

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

Our File # 579

Permanent Rule_____

Temporary Rule X

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 3/6 DUE DATE 3/13

Resubmitted and Received_____

a. Returned to Agency w/o Filing w/Secretary of State_____
b. Approved 3/13 Date Sent Back to Agency 3/13

- -

1. Rules as Adopted_____

2. Rules as Proposed_____

3. Certificate of Board's
Authorizing Resolution, where applicable_____

4. Order for Hearing_____

5. Notice of Hearing_____
Sufficiency_____

6. Secretary of State's List_____(one copy only)

7. Certificate of Acquisition of
Secretary of State's List_____

8. Secretary of State's Certification of Delivery
of Secretary of State's List to Agency_____

9. Affidavit of Mailing_____
At least 30 days prior to hearing_____

10. Publication in State Register_____
At least 30 days prior to hearing_____

11. Statement of Need and Evidence_____

12. Hearing Examiner's Report_____

13. Agency's Findings of Fact_____

14. Certificate of Board's Resolution
Adopting Rules, where applicable_____

15. Order Adopting_____

16. Report of Chief Hearing Examiner_____

17. Order Approving Incorporation by Reference,
where applicable_____

18. Certificate of Compliance with Rulemaking Procedures_____

19. Copy of Notice of Intent to Solicit Outside Opinion,
where applicable_____

20. Petition by Public, where applicable_____

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ARTHUR E. NOOT

COMMISSIONER OF PUBLIC WELFARE

In the Matter of the Proposed Adoption of Temporary Amendments to Rule 200 (Adoption) of the Department of Public Welfare for Adoption Subsidy

ORDER ADOPTING TEMPORARY AMENDMENTS TO RULE 200

The above-entitled rule amendments were promulgated pursuant to the statutory authority of Minn. Stat. § 259.40 subd. 10 (amended, 1979). The proposed temporary rule was printed in the State Register on January 21, 1980, 4 S.R. 1164.

Pursuant to Minn. Stat. § 15.0412, subd. 5 (1978), the Department accepted comments from the public for twenty days following publication of the proposed rule. Written comments were received from Mario G. Ferreri, Dale L. Szyszka, Marjorie Mereen, and Byron Laher. The Department reviewed all the comments and recommendations.

Rule 200, § C.4.d(1) has been amended in order to more fully reflect the standards of DPW Rule 44 for determining the basic rate for maintenance and difficulty of care to include allowances, supplies and transportation. This simply clarifies the intent of the section and eliminates the need for the vague reference to the term "and other cost" which will be deleted from § C.4.d(2). See also the added section, C.4.d(3), and subsequent renumbering.

The proposed rule required the annual notarized affidavit of the adoptive parents to be filed on the anniversary date of the approved agreement. Rule 200, § C.4.e(1)(a)(i). To increase flexibility, the proposed rule has been changed to allow submission within thirty days of the anniversary date. More flexibility has

also been added to the requirement that a known medical or special expense or emergency shall be reported to the Commissioner. See Rule 200, § C.4.e(1)(a)(vi) and (vii), as amended.

The rule as adopted is otherwise identical to the rule as proposed. It shall be submitted to the Attorney General for review as required by Minn. Stat. § 15.0412, subd. 5 (1978).

NOW THEREFORE IT IS ORDERED that these temporary rule amendments, identified as Temporary Amendments to Rule 200 (Adoption) for Adoption Subsidy, are hereby adopted and shall be read as part of Rule 200. Such rule amendments shall become effective upon the approval of the Attorney General

Dated: March 5 1980

STATE OF MINNESOTA
Department of Public Welfare

Arthur E. Noot

ARTHUR E. NOOT
Commissioner

Our File: 579

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : ARTHUR E. NOOT
Commissioner
Department of Public Welfare

DATE: March 13, 1980

Attn: BEVERLY HEYDINGER

FROM : JERRY S. ANDERSON
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: In the Matter of the Proposed Adoption of Temporary Amendments to Rule 200 (Adoption) of the Department of Public Welfare for Adoption Subsidy

The above-captioned temporary rules have been approved by this office.

While the statute does not require it, this office recommends that an Order of Adoption and a copy of the Rules as Adopted be filed with the Secretary of State. It is the department's responsibility to comply with the Notice provisions of Minn. Stat. § 15.0412, Subd. 5.

If you have any questions, do not hesitate to contact me.

