

10A NCAC 70M .0102 is adopted with changes as published in 35:20 NCR 2183-2184 as follows:

### **10A NCAC 70M .0102 DEFINITIONS**

(a) For the purpose of the rules in this Subchapter, 42 USC 673, 45 CFR 1356.41, and the Multiethnic Placement Act (MEPA) of 1994, P.L. 103-382, as amended by the Interethnic Adoption Provisions of 1996, P.L. 104-188, are applicable to both the State and public adoption agencies and are hereby incorporated by reference including any subsequent amendments and editions. These documents may be accessed at [www.gpo.gov](http://www.gpo.gov) or [www.congress.gov](http://www.congress.gov) at no charge.

(b) The following definitions shall apply to the rules in this Subchapter:

(1) “Adoption assistance agreement” means a signed written agreement that is developed by the Department (“North Carolina Adoption Assistance Agreement” Form ~~DSS-5123~~ DSS-5013, which ~~can be found~~ may be accessed at <https://www.ncdhhs.gov/divisions/dss>) that is binding upon the public adoption agency and the prospective adoptive parents of a minor child and, at a minimum, the agreement shall:

~~(a)~~ (A) specify payments that meet the requirements in 42 USC 673(a)(3), ~~and any subsequent amendments,~~ and specifies the nature and amount of any payments, services, and assistance to be provided under the agreement;

~~(b)~~ (B) stipulates that the agreement shall remain in effect regardless of the state ~~of which~~ where the adoptive parents are residents of at any given time;

~~(c)~~ (C) require each adoptive parent to inform the public adoption agency of any circumstances that would make the parent ineligible for the payments or eligible for a different amount;

~~(d)~~ (D) if applicable, require the adoptive parents to provide receipt of vendor payments; and

~~(e)~~ (E) contain provisions for the protection of the interests of the child in cases where the adoptive parents and child move to another state while the agreement is ~~effective,~~ in effect.

(2) “Applicable child” means a child who meets the requirements in ~~42 U.S.C. 673(e)~~ 42 USC 673(e), ~~which is incorporated herein by reference along with any subsequent amendments.~~

(3) “Child with special needs” or “children with special needs” means a child who meets the requirements in ~~42 USC 673(e)~~ 42 USC 673(c), ~~which is incorporated herein by reference along with any subsequent amendments.~~ The public adoption agency, or the North Carolina Department of Health and Human Services for the Special Needs Adoptions Incentive Fund assistance, shall make the specified determinations for the ~~state~~ State in ~~42 USC 673(e)~~ 42 USC 673(c), ~~and any subsequent amendment.~~

A child ~~cannot or should~~ shall not be returned to the home of the child’s parent if there is a court order terminating parental rights, a relinquishment to a public or private child-placing agency, a consent for adoption by the parent, a finding from the court in an adoption proceeding that a parent’s consent is not required, or verification of the death of a parent. For a child to meet the requirement in 42 USC 673(c)(2)(B)(ii), the child must have a letter from the Social Security Administration that approves the child for Social Security Insurance benefits. For purposes of 42 USC 673(c)(1)(B) and 42 USC

673(c)(2)(B)(i). ~~and any subsequent amendments,~~ the child shall present one or more of the following specific factors or conditions:

~~(a)~~ (A) six years of age or older;

~~(b)~~ (B) two years of age or older and a member of a minority race or ethnic group;

~~(c)~~ (C) a member of a sibling group of three or more children who will all be placed in the same adoptive home;

~~(d)~~ (D) a member of a sibling group of two children who will be placed in the same adoptive home and the child's sibling meets one of the factors or conditions in ~~Parts~~ ~~Sub-Items~~ ~~(a), (b), (c), (f), (g) or (h)~~ (A), (B), (E), (F), (G), or (H) of this ~~definition;~~ Paragraph;

~~(e)~~ (E) a medically diagnosed disability ~~which~~ ~~that~~ substantially limits one or more major life activities, requires professional treatment, requires assistance in self-care, or requires the purchase of special equipment;

~~(f)~~ (F) diagnosed by a medical professional, who is qualified ~~through licensing or credentialing~~ to make the diagnosis, as having a psychiatric condition ~~which~~ ~~that~~ impairs the child's mental, intellectual, or social functioning, and for which the child requires professional services;

~~(g)~~ (G) diagnosed by a medical professional, who is qualified ~~through licensing or credentialing~~ to make the diagnosis, as having a behavioral or emotional disorder characterized by inappropriate behavior ~~which~~ ~~that~~ deviates substantially from behavior appropriate to the child's age or significantly interferes with child's intellectual, ~~social~~ ~~social~~, and personal functioning; ~~or~~

~~(h)~~ (H) diagnosed by a medical professional, who is qualified ~~through licensing or credentialing~~ to make the diagnosis, as being intellectually or developmentally disabled; ~~or~~

~~(i)~~ (I) at risk, as opined by a ~~qualified~~ medical professional, ~~who is qualified through licensing or credentialing~~ for one of the factors or conditions in ~~(e)~~ ~~Parts~~ (E) through ~~(h)~~ (H) of ~~this~~ the definition in this Paragraph due to:

(i) prenatal exposure to toxins;

(ii) a history of abuse or serious neglect; or

(iii) genetic history.

(4) "Department" means the North Carolina Department of Health and Human Services.

(5) "Nonrecurring adoption expense" means the same as "nonrecurring adoption expenses" found in ~~42 U.S.C. 673(a)(6)(A)~~ ~~42 USC 673(a)(6)(A).~~ ~~along with any subsequent amendments of the phrase.~~

(6) "Public adoption agency" means any county department of social services, consolidated human services, or regional department of social services in North Carolina that is authorized by law to place children for adoption or that provides adoption services.

(7) "Supplemental Agreement" means a signed written agreement that is developed by the Department ("North Carolina Special Children Adoption Incentive Fund Supplemental Adoption Assistance Agreement" Form

1 ~~[DSS-5212]~~ DSS-5212, which ~~[can be found]~~ may be accessed at <https://www.ncdhhs.gov/divisions/dss>)  
2 that is binding upon the public adoption agency and the prospective adoptive parents of a minor child and  
3 at a minimum:

4 (a) specifies the nature and amount of any Special Children's Adoption Incentive Fund payment;

5 and

6 (b) includes an acknowledgement by the prospective adoptive parents that the payments are not an  
7 entitlement and are limited to available funds in the Special Children's Adoption Incentive Fund.

