

**West Virginia  
Adoption Assistance- Who Do You Contact?**

**State Contact Information**

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## **Adoption Assistance- Who is Eligible?**

**A good place to start.** Public adoption in West Virginia is administered by the Department of Health and Human Resources (DHHR), Bureau for Children and Families (BCF). DHHR, BCF and adoption links: [www.wvdhhr.org/](http://www.wvdhhr.org/), [www.wvdhhr.org/bcf/](http://www.wvdhhr.org/bcf/), and [www.adoptawvchild.org](http://www.adoptawvchild.org).

### **1. What specific factors or conditions does your state consider to determine that a child cannot be placed with adoptive parents without providing financial assistance? ("What is your state definition of special needs?")**

A child with special needs is defined as a child that has at least one of the following needs or circumstances that may be a barrier to placement or adoption without financial assistance:

- Eight years of age and older and under the age of eighteen
- Member of minority group/heritage and three years of age and older
- Member of a sibling group of two or more children to be adopted together
- An emotional, physical, mental or medical disability
- Any combination of the above
- Other, such as documented risk factor (ex. parental substance abuse while child was in utero)

Note: Children must be legally free for adoption and a dependent of the Department of Health and Human Resources in the custody of the state of West Virginia or a child welfare agency licensed to place children for adoption in West Virginia to be eligible for adoption assistance. (Title IV-E and state-funded)

### **2. What are the eligibility criteria for your state-funded adoption assistance program?**

In order to be eligible for state-funded adoption assistance a child must be a special needs child as defined above, legally free for adoption, and a dependent of the Department of Health and Human Resources in the custody of the state of West Virginia or a child welfare agency licensed to place children for adoption in West Virginia. (Title IV-E and state-funded)

### **3. What is the maximum amount a family may receive in non-recurring adoption expenses from your state? Adoptive parents can receive reimbursement of certain approved, "one-time" adoption expenses incurred in the process of finalizing a special needs adoption.**

\$1000.00 per child

### **4. Does your state enter into deferred adoption assistance agreements? In some states, adoptive parents can enter into an agreement in which they choose to defer the receipt of a Medicaid card, the monthly monetary payment, or both and can elect to receive the Medicaid card and/or monetary payment at another time.**

West Virginia offers deferred adoption assistance. The child must be in the custody of the Department or a licensed West Virginia Child Placing Agency and at risk of developing a special need in the future. At risk is defined as having a significant statistical or medical probability of occurrence that is not merely speculative. Several factors may be considered for the deferred determination of potential special needs when the child is

healthy, developmentally on track at time of placement, appears emotionally stable, and does not seem to meet the criteria for special needs prior to adoption finalization. Factors for consideration include

- A child with a birth family history of mental illness, mental retardation or incest
- A child who is developmentally on track but has a significant risk factor which may present itself at a later date
- A child who is displaying normal behaviors at time of placement but who has a reported history of physical or sexual abuse, and neglect, or has had multiple failed placements
- The child is a state ward
- Other

## **5. When may adoption assistance payments and benefits begin in your state?**

Adoption assistance payments and benefits may begin in West Virginia after adoption finalization.

The adoption assistance agreement is entered into shortly after adoption placement and establishes the payment level of assistance. During this period of trial placement of a state ward the payment is generated at that rate but the funds come from foster care.

## **6. How are changes made to the adoption assistance agreement in your state?**

- a. When can a parent request a change in the adoption assistance agreement?
- b. How does a parent request a change in the adoption assistance agreement?
- c. What if a parent does not receive the change they request in the adoption assistance agreement?

The adoptive parent may request a change in the adoption assistance agreement anytime there is a change in the circumstances of the family or the needs of the child. Such circumstances include changes in family or child resources, the special needs of the child, or the adoption assistance payment rate. Parents must submit a formal written request and provide documentation of the need for modification of the agreement. Parents can request a Conditional Service, such as tutoring, respite, or food supplement at the time of need. If the request is approved, an addendum to the initial agreement will be completed to cover a time-limited service or to extend the adoption assistance agreement until the child's twenty-first birthday if the child is enrolled in school or disabled.

