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SUBJECT Adoption Assistance Manual	BY  Jonathan Rubin, Deputy Secretary Office of Children, Youth & Families	

SCOPE:

County Commissioners and Executives
County Children and Youth Administrators
County Children and Youth Fiscal Officers

BACKGROUND/PURPOSE:

Previously, the documents listed below were issued by the Department of Human Services (DHS), Office of Children, Youth and Families (OCYF) and contained different aspects of guidance on Adoption Assistance eligibility. This bulletin consolidates the previously issued Adoption Assistance guidance and effectively replaces the following documents:

- Special Transmittal, Fostering Connections to Success and Increasing Adoption Act of 2008-Adoption Program Requirements
- Special Transmittal, Act 80 of 2012 and Act 91 of 2012, only the Act 80 policy concerning Adoption Assistance
- Special Transmittal, Family First Prevention Services Act of 2018 Adoption Assistance Program, Delay of the Aid to Families with Dependent Children (AFDC) Delink for Applicable Child
- Policy Clarification 3140-06-01, Child Eligibility regarding Adoption Assistance (Special Needs)
- Policy Clarification 3140-20-06, Planning and Financial Reimbursement Requirements for County Children and Youth Service Programs (Adoption Assistance Suspension)

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO: RA-ocyfitleiveqa@pa.gov

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Chapter 5
Title IV-E Adoption Assistance
Eligibility Policy

5.1 Overview of Title IV-E Adoption Assistance

1. Federal Title IV-E Adoption Assistance
2. State Adoption Assistance

5.2 Title IV-E Adoption Assistance Eligibility Determination

1. Age and Citizenship
2. Applicable Child Requirements
3. Special Needs Requirement

4. Non-recurring Expenses

5. Applicable Child Eligibility

6. Non-Applicable Child Pathways

5.3 Title IV-E Adoption Assistance Agreement

1. Contents of the Agreement
2. Determining maintenance payment rate

5.4 Title IV-E Adoption Assistance Termination and Suspension

5.5 Fair Hearings and Appeals

5.6 Private vs Independent Adoptions

Attachment A: CY-61A Determination of Eligibility of Adoption Assistance and Instructions

Attachment B: Model Adoption Assistance Agreements

Attachment C: Annual Evaluation Form

Attachment D: Model Information Regarding the Federal Adoption Tax Credit

Appendix A: Supplemental Security Income Determination Process

Appendix B: Adoption Assistance Eligibility Flow Chart

5.1 Overview of Title IV-E Adoption Assistance

The Federal Adoption Assistance and Child Welfare Act of 1980 established a program of financial and medical assistance to help promote adoptions from foster care, reduce financial barriers to adoption, and help adoptive families meet their adopted children/youth's needs. This adoption assistance is also called a subsidy and is available for children/youth who meet certain eligibility requirements, including that the child/youth is considered as having special needs due to their physical, mental, or developmental disabilities or because there are other factors that may make it harder to find an adoptive family. Some children/youth in foster care may have conditions that are the result of their early infant or childhood experiences. This may include physical or mental health disorders, learning difficulties, or related developmental delays that require ongoing treatment or specialized medical, therapeutic, or educational attention.

Federal and state funds support three types of Adoption Assistance:

- Adoption assistance may include a one-time payment to help cover at least a portion of adoption expenses, also known as nonrecurring expenses.
- If the child/youth is eligible, the adoptive family is entitled to receive ongoing monthly Adoption Assistance subsidy payments, while the child/youth is in their care and they are responsible for the child/youth.
- A child/youth who is eligible for Federal adoption assistance is entitled to receive both an adoption assistance subsidy and medical assistance (such as Medicaid) if the child/youth is adopted by a family that is deemed appropriate for that child/youth.

The Fostering Connections to Success and Increasing Adoptions Act, signed into law in October 2008, amended parts B and E of Title IV of the Social Security Act to connect and support relative caregivers, improve outcomes for children/youth in foster care, provide for Tribal foster care and adoption access, and improve incentives for adoption. The legislation authorizes states to claim federal funds for more children/youth with special needs. Starting in October 2009, OCYF and County Children and Youth Agencies (CCYA) were required to start phasing in an expansion of the Title IV-E Adoption Assistance Program to reach more eligible children/youth with special needs. The expansion began with older children/youth, children/youth who have already been in care for five years, and their siblings, as these children/youth are often the most difficult to place for adoption.

Apart from the new eligibility criteria, Fostering Connections also established two new requirements for receipt of federal adoption assistance funding. The first mandates agencies to inform prospective adoptive parents of the availability of the adoption tax credit. The Federal Adoption Tax Credit was developed to help families defray adoption costs and to promote adoption of foster care children/youth. The second requirement directs OCYF and the CCYA to assure that each child/youth, of compulsory school age, receiving Title IV-E Adoption Assistance is a full-time elementary or secondary school student, or is incapable of attending school due to a documented medical condition.