8  
9 *History Note:* Authority G.S. ~~[143B-153;]~~ 143B-153(2)(a); 108A-49; 42 U.S.C. 673; ~~45 C.F.R. 1356.41(i);~~  
10 Eff. August 1, 2021.  
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1 10A NCAC 70M .0201 is readopted with changes as published in 35:20 NCR 2185 as follows:

2  
3 **SECTION .0200 - ORGANIZATION AND ADMINISTRATION**  
4

5 **10A NCAC 70M .0201 PUBLIC ADOPTION AGENCIES**

6 (a) Except for the requirements provisions relating to an executive director, public adoption agencies must shall  
7 comply with 10A NCAC 70H .0401 ~~governs the policies for public agencies providing adoption services in~~  
8 ~~determining the qualifications and job responsibilities for personnel and in the recruitment, retention, and effective~~  
9 ~~performance of qualified personnel.~~

10 (b) Public adoption agencies must shall comply with 10A NCAC 70F .0207 ~~governs the policies for public agencies~~  
11 ~~in the hiring of staff, use of clerical staff, staff and use of volunteers.~~

12 (c) The caseload size of social workers providing adoption services shall be in compliance with requirements set forth  
13 in 10A NCAC 70H .0401.  
14

15 *History Note: Authority G.S. 48-1-101; 48-1-109.; 143B-153;*  
16 *Eff. February 1, 1976;*  
17 *Readopted Eff. October 31, 1977;*  
18 *Amended Eff. October 1, 2008; September 1, 1986-1986;*  
19 *Readopted Eff. August 1, 2021.*

1 10A NCAC 70M .0301 is readopted with changes as published in 35:20 NCR 2185 as follows:

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3 **SECTION .0300 - FUNCTIONS OF AN A PUBLIC ADOPTION AGENCY**

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5 **10A NCAC 70M .0301 GENERAL**

6 Public ~~child placing~~ adoption agencies shall perform the following functions:

- 7 (1) provision of casework and other supportive services to biological parents considering adoption;
- 8 (2) provision of casework and other supportive services to the child considered for adoption;
- 9 (3) provision of casework and other supportive services to adoptive applicants through pre-placement
- 10 studies;
- 11 (4) selection of home and placement process;
- 12 (5) supervision after placement;
- 13 (6) fulfillment of social and legal responsibilities;
- 14 (7) compilation and preservation of complete case records;
- 15 (8) provision of post-adoption consultation ~~services.~~ services, including, [but not limited to,
- 16 coordination and referrals for educational enrollment for children seven to sixteen years of age, and
- 17 for therapeutic and physical health needs;
- 18 (9) when this Subchapter requires, determine whether eligibility requirements have been met for
- 19 adoption assistance in this Subchapter that is available for children with special needs who are in
- 20 custody of the public adoption agency or who have been placed by a private child-placing agency
- 21 in an adoptive home within its jurisdiction;
- 22 (10) administer adoption assistance agreements for which it entered into pursuant to this Subchapter;
- 23 (11) notify adoptive parents of tax credits that may be available for adoptive parents;
- 24 (12) make [current] information available for prospective adoptive families that describes the kinds of
- 25 children needing placement, the availability of adoption assistance, and procedures for referring
- 26 families they are unable to serve to other child placing agencies; and
- 27 (13) recruit potential foster and adoptive families in accordance with the Multiethnic Placement Act
- 28 (MEPA) of [1994] 1994, P.L. 103-382, as amended by the Interethnic Adoption Provisions of [1996
- 29 requirements.] 1996, P.L. 104-188.

30  
31 *History Note:* Authority G.S. 48-1 et seq.; 48-2-502; 48-3-203; 48-3-204; 48-3-303; 143B-153; 48-2-502; 48-3-

32 203; 48-3-204; 48-3-303;

33 *Eff. February 1, 1976;*

34 *Readopted Eff. October 31, 1977;*

35 *Amended Eff. June 1, 1990; September 1, 1986; 1986;*



1 10A NCAC 70M .0302 is readopted with changes as published in 35:20 NCR 2185 as follows:

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3 **10A NCAC 70M .0302 SERVICES TO ADOPTIVE APPLICANTS**

4 ~~(a) Public adoption agencies~~ **[must]** **shall** ~~comply with~~ 10A NCAC 70H .0404, .0405, .0406, .0407, .0408 and .0409  
5 ~~shall govern the policies for public agencies providing adoption services~~ in determining the procedures ~~for~~, for the  
6 application process, preplacement assessment, notification to adoptive applicants of acceptance or denial of  
7 application, services to adoptive applicants and families, legal **process** **process**, and record retention.

8 ~~(b) A county department of social services shall prepare or contract for the preparation of a preplacement assessment~~  
9 ~~for an adoptive applicant who has identified a prospective adoptive child and has been unable to obtain a preplacement~~  
10 ~~assessment. An applicant is deemed unable to obtain a preplacement assessment if the applicant is unable to obtain~~  
11 ~~an assessment at the fee the county department of social services is permitted to charge under 10A NCAC 70M .0303.~~  
12 ~~Except as provided in this Subchapter, no county department of social services is required to conduct a preplacement~~  
13 ~~assessment unless it agrees to do so.~~

14  
15 *History Note:* Authority ~~G.S. 48-1-100; 48-1-101; 48-1-102; 48-1-103; 48-1-106; 48-1-109; 48-2-205; 48-2-301;~~  
16 ~~48-2-302; 48-2-304; 48-2-305; 48-2-501; 48-2-502; 48-2-503; 48-2-504; 48-2-601; 48-2-602; 48-~~  
17 ~~2-603; 48-2-604; 48-2-605; 48-2-606; 48-2-607; 48-3-100; 48-3-201; 48-3-202; 48-3-203; 48-3-~~  
18 ~~204; 48-3-205; 48-3-301; 48-3-302; 48-3-303; 48-3-304; 48-3-305; 48-3-306; 48-3-307; 48-3-308;~~  
19 ~~48-3-30; 48-3-501; 48-4-100; 48-4-101; 48-4-102; 48-4-103; 48-5-100; 48-5-101; 48-6-100; 48-~~  
20 ~~6-102; 48-9-101; 48-9-102; 48-10-104; 48-10-105; 131D-10.5; 143B-153;~~

21 *Eff. February 1, 1976;*

22 *Readopted Eff. October 31, 1977;*

23 *Amended Eff. October 1, 2008; July 17, 2000; September 1, 1986. 1986;*

24 *Readopted Eff. August 1, 2021.*

1 10A NCAC 70M .0304 is readopted with changes as published in 35:20 NCR 2185-2186 as follows:

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3 **10A NCAC 70M .0304 MULTIETHNIC PLACEMENT ACT REQUIREMENTS FOR ADOPTIVE HOME**  
4 **RECRUITMENT**

5 ~~The agency shall have a written plan for on going recruitment of adoptive homes for the children it places or plans to~~  
6 ~~place for adoption. The plan shall adhere to the provisions of the Multiethnic Placement Act of 1994 as amended by~~  
7 ~~the Interethnic Adoption Provisions of 1996 and shall be submitted to the Division of Social Services, Adoption Unit,~~  
8 ~~to ensure compliance with the Act. If the plan is found to be out of compliance, it shall be returned to the agency for~~  
9 ~~corrections. A copy of the Multiethnic Placement Act of 1994 as amended may be obtained from the U. S. Department~~  
10 ~~of Heath and Human Services, Children's Bureau, 300 C Street SW, Washington, D.C. 20447.~~

11 (a) ~~Public adoption agencies shall recruit potential adoptive and foster families that reflect the ethnic and racial~~  
12 ~~diversity of children in the [state.] State.~~

