

# FACTSHEET



## The Association of Administrators of the Interstate Compact on **Adoption** and Medical Assistance ®

The Association of Administrators of the Interstate Compact on Adoption and Medical Assistance (AAICAMA, the Association) receives questions from states and adoptive families on permanency, Adoption Assistance, and Medicaid. The goal of AAICAMA's *Factsheets* is to provide responses to these questions in an easy-to-reference resource that includes discussion and cites law, regulation, and policy.

### Non-title IV-E Adoption Assistance and Medicaid Instate

- ✉ 50 states and the District of Columbia have elected the COBRA option to provide Medicaid to children not eligible for title IV-E with whom they have a non-title IV-E (state funded) AA agreement.
- ✉ 3 eligibility criteria for Medicaid eligibility under the COBRA option:
  - There is a non-title IV-E AA agreement in effect between the assistance state and the adoptive parent(s.)
  - The assistance state has determined that the child has special needs for medical or rehabilitative care and cannot be placed without medical assistance.
  - Prior to or at the time the AA agreement was executed:
    - The child was eligible for medical assistance (Medicaid) under the assistance state's Medicaid Plan **OR**
    - The child would have been eligible for medical assistance (Medicaid) if the eligibility standards and methodologies of the state's title IV-E foster care program were applied rather than the eligibility standards and methodologies of the state's Aid to Families with Dependent Children (AFDC) program under title IV-E A.

### Non-title IV-E INTERSTATE MEDICAID

- ✉ 46 states and DC have also chosen to provide Medicaid services to children who:
  - Reside within the state,
  - Receive non-title IV-E AA from another state,
  - Meet the three (3) COBRA eligibility criteria (above.)
- ✉ Medicaid is received through a child's state of residence. Residency for non-title IV-E AA recipients follow the AFDC residency criteria – the state where the child is physically present and has intent to stay. The child's residency will generally follow that of the adoptive parent. *Cites: 42 C.F.R. 435-403 (e) and (h)(3) and 45 C.F.R. 233.40.*  
*Links: <https://www.law.cornell.edu/cfr/text/42/435.403> and <https://www.law.cornell.edu/cfr/text/45/233.40>.*
- ✉ For out of state, residential facilities for health or educational purposes, the assistance state must aid the family in locating facilities that accept the assistance state's Medicaid or otherwise arrange for the child to receive Medicaid/medical assistance. For youth in states that do not offer COBRA reciprocity, the assistance state must ensure that the child receives the Medicaid/Medical benefits listed in the adoption assistance agreement.
- ✉ States have an obligation to cooperate in furnishing Medicaid services to individuals who are present in the state and are eligible for Medicaid under another state's Medicaid plan. *Cite: 42 C.F.R. §431.52 (Payments for services furnished out of state.)* Link: <https://www.law.cornell.edu/cfr/text/42/431.52>

Determination of Medicaid eligibility for a non-title IV-E AA recipient is binding "...for as long as an adoption agreement is in force and the child is within the age limitation." *Cite: Section 3506 of the State Medicaid Manual.*



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