

OVERVIEW

Nonrecurring Adoption Expenses (NRE) program eligibility is based on specific eligibility requirements. Michigan law (MCL 400.115f(p)) and the state's federally approved title IV-E plan provide the basis for this policy. The eligibility requirements include:

- A determination by the state that the child meets the definition of special needs.
- A DHS-4113, Adoption Assistance Agreement, or [DHS-1341, Adoption Assistance and/or Medical Subsidy Application](#), signed by the adoptive parent(s) and the Adoption and Guardianship Assistance Office (AGAO) program manager or Michigan Department of Health and Human Services (MDHHS) designee **prior** to the final order of adoption.

After eligibility is determined and the agreement is signed by the adoptive parent(s) and the adoption and guardianship assistance program manager or MDHHS designee, AGAO will determine allowable expenses claimed by the adoptive parent(s) or a third party that incurred expenses on behalf of the adoptive parent(s); see [AAM 310, Nonrecurring Adoption Expenses Claim/Reimbursement](#).

Nonrecurring adoption expenses claims must be submitted to the AGAO within two years after the date of the final order of adoption; see [AAM 310, Nonrecurring Adoption Expenses Claim/Reimbursement](#).

MICHIGAN SPECIAL NEEDS REQUIREMENTS

Michigan has specific requirements to meet both the federal definition and the state's special needs eligibility criteria.

At the time of eligibility determination, the child must be a child with special needs. A child is considered a child with special needs if MDHHS has determined all of the following:

- The child is **under age 18**.
- The parental rights to the child have been terminated.
 - If an American Indian child can be adopted in accordance with tribal law without a termination of parental rights and

the tribe has documented the valid reason why the child cannot or should not be returned to the home of the parents, termination is not required.

- The child has **one** of the following **specific factors or conditions**:
 - Eligibility for Supplemental Security Income (SSI), based solely on the medical and disability requirements without regard to the SSI income requirements, as determined by the Social Security Administration.
 - A MDHHS foster care level II or above Determination of Care (DOC) rate that meets one of the following:
 - Documented by the DHS-470, Assessment for Determination of Care for Children in Foster Care (Age One Day-12 Years), 470A, Assessment for Determination of Care for Children in Foster Care (Age 13 and Older), or 1945, Assessment for Determination of Care for Medically Fragile Children in Foster Care.
 - DHS-1254, SED Waiver Payment Request and Approval.
 - Supported by the current foster care updated service plan (USP/PWSP).
 - Approved in accordance with MDHHS foster care policy.
 - The child is at minimum three years of age.
 - The child is being adopted by a relative as defined by MCL 712A.13a; see [ADG Glossary](#).
 - The child is being adopted by the parents of their previously adopted sibling.
 - The child is a member of a sibling group being adopted together and at least one sibling group member has been determined eligible for nonrecurring adoption expenses and/or adoption assistance as an individual.
- An effort to place the child without providing financial assistance is demonstrated by the prospective adoptive

parent(s) signature(s) in Section 1 of the DHS-4081, Adoption Assistance and Nonrecurring Adoption Expenses Intent Statement.

Note: Placements made with an unrelated licensed foster parent cannot be changed to a relative placement while the child is in their home. A putative father is not considered a relative.

TITLE IV-E FUNDING REQUIREMENTS FOR NONRECURRING EXPENSES

In addition to the child's special needs eligibility requirement, title IV-E funding requires the following criteria be met for NRE program eligibility:

- The child must be a United States (U.S.) citizen or qualified non-citizen; see [FOM 902, Funding Determinations and Title IV-E Eligibility](#).
- Background checks for all adults in the adoptive household must be completed; see [ADM 0520, Background Checks, Clearances, Criminal History Checks, and Fingerprinting](#).
- Adult members of the adoptive household must not have any felony convictions for any of the following crimes:
 - Child abuse/neglect.
 - Spousal abuse.
 - A crime against children (including child pornography).
 - A crime of violence involving rape, sexual assault, or homicide but not including other physical assault or battery.
 - Within the last five years only: physical assault or battery, or a drug-related offense.

Nonrecurring adoption expenses reimbursement cannot be paid unless the above title IV-E funding requirements are met.

**ADOPTION BY
BIRTH/LEGAL
PARENT(S)**

Nonrecurring adoption expenses must not be approved for adoption by the child's biological parent(s) or legal parent(s) whose rights were previously terminated.

**NON-MICHIGAN
WARD**

If another state has responsibility for the placement and care of a ward, that state is responsible for determining the child's eligibility, entering into an adoption assistance agreement, and paying any qualifying nonrecurring adoption expenses reimbursement, even if the child is placed in an adoptive home in another state.

If the other state does not have responsibility for placement and care of a child from that state, it is the prospective adoptive parents' state of residence where the application should be made. In that event, the public child welfare agency in the adoptive parents' state of residence is responsible for determining the child's eligibility, entering into the adoption assistance agreement, and paying the nonrecurring adoption expenses.

Title IV-E prohibits the payment of title IV-E adoption assistance on behalf of an applicable child who is not a citizen or resident of the U.S. and was either adopted outside the U.S. or brought to the U.S. for the purpose of being adopted.

**APPLICATION
PROCESS**

Applications for nonrecurring adoption expenses eligibility must be submitted to the AGAO and an agreement must be signed by the adoptive parent(s) and the AGAO program manager or MDHHS designee **prior** to the final order the adoption.

NRE Request Also Requesting Adoption Assistance

The adoption worker completes the [DHS-1341, Adoption Assistance and/or Medical Subsidy Application](#), and submits it to the AGAO. The prospective adoptive parent(s) must sign section one of the [DHS-4081, Adoption Assistance and Nonrecurring Adoption Expenses Intent Statement](#), in order to request NRE. Specific information provided for adoption support assistance

eligibility and title IV-E funding eligibility will also be used to determine NRE eligibility.

NRE Request not Requesting Adoption Assistance

The adoption and the adoptive parent(s) complete and submit the NRE sections of the [DHS-1341, Adoption Assistance and/or Medical Subsidy Application](#).

AGREEMENT

A written agreement between the prospective adoptive parent(s) and MDHHS setting forth the nature of the payment and the claim process must be signed by both the prospective adoptive parent(s) and the adoption and guardianship assistance program manager or MDHHS designee prior to the final order of adoption. The signed original agreement will be given to the adoptive parent; see [AAM 500, Adoption Assistance Agreements- All Programs](#).

- For children with approved adoption assistance, the agreement is the [DHS-4113, Adoption Assistance Agreement](#).
- For children without approved adoption assistance, the agreement is the [DHS-1341, Adoption Assistance and/or Medical Subsidy Application](#).

POLICY CONTACT

Questions about this policy item may be directed to the [Child Welfare Policy Mailbox \(Child-Welfare-Policy@michigan.gov\)](#).