw.state.pa.us/general/dpwcao.asp.

Adoption Assistance- Post Adoption Services

7. What types of post adoption services are available in your state and how do I find out more about them?

Post adoption services in Pennsylvania are administered by the Department of Public Welfare (DPW), Office of Children, Youth and Families through the Statewide Adoption Network (SWAN), affiliate agencies, and private/family organizations. Post adoption services include the following examples:

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| 1. Information and referral | 4. Lending libraries | 7. Respite |
| 2. Educational materials/newsletter | 5. Support groups/programs | 8. Therapy |
| 3. Educational programs | 6. Advocacy | 9. Case management |

Adoptive parents may require a continuum of support services to ensure their success as permanent families. Services are provided through the Statewide Adoption Network (SWAN) as Prime Contractor. County children/youth agencies, affiliate agencies, or families may make a referral for post-permanency services to the Prime Contractor. The Prime Contractor will authorize an affiliate agency to provide these services for a six-month period of time.

DPW County Assistance Offices locator link: www.dpw.state.pa.us/general/dpwcao.asp. Many organizations in Pennsylvania offer a variety of respite programs. Pennsylvania's Respite Programs link: www.respitelocator.org/p1states.htm. DPW affiliate agencies include Pennsylvania Adoption Connections, Post Adoption Support System (PASS), and Together as Adoptive Parents (known as "TAPlink"). Contact TAPlink: www.taplink.org or phone: 215.256.0669.

Note: Not all services may be available in all cases. Contact your adoption assistance worker or post adoption services contact for information regarding process, eligibility, availability, and duration of services.

Adoption Assistance- Medical assistance

8. What mental health services are provided by your state?

Public mental health services for children in Pennsylvania are administered by the Department of Public Welfare through the Office of Medical Assistance Programs (OMAP), Office of Mental Health and Substance Abuse Services (OMHSAS). Services include the following examples: behavioral health rehabilitation services, psychiatric inpatient, psychiatric outpatient clinic, psychological services, prescription drugs, targeted case management, and drug/alcohol inpatient and outpatient care. For local offices, see the OMAP Contact locator link: www.dpw.state.pa.us/omap/omapcontact.asp.

Access OMAP General Information link: www.dpw.state.pa.us/omap/omapgenmain.asp and the Program Services link: www.dpw.state.pa.us/omap/geninf/maprogservchart.pdf. Or contact DPW Programs, link: www.dpw.state.pa.us/general/prefeedback.asp.

See also the Children's Behavioral Health Taskforce link: www.dpw.state.pa.us/exec/dpwBhtf.asp and the OMHSAS link: www.dpw.state.pa.us/omhsas/dpwmh.asp.

Note: Not all services may be available in all cases. Contact your adoption assistance worker or medical assistance specialist for information regarding process, eligibility, availability, and duration of services.

9. Does your state provide additional finances or services for medical or therapeutic needs not covered under your state medical plan to children receiving adoption assistance?

Pennsylvania does not offer additional finances or services for medical or therapeutic needs not covered under its state medical plan to children receiving adoption assistance.

Adoption Assistance- Fair Hearings

10. What is your state's process for applying for a fair hearing? A fair hearing is a legal, administrative procedure that provides a forum to address disagreements with agency decisions.

The adoptive family can request a fair hearing whenever a Department of Public Welfare (DPW), county Children and Youth Agency decision affects their child's adoption assistance benefits. If the adoptive parents feel they have been wrongly denied benefits on behalf of an adoptive child, they have the right to a fair hearing at any time. Allegations that constitute grounds for a fair hearing include:

- County Children and Youth Agency finds child ineligible after a determination of eligibility
- Denial of services the child is eligible for
- Reduction of services without the concurrence of the adoptive parents
- Termination or suspension of service without concurrence of the adoptive parents

An appeal must be filed by the family in writing within fifteen calendar days of receiving written notice of an adverse decision from the County Children and Youth Agency (CCYA). Upon receipt of the appeal, the CCYA shall date stamp the appeal and submit the appeal with a copy of the agency action that is being appealed to the DPW Bureau of Hearing and Appeals within three working days. They have exclusive authority to grant or dismiss the appeal. Any existing benefit in an adoption assistance agreement continues during the appeal process. The CCYA is responsible for the following:

- Explaining to parents the process of filing an appeal (fair hearing request)
- If necessary, helping the parents to complete the written appeal request
- Explaining that all oral appeal requests must be put in writing within three days of the appeal
- Assuring that the appellant has signed the appeal
- Date-stamping the appeal when it is received and reviewing it to determine if its actions were correct in accordance with DPW regulations and policies
- Taking steps to resolve the issue without a hearing
- Forwarding any appeals that are not resolved at the CCYA level within three working days from the date the appeal was received and date stamped to:

Department of Public Welfare
Bureau of Hearings and Appeals
2330 Vartan Way
Harrisburg, PA 17110
Phone: 717.705.0436 or 2260

If the appeal is denied by the Bureau of Hearings and Appeals, the family may request, within fifteen days of the denial, that the Secretary of Public Welfare reconsider the decision. The family may also file a Petition for Review with the Pennsylvania Commonwealth Court within thirty days of the mailing of the Bureau of Hearings and Appeals decision. Both of these options may be pursued at the same time.

Adoption Assistance- Web/Internet Information

11. What is your state Web address for general adoption information?

Pennsylvania's general adoption links: www.dpw.state.pa.us/ocyf/cw/adopt/Proj.asp (Adoption *Programs*) and www.adoptpakids.org

12. What is your state Web address for adoption assistance information?

Pennsylvania's adoption assistance link: www.dpw.state.pa.us/ocyf/cw/adopt/Proj.asp. (See Number 2 under *Programs*)

13. What is your state Web address for state-specific medical assistance information for children?

Pennsylvania's state-specific medical assistance links: www.dpw.state.pa.us/omap/dpwomap.asp and www.dpw.state.pa.us/omap/omapmap.asp (Office of Medical Assistance Programs *Site Map*)