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Federal Child Welfare Manual Update

8.2B.11 TITLE IV-E, Adoption Assistance Program, Eligibility, Special needs

3. Question: *(new 2.25.11)*
In determining whether an applicable child who is a special needs child is eligible for title IV-E adoption assistance through the Supplemental Security Income (SSI) pathway, may a title IV-E agency make the determination that the child meets the medical or disability requirements for SSI benefits?
(See section 473(a)(2)(A)(ii)(I)(bb) of the Social Security Act).

Answer: Yes. For the purposes of determining whether an applicable child who is a special needs child is eligible for title IV-E adoption assistance through the SSI pathway, the title IV-E agency may make the determination that the child meets the medical or disability requirements for SSI benefits. The title IV-E agency is not making an SSI eligibility determination on behalf of the child, as that responsibility lies with the Social Security Administration and that includes a financial eligibility component. Rather, the title IV-E agency is responsible for title IV-E adoption assistance eligibility determinations, and therefore the agency is permitted to make the determination that the child meets the medical or disability requirements for SSI benefits for title IV-E eligibility purposes.

- **Source/Date:** 2/24/2011
- **Legal and Related References:** Social Security Act - Sections 473(a)(1)(B)(ii), 473(a)(2)(A)(ii)(I)(bb) and 473(c)(2)(B)(ii)

To go to this question directly in the Child Welfare Policy Manual, go to:
http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=49

Child Welfare Policy Manual: Table of Contents, Section 8 Index
http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy.jsp?idFlag=8

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