

**TUSCARAWAS COUNTY JOB & FAMILY SERVICES
FOSTER CARE/ADOPTION SERVICES POLICY
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ATTACHMENT A: Non-Discrimination Requirements

ATTACHMENT B: Standards of Conduct & MEPA Complaint Process

ATTACHMENT C: Explanation of State Hearing Procedures

ATTACHMENT D: Discrimination Complaint Form (JFS 02333)



**TUSCARAWAS COUNTY JOB & FAMILY SERVICES
CHILDREN SERVICES POLICY**

FOSTER CARE/ADOPTION SERVICES POLICY

This agency recognizes that every child of whom it has permanent custody has the right to a permanent home with a loving and caring family to the extent that this is in the best interest of the child. The agency will continue to actively pursue this end, using every available resource including, but not limited to, the Adopt Ohio website, Child-Specific Recruitment, private home-finding agencies, and agency-approved adoptive homes. In all placements, the overriding concern is the best interest of the child, which supersedes all other considerations.

A. Geographic Area

Tuscarawas County Job & Family Services (TCJFS) jointly licenses applicants to provide both foster care and adoption services. The geographic area within which the agency conducts adoption homestudy assessments for families wishing to adopt domestic children with special needs is Tuscarawas, Holmes, Carroll, Harrison, Stark, Coshocton and Guernsey Counties.

Families wishing only to adopt children under age 10 and/or children from other countries will be referred to private adoption agencies specializing in those adoptions.

On a case- by- case basis, TCJFS may provide adoption services to foster families of other agencies (who are not approved as adoptive parents) and who live outside the designated geographic area, when they express the desire to adopt a child in the permanent custody of TCJFS.

B. Matching Criteria

Tuscarawas County Job & Family Services will ensure that all requirements of the Indian Child Welfare Act (ICWA) have been met in making adoptive placement of children. Issues related to ICWA are addressed by the agency at the time the children are placed into the agency's temporary custody. (See Policy 800.8.0.) In the event that new information has been provided which may suggest that a child in the permanent custody of the agency is a member of or eligible for membership in a registered tribe, the adoption worker shall follow the steps outlined in Policy 800.8.0.

The agency will not proceed with adoptive placement until such time as it is able to ensure that the child is not a member of or eligible for membership in a registered tribe. In the event that a child is determined to be eligible for membership in a tribe or is already a member, the agency must defer any decision on placement of the child to the native tribe. Any determination regarding placement of a child in the permanent custody by a native tribe will have first priority over any other placement listed below.

A matching conference will be held within 90 days of the agency's receipt of permanent custody of a child. Subsequent matching conferences will continue every 90 days until an adoptive placement agreement has been signed.

TCJFS shall regulate the frequency of adoptive placements based upon, but not limited to, the following factors: ability of the family to accept another child, financial resources of the family, special needs of the new child being considered, special needs of other family

members. At a minimum, TCJFS waits six months following adoption finalization before placing other children in the home. Consideration is given to placing siblings together unless it is contrary to their best interest. The child's preference may be considered if the child has the capacity to express a preference.

If only one relative or the child's current foster caregiver has expressed an interest in adopting the child and the agency deems that placement with that person is in the child's best interest, the agency shall give preference to that person in the placement selection. The agency is not required to consider other families in the matching conference.

If such a person does not exist, the following preferential order shall be given when considering a child for adoptive placement:

1. Adult relatives of the child who have expressed an interest in adopting the child and meet all relevant state child protection standards, unless the agency determines that the placement is not in the child's best interests.
2. The child's foster caregiver who has expressed an interest in adopting the child, unless the agency determines that the placement is not in the child's best interest.
3. A foster caregiver with whom the child previously resided who has expressed an interest in adopting the child, unless the agency determines that the placement is not in the child's best interest.
4. Other approved adoptive families who are accepting of the child's characteristics and who have expressed an interest in adopting the child.

If no families are available for consideration at a matching conference for a specified child, TCJFS will conduct child-specific recruitment for the child prior to the next matching conference to include:

- Distribution of written information about the child to at least two adoption agencies;
- An agency review of the relatives of the child or other adults from the child's past who may be willing to adopt; and
- Discussion with the child, if capable, of anyone the child knows that may be interested in adopting him or her.

Any person previously considered as an adoptive parent for a child in a matching conference who was not interested in parenting said child does not have to be considered for the same child in future conferences.

Home studies of families approved for adoption by other agencies will be maintained in the same manner as adoptive home studies approved by TCJFS. These home studies will be considered for matching when:

1. The agency receives permanent custody of a child whose current foster parent(s) does not wish to adopt; and
2. The other agency's family is accepting of the child's characteristics.

These home studies will be maintained until they expire, at which time they will be destroyed.

TCJFS uses the state-mandated Documentation of the Placement Decision-Making Process,

JFS 01689, for matching every child available for adoption.

Priority is given to a child's tribe for placement of a Native American Indian child over placement in a non-tribal placement.

C. Non-discriminatory Procedures

TCJFS employs non-discriminatory procedures to review all approved adoptive families for matching, to select approved adoptive families to be presented at the matching staffing, and to match a child with an approved family outside the agency's jurisdiction. The agency reviews each characteristics checklist completed by prospective adoptive parents and compares the information to all the known child characteristics beyond those which may have been listed on recruitment flyers. This is in order to determine the likely compatibility of the match and competence of the prospective parent to meet the child's specific medical, emotional, behavioral, and/or mental health challenges. Other considerations in the matching process include placement of siblings together; the likelihood of the placement accepting future siblings to the family; and the child's need to be an only, oldest, or youngest child within the family unit.

*See Attachment A- JFS 01611, Non-Discrimination Requirements for Foster Care and Adoptive Placements

D. Open Adoptions

1. The agency can and will facilitate open adoption agreements. The agreements can be verbal or in writing to negotiate the amount of openness.
2. Open adoptions are legal in the State of Ohio. How open or closed the adoption is depends on the needs of the triad members; especially the child's needs.
3. All agreements, verbal or written, are based on mutual consent. Any party may decide at any time to temporarily or permanently suspend contact.
4. Under Ohio law, parties to the adoption must respect withdrawal of contact and cannot force the issue in court.

E. Adult Adoption of a Former Foster Child

When the agency receives a verbal or written request from a former foster child who is age 18 or older and wishes to be adopted as an adult, the request will be directed to the Placement Services Unit. Staff in the Placement Services Unit will complete a records search to verify that the adult was in custody at age 18 and issue a letter indicating their findings to the former foster child.

F. Notifications to Other Public Children Services Agencies (PCSA)

1. Within 10 days of initiating the home study of an out-of-county prospective adoptive parent, the assessor will send notification letter AS 103 to the PCSA in the county in which the prospective adoptive parent resides.
2. No later than 10 days prior to making an adoptive placement of a child who will be placed in another county, the assessor will send notification letter AS 104 to the PCSA in the county in which the prospective adoptive parent resides.

