AAICAMA FAQs Series

Adoption Assistance Basic Information

1. What is adoption assistance?

Answer: Adoption assistance is a program designed to remove barriers to adopting special needs children. By providing funds and services to help parents meet the needs of a special needs child, adoption assistance can aid families of any economic level in giving a child a permanent home.

2. Do all states offer adoption assistance?

Answer: Yes, all states and the District of Columbia have adoption assistance programs. In fact, all United States jurisdictions have two types of adoption assistance programs.

Legislative background: The Adoption Assistance and Child Welfare Act of 1980 required all states to create an adoption assistance program. The Federal government gave funding to the states to be used for children previously eligible for the foster care program to help these children move from foster care into permanent homes.

There are two types of adoption assistance:

1.) Title IV-E Adoption Assistance and
2.) State Adoption Assistance.

Title IV-E is a Federal program and State Adoption Assistance is a state program. The benefits available under both programs generally fall into three categories: 1) monthly financial assistance 2) medical services and 3) adoption support services- often referred U.S.C. refers to the United States Code
C.F.R. refers to the Code of Federal Regulations

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to as post adoption services. The benefits a child will receive will depend on whether she receives Title IV-E Adoption Assistance or State Adoption Assistance and in which state your family resides.

Note: In addition to adoption assistance payments, funding exists to provide reimbursement to adoptive families of adoption-related expenses up to a state-determined amount (the state from which the child is being adopted). Known as non-recurring adoption expenses, states may reimburse families up to a maximum of $2,000 for certain one-time expenses considered reasonable and necessary incurred in the adoption of a child with special needs. Allowable expenses can include attorney fees, court costs, the cost of a home study, physical and psychological examinations, and other expenses related to a legal adoption.

Legal note: The Federal law on the Title IV-E Adoption Assistance program is found at 42 U.S.C. §673.

Link: http://www.law.cornell.edu/uscode/html/uscode42/usc_sec_42_00000673----000-.html (United States Code, Title IV-E)

3. What does Title IV-E Adoption Assistance provide?

Answer: The title IV-E Adoption Assistance Program has several benefits.

(a) One benefit is a monthly check, called an “adoption assistance maintenance payment”, the amount of which will depend on the needs of the child, the circumstances of the family, and the state providing the assistance. Federal law directs that the level of payments reflect the unique needs of the child and may not be more than the amount the child would receive were the child in state foster care.

(b) Another benefit of Title IV-E adoption assistance is categorical (automatic) eligibility for the Federal Medicaid program. The services received under Medicaid will depend on the child’s state of residence, as states vary in optional medical services offered under their Medicaid State Plan.

(c) An additional benefit is adoption support services which include respite, resource and referral, lending libraries, family counseling, and support groups and vary by state.

C.F.R. refers to the Code of Federal Regulations
4. **What is State (or state-funded) Adoption Assistance?**

Answer: State Adoption Assistance is a state-run program for the adoption of children with special needs. If a child is not eligible for Federal, title IV-E Adoption Assistance, s/he may be eligible for State Adoption Assistance. State Adoption Assistance programs, like the Federal title IV-E Adoption Assistance Program, can provide financial assistance, medical benefits and support services as incentives to adoption.

For eligibility under the Federal programs, states must follow the Federal law that outlines eligibility and benefits. For State Adoption Assistance programs, states are free, within Constitutional principles, to establish their own eligibility criteria and benefits under the program. Some states apply a means test to determine if prospective adoptive families’ resources are within state-set limits. State rate structures for adoption assistance maintenance payments vary by state, as do the post-adoption support and Medicaid optional services.

Note: For information on each state’s adoption assistance programs—both title IV-E and state—visit [http://www.childwelfare.gov/adoption/adopt%5Fassistance/](http://www.childwelfare.gov/adoption/adopt%5Fassistance/) (Child Welfare Information Gateway website, AAICAMA’s webpage of each state’s adoption assistance programs).

See Question 1 for each State’s criteria for assessing special needs [http://www.childwelfare.gov/adoption/adopt%5Fassistance/questions.cfm?quest_id=1](http://www.childwelfare.gov/adoption/adopt%5Fassistance/questions.cfm?quest_id=1).