13 (b) ~~Public adoption agencies shall not deny any person the opportunity to become an adoptive or a foster parent~~  
14 ~~on the basis of the race, color, or national origin of the person or of the child involved.~~

15 (c) ~~Public adoption agencies shall not delay or deny the placement of a child for adoption or foster care, on the~~  
16 ~~basis of the race, color, or national origin of the adoptive or foster parent or the child involved.~~

17 (d) ~~Public adoption agencies shall not violate provisions of the Multiethnic Placement Act of [1994] 1994, P.L.~~  
18 ~~103-382, as amended by the Interethnic Adoption Provisions of [1996] 1996, P.L. 104-188, that apply to state~~  
19 ~~or local agencies.~~

20  
21 *History Note: Authority G.S. 48-3-204; 131D-10.5; 143B-153;*  
22 *Eff. October 1, 2008; 2008;*  
23 *Readopted Eff. August 1, 2021.*



1 10A NCAC 70M .0401 is readopted with changes as published in 35:20 NCR 2186 as follows:

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3 **SECTION .0400 – [REGULAR] STANDARD MONTHLY CASH ADOPTION ASSISTANCE: GENERAL**  
4 **ASSISTANCE AND VENDOR PAYMENTS**

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6 **10A NCAC 70M .0401 [REGULAR] STANDARD MONTHLY CASH ADOPTION ASSISTANCE**  
7 **DEFINED AND VENDOR PAYMENTS**

8 (a) Regular Standard monthly cash assistance payments are monthly payments made based on means the graduated  
9 rates set by the General Assembly. Assembly and reflected in the executed adoption assistance agreement. The  
10 payments may be made to children who meet the requirements set out in Rule .0402 of this Section.

11 (b) Vendor payments are made directly to ~~the~~ a child's provider, including which may include the adoptive parents,  
12 for medical medical, therapeutic, psychological, and remedial services not covered by Medicaid; Medicaid therapeutic,  
13 psychological, and remedial services for children who meet the eligibility criteria set out in Rule .0402 of this Section.  
14 or another source if the requirements in this Subchapter are met.

15 (c) ~~Special Children Adoption Incentive Fund payments may be made to children who meet the requirements as set~~  
16 ~~out in Rule .0404 of this Section.~~

17  
18 *History Note: Authority G.S. 108A-49; 108A-50; 143B-153;*

19 *Eff. July 1, 1982;*

20 *Amended Eff. July 18, 2002; July 1, 1991; September 1, 1986. 1986;*

21 *Readopted Eff. August 1, 2021.*

10A NCAC 70M .0402 is readopted with changes as published in 35:20 NCR 2186-2188 as follows:

**10A NCAC 70M .0402 ELIGIBILITY REQUIREMENTS FOR REGULAR STANDARD MONTHLY CASH ASSISTANCE PAYMENTS OR VENDOR PAYMENTS**

(a) Adoption assistance in the form of regular standard monthly cash assistance payments based on graduated rates set by the General Assembly and vendor payments may be made when ~~The~~ the child ~~shall meet~~ meets the following eligibility criteria:

- (1) The child ~~is legally clear for adoption, or~~ was legally adopted;
- (2) The child ~~is, or was, the placement responsibility of a North Carolina agency authorized to place children for adoption at the time of adoptive placement;~~ meets at least one of the following criteria:
  - (A) ~~is not an applicable child and meets the requirements in [42 USC 673(a)(2)(A)(i) and any subsequent amendments.] 42 USC 673(a)(2)(A)(i).~~ The public adoption agency shall make the determination in 42 USC 673(a)(2)(A)(i)(II) for the ~~[state;]~~ State. 42 USC 673(a)(2)(B) ~~[is]~~ shall be applicable when appropriate;
  - (B) ~~[is]~~ shall be an applicable child and meets the requirements in ~~[42 USC 673(a)(2)(A)(ii) and any subsequent amendments.] 42 USC 673(a)(2)(A)(ii).~~ The public adoption agency shall make the determination in 42 USC 673(a)(2)(A)(ii)(II) for the ~~[state;]~~ State. 42 USC 673(a)(2)(B) ~~[is]~~ shall be applicable when appropriate; or
  - (C) ~~the requirements set forth in [42 USC 673(a)(2)(C) and any subsequent amendments.] 42 USC 673(a)(2)(C); and~~
- (3) ~~The child has special needs that create a financial barrier to adoption; or the child was legally adopted and the child's special needs, though pre-existing, were detected after the adoption has been finalized and if known would have created a financial barrier to adoption; An applicable child is not eligible if he or she meets the [three] conditions in 42 U.S.C. 673(a)(7)(A)(i) through (iii), unless 42 U.S.C. 673(a)(7)(B) is applicable and the public adoption agency makes the requisite determination for the [state;]~~ State;
- (4) ~~Reasonable but unsuccessful efforts have been made to place the child for adoption without the benefits of adoption assistance;~~
- (5) ~~The child is under 18 years of age; and was adopted after reaching the age of 16 but prior to reaching the age of 18;~~
- (6) ~~The child may continue to receive adoption assistance payments after his or her 18th birthday until his or her 21st birthday if an adoption assistance agreement was entered into on or after his or her 16th birthday and meets any of the following conditions:~~
  - (A) ~~Completing secondary education or a program leading to an equivalent credential;~~
  - (B) ~~Enrolled in an institution that provides post-secondary or vocational education;~~
  - (C) ~~Participating in a program or activity designed to promote or remove barriers to employment;~~

(D) — ~~Employed for at least 80 hours per month; or~~

(E) — ~~Is incapable of doing any of the previously described educational or employment activities due to a medical condition or disability.~~

~~(b) In order for the child to receive regular monthly cash assistance payments, the adoptive parents must have entered into an agreement with the child's agency prior to entry of the Decree of Adoption. The agreement shall have set forth the respective responsibilities of the agency and the adoptive parents during the time of the child's eligibility for this assistance.~~

~~(c) A child's eligibility for vendor payments shall further be determined on the basis of documentation of a known and diagnosed medical, mental, or emotional condition that will require periodic treatment or therapy of a medical or remedial nature.~~

~~A child's eligibility for vendor payments may be determined by the agency administering adoption assistance benefits at any time during the child's minority if the medical, mental, or emotional condition, congenital problem, birth injury, or other documented problem is determined to have been pre-existing at the time of his or her placement into an adoptive home. Prior to the child's receipt of vendor payments, the adoptive parents must enter into an agreement with the child's agency to indicate the extent to which they desire the child to participate in this component of the program.~~

~~(d) North Carolina residency of the child and adoptive parents is not a requirement for the child to be eligible to receive regular monthly cash assistance payments or vendor payments.~~

(b) For vendor payments, in addition to the criteria in Paragraph (a) of this Rule, the child shall also meet the following criteria:

(1) at or prior to the issuance of the adoption decree, have a [known and] diagnosed medical, mental, or emotional condition that is documented by a medical [professional] professional, who is qualified through licensing or credentialing to make a diagnosis, that will require ongoing treatment or therapy of a medical or remedial nature; or

(2) after the issuance of the adoption decree but while still under the age of 18, have been determined by the public adoption agency administering adoption assistance benefits to have a medical, mental, or emotional condition, congenital problem, birth injury, or other documented problem that is determined by a medical [professional] professional, who is qualified through licensing or credentialing to have been preexisting at the time of his or her placement into an adoptive home.