G. Training Requirements for Foster/Adoptive Applicants

Each applicant desiring to foster/adopt must attend at least 36 hours of foster care/adoption training. The training is offered at our agency by trainers provided by the East Central Ohio Regional Training Center who utilize the standard curriculum developed by the Ohio Department of Job and Family Services to educate and sensitize participants regarding the foster care/adoption process and related issues. Our agency will offer, at a minimum, training in seven major topic areas; i.e., adoption process, child development, separation and loss, dealing with behavioral challenges, cultural issues (minimum three hours required), caring for children who have been sexually abused, and adoption-related issues. Training must be completed prior to the recommendation for initial certification of any foster care/adoptive home. In accordance with OAC 5101:2-48-05, TCJFS does not waive any training requirements for applicants to become foster care/adoptive parents, including training on cultural issues.

H. Background Checks

Foster care/adoptive applicants and all adult members of the household must have a completed Bureau of Criminal Identification and Investigation (BCII) criminal records check.

In accordance with the federal Adam Walsh Act, a Central Registry or Statewide Automated Child Welfare Information System (SACWIS) background search is completed for foster care/adoptive applicants and all adult members of the applicant's household. If the applicant or any adult member of the household resided in another state in the five years immediately prior to the adoption application, the child abuse and neglect registry of that state must be searched also. These searches are completed by the foster care/adoption worker for the initial and updated applications and are documented in the foster/adoptive family's record. The results of these searches must be received prior to foster/adoption approval.

A Federal Bureau of Investigation criminal records check is completed on foster/adoptive applicants and all adult members of the applicant's household regardless of where they have lived within the last five years.

If the results of any of these background checks indicate that a foster care/adoptive applicant or an adult member of the household has been convicted of or pleaded guilty to any of the offenses or violations listed in 5101:2-48-10(C), unless conditions of 5101:2-48-10(D) are met, then the foster care/adoptive applicant shall not be approved to provide foster care/adoption services.

TCJFS pays all fees associated with obtaining background checks for foster care/adoptive applicants and adult members of the household.

Criminal records checks conducted by BCII and FBI are not public record.

Foster care/adoptive applicants, or approved foster care/adoptive families, shall notify TCJFS in writing if a person residing in the home 12-17 years of age has been convicted or pleaded guilty to any offense listed in Appendix A of Ohio Administrative Code 5101:2-48-10 or has been adjudicated to be a delinquent child for committing an act if committed by an adult would constitute one of these offenses.

I. The Joint Foster Care/Adoption Application Process

1. Employees of TCJFS, family members of the TCJFS administrator, contract
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- agencies, or other persons with any special relationship to a Children Services case who wish to become certified to foster/adopt may receive training through TCJFS and will then be referred to other Public Children Services and/or private adoption agencies to initiate and complete the foster care/adoption certification process.
2. Upon agency receipt of a completed and accurate ODJFS 1691 Application for Child Placement, the agency shall determine if the applicant is seeking a special needs child. A home study will be initiated within 30 days.
 3. A written home study report will be completed and the applicant notified of approval or denial within 180 days of the date the completed application was submitted which initiated an adoptive home study for any applicant seeking a special needs child. The only exception will be if the foster care/adoptive applicant delays procedures or the delay is upon mutual agreement of the agency and the applicant.
 4. All home studies will be documented on the ODJFS 1673 Assessment for Child Placement (Home Study) in SACWIS to expedite the joint family foster home certification and adoptive home approval process.
 5. TCJFS completes a joint foster care/adoptive home study for all applicants, unless the family wishes to adopt a specific child in the permanent custody of TCJFS, who is waiting to be adopted. When an applicant seeking to adopt a minor or foster child will have at least five children residing in the prospective adoptive home after the minor or foster child to be adopted is placed in the home for adoption, the assessor shall complete the JFS 01530 "Multiple Children/Large Family Assessment."
 6. The home study will be a joint decision-making assessment and process involving the applicant and a certified adoption assessor employed by TCJFS, which is designed to determine whether adoption and/or foster care is a viable option for the applicant and the characteristics of the children the applicant can best parent. All household members over the age of 4 years will be interviewed as part of the home study.
 7. Applicants will be notified of the next scheduled pre-service training for foster/adoptive applicants. Applicants will also be notified that they need to provide the following documentation:
 - a. Four personal written references regarding qualifications/suitability to become adoptive parents. Three of the references must be from persons not residing in the applicant's home and who are not relatives of the applicant(s).
 - b. A copy of the marriage certificate or other verification of marriage, if applicable.
 - c. A copy of a divorce decree or other verification of divorce, if applicable.
 - d. An ODJFS 1681 Applicant Financial Statement, containing information regarding the applicant's income, assets, and financial liabilities.
 - e. An ODJFS 1653 Medical Statement for Foster/Adoptive Applicant/Household for all household members signed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife.
 - f. Results of the BCII and FBI criminal records checks for the applicant(s) and all adult members of the household.
 - g. Completed ODJFS 1348 Safety Audit of a Family Foster Home.

- h. Completed water test, if required.
 - i. A fire inspection.
 - j. Additional examination by a licensed or certified professional may be required in limited circumstances.
 - k. Name(s) of any other agency or organization which previously recommended the applicant for certification to foster/adopt, or for whom the applicant provided care and supervision of children.
8. If the decision is to not initiate an adoptive home study, notification shall contain an explanation and a description of procedures for review.
 9. Applicants will be given assistance in completing the application and securing all required documents and information. Signed releases of information will be obtained as necessary to secure information from third parties.
 10. If the decision is to not approve a foster care/adoptive home study, notification shall contain an explanation and a description of procedures for review.
 11. No child will be placed in a foster care/adoptive home until the effective date of certification by ODJFS.
 12. When a foster/adoptive applicant requests his/her home study, TCJFS will release all information, except references, within 15 days to another agency upon receipt of a signed authorization and request. The agency will not release any home study when it has been determined that the home study or application contains a false statement. The dates of request and release will be logged in the applicant's files.
 13. TCJFS will not charge a fee for reproduction of a home study.
 14. Any adoptive applicant's case for which a home study has not been completed within one year of the notification to initiate the home study (unless exceptions of [3] apply) shall be terminated. The applicant will be notified in writing no less than thirty days prior to termination. An explanation of the reason for termination and the procedure for an agency review will be included.
 15. Foster/adoptive home studies will be updated every two years
 16. Amendments to home studies will be completed within thirty days of changes reported by the foster/adoptive caregivers as required in Ohio Administrative Code 5101: 2-48-12.2.

J. REPORTING AND INVESTIGATING FALSIFICATIONS—ADOPTIVE APPLICATIONS AND ADOPTIVE PARENTS

Policy

TCJFS will investigate and refer all cases to the County Prosecutor in which there is probable cause to believe that falsification of a foster care/adoptive application or home study has been committed or the foster/adoptive parents or other household members have knowingly made false statements.