JSA/bw
cc: Duane Harves
Susan Robertson

A.G working copy

Temporary Rule ~~as Proposed~~

Adoption (Revision of A.2.0 and C.4)

12 MCAR 2.200

A. Introduction

2. Definitions

j. Placing Agency: The licensed child placing agency which has guardianship of a child or the local social service agency which has financial responsibility for a ward of the Commissioner. The placing agency retains planning responsibility for the child even though another agency is supervising.

k. Post-placement services: Social services provided to the child and the adoptive parents from the time of placement until legal adoption.

l. Post-adoption services: Social services provided after legal adoption to the adoptive parents, genetic parents or adopted individuals.

m. Relative: An individual who is related to a child within the third degree according to the Civil Table of Consanguinity by blood, marriage or adoption as a parent, stepparent, brother, sister, grandparent, great grandparent, aunt, uncle, niece or nephew.

n. State Adoption Exchange: The central adoptive home and child registration service operated by the Minnesota Department of Public Welfare's adoption unit for use by authorized child-placing agencies.

o. State agency: The Commissioner of Public Welfare or the Minnesota Department of Public Welfare.

p. Subsidized adoption: An adoption in which an agreement provides that financial payments shall be made to the adoptive parent(s) because of special needs of the child.

q. Suitability study: The pre-adoptive counseling and subsequent evaluation made by the authorized child-placing agency to determine whether or not the proposed adoptive home can adequately parent and meet the social, educational and health needs of a particular child.

C. Services for Children Freed for Adoption

1. State adoption exchange. To ensure each child's placement in an adoptive home preferably away from his area of prior residence, the State Adoption Exchange shall be used by all local social service agencies in accordance with prevailing procedures established by the Commissioner. This provision shall not apply to the licensed child placing agencies, Hennepin, Ramsey, or St. Louis Counties, whose use of the Exchange is optional.

a. The local social service agency shall, without undue delay, seek an adoptive home which will meet the child's special needs. Special needs include sibling ties, racial or religious heritages, and health, social, and educational needs.

b. The local social service agency shall make reasonable efforts to provide and preserve the child's heritage by placing the child:

(1) In an adoptive home of similar background; or

(2) In an adoptive home which is knowledgeable and appreciative of the child's heritage.

2. The child's foster home. The local social service agency may consider the foster home in which the child is currently living as a potential adoptive resource for the child.

a. In such cases, at least one of the following criteria shall apply:

(1) The child has special needs (physical and mental health, education or social) which the foster family will be able to adequately meet.

(2) The child is older than an infant, has lived at least twelve consecutive months in the foster home, and is an integrated member of the foster family.

(3) The foster family will be able to accept the child and his background and help the child understand his adoption.

(4) The foster family is either the best adoptive resources for the child or is at least comparable to available resources.

b. Except in Hennepin, Ramsey and St. Louis Counties, a joint decision between the state agency's adoption unit and the local social service agency as to whether the foster home would be a suitable adoptive home for the child shall be made. The decision shall be based upon:

(1) The local social service agency's written statement and recommendation to the state agency identifying applicable criteria; and

(2) The state agency's written response either approving or disapproving the recommendation.

c. Where a licensed child-placing agency, which is supervising a child under state guardianship, wishes to consider the foster home as the adoptive resource for the child, it shall obtain approval from the local social service agency which has financial responsibility.

3. Child placement. The following policies shall govern the local social service agency's child-placing activities:

a. Preplacement activities:

(1) The social worker assigned to the adoptive home shall, prior to the child being placed in the adoptive home, visit the child in his foster home. This preplacement visit may only be waived if the child is under six months of age and is without special needs.

(2) The child's social worker shall provide the adoptive parents with a written genetic and health history of the child in which all identifying information on the child's relatives has been omitted. The history is to be written in a manner which is understandable and meaningful to the adoptive family.

(3) An adoptive family shall spend at least two days in the child's community becoming acquainted with the child prior to the transfer of physical custody from the agency to them. This provision may be waived.

in the discretion of the agency, where extraordinary circumstances dictate prompt placement.

4. Subsidized adoptions: This section provides standards for determining a child's eligibility for subsidy and the criteria for establishing the terms of the subsidy agreement. Subsidized adoption is based upon the needs of the child who is certified as eligible for subsidy and is available through the Commissioner of Public Welfare for a child under legal guardianship of the Commissioner or licensed child placing agency. The Commissioner may review and verify the facts upon which the child's eligibility is based.

a. The placing agency shall document in the child's case record all facts upon which the agency certifies the child as eligible for subsidy.

b. The placing agency may determine that subsidy is needed for children placed as sibling groups, children who are entitled to placement with a family of similar ethnic background (i.e., American Indian, Black, Hispanic, Asian), and children with special needs, for whom adoptive homes are not readily available.

c. The placing agency shall certify the child as eligible for subsidy when the following criteria are met:

(1) The child is a Minnesota resident and a ward of the Commissioner or licensed child placing agency.