Once the CCYA determines that the adoptive child/youth is eligible to receive assistance through the Adoption Assistance Program, an Adoption Assistance Agreement must be negotiated with the adoptive family and signed by the adoptive parents and the agency prior to the final decree of adoption. All benefits that an adoptive child/youth is eligible to receive must be outlined in the Adoption Assistance Agreement as discussed in Section 5.3.

Unlike Title IV-E Foster Care funding, once a child/youth has been determined eligible for Title IV-E Monthly Adoption Assistance, the agency does not have to re-determine eligibility for Adoption Assistance.

5.1.1 Federal Title IV-E Adoption Assistance

Once the CCYA determines that the child/youth meets the age and citizenship requirements, the next steps are to determine applicable child status and to determine if special needs criterion are met. The CCYA must then determine whether the child/youth is entitled to Title IV-E or State Adoption Assistance. For those children/youth meeting Title IV-E eligibility requirements, the state can claim federal Title IV-E funding for the child/youth's adoption assistance subsidy.

The health care portion of the Adoption Assistance Program is provided through Medicaid. Those children/youth eligible for Title IV-E Adoption Assistance are automatically eligible for Medicaid (Title XIX).

5.1.2 State Adoption Assistance

For those children/youth who do not qualify for federal Title IV-E funding, there are state and county funds available to pay for their assistance. The Pennsylvania Adoption Opportunities Act, approved on December 30, 1974, provides financial assistance for children/youth who have special needs but do not qualify for Title IV-E monthly payments. The Adoption Opportunities Act provides an adoption subsidy (referred to in this manual as State Adoption Assistance), which may include maintenance costs; medical, surgical, and psychological expenses (State Medicaid); and other costs relative to the adoption.

State reimbursement of county agency costs for adoption assistance shall be 80% of one of the following: (1) Adoption assistance payments or non-recurring adoption expenses, or both, when the child/youth is not eligible for Federal Financial Participation (FFP). (2) When the child/youth is eligible for FFP, the remainder of costs for adoption assistance payments or nonrecurring adoption expenses, or both, after FFP has been deducted.

Children/Youth eligible for State Adoption Assistance are automatically eligible for Medicaid (Title XIX) while they are residing in Pennsylvania. Children/youth eligible for State Adoption Assistance who move out of Pennsylvania must apply for Medicaid in the state where they are residing. It is at the discretion of the receiving state if Medicaid will be authorized for children/youth not eligible for Title IV-E Adoption Assistance.

Federal vs. State Eligibility Criteria

Federal Title IV-E Eligibility Criteria	State Only Eligibility Criteria
Child/Youth is under 21 years old; and	Child/Youth is under 21 years old; and
Child/Youth meets citizenship requirements; and	Child/Youth meets citizenship requirements; and
Child/Youth meets applicable or non-applicable criteria and corresponding eligibility requirements; and	Child/Youth meets special needs criteria; and
Child/Youth meets special needs criteria; and	Child/Youth must be in the placement care and responsibility of the CCYA or DHS approved private agency; and
The adoptive parent(s) and all household members 18 and older (a Pennsylvania-specific requirement) have all required clearances AND have a favorable, approved home study completed within three years prior to the adoption finalization.	Child/Youth must have been in foster care for a minimum of six months.
The Adoption Assistance agreement was signed prior to the final adoption decree being issued.	The adoptive parent(s) and all household members 18 and older have all required clearances and have a favorable, approved home study completed within three years prior to the adoption finalization.

5.2 Title IV-E Adoption Assistance Eligibility Determination

The CCYA is responsible for determining the adoption assistance eligibility of every adoptive child/youth. The agency must determine a child/youth's eligibility for the Adoption Assistance Program when the child/youth is placed in an adoptive placement (or when a foster care placement becomes an adoptive placement) and the adoption finalization court hearing has been scheduled. This requirement applies to all children/youth placed in adoptive placements whom the CCYA has been informed of, including those facilitated by independent or private agencies. The age, citizenship and special needs eligibility requirements outlined below must be met in either a Title IV-E or State-only funded adoption. CCYAs shall enter into adoption assistance agreements (as defined in section 475(3) of the Social Security Act) with the adoptive parents of children/youth with special needs.

The adoption assistance determination begins with determining if a child/youth meets applicable child requirements as this dictates the criterion for special needs and adoption assistance eligibility. Both applicable and non-applicable children may be eligible as meeting special needs requirements and therefore, potentially eligible for adoption assistance.

5.2.1 Age and Citizenship

To be eligible for Title IV-E or State adoption assistance, the child/youth must be under the age of 21 at the time of the adoption. Additionally, the child/youth must be a United States citizen or qualified alien. The definition of a qualified alien includes permanent residents, asylees, and refugees. Children/youth who are illegal aliens or undocumented immigrants are not eligible for adoption assistance since they are not qualified aliens.