Procedure

1. Within 3 calendar days of an assessor's determination of possible falsification on a foster care/adoptive application, a foster care/adoptive home study, or false statements made by

foster/adoptive parents or other household members that result in the assessor's reassessment of an approved home study, the assessor shall give written notification of same to the agency's In-House Counsel.

- This notification shall include the original application for foster care/adoption, verification of the falsification, and documentation verifying the information reported on the application or in the home study is knowingly false.
2. Within 14 calendar days of the determination of the falsification, the In-House Counsel will send a certified letter to the foster/adoptive applicant/parent including all of the following:
 - notice that the home study process will discontinue, if applicable;
 - a copy of the information that is alleged knowingly false;
 - documentation verifying the information is false;
 - notice that all falsification cases are referred to the county prosecutor's office in which the foster/adoptive applicant/parent resides;
 - the foster/adoptive applicant's/parent's right to an agency review;
 - notice that the applicant must respond to the agency within 14 calendar days, or the application will be withdrawn and the home study process discontinued

—or—

 - notice that the foster/adoptive parent must respond to the agency within 14 calendar days or the child(ren) in their foster care/adoptive placement will be moved.
 3. Within 21 days of the foster/adoptive applicant's/parent's response, the In-House Counsel will conduct an internal investigation to include a face-to-face visit with the foster/adoptive applicant/parent and all relevant witnesses, if available.
 4. Within 10 days of conducting the internal investigation, the In-House Counsel will issue a final investigatory report to the foster/adoptive applicant/parent to include:
 - the allegations;
 - relevant background information;
 - results of the investigation;
 - whether the agency found probable cause to indicate the foster/adoptive applicant/parent made knowingly false statements.
 5. The In-House Counsel may take an additional 14 days to complete the investigatory report, if unanticipated circumstances require additional time and the foster/adoptive applicant/parent is notified of same.
 6. Within 30 days of conducting the internal investigation, the In-House Counsel will notify the foster/**adoptive applicant** of any action to be taken.

Within 24 hours of conducting the internal investigation of a foster/**adoptive parent**, the In-House Counsel will determine if there is cause to remove the foster/adoptive child from the foster/adoptive parent's home.

7. The agency will resume the home study process if the investigation concludes there has been no falsification and the applicant chooses to proceed. The home study will be completed within 180 days from recommencement.

8. All documentation regarding the investigation will be filed in the foster care/adoptive family's case record.

K. FOSTER-TO-ADOPT NOTIFICATION

When a foster caregiver is certified by another agency, and a foster child placed with the foster caregiver becomes available for adoption, written notification will be sent to the foster caregiver and to the recommending agency of the child's availability for adoption.

Included in the notification will be the preferential order placement procedures required in 5101:2-48-16 and instructions to contact this agency if the family is interested in being considered as an adoptive placement and to receive more information about the adoption process.

L. REVIEW PROCEDURE

Complaints regarding discriminatory acts, policies, or practices pertaining to the foster care and adoption process that involve race, color, or national origin, shall be handled per Rule 5101:2-33-03 of the Administrative Code.

Complaints concerning the provision of services and appeals by alleged perpetrators who disagree with the disposition/resolution of a report of child abuse or neglect are presented in the following manner:

Step 1: Within thirty (30) calendar days of the alleged action, the grievant must try to resolve the issue by discussing his/her complaint with the worker's immediate supervisor.

Step 2: If the grievant is not satisfied with the resolution in Step 1, the grievant may request a Grievance Review.

The request for a Grievance Review must be put in writing on agency form JFS 12, Request for a Grievance Review. A grievant should contact the Administrative Assistant of the Director of this agency to receive form JFS 12. The form will be mailed out within three (3) calendar days of the request.

The completed JFS 12 must be returned to the agency within fourteen (14) calendar days of the supervisory response in Step 1.

Step 3: Within thirty (30) calendar days of receiving a completed Request for a Grievance Review, a two-stage review is held with a panel of three management-level staff. This review includes (1) a meeting with the grievant, and (2) an interview with the Worker and/or Supervisor of the case to address the grievant's issues.

Members of the Review Panel cannot be involved in any other stage of the case.

When the grievant chooses to bring a legal representative to this meeting, the agency's legal counsel will be present to represent the agency.

If the grievant is a foster/adoptive applicant, a prospective foster/adoptive family, or a foster/adoptive family, this review will include a face-to-face meeting with the grievant, the foster/adoptive family caseworker, the Placement Services Supervisor, and the agency Director or his/her designee.

Step 4: Within fifteen (15) days of the review, a written response from the panel will be mailed to the grievant. Copies of the Request for a Grievance Review and the panel's written response will be filed in the grievant's case record and given to the Director and Staff Counsel.

If the foster/adoptive family believes that a foster care/adoptive placement was denied or will be denied solely for the reasons of geographic location, the state hearing process is available for them to pursue.

M. State and Federal Adoption Assistance

TCJFS participates in federal Title IV-E Adoption Assistance, Reimbursement of Non-recurring Adoption Expenses Program, State Adoption Maintenance Subsidy (SAMS), and Post-Adoption Special Services Subsidy (PASSS). The most current eligibility rules for adoption assistance can be found within Ohio Administrative Code, sections 5101:2-44-06, 5101:2-44-13.1, and 5101:2-49-02.

1. Title IV-E Federal Adoption Assistance (AA)

AA provides financial assistance to families based on the child's special needs at the time of the adoptive placement. The benefits may include a monthly AA payment and a Medicaid card.

In order for a child to be eligible for AA, TCJFS must determine and document that the child has special needs as defined by the following:

- The child was in the permanency custody of and placed for adoption by a:
 - Public Children Services Agency, or
 - A Private Child Placing Agency, AND
- The child would have been eligible for Aid to Dependent Children, AND
- There must have been a timely court order containing a judicial determination stating that the placement is in the best interest of the child, OR
- The child meets Supplemental Security Income (SSI) eligibility requirements.

The amount of the monthly AA payment for eligible children is determined by negotiation and mutual agreement between the adoptive parent(s) and TCJFS. The circumstances of the adoptive family and the special needs of the child are taken into consideration. If the child had been in a family foster home, the amount of the monthly AA payment cannot exceed the Foster Care Maintenance payment that had been paid on behalf of the child. The use of an income-eligibility test is prohibited.

AA payments may begin when all of the following steps have been completed:

- The child is placed in an approved adoptive home;

- TCJFS has determined that the child meets all of the eligibility requirements for AA; and
- The Adoption Assistance Agreement (JFS 01453) has been completed and signed by the adoptive parent(s) and TCJFS.

