



CDSS

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DEPARTMENT OF SOCIAL SERVICES

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ARNOLD SCHWARZENEGGER
GOVERNOR

February 26, 2010

ALL COUNTY LETTER NO. 10-08

TO: ALL COUNTY WELFARE DIRECTORS
ALL CDSS ADOPTIONS DISTRICT OFFICES
ALL COUNTY PLACEMENT SUPERVISORS
ALL ADMINISTRATIVE LAW JUDGES
ALL LICENSED ADOPTION AGENCIES
ALL ADOPTION SERVICE PROVIDERS

SUBJECT: ADOPTION ASSISTANCE PROGRAM

REFERENCE: Federal Law: Social Security Act, Title IV-E, Section 473;
The Fostering Connections to Success and Increasing
Adoptions Act of 2008;
Administration on Children, Youth and Families, Children's Bureau:
ACYF-CB-PI-09-10 (8/26/09)

State Law: Welfare and Institutions Code Sections 16120
and 16121

All County Letter 09-51, Dated September 29, 2009

The purpose of this All County Letter (ACL) is to provide information and instruction on the effect of the 2009/10 Budget Act, Assembly Bill (AB) X4 4 (Chapter 4, Statutes of 2009). A provision of this bill terminates the age-related increases for the Adoption Assistance Program (AAP) payments, effective January 1, 2010. This ACL also provides information and instructions on the enactment of The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) as it relates to AAP eligibility.

I. TERMINATION OF AGE INCREASES

Initial AAP agreements signed on or after January 1, 2010 will no longer be eligible to receive an AAP age-related increase. However, a family may request an AAP benefit

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

increase at any time, based on the reassessment of the child's needs and the circumstances of the family. The negotiated AAP increase is not to exceed the state-approved foster family home rate and any applicable specialized care increment the child would have received in foster care, pursuant to Welfare and Institutions Code (W&IC) Section 16121 (a).

Initial AAP agreements signed prior to January 1, 2010 will still be eligible to receive the AAP age-related increase upon request.

II. FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008 (PUBLIC LAW 110-351)

Public Law 110-351 gradually removes the path to Title IV-E AAP eligibility based on 1996 Aid to Families with Dependent Children (AFDC) income requirements. The “de-link” begins in Federal Fiscal Year (FFY) 2010 (beginning October 1, 2009). A child defined in the new law as an “applicable child” will no longer need to meet the 1996 AFDC income requirements to be eligible for Title IV-E funding. One of the purposes of Public Law 110-351 is to increase the population of children eligible for Title IV-E funding.

“Applicable Child”

An “applicable child” is a child who:

1. Meets the applicable age requirement anytime before the end of the FFY; or
2. A child who has been in foster care for at least 60 consecutive months; or
3. Is a sibling of an “applicable child,” if both are placed in the same prospective adoptive home.

Starting in FFY 2010, AAP agreements entered into for children who turn age 16 or older before the end of the FFY will no longer need to meet the 1996 AFDC income requirements to be eligible for Title IV-E funding. In each subsequent FFY, the age of an “applicable child” decreases by two years and thus, more children will be eligible each year for federal funding. Beginning October 1, 2017, the “applicable child” eligibility criteria will apply to children of all ages. The following chart provides an illustration of this process.

		FEDERAL FISCAL YEAR October 1 – September 30								
		2010	2011	2012	2013	2014	2015	2016	2017	2018
HIGHEST AGE ATTAINED BY THE CHILD DURING FISCAL YEAR	18+									
	17									
	16									
	15						Applicable Child			
	14						Revised Eligibility Criteria Apply			
	13						(sec 473(a)(2)(A)(ii))			
	12									
	11									
	10									
	9									
	8									
	7									
	6									
	5									
	4									
	3									
	2									
	1									
	0									

Examples of an “applicable child:”

A child is placed for adoption at age 15 in October 2009 and an AAP agreement is executed at the time of the adoptive placement. The child turns sixteen in April 2010. This child is an “applicable child” (The FFY 2010 is from October 1, 2009 to September 30, 2010).

A child who has been in foster care under the care of a Title IV-E agency for 60 consecutive months regardless of their age is an “applicable child.” The 60 consecutive months of care may occur at any time prior to execution of the AAP agreement.

A child who is a sibling of an “applicable child” is placed in the same prospective adoptive home. Regardless of this sibling’s age or time in foster care, the sibling becomes an “applicable child” by virtue of placement in the same home as his or her “applicable child” sibling.

One of Four Paths to Eligibility

To be eligible for Title IV-E funding, the “applicable child” must meet one of the four paths to eligibility:

1. The child is in the care of a public or private child placement agency or Indian tribal organization and is the subject of either one of the following:
 - a. An involuntary removal from the home in accordance with a judicial determination that continuation in the home would be contrary to the welfare of the child;
 - b. A voluntary placement agreement or voluntary relinquishment.
Note: There does not have to be a Title IV-E foster care maintenance payment made on behalf of an “applicable child,” nor a judicial determination that continuation in the home would be contrary to the welfare of the child.
2. The child has met all medical or disability eligibility requirements for federal supplemental security income (SSI) benefits.
3. The child was residing in a foster family home or child care institution with the child’s minor parent.
4. The child received AAP with respect to a prior adoption that dissolved.

It is important to note that the “applicable child” must meet one of the four stated paths to eligibility; the three part special needs determination; and the citizenship requirements, pursuant to W&IC Section 16120 (a) through (c); (k) and (l). All other AAP statutes and regulations pertain to an “applicable child.”

III. INQUIRIES

Please direct all AAP questions to the Adoptions Services Bureau, at (916) 651-8089.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division