



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

REASON FOR THIS TRANSMITTAL

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

November 15, 2016

ALL COUNTY INFORMATION NOTICE (ACIN) NO. I-82-16

TO: ALL COUNTY WELFARE DIRECTORS  
 ALL ADOPTION REGIONAL AND FIELD 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: WELFARE AND INSTITUTIONS CODE SECTIONS (W&IC) SECTIONS 16120 (g), (k)(1), (n)(1) and (n)(3); CALIFORNIA CODE OF REGULATIONS (CCR) TITLE 22 SUBCHAPTER 7 SECTIONS 35326 (a), (d)(3) and (e)(1); ALL COUNTY LETTER [\(ACL\) NO. 10-08](#)

This letter is to provide clarification regarding the applicable child eligibility criteria which includes the applicable age requirement, applicable child eligibility pathway and eligibility determination timeline.

W&IC Section 16120(n)(1)(I) and the chart in ACL 10-08 provide accurate information related to the applicable age phase-in for this eligibility pathway. In Federal Fiscal Year (FFY) 2017 starting 10/1/16, the applicable age is two years which means a child age two or older, or who will be turning age two within FFY 2017 will meet the applicable age requirement. In FFY 2018 starting 10/1/17, all children regardless of their age will meet the applicable age requirement.

For clarification, the reference in W&IC 16120(k)(1) and CCR Title 22 Section 35326(e)(1) “public or private child placement agency or Indian tribal organization” refers to a Title IV-E placing agency. The placing agency must have a Title IV-E agreement with the State of California to operate a Title IV-E program. If the placing agency is an Indian tribal organization, the tribe must have a Title IV-E agreement with the State of California or the Administration of Children and Families to operate a Title

IV-E program. Therefore, children relinquished to a licensed private adoption agency will not meet this eligibility pathway. Although private adoption agencies are licensed by the State of California, none of them have a Title IV-E agreement with the state to operate a Title IV-E program on behalf of the state as it is not authorized by federal law.

As a reminder, the AAP eligibility determination and the initial AAP agreement must be made and signed prior to the child's adoption finalization. To maximize Title IV-E funding, the determination for AAP eligibility should be made just prior to the child's adoption finalization. Once the child's AAP eligibility for state/non-federal or Title IV-E (federal) benefits has been determined, no changes may be made to the determination post finalization. Federal and state laws and regulations do not allow for a redetermination of eligibility and/or a switch from state/non-federal funding to Title IV-E funding post finalization. Eligibility components are specific to the child's circumstances prior to the adoption finalization.

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

Sincerely,

***Original Document Signed By:***

RICHARD SMITH, Acting Chief  
Children's Services Operations and Evaluation Branch  
Children and Family Services Division