AA payments may be in effect until the month after the child's 18th birthday or the month after the child's 21st birthday if he/she has a mentally or physically disabling condition as defined in the Ohio Administrative Code. TCJFS will determine if your child's condition allows for an extension of the AA agreement beyond the child's 18th birthday.

Application for an AA subsidy must be completed and submitted to TCJFS prior to the finalization of the adoption. In the event the following circumstances occurred, eligibility may be considered after finalization and an AA agreement negotiated if:

- The Application/Determination of Continuing Eligibility (JFS 01451) was not completed or an Adoption Assistance Agreement (JFS 01453) was not executed prior to the final decree of adoption because of:
 - Relevant facts regarding the child are known by the agency but are not presented to the adoptive parent(s) prior to the final decree of adoption; or
 - The agency denied AA based upon the adoptive parent's income; or
 - The agency erroneously determined the child was ineligible for AA; or
 - The agency failed to advise the adoptive parent(s) of the availability of AA.

2. Non-recurring Adoption Expenses Subsidy

Non-recurring adoption expenses are one-time expenses directly related to the legal adoption of a child with special needs. Payment or reimbursement for these expenses are permitted for such things as supervision of placements prior to the adoption, attorney's fees, court costs, transportation costs, and the reasonable costs of food and lodging. Payment or reimbursement is also available for costs associated with the adoption home study, health examinations related to the home study, and reasonable and necessary adoption fees.

In order to qualify for payment or reimbursement of the above-noted expenses, the child must meet the following criteria:

- The child has been determined to meet the definition of having special needs; and
- As determined by the agency, the child should not be returned to the home of his/her parent(s) because of one of the following:
 - The termination of the legal rights and responsibilities of the birth parents via court order; or
 - A petition for the termination of the legal rights and responsibilities of the birth parents; or
 - The relinquishment of the legal rights and responsibilities to the child signed by the birth parents; AND
- The agency has determined reasonable, but unsuccessful, efforts were made to place the child with an appropriate family without the provision of an adoption subsidy.

Non-recurring Adoption Expenses Subsidy is available to prospective adoptive families without regard to income or location from which the child is to be adopted. Completion of an Application for Reimbursement of Non-recurring Adoption Expenses (JFS 01421)

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must be submitted prior to the issuance of a final decree of adoption, including the final decree of adoption issued by a foreign county. The JFS 01421 must be submitted to the county children services agency responsible for the execution of the Title IV-E Adoption Assistance agreement. If no Title IV-E agreement was executed, the JFS 01421 should be submitted to the children services agency in the county in which the adoptive parent resides.

Upon determining that the child meets eligibility criteria, the family and agency must sign the agreement for payment or reimbursement. Once the agreement has been signed indicating the expenses for which you may request reimbursement, your receipts must be submitted to the agency within two years of the adoption's finalization.

Other resources which may be available to offset the expenses of adopting a child are as follows:

- State Adoption Tax Credit for the expenses incurred in the legal adoption of a minor child (less than 18 years of age) is limited to \$1500 per child adopted during the year. For additional information, please contact the Ohio Department of Taxation at 1-800-282-1780.
- Federal Adoption Tax Credit is for qualifying expenses paid to adopt an eligible child. These include reasonable and necessary adoption fees, court costs, attorney fees, traveling expenses (meals and lodging) while away from home, and other expenses directly related to the legal adoption of an eligible child. This is a credit amount which is subtracted from your tax liability. For additional information, refer to the Internal Revenue Services (IRS) Publication 968, "Tax Benefits for Adoption," and IRS form 8839, "qualified Adoption Expenses," or contact the IRS at 1-800-829-1040 or visit the IRS Web site at www.irs.gov.

3. State Adoption Maintenance Subsidy (SAMS)

SAMS provides financial assistance to families based on a child's special needs at the time of the adoptive placement. The adoptive family's gross income must not exceed 120 percent of the median income of a family of the same size. Children who are eligible receive federal Adoption Assistance (AA) subsidy are not eligible to receive SAMS.

SAMS provides a monthly adoption assistance payment and SAMS-eligible children qualify for a Medicaid card.

To apply for SAMS, prospective adoptive parent(s) must submit an Application for State Adoption Subsidy (JFS 01613) to the agency. The application must be submitted prior to the final decree of adoption. Once an adoption has been finalized, a child cannot be made eligible for SAMS.

4. Post-Adoption Special Services Subsidy (PASSS)

PASSS helps adoptive families meet the special needs of their adopted child after adoption finalization. A clear, well-defined, pre-adoptive need for service must be identified in order for PASSS funds to be utilized. The subsidy is available to all adoptive families regardless of the type of adoption, except stepparent adoptions. The child does not have to meet either the federal or state definitions of special needs.

PASSS does not provide monthly payments.

Application for Post-Adoption Special Services Subsidy (JFS 01050) should be submitted to the county in which the adoptive family resides. To qualify for PASSS, the following criteria must be met:

- The child must have a special need consisting of a physical, developmental, mental, or emotional condition;
- The child's special need must have existed before the adoption was finalized or can be attributed to a pre-adoptive condition;
- The child is less than 18 years of age, or is less than 21 years of age and is mentally or physically handicapped;
- The family has explored other sources of assistance, but the sources are inadequate or unavailable to meet the needs of the child;
- The expenses are beyond the economic resources of the adoptive family;
- The child is not in the custody of a Public Children Services Agency or a Private Child Placing Agency;
- The family resides in the state of Ohio.

There is no fixed income limit for PASSS. However, families with a gross income of 200 percent or more of the federal poverty limit shall direct pay the service provider(s) at least 5 percent of the total cost of all services provided to the child.

PASSS is intended to pay for services not covered under other adoption subsidy programs, insurance, or Medicaid. PASSS funds may be used to cover medical or psychological services that are deemed necessary to meet the needs of the child. Respite care and the maintenance costs of residential treatment programs may also be covered. PASSS will not cover educational services or activities solely designed to improve self-esteem.

There is a limit of \$10,000 per child, per state fiscal year (July 1 through June 30). If extraordinary circumstances exist for which additional moneys are needed, you may submit an Application for Additional Post-Adoption Special Services Subsidy Funding for Extraordinary Circumstances (JFS 01051) to apply for an additional \$5000. The Ohio Department of Job and Family Services (ODJFS) will determine the family's eligibility for the additional funds. Conversely, if the family does not need as much funding as had been approved, the agency will notify ODJFS to release the excess moneys to help another child. Financial assistance under the PASSS program is contingent upon the availability of state funding.

Applications for PASSS, along with supporting documentation submitted by the family, are reviewed by a committee to ensure all eligibility and administrative requirements are fulfilled. Recommendations for approval or denial are then forwarded to the agency director who makes the final decision.

N. FEES AND RELIGIOUS AFFILIATION REQUIREMENTS

1. The agency does not charge any fees for adoption services.
2. There are no religious affiliation requirements to be eligible for adoption services.