(c) The prospective adoptive parents [must] shall meet the following criteria:

(1) [Enter into an adoption assistance agreement with a public adoption agency at the time of or prior to the issuance of an adoption decree;]

(2) Have a child placed with them in accordance with applicable [state] State and local laws for purposes of an adoption who meets the requirements in Paragraph (a) of this Rule;

(3) [are] be legally responsible for the support of the child and is providing support to the child, if the child is under the age of 18;

- (4) ~~[entered]~~ enter into an adoption assistance agreement with the public adoption agency prior to ~~[entry]~~ issuance of the decree of adoption. The adoption assistance agreement shall identify the specific services for the child that the parents want to be covered by vendor payments;
- (5) Shall have a completed criminal history investigated pursuant to G.S. 48-3-303 and 48-3-309 and shall not have a criminal history, as defined by G.S. 48-1-101(5b), or any other criminal conviction that would cause the prospective adoptive parent to be unfit to have responsibility for the safety and well-being of children as determined by the public adoption agency pursuant to G.S. ~~[48-3-309.]~~ 43-3-309.
- (6) Shall provide the public adoption agency with the results of the criminal back history ~~[investigation.]~~ investigation;
- (7) Shall have a completed check of the North Carolina's Responsible Individuals List pursuant to G.S. 7B-311 and have a check of the results of child abuse and neglect central registry of states where the applicant has resided the past five years and not be placed on the North Carolina's Responsible Individuals List or any other state's child abuse and neglect central registry. The public adoption agency shall maintain a copy of the results in their ~~[file.]~~ file; and
- (8) For vendor payments when the child meets the criteria in ~~[Item]~~ Subparagraph (b)(2) of this Rule, shall enter into an adoption assistance agreement amendment on a form provided by the Department ("North Carolina Division of Social Services Adoption Assistance Agreement Amendment" Form DSS-5307, which ~~[can be found]~~ may be accessed at <https://www.ncdhhs.gov/divisions/dss>) that identifies and includes supporting documentation of the child's preexisting condition and allows the parents to be reimbursed for vendor services related to the child's preexisting condition.
- (d) All individuals 18 years of age or older who reside in the prospective adoptive home shall have a completed a criminal history investigated pursuant to G.S. 48-3-303 and 48-3-309 and shall not have a criminal history, as defined by G.S. 48-1-101(5b), or any other criminal conviction that would cause the prospective adoptive parent is unfit to have responsibility for the safety and well-being of children as determined by the public adoption agency pursuant to G.S. 48-3-309.
- (e) Prior to the adoption, all individuals 18 years of age or older who reside in the prospective adoptive home shall have a completed check of the North Carolina's Responsible Individuals List and have a check of the results of child abuse and neglect central registry of states where the applicant has resided the past five years and not be placed on the North Carolina's Responsible Individuals List or any other state's child abuse and neglect central registry. The public adoption agency shall maintain a copy of the results in their file.
- (f) Upon adoption, the adoptive parents shall comply with all the terms of the adoption agreement assistance and notify the public adoption agency ~~[of any change in their legal or financial responsibility of]~~ they are no longer legally or financially responsible for the adopted child, ~~[address]~~ address, or contact information.
- (g) The public adoption agency shall:
- (1) prior to the adoption, make a determination as to whether the requirements of this Rule have been met on a form created by the Department ("Adoption Assistance Eligibility Checklist" Form ~~[DSS-~~

- 1 ~~5012~~ DSS-5012, which ~~can be found~~ may be accessed at <https://www.ncdhhs.gov/divisions/dss>)  
2 that shall identify the reasons that the eligibility requirements have been met and inform the  
3 prospective adoptive parents of the right to appeal the decision.
- 4 (2) maintain a copy of the results of the criminal investigation of the foster parents and any individual  
5 18 years of age or older who resides in the prospective adoptive home.
- 6 (3) after the adoption:
- 7 (a) annually send to the adoptive parents a letter reminding them to report any changes in their legal  
8 or financial responsibility of the adopted child;
- 9 (b) issue to the adoptive parents a notice if the adoption assistance payments are to be suspended  
10 (“North Carolina Division of Social Services Adoption Assistance Suspension Notice” Form ~~DSS-~~  
11 5306 DSS-5306, which ~~can be found~~ may be accessed ~~[on the Department’s website]~~ at  
12 <https://www.ncdhhs.gov/divisions/dss>) that shall identify the reason for the suspension and how to  
13 appeal the ~~[suspension]~~ suspension; and
- 14 (c) issue to the adoptive parents a notice if the adoption assistance payments are to be terminated  
15 (“North Carolina Division of Social Services Adoption Assistance Termination Notice” Form ~~DSS-~~  
16 5308 DSS-5308, which ~~can be found~~ may be accessed at <https://www.ncdhhs.gov/divisions/dss>)  
17 that shall identify the reason for the termination and how to appeal the termination.
- 18 (4) ~~[In]~~ in order for vendor services to be ~~reimbursed~~ reimbursed, the vendor must obtain prior  
19 approval by submitting to the public adoption agency completed and signed forms provided by the  
20 Department (“Adoption Assistance Vendor Payment Request Form” Form DSS-5112 and  
21 “Adoption Assistance Vendor Payment Instructions for Providers” Form ~~DSS-5115~~ DSS-5115,  
22 which ~~can be found~~ may be accessed at <https://www.ncdhhs.gov/divisions/dss>) that includes  
23 documentation of the child’s diagnosis, the child’s special needs related to the diagnosis, how the is  
24 service related to the special needs, ~~[what the goals of the service is to accomplish,]~~ what goals the  
25 service is intended to accomplish, how achievement of goals be measured, the projected duration of  
26 treatment or service, the projected total ~~cost~~ cost, and two copies of the provider’s bill after all  
27 health insurance claims have been processed.

28  
29 *History Note:* Authority G.S. 48-1-101; 108A-48; 108A-49; 108A-50; 143B-153;  
30 Eff. July 1, 1982;  
31 Amended Eff. March 1, 2017; July 18, 2002; July 1, 1991; March 1, 1990.  
32 Readopted Eff. August 1, 2021.

1 10A NCAC 70M .0403 is readopted with changes as published in 35:20 NCR 2188 as follows:

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3 **10A NCAC 70M .0403 PROCEDURES/REIMBURSEMENT OF ADOPTION ASSISTANCE BENEFITS**

4 (a) Adoption assistance benefits for which a child may be is eligible shall become effective the first month following  
5 the month in which the Decree of Adoption is issued.

