



Department of Defense INSTRUCTION

NUMBER 1341.09

November 3, 2007

Incorporating Change 1, April 23, 2009

USD(P&R)

SUBJECT: DoD Adoption Reimbursement Policy

- References:
- (a) DoD Instruction 1341.9, subject as above, July 29, 1993 (hereby canceled)
 - (b) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," ~~October 17, 2006~~ *June 23, 2008*
 - (c) Section 1052 of title 10, United States Code
 - (d) DoD 7000.14-R, "Department of Defense Financial Management Regulations (FMRs)," Volume 7C, Chapter 4, June 1998¹

1. PURPOSE

This Instruction:

- 1.1. Reissues Reference (a) in accordance with the authority in Reference (b).
- 1.2. Implements policy, assigns responsibilities, and prescribes procedures according to References (c) and (d) for the reimbursement of qualifying adoption expenses incurred by members of the Military Services.

2. APPLICABILITY

This Instruction applies to ~~the Office of the Secretary of Defense~~ *OSD*, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff *and the Joint Staff*, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (the "DoD Components").

3. DEFINITIONS

Terms used in this Instruction are defined in Reference (c) and Enclosure 1.

¹ Available via the Internet at www.dod.mil/comptroller/fmr

4. POLICY

It is DoD policy that:

4.1. In accordance with Reference (c), a Service member who adopts a child under 18 years of age may be reimbursed reasonable and necessary adoption expenses, up to \$2,000 per adoptive child, but no more than \$5,000 per calendar year. In the case of two married Service members, only one member may claim expenses for each adopted child and the couple is limited to the \$5,000 per calendar year maximum. In addition, members are not entitled to reimbursement expenses if they leave active duty before the adoption is final in accordance with Reference (d).

4.2. In accordance with Reference (c), adoptions that qualify for reimbursement include those arranged by a qualified adoption agency, or, for adoptions that ~~occur on or~~ *are finalized* after ~~January 6, 2006~~ *November 2, 2007*, those arranged by either a qualified adoption agency or other source authorized to place children for adoption under State or local law.

4.3. Benefits may be paid only after the adoption is final, and only for expenses authorized by Reference (c) incurred during the adoption process. A benefit may not be paid for any expense paid to or for a member of the Military Services under any other adoption benefits program administered by the Federal government or under any such program administered by a State or local government. Once the adopted child has been placed in the home by the adoption agency, members may avail themselves of a TRICARE Military Treatment Facility for medical care of that child.

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense (Personnel and Readiness) shall oversee compliance with this Instruction.

5.2. The Secretaries of the Military Departments shall:

5.2.1. Ensure compliance with this Instruction.

5.2.2. Designate a point-of-contact (POC) at the Military Department headquarters for adoption issues and disseminate information on the responsible office and its telephone number.

5.2.3. Evaluate and approve payment claims for reimbursement submitted by members under the jurisdiction of the Military Department concerned; forward the authorization for payment of the adoption reimbursement claim to the Defense Finance and Accounting Service (DFAS).

5.2.4. Issue guidance implementing this Instruction. Such guidance shall, among other topics, specify provisions for submitting adoption reimbursement claims.

5.2.5. Utilize family centers, chaplains, and legal assistance offices to provide Service members with appropriate information and referral on the adoption process.

5.2.6. Publicize this instruction through appropriate Service channels.

5.3. The Under Secretary of Defense (Comptroller) shall:

5.3.1. Allocate resources to DFAS for the implementation of this Instruction.

5.3.2. Designate a POC at DFAS for matters concerning this Instruction.

5.3.3. Continue to prescribe and implement procedures for processing and paying claims for reimbursement.

5.3.4. Maintain data on expenditures on a fiscal year basis.

5.3.5. Ensure payment of reimbursement for expenses in accordance with References (c) and (d).

6. PROCEDURES

6.1. Under the procedures established in Reference (d), a Service member must submit a request for reimbursement using DD Form 2675, "Reimbursement Request for Adoption Expenses,"² to the nearest military personnel and finance office no later than 1 year after finalization of the adoption.

6.2. The member must obtain a receipt for his or her records from the military personnel and finance office showing the date the application was submitted. The date of the receipt shall be used to determine if the 1-year requirement has been satisfied. Exceptions can be made by the Service certifying official when deployment responsibilities impact the member's ability to comply with the 1-year deadline; in these cases, the certifying official who signed the DD Form 2675 shall submit a letter stating that the member's deployment impacted the member's ability to comply with the 1-year deadline.

6.3. The member must submit the following documentation with the application:

6.3.1. A copy of the adoption certificate or court order granting the adoption. The member must submit a full English translation of any foreign language document, to include the

² Available from the member's servicing personnel activity or through the Internet at <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>.

translator's certification that he or she is competent to translate the foreign language to English and that his or her translation is complete and correct.

6.3.2. Receipts or canceled checks substantiating authorized expenses. If the receipts are from a foreign entity, they should list the U.S. currency equivalency. Reconstruction of expense records is permissible when the original records are unavailable and the Service member submits a notarized affidavit stating the costs.

6.3.3. For foreign adoptions, proof of U.S. citizenship of the child.

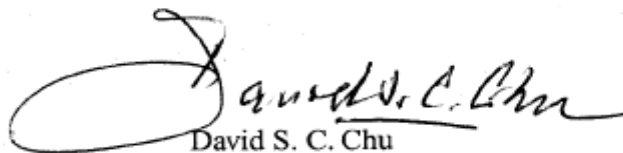
6.3.4. Where a qualified adoption agency arranged the adoption, proof of the agency's involvement, such as a copy of the placement agreement from the adoption agency or a letter from the adoption agency stating what services it provided.

6.4. For detailed procedural requirements, the member should consult Reference (d) and applicable Service regulations.

7. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

78. EFFECTIVE DATE

This Instruction is effective immediately.


David S. C. Chu
Under Secretary of Defense for
Personnel and Readiness

Enclosures - 1
E1. Definitions

E1. ENCLOSURE 1

DEFINITIONS

E1.1. Adoption. The legal procedure by which a person or couple takes a child who is not his or her biological offspring into the family and raises the child as their own. Adoption severs all legal ties between the adoptee and his or her birth parents (except in the case of stepchildren adoptions, where one biological parent is the spouse of the adopting parent and whose legal ties to the children are therefore unabridged) and establishes such ties between the adoptee and the adoptive parents. The adoptee has the same status with his or her adoptive parents as do any non-adopted siblings.

E1.2. Family Centers. Army Community Service Centers, Marine and Family Services, Navy Fleet and Family Centers, and Air Force Airmen and Family Readiness Centers.

E1.3. Other Source. See Reference (c).

E1.4. Qualified Adoption Agency. See Reference (c).

E1.5. Qualifying Adoption Expenses. See Reference (c).

E1.6. Reasonable and Necessary Expenses. The term “reasonable and necessary expenses” includes: public and private agency fees, including adoption fees charged by an agency in a foreign country; placement fees, including fees charged adoptive parents for counseling; legal fees (including court costs) in connection with services that are unavailable to a member of the armed forces under section 1044 or 1044a of this title; and medical expenses, including hospital expenses of the biological mother of the child to be adopted and of a newborn infant to be adopted. This also includes temporary foster care charges when payment of such charges is required to be made before the adoptive child's placement.

E1.7. State or Local Law. The law of a State or locality within the United States including within a U.S. Territory, a U.S. Commonwealth, or the District of Columbia.