O. PROVISION OF PRE-FINALIZATION AND POST FINALIZATION SERVICES

1. Pre-Finalization Services

- a. Prior to the adoptive placement, the agency will provide the adoptive parent with the child study inventory; child-specific financial and medical resources (known or anticipated, including subsidy information); child's life book; materials and photographs the biological parent requests be given to the adoptive parent as authorized by the ODJFS 1693, "Ohio Law and Adoption Material;" the biological parent's first name when authorization is given on the ODJFS 1693; the child's social security number; written information describing types of possible behavior from children who have experienced abuse or neglect, along with suggested interventions; and a written report of specified offenses if a child has been adjudicated as delinquent.
- b. Within four days after placement for adoption, the caseworker responsible for supervising the placement shall contact the family. A face-to-face visit with the child and adoptive parent(s) in the adoptive home will be made within seven days of the placement, and again within 30 days of the placement.
- c. Monthly thereafter, the supervising caseworker shall make face-to-face contact in the home with the adoptive parent(s) and child throughout the pre-finalization period.
- d. Bi-monthly, the supervising caseworker shall have visits with each household member.
- e. From the first day of placement until legalization, pre-finalization services shall be provided to the adoptive parent and child in the form of case management, counseling, crisis services, diagnostic and therapeutic services. Services will either be provided by TCJFS or community service providers.
- f. All adoptive families are advised of the availability of State and Federal Adoption Assistance Programs.

2. Post-Finalization Services


- a. A full range of post-finalization services shall be made available upon the request of the birth parent, the adoptive parent, or the adoptee, as needed.
- b. Our agency will provide the following direct post-finalization adoption services:
 - (1) Provide or refer each person who requests post-finalization services to an agency which specializes in such services.
 - (2) Provide consultation on adoption-related issues to non-agency professionals who may be working with the family.
 - (3) Provide information and services on an individual basis when no appropriate alternative resource can be identified.
 - (4) Provide information regarding the procedures to release identifying information.
 - (5) Process applications for the Post-Adoption Special Services Subsidy Program.

- (6) Make referrals to the Creative Options subcommittee of the Family and Children First Council.
- (7) Provide brief consultation/crisis intervention.
- c. The PCSA located in the county of the birth parent, adoptee, or adoptive family's residence shall be responsible for the provision or referral to the appropriate post-finalization services.

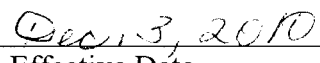
**P. STANDARDS OF CONDUCT, MEPA COMPLAINT PROCESS, AND JFS 02333, "DISCRIMINATION COMPLAINT FORM."
SEE ATTACHMENT B**

Q. ASSURANCES

All adoption and adoption recruitment activities and materials shall maintain compliance with 42 U.S.C. 671(a), the Adoption and Safe Families Act of 1997, Pub. L. No. 105-89, (hereinafter ASFA); and with the Indian Child Welfare Act of 1978, 25 U.S.C.A. 1901, et. seq. (hereinafter ICWA). The Multiethnic Placement Act of 1994 as amended by Section 1808 of the Small Business Job Protection Act of 1996, 42 U.S.C. 622(b)(9), 671(a)(18), 674(d), and 1996(b) (hereinafter MEPA) and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et. seq, as they apply to the adoption process (hereinafter Title VI), do not supersede the provisions of the Indian Child Welfare Act of 1978.



Lynn Angelozzi, Director



Effective Date

NOTE: Readers may access Ohio Administrative Code rules at the following web address:
<http://emanuals.odjfs.state.oh.us/emanuals>

ATTACHMENT A
TO THE TCJFS FOSTER CARE/ADOPTION SERVICES POLICY

Ohio Department of Job and Family Services
**NON-DISCRIMINATION REQUIREMENTS FOR FOSTER CARE AND
ADOPTIVE PLACEMENTS**

The Multiethnic Placement Act of 1994, 42 U.S.C. 622(b)(9), 67(a)(18), 674(d) and 1996(b) (MEPA) and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq as it applies to the foster care and adoption process (Title VI), are designed to decrease the time children wait for foster care and adoption placement, prevent discrimination in the placement of children, and aid in the identification and recruitment of foster and adoptive families who can meet each child's needs. They prohibit any agency using federal funds from denying any person the opportunity to become an adoptive parent or foster caregiver on the basis of race, color or national origin (RCNO) of that person, or of the child involved and from delaying or denying the placement of a child for adoption or foster care on the basis of race, color or national origin of the adoptive parent or parents, of the foster caregiver or caregivers, or the child involved.

Under MEPA and Title VI, no agency may routinely consider RCNO as a factor in assessing the needs or best interests of children. In each case, the only consideration shall be the child's individual needs and the ability of the prospective foster caregiver or adoptive parent to meet those needs. Only the most compelling reasons may serve to justify consideration of RCNO as part of a placement decision. Such reasons emerge only in the unique and individual circumstances of each child and each prospective foster caregiver or adoptive parent. In those exceptional circumstances when RCNO need to be taken into account in a placement decision, such consideration must be narrowly tailored to advance the child's best interest. Even when the facts of a particular case allow consideration related to RCNO, this consideration shall not be the sole determining factor in the placement decision.

The following actions by a PCSA, PCPA, or PNA are permitted under MEPA and Title VI:

- Asking about and honoring any choice made by prospective foster caregivers or prospective adoptive parents regarding the child's RCNO the prospective foster caregivers or prospective adoptive parents will accept.
- Honoring the decision of a child over 12 years of age to not consent to an adoption, unless the court finds that the adoption is in the best interest of the child and the child's consent is not required.
- Providing information and resources about adopting a child of another RCNO to prospective foster caregivers or prospective adoptive parents who request such information and making known to all families that such information and resource are available.
- Considering the request of a birth parent(s) to place the child with a relative or nonrelative identified by name.

This form is used in compliance with the Ohio Administrative Code rules 5101:2-48-05 and 5101:2-42-18.1

- Considering the RCNO of the child as a possible factor in the placement decision when compelling reasons serves to justify that RCNO need to be a factor in the placement decision. Even when the facts of a particular case allow consideration related to RCNO, this consideration shall not be the sole determining factor in the placement decision.
- Promoting cultural awareness, including awareness of cultural and physical needs that may arise in the care of children of different races, ethnicities, and national origins as part of the training which is required of all applicants who seek to become foster caregivers or adoptive parents.
- Documenting verbal comments, verbatim, or documenting in detail any other indication made by a prospective foster caregiver or prospective foster caregiver family member or prospective adoptive parent or prospective adoptive family member living in the household reflecting a negative perspective regarding the RCNO of a child for whom they have expressed an interest in fostering or adoptive and indicating whether those comments were made before or after completion of the cultural diversity training which is required for prospective foster care and adoptive applicants.

