



## AAICAMA FAQs Series

### Adoption Assistance Basic Information

#### **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.

'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.

U.S.C. refers to the United States Code  
C.F.R. refers to the Code of Federal Regulations