6 (b) Claims from service providers and standard monthly cash assistance shall be reimbursed or provided from  
7 adoption assistance funds [in accordance with the Department of Health and Human Services county department of  
8 social services reimbursement process, subject to the following limitations:

9 (1) Vendor payments to adoptive parents, medical [providers] providers, and to providers of  
10 psychological, therapeutic, and remedial services shall be made only for treatment or services given  
11 to alleviate or correct those conditions for which the child has been determined eligible to receive  
12 benefits.

13 (2) The total amount for vendor payments for any combination of medical services not covered by  
14 Medicaid including psychological, [therapeutic services] therapeutic, or remedial services for any  
15 child shall not exceed two thousand four hundred dollars (\$2,400.00) per State fiscal year.

16 (3) Vendor payments shall not be made to reimburse providers for the following:

17 (A) routine medical examinations;

18 (B) illnesses or conditions not related to or resulting from the conditions for which the child  
19 was determined eligible for vendor payments;

20 (C) services or treatment provided to the child prior to [entry] issuance of the Decree of  
21 Adoption; and

22 (D) services or treatment that may have been provided on or after the first day of the month  
23 following the month in which the child's eligibility ceases.

24 (c) No local match, in terms of dollars, is required for funds for those children certified to receive benefits under the  
25 State Fund for Adoptive Children with Special Needs as set forth in G.S. 180A-50.1, who are the placement  
26 responsibility of licensed private child-placing agencies with the exception of monthly cash payments for those  
27 children who are eligible for benefits from Title IV-E of the Social Security Act. No monthly cash assistance payments  
28 from the State Fund for Adoptive Children with Special Needs shall be made for any adoption in which the Decree of  
29 Adoption is issued on or after October 1, 2011.

30  
31 *History Note: Authority G.S. 108A-49; 108A-50; 143B-153;*

32 *Eff. July 1, 1982;*

33 *Amended Eff. October 1, 2011; July 18, 2002; July 1, 1991; March 1, ~~1990~~ 1990;*

34 *Readopted Eff. August 1, 2021.*

1 10A NCAC 70M .0404 and 10 NCAC 70M .0405 is repealed as published in 35:20 NCR 2188 as follows:

2  
3 **10A NCAC 70M .0404 ELIGIBILITY REQUIREMENTS FOR THE SPECIAL CHILDREN ADOPTION**  
4 **INCENTIVE FUND AND EFFECTIVE DATE**

5  
6 **10A NCAC 70M .0405 PAYMENTS FROM THE SPECIAL CHILDREN ADOPTION INCENTIVE FUND**

7  
8 *History Note: Authority G.S. 108A-49; 108A-50; 143B-153; S.L. 2000-67, s. 11.16;*

9 *Temporary Adoption Eff. January 1, 2001;*

10 *Temporary Adoption Eff. August 31, 2001;*

11 *Eff. July 18, ~~2002~~. 2002;*

12 *Repealed Eff. August 1, 2021.*

1 10A NCAC 70M .0501 is readopted with changes as published in 35:20 NCR 2188-2189 as follows:

2  
3 **SECTION .0500 - OUT-OF-STATE ADOPTION FEES ~~–GENERAL~~**

4  
5 **10A NCAC 70M .0501 PURPOSE OF OUT-OF-STATE ADOPTION SERVICE FEES**

6 ~~(a) Out of state adoption service fees are established as part of the state wide permanency planning effort for the~~  
7 ~~purpose of providing services to foster children to assist in finding permanent adoptive homes for them.~~

8 ~~(b) This adoption service fee is provided to county departments of social services for payment of service fees to obtain~~  
9 ~~adoption services from out of state adoption agencies, including assisting with the costs of:~~

10 (1) ~~recruiting and securing an adoptive home for the child;~~

11 (2) ~~pre placement services to family and child;~~

12 (3) ~~post placement services to family and child;~~

13 (4) ~~post finalization services.~~

14 ~~(c) The adoption service fee is designed to provide financial assistance to enable county departments of social services~~  
15 ~~having legal placement and consenting authority of children to expand their adoptive family recruitment through~~  
16 ~~referrals to out of state adoption agencies that specialize in hard to place children.~~

17 ~~(d) The Division of Social Services will provide a maximum of one thousand eight hundred dollars (\$1800) per child~~  
18 ~~for adoption service fees contracted for between a county department of social services and an authorized out of state~~  
19 ~~adoption agency.~~

20 (a) When the requirements in this Rule have been met, with prior approval, the Department may reimburse in  
21 part or in full a fee incurred by a public adoption agency for adoption services provided by an out-of-state  
22 adoption agency. Public adoption agencies shall pay the out-of-state adoption provider directly and provide  
23 proof of payment to the Department once payment is made.

24 (b) The requirements of this Rule are met when the child:

25 (1) is a child with special needs;

26 (2) is registered on the North Carolina Adoption Resource ~~[Exchange;]~~ Exchange, which may be  
27 accessed at [https://www.ncdhhs.gov/divisions/social-services/child-welfare-services/adoption-and-](https://www.ncdhhs.gov/divisions/social-services/child-welfare-services/adoption-and-foster-care)  
28 foster-care;

29 (3) has parents who have each had one of the following occur:

30 (A) a court order ~~[that]~~ terminated parental rights;

31 (B) executed a relinquishment of the child to a public or private child-placing agency;

32 (C) consented to the adoption;

33 (D) a finding by the court in the adoption proceeding that the parent's consent to the adoption  
34 is not required; or

35 (E) has died.



1 (c) Out-of-state adoption agencies shall be licensed by their respective states and as approved by conditions of  
2 the Interstate Compact on the Placement of Children (ICPC) ~~[Article 38 of G.S. 7B]~~ pursuant to G.S. 7B,  
3 ~~Article 38~~ to provide adoptive services for children with special needs.

4 (d) The service fee charged by the specialized out-of-state adoption agency ~~is:~~ shall be:

5 (1) ~~[for]~~ any one of the following services provided by the specialized adoption service agency:

6 (A) recruiting and securing an adoptive home for the child;

7 (B) pre-placement services for the family and child;

8 (C) post-placement services for the family and child; and

9 (D) post-finalization services.

10 (2) only be available when an ~~[available]~~ adoptive family has not been identified in North Carolina.

11 (e) The public adoption agency:

12 (1) shall have custody and placement responsibility of the child and have the legal authority to consent  
13 to the child's adoption;

14 (2) shall make a written request to the Department for reimbursement for the out-of-state adoption  
15 service fee at the time that a decision has been made to place the child with a specific adoptive  
16 parent or parents who have had an approved home study that was conducted by the specialized out-  
17 of-state adoption agency;

18 (3) shall include in its reimbursement request to the Department written documentation that verifies the  
19 following:

20 (A) the public adoption agency has legal ~~[placement;]~~ placement responsibility;

21 (B) the public adoption agency has the authority to legally consent to the adoption of the child;

22 (C) the child meets the requirements of this Rule;

23 (D) the out-of-state adoption agency meets the requirements of this Rule;

24 (E) the service fee to be charged meets the requirements of this Rule; and

25 (F) a quote for the service fee that includes ~~[the specific nature of]~~ the service to be provided  
26 and the amount of the fee;

27 (4) shall obtain prior approval from the Department prior to initiating contracted services where  
28 reimbursement is expected;

29 (5) Upon the Department's prior approval for an out-of-state adoption service fee, the public adoption  
30 agency shall enter into an agreement with the out-of-state adoption agency on a form provided by  
31 the Department ("North Carolina Division of Social Services Purchase of Out-of-State Adoption  
32 Services Agreement" Form ~~[DSS-5305]~~ DSS-5305, which ~~[can be found]~~ may be accessed at  
33 <https://www.ncdhhs.gov/divisions/dss>) and provide a copy of the agreement to the Department. The  
34 agreement shall include the type and nature of the service to be provided, the fee amount to be  
35 charged, an agreement by the out-of-state adoption agency to provide the identified ~~[service]~~ service,  
36 and an agreement by the public adoption agency to pay for the identified service; and

(6) shall pay any amount of the out-of-state adoption agency service fee that is not approved by the Department.