The following are examples of action prohibited under MEPA and Title VI:

- Using the RCNO of a prospective foster caregiver or prospective adoptive parent to differentiate between adoptive placements for a child.
- Honoring the request of a birth parent(s) to place a child with a prospective foster caregiver or a prospective adoptive parent of a specific RCNO, unless the birth parent(s) identifies a relative or non-relative by name and that person is found to meet all relevant state child protection standards, provided that the agency determines that the placement is in the best interests of the child.
- Requiring a prospective foster caregiver or prospective adoptive family to prepare or accept a trans-racial foster care or adoption plan. Using "culture" or "ethnicity" as a proxy for RCNO.
- Delaying or denying placement of a child based upon the geographical location of the neighborhood of the prospective foster caregiver or a prospective adoptive family whenever geography is being used as a proxy for the racial composition of the neighborhood, the demographics of the neighborhood, the presence or lack of presence of a significant number of persons of a particular RCNO in the neighborhood or any similar purpose.
- Requiring extra scrutiny, additional training, or greater cultural awareness of individuals who are prospective foster caregivers or prospective adoptive parents of children of the different RCNO than required of other prospective foster caregivers or prospective adoptive parents.
- Relying upon general or stereotypical assumptions about the needs of children of a particular RCNO.

- Relying upon general or stereotypical assumptions about the ability of prospective foster caregivers or prospective adoptive parents of a particular RCNO to care for or nurture the sense of identify of a child of another RCNO.
- "Steering" prospective foster caregivers or prospective adoptive parents away from parenting a child of another RCNO. "Steering" is any activity that attempts to discourage prospective foster caregivers or prospective adoptive parents from parenting a child of a particular RCNO.

**ATTACHMENT B
TO THE TCJFS FOSTER/CARE ADOPTION SERVICES POLICY**

**STANDARDS OF CONDUCT AND MEPA COMPLAINT PROCESS
Employee and Contractor/ Provider Compliance with
MEPA and Title VI of the Civil Rights Act of 1964**

The Tuscarawas County Department of Job & Family Services has established the following Standards of Conduct with regard to the performance of employees and contractors/ providers related to compliance with the Multiethnic Placement Act of 1994 as amended by section 1808 of the Small Business Job Protection Act of 1996, 42 U.S.C. 622(b)(9), 671(a)(18), 674(d) and 1996(b) (MEPA) and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq (Title VI), as they apply to the foster care and adoption process. These Standards of Conduct prohibit policies, procedures or actions which serve to:

- Deny any person the opportunity to become a foster caregiver or an adoptive parent on the basis of race, color, or national origin of that person, or of the child involved; or
- Delay or deny any placement of a child in foster care or for adoption on the basis of the race, color, or national origin of the foster caregiver(s), of the adoptive parent(s), or of the child involved.

Permissible Actions:

MEPA and Title VI permit the following actions as they apply to the foster care or adoption process:

1. Asking about and honoring any initial or subsequent choices made by prospective foster or adoptive parents regarding what race, color, or national origin of child the prospective foster or adoptive parents will accept.
2. Honoring the decision of a child twelve years of age or older to not consent to an adoption unless the court finds that the adoption is in the best interest of the child and the child's consent is not required.
3. Providing information and resources about fostering or adopting a child of another race, color, or national origin to prospective foster or adoptive parents who request such information and making known to all families that such information and resources are available.
4. Considering the request of a birth parent(s) to place the child with a relative or non-relative identified by name.
5. Considering the race, color, or national origin of the child as a possible factor in the placement decision when compelling reasons serve to justify that race, color, or national origin need to be a factor in the placement decision pursuant to 5101:2-48-13 and 5101:2-42-18.1 of the Ohio Administrative Code. These rules permit consideration of race, color, or national origin if an individualized Child Assessment (JFS 01688) completed pursuant to these rules indicates the child has needs related to race, color, or national origin that should be taken into account when placing the child. Even when the facts of a particular case allow consideration related to race, color, or national origin, this consideration shall not be the sole determining factor in the placement decision.

6. Promoting cultural awareness, including awareness of cultural and physical needs that may arise in the care of children of different races, ethnicities, and national origins as part of the training which is required of all applicants who seek to become foster or adoptive parents.
7. Documenting verbal comments, verbatim, or describing in detail any other indication made by a prospective foster or adoptive family member living in the household or any other person living in the household reflecting a negative perspective regarding the race, color, or national origin of a child for whom the prospective foster or adoptive family has expressed an interest in fostering or adopting. The documentation shall indicate whether those comments were made before or after completion of the cultural diversity training which is required for all foster and adoptive applicants. Documentation shall be included in the family's home study, update, or an addendum to the home study or update prior to consideration of placement or a matching conference. A matching conference is the process of determining the most appropriate adoptive family for the child based on the child's special needs. The matching committee shall consider the information to determine if it will impact the placement.

Prohibited Actions:

MEPA and Title VI prohibit the following actions as they apply to the foster care or adoption process:

1. Using the race, color, or national origin of a prospective foster or adoptive parent to differentiate between placements.
2. Honoring the request of a birth parent(s) to place a child with prospective foster or adoptive parent(s) of a specific race, color, or national origin, unless the birth parent(s) identifies a relative or non-relative by name and that person is found to meet all relevant state child protection standards, provided that the agency determines that the placement is in the best interests of the child.
3. Requiring a prospective adoptive family to prepare or accept a transracial adoption plan.
4. Using "culture" or "ethnicity" as a proxy for race, color, or national origin.
5. Delaying or denying placement of a child based upon the geographical location of the neighborhood of the prospective foster or adoptive family whenever geography is being used as a proxy for:
 - a. The racial or ethnic composition of the neighborhood;
 - b. The demographics of the neighborhood; or
 - c. The presence or lack of presence of a significant number of persons of a particular race, color, or national origin in the neighborhood or any similar purpose.
6. Requiring extra scrutiny, additional training, or greater cultural awareness of individuals who are prospective foster or adoptive parents of children of a difference race, color, or national origin than required of other prospective foster or adoptive parents.
7. Relying upon general or stereotypical assumptions about the needs of children of a particular race, color, or national origin.
8. Relying upon general or stereotypical assumptions about the ability of prospective foster or adoptive parents of a particular race, color, or national origin to care for or nurture the sense of identity of a child of another race, color, or national origin.

9. “Steering” prospective foster or adoptive parents away from parenting a child of another race, color, or national origin. “Steering” is any activity that attempts to discourage prospective foster or adoptive parents from parenting a child of a particular race, color, or national origin.
10. Requiring an ongoing foster care or adoption worker or contractor to justify a proposed placement for the reason that the race, color, or national origin of the child is different from that of the family whom the worker is proposing as the child’s foster caregiver or adoptive parent.

