

# OFFICE OF THE DEPUTY COMMISSIONER FOR ADMINISTRATION

## Federal Adoption Assistance Program Eligibility Criteria

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### Policy

An eligibility determination shall be completed for all subsidized adoption cases in which a financial payment is to be made. For each of these cases, a finding of Title IV-E eligibility or ineligibility shall be made.

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### Definition pursuant to Title IV-E

A **Special needs child** as defined by Title IV-E of the Social Security Act means that all the following criteria are met:

1. it has been determined that the child cannot or should not be returned to the home of his or her parents
  2. DCF has determined:
    - a. that there exists a specific factor or condition (*e.g.*, ethnic background, age, membership in a minority or sibling group, medical conditions, or physical, mental or emotional handicaps) because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing an adoption subsidy, or
    - b. the child meets all medical or disability requirements for eligibility for SSI benefits
  3. One of the following conditions are met:
    - a. a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing a subsidy or Title XIX medical assistance, or
    - b. DCF has determined that it would be against the best interests of the child to make such effort because of the existence of significant emotional ties with the foster family with whom the child has been living.
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### Applicable Child

A child is an "applicable child" for purposes of Title IV-E Adoption Assistance payments if he or she is A **and** B or C below:

- A. A child for whom for whom an Adoption Assistance Agreement is entered during a fiscal year listed below if the child attained the corresponding age before the end of that fiscal year:

Fiscal Year:	Applicable Age:
2010	16
2011	14
2012	12
2013	10
2014	8
2015	6
2016	4
2017-2023	2
2024	2 (or, in the case of a child for whom an adoption assistance agreement is entered under this section on or after July 1, 2024, any age)
2025 or thereafter	any age

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### Applicable Child (Continued)

- And,
- was removed involuntarily from the home with a judicial determination that continuation in the home would be contrary to the welfare of the child or was voluntarily placed pursuant to a voluntary placement agreement or through the Voluntary Services Program
  - meets all eligibility requirements for SSI benefits,
  - is residing in a foster home or childcare institution with a parent who is an applicable child
- B. A child of any age on the date on which an Adoption Assistance Agreement is entered if the child has been in foster care under the responsibility of DCF for at least 60 consecutive months, has been determined to be a special needs child (see above definition) who:
- was removed involuntarily from the home with a judicial determination that continuation in the home would be contrary to the welfare of the child or was voluntarily placed pursuant to a voluntary placement agreement or through the Voluntary Services Program
  - meets all eligibility requirements for SSI benefits,
  - is residing in a foster home or childcare institution with a parent who is an applicable child
- C. A child of any age on the date on which an Adoption Assistance Agreement is entered if the child:
- is a sibling of a child who is an applicable child
  - is to be placed in the same adoptive placement as the sibling who is an applicable child
  - was removed involuntarily from the home with a judicial determination that continuation in the home would be contrary to the welfare of the child or was voluntarily placed pursuant to a voluntary placement agreement or through the Voluntary Services program
  - meets all eligibility requirements for SSI benefits
  - is residing in a foster home or childcare institution with a parent who is an applicable child

### Non-Applicable Child

A child is a "non-applicable child" for purposes of Title IV-E adoption assistance payments if he or she is a "special needs child" as defined earlier in this policy and either A, B, C or D below applies:

- A. The child:
- was removed from the home of a specified relative and placed in foster care in accordance with a voluntary placement agreement or involuntarily with a judicial determination that continuation in the home would be contrary to the welfare of the child

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**Non-Applicable Child (continued)**

AND EITHER

- received AFDC, or would have received AFDC if an application had been made, in that relative's home for the month in which the child voluntarily or involuntarily came into foster care

OR

- had been living with a specified relative within six months before the month of entering care and would have received AFDC if the child had still been living in that relative's home

B. The child meets all eligibility requirements for SSI benefits.

C. The child is residing with a parent who is a minor in a foster home or childcare facility which is covered by foster care maintenance payments.

D. The child:

- is a "special needs child"
- was eligible for adoption assistance payments for a prior adoption
- is available for adoption because the prior adoption has been dissolved and the parental rights of the prior adoptive parents have been terminated OR the prior adoptive parents have died, and
- does not currently meet the AFDC criteria outlined in (A) above but will if treated as if in the same financial and other circumstances the child was in the last time the child was considered eligible for adoption assistance and the prior adoption is treated as never having occurred.

**Note:** The "non-applicable child" criteria is being phased out pursuant to the Fiscal Year/Applicable Age chart set out at the beginning of this policy and will end on July 1, 2024.

**Subsidized Legal Guardianship Arrangement Converted to Adoption**

In determining the eligibility for adoption assistance payments for a child in a subsidized legal guardianship arrangement, the placement of the child with the relative guardian involved and any subsidy payments made on behalf of the child shall be considered never to have been made.

**Foreign-Born Children Ineligible**

A child is not eligible for adoption assistance payments if he or she:

- is not a citizen or resident of the United States
- was adopted outside of the United States
- was brought into the United States for the purpose of being adopted

**Note:** A child who is ineligible for adoption assistance payments under the above criteria may become eligible if the initial adoption is a failure and the child is subsequently placed into foster care.