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TITLE 22, DIVISION 2

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**SUBCHAPTER 7 ADOPTION ASSISTANCE PROGRAM/AID
FOR THE ADOPTION OF CHILDREN (AAP/AAC)****Article 1 AAP Case Initiation****35325 REQUEST FOR ADOPTION ASSISTANCE****35325**

- (a) The Adoption Assistance Program (AAP) removes or reduces barriers to the adoption of children who otherwise would remain in long-term foster care. The program provides necessary financial assistance to families who are willing and able to assume parental responsibility for children but are prevented from doing so by inadequate financial resources.
- (b) The agency shall provide any person who wants to apply for adoption assistance benefits with a Request for Adoption Assistance form (AAP 1).
 - (1) If the agency placing a child for adoption believes the child to be an AAP-eligible child, the agency shall offer the family an AAP 1.
- (c) The public agency responsible for determining AAP eligibility and initial and subsequent payments shall be:
 - (1) The Department or the licensed county adoption agency responsible for the child or,
 - (2) If the child is the responsibility of a licensed private adoption agency, the Department or licensed county adoption agency providing agency adoption services in the county that would provide adoption assistance benefits on behalf of the child.
 - (A) If the child has been voluntarily relinquished for adoption to a licensed private adoption agency, the financially responsible county shall be the county in which the parent who has physical custody of the child resides at the time the relinquishment document is signed.
 - (B) The licensed private adoption agency shall submit the AAP 1 and supporting documentation, including, but not limited to, the assessment of the child required by Section 35127.1 and a description of efforts to locate a non-subsidy home for the child, as the Department or licensed county adoption agency finds necessary in the particular case.

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- (d) The county responsible for providing AAP financial aid and for determining the child's Federal eligibility status is specified by Welfare and Institutions Code Section 16118(e).
 - (1) Welfare and Institutions Code Section 16118(e) states:

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"For purposes of this chapter, the county responsible for determining the child's Adoption Assistance Program eligibility status and for providing financial aid in the amount determined in Sections 16120 and 16120.1 shall be the county that at the time of the adoptive placement would otherwise be responsible for making a payment pursuant to Section 11450 under the CalWORKs program or Section 11461 under the Aid to Families with Dependent Children-Foster Care program if the child were not adopted. When the child has been voluntarily relinquished for adoption prior to a determination of eligibility for such a payment, the responsible county shall be the county in which the relinquishing parent resides. The responsible county for all other eligible children shall be the county where the child is physically residing prior to placement with the adoptive family."

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- (2) Once established, the county of responsibility shall remain unchanged for the duration of adoption assistance payments for that child.
- (e) The responsible public agency shall determine whether the child meets the eligibility requirements as specified in Section 35326.
 - (1) If an AAP 1 is submitted on behalf of a relinquished child who is not under the supervision of a county welfare department as the subject of a legal guardianship or a juvenile court dependency, the agency shall ask that entity responsible for providing services to children who are dependents of the court in the county that would be responsible for providing AAP benefits for a written determination as to whether the child would or would not have been at risk of dependency if the child had not been relinquished for adoption.
 - (2) If the responsible public agency determines that the child is not eligible for AAP benefits, the agency shall send the county responsible for payment a completed Payment Instructions - Adoption Assistance Program form (AAP 2) indicating that AAP eligibility is denied and the specific reason(s), including relevant regulatory or statutory citations, for the denial.
 - (3) If the responsible public agency determines that the child is eligible for AAP benefits, the agency shall:
 - (A) Submit the Federal Eligibility Certification for Adoption Assistance Program form (FC 8) to the county responsible for payment.
 - 1. The child's name prior to adoption (birth name) shall be used on the FC 8.

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2. The child's adoptive name shall not be used on the FC 8.
- (B) Apply for Supplemental Security Income (SSI) benefits on the child's behalf prior to the completion of an AD 4320 if:
1. The FC 8 returned by the county responsible for payment indicates that the child is not eligible for the Federal AAP and;
 2. The child appears potentially eligible for the SSI program.
- (C) Determine the initial amount and duration of payment as specified in Section 35333.
1. If another agency assessed the prospective adoptive family as specified in Sections 35180 through 35183.1 and/or a private adoption agency is responsible for the child, these agencies shall be consulted before the amount and duration of payment is determined.
- (D) Complete an Adoption Assistance Program Agreement (AD 4320) as specified in Section 35337.
1. The AD 4320 shall be signed by the responsible public agency and the adopting parent(s) prior to the granting of the final decree of adoption.
 2. In adoptive placements which involve more than one agency, all agencies shall sign the initial AD 4320.
 - (i) Subsequent amendments to the AD 4320 may be signed by the responsible public agency alone.
 3. If AAP assistance is to be provided after the adoptive placement but prior to the final decree, the AD 4320 shall be signed prior to the granting of assistance.
 4. The child's adoptive name shall be used on the AD 4320.
 5. If the adoptive family elects not to apply for AAP benefits, the agency shall encourage the family to sign a deferred Adoption Assistance Program Agreement (AD 4320).
- (E) If the agency and the adoptive family are unable to agree on AAP benefits, the agency will complete the AAP 2 as described in Section 35343(b)(4)(A).
- (F) Authorize payment as specified in Section 35341.

NOTE: Authority cited: Sections 10553 and 16118, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 16118, 16119, 16120, 16121, and 16121.5, Welfare and Institutions Code; 45 CFR 1356.40; and 42 USC 673 and 675.

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**SUBCHAPTER 7 ADOPTION ASSISTANCE PROGRAM/AID
FOR THE ADOPTION OF CHILDREN (AAP/AAC)**

Article 2. AAP Eligibility Requirements

35326 AAP ELIGIBILITY

35326

- (a) In order for a child to be eligible for Adoption Assistance Program (AAP) benefits, the conditions specified at Welfare and Institutions Code Section 16120 shall be met.

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- (1) Welfare and Institutions Code Section 16120 states:

"A child shall be eligible for Adoption Assistance Program benefits if all of the conditions specified in subdivisions (a) through (g) are met or if the conditions specified in subdivision (h) are met.

- (a) The child has at least one of the following characteristics that are barriers to his or her adoption:
- (1) Adoptive placement without financial assistance is unlikely because of membership in a sibling group that should remain intact or by virtue of race, ethnicity, color, language, age of 3 years older, or parental background of a medical or behavioral nature that can be determined to adversely affect the development of the child.
 - (2) Adoptive placement without financial assistance is unlikely because the child has a mental, physical, emotional or medical disability that has been certified by a licensed professional competent to make an assessment and operating within the scope of his or her profession. This paragraph shall also apply to children with a developmental disability pursuant to subdivision (a) of Section 4512 including those determined to require out-of-home nonmedical care as defined in Welfare and Institutions Code Section 11464.
- (b) The need for adoption subsidy is evidenced by an unsuccessful search for an adoptive home to take the child without financial assistance as documented in the case file of the prospective adoptive child. The requirement for this search shall be waived when it would be against the best interest of the child because of the existence of significant emotional ties with prospective adoptive parents while in the care of these persons as a foster child.