(2) The placing agency has made reasonable efforts without success to place the child without subsidy.

(a) The agency shall register the child on the State Adoption Exchange to obtain adoptive home referrals.

(b) The agency shall contact Hennepin, Ramsey, St. Louis Counties and Minnesota-based licensed child placing agencies to seek potential adoptive homes.

(c) The agency may use photo listing services, adoption exchange services, newsletters or other special efforts to secure a home.

(d) The agency shall make an early determination on the availability of a home without subsidy, preferably within two months of the child becoming legally for adoption.

(3) A child shall be eligible for subsidized adoption by his/her foster parents if the following criteria are met and documented:

(a) The child's foster parents desire to adopt the child, and

(b) The agency, determines the adoption is in the best interest of the child, according to the criteria established in C. 2, of this rule, and

(c) The child's circumstances or characteristics make it difficult for the agency to provide the child a home without a subsidy.

(4) When the child is placed into a prospective adoptive home without a subsidy but the need for subsidy becomes evident prior to legal adoption, the placing agency shall apply the criteria in C.4.c(1) and (3) to determine the child's eligibility for subsidy.

(5) The placing agency shall certify to the Commissioner, in writing under its director's or designee's signature, the child's eligibility for subsidy. The statement shall include the conditions or circumstances upon which the child's eligibility is based.

d. When determining the amount of subsidy, the placing agency shall consider the financial resources, social security and veterans benefits health insurance coverage, medical assistance programs, and other resources available or which may be available to the child.

(1) Maintenance payments may be provided when it is necessary to ensure the adoption of a child. The placing agency shall refer to DPW Rule 44, 12 MCAR 2.044, to determine the amount of a child's monthly maintenance needs for food, shelter, clothing, allowances, supplies, and transportation. The total monthly maintenance needs may be less than, equal to or more than the basic rate. Amounts greater than the basic rate shall be set according to the difficulty of care standards and the need for the greater amount shall be documented.

(2) The placing agency shall determine the medical, dental, surgical psychiatric, and psychological expenses ~~and other costs~~ necessary for the child's care and well-being. In determining the costs the placing agency shall identify the child's circumstances or conditions that require subsidy. The placing agency shall:

(a) Document the kind and amount of health insurance or other financial resources available to meet the needs of the child.

(b) Document the actual or estimated expenses for medical, dental, surgical, psychiatric and psychological ~~or other~~ needs of the child which are not covered by health insurance and/or other alternative financial or medical resources.

(3) The placing agency shall determine whether other costs not included in (1) and (2) of this section are necessary for the child's care and well-being. The placing agency shall specify the child's needs and document the actual or estimated expenses required to meet that need.

~~(3)~~ (4) The agency record and the subsidy agreement shall include all relevant facts upon which subsidy payments are based, the amount and frequency of payments. If the amount and frequency of payments are unknown, estimates and the basis for them shall be included.

e. The placing agency shall prepare in writing the Subsidized Adoption Agreement clearly setting forth the responsibilities of all the parties and the terms and duration of the agreement.

(1) The agreement shall state the responsibilities of the parties as follows:

(a) The adoptive parent(s), or in the event of death or inability to function as parent(s), the subsequent guardian or conservator, shall agree to:

(i) Submit to the Commissioner a notarized affidavit each year ~~on~~ within thirty (30) days of the anniversary date of the approved agreement to certify whether the child remains under their care and the need for subsidy continues to exist.

(ii) Notify the Commissioner within thirty (30) days in the event of change in status and its effect on the expenses covered by the subsidy:

(aa) Marriage of child or parent.

(bb) The child's absence from the home by court action or for any reason for a period of more than thirty (30) days.

(cc) Death of child or parent.

(dd) Legal emancipation of the child.

(iii) Notify the Commissioner within thirty (30) days of any change which may affect the duration or amount of the subsidy needed.

(iv) Notify the Commissioner within thirty (30) days of a change in address to ensure proper mailing of payments.

(v) Participate in and use health insurance and financial programs available for the child.

(vi) Notify the Commissioner at least thirty (30) days before a planned medical or special expense is incurred to ensure prompt payment after expense statements are submitted to the Commissioner. ~~of anticipated large or unusual expenses to obtain prior authorization~~.

