



# TOUSSAINT LAW FIRM

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## **Financial Assistance for Families Adopting Children with Special Needs**

Each year many children in the care of the South Carolina Department of Social Services gain the sense of belonging and permanency they need through adoption. Most of the children now waiting for adoption are those for whom agencies have traditionally had difficulty finding adoptive families. They may have physical or mental disabilities or chronic illnesses. They may be older children, minority children or sibling groups who need a home together. They may require such intensive care and treatment from both adoptive parents and professionals that the typical family would soon be in financial difficulty if help were not available. These children have special needs and may be considered for financial assistance.

### **Who is eligible for financial assistance?**

A child may receive an adoption subsidy if the child has special needs, is legally free for adoption and the adoptive family cannot adopt the child without the financial assistance. The child must meet one or more of the following criteria:

- a white child 10 years old or older.
- a black or mixed race child 6 years old or older.
- a child having or at risk of having a physical, mental or emotional handicap.
- a member of a white sibling group of three being placed together, one of whom is at least 6 years old, or a member of a sibling group of four or more white children of any age.
- a member of a black or mixed-race sibling group of two being placed together, one of whom is at least 6 years old, or a member of a black or mixed race sibling group of three or more children of any age.
- a member of a sibling group of two or more being placed together, one of whom is a special needs child.

### **What kind of assistance is available?**

The following types of financial assistance may be available subject to eligibility and the needs of the child:

- monthly cash payment.
- reimbursement for nonrecurring adoption expenses.
- Medicaid.
- assistance for medical and therapeutic services for pre-existing conditions not covered by Medicaid or private insurance.

### **When does assistance begin and how long does it last?**

Financial assistance begins when an Adoption Subsidy Agreement is signed by the family and DSS prior to finalization. This usually occurs at the time of adoptive placement. Adoptive families who have not received assistance may come back to the agency after finalization for a review of their eligibility.

Reimbursement for nonrecurring adoption expenses is available for each child with special needs who is adopted.

The other types of assistance may continue until the child is 18, or until age 21 if the child is a full-time student and financially dependent upon the adoptive family.

### **How is eligibility determined?**

An adoption specialist will evaluate the child's needs and what the family will require to meet those needs. The child must meet all criteria for a special needs child. The family's income is not counted, but their circumstances are considered. The adoption specialist and family will decide together on the types and amounts of assistance needed. Periodic reviews may be done to determine if the amounts and types of assistance are appropriate, and changes can be made at that time.

### **Are children adopted through other agencies eligible?**

Some private adoption agencies in South Carolina may serve children with special needs, and such children may be eligible for financial assistance under certain programs. Those programs would be the reimbursement for nonrecurring costs, and the Title IV-E Adoption Assistance Program.

### **Are children adopted privately eligible?**

Families may be eligible for nonrecurring costs, and children with special needs adopted by relatives or who are SSI eligible may be eligible for financial assistance.

### **What else is available to children with special needs?**

#### *South Carolina Tax Benefit for Special Needs Placement*

Families may be eligible for a \$2,000 income deduction on their South Carolina Individual Income Tax return if they have adopted a special needs child. The deduction may be for or begin in the tax year in which the adoption was made final. A letter from the adoption agency certifying that their adoptive child was a special needs child should be attached to the family's tax return. Consult the instructions accompanying state tax returns or a tax advisor.

#### *Federal Tax Credits for Adoptive Families*

Publication 968 from the Internal Revenue Service explains the criteria and procedure for a tax credit of up to \$10,160 for expenses relating to an adoption.

In accordance with Title VI, Section 601 of the Civil Rights Act of 1964 and Title V, Section 504 of the Rehabilitation Act of 1973, the South Carolina Department of Social

Services will administer its programs in such a manner that no person shall solely by reason of his race, color, national origin, religion or qualified handicap, be excluded from participation in, be denied the benefit of or be subject to discrimination under any program or activity administered by the department.

Source: South Carolina Department of Social Services, <https://dss.sc.gov/>  
Toll Free in South Carolina 1-800-922-2504; State Office Telephone (803) 898-7561  
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*Anderson, Cherokee, Greenville, Oconee, Pickens and Spartanburg counties*