

Joe Lombardo  
Governor



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# DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES  
*Helping people. It's who we are and what we do.*



Marla McDade  
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Administrator

MTL # 0102 – 12122024

TO: Frank Prado, Director – Clark County Family Services  
Laurie Jackson, Social Services Manager V – DCFS RRCW - District Offices  
Ryan Gustafson, Division Director – Washoe County Human Services Agency

FROM: Betsey Crumrine, Deputy Administrator, Division of Child and Family Services

## POLICY DISTRIBUTION

Enclosed find the following policy for distribution to all applicable staff within your organization:

### 0102 ICAMA: Interstate Compact on Adoption and Medical Assistance

This policy is/was effective: 12/12/2024

- This policy is new. Please review the policy in its entirety
- This policy replaces the following policy(s): MTL # \_\_\_\_\_ - \_\_\_\_\_ Policy Name: \_\_\_\_\_
- This policy has been revised. Please see below for the type of revision:
  - This is a significant policy revision. Please review this policy in its entirety.
  - This is a minor policy revision: (List page number & summary of change):
  - A policy form has been revised: (List form, page number and summary of change):
- This policy has been reviewed for statewide compliance.

### NOTE:

- Please read the policy in its entirety and note any areas that are additionally required by your agency to be in compliance with the policy enclosed.
- This is an **ALL STAFF MEMO** and it is the responsibility of the person listed above to disseminate the policy enclosed to appropriate staff within his/her organization and to ensure compliance.
- The most current version of this policy is posted on the DCFS Website at the following address: <http://dcfs.nv.gov/Policies> Please check the table of contents on this page for the link to the chapter you are interested in.

CC:  
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## 0102 ICAMA: Interstate Compact on Adoption and Medical Assistance

### Policy Approval Clearance Record

<input checked="" type="checkbox"/> Statewide Policy <input type="checkbox"/> Administrative Policy <input type="checkbox"/> DCFS Rural Region Policy	<input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Modified Policy <input type="checkbox"/> This policy supersedes:
Date Policy Effective:	11/15/2018
Attorney General Representative Review:	N/A
DCFS Deputy Administrator Review:	12/12/2024
DMG Original Approval:	N/A
DMG Approved Revisions:	N/A

### STATEMENT OF PURPOSE

**Policy statement and purpose:** The purposes of the Interstate Compact on Adoption and Medical Assistance (ICAMA) are listed below.

1. Strengthen protections for the interest of children with special needs on behalf of whom adoption assistance has been established, when such children are in or move to states other than the one which provides adoption assistance.
2. Provide practical assurances and operating procedures which will promote the delivery of medical and other services to children on an interstate basis through adoption assistance programs established by the laws of the states which are parties to this Compact.

### AUTHORITY

**Federal:** [Title XIX of the Social Security Act](#),  
**NRS:** [127.400](#), [127.410](#), [127.420](#); [127.186](#), [127.230](#); [432.032](#)  
**NAC:** [127.495](#), [127.500](#), [127.505](#); [424.460](#)  
**Other:** None

### DEFINITIONS

**Adoption Assistance:** The payment or payments for the maintenance of a child which are made or committed to be made pursuant to the adoption assistance program established by the laws of a state.

**Adoption Assistance State:** The state that is signatory to an adoption assistance agreement in a particular case.

**Child with Special Needs:** A minor who has not yet attained the age at which the state normally discontinues children's services, or a child who has not yet reached the age of 21 where the state determines that the child's mental or physical handicaps warrant the continuation of assistance beyond the age of majority, for whom the state has determined the following:

1. That the child cannot or should not be returned to the home of their parents.
2. That there exists with respect to the child a specific factor or condition such as their ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical condition or physical, mental, or emotional handicaps, because of which it is reasonable to conclude that such child cannot be placed with adoptive parents without providing adoption assistance.
3. That, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in their care as a foster child, a reasonable but unsuccessful effort has been made to place the child with appropriate adoptive parents without providing adoption assistance.

