

Title IV-E Adoption Assistance

Title IV-E Adoption Assistance provides a maintenance payment, Medicaid coverage, and eligibility for title XX social services for special needs children who are placed in adoptive homes and who are title IV-E eligible.

Families receiving title IV-E AA are not eligible for State Maintenance subsidies, but they may be eligible for Nonrecurring Adoption Expenses and PASSS.

The adoption subsidy agreement for Title IV-E must be re-determined annually.

Eligibility for Title IV-e Adoption Assistance

1. Application for Title IV-E adoption assistance must be made prior to finalization of the adoption.
2. The child must have special needs (see criteria in Handout #1); and
3. The child must be placed for adoption by a PCSA or PCPA which has permanent custody of the child at the time of the placement; and
4. The child meets ADC-relatedness at the time of the removal from the home which led to agency custody and at the time the adoption petition is filed; and
5. The court order or permanent surrender that led to the removal of the child from the home and into agency custody contains a judicial determination that the removal from the home or placement of the child into custody is in the best interest of the child.
6. Exception: Criteria #3, 4, and 5 above do not apply to a child who meets the eligibility requirements for SSI benefits no later than at the time the adoption petition is filed. The Social Security Administration is responsible for determining SSI eligibility.
7. Title IV-E AA will continue for a child who was previously determined eligible for AA in a prior adoption and is available for adoption again, even if the new child's circumstance does not meet the eligibility requirements, as a result of the following:
 - a) The prior adoption has been dissolved, and the parental rights of the adoptive parent(s) have been terminated; or
 - b) The child's adoptive parents have died

Procedures for Payment of Title IV-E Adoption Assistance

1. The adoption assistance agreement must be entered into prior to finalization of the adoption.
2. The amount of the payment is determined by negotiation and mutual agreement based on that needs of the child and the circumstances of the adoptive family.
3. There is no income eligibility test.
4. The amount may be renegotiated by the agency and adoptive parent at any time to reflect the needs of the child or the circumstances of the family.

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5. The child's SSI benefits shall be a consideration; SSI benefits will be decreased dollar for dollar by the amount of the AA payment. The Social Security Administration must be notified of the adoption assistance.
6. If the adoptive parents and the PCSA cannot agree on the amount of the AA payment, the adoptive parents have the right to request a state hearing.
7. The PCSA must inform adoptive parents when state regulations affecting the amount of the AA payment are amended.
8. The PCSA must inform prospective adoptive parents as part of the responsibility to provide information of adoption subsidies and financial and medical resources.
9. The PCSA holding custody of the child prior to placement is responsible for the AA application and determination.
10. If the child is in the custody of a PCPA, the PCSA of the county in which the adoptive parent resides is responsible for the AA application and determination.

Payment issues for Title IV-E AA

1. The maximum payment may not exceed the amount that would have been paid for maintenance for that child if he were in an agency's own foster home.
2. Payments can continue until age 18, or until age 21 if the child has a mental or physical handicap [5101:2:47:31].
3. Payments are negotiated and related to the circumstances of adoptive family and the needs of the child.
4. Even if there is a \$0 payment, the child remains eligible for Medicaid and Title XX services; and the child may be eligible for reimbursement of nonrecurring adoption expenses.
5. Checks for the federal and state amounts are issued monthly by ODJFS based on information supplied by the PCSA responsible for the adoption assistance agreement. Checks are issued the beginning of the month for that month. The PCSA will issue a check for the federal match for amounts over \$250.00

Appeal Issues for Title IV-E AA

Adoptive parents may receive Title IV-E AA post-finalization through appeal if:

1. Information regarding availability of subsidy was not presented or was otherwise unavailable to the parent prior to the final decree.
2. The child manifested a special need after the final decree as a result of factors that existed prior to the final decree

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3. A PCSA administrative error prevented an AA agreement from being signed prior to the final decree on behalf of an otherwise eligible child.
4. The final decree was issued on or after October 1 ,1982
5. The adoptive family requests a state hearing; the state hearing decision determines that one of the conditions set forth above is met and the state hearing decision orders the PCSA to reconsider eligibility for AA.

The Adoptive Parents bear the burden of providing the documentation of extenuating circumstances.

Retroactive payments can be made to the adoptive family if AA is granted following an appeal.

The local agency is not responsible for any cost of a retroactive payment unless a payment is more than \$250 per month. The local agency is responsible for the non-federal share of any payment over \$250/month.