Act 14 of 2019, formerly known as Act 80 of 2012, was reaffirmed on June 28, 2019, and amended the Adoption Opportunities Act and Kinship Care Act to allow for extension subsidies for adoption cases if certain criteria are met.

The Fostering Connections to Success and Increasing Adoptions Act was enacted with a focus on implementation of strategies to support youth as they transition to adulthood and to improve their self-sufficiency. States were given the option to claim Title IV-E funds for youth up to age 21. Youth who have adoption agreements effective when the youth was at least 16 years of age and older and meeting one of the following criteria, are eligible for Title IV-E claiming until age 21:

- Completing secondary education or an equivalent credential;
- Enrolled in an institution, which provides post-secondary or vocational education;
- Participating in a program actively designed to promote or remove barriers to employment;
- Employed for at least eighty hours per month; or
- Incapable of doing any of the activities described above due to a medical or behavioral health condition, which is supported by information provided to the CCYA.

Under Act 14 of 2019, Pennsylvania worked towards promoting permanency for youth aged 13 and older. The extension of State adoption assistance to youth between the ages of 18 and 21, if the adoption assistance agreement was finalized when the youth was age 13 or older and met one of the above-mentioned criteria that was enacted on June 30, 2012.

Refer to Attachment A, CY-61A instructions, for examples of acceptable documentation sources to support the age and citizenship criteria.

5.2.2 Applicable Child Requirements

The adherence to applicable child requirements determines the criterion for special needs and adoption assistance eligibility. Both applicable and non-applicable children may be eligible as meeting special needs requirements and therefore, potentially eligible for adoption assistance.

Fostering Connections legislation authorized states to claim federal Title IV-E funds for more children/youth with special needs. Beginning on October 1, 2009, Pennsylvania started phasing in an expansion of the Title IV-E Adoption Assistance Program to reach more eligible children/youth with special needs by delinking, over time, the eligibility for Title IV-E Adoption Assistance from AFDC requirements. The expansion began with older children/youth (see table below) and with children/youth who have been in care for 60 consecutive months and their siblings. These populations of children/youth are the most difficult to place for adoption. A child/youth that meets these requirements under Fostering Connections is considered an “applicable child”.

An applicable child who had previously been in a Title IV-E Subsidized Permanent Legal Custodianship (SPLC) is considered as if the guardianship had not occurred. Therefore, if the child/youth was in the care of a public or licensed private child placing agency immediately prior to the guardianship, the child/youth is considered to still be in the care of the agency for purposes of adoption assistance eligibility. This provision only applies to Title IV-E SPLC arrangements.

The term “applicable child” primarily relates to the age of the child/youth in the Federal Fiscal Year (FFY) that the adoption assistance agreement is entered into. A child/youth is considered an “applicable child” if the child/youth meets one of the criteria below.

OPTION 1

The child/youth has met the age requirements under Fostering Connections, as outlined in the chart below.

Example: The CCYA entered into an adoption assistance agreement on behalf of a 3-year-old on October 15, 2015. The child turned 4-years-old on January 3, 2016. Because the child turned four in FFY 2016, the applicable age during that fiscal year, the “applicable child” eligibility requirements apply.

OPTION 2

The child/youth has been in foster care under the care and responsibility of the CCYA for 60 consecutive months.

OPTION 3

The child/youth is a sibling of a child/youth who is an “applicable child” and is placed in the same adoptive placement as their sibling who meets the definition of “applicable child.”

As of October 1, 2017, all children/youth were considered “applicable children” under the Title IV-E adoption assistance program based on age. However, the Family First Prevention Services Act (FFPSA) revised the policy as stated in Fostering Connections to delay phasing in the full “applicable child” requirements based on the age of the child/youth.

Agencies may only apply the “applicable child” age requirements to children/youth who will reach at least age two by the end of the FFY their adoption assistance agreement was entered into from January 1, 2018 until June 30, 2024.

Adoption assistance agreements entered into prior to January 1, 2018 are not affected by the change that took place with FFPSA.

The table below incorporates the change made in FFPSA and demonstrates the phased-in approach to delink the Title IV-E adoption assistance program from AFDC based on the child/youth’s age by the end of the FFY their adoption assistance agreement was entered into.