(vii) Notify the Commissioner soon after an emergency of the anticipated cost so that the Commissioner may begin to budget for that expense.

~~(vii)~~ (viii) Submit expense statements to the Commissioner to receive subsidy payments for incurred costs over and above agreed upon monthly payments, but within the parameters of the agreement.

(b) The placing agency shall agree to:

(i) Specify in the agreement:

(aa) The terms and duration of the subsidy as defined in C.4.d.

(bb) The effective date of the agreement which shall be the date of legal adoption. When the child's needs cannot be met by other state and federal programs prior to legal adoption, the Commissioner may establish an earlier effective date between the child's placement in the home and legal adoption. * problem

(ii) Assist the adoptive parent(s), subsequent guardian or conservator in the review or modification of the agreement. — but §259.40 Sub 2 doesn't do this!

(iii) Assist the Commissioner in the review or modification of the agreement.

(c) The Commissioner shall agree to make financial payments to the adoptive parent(s), subsequent guardian or conservator, as follows:

(i) Payments regardless of the domicile or residence of the adopting parent(s) at the time of application for adoptive placement, legal decree of adoption, or thereafter.

(ii) Monthly payments for maintenance (food, shelter and clothing) and other regular costs as specified in the agreement.

(iii) Payments based upon the expense statements received from the adoptive parent(s) for the child's medical or special expenses which are within the parameters of the agreement.

(iv) Payments may be terminated at the request of the adoptive parents, subsequent guardian or conservator.

(2) When the terms and duration of the subsidy are agreed upon by the parties, the placing agency shall:

(a) Prepare six written copies of the agreement.

(b) Insure that all copies are signed by the adoptive parent(s) and the placing agency director or designee.

(c) Submit all copies to the State Adoption Unit for the Commissioner's approval.

(3) The subsidy agreement shall continue in accordance with its terms as long as the need for subsidy continues and the child remains the level dependent of the adoptive parent(s), subsequent guardian or conservator.

(4) The adoptive parents have the right to appeal to the Commissioner pursuant to Minn. Stat. 256.045, when the Commissioner denies, discontinues, or modifies the agreement.

(a) The terms of the agreement shall be reviewed by the adoptive parent(s) subsequent guardian or conservator or the Commissioner when changes in the child's status make it appropriate.

(b) The parent(s) may request modification or termination of agreement at any time by contacting the placing agency or the Commissioner.

(c) In the event the parent(s), subsequent guardian or conservator, are unable to agree upon the amendments proposed by either party, the parent(s), subsequent guardian or conservator may appeal. The appeal shall be initiated by a written request to the Commissioner within thirty (30) days after receiving written notice of the action or decision from the Commissioner or within ninety (90) days if the parent(s) show good cause why the request was not submitted within the thirty (30) day time limit.

f. Subsidy payments received according to the terms of the agreement shall not affect eligibility for any other financial payments (i.e., social security, veterans, or other benefits) to which a person may otherwise be entitled.

g. The placing agency shall receive a reimbursement from the Commissioner equal to 100% of the reasonable and appropriate cost of providing or purchasing adoption services for a child certified as eligible for a subsidy, including adoptive family recruitment, counseling, and special training when needed.

(1) The child meets the certification requirements of C.4.c.

(2) The placing agency has determined that either partial or full cost of providing or purchasing the adoption services is not reimbursable under other state and federal financial programs.

(3) The placing agency shall submit purchase of service agreements to the Commissioner for review of anticipated expenses.

(4) The placing agency shall notify the State Adoption Unit in writing when the agency anticipates that its expenses may exceed $3,000 for adoption services on a child certified as eligible for subsidy.

(5) The placing agency shall submit an itemized statement of expenses to the State Adoption Unit for reimbursement prior to June 30 of each fiscal year.

(a) The itemized expenses shall not exceed the prevailing costs for similar services to children under agency care.

(b) The Commissioner shall reimburse the placing agency for 100% of the expenses that are not reimburseable under other state and federal programs.

h. The Commissioner shall work with American Indian child adoption organizations able to be licensed as child placing agencies. American Indian children, who are protected under the Federal Indian Child Welfare Act of 1978 and who are certified as eligible for subsidy shall, whenever possible be served by the tribal governing body, tribal courts or a licensed Indian child placing agency.

BR/hoi

Comments Received on Proposed Temporary Rule on Subsidized Adoption

1. Definition of Placing Agency:

Byron Laher of Minneapolis United Way, the Hennepin County Bureau of Community Services and Lutheran Social Service of Minnesota all suggested that placing agency definition be expanded to include the supervising agency.