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35326 (Cont.)	AAP/AAC	Regulations
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- (c) The child is the subject of an agency adoption as defined in Section 8506 of the Family Code and was any of the following:
 - (1) Under the supervision of a county welfare department as the subject of a legal guardianship or juvenile court dependency,
 - (2) Relinquished for adoption to a licensed California private or public adoption agency, or the department, and would otherwise have been at risk of dependency as certified by the responsible public child welfare agency, or
 - (3) Committed to the department pursuant to Section 8805 or 8918 of the Family Code.

- (d) The child is under 18 years of age, or under 21 years of age and has a mental or physical handicap which warrants the continuation of assistance.

- (e) The adoptive family is responsible for the child pursuant to the terms of an adoptive placement agreement or a final decree of adoption and has signed an adoption assistance agreement.

- (f) The adoptive family is legally responsible for the support of the child and the child is receiving support from the adoptive parent.

- (g) The department or the county responsible for determining the child's Adoption Assistance Program eligibility status and for providing financial aid, and the prospective adoptive parent, prior to or at the time the adoption decree is issued by the court, have signed an adoption assistance agreement that stipulates the need for, and the amount of, Adoption Assistance Program benefits.

- (h) A child shall be eligible for Adoption Assistance Program benefits if the child received Adoption Assistance Program benefits with respect to a prior adoption and the child is again available for adoption because the prior adoption was dissolved and the parental rights of the adoptive parents were terminated or because the child's adoptive parents died."

- (2) Title 45 CFR 1356.40(c) states:

"There must be no income eligibility requirement (means test) for the prospective adoptive parent(s) in determining eligibility for adoption assistance payments."

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ADOPTIONS PROGRAM REGULATIONS**Regulations****AAP/AAC****35327**

35326 AAP ELIGIBILITY (Continued) 35326

- (b) A child meeting the requirements of Welfare and Institutions Code Section 16120(h) shall be eligible for AAP benefits if subsequently adopted through either an independent adoption or an agency adoption.
- (c) Adoption Assistance Agreements signed prior to October 1, 1992, shall be governed by Welfare and Institutions Code Section 16121.05(b).

HANDBOOK BEGINS HERE

- (1) Welfare and Institutions Code Section 16121.05(b) states:
- "(b) Children on whose behalf an adoption assistance agreement had been executed prior to October 1, 1992, shall continue to receive adoption assistance in accordance with the terms of that agreement."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code. Reference: Sections 16118, 16119, 16120, and 16121.05, Welfare and Institutions Code; and 42 USC 671 and 673.

35327 SEARCH FOR PARENTS NOT REQUIRING ADOPTION ASSISTANCE 35327

- (a) Prior to the selection of adoptive parents requiring adoption assistance payments, the agency shall seek adoptive parents who do not require such assistance.
- (1) This search for adoptive parents shall be documented in the adoption case record and shall include the following:
- (A) Discussion of potential adoptive parents at a regional adoption agency exchange meeting, or
- (B) Registration of the child with the department's photo-listing album.
- (2) This search shall not be required when the current foster parents, or other persons with whom the child has been living and has established significant emotional ties, have both:
- (A) Expressed interest in adopting the child, and
- (B) Been determined by the agency to be suitable adoptive parents for the child.

NOTE: Authority cited: Sections 10553 and 16118(a), Welfare and Institutions Code. Reference: Sections 16118 and 16120, Welfare and Institutions Code; 42 USC 671 and 673.

35329	EFFECT OF ADOPTIVE PARENT'S LEGAL RESIDENCE	35329
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- (a) The adoptive parent's legal residence shall not affect the child's eligibility.

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- (1) Welfare and Institutions Code Section 16121.1 states:

"Welfare and Institutions Code Section 16121.1: Notwithstanding the provisions of Section 11105, the residence of the adoptive parents at the time of or subsequent to adoptive placement shall not terminate the eligibility of a child who is otherwise eligible for adoptive assistance payments."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 16118(a), Welfare and Institutions Code; and Section 8621, Family Code. Reference: Sections 16118 and 16120, Welfare and Institutions Code; and 42 USC 671 and 673.

35331	DOCUMENTATION OF CHILD'S ELIGIBILITY	35331
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- (a) The determination of the child's eligibility for adoption assistance shall be documented in the case record on the Eligibility Certification -Adoption Assistance Program form (AAP 4).

NOTE: Authority cited: Sections 10553 and 16118, Welfare and Institutions Code. Reference: Sections 16118 and 16120, Welfare and Institutions Code and 42 USC Sections 671 and 673.

**SUBCHAPTER 7 ADOPTION ASSISTANCE PROGRAM/AID
FOR THE ADOPTION OF CHILDREN (AAP/AAC)****Article 3. AAP Payments****35333 DETERMINATION OF AMOUNT AND DURATION OF AAP
BENEFIT FOR ALL CHILDREN**

35333

The Adoption Assistance Program (AAP) provides benefits to facilitate the adoption of children who otherwise would not likely be adopted. The AAP benefit is a negotiated amount based upon the needs of the child and the circumstances of the adoptive family. The responsible public agency shall negotiate the amount of the AAP benefit and make the final determination of the amount according to the requirements of this section.

- (a) No agency may use an income eligibility requirement (income means test) in determining the AAP benefit.
- (b) The responsible public agency shall assess the child's needs.
 - (1) The agency, after consultation with the adoptive parents and the financially responsible county, if different from the agency, shall identify the child's care and supervision needs, including any special needs beyond basic care and supervision, for which a foster care maintenance payment would be authorized.
 - (A) The adoption caseworker shall base the assessment of the child's needs and required level of care and supervision on all of the following information:
 - 1. Direct observation of the child.
 - 2. Information contained in the child's case record, including birth history and psychological, medical and other relevant assessments completed by licensed professionals.
 - 3. Information about the child based on application of the county's foster care specialized care assessment instrument or any specialized foster care increment previously approved for the child.
 - 4. Information provided by the adoptive parents.
- (c) The responsible public agency shall determine the maximum AAP benefit for which the child is eligible.
 - (1) Step 1: The agency in consultation with the financially responsible county, if different from the agency, shall determine the state-approved foster care maintenance payment that the child would have received in a foster family home if the child had remained in foster care.