(f) To the extent funds are available and the fee for services is not above the maximum allowable amount of one thousand eight hundred dollars (\$1,800) per child, the Department shall approve the public adoption agency's request for prior approval for reimbursement of the out-of-state adoption service fee if it meets the requirements in this Rule and the Department notifies the public adoption agency in writing of the approval.

(g) The Department shall not reimburse a public adoption agency for any amount over one thousand eight hundred dollars (\$1,800) per child in out-of-state adoption service fees that are approved pursuant to this Rule.

(h) In order for the public adoption agency to receive reimbursement for a fee that has been approved pursuant to this Rule, the public adoption agency shall notify the Department of the date that payment of the fee is due and provide the Department with a copy of the bill for the out-of-state adoption service fee.

(i) Upon the public adoption agency's payment of the out-of-state adoption service fee, the public adoption agency shall provide the Department ~~with~~ with a copy of the receipt of payment for the out-of-state adoption agency fee.

*History Note: Authority ~~[G.S. 48-1; 143B-153;]~~ G.S. 143B-153*

*Eff. March 23, 1981;*

*Amended Eff. July 1, 1991, 1991;*

*Readopted Eff. August 1, 2021.*

1 10A NCAC 70M .0601 is readopted with changes as published in 35:20 NCR 2190 as follows:

2  
3 **SECTION .0600 – ~~[NON-RECURRING]~~ NONRECURRING ADOPTION COSTS: ~~GENERAL COSTS~~**

4  
5 **10A NCAC 70M .0601 ~~PURPOSE OF REIMBURSEMENT OF NON-RECURRING ADOPTION~~**  
6 **EXPENSES PUBLIC ADOPTION AGENCY REQUIREMENTS**

7 ~~Reimbursement of non-recurring adoption expenses incurred by adoptive parents shall be provided by county~~  
8 ~~departments of social services in accordance with requirements set forth in this Section to facilitate the adoption of~~  
9 ~~children with special needs, and in accordance with procedures established by the State Division of Social Services.~~

10 (a) Public adoption agencies shall:

11 (1) at the time of or prior to the final decree of adoption, enter into an agreement for the reimbursement  
12 of nonrecurring adoption expenses with parents who adopt a child with special needs;

13 (2) prior to entering into an agreement for the reimbursement of nonrecurring adoption expenses, the  
14 public adoption agency shall:

15 (A) Make a determination that the child is a child with special needs; and

16 (B) Make a determination that the child has been placed for adoption in accordance with  
17 applicable laws;

18 (3) make payments for reimbursement of nonrecurring adoption expenses incurred by or on behalf of  
19 parents in connection with the adoption of a child with special needs if it enters into an agreement  
20 for the reimbursement of nonrecurring adoption expenses;

21 (4) retain copies of the complete application for reimbursement of nonrecurring adoption expenses,  
22 along with supporting document and receipts, and the agreement for the reimbursement of  
23 nonrecurring adoption expenses for auditing purposes; and

24 (5) upon receipt of a completed nonrecurring adoption expense reimbursement application, the public  
25 adoption agency shall submit the application to the Department.

26 (b) When there is an interstate placement of the child with special needs, the public adoption agency ~~[that agency]~~  
27 that entered into an adoption assistance agreement shall also reimburse ~~the parent or vendor~~ for the  
28 nonrecurring adoption expenses. When there has been an interstate placement of a child with special needs  
29 for the purpose of adoption and there is no adoption assistance agreement from the sending state, then the  
30 public adoption agency that is responsible ~~[for reimbursing]~~ for entering into an agreement for ~~[non-~~  
31 ~~recurring]~~ nonrecurring adoption expenses shall be the public adoption agency where the petitioner for  
32 adoption resides.

33  
34 *History Note: Authority G.S. 108A-49; 108A-50; 143B-153;*

35 *Eff. July 1, 1991; 1991;*

36 *Readopted Eff. August 1, 2021.*

1 10A NCAC 70M .0602 is readopted with changes as published in 35:20 NCR 2190-2191 as follows:

2  
3 **10A NCAC 70M .0602 DEFINITIONS ELIGIBLE [NON-RECURRING] NONRECURRING ADOPTION**  
4 **EXPENSES**

5 ~~Non-recurring costs for which reimbursement can be claimed are those costs associated with the adoption that are~~  
6 ~~incurred prior to or at the time of the adoption and which include:~~

- 7 (1) ~~reasonable and necessary adoption fees;~~  
8 (2) ~~court costs;~~  
9 (3) ~~attorney's fees;~~  
10 (4) ~~adoptive home study;~~  
11 (5) ~~physical examinations;~~  
12 (6) ~~psychological examinations, when required by an agency;~~  
13 (7) ~~supervision of the placement prior to entry of the final order of adoption; and~~  
14 (8) ~~transportation and costs of lodging and food for the child and adoptive parents when necessary to~~  
15 ~~complete the adoptive process.~~

16 An adoptive parent shall receive reimbursement for [non-recurring] nonrecurring adoption expenses not to exceed two  
17 thousand dollars (\$2,000) when:

- 18 (1) The child placed with the parent for the purpose of adoption is a child with special needs;  
19 (2) The adoptive parents have submitted a signed application for [non-recurring] nonrecurring adoption  
20 expenses on a form provided by the Department ("State of North Carolina Application For  
21 Reimbursement of Nonrecurring Adoption Costs" Form [DSS-5145] DSS-5145, which [can be  
22 found] may be accessed at <https://www.ncdhhs.gov/divisions/dss>). The application shall:  
23 (a) [demonstrate] provide evidence that the child is a child with special needs;  
24 (b) include acknowledgements by the adoptive parents that:  
25 (i) [non-recurring] nonrecurring adoption expenses are limited to a reimbursement  
26 of two-thousand dollars (\$2,000) per child and are contingent on the child being a child  
27 with special needs;  
28 (ii) the expenses that they are seeking reimbursement for were actually incurred by  
29 them;  
30 (iii) the expenses that they are seeking reimbursement for are reasonable and necessary  
31 adoption expenses which were directly related to the legal adoption of the [child; and] child  
32 that meets the requirements in 42 USC 673(A)(6); and  
33 (iv) the expenses that they are seeking reimbursement for have not and will not be  
34 reimbursed by another source.  
35 (c) if the placement was an interstate placement, include an acknowledgement by the adoptive  
36 parents that the placement was made in accordance with the Interstate Compact on the  
37 Placement of Children adopted by both the sending and receiving state and any other

