

# Adoption Support

*Lindsay Rajic<sup>i</sup> and Kathryn Mullen<sup>ii</sup>*

*January 2025<sup>1</sup>*

<b>Adoption Support</b> .....	1
<b>Introduction</b> .....	2
<b>Legal Basis</b> .....	2
<b>Eligibility</b> .....	2
<b>Agreement and Benefits</b> .....	2
<b>Publicly Available Educational Opportunities &amp; Resources on Adoption Support.</b>	4

---

<sup>1</sup> Originally authored in 2011 and updated in 2014 by Sheila Malloy Huber

# Introduction

The Department of Children, Youth & Families' (the Department) Adoption Support Program provides post-adoption assistance to families who adopt special needs children out of the foster care system or through a nonprofit adoption agency. Almost all of the children who move from foster care to adoption in Washington are eligible for the program. By spring 2024, nearly 16,000 children and youth were receiving adoption support benefits from Washington State.

## Legal Basis

The adoption support program is governed by both state law (RCW 74.13A.005-74.13A.085) and federal law (Title IV-E of the Social Security Act, 42 U.S.C. §§671–675). The rules governing the program are set out in WAC 110-80-0010-0450, which provide a comprehensive overview of adoption support in Washington.

The United States Department of Health and Human Services (DHHS), the federal agency charged with overseeing the administration of the federal (Title IV-E) adoption assistance program, has published guidelines which states are required to follow in administering the federal program. These guidelines can be found in the DHHS Child Welfare Policy Manual at: [Child Welfare Policy Manual \(hhs.gov\)](https://www.hhs.gov/child-welfare/policy-manual).

## Eligibility

Eligibility is based on a complex formula that first applies the federal statute's three-part definition of "special needs child" and then looks to qualifying factors set out in federal or state law. Eligibility for Washington State is outlined in [WAC 110-80-0040-0080](https://www.wa.gov/child-welfare/policy-manual). The income of the adopting family is not considered in the initial determination of whether a child is eligible for the program. However, the Department must consider income and other financial circumstances of the adopting family as one factor in determining the amount of any adoption support cash payments to be made. Special needs children placed by private nonprofit agencies may be eligible for adoption support even though the children are not adopted out of the foster care system. It is highly unlikely that a former foster child who exited foster care into a guardianship will be eligible for adoption support if the family later decides to adopt. Moreover, foster children who are independently placed by parents (even with court approval), rather than by an agency, are also unlikely to qualify for the program, in addition to children and youth who are privately adopted.

## Agreement and Benefits

If a child is eligible for the program, the prospective adoptive parents and the designated Department representatives negotiate a contract stipulating the benefits that will be received by the adoptive family on behalf of the child and the terms and

conditions that both parties must follow. The amount of any monthly adoption support payments is determined through the discussion and negotiation process based upon the needs of the child and the circumstances of the family. This agreement must be negotiated and signed by all parties (the prospective adoptive parent(s) and all designated Department representatives) *before* the final adoption decree is issued. Benefits available under the program may include the following:

- Medical assistance through the Department's Medicaid program;
- Payment for counseling services, which are not available from the state's Medicaid mental health services, as preauthorized by the Department (see [WAC 110-80-0240](#) for conditions and terms);
- Reimbursement for nonrecurring adoption finalization costs (up to \$1500.00 – such as adoption agency fees, attorney fees, and court costs incurred in finalizing the adoption); and
- Monthly cash payments, as negotiated by the parties (The amount of the payment, if any, may vary from family to family, as it is a negotiated amount based on the needs of the child and the circumstances of the family. The payment amount cannot exceed the statutory cap for the adoption support maintenance payment set forth in [RCW 74.13A.047](#). If there is a change in the needs of the child or the circumstances of the family, the family can request to modify the amount of monthly cash assistance that is received.).

The benefits generally continue until the child is 18 years old, unless a terminating event occurs. Adoption Support benefits may be extended beyond a youth's 18<sup>th</sup> birthday in the following circumstances:

1. A child adopted before their 16<sup>th</sup> birthday must:

- Continue to receive ongoing financial support from their adoptive parents, **AND**
- Attend high school full time in a curriculum leading to a high school diploma, or attend an instructional program leading to a GED or high school equivalency certificate (HSEC).