35333

**DETERMINATION OF AMOUNT AND DURATION OF AAP
BENEFIT FOR ALL CHILDREN (Continued)**

35333

HANDBOOK BEGINS HERE

- (A) A child in a foster family home receives a maintenance payment limited to the age-related, state-approved foster family home care rate and any applicable state-approved specialized care increment for which the child is eligible.

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1. No agency may use a Foster Family Agency (FFA) treatment rate or a payment made to a certified home by a FFA on behalf of the child for purposes of calculating the maximum AAP benefit for which the child is eligible.
- (B) If the child is living in the adoptive family's home, the agency shall assume that, but for adoptive placement, the child would be living in a licensed foster family home.
1. If the child is placed for adoption within the financially responsible county, the AAP benefit shall be based on the child's foster care maintenance payment, not to exceed the age-related, state-approved foster family home care rate, for which the child would otherwise be eligible.
 2. If the child is placed for adoption in California but outside the financially responsible county, the AAP benefit shall be based on the foster care maintenance payment, not to exceed the age-related, state-approved foster family home care rate of the financially responsible county or that of the host county, whichever is higher, for which the child would otherwise be eligible.
 3. If the child is placed for adoption outside California, the AAP benefit shall be based on the foster care maintenance payment, not to exceed the applicable California age-related, state-approved foster family home care rate or the applicable rate in the host state, whichever is higher, for which the child would otherwise be eligible.
 4. If the child also has any special needs which would qualify him or her for a specialized care increment, the AAP benefit shall include the applicable state-approved specialized care increment in addition to the foster care maintenance payment, based on the rate described in Section 35333(c)(1)(B) 1., 2., or 3.
 - a. If the child requires a benefit based on a special need in addition to age-related basic care, the agency shall document each special need by describing the need including the underlying problem or condition.

ADOPTIONS PROGRAM REGULATIONS**Regulations****AAP/AAC****35333 (Cont.)**

35333**DETERMINATION OF AMOUNT AND DURATION OF AAP
BENEFIT FOR ALL CHILDREN (Continued)****35333**

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- b. Specialized care provides a supplemental payment to a family home caregiver, in addition to the basic family home care rate, for the cost of supervision (and the cost of providing that supervision) to meet the additional daily care needs of a child who has a health or behavior problem.

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- c. If the child is placed for adoption outside the financially responsible county, the agency shall use the specialized care rate of the host county or that of the financially responsible county, whichever is higher, or that of the financially responsible county when the host county has no specialized care system.
- (C) If the child is a client of a California Regional Center (CRC) for the Developmentally Disabled, the maximum rate shall be the foster family home rate formally determined for the child by the Regional Center using the facility rates established by the California Department of Developmental Services. CRC clients who leave California shall be able to continue to receive AAP benefits based on the most recent level of need assessed by the CRC.
 - (D) If the child is temporarily living away from the adoptive home and the AAP benefit is not authorized under Section 35334(a) or Section 35334(c), the agency shall consider the child to be living in the adoptive home when the eligibility requirements of Section 35326 continue to be met.
- (2) Step 2: The agency shall determine the amount of income received by or on behalf of the child.
 - (A) The agency shall consider income including, but not limited to, SSI/SSP, Social Security benefits based on the earnings of a birth parent, or available income from an inheritance or a trust fund derived from assets of a birth parent or his or her relatives or created on behalf of the child as a result of a lawsuit or insurance settlement.
 - (3) Step 3: The agency shall calculate the maximum AAP benefit for which the child is eligible by subtracting the child's income identified according to Section 35333(c)(2) from the sum of the age-related, state-approved foster family home care rate identified according to Section 35333(c)(1) and any applicable state-approved specialized care increment. This remaining amount is the maximum AAP benefit available for the child.
- (d) The responsible public agency shall determine the circumstances of the family.

35333 DETERMINATION OF AMOUNT AND DURATION OF AAP BENEFIT FOR ALL CHILDREN (Continued) 35333

- (1) Corroborating documentation shall be unnecessary when the adoptive parents attest to the following information requested by the agency:
- (A) A written statement from the adoptive parents explaining how they plan to incorporate the adoptive child into their family and the impact, if any, on their family's lifestyle and circumstances.
- (B) "Circumstances of the Family" means circumstances of the family as defined in Welfare and Institutions Code Section 16119(d)(2).

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1. Welfare and Institutions Code Section 16119(d)(2) states:
- "For purposes of paragraph (1), "circumstances of the family" includes the family's ability to incorporate the child into the household in relation to the lifestyle, standard of living, and future plans and to the overall capacity to meet the immediate and future plans and needs, including education, of the child."
2. The agency should not control or participate in the adoptive family's choices regarding their lifestyle, standard of living or future plans.

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- (e) The responsible public agency shall negotiate the amount of any AAP benefit with the adoptive family. For purposes of negotiation, the agency shall follow the legislative intent expressed in Welfare and Institutions Code Section 16115.5 and the requirements in Welfare and Institutions Code Section 16119(d)(1).

ADOPTIONS PROGRAM REGULATIONS**Regulations****AAP/AAC****35333 (Cont.)**

**35333 DETERMINATION OF AMOUNT AND DURATION OF AAP
BENEFIT FOR ALL CHILDREN (Continued)****35333**

HANDBOOK BEGINS HERE

- (1) (A) Welfare and Institutions Code Section 16115.5 states:

"It is the intent of the Legislature in enacting this chapter to benefit children residing in foster homes by providing the stability and security of permanent homes and in so doing, achieve a reduction in foster home care. It is not the intent of this chapter to increase expenditures but to provide for payments to adoptive parents to enable them to meet the needs of children who meet the criteria established in Section 16116, 16120 and 16121."

- (B) Welfare and Institutions Code Section 16119(d)(1) states:

"The amount of an adoption assistance cash benefit, if any, shall be a negotiated amount based upon the needs of the child and the circumstances of the family. There shall be no means test used to determine an adoptive family's eligibility for the Adoption Assistance Program. In those instances where an otherwise eligible child does not require a cash benefit, Medi-Cal eligibility may be established for the child as needed."

