

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



June 20, 2003

ALL COUNTY LETTER NO. 03-27

**REASON FOR THIS TRANSMITTAL**

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

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

SUBJECT: **ADOPTIVE PLACEMENT AND ADOPTION ASSISTANCE PROGRAM BENEFITS**

The purpose of this All County Letter is to clarify State policy regarding the beginning date of eligibility for Adoption Assistance Program (AAP) benefits. A child is initially eligible for AAP benefits if he or she meets the criteria described in Welfare and Institutions Code (W&IC) Section 16120. A child's AAP eligibility, once established, remains unchanged as long as criteria described in W&IC Sections 16120(d), (e), and (f) continue to be met.

State and federal laws require the achievement of timely permanence for a child in foster care. A child who is legally freed for adoption should be placed for adoption (i.e., have a signed adoptive placement agreement) as expeditiously as possible. In order to receive AAP benefits, an eligible child must have, before or at the time the adoption is finalized, a signed AAP agreement that specifies a payment amount or provides deferral of benefits. W&IC Section 16129(g).

The responsible public agency and the adoptive family may negotiate the appropriate amount of AAP benefits prior to signing an adoptive placement agreement. The negotiated amount will be specified in the signed AAP agreement. Payment in accordance with the signed AAP agreement should begin once the adoptive family and the responsible public adoption agency have signed an adoptive placement agreement. Title 22 California Code of Regulations Section 35341(a)(1).

This expedient time frame also applies when a child is placed for adoption with a family who is also a certified family home of a foster family agency (FFA). When the adoptive placement agreement is signed, the FFA is no longer eligible to receive foster care payments for the child because the adoptive placement agreement is between the responsible public adoption agency and the adoptive family. Thus, the placement is no longer qualified to receive the services provided under the auspices of the FFA.

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If a child continues to require the additional services provided by the FFA, the placement should continue as an FFA placement funded by foster care payments rather than an adoptive placement funded by AAP benefits. In such case, the child's needs that are delaying the adoptive placement should be documented in the case file and included in court reports so that the court, under W&IC Section 366.3(d), may determine whether reasonable efforts have been made to achieve and finalize a permanent placement for the child.

If you have any questions regarding the AAP, please call the Funding and Transitional Youth Programs Bureau at (916) 657-1912.

Sincerely,  
*Original signed by*  
*Sylvia Pizzini*  
SYLVIA PIZZINI  
Deputy Director  
Children and Family Services Division

c: CWDA