

## **SECTION .0500 - OUT-OF-STATE ADOPTION FEES**

### **10A NCAC 70M .0501 PURPOSE OF OUT-OF-STATE ADOPTION SERVICE FEES**

(a) When the requirements in this Rule have been met, with prior approval, the Department may reimburse in part or in full a fee incurred by a public adoption agency for adoption services provided by an out-of-state adoption agency. Public adoption agencies shall pay the out-of-state adoption provider directly and provide proof of payment to the Department once payment is made.

(b) The requirements of this Rule are met when the child:

- (1) is a child with special needs;
- (2) is registered on the North Carolina Adoption Resource Exchange, which may be accessed at <https://www.ncdhhs.gov/divisions/social-services/child-welfare-services/adoption-and-foster-care>;
- (3) has parents who have each had one of the following occur:
  - (A) a court order terminated parental rights;
  - (B) executed a relinquishment of the child to a public or private child-placing agency;
  - (C) consented to the adoption;
  - (D) a finding by the court in the adoption proceeding that the parent's consent to the adoption is not required; or
  - (E) has died.

(c) Out-of-state adoption agencies shall be licensed by their respective states and as approved by conditions of the Interstate Compact on the Placement of Children (ICPC) pursuant to G.S. 7B, Article 38 to provide adoptive services for children with special needs.

(d) The service fee charged by the specialized out-of-state adoption agency shall be:

- (1) any one of the following services provided by the specialized adoption service agency:
  - (A) recruiting and securing an adoptive home for the child;
  - (B) pre-placement services for the family and child;
  - (C) post-placement services for the family and child; and
  - (D) post-finalization services.
- (2) only be available when an adoptive family has not been identified in North Carolina.

(e) The public adoption agency:

- (1) shall have custody and placement responsibility of the child and have the legal authority to consent to the child's adoption;
- (2) shall make a written request to the Department for reimbursement for the out-of-state adoption service fee at the time that a decision has been made to place the child with a specific adoptive parent or parents who have had an approved home study that was conducted by the specialized out-of-state adoption agency;
- (3) shall include in its reimbursement request to the Department written documentation that verifies the following:
  - (A) the public adoption agency has legal placement responsibility;
  - (B) the public adoption agency has the authority to legally consent to the adoption of the child;
  - (C) the child meets the requirements of this Rule;
  - (D) the out-of-state adoption agency meets the requirements of this Rule;
  - (E) the service fee to be charged meets the requirements of this Rule; and
  - (F) a quote for the service fee that includes the service to be provided and the amount of the fee;
- (4) shall obtain prior approval from the Department prior to initiating contracted services where reimbursement is expected;
- (5) Upon the Department's prior approval for an out-of-state adoption service fee, the public adoption agency shall enter into an agreement with the out-of-state adoption agency on a form provided by the Department ("North Carolina Division of Social Services Purchase of Out-of-State Adoption Services Agreement" Form DSS-5305, which may be accessed at <https://www.ncdhhs.gov/divisions/dss>) and provide a copy of the agreement to the Department. The agreement shall include the type and nature of the service to be provided, the fee amount to be charged, an agreement by the out-of-state adoption agency to provide the identified service, and an agreement by the public adoption agency to pay for the identified service; and

- (6) shall pay any amount of the out-of-state adoption agency service fee that is not approved by the Department.
- (f) To the extent funds are available and the fee for services is not above the maximum allowable amount of one thousand eight hundred dollars (\$1,800) per child, the Department shall approve the public adoption agency's request for prior approval for reimbursement of the out-of-state adoption service fee if it meets the requirements in this Rule and the Department notifies the public adoption agency in writing of the approval.
- (g) The Department shall not reimburse a public adoption agency for any amount over one thousand eight hundred dollars (\$1,800) per child in out-of-state adoption service fees that are approved pursuant to this Rule.
- (h) In order for the public adoption agency to receive reimbursement for a fee that has been approved pursuant to this Rule, the public adoption agency shall notify the Department of the date that payment of the fee is due and provide the Department with a copy of the bill for the out-of-state adoption service fee.
- (i) Upon the public adoption agency's payment of the out-of-state adoption service fee, the public adoption agency shall provide the Department with a copy of the receipt of payment for the out-of-state adoption agency fee.

*History Note: Authority G.S. 143B-153;  
Eff. March 23, 1981;  
Amended Eff. July 1, 1991;  
Readopted Eff. August 1, 2021.*