HANDBOOK ENDS HERE

- (2) The agency shall make a good faith effort to negotiate the AAP benefit with the adoptive parents.
- (3) The agency shall encourage the adoptive parents to request the AAP benefit they require in order to meet the child's needs taking into account their family circumstances.
- (4) The agency shall base the negotiated AAP benefit on the needs of the child and the circumstances of the family determined through discussion with the adoptive parents.
- (A) The agency shall advise the adoptive parents that the amount of the AAP benefit determined for the child is limited to the age-related, state-approved foster family home care rate and any applicable state-approved specialized care increment for which the child would have been eligible had he or she remained in foster care.
- (5) The agency shall include in the child's AAP file a written summary of the negotiations and discussions with the adoptive parents.
- (A) When only age-related basic care is requested by the family, the agency shall include a statement to that effect for retention in the child's AAP file.
- (6) The amount of the negotiated AAP benefit shall be between zero and the maximum AAP benefit for which the child is eligible as identified according to Section 35333(c)(3).

ADOPTIONS PROGRAM REGULATIONS**35333 (Cont.)****AAP/AAC****Regulations**

35333 DETERMINATION OF AMOUNT AND DURATION OF AAP BENEFIT FOR ALL CHILDREN (Continued) 35333

- (A) The agency shall advise the adoptive parents that the AAP benefit does not include payment for any specific good or service, but is intended to assist the adoptive parents in meeting the child's needs.
- (7) At the conclusion of negotiations, if agreement on the AAP benefit has been reached, the agency shall authorize payment of the AAP benefit in the agreed amount.
- (f) When agreement on the AAP benefit has been reached, the responsible public agency shall complete an Adoption Assistance Agreement (AD 4320) with the adoptive parents.
 - (1) The agency shall complete the AAP 2 instructing the county to send a Notice of Action to the adoptive parents indicating that the AAP benefit is approved.
 - (2) After completion of the Adoption Assistance Agreement (AD 4320), the adoptive parents shall have the right to use the AAP benefit to meet the child's needs as they deem appropriate without further agency approval.
- (g) When the responsible public agency and the adoptive parents are unable to agree on an AAP benefit, the agency shall complete the AAP 2 instructing the county to send the adoptive parents a Notice of Action that the requested AAP benefit is denied. The agency shall specify the reason for denial.

HANDBOOK BEGINS HERE

- (1) If the adoptive parent does not agree on the AAP benefit, the parent may request a state hearing as instructed in the Notice of Action pursuant to MPP Section 22-004.

HANDBOOK ENDS HERE

- (h) A reassessment of the AAP benefit shall be required every two (2) years beginning from the date of a signed Adoption Assistance Program Agreement (AD 4320) between the agency and the adoptive parents.
 - (1) The AAP benefit shall be increased automatically at the same time and to the same degree as any automatic adjustments to payments for state-approved basic foster care maintenance.
 - (2) Payment of the AAP benefit shall terminate in the month in which the child becomes 18 years of age or if the agency has determined that the child has a mental or physical disability that warrants the continuance of assistance, in the month in which the child becomes 21 years of age.

NOTE: Authority Cited: Sections 10553, 10554, 14023, and 16118, Welfare and Institutions Code. Reference: Sections 15115.5, 16118, 16119, 16120, 16120.05, 16121, and 16121.05, Welfare and Institutions Code; 45 CFR 1356.40; 42 USC 673 and 675.

**35334 DETERMINATION OF AMOUNT AND DURATION OF AAP
BENEFIT FOR A CHILD IN TEMPORARY OUT-OF-HOME
PLACEMENT (Continued)****35334**

- (a) The responsible public agency shall determine the amount and duration of the AAP benefit when the child is placed, either on a voluntary basis or as a court dependent, in out-of-home care to treat a condition that the agency has determined to have existed before the adoptive placement.
- (1) The agency shall conclude that the child would have been placed in the same out-of-home care facility if the child had not been placed for adoption if, after consultation with the adoptive parents, the agency has determined that:
- (A) Out-of-home placement is necessary to meet the child's needs,
- (B) The specific placement is able to meet the child's needs appropriately, and
- (C) The facility's rate classification level is appropriate to the child's needs.
- (2) The agency shall determine the maximum AAP benefit for which the child is eligible for out-of-home placement.
- (A) If the adoptive parents are paying for the cost of the placement directly, the available AAP benefit is the state-approved foster care facility rate for which the child is eligible.
- (B) If the placement cost is paid by another agency (e.g., county welfare department, probation office, regional center), the available AAP benefit shall be either the age-related, state-approved basic foster family home care rate or the adoptive parent's actual share of cost for support of the child, whichever is greater, but not to exceed the foster family home rate as determined under Section 35333(c)(1).

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1. Under Title 2 California Code of Regulations Section 60020(c), the county financially responsible for making AAP payments is responsible for the provision of mental health assessments and mental health services.

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ADOPTIONS PROGRAM REGULATIONS**35334 (Cont.)****AAP/AAC****Regulations**

35334 DETERMINATION OF AMOUNT AND DURATION OF AAP BENEFIT FOR A CHILD IN TEMPORARY OUT-OF-HOME PLACEMENT (Continued)**35334**

- (3) If the initial Adoption Assistance Program Agreement (AD 4320) for the child was signed on or after October 1, 1992, the duration of a child's placement in a group home or residential treatment facility shall be limited to an 18-month cumulative period of time for a specific episode or incident justifying that placement.
- (b) If the responsible public agency approves the provision of wrap-around services, as defined in Welfare and Institutions Code Section 18251(d), in lieu of out-of-home placement, the amount of the AAP benefit shall be limited to the amount that would have been paid for the out-of-home placement.
- (c) If the child is placed out-of-home as a ward of the court under Welfare and Institutions Code Section 601 or 602, the maximum AAP benefit for which the child is eligible shall be either the adoptive parents' actual share of cost for support of the child or the foster family home rate as determined under Section 35333(c)(1), whichever is less.
- (d) The AAP benefit for the child's placement in a group home or residential care treatment facility shall continue to be available, provided the requirements of this section are met and the adoptive parents actively participate in a plan to return the child to the adoptive home.
- (e) When the responsible public agency and the adoptive parents agree on the AAP benefit, the agency shall complete an Adoption Assistance Program Agreement (AD 4320) with the adoptive parents.
- (1) The agency shall state in the agreement that the AAP benefit is intended for the child's out-of-home placement.
- (2) The agency shall complete the AAP 2 instructing the county to send the adoptive parents a Notice of Action indicating that the AAP benefit is approved.
- (f) The duration of an Adoption Assistance Program Agreement (AD 4320) for the child's out-of-home placement shall be 18 months before a subsequent reassessment is required.

NOTE: Authority Cited: Sections 10553, 10554, 14023, and 16118, Welfare and Institutions Code.
Reference: Sections 15115.5, 16118, 16119, 16120, 16120.05, 16121, and 16121.05, Welfare and Institutions Code.