- 1 applicable federal, ~~state~~ state, or local laws or rules related to the interstate adoptive  
2 placement of a child;
- 3 (d) the type and amount of the expense that will be incurred by the adoptive parents; and
- 4 (e) include documentation that verifies the information in the application and receipts for any  
5 ~~non-recurring~~ nonrecurring service for which the parent is seeking reimbursement.
- 6 (3) The foster parents and all individuals 18 years of age or older who reside in the prospective adoptive  
7 home shall have a completed a criminal history investigated pursuant to G.S. 48-3-303 and 48-3-  
8 309 and shall not have a criminal history, as defined by G.S. 48-1-101(5b), or any other criminal  
9 conviction that would cause the prospective adoptive parent ~~is~~ to be unfit to have responsibility  
10 for the safety and well-being of children as determined by the public adoption agency pursuant to  
11 G.S. 48-3-309.
- 12 (4) The foster parents shall provide the public adoption agency with the results of the criminal history  
13 investigation, and the public adoption agency shall maintain a copy of the results.
- 14 (5) The adopting parents and all individuals 18 years of age or older who reside in the home shall have  
15 a completed check of the North Carolina's Responsible Individuals List pursuant to G.S. 7B-311  
16 and have a check of the results of child abuse and neglect central registry of states where the  
17 applicant has resided the past five years and not be placed on the North Carolina's Responsible  
18 Individuals List or any other state's child abuse and neglect central registry. The public adoption  
19 agency shall maintain a copy of the results in their file.
- 20 (6) Upon approval of the application in Item (2) of this Rule, the adoptive parents shall enter into a  
21 binding written agreement with a public adoption agency for the reimbursement of ~~non-recurring~~  
22 nonrecurring expenses on a form provided by the Department ("State of North Carolina Agreement  
23 for Reimbursement of ~~Non-recurring~~ Nonrecurring Adoption Costs" Form ~~DSS-5146~~ DSS-  
24 5146, which ~~can be found~~ may be accessed at <https://www.ncdhhs.gov/divisions/dss>) that meets  
25 the requirements in 42 USC 673(a)(3) ~~and any subsequent amendments,~~ and is signed at the time  
26 of or prior to the final decree of adoption.
- 27 (7) The application for reimbursement was filed in accord with the quarter rule outlined in ~~CFR 45~~  
28 1356.41. E2 adoption. 45 CFR 1356.41(c)(2).

29  
30 *History Note: Authority G.S. 108A-49; 108A-50; 143B-153;*  
31 *Eff. July 1, 1991, 1991;*  
32 *Readopted Eff. August 1, 2021.*

1 10A NCAC 70M .0604 is readopted with changes as published in 35:20 NCR 2191 as follows:

2  
3 **10A NCAC 70M .0604 ~~REIMBURSEMENT FOR NON-RECURRING ADOPTION EXPENSES~~**  
4 **PROHIBITION ON REIMBURSEMENT CAPS**

5 ~~(a) The maximum amount for which adoptive parents will be reimbursed for all non-recurring adoption expenses~~  
6 ~~shall not exceed two thousand dollars (\$2,000).~~

7 ~~(b) No maximum rates for specific reimbursable services shall be established by the State Division of Social Services~~  
8 ~~or by any county department of social services.~~

9 The Department and any public adoption agencies ~~[are prohibited from establishing]~~ shall not establish a maximum  
10 allowable reimbursement amount for any single eligible nonrecurring adoption ~~[expense]~~ expense, but the total  
11 reimbursement for nonrecurring adoption expenses shall not exceed two thousand dollars (\$2,000).

12  
13 *History Note: Authority G.S. 108A-49; 108A-50; 143B-153;*

14 *Eff. July 1, ~~1991~~ 1991;*

15 *Readopted Eff. August 1, 2021.*

10A NCAC 70M .0701 is adopted with changes as published in 35:20 NCR 2191-2913 as follows:

**SECTION .0700 – SPECIAL NEED ADOPTION INCENTIVE FUND**

**10A NCAC 70M .0701 ELIGIBILITY REQUIREMENTS FOR THE SPECIAL NEED ADOPTION INCENTIVE FUND AND EFFECTIVE DATE**

Within the limits of available funding, the Department may approve and provide assistance in the form of **standard** monthly cash payments from the Special Need Adoption Incentive Fund when the following requirements have been met:

(1) **Requirements for the child:** **The child:**

- (a) Shall be a child with special needs and either has at least one of the factors or conditions listed in **[-0102(3)] .0102(b)(3)(E) through (H) [(e) through (h)]** of the definition in this Chapter of a child with special needs or meets the requirement in **[42 – USC 673(c)(2)(B)(ii)- 42 USC 673(c)(2)(B)(ii):**
- (b) Shall meet the requirements for **standard** monthly cash adoption assistance in this Chapter:
- (c) **[The child was]** Shall be in the custody **of the public adoption agency** and placement responsibility of an adoption agency for at least six consecutive months prior to the finalization of the adoption;
- (d) The special needs condition from **[Item (1) of this Rule] Sub-Item (1)(a) of this Item** is expected to limit the child's ability, both currently and throughout childhood, to function in the home, **[school] school**, or community absent eight or more hours of **[direct] in-person** daily supervision or care for personal health care or prevention of self-destructive or assaultive behavior;
- (e) The child will have resided in the foster parent's home for six consecutive months prior to the finalization of the adoption; and
- (f) The child **[will have been]** was legally adopted on or after January 1, 2001.

(2) **The requirements for each foster parent are:** **Each foster parent:**

- (a) **be** licensed as a foster parent;
- (b) **[have] has** been receiving **standard** monthly cash assistance from any governmental source, such as federal, **[state] state**, or local, above the **[state] State** adoption assistance rate established by the General Assembly for the previous six consecutive months prior to the finalization of the adoption to provide the direct care or supervision required for the child's health condition that meets the requirement in Item (4) of this Rule;
- (c) prior to the **[entry] issuance** of the adoption decree, the foster parent made a request for financial assistance in addition to the **[state] State** adoption assistance rate established by