**Residence State:** The state in which the child is a resident by virtue of the residence of the adoptive parents.

## **STANDARDS/PROCEDURES**

**Findings:** The states which are parties to this Compact find that:

1. To obtain adoptive families for children with special needs, Nevada must assure prospective adoptive parents of substantial assistance, usually on a continuing basis, in meeting the high costs of supporting and providing for the special needs and the services required by such children.
2. Nevada has a fundamental interest in promoting adoption for children with special needs because the care, emotional stability, and general support and encouragement required by such children can be best, and often only, obtained in family homes with a normal parent-child relationship.
3. Nevada may obtain fiscal advantages from providing adoption assistance because the alternative is for Nevada to bear the higher cost of meeting all the needs of the children who are adopted from foster care.
4. The necessary assurances of adoption assistance for children with special needs, in those instances where children and adoptive parents live in states other than the one providing the assistance, include:
  - a. the establishment and maintenance of suitable substantive guarantees
  - b. workable procedures for interstate cooperation
  - c. payments to assist with the necessary costs of child maintenance
  - d. the procurement of services
  - e. the provision of medical assistance

### **Non-Nevada Adoption Assistance**

1. Each state shall determine the amount of adoption assistance and other aid which will be provided to children with special needs and their adoptive parents in accordance with its own laws and programs. The adoption assistance and other aid may be subject to periodic reevaluation of eligibility by the adoption assistance state in accordance with its laws.
2. Each case of adoption assistance must include a written adoption assistance agreement between the adoptive parents and the appropriate agency of the state providing the adoption assistance. Each adoption assistance agreement shall contain provisions for actual or potential interstate aspects of the assistance provided as follows:
  - a. An express commitment that the assistance provided shall be payable without regard for the state of residence of the adoptive parents, both at the outset of the agreement period and always during its continuance.
  - b. A provision setting forth the types of care and services for the adopted child toward which the adoption assistance state will make payments.
  - c. A commitment to make medical assistance available to the adopted child in accordance with the medical assistance section of the Compact.
  - d. An express declaration that the agreement is for the benefit of the adopted child, the adoptive parents and the state and that it is enforceable by any or all of them.
  - e. The date upon which each payment or other benefit provided is to commence, but in no event prior to the effective date of the adoption assistance agreement.
3. Any services or benefits provided for an adopted child by the residence state and the adoption assistance state may be facilitated by the party states on each other's behalf. To this end, the child welfare agency will work with the receiving agency, as well as the beneficiaries of adoption assistance agreements, in assuring prompt and full access to all benefits expressly included in such agreements. It is further recognized and agreed that, in general, all children to whom adoption assistance agreements apply will be eligible for benefits under the child welfare, education, rehabilitation, mental health, and other programs of their state of residence on the same basis as other resident children.

### **Medical Assistance**

1. Children adopted in a state which is a member of the Compact, in accordance with the terms of an adoption assistance agreement to provide federally aided medical assistance under [Title XIX of the Social Security Act](#), are eligible medical assistance during the entire period for which the agreement is in effect. Upon application, the adoptive parents of a child who is the subject of such an adoption

assistance agreement shall receive a Medicaid card made out in the child's name. The identification shall be issued by the medical assistance program of the residence state and shall entitle the child to the same benefits as any other child who is covered by the medical assistance program in the residence state, whether the adoptive parents are themselves eligible for medical assistance.

2. The Nevada Medicaid card shall bear no indication that an adoption assistance agreement with another state is the basis for its issuance; however, if the identification is issued pursuant to such an adoption assistance agreement, Nevada and the adoption assistance state shall retain a copy of the adoption assistance agreement, any amendment or replacement, as well as all other pertinent information. The adoption assistance and medical assistance programs of the adoption assistance state shall be notified of the issuance of such identification.
3. Pursuant to this Compact, Nevada shall accept, process, and pay medical assistance claims as it would with any other medical assistance claims by eligible residents.
4. When a child who is covered by an adoption assistance agreement is living in another state, payment or reimbursement for any medical services and benefits which are not available to the child under the Title XIX medical assistance program of the residence state, shall be made by the adoption assistance state as required by its law. Any payments so provided shall be of the same kind and at the same rates as provided for children who are living in the adoption assistance state. However, where the payment rate authorized for a covered service under the medical assistance program of the adoption assistance state exceeds the rate authorized by the residence state for that service, the adoption assistance state shall not be required to pay the additional amounts for the services or benefits covered by the residence state.
5. A child whose residence is changed from one state to another shall be eligible for federally aided medical assistance under the medical assistance program of the new state of residence.

