

INTERNATIONAL ADOPTION

I. ADOPTION ASSISTANCE (TITLE IV-E ADOPTION ASSISTANCE)

Three eligibility requirements tend to preclude international adoptees from qualifying for adoption assistance. Prior to a final decree of adoption the following must occur:

- a) A PCSA must determine that the child cannot or should not be returned to the biological parents' home, based on the existence of:
 - 1) An order from a court terminating parental rights;
 - 2) The existence of a petition for the termination of parental rights; or
 - 3) A signed relinquishment by the birth parents
- b) A reasonable effort must have been made to place the child without a subsidy; and
- c) A link must be made with AFDC and/or SSI eligibility

International adoptions do not fit these criteria

II. NONRECURRING ADOPTION EXPENSES

A child adopted from another country is not likely to be eligible for Nonrecurring adoption expenses because they probably cannot meet the eligibility criteria set out in Section 473 (c) of the Social Security Act. However, the statute "provides no basis for excluding these cases if they otherwise satisfy the statutory requirements of section 473 (c). Each PCSA must make a determination of each child's eligibility and assure that the definition of a "child with special needs" is met. The PCSA must determine that:

- a) The child cannot or should not be returned to the home of his parents;
- b) There exists with respect to the child a specific factor or condition because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing assistance; and
- c) That a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without adoption assistance.

For obvious reasons, criteria (a) and (c) will be very difficult for a state to assure for children being adopted from other countries.

Finally, 5101:2-47-44 requires that a written agreement (ODJFS 1438) must be signed by the adoptive parent(s) and the PCSA prior to the final decree of adoption.