The request may be for an increase in cash assistance up to the current ceiling or it may be for a service unique to the needs of the child. Every request is considered but not all requests are approved. The Department also attempts to link the parent with an alternate resource. West Virginia has a few categories of Conditional Adoption Services that are frequently requested and have specific guidelines. Note: This eligibility process may be changing in the near future with the implementation Socially Necessary Services for all social service programs. Please see below the criteria for frequently requested Conditional Adoption Services:

- Tutoring – The child must be a year or more behind in their age appropriate level in a subject and/or in danger of failing again; the child must have the capacity to learn; the school must be willing to identify the subject area the child needs tutoring in and be willing to work with the tutor.
- Respite – The child must require twenty-four hour, hands-on care or supervision due to a medical or behavioral diagnosed condition. A medical practitioner must write a letter stating the family is in need of respite giving the child's diagnosis and reason the respite is needed. The doctor must also indicate the duration the family would need respite.
- Orthodontic – The child must be denied by Medicaid and provide documentation of need.
- Food Supplement – The child must have a doctor's prescription documenting need, duration and amount needed per month. The parents must have explored all other resources.

All requests for change or services must be in writing and signed by the parent to document the type of request and date requested. Written requests can be in an informal letter with attached documentation to verify the change in need. Requests for change to the initial agreement are sent to the Adoption Assistance Program Specialist at the Division of Children and Adult Services. West Virginia does not accept requests over the phone, but will discuss the need and offer information on how to request the service or change. The type and source of substantiation of need or change is based upon the type of request. Medical needs require documentation a medical practitioner. If the need is an item normally covered by another program West Virginia must have proof of denial and appeal of the denial of the requested service before it can be considered. If it is a request for change in the cash assistance, then verification of the change in circumstances or needs must be submitted with the written letter. An administrative committee reviews extraordinary or unique requests to determine eligibility.

If the child is eligible for the requested change or service, the eligibility date is determined by the date the written request was submitted. The Adoption Assistant Program Specialist will negotiate specifics via phone and prepare an addendum to the initial adoption assistance agreement to reflect the negotiation, which is signed by all parties. If the request is denied, a letter is sent notifying the adoptive parent. Denial letters inform parents they may request a fair hearing if they do not agree with the Department's decision. The adoptive parent is provided a grievance (fair hearing) form upon request. The adoptive parent must complete and return the form to the program specialist within ninety days of the notification of the denial. The Adoption Assistance Program Specialist will immediately submit the parent's grievance form to the Chairman of the Board of Review who will schedule a fair hearing in the area of residence or via phone if the party resides in another state. Hearings are usually scheduled within thirty days of the request.

## **Adoption Assistance- Post Adoption Services**

### **7. What types of post adoption services are available in your state and how do I find out more about them?**

Post-adoption services in West Virginia are administered by the Department of Health and Human Resources, Services, Bureau for Children and Families and contracted through private agencies or individuals who have completed post adoptive training. Post Adoption Services include the following examples:

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|-----------------------------|-----------------------------|---|
| 1. Information and referral | 4. Support groups           | 7. Emergency Respite (in-home/group)                    |
| 2. Educational programs     | 5. Therapeutic intervention | 8. Mediation/search services (mutual agreement network) |
| 3. Educational materials    | 6. Counseling               |   |

Post adoption services in West Virginia are referred to as Adoption Preservation Services. All families of children receiving adoption assistance are notified by letter of the availability of post adoptive services, either at adoption finalization or upon moving into the state. Included in the letter is a list of post adoptive service providers for families to contact their provider of choice directly. For a list of post adoption service providers, contact your adoption assistance worker, home finder, adoption specialist or the local Bureau for Children and Families county office. The adoptive parent may request information and/or referral from either the state office or from one of the adoption workers or homefinders in the field. County office locator link: [www.wvdhhr.org/bcf/county/](http://www.wvdhhr.org/bcf/county/) or contact state office personnel Laura Harbert or Bobby Miller, phone: 304.558.7980, address: Children and Adult Services; 350 Capitol Street, Room 691; Charleston, West Virginia 25301-3704.

Adoptive parents may also do a self-referral. The adoptive parent is provided with a list of certified providers, the counties serviced, and services offered. They may choose the one they are most comfortable with and contract them directly. The provider provides the service and contacts the Post Adoption Specialist for an approved invoice with which to bill the Department. The following are the active providers currently providing Adoption Preservation Services:

- Burlington United Methodist Family Services
- Braley and Thompson
- Counseling and Consulting, Ltd.
- Rosey Futures Social Work Services
- WV Youth Advocate Program
- Timberline Services

See the Frequently Asked Questions link: [www.adoptawvchild.org](http://www.adoptawvchild.org) (Question #20, *Are there supports for adoptive parents?*) and the Adoption Calendar for information, link: [www.wvdhhr.org/oss/adoption/adoption\\_calendar/diary.asp](http://www.wvdhhr.org/oss/adoption/adoption_calendar/diary.asp). Several organizations offer a variety of respite options, see West Virginia's Respite Programs, link: [www.respitelocator.org/w2states.htm](http://www.respitelocator.org/w2states.htm).