*If these circumstances exist, the department can extend the terms of the Adoption Support Agreement until the youth completes their school program.*

2. A child adopted on or after their 16<sup>th</sup> birthday must:

- Continue to receive ongoing financial support from their adoptive parents, **AND**
- Participate in a qualifying activity, which includes any of the following:
  - Enrollment in a high school program;
  - Enrollment in a post-secondary academic or vocational program;

- Participation in a job training program;
- Working more than 80 hours per month; or
- An inability to participate in any of the above activities due to a documented medical condition.

*Under no circumstances can either Adoption Support or Extended Adoption Support continue for a youth beyond their 21<sup>st</sup> birthday, even if they continue to participate in a qualifying activity.*

Additionally, the agreements are modifiable at any time based on a change in the needs of the child or in the circumstances of the family. The adoption support program is not able to pay for residential treatment placements of children who are not in department custody. [RCW 74.13.080](#) and [WAC 110-80-0250](#). However, services other than adoption support may be available to adoptive parents and children through their local Department office, such as family preservation services (FVS), family reconciliation services (FRS), or other child welfare services. Services may also be available outside of the Department, including through local mental health treatment providers or through the developmental disabilities administration (DDA).

When deciding whether to grant a petition for adoption of a hard-to-place child and in reviewing any request to vacate or modify a decree of adoption, the court must review the agreement. [RCW 26.33.320](#)<sup>2</sup> If the court, in its judgment, finds the agreement to be inadequate, it may make any recommendation it deems warranted with respect to the agreement to the Department; however, the court may not modify the agreement or direct the Department to make payment. RCW 26.33.320.

## **Publicly Available Educational Opportunities & Resources on Adoption Support**

1. [Monthly Informational Sessions](#): The Adoption Support Program Manager and Adoption Support Supervisor host monthly informational sessions (flyer included and linked to the left), which provide a general overview of the program, benefits, limitations, and a program Q&A. Participants have found these sessions to be incredibly beneficial in building connections and opening the door to communication. ANYONE can and is encouraged to register and attend: prospective families, families already involved with the program, community partners, and staff.
2. [The Alliance](#) offers an e-learning course, which gives an overview of the program:
  - [Adoption Support for Caregivers \(eLearning\) | UW School of Social Work Professional Education](#) (English)

- [Apoyo a la adopción para cuidadores \(eLearning\) | UW School of Social Work Professional Education](#) (Spanish)
3. [Adoption Support Flyer](#): This publication was created for families who are already involved with the program, and want to know how the program can help. The flyer contains links to the Department's Adoption Support website and contact information. This document is provided to all families at the point of adoption, is linked on the front page of the Department's Adoption Support website, and is in the Adoptive Family Quarterly Newsletter.
  4. [Adoption Support Website](#): Program staff contact information is kept up to date – but families are always welcome to reach out directly to the Adoption Support Program Manager, Adoption Support Supervisor, or Secretary Senior, who can connect them with their appropriate consultant to help address their needs.
  5. [Post Adoption Question & Answer Booklet](#): This is an in-depth publication that explains and describes the Adoption Support Program and services. It is available in multiple languages.
  6. Adoptive Family Quarterly Newsletter: In November 2023, Adoption Support launched a quarterly newsletter, sent via email to a majority of our families (in English and Spanish). Anyone can sign up for the newsletter through the front page of the Adoption Support website, and all families are automatically added to the listserv at the point of adoption as long as they have an email address. The Adoption Support program uses this as a tool to connect with families, remind them of the services the Department can provide, and announce any additions or changes to the program. All prior Quarterly Newsletter issues are linked to the webpage, on the right-hand side, as well as the manual sign-up: [Adoption Support Program | Washington State Department of Children, Youth, and Families](#).

## ENDNOTES

---

<sup>i</sup> Lindsay Rajic, Adoption Support Program Manager, Washington State Department of Children, Youth, & Families.

<sup>ii</sup> Kathryn Mullen, Assistant Attorney General, Washington State Office of the Attorney General