This comment has been reviewed. No change will be made of the temporary rule definition as it is consistent with the local social service agency's general responsibilities as defined in DPW Rule 171 on dependent and neglected children under the guardianship of the Commissioner.

2. Difficulty of Care (C. 4. d. (1)):

Maintenance payments. The recommended change is to use the word "reimbursement for maintenance payments" instead of "amounts" on the basis that the proposed language could be misinterpreted to include additional "fee for service" monies.

I have reviewed the paragraph of C. 4. b. (1) on maintenance needs. The proposed language in this section discusses the amount of maintenance needs and not reimbursement of cost. I therefore see no reason to change the language.

The DPW AFDC Program Manual, VIII-C-5, issued August 1, 1979 includes the revisions of the AFDC-FC rates for basic maintenance and difficulty of care. It states: "The basic rate includes food, clothing, allowances, physical attendance, supplies and transportation". In DPW Rule 44, under 3. d. (2), the statement reads: "In addition to the basic rate, monthly payments for additional maintenance needs (as determined by the local agency) may be made". In AFDC manual on Page VIII-C-6, the explanation for Additional Care Rates reads: "A child's difficulty-of-care needs shall be based solely (emphasis mine) on the needs of the child as specified in the social services assessment/plan".

I am, therefore, revising this section of the temporary rule on basic rates to include the child's needs for food, clothing, shelter, allowances, supplies and transportation.

Because the temporary rule requires agency documentation of the child's maintenance needs as well as the inclusion of all relevant facts in the subsidy agreement and the Commissioner's approval on the agreement before any payment can be made, I do not believe any other revision of this section is necessary.

3. Annual Affidavit (C. 4. e (1) (a) (i):

The comments received recommended that there be a 30-day leeway for the family to submit its annual affidavit to the Commissioner. This is a reasonable request and the revision is being made.

4. Large Anticipated Expenses in C. 4. e. (1) (a) (vi):

Questions were raised on:

- "prior authorization" on large expenses even if specified in the agreement.

- What is meant by "large or unusual" expenses? The terms are too broad in meaning.

- Provision for large costs in emergency situations.

Possible language changes that are needed to clarify this issue:

"(vi) Notify the Commissioner within thirty (30) days before any planned medical or special costs are incurred. Prior notification will insure prompt payment by the State Agency when the expense statements are submitted for reimbursement."

"(vii) Notify the Commissioner as soon as possible after an emergency on the probable expenses to allow the State Agency to begin budgeting for them."

Change (vii) to (viii).

5. Special Cost (C. 4. d.):

Special cost or other cost was not listed as a separate category, even though this was done in the model subsidy agreement form. I believe this should be separated out from (2).

In (2) and (2) (a), strike out "and other costs" and "or other". Make (3) into (4). After the new (3), add "The placing agency shall determine whether other costs not included (1) and (2) of this section are necessary for the child's care and well-being. The placing agency shall specify the child's needs and document the actual or estimated expenses required to meet that need."

JT/cle

SAX AND DOVE
ATTORNEYS AND COUNSELORS AT LAW

ROGER D. SAX
PAUL D. DOVE

310 ENDICOTT BUILDING
ST. PAUL, MINNESOTA 55101
PHONE: 224-4795

February 5, 1980

Ms. Ruth Weidell
Adoption Unit
Minnesota Department of Public Welfare
Centennial Office Building
Saint Paul, Minnesota 55155

In re: Attorney's Fees in Subsidized Adoption Program

Dear Ms. Weidell:

Pursuant to our telephone conversation today, I am forwarding this short memo as a request for a copy of any information you receive regarding the allowance of attorney's fees in the Subsidized Adoption Program under Minnesota Statutes, Chapter 259.40.

Your cooperation is greatly appreciated.

Very truly yours,

Mario G. Ferreri,
Law Clerk

MGF:lcd





BIG STONE COUNTY FAMILY SERVICE CENTER
340 N.W. 2ND ST. P. O. BOX 338
ORTONVILLE, MINNESOTA 56278

January 24, 1980

Ms. Ruth Weidell
Adoption Unit
Dept. of Public Welfare
Centennial Office Bldg.
St. Paul, MN 55155

Re: Instructional Bulletin #80-4 - Proposed Temporary Rule on Subsidized Adoption and Agreements.