Adoption preservation services will soon become part of the new process for authorization of all social services in child welfare cases. The new process will be called, Socially Necessary Services, administered through the Administrative Services Organization (ASO). Socially Necessary services are interventions necessary to improve relationships and social functioning with the goal of preserving the individual's tenure in the community or the integrity of the family or social system. Adoption Preservation Service information is not listed on the Adoption web site, however, [www.wvdhhr.org/bcf/aso/](http://www.wvdhhr.org/bcf/aso/) links Socially Necessary Services information.

Note: Not all services may be available in all cases. Contact your adoption assistance worker or post adoption services contact for information regarding process, eligibility, availability, and duration of services.

## **Adoption Assistance- Medical assistance**

### **8. What mental health services are provided by your state?**

Public mental health services for children in West Virginia are administered by the Department of Health and Human Resources, Bureau for Behavioral Health and Facilities which is divided into four divisions: Adult Mental Health, Children's Services, Alcoholism and Drug Abuse, and Mental Retardation and Development Disabilities. Behavioral Health Services, Children's Services include the following examples: crisis services, special outreach to schools, in-patient hospitalization, counseling, prescription medication, and innovative projects which model the best practice for serving children with serious emotional disorders and their families.

The Division of Children's Services (DCS) is located within the Department of Health and Human Resources, Bureau for Behavioral Health and Health Facilities. The address is 350 Capitol Street, Room 350; Charleston, West Virginia 25301-3702, or phone: 304.558.0627. The Office of Behavioral Health Services (OBHS) link: [www.wvdhhr.org/bhhf/prof.asp](http://www.wvdhhr.org/bhhf/prof.asp).

Division for Children's Services link: [www.wvdhhr.org/bhhf/dcs\\_welcome.asp](http://www.wvdhhr.org/bhhf/dcs_welcome.asp) and DCS contact information: [www.wvdhhr.org/bhhf/dcs\\_whoare.asp](http://www.wvdhhr.org/bhhf/dcs_whoare.asp). For developmental disabilities information, see the OBHS Division for Developmental Disabilities link: [www.wvdhhr.org/bhhf/mrdd.asp](http://www.wvdhhr.org/bhhf/mrdd.asp).

Note: Not all services may be available in all cases. Contact your adoption assistance worker, adoption specialist, local mental health provider, or medical assistance specialist for information regarding process, eligibility, availability, and duration of services.

### **9. Does your state provide additional finances or services for medical or therapeutic needs not covered under your state medical plan to children receiving adoption assistance?**

West Virginia has a program known as *Adoption Assistance Conditional Services*. Funding is available for time-specified, short-term assistance to meet medical expenses not covered by Medicaid (except for therapeutic hospitalization). Need for such services must be based on conditions preexisting adoption finalization and should be included in the adoption assistance agreement. Funding can also be used for respite care and special educational needs/services not met by the Department of Education. Assistance is granted on a case-by-case basis and is subject to the availability of funds. Financial support for extraordinary needs or services is subject to the approval of the administrative management team. Contact the adoption assistance program specialist for program specifics.

Note: Not all services may be available in all cases. Contact your adoption assistance program specialist for information regarding process, eligibility, availability, and duration of services.

## **Adoption Assistance- Fair Hearings**

**10. What is your state's process for applying for a fair hearing? A fair hearing is a legal, administrative procedure that provides a forum to address disagreements with agency decisions.**

Adoptive parents can request a fair hearing whenever there is disagreement with a DHHR decision that affects their child's adoption assistance benefits. Parents are advised of their right to a fair hearing and may request a fair hearing if they are denied or dissatisfied with any service. The adoption assistance/DHHR worker will provide a hearing request form that the parent must complete and return to the worker. Parents are initially offered a pre-hearing conference with the supervisor and the worker. If the issue not resolved at the pre-hearing conference, the completed fair hearing form is then forwarded to the Board of Review for assignment to a hearing officer. Social Service Complaints and Social Service Grievance Hearings link: [www.wvdhhr.org/bcf/ssgrievance.asp](http://www.wvdhhr.org/bcf/ssgrievance.asp) and [www.wvdhhr.org/oig/bor/](http://www.wvdhhr.org/oig/bor/).

