

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.: 2011-942
Issue No.: 6004
Case No.: [REDACTED]
Hearing Date: January 10, 2011
DHS County: Wayne (82-69)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon Petitioners' request for a hearing. After due notice, a hearing was held on January 10, 2011. Petitioners were not represented.

ISSUE

Did the Department of Human Services (Department) properly process Petitioners' application for a Medical 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. Petitioners adopted a child ([REDACTED]) on [REDACTED].
2. The child entered Foster care on [REDACTED].
3. The child was placed in Petitioners' home on [REDACTED].
4. On August 9, 2007, Petitioners requested an Adoption Medical Subsidy for the child.
5. On September 21, 2007, the Department sent a letter informing Petitioners the Department needed additional documentation. This letter indicated the Department would process the request upon receipt of the necessary information. The letter further indicated the time frames for submission and if the information was not received by December 3, 2007, the Department would activate coverage beginning the date the final documentation was received.

6. On October 2, 2009, Petitioners provided an updated letter dated June 2009 concerning diagnosis for orthodontic problems.
7. On October 21, 2009, Petitioners supplied a copy of the requested PCA 309 as verification of child in foster care.
8. On October 26, 2009, the Department issued the Adoption Medical Subsidy Agreement to the family.
9. On October 30, 2009, Petitioners signed the Agreement but altered it.
10. On November 2, 2009, Petitioners requested a hearing.
11. On February 17, 2010, a new Agreement was sent for the family to sign.
12. On February 23, 2010, Petitioners signed the Agreement but failed to have it witnessed. The document was sent back for witness signature.
13. On March 11, 2010, the Department received the fully signed Agreement. The Adoption Medical Subsidy was opened back to October 21, 2009.

CONCLUSIONS OF LAW

The Adoption Subsidy program is established by MCL 400.115, *et seq.*, and is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10, *et seq.* Department 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).

The State of Michigan administers three adoption subsidy programs: Adoption Support Subsidy; Adoption Medical Subsidy and Nonrecurring Adoption Expenses Reimbursement. The purpose of support and medical subsidies is to remove financial barriers to the adoption of Michigan foster children with special needs, as defined by MCL 400.115f. The purpose of the nonrecurring adoption expense reimbursement program is to assist in paying the out-of-pocket expenses of adoption of special needs children. Based on each individual child's situation and needs, one or more of the subsidy benefits may be available to support their adoption. Some children do not qualify for any subsidy program based on their individual circumstances. Subsidy is available without respect to the income of the adoptive parent(s). The Adoption Support Subsidy is intended to assist with the payment of expenses of caring for and raising the child. It is not intended to meet all of the costs of raising the child; rather, it is a money grant program, which provides assistance to adoptive parents in certain defined and limited ways. Adoptive parents retain financial and decision-making responsibility and authority for their child. A support subsidy is a monthly payment to the parent or parents of an eligible adopted child. This payment provides assistance to the parent or

parents of the adopted child and eligibility is determined before the petition for adoption is filed. The child-placing agency (the Department of Human Services or the Department of Community Health) unit that has responsibility under Michigan's law for the care and supervision of the child is responsible for submitting the application for support subsidy. CFS Manual Item 100.

Under Bridges Administrative Manual Item 600, clients have the right to contest any Department decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continue through the day of the hearing.

In the present case, Petitioners requested Adoption Medical Subsidy for their child. Petitioners were sent a letter from the Department requesting additional information in order to process their request. Petitioners were given notice of the information being requested and the due date if they wished for the Adoption Medical Subsidy to start effective the date of their request. Petitioners failed to supply the information as requested until October 21, 2009. This was well past the December 3, 2007, deadline and well past 180 days from the application date. The Department, however, opened the Adoption Medical Subsidy case in accordance with policy on the date the requested information was received. Petitioners are requesting coverage back to the date of application.

Relevant policy cited by the Department CFA 750, p. 1-2, is as follows:

The application procedure for medical subsidy depends on whether the child's adoption is pending or the child is already placed in adoption. Procedures are as follows:

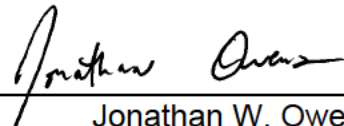
1. **For children whose adoption is pending**, the child's adoption worker shall submit an Adoption Medical Subsidy Certification Request/Disposition (Form FIA-1341M) and required documentation.
2. **For children already placed in adoption**, the adoptive parent(s) must submit a Request for Medical Subsidy for An Adopted Child (Form FIA-1341A). The adoption worker will assist the adoptive parent(s) by:
 - a. Providing the Form FIA-1341A
 - b. Helping the parent(s) to complete the form
 - c. Informing the parent(s) that the effective date of the agreement will be the date the Request for Medical Subsidy for an Adopted Child (Form FIA-1341A) is received by the Adoption Subsidy Program Office if

the required documentation is received by the program office within 90 days of that date. If the required documentation is received after 90 days, the effective date of the agreement will be the date the documentation is received. If the required documentation is not received within 180 days, the request will be denied.

Here, after reviewing the evidence submitted for consideration, this Administrative Law Judge finds the Department's determination to be correct. Petitioners were advised of what was required for processing their request and Petitioners failed to submit this information timely. The Department opened benefits effective the date they received all of the information requested.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department correctly processed Petitioners' application for Adoption Medical Subsidy. Therefore, the Department's decision in this regard is, hereby, AFFIRMED.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 8, 2011

Date Mailed: February 8, 2011

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.

JWO/pf

cc:

