

October 18, 2018

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 18-122

The purpose of this ACL is to provide information and instructions to counties and CDSS Regional Offices on the implementation of the [Family First Prevention Services Act \(Public Law 115-123\) Section 50781](#) as it relates to AAP eligibility.

Effective October 1, 2017 all children regardless of their age met the applicable age requirement; however, Public Law 115-123 changed the applicable age requirement. Effective, January 1, 2018 through June 30, 2024, children who are under the age of two years and will not be turning age two years within the current Federal Fiscal Year [(FFY) October 1st through September 30th] will not meet the applicable age requirement.

The purpose of issuing this letter is for the state to be in compliance with federal law as it relates to the administration of AAP.



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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EDMUND G. BROWN JR.
GOVERNOR

October 18, 2018

ALL COUNTY LETTER (ACL) NO. 18-122

TO: ALL COUNTY WELFARE DIRECTORS
ALL ADOPTION REGIONAL OFFICES
ALL COUNTY PLACEMENT SUPERVISORS
ALL ADMINISTRATIVE LAW JUDGES
ALL COUNTY ADOPTION AGENCIES
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: ADOPTION ASSISTANCE PROGRAM (AAP) ELIGIBILITY

REFERENCE: [ASSEMBLY BILL 1930, CHAPTER 910, STATUTES 2018: FAMILY FIRST PREVENTION SERVICES ACT; ADMINISTRATION ON CHILDREN, YOUTH AND FAMILIES, CHILDREN'S BUREAU: ACYF-CB-PI-18-07 \(7/9/18\); FAMILY FIRST PREVENTION SERVICES ACT; ADMINISTRATION ON CHILDREN, YOUTH AND FAMILIES, CHILDREN'S BUREAU: ACYF-CB-IM-18-02 \(4/12/18\); ALL COUNTY INFORMATION NOTICE NO. I-82-16; ALL COUNTY LETTER NO. 10-08](#)

The purpose of this ACL is to provide information and instructions on the implementation of the [Family First Prevention Services Act \(Public Law 115-123\) Section 50781](#) as it relates to AAP eligibility. Effective October 1, 2017 all children regardless of their age met the applicable age requirement; however, Public Law 115-123 changed the applicable age requirement. Effective, January 1, 2018 through June 30, 2024, children who are under the age of two years and will not be turning age two years within the current Federal Fiscal Year [(FFY) October 1st through September 30th] will not meet the applicable age requirement.

Children who will be turning age two years within the current FFY, or are age two years or older will meet the applicable age requirement. The Title IV-E AAP eligibility determination for children in this category is to be based on the applicable child pathway. Refer to [California Code of Regulations \(CCR\) Title 22, Division 2 Section 35326\(d\) and \(e\)](#) for further information.

If a child is under the age of two years and will not be turning age two years within the current FFY and they are not placed with a sibling who is an applicable child as stated in [CCR Title 22, Division 2 Section 35326\(d\)](#), they will need to meet one of the four Title IV-E nonapplicable child pathways to be eligible for Title IV-E AAP benefits. Refer to [CCR Title 22, Division 2 Section 35326\(c\)](#) for further information. Initial AAP agreements signed on or after October 1, 2017 through December 31, 2017 for a child under the age of two years within FFY 2018 remain in effect until the terms of the agreement are met.

Nonapplicable Child Pathway

1. At the time the child was removed from the home of the specified relative, the child met the AFDC eligibility requirements in the home of removal.
 - a. The child's removal from the home was based on judicial determination in the first court ruling that to remain in the home would be contrary to the child's welfare.
 - b. The child was voluntarily relinquished to a licensed public or private adoption agency, or another public agency operating a Title IV-E program on behalf of the state. The following must be obtained within six months of the time the child lived with a specified relative:
 1. A petition to the court to remove the child from the home of the specified relative.
 2. Judicial determination that remaining in the home would be contrary to the child's welfare.
 - c. The child was voluntarily placed with a public agency and received at least one Title IV-E Foster Care (FC) payment.
2. At least one Title IV-E FC payment was made on behalf of the child's minor parent.
3. The child received AAP benefits with respect to a prior adoption that dissolved due to the termination of the adoptive parent's parental rights or the death of an adoptive parent.
4. The child meets the eligibility requirements for Supplemental Security Income (SSI) benefits.

The Federal Eligibility Certification for Adoption Assistance Program (FC 8) and the Eligibility Certification for the Adoption Assistance Program (AAP 4) forms will be revised to reflect this change.

If the initial AAP agreement was signed on or after January 1, 2018, for a child under the age of two years, who will not be turning age two years within the 2018 FFY (October 1, 2017 through September 30, 2018), this child's Title IV-E eligibility determination will need to be reassessed. The child's Title IV-E eligibility will need to be revised and is to be based on the placement with a sibling who is an applicable child, the nonapplicable child pathway, or a state/nonfederal pathway. The following forms will need to be completed and attached to the original forms completed prior to the executed initial AAP agreement on or after January 1, 2018: FC 8, AAP 4 and Adoption Assistance Program (AAP) Agreement (AD 4320), if the child does not meet a Title IV-E eligibility pathway. If the reassessed eligibility determination is made that the child is not eligible for Title IV-E benefits, the county may need to adjust their Title IV-E reimbursement claims.

Question and Answers

Question: Sam's date of birth is September 1, 2016, and the completion of the FC 8 form was on April 30, 2018. Does Sam meet the applicable age requirement?

Answer: Yes, Sam meets the applicable age requirement because he will be turning age two years within the current Federal Fiscal Year 2018. At the time of completion of the FC 8 form, item 2a. is to reflect Sam's current age which would be age 1 year and 4 months, and the Federal Fiscal Year as 2018.

Question: Alice's date of birth is October 4, 2017, and Alice was placed in a prospective adoptive home with no other siblings. The completion of the FC 8 form was on September 30, 2018. Does Alice meet the applicable age requirement or another definition of an applicable child?

Answer: No, Alice does not meet the applicable age requirement because she will not be turning age two years within the current Federal Fiscal Year 2018. Alice also does not meet another definition of an applicable child because she was not placed in the same prospective adoptive home with a sibling who is an applicable child and she has not been in foster care for at least 60 consecutive months. To be eligible to receive Title IV-E AAP benefits, Alice will need to meet a nonapplicable child pathway.

Question: Jane's date of birth is July 1, 2017, and Jane was placed in the same prospective adoptive home with her sister Sally, age three years. Sally's adoption finalized in May 2018 and Jane's adoption is scheduled to finalize in November 2018. Prior to the adoption finalization, Sally met the applicable child pathway and is eligible to receive Title IV-E AAP benefits. Does Jane meet the definition of an applicable child?

Answer: Yes, Jane will meet the definition of an applicable child. Although Jane does not meet the applicable age requirement she will meet another definition of an applicable child because she is placed with a sibling who is an applicable child and the adoptions will finalize within the same year.

Inquiries

Please direct all AAP questions to the Adoptions Services Bureau at (916) 651-8089.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

c: County Welfare Directors Association