

Standard Operating Procedure

Procedure title: Request to Exceed Birth Parent Financial Limits (Utah Code 26B-2-127)

Intended audience: Licensed Child-Placing Agencies (domestic), The Utah Child Placing Adoption Agency Consortium

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Section 1: Purpose

This Standard Operating Procedure (SOP) establishes the official process for a licensed child-placing agency to submit a formal request to the Consortium to exceed the statutory financial limits for birth parent expenses outlined in Utah Code § 26B-2-127(14).

Section 2: Definitions and Acronyms

Consortium: The governing body responsible for reviewing and approving financial limit exception requests under § 26B-2-127(9).

Requesting Agency: The licensed private child-placing agency submitting the exception request on behalf of a birth parent.

Statutory Limits: The maximum allowable expenses (living, medical, legal, and allowance) defined in § 26B-2-127(14) before a Consortium exception is required.

Section 3: Procedure

Step 1: Assessment and Documentation Gathering

Before submitting a request, the Requesting Agency must determine that the birth parent's needs genuinely exceed the standard limits and compile concrete proof.

1. **Identify the Specific Need:** Clearly articulate why the standard limit (e.g., \$8,000 for living expenses) is insufficient for this specific birth parent's circumstances.
2. **Calculate the Exact Amount:** Determine the precise, specific dollar amount being requested above the statutory limit. Open-ended requests will not be approved.
3. **Gather Substantiating Documentation:** Obtain verifiable documentation of actual living expenses or lost wages. Note: Under § 26B-2-127(9)(h)(iii), documented and proven actual living expenses or lost wages are legally presumed to be a reasonable need.
 - **Living Expenses:** Gather leases, utility bills, grocery receipts, or medical invoices.
 - **Lost Wages:** Gather pay stubs, employer letters detailing leave without pay, or medical directives requiring bed rest.

Step 2: Preparation of the Exception Request Packet



The Requesting Agency must prepare a formal Request Packet containing the following components:

1. **Cover Letter:** Stating the agency name, the specific statutory limit being exceeded, and the exact total amount requested.
2. **Statement of Specific Need:** A detailed narrative explaining the birth parent's situation and why the statutory limits are insufficient.
3. **Itemized Financial Ledger:** A breakdown of how the requested funds will be allocated (e.g., Rent: \$X, Utilities: \$Y, Lost Wages:\$Z).
4. **Exhibits/Evidence:** Attached copies of the documentation gathered in Step 1. Personal identifying information (PII) of the birth parent may be redacted as required by agency confidentiality policies, provided the financial data remains verifiable.
5. **Timeframe:** The request can be submitted at any point through the adoption process prior to going over the \$8,000 cap.

Step 3: Submission to the Consortium

1. The Requesting Agency submits the complete Exception Request Packet to the Office of Licensing via email.
2. The Office of Licensing logs and circulates the request packet to Consortium members for evaluation within 5 business days of receipt. The distribution email will specify the vote date for the request.
 - a. Submissions received more than 5 business days prior to the next scheduled meeting will be voted on during that upcoming session.
 - b. Submissions received within 5 business days of an upcoming meeting will be deferred for voting until the subsequent meeting.

Step 4: Consortium Members Review

1. The Consortium will meet every two weeks. When there are no requests to review, the meetings may be canceled.

Step 5: Consortium Review and Voting Process

1. **Recusal:** The representative(s) of the Requesting Agency must recuse themselves from voting on their own request.
2. **Evaluation of Merit:** The voting members of the Consortium will review the packet to ensure:
 - A specific need has been demonstrated.
 - A specific amount has been requested.



- The documentation satisfactorily proves actual living expenses or lost wages (establishing the presumption of reasonable need).
- 3. **Voting:** A simple majority of the Consortium (excluding the Requesting Agency) must determine that there is a reasonable need to exceed the limit.
- 4. **Decision Notice:** The Consortium will issue a formal written decision (Approval, Denial, or Request for Additional Information) to the Requesting Agency after conclusion of the vote.

Step 6: Disbursement of Approved Funds

Upon receiving written approval from the Consortium, the Requesting Agency must disburse the funds in strict compliance with § 26B-2-127(14)(b) and (c):

1. **Direct to Provider:** Whenever possible, payments for living, medical, or legal expenses must be made directly to the applicable service provider (e.g., directly to the landlord or utility company), not to the birth parent.
2. **Weekly Allowances (if applicable):** If the approved exception pertains to the weekly allowance, funds may be provided directly to the birth parent. However, they must be distributed on a weekly basis and may not be provided as a lump sum.

Step 7: Record Keeping and Compliance

1. The Requesting Agency must retain the Consortium's written approval, the original Request Packet, and all receipts/proof of disbursement in the adoption case file.
2. The Consortium must retain minutes of the review meeting, the vote tally, and a copy of the decision notice in its official administrative records.