Dear Ruth Weidell:

Page 6, e.(1) (a) (vi). It might be possible that during an emergency medical procedure, which could be costly, the parents might be under too much stress to remember or care about obtaining prior authorization. Perhaps this emergency possibility should be considered.

Sincerely,

Dale L. Szyszka
Director

DLS:cn



CHILDREN'S HOME SOCIETY of MINNESOTA
CHILD AND FAMILY SERVICE SINCE 1889

Children's Home Society of Minnesota

2230 COMO AVENUE • ST. PAUL, MINNESOTA 55108 • (612) 646-6393

Harlan B. Strong, Jr., *President* Roger W. Toogood, *Executive Director*

January 14, 1980

Ruth Widell
Adoption Unit
Division of Social Services
Department of Public Welfare
Cemtemmial Building
St. Paul, Minnesota 55155

Re: Subsidized Adoption
Proposed Temporary Rule

Dear Ruth:

On page 1, under C. Services for Children Freed for Adoption (By the way, B is missing), the local social service agency is discussed. Should it be "this provision shall not apply to the licensed child placing agencies or to Hennepin, Ramsey or St. Louis Counties". The way it reads now would be that we, as a private agency, are obligated to use the state register in each and every case of children freed for adoption, which has not been the practice.

Also, I will have to say that, on page 5. it talks about "Amounts greater than the basic rate shall be set according to the difficulty of care . . ." While I wish we could take this factor into account, it is my understanding that we decided that we can not, but that we can document additional specific expenses beyond maintenance not based on difficulty of care.

Best wishes.

Sincerely,

Marjorie Mereen

Marjorie Mereen, ACSW
Social Worker

MM:jp



Our third suggestion is in C 4e (1) (a) (i). In discussing this with a department attorney, I am told that the language in this subsection would require the notarized affidavit to be filed every year exactly on the anniversary date of the adoption. While it may not be the intention of DPW staff to narrowly interpret this, we think the present language leaves something to be desired and would like to suggest the following: Submit to the Commissioner a notarized affidavit each year within one month of the anniversary date of the approved agreement to certify whether the child remains under their care and the need for subsidy continues to exist.

Our last suggestion regards C 4e (1) (a) (vi). The language in this section implies that any large expense, even if specified in the subsidy agreement, would need prior authorization. In discussing this with you and with the Department Attorney, it is my understanding that this subsection is intended to cover two specific situations. One is to encourage adoptive parents to assist DPW in budget planning when the family anticipates a large expenditure that is a part of the subsidy agreement--for example, a heart operation. The second area intended to be addressed is the need for prior approval of an expense not specifically covered in the subsidy agreement but which is a result of a condition which caused the child to be certified. In this situation, prior authorization is probably prudent before incurring a major expense. We think that each situation should be addressed separately to avoid confusion. We also believe that the words "large" and "unusual" are too open to interpretation and require clarification. For example, is "large" more tha $500? More than $1,000? More than $10,000? What may be small to a major government entity may seem quite large to adoptive parents struggling with daily bills. What may seem to be a small expenditure in a booming economy may assume major proportions in a tight budget.

Again, we are pleased with the rule as otherwise drafted. We think our suggested revisions will enhance a basically sound proposal.

Sincerely,

Byron Laher
Government Relations Director

cc: Ron Speed
John MacDonald
Betty Danielson



United Way
of Minneapolis Area

404 South Eighth Street
Minneapolis, Minnesota 55404
Phone 612 340-7400

January 30, 1980

Ruth Weidell
Adoption Unit
Department of Public Welfare
4th Floor
Centennial Bldg.
St. Paul, MN 55155

Dear Ruth:

This is a follow up to our phone conversation and the United Way's formal response to the proposed temporary rule for the Subsidized Adoption Program.

I think you and DPW staff have done an admirable job in responding to input from the Drafting Committee. It has been a long process. However, I think that with just a few minor revisions we will have the product we all have been working toward.

There are four areas which I would like to suggest for revision:

The first is the definition of a placing agency (A 2j). I understand that there has recently been some concern over restricting the definition to an agency which has formal guardianship or the local welfare agency which acknowledges financial responsibility. We would like to suggest that the first sentence of the definition be amended to define the placing agency as the organization which actually places the child in an adoptive home.

Our second suggestion is in C 4d(1). The language in this subsection refers to difficulty of care and we feel could be misinterpreted to include additional "fee for service" monies. We would like to suggest that the last sentence in that subsection be amended to read: Reimbursement for maintenance expenses greater than the basic rate shall be set according to the difficulty of care standards and the need for the greater amount shall be documented.