Federal Fiscal Year	Applicable Age of Child
2010 (10/1/09-9/30/10)	16
2011 (10/1/10-9/30/11)	14
2012 (10/1/11-9/30/12)	12
2013 (10/1/12-9/30/13)	10
2014 (10/1/13-9/30/14)	8
2015 (10/1/14-9/30/15)	6
2016 (10/1/15-9/30/16)	4
2017 (10/1/16-9/30/17)	2
2018 (10/1/17-12/31/17)	Any Age
2018-2024 (1/1/18-6/30/24)	2 (Delay of AFDC Delink due to FFPSA)
2024 (7/1/24-or thereafter)	Any Age

For adoption assistance agreements entered into between January 1, 2018 and February 9, 2018, counties may claim Title IV-E allowable costs for children/youth who were determined eligible for adoption assistance as an “applicable child” at the time that the agreements were entered into but lost their eligibility as a result of the change made by FFPSA. These are children/youth who were eligible under the “applicable child” eligibility requirements in effect before FFPSA was passed, but who did not reach the age of two by the end of FFY 2018. To continue claiming adoption assistance subsidy payments beyond February 9, 2018, the child/youth must meet applicable child requirements through one of the other “applicable child” pathways and meet eligibility criteria or by meeting one of the “non-applicable child” eligibility pathways. Title IV-E administrative costs may be claimed for the full month during which the child/youth was eligible.

Refer to Attachment A, CY-61A instructions, for examples of acceptable documentation sources to support the applicable child criteria.

5.2.3 Special Needs Eligibility Determination

To qualify for adoption assistance, the CCYA must determine that the child/youth meets the special needs definition. The adoptive child/youth must meet all three of the special needs requirements listed below, prior to the finalization of the adoption to be eligible for federal or state adoption assistance:

- Child/youth is legally free for adoption;
- Specific factor or condition that makes it reasonable to conclude the child will not be adopted without Adoption Assistance and Medicaid (special needs characteristics); and
- Reasonable efforts were made to secure an adoptive placement for the child/youth without providing adoption assistance, unless making such an effort is not in the child's best interest.

5.2.3.a Child/Youth is Legally Free for Adoption

To be eligible for adoption assistance, the child/youth must be legally free for adoption. This criterion can be met through:

- Parental rights of both parents have been terminated by a court order;
- The child/youth has been voluntarily relinquished by both parents;
- The child/youth is orphaned by the deaths of both parents; or
- A combination of death and termination of parental rights.

If a parent is unknown, there must be a court order that terminates the rights of the unknown parent.

An appeal of the termination of parental rights does not negate the determination that the child/youth is legally free for adoption. The appeal does not preclude the adoptive family from receiving adoption assistance during the appeal process. Voluntary placement agreements are not sufficient to establish that the child/youth is free for adoption.

Termination of parental rights is not required for youth adopted between the ages of 18 and 21.

5.2.3.b Specific Factor or Condition Makes It Reasonable to Conclude the Child/Youth Will Not Be Adopted Without Adoption Assistance and Medicaid (Special Needs Characteristics)

For purposes of Adoption Assistance, a special needs characteristic is defined as a child/youth having a characteristic that leads to the reasonable conclusion that the child/youth could not be placed without providing Adoption Assistance. The CCYA must determine that the child/youth has one or more of the special needs characteristics listed below.

Special Needs Characteristics include:

- Child/Youth is five years of age or older.
- Child/Youth has a physical, mental, or emotional condition or disability.
- Child/Youth has a genetic condition indicating a high risk of developing a disease or disability.
- Child/Youth is a member of a minority group.
- Child/Youth is a member of a sibling group placed together in the same adoptive home.
- Meets the medical or disability requirements for Supplemental Security Income (SSI).
 - *This criterion is only an option for those determined to be an applicable child as outlined in 5.2.2.*

In determining the physical, mental, or emotional condition or disability of a child/youth, the CCYA must also address the pathogenic environment of the child/youth, which may include severe abuse, neglect, multiple placement/caretakers, etc. The pathogenic environment of the child/youth is that which causes disease or is capable of causing disease. The CCYA has the obligation to identify any pathogenic conditions present in the child/youth's history and provide the information to the adoptive family. A child/youth's exposure to traumatic events such as parental substance abuse, domestic violence, parental suicide, or homelessness is sufficient in meeting the requirement of a physical, mental, or emotional condition or handicap. In such situations where a child/youth is known to have experienced severe pathogenic environments, but is not currently exhibiting symptoms, the agency is to negotiate an Adoption Assistance agreement with a \$0 payment.

Therefore, it is the responsibility of the CCYA to identify any conditions or diseases present in the child/youth's history. If signs of a condition appear, the subsidy amount may be renegotiated, at the request of the family.

5.2.3.c Reasonable Efforts Were Made to Place the Child/Youth Without Adoption Assistance, Unless Making Such an Effort is Not in the Child/Youth's Best Interest.

"Reasonable efforts" to secure an adoptive placement before providing Adoption Assistance requires proof of any one of the following:

- Registration of the child/youth with the Pennsylvania Adoption Exchange;
- Referral of the child/youth to national adoption exchanges;
- Development of individual recruitment plans; or
- Special recruitment initiatives, i.e., television or newspaper.

Additionally, this criterion can be met if the child/youth has significant emotional ties to the prospective adoptive parents or the child/youth is being adopted by relatives.