5. **What does State Adoption Assistance provide?**

Answer: State Adoption Assistance programs are not directed by the Federal government and benefits under state plans vary from state to state. Generally, states offer some level of financial assistance and either the Federal Medicaid program or a state-run alternative to Medicaid to provide medical services. Support services are also generally offered and take the same forms as those offered under title IV-E Adoption assistance, such as respite, resource and referral, and adoption support groups.

6. **What are the eligibility criteria for Title IV-E Adoption Assistance?**

Please note this response was written prior to the passage of the Fostering Connections for Success Act of 2009. An updated Answer is being reviewed and will be posted as soon as possible.

Answer: Eligibility for title IV-E Adoption Assistance requires qualifying for the Federal Supplemental Security Income (SSI), the former Federal Aid to Families with Dependent Children (AFDC) program, being the child of a child receiving title IV-E foster care, or being a child previously eligible for the title IV-E adoption assistance program whose parent(s) died or whose adoption dissolved. SSI and the former AFDC program include a form of income assessment.

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“Special needs” is another eligibility criterion for title IV-E adoption assistance. A child must have a condition or circumstance designated by a state to be a barrier to their adoption. Special needs are not defined in Federal law. Defining special needs is left to the individual states and each state can define special needs as they choose. Elements of the state’s determination of special needs include conclusions that:

1. a child cannot or should not be returned to their home, and
2. a child has a specific factor or condition making it reasonable to conclude that the child cannot be placed without adoption assistance, and
3. a reasonable, unsuccessful attempt was made to place the child without adoption assistance

Note: An exception to the last requirement exists if the attempt would be against the best interests of the child due to significant emotional ties held by the child to prospective adoptive parents while in the care of such parents.

Special needs for adoption assistance eligibility may include issues not generally thought of as a special need. Each state is permitted to define the “specific factor or condition” with its own list of factors or conditions seen to hinder adoption. In addition to physical, mental and emotional disabilities, states consider a child’s age, membership in a sibling group, and ethnicity as factors that may pose a barrier to adoption. Because the goal of adoption assistance is to remove barriers for children needing permanent placement, special needs are considered broadly as those factors which may act as disincentives to a child’s adoptive placement.

7. What are the eligibility criteria for State Adoption Assistance?

Answer: Each state establishes its own eligibility criteria for State Adoption Assistance. All state programs include the eligibility criterion that a child has special needs. However, how states define “special needs” varies. States are also free to include an income assessment of the adoptive family in determining eligibility for state-funded adoption assistance. Funding availability can vary year to year and individual states can make program benefit changes based on this availability.

8. How does adoption assistance work?

Answer: Once a child is found eligible for title IV-E or a State Adoption Assistance program, an agreement (i.e., contract) is signed between the adoptive family and the state or local jurisdiction. The information in the agreement are the terms of the contact, therefore, the written agreement must outline the financial benefit amount, medical benefits, and adoption support services the child will receive under the agreement. Monetary amounts are state-specific, as are the medical services available from the state. Benefits and maintenance payment amounts under the agreement are determined by negotiation between the state/local agency and the adoptive family given the unique needs of the child and circumstances of the adoptive family.

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maintenance payment level reached is gauged by the maximum amount the child would have received were the child in state foster care. The payment level for adoption assistance cannot be higher than the rate the child would receive in foster care.

An eligible child will continue to receive monetary assistance and medical benefits through the age of 18, at a minimum, or up to the age of 21 as a maximum, depending on the continued special needs of the child and state policy. Medical assistance is often a benefit of an adoption assistance agreement. However, services, and especially a specific service, are not guaranteed in all states. Eligibility for Medicaid is guaranteed in all states for children receiving title IV-E adoption assistance, however, it is not guaranteed for all children receiving State Adoption Assistance. Children under State Adoption Assistance programs are eligible for Medicaid/medical assistance in their adoption assistance states, but are not eligible for medical assistance in all states outside the adoption assistance state.