
EFFECTIVE

Immediately upon receipt.

SUBJECT

1. Adoption Support Subsidy title IV-E funding eligibility changes.
2. Policy regarding adoption assistance funding following juvenile guardianship.
3. Policy regarding adoption assistance following a dissolved international adoption.

Reason: Compliance with the Fostering Connection to Success and Increasing Adoptions Act of 2008 [P.L. 110-351].

4. Clarification of felony conviction policy.

Reason: Compliance with title IV-E requirements.

**TITLE IV-E FUNDING
ELIGIBILITY
REQUIREMENTS**

Effective October 1, 2009, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P. L. 110-351) phases in revised title IV-E funding eligibility requirements for specific special needs children over a nine-year period. A special needs child to whom the revised eligibility requirements apply is referred to in the federal law as an **applicable child** (see Appendix).

In order to qualify for adoption support subsidy funded by title IV-E, a child who meets the state's special needs requirements must also meet either the **applicable child** or **not applicable child** requirements.

**Applicable Child
Requirements**

An **applicable child** is a special needs child who meets one or more of the following requirements immediately prior to finalization of the adoption:

- Meets the applicable age requirements (as indicated in the Appendix).

- Has been in foster care during any 60 consecutive months prior to the finalization of the adoption.
- Is a sibling to either such child if both are to have the same adoption placement.

The **applicable child** must also meet one of the following title IV-E funding eligibility requirements:

5. The child, at the time of the initiation of the adoption proceedings, was in the care of a public or private licensed child placing agency or Indian tribal organization pursuant to one of the following:
 - An involuntary removal in accordance with a judicial determination to the effect that it was contrary to the child's welfare to remain in the home.
 - A voluntary placement agreement or voluntary relinquishment.
6. The child meets all medical and disability requirements of Supplemental Security Income (SSI).
7. The child was residing in a foster family home or child care institution with his/her minor parent and the minor parent was removed from the home pursuant to either:
 - An involuntary removal in accordance with a judicial determination to the effect that it was contrary to the child's welfare to remain in the home.
 - A voluntary placement agreement or voluntary relinquishment.
8. The child was adopted and was determined eligible for title IV-E adoption assistance in a prior adoption and is available for adoption because the prior adoption has been dissolved or the child's adoptive parents have died. (The child must be re-determined to be a special needs child by DHS in order to be eligible for adoption assistance in the subsequent adoption.)

International Adoptions

Title IV-E prohibits the payment of title IV-E adoption assistance on behalf of an **applicable child** who is not a citizen or resident of the

United States (U.S.) and was either adopted outside the U.S. or brought to the U.S. for the purpose of being adopted.

Not Applicable Child Requirements

A special needs child who is referred to as a **not applicable child** is one to whom the revised title IV-E funding requirements do not apply and to whom the eligibility requirements in place prior to October 1, 2009 apply.

The special needs child must meet one of the following title IV-E funding pathways and one of the Judicial Determination requirements in order to receive title IV-E funding (42 USC 673):

IV-E Pathways

1. The child was eligible for the former Aid to Families with Dependent Children (AFDC) program* at the time of removal from the specified relative home.

* Based on the state's approved AFDC plan in effect 7/16/1996.
2. The child meets all of the medical or disability requirements for Supplemental Security Income (SSI) benefits.
3. The child is a child of a minor parent covered by title IV-E foster care payments.
4. The child was eligible for title IV-E adoption support subsidy in a previous adoption and the state has determined that the child continues to meet the special needs criteria. The manner of removal from the adoptive home is not relevant for a subsequent adoption.

Judicial Determination

The **not applicable child** must also meet one of the following:

- The child was removed from the home by a judicial determination that indicated it was contrary to the child's welfare to remain in the home.**
- The child was (all of the following):
 - Voluntarily relinquished to the state or a private non-profit agency.

- There was a petition to remove the child from the specified relative who voluntarily relinquished the child within 6 months of the date the child last lived with the specified relative.
- There was a subsequent judicial determination indicating that remaining in the home was contrary to the child's welfare.
- The child was removed by a valid voluntary placement agreement and title IV-E payments were made for the child during the voluntary placement.

**For children removed on or after 1/23/01, the judicial determination must be made in the first court order sanctioning the child's removal from the home. For children removed from their homes before 1/23/01, the contrary to the welfare determination must be made at the time of, or prior to, the initiation of the adoption proceedings.

Felony Convictions

Adult members of the adoptive household must not have any felony convictions for any of the following crimes:

- Child abuse/neglect.
- Spousal abuse.
- A crime against children (including child pornography).
- A crime of violence, including rape, sexual assault or homicide but not including other physical assault or battery.
- Within the last 5 years only, physical assault, battery or drug-related offense.

Note: Persons who have been convicted of any of the above felonies or a crime against children must not be approved for an adoption placement, regardless of funding source.

Adoption Following a Juvenile Guardianship

If a child was placed with a relative in juvenile guardianship, a determination of eligibility for adoption assistance will not consider the guardianship placement or assistance payments that were

made for the child. If the child was eligible for title IV-E adoption assistance prior to the juvenile guardianship, the title IV-E funding eligibility will be carried forward to adoption.

**Adoption
Following a
Dissolved
International
Adoption**

A child that is not a citizen or resident of the United States and was adopted outside of the U.S. or brought into the U.S. for the purpose of being adopted may be eligible for adoption assistance if the initial adoption of the child is dissolved and the child is subsequently placed into foster care. The child's circumstances must meet the state's special needs eligibility requirements.

EXHIBIT

TITLE IV-E FUNDING

APPLICABLE CHILD ELIGIBILITY CHART

		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		Not an applicable child –								
	6		Preexisting Eligibility Criteria								
	5		Apply								
	4				(sec. 473(a)(2)(A)(i))						
	3										
	2										
	1										
	0										

**MANUAL
MAINTENANCE
INSTRUCTIONS**