It is not Pennsylvania's intent to delay placement while pursuing special recruitment efforts if an appropriate family is available who will require Adoption Assistance to adopt the child/youth. Once the most suitable family for the child/youth has been identified, the CCYA should ask the prospective parents if they are willing to adopt the child/youth without Adoption Assistance. If the prospective parents are unwilling to adopt the child/youth without Adoption Assistance, then the requirement of making reasonable efforts has been met.

Refer to Attachment A, CY-61A instructions, for examples of acceptable documentation sources to support the special needs criteria.

5.2.4 Non-Recurring Expenses

Every child/youth who meets the special needs criteria outlined in Section 5.2.3 is eligible for Title IV-E reimbursement of non-recurring adoption expenses.

“Non-recurring adoption expenses” is defined as the reasonable and necessary adoption fees, court costs, attorney fees and other expenses which are directly related to the legal adoption of a child/youth with special needs, which are not incurred in violation of State/Tribal or Federal law, and which have not been reimbursed from other sources or funds. Examples of non-recurring adoption expenses include but are not limited to:

- Home study fees;
- Court costs directly related to the legal adoption of the child/youth;
- Adoption attorney fees; and
- Other expenses directly related to the legal adoption of a child/youth with special needs for which parents carry the ultimate liability for payment, i.e., health and psychological examinations, consultations with child/youth's medical providers, transportation for the adoptive parents or the child/youth, criminal background clearances, and the reasonable cost of lodging and food for the child/youth and the adoptive parents when necessary to complete the placement or adoption process.

Adoptive families can receive up to \$2,000 for assistance with non-recurring expenses per special needs child/youth for each adoption episode. (For example, if they adopt two children/youth, they can receive up to \$4,000.) Adoptive families may be reimbursed up to \$2,000 in actual non-recurring expenses prior to or after the finalization of the adoption. Counties may not opt to create policy that limits reimbursement of these expenses at a lower amount. Counties are also prohibited from limiting any of the expense categories available to families under Title IV-E non-recurring expenses. The payments can be made directly to the adoptive parents or dually endorsed to the adoptive parent and the adoptive parents' attorneys.

A child/youth who meets either the Title IV-E or the State-only requirements for adoption assistance may be eligible for non-recurring adoption expenses under Title IV-E reimbursement if the child/youth meets the special needs requirements, including reasonable efforts, in Section 5.2.3.

5.2.5 Title IV-E Adoption Assistance Applicable Child Eligibility

If the agency determines a child/youth to be an “applicable child” with special needs, as outlined in Section 5.2.2, the agency must also determine if the child/youth meets one of the four following eligibility requirements in order to be eligible for a Title IV-E adoption subsidy:

1. The child/youth meets specific requirements at the initiation of adoption proceedings: the child/youth, at the time of the initiation of adoption proceedings, was in the care of the CCYA or a DHS licensed private child placement agency or Indian tribal organization pursuant to:
 - An involuntary removal in accordance with a judicial determination to the effect that it was Contrary to the Welfare/Best Interest (CTW/BI) of the child/youth to remain in the home; or
 - A Voluntary Placement Agreement (VPA) or voluntary relinquishment. Please note that for an “applicable child,” there does not have to be a Title IV-E payment made under a voluntary placement agreement.

2. The child/youth meets medical or disability requirements (not the needs-based requirement) for SSI.
 - For the purposes of determining whether an applicable child who is a special needs child/youth is eligible for Title IV-E adoption assistance through the SSI pathway, the Title IV-E agency may make the determination that the child/youth meets the medical or disability requirements for SSI benefits. The Title IV-E agency is not making an SSI eligibility determination on behalf of the child/youth, as that responsibility lies with the Social Security Administration (SSA) and that includes a financial eligibility component. Rather, the Title IV-E agency is responsible for Title IV-E adoption assistance eligibility determinations, and therefore the agency is permitted to make the determination that the child/youth meets the medical or disability requirements for SSI benefits for Title IV-E eligibility purposes.
 - i. Refer to Appendix A: Supplemental Security Income Process for information related to the CCYA determination of the medical and disability requirements for SSI.
3. The child/youth had resided in a foster family home or childcare institution with the child/youth's minor parent, and the child/youth's minor parent was placed in such foster family home or childcare institution pursuant to:
 - an involuntary removal of the child/youth from the home in accordance with a judicial determination of CTW; or
 - a VPA or voluntary relinquishment.
4. The child/youth was eligible for Title IV-E Adoption Assistance in a prior adoption.

5.2.6 Title IV-E Adoption Assistance Non-Applicable Child Eligibility

If the child/youth does not meet the applicable child requirements outlined in Section 5.2.2, the child is considered a "non-applicable" child. For a "non-applicable" child to be eligible for federal Title IV-E Monthly Adoption Assistance, the child/youth must meet at least one of the following criteria:

- The child was eligible for AFDC at the time of removal and certain removal requirements were met;
- Is eligible for SSI;
- Is the child/youth of a Title IV-E eligible minor parent; or
- Received Title IV-E Adoption Assistance in a previous adoption.