SUBCHAPTER 7 ADOPTION ASSISTANCE PROGRAM/AID
FOR THE ADOPTION OF CHILDREN (AAP/AAC)

Article 4. Adoption Assistance Agreement

35337 CONTENT OF THE ADOPTION ASSISTANCE AGREEMENT 35337

- (a) The Adoption Assistance Program Agreement form (AD 4320) shall contain the following:
- (1) The child's adoptive name and the name(s) of the adoptive parent(s).
 - (2) The amount and duration of financial assistance.
 - (3) The specific needs for which payments are being authorized.
 - (4) That the existence of a characteristic that is a barrier to the child's adoption without subsidy has been confirmed by the agency.
 - (5) That, until termination of financial assistance, the adoptive parents shall notify the child's agency immediately regarding the following:
 - (A) A change in their mailing address on record with the agency.
 - (B) The child begins to receive unearned income as specified at Section 35333(c)(2)(A).
 - (C) They are no longer responsible for the support of the child.
 - (D) They are no longer supporting the child.

35337	CONTENT OF THE ADOPTION ASSISTANCE AGREEMENT (Continued)	35337
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- (6) That a failure to report the changes specified in Sections 35337(a)(5)(B) through (D) may result in an overpayment which would be recovered by a direct charge or a reduction in current and future AAP benefits.
- (7) That continuation of payment depends upon continued legal responsibility of the adoptive parents for the support of the child and upon continued receipt by the child of that support.
- (8) That the AAP benefit will be reduced if the AAP benefit amount exceeds the foster care maintenance payment that would have been made if the child had remained in a foster family home.
- (9) That the AAP benefit may be reduced if the child receives other unearned income as specified in Section 35333(c)(2)(A).
- (10) That the child is eligible for Medi-Cal services.
- (11) That the child is eligible for services provided pursuant to Title XX of the federal Social Security Act.
 - (A) Title XX services are public social services as described under MPP Sections 30-000 and 31-000.
- (12) The procedure for reassessment of the AD 4320.
- (13) That the agreement remains effective regardless of the state in which the adoptive parents reside.
- (14) Any additional services and assistance which are to be provided as part of the agreement.

NOTE: Authority cited: Sections 10553, 10554, and 16118, Welfare and Institutions Code. Reference: 42 USC 673, 695; 45 CFR 1356.40; Sections 14051, 16120, 16120.05, 16121 and 16121.05, Welfare and Institutions Code.

ADOPTIONS PROGRAM REGULATIONS**Regulations****AAP/AAC****35339**

35339 DEFERRED PAYMENT OF AAP**35339**

- (a) When the effective date of payment is not known because a child has a mental, physical, medical or emotional condition which does not require current benefits but which could require future benefits, the Adoption Assistance Program Agreement form (AD 4320) shall indicate that the family may request benefits to meet needs associated with the condition at an unspecified future date.
- (1) The existence of a condition which does not require current benefits shall be certified by a licensed professional competent to make an assessment of the condition and operating within the scope of his or her profession.
 - (2) A history which is likely to lead to a future mental, physical, medical or emotional condition shall be considered as such a condition.
 - (3) The requirement set forth in Section 35333 shall be used to determine payment amount and duration if the family requests AAP benefits.
 - (4) An AD 4320 shall be used to record the revised agreement.

NOTE: Authority cited: Sections 10553 and 16118, Welfare and Institutions Code; Section 1530, Health and Safety Code. Reference: Sections 16118, 16120, 16121, and 16121.05, Welfare and Institutions Code; 42 USC Sections 673 and 675.

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**SUBCHAPTER 7 ADOPTION ASSISTANCE PROGRAM/AID
FOR THE ADOPTION OF CHILDREN (AAP/AAC)****Article 5. AAP Payment Authorization****35341 PROCEDURES FOR INITIATION OF PAYMENT 35341**

- (a) The responsible public agency shall provide the county responsible for payment with information necessary to allow the county to issue AAP payments and authorize the issuance of Medi-Cal cards.
- (1) AAP payments shall not begin before the Adoptive Placement Agreement (AD 907) and the Adoption Assistance Program Agreement (AD 4320) are signed.
 - (2) When the beginning date of payment is known, the agency shall complete and send the following forms to the county:
 - (A) Payment Instructions for Adoption Assistance Program (AAP 2),
 - (B) Eligibility Certification - Adoption Assistance Program (AAP 4)
 - (C) If a Medi-Cal eligible child is enrolled in private health coverage, a Health Insurance Questionnaire (DHS 6155) and
 - (D) Income and Property Checklist for Federal Eligibility Determination - Adoption Assistance Program (FC 10).
 - (3) The child's adoptive name shall be used on the AAP 2, AAP 4, and FC 10 and all related correspondence with the county.

HANDBOOK BEGINS HERE

- (A) The AAP 2 initially triggers the creation of a new county payment case record that, for reasons of confidentiality, must in no way identify former county case records, names or numbers.
 1. Welfare and Institutions Code Section 16118(e) is located at Section 35325(d)(1).

HANDBOOK ENDS HERE

35341	PROCEDURES FOR INITIATION OF PAYMENT (Continued)	35341
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(b) Upon receipt of the AAP 2, the county shall issue payments as instructed.

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- (1) Eligibility and Assistance Standards (EAS) 45-804.322 states: "EAS 45-804.322: The initial payment shall be delivered to the adoptive parent(s) no later than 20 days after the date on which the county receives the Payment Instructions - Adoption Assistance Program form (AAP 2) from the agency authorizing payment."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 16118, Welfare and Institutions Code; and Section 1530, Health and Safety Code. Reference: Section 16118, Welfare and Institutions Code and 42 USC 673.

**SUBCHAPTER 7 ADOPTION ASSISTANCE PROGRAM/AID
FOR THE ADOPTION OF CHILDREN (AAP/AAC)****Article 6. AAP Reassessment****35343 PROCEDURES FOR REASSESSMENT OF THE CHILD'S NEEDS 35343**

- (a) A reassessment process shall be completed by the agency which authorized the initial payment either:
- (1) During the 90-day period prior to the end of each payment authorization period specified in Section 35333(h).
 - (A) The process shall not be completed if the child is no longer eligible due to age.
 - (2) Prior to the 90-day period at the request of the adoptive parent or if the agency learns that the current AAP grant may no longer be appropriate because:
 - (A) The adoptive parents may no longer be legally responsible for the support of the child.
 - (B) The adoptive parents may no longer be supporting the child.
 - (C) The adoption assistance benefit may exceed the amount for which the child would have been eligible in a licensed foster family home.
 - (D) Repealed by CDSS Manual Letter No. AD-01-01, effective 9/6/01.
- (b) The reassessment process shall include the following steps:
- (1) The county responsible for payment shall mail the adoptive parent(s) the Reassessment Information Adoption Assistance Program form (AAP 3) as specified in CDSS Manual of Policies and Procedures, Eligibility and Assistance Standards Section 45-805.1.

