

DEPARTMENT OF SOCIAL SERVICES

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October 9, 1984

ALL COUNTY INFORMATION NOTICE NO. 1-92-84

TO: ALL COUNTY WELFARE DEPARTMENTS
ALL PUBLIC AND PRIVATE ADOPTION AGENCIES
ALL SDSS ADOPTION DISTRICT OFFICES

SUBJECT: Adoption Assistance Program

Initial implementation reviews of the Adoption Assistance Program (AAP) have identified several aspects of the program which are presenting difficulties to some agencies. This notice brings these program aspects and associated legislative and regulatory requirements to your attention.

Recruitment

Adoptive placement of hard-to-place children depends on effective continuous recruitment of prospective adoptive families. Therefore, it is imperative that in all recruitment activities adoption agencies meet the requirements of 22 CAC 30666(a) and (c).

Search for Non-Subsidy Homes

The record of a child who is found eligible for AAP must include documentation of efforts made by the agency to locate a non-subsidy home. These efforts must include discussion of the child at regional adoption exchanges and/or registration of the child with the Adoption Resource Referral Center (ARRC). For those cases where the adoptive placement is with a person with whom the child has been living and with whom the child has established significant emotional ties, a search for a non-subsidy placement is not required. However, the record should document the reason a search was not made. Requirements regarding search for non-subsidy homes are found in 22 CAC 30666(b).

Interlocutory Decree

AAP eligibility cannot begin prior to the granting of the interlocutory decree of adoption, if one is granted, or the final decree of adoption. AAP eligibility is not retroactive, i.e., AAP payments may not be made for the time the child is in placement prior to the granting of the interlocutory or final decree. For example, if a child is placed in an adoptive home on September 10, an interlocutory petition filed on September 15, and the petition granted on October 10, the AAP payment cannot cover any time prior to October 10. This requirement is found in 22 CAC 30669(b).

If AAP financial assistance or Medi-Cal coverage must be available at the time of placement, the interlocutory decree must be entered prior to placement.

Although an interlocutory decree normally becomes final twelve months after being granted, Civil Code Section 224n (b) allows the court to shorten or extend this time for up to six months with good cause. Agencies may want to request that the court shorten this time if the adoptive parent was the child's foster parent.

Adoption agencies have expressed concern that they do not have legal authority to provide supervision during the time between the granting of the interlocutory and final decrees of adoption. Some agencies have dealt with this concern by developing an agreement with the family defining the services that will be provided after the interlocutory decree is granted. The petition would contain wording such as:

"Petitioners have entered into an adoptive placement agreement with _____ Agency as set forth in exhibit _____ and incorporated herein by reference. This agreement requires said Agency to provide the specified services to petitioners until a final decree of adoption is granted. Petitioners agree to cooperate with said Agency in the provision of these services as specified in the placement agreement prior to the entry of the final decree of adoption."

Adoption Assistance Agreements for Future Benefits

If AAP benefits are to be provided at anytime after adoption, an Adoption Assistance Agreement must be completed prior to the final decree of adoption. Completion of the agreement will allow AAP to be provided, consistent with the agreement, at a later date. For example, the child who has experienced physical or sexual abuse prior to placement or who has a schizophrenic birth parent may have an emotional disability which will become apparent and require services in adolescence. In all cases where a child does not display symptoms of physical or emotional illness before the final decree of adoption but has a history which suggests that a disability may be present which will manifest itself in later years, Section II of the Adoption Assistance Agreement (AD 4320) should be completed prior to the finalization of the adoption.

Counties having questions regarding this notice or other AAP issues should contact their Adult and Family Services Operations consultant at (916) 322-6671 or (ATSS) 492-6671. Private agencies should contact the Public Information and Operations Unit at (916) 322-5973. If required, on site training and/or consultation is available from the Adoptions Policy staff and may be arranged by contacting the aforementioned consultants or unit.


 LOREN D. SUTER
 Deputy Director
 Adult and Family Services Division

cc: CWDA