5.2.6.a AFDC Eligibility

A child/youth is eligible for Title IV-E Monthly Adoption Assistance if the child/youth is determined to be eligible under AFDC at the time of removal from their home and entry into foster care. The child/youth's AFDC eligibility can be determined by examining the child/youth's initial Title IV-E Foster Care eligibility determination, CY-61 Determination of Eligibility of Foster Care. The following criteria must be met for the child/youth to meet AFDC criteria:

- The home of legal removal met specified relative requirements;
- The child/youth resided in the home of legal removal within six months prior to the eligibility month;
- The child/youth met the financial need and deprivation requirements for the eligibility month;
- For court ordered removals, the initial removal order contained CTW/BI language; or
- For VPA removals, the specified relative and agency representative signed and dated the VPA and at least one Title IV-E payment was made on behalf of the child/youth.

In addition, the child/youth must meet certain requirements based on how the child/youth was removed from the home and placed in the care of the county:

- Court ordered removal: If the child/youth is removed from the home pursuant to a judicial determination, the determination must indicate that it was CTW/BI for the child/youth to remain in the home. Given the federal requirements for meeting the eligibility requirements for AFDC relatedness occurs at the time of the child/youth's removal from the home, a child/youth does not have to be in receipt of Title IV-E placement maintenance payments to receive adoption assistance, nor does the child/youth have to be continuously reimbursable for Title IV-E foster care placement maintenance payments throughout the child/youth's custody episode prior to the initiation of adoption proceedings. Although required for Title IV-E Foster Care Assistance, a judicial determination regarding reasonable efforts to prevent removal or reunify the family is not required for Title IV-E Monthly Adoption Assistance.
- Voluntary Placement: If the child/youth is removed from the home pursuant to a VPA, the child/youth must have received Title IV-E foster care payments to be eligible for Title IV-E Monthly Adoption Assistance. Children/youth placed pursuant to a VPA under which a Title IV-E foster care maintenance payment is not made are not eligible to receive Title IV-E adoption assistance through the AFDC pathway.

Refer to Attachment A, CY-61A instructions, for examples of acceptable documentation sources to support AFDC eligibility.

5.2.6.b Eligible for SSI

A child/youth is eligible for Title IV-E monthly Adoption Assistance if at the time the adoption petition is filed the child/youth is eligible for SSI benefits.

A special-needs child/youth that meets the SSI eligibility requirements does not need to meet any other criteria to be eligible for Title IV-E monthly Adoption Assistance. Specifically, how a child/youth is removed from his or her home or whether the agency has responsibility for the child/youth's placement and care is irrelevant in this situation. Frequently, children/youth that are entitled to SSI find this benefit reduced or eliminated after adoption because parental resources and income exceed the maximum level determined by the SSI Program. The Title IV-E monthly Adoption Assistance

program is designed to provide a subsidy to the children/youth who potentially may become ineligible for SSI payments.

Unlike AFDC eligibility that is determined by the agency, only a designated SSA claims representative can determine SSI eligibility and provide the appropriate eligibility documentation to the agency under this pathway.

If a child/youth is eligible for Title IV-E Adoption Assistance and SSI, the child/youth may receive benefits from both programs. Concurrent receipt of SSI and Title IV-E Adoption Assistance is subject to the SSI rule that the SSI payment will be reduced dollar-for-dollar by the amount of the foster care payment.

5.2.6.c Child of a Title IV-E Eligible Minor Parent

When a minor parent in placement has been determined Title IV-E eligible, the additional cost of care for the child living in the same placement may be reimbursed through the minor parent's Title IV-E status. The child does not have a Title IV-E status when there is not a separate judicial removal order and the custody of the child remains with the minor parent.

Such children of minor parents are eligible for Title IV-E Monthly Adoption Assistance. The minor parent must be in foster care with the child and receiving Title IV-E foster care maintenance payments that cover both the minor parent and the child at the time the adoption petition is initiated.

There are no additional eligibility criteria that must be met in order for a child to be eligible for Title IV-E monthly Adoption Assistance. If the child and minor parent are in separate foster care placements prior to the time of the adoption petition, the child's eligibility for Title IV-E must be determined based on the child's current and individual circumstances.

5.2.6.d Received Title IV-E Adoption Assistance in a Prior Adoption

If the non-applicable child does not meet the criterion in 5.2.6.a through 5.2.6.c and the child/youth has received Title IV-E Adoption Assistance in a prior adoption where the adoptive parents died or the adoption dissolved, the child/youth is eligible for Title IV-E Adoption Assistance based on the prior adoption.

Prior to the finalization of the subsequent adoption, the child/youth needs to be determined as meeting the special needs requirements based on their current circumstances and needs. The child/youth's eligibility is treated as though their circumstances are the same as those prior to the previous adoption, with the exception of special needs, as described above. The child/youth's eligibility for Title IV-E Placement Maintenance is not to be taken into consideration in such circumstances.

