

Medicaid Eligibility for Title IV-E Adoption Assistance

6 Practice Scenarios

Case Scenario One

Daisy: Adopted in-state

- Daisy lives in State A
- State A has custody
- Daisy is eligible for title IV-E adoption assistance
- State A places Daisy for adoption with family in State A
- State A has title IV-E adoption assistance agreement with Daisy's adoptive parents

QUESTION

Is State A responsible for providing Medicaid services to Daisy?

Case Scenario Two

Harry: Adopted out-of-state or moves across state lines

- Harry lives in State B
- State B has custody
- Harry qualifies for title IV-E adoption assistance
- State B places Harry for adoption in State C
- State B has title IV-E adoption assistance agreement with adoptive parents in State C
- Harry lives with his new family in State C

QUESTION 1

Which state is responsible for providing Medicaid services to Harry?

QUESTION 2

Does the fact that State B provides Harry's title IV-E adoption assistance affect State C's responsibility to provide his Medicaid services?

Case Scenario Three

Anna: Placed in a residential treatment facility (RTF) across state lines

- Anna has psychological needs and lives in State D
- State D has title IV-E adoption assistance agreement with parents
- Anna develops needs that can't be met in State D
- Family and provider determine residential care is needed
- Best RTF is in State E, and Anna is placed there

QUESTION

Which state is responsible for providing Medicaid to Anna?

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Case Scenario Four

Oliver: Death of adoptive parents

- Oliver lives in State F with adoptive parents
- State F has a title IV-E adoption assistance agreement with parents
- Oliver's parents die in an accident
- Wills of adoptive parents designate aunt and uncle in State F as legal guardians making Oliver their legal ward
- Oliver goes to live in State F with his guardians

QUESTION 1

Can Oliver continue to receive Medicaid services under the title IV-E AA program from State F?

QUESTION 2

Is it possible for Oliver's aunt and uncle, as his legal guardians, to get Medicaid coverage for him through another program?

Case Scenario Five

Oliver: Adoption assistance agreement with a zero adoption assistance payment

- Oliver's aunt and uncle decide to adopt him
- Oliver's new parents have a title IV-E adoption assistance agreement with State F
- Parents opt for a "zero payment" as the adoption assistance-maintenance payment

QUESTION

Is it possible for Oliver to receive Medicaid services from State F?

Case Scenario Six

Carrie: Dissolution of adoption

- Carrie lives in State G with adoptive parents
- State G has title IV-E adoption assistance agreement with parents
- Adoption dissolves*
- Carrie returns to the custody of State G

*Dissolution refers to an adoption that legally ends/is terminated after finalization.

QUESTION

Can Carrie continue to receive Medicaid services from State G under the title IV-E adoption assistance program?

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Case Scenario One

Daisy: Adopted in-state

- Daisy lives in State A
- State A has custody
- Daisy is eligible for title IV-E adoption assistance
- State A places Daisy for adoption with family in State A
- State A has title IV-E adoption assistance agreement with Daisy's adoptive parents

QUESTION

Is State A responsible for providing Medicaid services to Daisy?

Yes, State A is responsible. Why?

Because: Daisy lives in State A

and

She's eligible for title IV- E adoption assistance

therefore

State A must provide Medicaid services

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Case Scenario Two

Harry: Adopted out-of-state or moves across state lines

- Harry lives in State B
- State B has custody
- Harry qualifies for title IV-E adoption assistance
- State B places Harry for adoption in State C
- State B has title IV-E adoption assistance agreement with adoptive parents in State C
- Harry lives with his new family in State C

QUESTION 1

Which state is responsible for providing Medicaid services to Harry?

State C is responsible. Why?

Because: Harry lives in State C

and

He's eligible for title IV- E adoption assistance

therefore

State C must provide Medicaid services

QUESTION 2

Does the fact that State B provides Harry's title IV-E adoption assistance affect State C's responsibility to provide his Medicaid services?

No. Medicaid is provided by the state of residence, so it doesn't matter that State B provides the adoption assistance. Why?

Because:

- Medicaid is provided by the state where the child lives
- It doesn't matter if another state provides title IV- E adoption assistance

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Case Scenario Three

Anna: Placed in a residential treatment facility (RTF) across state lines

- Anna has psychological needs and lives in State D
- State D has title IV-E adoption assistance agreement with parents
- Anna develops needs that can't be met in State D
- Family and provider determine residential care is needed
- Best RTF is in State E, and Anna is placed there

QUESTION

Which state is responsible for providing Medicaid to Anna?

State E is responsible because Anna's state of residence has changed. Why?

Because: Anna's eligible for title IV-E adoption assistance

and

She lives in State E while she receives care in the RTF

therefore

State E is responsible for providing her Medicaid services

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Case Scenario Four

Oliver: Death of adoptive parents

- Oliver lives in State F with adoptive parents
- State F has a title IV-E adoption assistance agreement with parents
- Oliver's parents die in an accident
- Wills of adoptive parents designate aunt and uncle in State F as legal guardians making Oliver their legal ward
- Oliver goes to live in State F with his guardians

QUESTION 1

Can Oliver continue to receive Medicaid services under the title IV-E AA program from State F?

No, Oliver can't continue to receive services. Why?

Because:

- Although Oliver remains eligible for title IV-E adoption assistance, he no longer adopted—he is the legal ward of his aunt and uncle
- Oliver can't receive benefits unless and until readopted

See applicable Federal law in the SSA, Section 473(a)(2)

QUESTION 2

Is it possible for Oliver's aunt and uncle, as his legal guardians, to get Medicaid coverage for him through another program?

Yes, IT IS POSSIBLE. They can apply for Medicaid for Oliver. State F may determine that he's eligible through another eligibility category.

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Case Scenario Five

Oliver: Adoption assistance agreement with a zero adoption assistance payment

- Oliver's aunt and uncle decide to adopt him
- Oliver's new parents have a title IV-E adoption assistance agreement with State F
- Parents opt for a "zero payment" as the adoption assistance-maintenance payment

QUESTION

Is it possible for Oliver to receive Medicaid services from State F?

Yes it is possible. Why?

Because:

- As long as Oliver remains a child with special needs, he remains eligible for title IV-E adoption assistance
- title IV-E adoption assistance eligibility = Medicaid eligibility
- Aunt and uncle have adopted Oliver and signed title IV-E adoption assistance agreement with State F
- title IV-E adoption assistance maintenance payment not required for receipt of Medicaid
- Oliver can now receive Medicaid

See applicable Federal law in the SSA, Section 473(b)(3)(A)(ii)

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Case Scenario Six

Carrie: Dissolution of adoption

- Carrie lives in State G with adoptive parents
- State G has title IV-E adoption assistance agreement with parents
- Adoption dissolves*
- Carrie returns to the custody of State G

*Dissolution refers to an adoption that legally ends/is terminated after finalization.

QUESTION

Can Carrie continue to receive Medicaid services from State G under the title IV-E adoption assistance program?

No is correct. You're right. She's no longer able to receive Medicaid services based on her title IV-E AA eligibility. Why?

Because:

- Although Carrie remains eligible for title IV-E adoption assistance, dissolution is similar to the death of the adoptive parent(s)
- She can't receive Medicaid unless and until readopted

Carrie may be eligible to receive Medicaid services under a different program when she enters the care of State G.