HANDBOOK BEGINS HERE

- (A) MPP Section 45-805.1 states: "EAS 45-805.1: The county shall mail the adoptive parent(s) the Recertification Information -Adoption Assistance Program form (AAP 3) at least 60, and not more than 90, calendar days prior to the date recertification is due and shall document in the case record the date such form was mailed."

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- (B) The adoptive parent(s) shall return the AAP 3 to the agency which authorized the initial payment.

35343	PROCEDURES FOR REASSESSMENT OF THE CHILD'S NEEDS (Continued)	35343
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- (2) After the public adoption agency receives the completed AAP 3 from the adoptive parents, the agency shall determine the procedure, as listed below, to follow in order to complete the reassessment process:
 - (A) If the adoptive parents select box 1 on the AAP 3 indicating they no longer wish to receive an AAP benefit for their child, the agency shall follow the procedures as specified in Section 35339 for completing a deferred payment agreement.
 - (B) If the adoptive parents select box 2 on the AAP 3 indicating they request the AAP benefit to continue at the current level, the agency shall complete and send a Payment Instructions Adoption Assistance Program (AAP 2) form to the county within five working days of completing the reassessment process.

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- 1. MPP Section 45-805.3 states: "EAS 45-805.3: The county shall not provide assistance beyond the end of the last month of payment indicated on the Payment Instructions - Adoption Assistance Program form (AAP 2) unless continued assistance is authorized by the agency on a subsequent AAP 2."

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- (C) If the adoptive parents select box 3 requesting an increase in the amount of the AAP benefit, the adoptive parents shall provide written documentation of the child's special needs justifying the increase. This documentation must be sufficient so as to assist the agency in determining whether or not the increase is warranted. The agency may require additional information as necessary.
 - 1. The agency shall base the reassessment of the child's needs and required level of care and supervision on the following information:
 - a. Information provided by the adoptive parents.
 - b. Information about the child based on application of the county's foster care specialized care assessment instrument.
 - 2. The responsible public agency shall follow the procedures in Section 35333(c) in determining the new maximum AAP benefit amount.
 - 3. If the agency determines that a change in the amount of payment appears appropriate, the adoptive parents' concurrence shall be obtained prior to changing the amount of payment.

ADOPTIONS PROGRAM REGULATIONS**Regulations****AAP/AAC****35343 (Cont.)**

35343**PROCEDURES FOR REASSESSMENT OF THE CHILD'S NEEDS**
(Continued)**35343**

- a. The adoptive parents' concurrence is not required by law if the payment amount is changed to prevent the payment from exceeding the maximum payment amount specified in Section 35333(c)(1).
- 4. The agency and the adoptive parents shall complete an AD 4320 which indicates that the agreement is an amendment to the initial AD 4320.
 - a. If the agency and the adoptive parents are unable to agree on the amount of the AAP benefit, the agency shall complete an AAP 2 instructing the county to send a Notice of Action to the adoptive parents indicating that the request for additional AAP benefits is denied and that the AAP benefit will continue at the prior rate. The agency shall specify the reason for denial as "The agency and the family cannot agree on benefits."

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- b. If the adoptive parent does not agree with the change in the AAP benefits, the parent may request a state hearing as instructed on the Notice of Action pursuant to MPP Section 22-004.

HANDBOOK ENDS HERE

- 5. The agency shall complete and send a Payment Instructions Adoption Assistance Program (AAP 2) form to the county within five working days of completing the reassessment process.

HANDBOOK BEGINS HERE

- a. MPP Section 45-805.3 states: "EAS 45-805.3: The county shall not provide assistance beyond the end of the last month of payment indicated on the Payment Instructions - Adoption Assistance Program form (AAP 2) unless continued assistance is authorized by the agency on a subsequent AAP 2."

HANDBOOK ENDS HERE

- (D) If the adoptive parents select box 4 requesting a decrease in the amount of the AAP benefit, the agency and the adoptive parents shall complete an AD 4320 which indicates that the agreement is an amendment to the initial AD 4320.

35343	PROCEDURES FOR REASSESSMENT OF THE CHILD'S NEEDS (Continued)	35343
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1. The agency shall complete and send a Payment Instructions Adoption Assistance Program (AAP 2) form to the county within five working days of completing the reassessment process.
- (E) If the adoptive family fails to return the AAP 3 within the 90 days before the end of the payment authorization period, the agency shall conclude that the family does not want to continue receiving assistance.
 1. If the family returns the AAP 3 within 30 days after the expiration of the 90-day period, the effective date of renewal shall be the last day of the 90-day period.
 2. If the family takes more than 30 days after the expiration of the 90-day period to return the AAP 3, the effective date of renewal shall be the date on which assistance was requested in writing.
- (3) The agency shall complete and send a Health Insurance Questionnaire (DHS) 6155 if the child is Medi-Cal eligible and has private health coverage.

NOTE: Authority cited: Sections 10553 and 16118, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 16120, 16121 and 16121.05, Welfare and Institutions Code and 42 USC 673.

**SUBCHAPTER 7 ADOPTION ASSISTANCE PROGRAM/AID
FOR THE ADOPTION OF CHILDREN (AAP/AAC)****Article 7. AAP Overpayments****35344 PROCEDURES FOR IDENTIFICATION AND RECOVERY OF OVERPAYMENTS 35344**

- (a) An overpayment of Adoption Assistance Program (AAP) benefits may exist in the following situations:
- (1) The adoptive parent receives aid after the child becomes ineligible for assistance because:
- (A) The child has attained 18 years of age, or, if the agency has determined that the child has a mental or physical condition which warrants the continuation of assistance, 21 years of age.
- (B) The adoptive parent is no longer supporting the child.

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1. Example: The child moves to the home of an adoptive relative and the adoptive parent does not provide support to the child in the relative's home.
2. Example: The adoptive parent fails to utilize assistance being provided to pay the cost of an out-of-home placement to pay that cost.

HANDBOOK ENDS HERE

3. The parent may reestablish eligibility by resuming support of the child.
- (C) The adoptive parent is no longer legally responsible for the support of the child.