Prohibition on Retaliation:

TCJFS employees and contractors/providers may not intimidate, threaten, coerce, discriminate against, or otherwise retaliate against any individual who makes a complaint, testifies, assists or participates in any manner in an investigation related to alleged discrimination on the basis of race, color, or national origin in the foster care or adoption process.

MEPA Complaint Procedure:

Within seven days of first contact by an individual inquiring about being an adoptive/foster parent, the agency shall provide a written notice of the procedure for any complaints of discrimination in the adoption/foster care process that involves race, color, or natural origin (RCNO). Individuals may file such complaints with the MEPA Monitor at the agency or directly to the Ohio Department of Job and Family Services (ODJFS) or the U.S. Department of Health and Human Services Office for Civil Rights. The complaint must be filed within two years from the date of the occurrence of the alleged discriminatory act or within two years from the date upon which the complainant learned or should have known of the discriminatory act, policy, or practice.

Complaints filed with the agency shall be forwarded to the ODJFS within three working days. All investigations shall be conducted by ODJFS. The agency will cooperate fully with such an investigation and will submit any paperwork requested by ODJFS no later than fourteen days from the date of the request, unless otherwise agreed upon. The agency will not initiate, conduct, or run a concurrent investigation surrounding the complaint nor will the agency take any further action regarding the complainant or the subject of the complaint until the issuance of the final investigation report by ODJFS, unless approved by ODJFS.

Any person who believes that TCJFS, any other public or private Ohio adoption or foster care agency, or the Ohio Department of Job and Family Services has policies or procedures that violate MEPA and Title VI may file a complaint. In addition, anyone who believes that he or she was intimidated, threatened, coerced, discriminated against or otherwise retaliated against in some way because he or she made a complaint, testified, assisted or participated in any manner in an investigation related to alleged discrimination on the basis of race, color, or national origin in the foster care or adoption process may also file a complaint. The complaint shall be filed within two years from the date of the occurrence of the alleged discriminatory act; or two years from the date upon which the complainant learned or should have known of a discriminatory act, policy, or practice.

Individuals who may file a complaint include but are not limited to the following:

- A foster or adoptive parent or other member of a foster or adoptive family
- A prospective foster or adoptive parent or other family member
- An employee or former employee of TCJFS or of any other Ohio adoption or foster care agency

Individuals who wish to file a complaint must complete the “Discrimination Complaint Form” (JFS 02333). This complaint may be filed with any of the following:

- Tuscarawas County Department of Job & Family Services
Attn: Michelle Tope, MEPA Monitor
389 16th Street, SW
New Philadelphia, Ohio 44663
- Ohio Department of Job and Family Services
Bureau of Civil Rights
30 E. Broad Street, 37th Floor
Columbus, Ohio 43266-0423
- U.S. Department of Health and Human Services
Office of the Chief Counsel, Region V
223 North Michigan Avenue, Suite 700
Chicago, Illinois 60601
- Any other public or private Ohio foster care or adoption agency

If the complaint is filed with TCJFS’s MEPA Monitor or with any other public or private Ohio foster care or adoption agency, the MEPA Monitor or other public or private agency must forward the complaint within three business days to the Bureau of Civil Rights of ODJFS for investigation. ODJFS must complete the investigation within 90 days of receipt of the complaint, unless unusual circumstances prevent it from completing the investigation within that timeframe. ODJFS will provide a copy of the investigation report to the complainant and to the agency that is the subject of the complaint. When TCJFS is the subject of the complaint, this agency shall not initiate, conduct, or run concurrent investigations surrounding the complaint or take any further action regarding the complainant or the subject of the complaint until the issuance of the final investigation report by ODJFS, unless approved by ODJFS.

Enforcement Requirements:

These standards of conduct include enforcement requirements to be used whenever an agency employee or contactor/provider engages in discriminatory acts, policies, or practices involving race, color, or national origin in the foster care or adoption process as determined by the Bureau of Civil Rights of ODJFS upon completion of the investigation conducted pursuant to rule 5101:2-33-03 of the Administrative Code.

For TCJFS employees, these enforcement requirements shall include employee discipline in accordance with Section 3300, Disciplinary Information and Corrective Action, Group 1 of the Bargaining Unit Handbook and Article 7, Corrective Action of the labor management contract.

For contractors/providers performing foster care or adoption services on behalf of TCJFS, these enforcement requirements shall include discipline in accordance with the contractor/provider’s personnel policy and may include contract termination. Enforcement requirements for contractor/provider subcontractors shall include corrective action in accordance with the contractor/provider’s contract with the subcontractor and may include contract termination.

These enforcement requirements are applied in accordance with applicable employment law and union contracts.

Corrective Action Plan:

TCJFS shall provide for the submission of a corrective action plan whenever an investigation conducted by ODJFS, pursuant to rule 5101:2-33-03 of the Administrative Code, results in a finding that an agency employee or contractor/provider engaged in discriminatory acts, policies, or practices. If the finding involves a discriminatory act, policy, or practice by a contractor/provider or subcontractor, TCJFS shall develop the corrective action plan in collaboration with the contractor/provider or in collaboration with the contractor/provider and subcontractor.

The corrective action plan shall:

- Address how TCJFS will prevent future violations by that employee or contractor/provider or subcontractor, and
- Be submitted to ODJFS within thirty days of notification of the findings of the investigation.

Distribution of These Standards:

TCJFS Placement Unit shall provide a copy of these Standards of Conduct to each employee or contractor/provider who is:

- Engaged in the placement of children into foster care or for adoption, or
- Engaged in the recruitment, assessment, approval, or selection of foster or adoptive families.

If these Standards of Conduct are revised, employees and contractors/providers shall receive a copy of the revised Standards of Conduct within 30 days of the completion of any revisions. New employees or contractors/providers shall receive a copy of the written Standards of Conduct within thirty days of their hire date or the effective date of their contract. TCJFS and contractors/providers shall ensure that these Standards of Conduct are provided to their employees and subcontractors.

All foster caregivers certified or in the process of certification and all individuals who have approved adoptive home studies or who are participating in the adoptive home study process will be given a copy of these Standards of Conduct within 30 days of their effective date and within 30 days of any revisions.

ATTACHMENT C TO THE TCJFS FOSTER/CARE ADOPTION SERVICES POLICY

Ohio Department of Job and Family Services EXPLANATION OF STATE HEARING PROCEDURES

What is a State hearing?

If you think there has been a mistake or delay on your case, you may want to ask for a state hearing. You can ask for a hearing about actions by either the state department of job and family services or the local agency. Local agencies include the county department of job and family services (CDJFS), the county child support enforcement agency (CSEA), and agencies under contract with them.

A state hearing is a meeting with you, someone from the local agency, and a hearing officer from the Ohio Department of Job and Family Services (ODJFS). The person from the local agency will explain the action it has taken or wants to take on your case. Then, you will have a chance to tell why you think it is wrong. The hearing officer will listen to you and to the local agency, and may ask questions to help bring out all the facts. The hearing officer will review the facts presented at the hearing and recommend a decision based on whether or not the rules were correctly applied in your case.