- the General Assembly in order to provide the care required for the child's health condition that meets the requirements in Item (4) of this ~~Rule.~~ **Rule:**
- (d) prior to the ~~entry~~ **issuance** of the adoption decree, the foster parent provided the public adoption agency with a signed letter that ~~truthfully and accurately~~ details the daily supervision needs of the ~~child;~~ **child.**
- (e) shall only be willing to adopt the child if the monthly cash assistance from any other governmental source, such as federal, ~~state~~ **state**, or local, above the ~~state~~ **State** adoption assistance rate received for foster parents and is not terminated upon the adoption of the child;
- (f) shall enter into an adoption assistance agreement with a public adoption agency prior to the decree of adoption;
- (g) entered into a supplemental agreement with a public adoption agency prior to the adoption decree;
- (h) agree to provide the public adoption agency with a copy of the adoption decree once the adoption has been ~~finalized.~~ **finalized.**
- (i) shall have a completed criminal history investigated pursuant to G.S. 48-3-303 ~~f-309~~ **and 48-3-309** and shall not have a criminal history, as defined by G.S. 48-1-101(5b), or any other criminal conviction that would cause the prospective adoptive parent ~~is~~ **to be** unfit to have responsibility for the safety and well-being of children as determined by the public adoption agency pursuant to G.S. ~~48-3-309.~~ **48-3-309.**
- (j) shall require all individuals 18 years of age or older who reside in the prospective adoptive home to undergo a criminal history investigated pursuant to G.S. 48-3-303 and 49-3-309; **and**
- (k) shall provide the public adoption agency with the results of the criminal back history investigation.
- (3) All individuals 18 years of age or older who reside in the prospective adoptive home shall have a completed a criminal history investigated pursuant to G.S. 48-3-303 and 48-3-309 and shall not have a criminal history, as defined by G.S. 48-1-101(5b), or any other criminal conviction that would cause the prospective adoptive parent ~~is~~ **to be** unfit to have responsibility for the safety and well-being of children as determined by the public adoption agency pursuant to G.S. 48-3-309.
- (4) ~~The requirements for the public adoption agency having custody of the child are:~~ **The public adoption agency having custody of the child shall:**
- (a) ~~it~~ **agrees** voluntarily ~~agrees~~ **agree** to participate in the Special Need Adoption Incentive Fund and ~~agrees~~ **agree** to assume fifty percent of the payment above the State adoption assistance rate established by the General Assembly.
- (b) ~~entered~~ **enter** into an adoption assistance agreement as provided in this Rule.



1 (c) ~~[entered]~~ enter into a supplement agreement as provided in this Rule.

2 (d) ~~[maintains]~~ maintain a record for the child that contains written documentation that the  
3 child and foster parent(s) have met or will meet the requirements for the foster child and  
4 the foster parents in this Rule at the time of the adoption decree and shall ~~[specifically]~~  
5 include the following:

6 (i) a written statement on a form provided by the Department (“Special Children  
7 Adoption Incentive Fund Agency Verification of Legal Custody and Child’s  
8 Living Arrangement For Past Six Months” Form DSS-5214, which ~~[can be]~~  
9 ~~found]~~ may be accessed at <https://www.ncdhhs.gov/divisions/dss>) signed by the  
10 Director of the public adoption agency that verifies:

11 (A) each foster parent is licensed;

12 (B) the public adoption agency has legal custody and placement  
13 authority of the child;

14 (C) the child has lived with the foster family for six consecutive  
15 months prior to the adoption;

16 (D) that the foster parent(s) have received monthly cash assistance  
17 from a governmental source in excess of the standard board rate  
18 established by the General Assembly for the previous six  
19 months on a continuous basis and the amount of the payments;  
20 and

21 (E) the foster parent(s) have stated a willingness to adopt this child  
22 if the monthly cash assistance that they have received as foster  
23 parents is not ~~[terminated,]~~ terminated;

24 (ii) a written statement on a form provided by the Department (“Special Children  
25 Adoption Incentive Fund Verification of Child’s Health Condition” Form ~~[DSS-~~  
26 ~~5213]~~ DSS-5213, which ~~[can—be—found]~~ may be accessed at  
27 <https://www.ncdhhs.gov/divisions/dss>) signed by a medical ~~[professional]~~  
28 professional, who is qualified through licensing and credentialing to diagnose the  
29 child’s condition prior to the adoption that demonstrates that the child meets all  
30 the requirements in Item (1)-(4) of this Rule;

31 (iii) a written statement on a form provided by the Department (“Special Children  
32 Adoption Incentive Fund Verification of Child’s Need for Daily Supervision”  
33 Form ~~[DSS-5215]~~ DSS-5215, which ~~[can—be—found]~~ may be accessed at  
34 <https://www.ncdhhs.gov/divisions/dss>) signed by the foster parent(s) prior to the  
35 adoption that demonstrates ~~[that]~~ the child meets all the requirements in this Item;  
36 ~~[(a)(4) of this Rule;]~~

- 1 (iv) a letter from the foster parent(s) ~~[detailing]~~ explaining the daily needs of the ~~child;~~  
2 ~~[child.]~~
- 3 (v) a signed adoption assistance agreement;
- 4 (vi) a signed supplement ~~[agreement]~~ agreement;
- 5 (vii) a copy of the foster parent's license;
- 6 (viii) a copy of the decree of adoption once it has been received pursuant to this Rule;
- 7 (ix) a copy of the results of the criminal investigation of the foster parents and any  
8 individual 18 years of age or older who resides in the prospective adoptive ~~[home.]~~  
9 ~~home; and~~
- 10 (x) ~~[It makes]~~ make a request, on behalf of the foster parent(s), prior to the adoption  
11 decree to the Department for Special Need Adoption Incentive Fund assistance  
12 for the foster parents.  
13

14 *History Note:* Authority G.S. 108A-49; 108A-50; 108A-50.1; 143B-153; ~~S.L. 2000-67, s. 11-16;~~  
15 ~~Eff. August 1, 2021.~~

1 10A NCAC 70M .0702 is adopted with changes as published in 35:20 NCR 2193-2194 as follows:

2  
3 **10A NCAC 70M .0702 PAYMENTS FROM THE SPECIAL NEED ADOPTION INCENTIVE FUND**

4 (a) Payments from the Special Need Adoption Incentive Fund will be made by the State Division of Social Services  
5 to the adoptive parent(s).

6 (b) Participating county departments of social services shall submit claims for payments to the State Division of  
7 Social Services.

8 (c) The initial payment claim must include the following items:

9 (1) verification of child's placement authority;

10 (2) verification that the child has lived with the foster family six consecutive ~~months;~~ months  
11 submitted on the "Living Arrangements for Past Six Months" Form DSS-5214;

12 (3) a copy of written statement from a licensed physician regarding the child's health condition;

13 (4) a copy of written statement from a licensed health, mental health, or developmental disability  
14 professional regarding the status of the child's condition;

15 (5) a copy of signed adoption assistance agreement;

16 (6) a copy of signed supplemental assistance agreement; and

17 (7) a copy of Decree of Adoption.

18 (d) Monthly payment claims shall be submitted on the "Request for Special Children Adoption Incentive Fund  
19 Payment" ~~[form]~~ Form DSS-5211, which may be accessed at [https://www2.ncdhhs.gov/info/olm/forms/dss/dss-](https://www2.ncdhhs.gov/info/olm/forms/dss/dss-5211-ia.pdf)  
20 5211-ia.pdf. ~~[developed by the Division of Social Services.]~~

21  
22 *History Note:* Authority G.S. 108A-49; 108A-50; 108A-50.1; 143B-153; S.L. 2000-67, s. 11-16;

23 Eff. August 1, 2021.