At times, a dissolved adoption results in the child/youth returning to the biological parent. A child/youth who is adopted by a biological parent whose parental rights had been terminated is not eligible to receive federal or State Adoption Assistance.

5.3 Adoption Assistance Agreement

In order to be eligible for the Adoption Assistance Program, an Adoption Assistance Agreement must be negotiated with the adoptive family and signed by the adoptive parents and the agency prior to the final decree of adoption.

The Adoption Assistance Agreement is the legal document which specifies the terms governing the Adoption Assistance Program for each adoptive family. The determination of the child/youth's eligibility for either State subsidy or Title IV-E subsidy must be made prior to the development of the Adoption Assistance Agreement. The terms of the agreement are legally binding until the agreement ends, are terminated, or are modified (see Section 5.4). Any changes in the agreement must be approved by both the adoptive parent(s) and the administering county.

Additionally, under Fostering Connections Legislation, prospective adoptive parents must be notified of the availability of the adoption tax credit. The Federal Adoption Tax Credit was developed to help families defray adoption costs and to promote the adoption of foster care children/youth.

Adoption Assistance Begins on Effective Date of Agreement

Prospective adoptive parents may begin receiving adoption assistance on the effective date of the agreement which is on or after the date ALL the following criteria have been met:

- Child/Youth is legally free for adoption;
- Child/Youth is placed in the prospective adoptive home;
- The adoption agreement has been signed; and
- The adoption petition has been initiated.

Adoption Assistance Provided Prior to Effective Date of Agreement

If the CCYA chooses to provide payments to prospective adoptive parents prior to the effective date of the agreement, the payments must be made through the foster care maintenance program, not the Adoption Assistance Program. State and federal participation in foster care payments is subject to the same criteria whether a child/youth is in a pre-adoptive home or a foster family home. However, before the agency can claim Title IV-E foster care maintenance reimbursement, the pre-adoptive family must also be approved as a foster family. If the agency chooses to provide payments to a pre-adoptive home that is not also approved as a foster family home, payments must be provided through county funds only.

5.3.1 Contents of the Agreement

All benefits that an adoptive family is eligible to receive must be outlined in the Adoption Assistance Agreement. See Attachment B for an example agreement. The agreement must specify:

<p>1. The effective date of the agreement</p>
<p>The effective date of the agreement is the date on which prospective adoptive parents may begin receiving adoption assistance and/or Medicaid. If payments will be made the agreement must state the date the payments will begin.</p>
<p>2. The amount and schedule of payments</p>
<p>The agreement must state the amount of the monthly assistance payment the adoptive family is to receive. If a monthly subsidy is not required at the time the agreement is signed or renegotiated, the agreement must specify \$0 in order to allow for re-negotiation of the subsidy amount if circumstances of the child/youth or family should change. In addition, for a child/youth to receive Medicaid coverage, there must be an effective Agreement which must specify at least a \$0 monthly subsidy amount.</p>
<p>3. The length of time the agreement will be in effect</p>
<p>Generally speaking, the adoption assistance agreement is in effect until the youth reaches the age of 18 or 21 unless certain circumstances arise, such as the adoptive parents are no longer legally responsible, are no longer providing any support or the agreement specifies an earlier age.</p> <p>An agreement for adoption assistance subsidy and/or Medicaid will remain in effect regardless of the county or state in which the child/youth resides. If the family relocates to another state, changes that may occur in the payment for services in addition to the subsidy for a child/youth must be discussed in the agreement.</p>
<p>4. The circumstances under which the agreement may be terminated or suspended</p>
<p>Please refer to Section 5.4 for requirements regarding when the agreement may be terminated or suspended.</p>
<p>5. The availability and scope of medical assistance coverage</p>
<p>6. The availability and scope of social services under Title XX of the Social Security Act</p>
<p>7. The extent to which benefits for the child/youth will apply when the adoptive family resides in or relocates to another state while the agreement is in effect</p>
<p>The agreement should include a statement that an adopted child/youth certified eligible for Federal Title IV-E, eligibility for Medical Assistance and Title XX social service is retained if the adoptive family resides or relocates to another state while the agreement is in effect.</p>
<p>8. The circumstances that would cause a reduction in the amount paid</p>
<p>This type of stipulation must be made on a case-by-case basis with the concurrence of the adoptive parent(s). Counties cannot make blanket policies regarding terms that would reduce payments for all adoptive families.</p>
<p>9. Annual Evaluation</p>
<p>The adoption assistance agreement must specify that parents who receive adoption assistance benefits are required to inform the CCYA of changes in circumstances which may impact the receipt of benefits, such as receipt of SSI or relocation to another</p>

county/state/country. When appropriate, the CCYA should notify the County Assistance Office (CAO) of changes in the family's address. If the adoption assistance agreement is terminated the CCYA should notify the CAO of the date of termination. If a child/youth is residing outside of Pennsylvania, and an adoption assistance agreement is terminated, the CCYA should notify the Interstate Compact Office.