The right to a fair hearing is explained verbally by the homefinders and adoption workers during the homestudy and placement process and is also on all the social service forms that the adoptive parents sign, including the adoption assistance agreement, and on any denial notification. The chairman of the board registers the grievance and then notifies the appropriate program specialist in the Division of Children and Adult Services of a request for a fair hearing. A conference is arranged to review the case to determine whether policy and procedures were appropriately applied in the situation raised by the grievance. If policy or procedure was not followed then the state concedes. If it was followed then the Chairman will assign the case to the appropriate State Hearing officer. The hearing is usually scheduled within thirty days of the request and all parties are notified at least ten days prior to the date of the hearing. The hearing will be conducted and after all information is presented the hearing officer will attempt to reconcile the differences. If no agreement is reached, the hearing officer will make a decision in the form of a summary with a cover letter within fifteen working days. An adoptive parent may make a grievance within ninety days of a perceived adverse action regarding treatment by departmental personnel, any concern related to social services received or denied, denial of cash or medical assistance or an increase thereof, or denial of a post-finalization application for adoption assistance.

The initial fair hearing request is sent to the staff person whose decision resulted in the adoptive parent's dissatisfaction. The staff person and their supervisor review the situation with the parent to resolve the problem. If no solution is achieved the supervisor will assist the parent in completing the grievance form. The form is submitted immediately to the Chairman of the Board of Review. Parents may also submit this form themselves or may make a complaint in the form of a letter to the Chairman of the Board of Review. The Supervisor must submit a grievance form after the grievance is assigned to a hearing officer. Parents must call or write their social service adoption worker, their supervisor, or contact the Board of Review directly to request a fair hearing. The Department must receive the hearing request within ninety days of the mailing date of the notice of action being protested. The Board of Review will send the parent a notice giving the date, time,

and place of the hearing after the request for a hearing is received. This notice will be sent at least ten days before the hearing. The notice also explain to parents what to do if they cannot come to the hearing as scheduled. Parents may bring witnesses, friends, relatives, or a lawyer to assist in the presentation of their case. Everyone presenting testimony will be sworn in. The hearing officer will record the hearing and listen to both sides but will not make a decision at the hearing. Instead, parents will receive a written decision and transcript in the mail, issued by the hearing officer within fifteen days of the hearing. If a parent disagrees with the hearing decision, the written decision will explain how to contest the decision through an appeal.

## **Adoption Assistance- Web/Internet Information**

### **11. What is your state Web address for general adoption information?**

West Virginia's general adoption links: [www.wvdhhr.org/oss/adoption/](http://www.wvdhhr.org/oss/adoption/), [www.adoptawvchild.org](http://www.adoptawvchild.org), and [www.wvdhhr.org/oss/adoption/adoption\\_faq.asp](http://www.wvdhhr.org/oss/adoption/adoption_faq.asp) (Frequently Asked Questions)

### **12. What is your state Web address for adoption assistance information?**

West Virginia's adoption assistance links: [www.adoptawvchild.org](http://www.adoptawvchild.org) and [www.wvdhhr.org/oss/adoption/adoption\\_faq.asp](http://www.wvdhhr.org/oss/adoption/adoption_faq.asp) (See Frequently Asked Questions, Question #19, *Is financial help available for adoptive parents to care for children?*)

### **13. What is your state Web address for state-specific medical assistance information for children?**

West Virginia's state-specific medical assistance links: [www.wvdhhr.org/bms/](http://www.wvdhhr.org/bms/), [www.wvdhhr.org/bms/oMedPolicyCor/bms\\_hcpc\\_guide\\_to\\_medicaid.htm](http://www.wvdhhr.org/bms/oMedPolicyCor/bms_hcpc_guide_to_medicaid.htm) (*Your Guide to Medicaid*), [www.wvdhhr.org/bhhf/mrddwaiver](http://www.wvdhhr.org/bhhf/mrddwaiver) (mental retardation and developmentally delayed Medicaid services), and <http://www.wvdhhr.org/mcfh/> (special medical services for populations such as birth to three or children with specialty health care needs)