Department of Health & Human Services
DHHS
NEBRASKA

Nebraska Health and Human Services System
INFORMATION REGARDING RECEIPT OF STATE SUBSIDIZED ADOPTION FOLLOWING STATE SUBSIDIZED GUARDIANSHIP

Background: In 2009, the Nebraska Legislature amended NE Rev. Statute 43-117. Prior to the amendment, only a child who was a ward of the Department at the time the adoption was finalized could be eligible for an adoption subsidy. The amendment expands eligibility to include a child who was the subject of a state funded guardianship subsidy immediately preceding the adoption.

Eligibility Requirements: Eligibility for state funded adoption subsidy as a result of this change in state law exists only when:

1. The guardianship was ordered by a court of competent jurisdiction.
2. The guardian has a valid state subsidized guardianship agreement with the Department. If any of the reasons for termination of the subsidized guardianship exist, the subsidized guardianship must be closed, and the child is not eligible for an adoption subsidy. (The reasons for termination of a state subsidized guardianship are stated in Department regulations, at 390 Nebraska Administrative Code 6-005.09 Termination of Guardianship Payment. This regulation can be accessed online at www.sos.state.ne.us/rules-and-regs/research/Rules/Health_and_Human_Services_System/Title-390/Chapter-6.)
3. The adoption subsidy is approved by the Department and the agreement is signed by the guardian and the Department prior to finalization of the adoption.

Coverage Provided:

Coverage under the adoption subsidy can be no more than coverage provided under the valid guardianship subsidy agreement that is in effect. For example:

- The maintenance payment can be no more than the amount in the subsidized guardianship agreement; and
- Payment for services such as child care, respite and Medicaid coverage, can be provided only if they were included in the existing subsidized guardianship agreement.

(See below for a summary of Non-Recurring Subsidy.)

Responsibilities of the Guardian: Because the child is not a ward of the Department, the adoption is a private adoption. Therefore, the guardian is responsible for providing all documentation required for processing the adoption subsidy application, and for assuring that the agreement is completed prior to finalization of the adoption.

The guardian also is responsible for assuring that statutory requirements for finalization of the adoption are met. Generally it will be necessary for the guardian to retain an attorney to assist in preparing the legal documents and filing the petition with the court for finalization of the adoption. The attorney must also file a petition with the court that granted the guardianship and obtain an order terminating that guardianship once the adoption has been finalized. The Department cannot provide legal advice or legal assistance to the guardian.

If the adoption is to be finalized in Nebraska, the guardian will need to be approved to adopt in an adoption home study prior to, or as part of, filing the adoption petition, per Nebraska statute. The Department will not conduct such home studies, nor will the Department pay contractors to conduct such home studies. (See information below on the possibility of reimbursement of these expenses under a Non-Recurring Subsidy.) The guardian may want to contact one of the licensed private adoption agencies that conduct such home studies. The web site for a listing of these agencies is: adoptionnebraska.com.

Non-Recurring Subsidy: If the child is considered to be a child with special needs, he or she may qualify for a one time only subsidy to reimburse the guardian for the actual expenses associated with the adoption, including expenses such as attorney's fees, fees for the home study, and court costs. Reimbursement for the home study is possible only if the guardian is actually billed for that service. Donations to a private agency for completion of a home study cannot be paid under a Non-Recurring Subsidy.

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Additional information regarding Non-Recurring Subsidy can be found in Department regulations at 390 NAC 6-003.03G, which can be accessed online at www.sos.state.ne.us/rules-and-regs/research/Rules/Health_and_Human_Services_System/Title-390/Chapter-6.

To make application for Non-Recurring Subsidy contact the Adoption Specialist at (402) 741-9331.

Contact Person: Guardians who believe they meet the above requirements, are planning to adopt the child for whom they receive a state guardianship subsidy, and are interested in receiving a state adoption subsidy or a Non-Recurring Subsidy may contact the Adoption Specialist, Children and Family Services, Policy Sections at (402) 471-9331. That person will provide the required application form(s) and additional information on processing the application(s) and agreement(s). The forms may also be found on the DHHS website

Required Documents

This form may be used as a checklist and submitted along with the forms to the Adoption Specialist

At The Time of Application

- ☐ PS-21 Determination of Eligibility and Application for State Subsidized Adoption For Children Receiving State Subsidized Guardianship, completed and signed.
- ☐ PS-22 State Subsidized Adoption Agreement For Children Receiving State Subsidized Guardianship, completed and signed.
- ☐ Copy of the Subsidized Guardianship Agreement, PS-74. (The guardian may contact the assigned subsidy worker who maintains the subsidized guardianship case to obtain of copy of this form).
- ☐ Copy of the court order appointing the guardian for the child.
- ☐ The documents that make the child free for adoption (whichever apply)
- ☐ Relinquishment of parental rights
  - ☐ Mother
  - ☐ Father
- ☐ Termination of parental rights order
  - ☐ Mother
  - ☐ Father
- ☐ Death certificate of biological parent
  - ☐ Mother
  - ☐ Father
- ☐ Appropriate forms to serve notice to the absent father.

After the adoption has been finalized

- ☐ Copy of the adoption decree. (certified copy is not required)
- ☐ Copy of the court order terminating the guardianship (certified copy is not required

All forms should be sent to:
Adoption Specialist
Division of Children and Family Services
Department of Health and Human Services
P.O. Box 95026
Lincoln, NE 68509-5026