How to ask for a Hearing

To ask for a hearing, call or write your local agency or write to the Ohio Department of Job and Family Services, Bureau of State Hearings, PO Box 182825, Columbus, Ohio 43218-2825. If you receive a notice denying, reducing or stopping your assistance or services, fill out that form and mail to State Hearings. You may also fax your hearing request to State Hearings at (614) 728-9574.

We must receive your hearing request within 90 days of the mailing date of the notice of action. However, if you receive food stamps, you may request a hearing on the amount of your food stamps at any time during your certification period.

If someone else makes a written request for you, it must include a written statement, signed by you, telling us that person is your representative. Only you can make a request by telephone.

How to Request a Telephone Hearing

If you cannot attend the hearing at the scheduled location as a result of not having transportation, child care, medical limitations, etc., you can call 1-866-635-3748 and choose to participate by telephone. If you participate by telephone, the hearing officer assigned to your appeal will call you on the day at the scheduled time for your hearing at the telephone number you provide.

Continuing Assistance or Services

If you receive a notice that your assistance or services will be reduced, stopped, or restricted, the action will not be taken until the hearing is decided if we receive your hearing request within the 15 days of the mailing date on the notice.

In the food stamp program, your benefits will continue only until the end of your certification period. After that, you must reapply and be found eligible.

If your assistance or services have been changed without written notice, or if the change was made even though you requested a timely hearing, you can call the Bureau of State Hearings, to inquire if you should receive continuing benefits. Call us, toll free, at the following number: 1-866-635-3748, and choose option number one from the automated voice menu.

If your assistance is continuing and you lose the hearing, you may have to pay back any benefits that you were not eligible to receive.

The continuing assistance provisions described in this section do not apply to the child support program. If you request a hearing about child support services, your hearing request will have no effect on your receipt of services while your hearing is pending.

County Conference

An informal meeting with a person from the local agency may settle the issue without the need for a state hearing.

Often this is the quickest way to solve a problem. At this meeting your case will be reviewed with you. If a mistake has been made, it can be corrected without the need for a state hearing. You can set up a county conference by asking your worker. If you are not satisfied with the results, you can still have a state hearing.

You do not have to have a county conference to have a state hearing. Asking for a county conference will not delay your state hearing.

When will the Hearing be Held?

After your request for a hearing is received, the Bureau of State Hearings will send you a scheduling notice giving the date, time, and place of the hearing. This notice will be sent to you at least 10 days before the hearing. The notice also will tell you what to do if you cannot come to the hearing as scheduled.

Where are Hearings Held?

Hearings are usually held at the local agency. If you are unable to go there, the hearing may be held some other place convenient to you and to the other people involved. If you want the hearing held somewhere other than the local agency, be sure to tell us that on your hearing request.

Postponement of the hearing

If you cannot come to the hearing as scheduled, or if you need more time to prepare, you can ask the hearings section for a postponement. In the food stamp program postponement is limited to 30 days from the date of the first scheduled hearing. In all other programs, you must have a good reason to postpone the hearing.

If you do not Attend the Hearing

The Bureau of State hearings will send you a dismissal notice if you don't come to the hearing. If you want a continuance with your hearing request, you must contact State hearings within 10 days and explain why you did not come to the hearing. The hearing authority will decide whether you had a good reason. If you do not call within 10 days and show good cause, the hearing will be dismissed, and you will lose the hearing. The local agency can then go ahead with the action it was planning to take.

If you disagree with the dismissal, the dismissal notice will tell you how to ask for an administrative appeal.

Before the Hearing

You may have someone (lawyer, welfare rights person, friend or relative) go to the hearing to present your case for you. If you are not going to be at the hearing, the person attending for you must bring a written statement from you saying he or she is your representative.

If you want legal help at the hearing, you must make arrangements before the hearing. Contact your local legal aid program to see if you qualify for free help.

If you don't know how to reach your local aid office, call 1-800-589-5888, toll-free, for the local number. If you want notice of the hearing sent to your lawyer, you must give the hearings section your lawyer's name and address.

You and your representative have the right to look at your case file and the written rules being applied to your case. If your hearing is about work registration or employment and training, you may also look at your employment and training file. You can get a free copy of any case record documents that are related to your hearing request. Any person acting for you must provide a signed statement from you before looking at your case record or getting copies of case record documents.

The local agency does not have to show you confidential records, such as names of people who have given information against you, records of criminal proceedings, and certain medical records.

Confidential records which you could not look at or question cannot be present at the hearing or be used by the hearing officer in reaching a decision.

Subpoena

You can ask the hearing authority to subpoena documents or witnesses that would not otherwise be available and that are essential to your case. You must request the subpoena at least

five calendar days before the date of the hearing and provide the name and the address of the person or document you want subpoenaed.

At the Hearings

You may bring witnesses, friends, relatives, or your lawyer to help you present your case. The hearing officer may limit the number of witnesses allowed in the hearing at any one time if there is not enough room. You and your representative will have the right to look at the evidence used at the hearing, present your side of the case without undue interference, ask questions, and bring papers or other evidence to support your case.

The hearing will be recorded by the hearing officer so that the facts are taken down correctly. After the hearing decision is issued, you can get a free copy of the recording by contacting the Bureau of State Hearings.

The hearing officer will listen to both sides but will not make a decision at the hearing. Instead, you will receive a written decision in the mail, issued by the hearing authority.

Group Hearings

The hearings office may combine several individual hearing requests into a single group hearing, but only if there is no disagreement about the facts of each case and all involved related issues of state or federal law or county policy. The notice to schedule your hearing will tell you if you are scheduled for a group hearing.

You and your representative will be allowed to present your own case individually and you will have the same rights at a group hearing as you would at an individual hearing.

After the Hearing

You should receive a hearing decision within 60 days of your hearing request if the hearing was only about food stamps, and within 90 days for all other programs.

If you disagree with the hearing decision, your written decision will tell you how to ask for an administrative appeal.

Compliance with the Hearing Decision

If the hearing decision orders an increase in your food stamps, you should get the increase about 10 days of the date of the decision. If the decision orders a decrease in your food stamps, you should get the new, smaller amount the next time you regularly get food stamps.

In all other programs, the agency must take the action ordered by the decision within 15 days of the date the decision is issued, but always within 90 days of your hearing request. Contact the Bureau of State Hearings if you have not promptly received the benefits awarded by the hearing decision.

Another Action Requires Another Hearing

If you receive another prior notice that says the local agency wants to change your assistance or services while you are waiting for a hearing or decision, you must ask for another hearing if you disagree with the new action. Remember, the fact that you are waiting for a hearing or decision will not stop another action from being taken on your case. You must ask for another hearing on the new action.

