

CHAPTER 4**REIMBURSEMENT OF ADOPTION EXPENSES**0401 PURPOSE

The purpose of this chapter is to describe the procedures necessary to reimburse adoption expenses to qualified members, as authorized by 10 U.S.C. 1052.

0402 APPLICABILITY AND SCOPE

This chapter applies to each DFAS Center that maintains a military pay system, each Military Service personnel activity, and Military Service and active duty members serving on continuous active duty for at least 180 days. This also includes full-time Active Guard/Reserve members on active duty orders for at least 180 days.

0403 POLICY

Service members specified in subsection 0402 above, whose adoption of a child under 18 years of age is finalized on or after December 5, 1991, may be reimbursed a maximum of \$2,000 per child for qualified expenses related to the adoption. In the event of multiple adoptions, the maximum reimbursable amount is \$5,000 per calendar year. The DFAS-Cleveland Center is responsible for paying all approved adoption reimbursement claims. DFAS-CL instruction 1341.1 contains amplifying information. The member's servicing DFAS Center is responsible for providing primary guidance concerning adoption expense reimbursement procedures. The date the claim form is served on the DFAS-Cleveland Center by certified mail determines the creditable calendar year for adoption expense reimbursement purposes.

0404 ELIGIBILITY REQUIREMENTS

040401. Active Duty Requirements. Service members defined in subsection 0402 above, must serve on continuous active duty for at least 180 days. In addition, members are not entitled to reimbursement expenses if they leave active duty before the adoption is final. However, applicants will remain eligible for reimbursement expenses if the adoption is final before leaving active duty, the final claim had been signed and certified by the member's commanding officer, and the claim is submitted to the DFAS-Cleveland Center prior to discharge. Members may request a voluntary extension of assignment beyond their normal expiration of term of service to complete the adoption process.

040402. Periods of Eligibility. An active duty member, who incurs expenses when adopting a child under 18 years of age, must have the adoption finalized on, or after, December 5, 1991. Members must submit a reimbursement request to the DFAS-Cleveland Center not later than one year after completion of an adoption, or within one year from July 29, 1993, whichever is later. However, qualifying members who incurred expenses adopting a child under 18 years of age

during the period October 1, 1990, through December 4, 1991, were eligible for reimbursement, provided the member's application was submitted no later than October 23, 1993.

040403. Eligible Members. Adoption expense reimbursements may be paid to married or single members. However, if both parents are Service members (including members of the Coast Guard), only one member may be reimbursed for expenses related to the adoption of the same child.

040404. Qualifying Adoptions. Adoptions that qualify for reimbursement include: a child under the age of 18, intercountry adoptions, and adoptions of children with special needs (see DoD Instruction 1341.9, (reference (g)) for definition of children with special needs). These adoptions qualify only if they are arranged by a qualified adoption agency. A qualified adoption agency means a state or local government agency that has responsibility under state or local law for child placement through adoption, or a nonprofit, voluntary adoption agency that is authorized by state or local law to place children for adoption, or any other source authorized by a state to provide adoption placement, if the adoption is supervised by a court under state or local law. (As used in this Chapter, "state or local" refers to a state or locality in the United States. In addition, "arranged by" means that the appropriated agency played an active role in the planning and/or preparation stages that effectively led to the actual physical change of custody of a child to its adoptive parents.)"

0405 RESPONSIBILITIES

040501. Member Responsibilities.

A. Service members must submit requests for reimbursement for qualifying reimbursement expenses using DD Form 2675 (Reimbursement Request for Adoption Expenses). Forms can be obtained from the member's servicing personnel activity. The member will prepare a separate DD Form 2675 for each qualifying adoption. The completed reimbursement request and substantiating documentation must be submitted to the member's servicing personnel activity, which will review the package for completeness. If the request and documentation appear to be complete, the member's commanding officer or designee will certify the member's eligibility for reimbursement by completing block 30 of the DD Form 2675.

B. If neither the member nor the spouse is able to appear personally at the servicing personnel activity, completed claim requests and certification forms may be mailed to the personnel activity. The spouse of a Service member, who is unable to complete a claims package due to military duty, can sign a claim form under a power of attorney. All claims signed by a spouse must include the power of attorney as a part of the claims package.

C. Service members must substantiate all expenses with documentation, such as receipts marked "PAID", or canceled checks. Reconstruction of expense records is permissible when the original records are unavailable. In addition, the member is responsible for providing the appropriate documentation, which establishes that the adoption is final and that it was arranged by a qualified adoption agency, as defined in paragraph 040404. With respect to documents originating from a state or other authorized adoption agency, copies of those documents must be

certified as true copies of the original by the State or adoption agency. If the original document is filed with the court, the member must submit a copy of the adoption order certified by the clerk of courts. These documents will not be returned to the member.

