AAICAMA receives many questions from states and families about circumstances that affect a child’s assistance agreement and/or eligibility for and receipt of Medicaid. The goal of this publication is provide ICAMA Professionals with a library of responses to these questions and cites to the law or policy on which the responses rely.

**FOSTERING CONNECTIONS**

**ELIGIBILITY PAST AGE 18**

**QUESTION A:** Did the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections) give states additional options to extend title IV–E adoption assistance eligibility past age 18 to age 19, 20 or 21?

**ANSWER:** Yes! Fostering Connections expanded states’ existing ability to extend title IV–E adoption assistance from age 18 to 19, 20 or 21.

States have always been able to extend title IV–E eligibility to age 21 for youth with a mental or physical handicap that warranted continued assistance. Under Fostering Connections, states were given the option to use additional criteria to extend title IV–E assistance to youth over age 18 who were adopted at age 16 or older. Under the criteria established by Fostering Connections a youth over 18 who was adopted at age 16 or older is eligible for an extension of title IV–E eligibility if they meet one of the following:

- is completing secondary education or a program leading to an equivalent credential
- is enrolled in an institution which provides post-secondary or vocational education
- is participating in a program or activity designed promote, or remove barriers to employment
- is employed for at least 80 hours per month
- is incapable of participating in an education or employment activity due to a medical condition.

Note: For states that have elected the Guardianship Assistance Program (GAP) under title IV–E, Fostering Connections also permits states to extend title IV–E GAP past the age of 18 for youth placed with a Guardian at age 16 or older who meet the one of the criteria listed above or who have a mental or physical handicap that the assistance state determines warrants continued assistance.

Fostering Connections preserves and expands states’ ability to extend title IV–E adoption assistance past age 18. Some states believe that the education/employment activities listed in...
Fostering Connections restricts rather than expands eligibility for IV-E youth past 18. This is not true. The education/employment activities provide additional avenues to expand IV-E eligibility to a new group of youth who are mentally and physically capable of educational and/or employment pursuits. It is important to note that states must extend title IV-E benefits to all categories of title IV-E if they extend title IV-E benefits past age 18 to any category of title IV-E. For instance if a state extends title IV-E foster care to age 21 then it must extend adoption assistance and guardianship assistance (if elected) to age 21.

QUESTION B: What is the implication for Medicaid receipt in-state and interstate when title IV-E benefits are extended past the age of 18?

ANSWER: Extension of title IV-E benefits confers Automatic eligibility for Medicaid in all states past age 18. All title IV-E eligible youth are Medicaid eligible in the state of residence. If the agreement state extends title IV-E past the age of 18, then that youth is eligible for Medicaid in any state in which the youth lives, to age 19, 20, or 21. This is true regardless of the age to which a resident state extends title IV-E assistance under its title IV-E plan. Medicaid eligibility under title IV-E extends to all title IV-E categories, i.e. foster care, adoption assistance and the federal GAP.

The law in practice:
- State A elected the option in its title IV-E Plan to provide eligibility to age 21 for youth adopted after the age of 16.
- State A determines that an 18 year old youth meets its criteria for title IV-E extension (adopted > 16 years old) and extends his adoption assistance eligibility to age 21.

The youth will remain eligible for title IV-E until age 21, no matter what state he calls home.

- State B provides title IV-E eligibility only to age 18. (State B does not extend eligibility for any reason—age at adoption, education or employment activities, mental or physical handicap.)
- Title IV-E eligible youth moves from State A to State B at age 19.
- State B must recognize and accept State A’s determination of continued eligibility and provide Medicaid services without delay or an application.

As long as the youth resides in State B, he must receive Medicaid from State B until he reaches 21.

Legal cites and links to the law:
Title IV-E law cites: 42 U.S.C. §673 (4) and 675 (8).
Title XIX (Medicaid) law cites: 42 U.S.C. §1396a (10)(A)(ii). See also, 42 C.F.R. §435.115 (e), 42 C.F.R. §435.145, 42 C.F.R. §435.403 (g).
Note: The Medicaid mandate for all title IV-E youth is also found in title IV-E law at 42 U.S.C. §673 (b) (1).

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