35344	PROCEDURES FOR IDENTIFICATION AND RECOVERY OF OVERPAYMENTS (Continued)	35344
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- (2) The adoptive parent has committed fraud in his or her application for, or reassessment of, the adoption assistance benefit.
- (3) The AAP payment exceeds the foster care payment which would have been paid on behalf of the child if the child had not been placed for adoption.
- (b) The agency which authorized payment shall compute the overpayment amount as follows:
 - (1) Compute the correct AAP payment based on correct information for each month.
 - (2) Subtract the correct AAP payment from the amount of assistance actually provided.
- (c) The agency which authorized payment shall inform the county responsible for payment of the reason for the overpayment and the computation of the overpayment amount.
- (d) The county shall attempt to recover the overpayment as specified in MPP Section 45-806 and Section 45-808, which provides for recovery by grant adjustment, demand for repayment, or civil judgment.

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- (e) Overpayments determined to be caused by an adoptive parent's or out-of-home care provider's failure to report information may be referred to the county Special Investigative Unit described in MPP Section 22-007.1.

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NOTE: Authority cited: Sections 10553 and 16118, Welfare and Institutions Code. Reference: Sections 16120, 16121, and 16121.05, Welfare and Institutions Code.

**SUBCHAPTER 7 ADOPTION ASSISTANCE PROGRAM/AID
FOR THE ADOPTION OF CHILDREN (AAP/AAC)**

Article 8. Notice of Action

35345 WHEN NOTICE OF ACTION IS REQUIRED

35345

- (a) The agency responsible for authorizing payment shall notify the county responsible for payment by using the Payment Instructions Adoption Assistance Program form (AAP 2) regarding any of the following events which require that the county send the adoptive parent a Notice of Action (NOA):
- (1) Denial of request for adoption assistance benefits.
 - (2) Completion of a deferred payment agreement (Section II of the AD 4320).
 - (3) Authorization of the initial grant.
 - (4) Completion of the recertification process.
 - (5) Payment termination.
 - (6) An overpayment requiring collection.
 - (7) Any change in grant amount.

NOTE: Authority cited: Sections 10553 and 16118, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 16121.05, Welfare and Institutions Code and Sections 45 CFR, Sections 205.10 and 1355.30.

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**SUBCHAPTER 7 ADOPTION ASSISTANCE PROGRAM/AID
FOR THE ADOPTION OF CHILDREN (AAP/AAC)****Article 9. Continuation of Aid for the Adoption of Children (AAC)****35347 STATUTORY PROVISIONS FOR AAC****35347**

- (a) The agency shall follow the provisions of Welfare and Institutions Code Section 16121.05(d) for those adoption assistance agreements which were in effect prior to October 1, 1982.

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- (1) Welfare and Institutions Code Section 16121.05(d) states:

"Children on whose behalf an aid for adoption of children agreement had been executed prior to October 1, 1982, shall continue to receive aid for adoption of children benefits in accordance with the terms of that agreement. This aid for adoption of children agreement may be renewed, provided total benefits do not exceed five years. Prior to the end of the five-year period, if there is a continuing need related to a chronic health condition of the child which necessitated the initial financial assistance, the time period for which it may be given, shall be determined by the department or the agency but shall not extend past the time that the child reaches 18 years of age. Prior to the expiration of the extension period, if there is a continuing need, a parent may petition the department or the designated licensed adoption agency for a new period of termination. The department or the agency, shall make its determination regarding the financial ability of the parents to meet the continuing medical needs of the child's health condition at the time of adoption, taking into consideration community resources."

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NOTE: Authority cited: Sections 10553, 10554, and 16118, Welfare and Institutions Code. Reference: Section 16121.05(d), Welfare and Institutions Code.

ADOPTIONS PROGRAM REGULATIONS**35349****AAP/AAC****Regulations**

35349**CHRONIC HEALTH CONDITION AND CONTINUATION OF THE AAC GRANT****35349**

- (a) For purposes of this section, a chronic health condition shall include one or more of the following conditions present at placement and of such nature as to make adoptive homes unavailable to the child without financial assistance:
- (1) Physical or mental disability present at birth or resulting from disease or injury.
 - (2) Emotional disturbance.
 - (3) History of either injury prior to adoptive placement, physical disease, or emotional disturbance which may manifest itself in some form of physical, mental, or emotional disability after completion of the adoption.

NOTE: Authority cited: Section 10553, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 16121, Welfare and Institutions Code.

SUBCHAPTER 7 ADOPTION ASSISTANCE PROGRAM/AID
FOR THE ADOPTION OF CHILDREN (AAP/AAC)

Article 10. Documentation of AAP Eligibility

35351 MAINTENANCE OF SEPARATE RECORDS 35351

- (a) To maintain confidentiality of the adoption case record, the agency shall maintain copies of the following documents separate from the adoption case record:
- (1) The Request for Adoption Assistance (AAP 1).
 - (2) The Eligibility Certification - Adoption Assistance Program (AAP 4), which verifies that the child meets the Adoption Assistance Program eligibility criteria specified in Section 35326.
 - (3) The following documents relating to the determination of Federal eligibility:
 - (A) Federal Eligibility Certification for Adoption Assistance Program (FC 8).
 - (B) Determination of Federal AFDC-FC Eligibility (FC 3).
 - (C) Income and Property Checklist for Federal Eligibility Determination - Adoption Assistance Program (FC 10).
 - (4) Documentation supporting the determination of the amount and duration of payment made pursuant to Section 35333.
 - (5) The initial Adoption Assistance Program Agreement (AD 4320).
 - (6) Completed reassessment documents, including:
 - (A) Reassessment Information - Adoptions Assistance Program (AAP 3).
 - (B) The Adoption Assistance Program Agreement (AD 4320) used as an amendment to the initial agreement.

35351	MAINTENANCE OF SEPARATE RECORDS (Continued)	35351
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- (7) Payment Instructions - Adoption Assistance Program (AAP 2).
- (8) All correspondence from the county, including notices of action.
- (9) State hearing decisions.
- (10) All AAP related correspondence from the adoptive parent, including supporting documentation submitted to the agency by the parent.
- (11) Any other correspondence relating to the determination of AAP eligibility or grant amount.

NOTE: Authority cited: Sections 10553 and 16118, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 16118, 16120 and 16120.05, Welfare and Institutions Code and 42 USC 671 and 673.

**SUBCHAPTER 7 ADOPTION ASSISTANCE PROGRAM/AID
FOR THE ADOPTION OF CHILDREN (AAP/AAC)****Article 11. Reimbursement for Nonrecurring
Adoption Expenses****35352 NOTIFICATION REQUIREMENTS FOR AGENCIES****35352**

- (a) The agency shall inform all applicants that:
- (1) Reimbursement for nonrecurring adoption expenses is available to adoptive parents who adopt an AAP-eligible child.
 - (2) Agreements entered into pursuant to this section shall meet the provisions of Section 35352.1(a)(7).
 - (3) Agreements must be signed at the time of or prior to the final decree of adoption.
 - (4) Claims for reimbursement must be filed with the agency responsible for payment of AAP benefits within two years of the date of the final decree of adoption.

