

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-54117
Issue No.: 6004
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 8, 2010
DHS County: Wayne

ADMINISTRATIVE LAW JUDGE: Rhonda Craig

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Petitioner's request for a hearing. After due notice, an in-person hearing was held on November 8, 2010. Petitioner appeared and testified.

ISSUE

Did the Department of Human Services (DHS) properly deny Petitioner's request for an extension of Adoption Support Subsidy?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was receiving an Adoption Support Subsidy for her child (date of birth [REDACTED]).
2. The subsidy ended on June 30, 2009, pursuant to the expected date of the child's graduation and the child's age.
3. On July 23, 2009, Petitioner requested an extension of the Adoption Support Subsidy to September 2009 when the child reached 19 years of age.
4. On October 30, 2009, DHS denied Petitioner's request.
5. Petitioner requested a hearing contesting DHS' denial of her request for an extension of Adoption Support Subsidy.

CONCLUSIONS OF LAW

The Adoption Subsidy program is established by MCL 400.115, *et seq.*, and is administered by DHS (formerly known as the Family Independence Agency) pursuant to MCL 400.10, *et seq.* DHS policies regarding Adoption Subsidy are found in the Services Manual (SM). The federal law upon which Michigan law is based is Title IV-E of the Social Security Act, Section 473(c).

At the time of Petitioner's request for an extension of the Adoption Support Subsidy, the following DHS policy was in effect:

Adoption support subsidy eligibility shall exist until one of the following conditions occurs:

- The child becomes 18 years of age.
- The child has not yet reached his/her 18th birthday but is emancipated by any of the following:
 - Court order.
 - Marriage.
 - Entering the military service.
- The child dies.
- The adoption is terminated.
- The adoptive parent has requested in writing that the adoption support subsidy payment permanently stop. CFS Item 620 p. 1.

Adoption support subsidy and adoption medical subsidy agreements end on the child's 18th birthday. The expiration of the agreement causes the closure of payments and subsidy-related Medicaid at the end of the month of the child's 18th birthday. The adoption subsidy office sends an informational letter to the adoptive parent(s) 60 days prior to the child's 18th birthday. The letter explains that the subsidy will end when the child turns eighteen and the eligibility requirements for extensions. A title IV-E funded adoption support subsidy extension may be authorized until age 19 for children who were receiving a title IV-E funded adoption support subsidy prior to their 18th birthday if the Department of Human Services (DHS) determines that the child has a

mental or physical disability which warrants the continuation of subsidy under title IV-E. CFS Item 630 p. 1. If an adoptee does not qualify for a title IV-E funded adoption support subsidy extension, a state funded extension may be authorized to the age of 19 or high school graduation, whichever is earliest, if the child meets the all of following eligibility criteria:

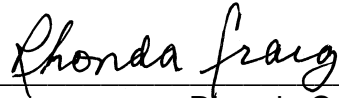
- The adoptee is age 18 and has not completed high school or a GED program.
- The adoptee is regularly attending high school, a GED program or a program for children with disabilities on a full-time basis and progressing toward achieving a high school diploma, certificate of completion or GED.
- The adoptee is not eligible for SSI (Supplemental Security Income). CFS 630 p.1.

In the present case, Petitioner requested an extension of the Adoption Support Subsidy. The child was over 18 years of age and, pursuant to the aforementioned policy, was no longer eligible for a subsidy. Petitioner requested an extension based upon the child's continued participation in school to achieve a diploma or GED. At the hearing, evidence was presented from the child's school (at the time of the request) that the child would not be graduating from the school and was no longer enrolled. Since the child was no longer in school, according to policy cited above, the child would not be eligible for an extension due to school participation. There is no evidence to show that the child meets any other criteria for an extension. This Administrative Law Judge finds that DHS acted in accordance with DHS policy and law in denying Petitioner's request for an Adoption Support Subsidy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the child was not eligible for an extension of the Adoption Support Subsidy at the time of the request and that DHS' denial of the extension was correct,

IT IS ORDERED THAT, DHS' decision in this regard be and is hereby affirmed.



Rhonda Craig
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 8, 2010

Date Mailed: November 9, 2010

NOTICE: The law provides that within 60 days of mailing of the above Decision and Order the claimant may appeal the Decision to the probate court for the county in which the petition for adoption was filed. If the adoptee is a resident of the State, the petition may be filed in the probate court for the county in which the adoptee is found. Administrative Hearings, on its own motion, or on request of a party within 60 days of the mailing date of this Decision and Order, may order a rehearing.

RC/pf

cc:

