

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



January 16, 2002

ALL-COUNTY LETTER NO. 02-02

TO: ALL COUNTY WELFARE DIRECTORS  
ALL PUBLIC ADOPTION AGENCIES  
ALL CDSS ADOPTIONS DISTRICT OFFICES

**REASON FOR TRANSMITTAL**

- State Law Change
- Federal Law or Regulation Change
- Court Order or Settlement Agreement
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: CHANGES IN ADOPTION ASSISTANCE PROGRAM REGULATIONS

This All County Letter is to notify you of recent changes in the Adoption Assistance Program (AAP) regulations. As emergency regulations, the changes were filed with the Office of Administrative Law (OAL) on November 30, 2000, and became effective on December 1, 2000. The final amended regulations were submitted to the OAL with a Certificate of Compliance on July 27, 2001, in accordance with the provisions of Government Code Section 11346.8. They were approved by the OAL and became effective on September 6, 2001.

Listed below are highlights of the changes:

**Title 22 California Code of Regulations (CCR) Section 35333**

- An assessment of the child's needs may be based on any specialized foster care increment that was previously approved for the child.
- A child who receives AAP benefits based on a California Regional Center (CRC) rate will continue to receive AAP benefits based on the child's most recent level of need assessed by the CRC if he or she leaves California.
- The list of unauthorized items/services has been deleted. A general statement has been added requiring the agency to advise the adoptive parents that the AAP benefit does not include payment for any specific good or service, but is intended to assist the adoptive parents in meeting the child's needs.
- The agency must specify the reason for denial in the Notice of Action when the agency and the adoptive parents are unable to agree on AAP benefits.

Title 22 CCR Section 35334

- If an out-of-home placement is paid by another agency, the available AAP benefit shall be either (1) the age-related, State-approved basic foster family home care rate or (2) the adoptive parent's actual share of cost, whichever is greater, but not to exceed the foster family home rate the child would have received. This new section also applies to children who are placed out of home as a ward of the court under Welfare and Institutions Code Section 601 or 602. Section 35334(c) was inadvertently retained in the emergency regulations and will be deleted in a subsequent clean-up regulations package.

Title 22 CCR Section 35343

- The agency must do one of the following in order to complete the reassessment process, using information received on the AAP 3 form from the adoptive parent:
  1. If the adoptive parents indicate they no longer want the child's AAP benefit, the agency must enter into a deferred AAP agreement with the family.
  2. If the adoptive parents indicate they wish to continue receiving the child's current level of AAP benefit, the agency must complete and send the AAP 2 form to the eligibility unit of the financially responsible county. It is no longer necessary to complete a new AAP Agreement. The next reassessment date is to be noted on the revised AAP 3 form that is mailed to the family to begin the reassessment process.
  3. If the adoptive parents request an increase in the child's AAP benefit, the agency must reassess the child's needs based on the information provided by the family and other available information about the child applied to the county's foster care specialized assessment instrument. If the agency determines that a change in the AAP benefit is appropriate, the agency must negotiate the new AAP benefit with the adoptive parents. When the agency and the family agree upon a new AAP benefit, a new AAP Agreement must be completed.
  4. If the adoptive parents request a decrease in the child's AAP benefit, a new AAP Agreement must be completed.

Request for AAP Benefits (Form AAP1)

- A check-off box to request only Medi-Cal has been added.

AAP Agreement (Form AD4320)

- A statement has been added to inform the adoptive parents that the AAP benefit will be adjusted automatically in the same percentage as foster care rates are automatically adjusted. The agreement also tells the adoptive parents that they must contact the adoption agency to request increases based on age-related foster care rate changes as the child ages. Because the age-related changes vary by county, the agency should circle the next birthday after which the child will qualify for a rate change.
- A statement has been added to inform the adoptive parents that a child receiving AAP benefits based on CRC rates will continue receiving AAP benefits based on the most recent level of need assessed by the CRC if the child leaves California.
- A check-off box for Adverse Parental Background as a reason for eligibility has been added.

Reassessment Information – AAP (Form AAP3)

- A space for the date of the next reassessment date has been added to the statement that the adoptive family continues to need an AAP benefit for their child.
- A statement has been added to allow adoptive parents to request a decrease in their AAP benefit.

The Department is in the process of developing and scheduling statewide training on the new AAP regulations. Further information will be distributed as soon as the schedule is determined. In the interim, questions regarding the AAP should be addressed to the Eligibility and Funding Policy Bureau at (916) 324-5809.

Sincerely,

***Original document signed by  
Sylvia Pizzini on January 10, 2002***

SYLVIA PIZZINI  
Deputy Director  
Children and Family Services Division

c: CWDA