NOTE: Authority cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code.
Reference: Sections 16119 and 16120, Welfare and Institutions Code and 45 CFR 1356.41(e).

ADOPTIONS PROGRAM REGULATIONS**35352.1****AAP/AAC****Regulations**

35352.1 ELIGIBILITY FOR REIMBURSEMENT**35352.1**

- (a) In order for a claim to be eligible for reimbursement, the responsible public agency shall:
- (1) Record in the case file that the adoption took place in compliance with applicable state and local laws.
 - (2) Record in the case file that the child for whose adoptive costs the parents are claiming reimbursement is an AAP-eligible child as defined in Section 35000(a)(1).
 - (3) Record in the case file that the placement meets the search requirements of Section 35327.
 - (4) Include verification in the case file that the expenses claimed were actual expenditures. "Verification" includes, but is not limited to, copies of the following:
 - (A) Canceled checks;
 - (B) Signed and dated receipts.
 - (5) Record in the case file that the expenses claimed meet the definition of "nonrecurring adoption expenses" as defined in Section 35000(n).
 - (6) Record in the case file that the adoptive parents have not received reimbursement for the claimed expenses from other sources. "Other sources" include, but are not limited to, the following:
 - (A) Reimbursement from employers;
 - (B) Income tax deductions.
 - (7) Ensure that all adoptive parents sign an agreement with the agency prior to finalization of the adoption. The content of all such agreements shall meet the requirements as follows:
 - (A) The agreement must indicate the nature and amount of the nonrecurring expenses to be paid.
 - (B) The agreement may be a separate document or part of an agreement for either state or federal adoption assistance payments or services.

ADOPTIONS PROGRAM REGULATIONS**Regulations****AAP/AAC****35352.1**

35352.1 ELIGIBILITY FOR REIMBURSEMENT**35352.1**

(Continued)

- (8) Limit the maximum reimbursement for nonrecurring adoption expenses to \$400.00 per placement of an AAP-eligible child.
- (A) Reimbursement for the adoptions costs incurred for the adoption of siblings shall be paid as follows:
1. Siblings placed for adoption either separately or as a unit are treated as individual placements with separate reimbursement for nonrecurring expenses up to the maximum amount allowable for each child.
- (9) Record in the case file that reimbursement for nonrecurring adoption expenses in interstate placements shall conform to the following:
- (A) When the adoption of the child involves interstate placement, the State that enters into an Adoption Assistance Agreement under Section 473(a)(1)(B)(ii) of the Social Security Act or under a state subsidy program will be responsible for paying the nonrecurring adoption expenses of the child. In cases where there is interstate placement but no agreement for other Federal or State adoption assistance, the State in which the Final Adoption Decree is issued will be responsible for reimbursement of nonrecurring expenses if the child meets the requirements of 473(c).
- (B) Interstate placements which do not comply with the Interstate Compact on the Placement of Children are not eligible for reimbursement.

NOTE: Authority cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code.
Reference: Section 16120.1, Welfare and Institutions Code and 45 CFR 1356.41.

ADOPTIONS PROGRAM REGULATIONS**35352.2****AAP/AAC****Regulations**

35352.2 AUTHORIZATION FOR REIMBURSEMENT**35352.2**

- (a) Pursuant to a determination that a claim for reimbursement for nonrecurring adoption expenses meets the eligibility criteria in Section 35352.1, the responsible public agency shall authorize the appropriate county to reimburse the adoptive parents.
- (1) The county responsible for reimbursement shall be the county responsible for the child's Adoption Assistance Program (AAP) payment.
- (A) In cases in which the adoptive parents have elected not to receive AAP payments, the county responsible for reimbursement shall be the county that would otherwise provide the child's AAP payment.

NOTE: Authority cited: Sections 10553, 10554, and 16120.1(a), Welfare and Institutions Code.
Reference: Section 16120.1, Welfare and Institutions Code and 45 CFR 1356.41(g).

35352.3 AGENCY REQUIREMENTS FOR REIMBURSEMENTS**35352.3**

- (a) The county responsible for the child's Adoption Assistance Program (AAP) payment shall be the county responsible for the direct reimbursement to that child's adoptive parents for their nonrecurring adoption expenses as required by Welfare and Institutions Code Section 16120.1. This reimbursement shall be separate from the child's AAP payment as required by Welfare and Institutions Code Section 16120.1(d).

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- (1) Welfare and Institutions Code Section 16120.1, in pertinent part, states:
- (A) "Upon the authorization of the department or, where appropriate, the county responsible for determining the child's Adoption Assistance Program eligibility status and for providing financial aid, the responsible county providing adoption assistance program payments shall directly reimburse eligible individuals for reasonable nonrecurring expenses, as defined by the department, incurred as a result of the adoption of a child eligible for the Adoption Assistance Program.... Reimbursements shall conform to the eligibility criteria and claiming procedures established by the department...."

HANDBOOK CONTINUES

35352.3	AGENCY REQUIREMENTS FOR REIMBURSEMENT (Continued)	35352.3
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HANDBOOK CONTINUES

- (2) Welfare and Institutions Code Section 16120.1(d) states:
- (A) "Reimbursement for nonrecurring expenses shall be in addition to any adoption expenses paid pursuant to Section 16121 and shall not be included in the computation of maximum benefits for which the family is eligible pursuant to Section 16121."

HANDBOOK ENDS HERE

- (b) The state shall reimburse counties for payments made to adoptive parents of AAP eligible children as mandated by Welfare and Institutions Code Section 16120.1.

HANDBOOK BEGINS HERE

- (1) Welfare and Institutions Code Section 16120.1, in pertinent part, states:
- (A) "...The State shall provide payment to the county for the reimbursement...."

HANDBOOK ENDS HERE

- (c) Reimbursement for nonrecurring adoption expenses is contingent upon the ongoing existence of the federal program for these reimbursements as mandated by Welfare and Institutions Code Section 16120.1(c).

HANDBOOK BEGINS HERE

- (1) Welfare and Institutions Code Section 16120.1(c), in pertinent part, states:
- (A) "...No payments shall be made under this section if the federal program for reimbursement of nonrecurring expenses for the adoption of children eligible for the Adoption Assistance Program pursuant to Section 673 of Title 42 of the United States Code is terminated."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 16118(a), Welfare and Institutions Code. Reference: Section 16120.1, Welfare and Institutions Code.

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