

DEPARTMENT OF SOCIAL SERVICES

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August 26, 1987

ALL-COUNTY INFORMATION NOTICE No. I-74-87

To: All County Welfare Directors  
All Public and Private Adoption Agencies  
All SDSS Adoption District Offices

SUBJECT: RESPONSES TO QUESTIONS ASKED DURING RECENT AAP TRAINING

Reference: ACIN I-47-83, ACIN I-158-82

This letter provides written responses to questions frequently asked during the Department's recent Adoption Assistance Program (AAP) training. Specific details about the federal eligibility determination process are provided for the benefit of Income Maintenance staff.

**ADOPTIONS ASSISTANCE PROGRAM ELIGIBILITY**

1. Question: Does the fact that a child has one of the characteristics listed in Welfare and Institutions Code Section 16116 (e.g., ethnicity or age of three years or more) mean that the child is automatically a "special needs child?"

Response: No. A child is a "special needs child" because "adoption without assistance would be unlikely" due to the presence of one of the characteristics listed in that section. The presence of one or more of these characteristics does not automatically mean that adoption without assistance would be unlikely. With the exception of an adoption by a foster parent or relative with an established parent-child relationship, a search for a non-subsidy home shall be done before a child can be considered a special needs child. The search shall include either photo listing in California's Waiting Children or presentation of the child at a regional adoption exchange. (WIC 16116, 22 CAC 30666 (b))

**ADOPTIONS ASSISTANCE AGREEMENT (AD 4320)**

2. Question: When may Section II of the Agreement (deferred benefits) be used?

Response: Section II may only be used when the child has a disability which does not require Adoptions Assistance at the time the adoption is finalized but which may require

assistance in the future. That is, it may only be used for a child whose special needs include mental, physical or emotional handicaps or adverse parental background. It may not be used when the child's only special needs are other conditions such as age, ethnicity or membership in a sibling group. (22 CAC 30670 (c))

3. Question: Is Section II used when the Agreement is signed at the time of placement but assistance will not begin until the adoption decree is final?

Response: No, if assistance will begin as soon as either the interlocutory or final adoption decree is granted, only Section I of the Agreement is signed. Section I and Section II of the Agreement are not signed at the same time. (22 CAC 30670 (c))

3. Question: In a cooperative placement, does both the child's and the family's agency sign the AD 4320?

Response: Yes. Both agencies should be named in the "name of agency" space in the first paragraph of the form. Representatives of both agencies should sign in the "Agency Representative Signature" block at the end of either Section I or Section II. When present stock is exhausted, the form will be revised to allow adequate space for both signatures. (22 CAC 30671 (d))

#### FEDERAL ELIGIBILITY

4. Question: Could you go over the federal eligibility determination process again?

Response: Yes.

The federal government shares in about half of the cost of some children's AAP payments. These "federally eligible" children are children who either:

are eligible for Supplemental Security Income (SSI) at the time the adoption petition is filed or

are linked to AFDC in the month the Welfare and Institutions Code Section 300 petition was filed which led to the removal of the child from the home and are linked to AFDC at the time the adoption petition is filed. (This means that non-dependent children relinquished to an agency are not federally eligible.)

This federal eligibility determination process involves both the adoptions agency and the county welfare department income maintenance unit. The exchange of documents between the two parties is designed to preserve the confidentiality of the adoption. The four steps of this process follow:

1. When the adoption petition is filed, the adoption worker completes the top part of the "Federal Eligibility Certification for Adoption Assistance Program" (FC 8) form. This is done for all cases where an "Adoption Assistance Agreement" (AD 4320) is completed including cases where Section II is completed for deferred benefits. The "Child's Name" shown on the FC 8 is the child's birth name. The "County Case Number" is the AFDC-FC (or SSI/SSP) case number. The FC 8 is sent to the eligibility worker.
2. The eligibility worker answers the four questions on the FC 8, attaches a copy of the FC 3 if the case is an AFDC-FC case and returns the completed FC 8 to the adoptions worker. An AAP payment case is not established by the eligibility worker at this time. If the child has income or property it is helpful if the eligibility worker also completes an "Income and Property Checklist for Federal Eligibility Determination - Adoption Assistance Program" (FC 10) form and attaches it to the FC 8.
3. When AAP payments are to begin, the adoption worker completes a "Payment Instructions Adoption Assistance Program" (AAP 2) form and a "Federal Eligibility Information for Adoption Assistance Program" (FC 9) form. The FC 9 is based on the FC 8 discussed above. If the child had income or property at the time the adoption decree was filed, the FC 10 is also completed.

The FC 9 and FC 10 describe the child's income and property at the time the adoption petition was filed. This is true even if the AAP payments are based on a deferred payment agreement completed several years before payments begin. These completed forms are sent to the income maintenance unit.

The "Child's Name" shown on the AAP 2 and the FC 9 is the child's adopted name and not the child's birth name. The "County Case Number" is usually left blank as this is the AAP case number, a number not assigned until the initial AAP 2 is received by the income maintenance unit.

4. Based on the information contained on the FC 9 and the FC 10, the eligibility worker will determine whether the case is eligible for federal financial participation. (EAS 45-802.12)

**PAYMENT AMOUNT**

5. Question: How may a child be eligible for AAP but only receive a grant of twenty-five dollars a month?

Response: Determination of AAP eligibility and determination of AAP payment are two separate processes. Section 16121 of the Welfare and Institutions Code states, in part, that "...the adoptive family shall be paid an amount of aid based on the child's needs and the circumstances of the adopting parents..." If the child's needs at this time are essentially those of a normal child and if the family is a middle income family, it is reasonable to expect that a child eligible for AAP will require only a minimal grant, possibly to trigger Medi-Cal benefits.

6. Question: Under what circumstances may the agency decrease the AAP payment amount if the family does not agree?

Response: In general, the amount of the AAP payment may only change if the family agrees to the change. The exception is when the amount of the AFDC-FC payment the child would have received if not placed for adoption changes to an amount lower than the AAP payment. (WIC 16121 (a))

Example 1: A child's AAP payment is based on the fact that she has a condition which would make her eligible for a specialized care increment in foster care. The child's condition changes so that, if in foster care, she would no longer be eligible for the specialized care increment. The maximum AAP payment thus drops to the basic foster care rate.

Example 2: A child's AAP payment while he was temporarily placed in a group home was based on the AFDC-FC approved rate for that group home. The child has returned home and has no specialized care needs. The maximum AAP payment drops to the basic foster care rate.

7. Question: Once an AAP payment has been started, may it be stopped and then restarted at the family's request?

Response: Yes.

**AAP RENEWAL**

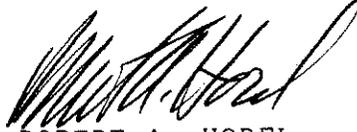
8. Question: Who is responsible for sending the "Recertification Information - Adoption Assistance Program" (AAP 3) form to the family? (EAS 45-805.1)

Response: The income maintenance unit of the County Welfare Department responsible for paying the AAP grant is responsible.

Adoption agencies should address their questions regarding AAP to their Adoption Program Consultant at (916) 322-5973 (ATSS 492-5973). Income maintenance staff should address their questions to the Foster Care Program Bureau at (916) 445-0813 (ATSS 485-0813).



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cc: CWDA