D. In determining whether an adoption of a child in a foreign country is final, a determination made by the Immigration and Naturalization Service (INS) will be considered conclusive. To document the INS determination, the member should submit a copy of the front and back of the resident alien card (“green card”), or if the green card is unavailable, obtain a letter from the INS which states the status of the child’s adoption. If the member has surrendered the green card in order to apply for citizenship for the adopted child, a copy of the Certificate of Citizenship is acceptable.

E. The Service member is responsible for maintaining a file for the reimbursement claim. This file should contain copies of all paperwork related to the claim including the receipts, agency documentation, and court papers associated with the adoption proceedings or court certified copies, until the claim is paid or denied.

F. The Service member will submit only one reimbursement claim per adoption.

040502. Servicing Personnel Activity Responsibilities. The member's servicing personnel activity is the primary coordinating activity and the first point of contact for the reimbursement claim. That office is responsible for maintaining adequate stocks of DD Forms 2675, assisting the member in assembling the proper adoption expense receipts, and providing the member necessary guidance to accurately complete the reimbursement application. When completed, the Personnel Activity will mail the application by certified mail to:

Defense Finance and Accounting Service
Cleveland Center (Code FMA)
1240 East Ninth Street
Cleveland, OH 44199-2055

040503. Servicing DFAS Center. The member's servicing DFAS Center is the primary source for guidance concerning the adoption expense reimbursement program. The following are the DFAS Center primary points of contact:

DFAS-Cleveland Center
(Code FMA)
Commercial: (216) 522-5576/5514
DSN: 580-5576/5514

DFAS-Denver Center (Code FJEP)
Commercial: (303) 676-7145
DSN: 926-7145

DFAS-Indianapolis Center
(Code FFD)
Commercial: (317) 542-3242
DSN: 699-3242

DFAS-Kansas City Center
(Code G)
Commercial: (816) 926-7103
DSN: 465-7103

040504. DFAS-Cleveland Center Responsibilities. The DFAS-Cleveland Center is the central site location for review, certification, and payment of adoption expense reimbursement payments. The DFAS-Cleveland Center will also maintain data on expenditures on a fiscal year basis. Send this data to DFAS-HQ/FM no later than October 31, following each fiscal year.

040505. DFAS-HQ Responsibilities. DFAS-HQ/FM is responsible for overall guidance and promulgation of payment procedures.

040506. Military Services' Adoption Expense Reimbursement Funding Responsibilities. The Military Services provide funding authorization to the DFAS-Cleveland Center by memorandum each fiscal year. The DFAS-Cleveland Center charges the applicable military service provided appropriations according to standard cross-disbursing operating procedures.

0406 ADOPTION REIMBURSEMENT PROCEDURES

040601. Authorized Reimbursable Expenses. The DFAS-Cleveland Center will pay documented, reasonable, and necessary adoption expenses, up to \$2000 per adoptive child. Not more than \$5000 shall be paid per calendar year to any Service member. In the case of two married Service members (including the Coast Guard), only one member may claim expenses for each adopted child and the couple is limited to the \$5,000 per calendar year maximum. The calendar year is determined by the date the claim is received by the DFAS-Cleveland Center for payment. Reasonable and necessary expenses include the following:

- A. Public and private agency fees, including adoptive fees charged by an agency in a foreign country.
- B. Placement fees, including fees charged adoptive parents for counseling.
- C. Legal fees, including court costs, for services that are unavailable to a member of the military services under 10 U.S.C. 1044 or 1044a.
- D. Under certain circumstances, some medical expenses for the pre-adoptive child and biological mother.

E. Temporary foster care charges when payment of such charges is required to be made before the adoptive child's placement.

040602. Payment Processing Requirements

A. A separate DD Form 2675 must support each claim.

B. Eligibility for reimbursement is supported by the documentation submitted. If eligibility for reimbursement cannot be determined from the documents provided, or claimed expenses are not properly supported by receipts, the DFAS-Cleveland Center Director will retain the claim and request from the member the necessary information or documentation.

C. The DFAS-Cleveland Center will issue the reimbursement by EFT to the member's EFT account within 30 days of receipt of a properly prepared and supported claim package. A service member without access to an EFT account must submit a request for EFT waiver to receive a check.

D. If the claim is denied, the DFAS-Cleveland Center will send a letter to the member stating this fact. DFAS-Cleveland Center will not return documents to service members.