#### **Compact Administration**

1. In accordance with laws and procedures, Nevada shall designate a Compact Administrator and such Deputy Compact Administrators as it deems necessary. The Compact Administrator shall coordinate all activities under this Compact within their state. The Compact Administrator shall also be the principal contact for officials and agencies within and out of Nevada for the facilitation of interstate relations involving the Compact and the protection of benefits and services provided. In this capacity, the Compact Administrator will be responsible for assisting child welfare agency personnel from other states and adoptive families receiving adoption and medical assistance on an interstate basis.
2. Acting jointly, the Compact Administrators shall develop uniform forms and administrative procedures for the interstate monitoring and delivery of adoption and medical assistance benefits and services. The forms and procedures may include:
  - a. Documentation of continuing adoption assistance eligibility
  - b. Interstate payments and reimbursements
  - c. Any and all other matters arising pursuant to this Compact
3. Some or all of the parties to this Compact may enter into supplementary agreements for the provision of or payment for additional medical benefits and services, as provided in the medical assistance section part four (4); for interstate service delivery, pursuant to the adoption assistance section part four (4), or for matters related thereto. Such agreements shall not be inconsistent with this Compact, nor shall they relieve the party states of any obligation to provide adoption and medical assistance in accordance with applicable state and federal law and the terms of this Compact.
  - a. Administrative procedures of forms implementing the supplementary may be developed by joint action of the Compact Administrators of those states which are party to such supplementary agreements.
4. It shall be the responsibility of the Compact Administrator to ascertain whether and to what extent additional legislation may be necessary to carry out the provisions of the adoption assistance or any supplementary agreements pursuant to this Compact.

### **Joinder and Withdrawal**

1. This Compact shall be open to joinder by any state. It shall enter into force as to a state when it's duly constituted and empowered authority has executed it.
2. In order that the provisions of this Compact may be accessible to and known by the general public, and so that they may be implemented as law in Nevada, the authority which has executed the Compact in each party state shall cause the full text of the Compact and notice of its execution to be published in their state. The executing authority in any party state shall also provide copies of the Compact upon request.
3. Withdrawal from this Compact shall be by written notice, sent by the authority which executed it, to the appropriate officials of all other party states, but no such notice shall take effect until one year after it is given in accordance with the requirements of this paragraph.
4. All adoption assistance agreements outstanding and to which a party state is signatory at the time when its withdrawal from this Compact take effect shall continue to have the effects given to them pursuant to this Compact until they expire or are terminated in accordance with their provisions. Until such expiration or termination, all beneficiaries of the agreements involved shall continue to have all rights and obligations conferred or imposed by this Compact, and the withdrawing state shall continue to administer the Compact to the extent necessary to accord and implement fully the rights and protections preserved hereby.

### **Construction and Severability**

The provisions of this Compact shall be liberally construed to effectuate the purposes thereof. The provisions of this Compact shall be severable, and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the Constitution of the United States or of any party state, or where the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Compact shall be held contrary to the Constitution of any state party thereto, the Compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

**Documentation:** Documentation will be recorded in the electronic case management system as necessary.

### **JURISDICTIONAL ACTION**

**Development of internal policies:** N/A

**Supervisory responsibility:** N/A

### **STATE RESPONSIBILITIES**

DCFS Family Programs Office (FPO) will provide oversight of this Compact in accordance with NRS 127.400 Enactment; NRS 127.410 Text of compact; NRS 127.420 Administrator of compact; Service at pleasure of Governor; DCFS will work in collaboration with all state departments, agencies and officers, including Clark County Family Services, and the Washoe County Human Services Agency.

### **POLICY CROSS REFERENCE**

**Policies:** N/A

**History and updates:** Policy was reviewed on 12/12/24.

### **ATTACHMENTS**

N/A