The CCYA is required to contact the adoptive parents annually to assess the child/youth's continued needs. Adoptive parents are to be contacted yearly by phone and/or mail in order to complete an *Annual Evaluation Form for Children in Receipt of Adoption Assistance*. Under Fostering Connections Legislation, the form must include confirmation that the child/youth (if compulsory school age and receiving Title IV-E Adoption Assistance) is a full-time school student or is incapable of attending due to a medical condition. The required form is located in Attachment C.

If an agency contacts a family by phone, the agency should also follow up by sending out the *Annual Evaluation Form for Children in Receipt of Adoption Assistance*, for the adoptive parent's signature(s). Although every effort should be made to involve the family in completing this form, the CCYA cannot automatically suspend the adoption assistance agreement if the parents refuse or decline to fill out the Annual Evaluation Form.

10. Information concerning additional services that are available to the child/youth, such as mental health or intellectual disability services, etc.

11. Acknowledgement that the adoption assistance agreement remains in effect if a family relocates outside the certifying county.

5.3.2 Determining Payment Rate

In determining the adoption assistance payment rate, the agency should consider what the daily per diem/cost would be if the child/youth remained in foster care. The amount of the adoption assistance payment cannot exceed the amount the child/youth would have received if the child/youth had been in a foster family home, but otherwise must be determined through agreement between the adoptive parents and the Title IV-E agency. Unlike other public assistance programs in the Social Security Act, the Title IV-E adoption assistance program is intended to encourage an action that will be a lifelong social benefit to certain children/youth and not to meet short-term monetary needs during a crisis. Further, the adoptive parents' income is not relevant to the child/youth's eligibility for the program. Title IV-E adoption assistance is not based upon a standard schedule of itemized needs and countable income. Instead, the amount of the adoption assistance payment is determined through the discussion and negotiation process between the adoptive parents and the CCYA based upon the needs of the child/youth and the circumstances of the family. The payment that is agreed upon should combine with the family's resources to cover the ordinary and special needs of the child/youth projected over an extended period of time and should cover anticipated needs, e.g., childcare. Anticipation and discussion of these needs are part of the negotiation of the amount of the adoption assistance payment.

Once a child/youth is adopted and determined to be eligible for Title IV-E adoption assistance, the adoption assistance payments may not be automatically adjusted without the agreement of the adoptive parents for any reason other than an across-the-board reduction or increase in foster care maintenance rates. The statute requires that the adoption assistance payment "take into

consideration the circumstances of the adopting parents and the needs of the child/youth being adopted, and may be readjusted periodically, with the concurrence of the adopting parents depending upon changes in such circumstances (section 473(a)(3) of the Social Security Act)." The agency would not be considering the unique circumstances of the child/youth and parents by automatically adjusting the subsidy. The agency may describe in the agreement specific circumstances such as those articulated in the question, that may warrant a future re-negotiation and adjustment of the payment. Agreements that are not negotiated to the specific needs of the adoptive child/youth and the circumstances of the family, however, are not permissible.

5.4 Title IV-E Adoption Assistance Termination and Suspension

Once a federal or state adoption assistance agreement is signed by all parties (namely, the adoptive parents and the CCYA representative) and in effect, it can be terminated under the following circumstances only:

- The youth has attained the age of 18 or 21.
- The adoptive parent(s) are no longer legally responsible for support of the child/youth who has not attained 18 years of age. A parent(s) is considered no longer legally responsible for the support of a child/youth when parental rights have been terminated or when the child/youth becomes an emancipated minor, marries, or enlists in the military.
- The adoptive parent(s) are no longer providing any support to the child/youth. "Any support" includes various forms of financial support; examples include payments for family therapy, tuition, clothing, maintenance of special equipment in the home, or services for the child/youth's special needs.
- The adoptive parent(s) request termination of the agreement.

Additionally, the agency must terminate an older youth's adoption assistance payment if it determines that the youth is not meeting the education or employment criteria. The agency must reinstate the adoption assistance payment if the youth once again meets the requirements. However, Medical Assistance is not affected when these youth are not meeting one of the five criteria.

Pursuant to long-standing federal Title IV-E policy, county agencies were prohibited from suspending federal or state adoption assistance payments because a suspension was equivalent to the termination of adoption assistance payments. The former adoption assistance suspension policy did not allow agencies the latitude to act when the agency was unsure or doubted that the parent was continuing to provide support to the child/youth. Following a Request for Comment in the Federal Register, 80 FR 17058 (March 31, 2015), revisions were made at the federal level that allows agencies to suspend adoption assistance payments in accordance with the guidance provided below.

An agency may suspend adoption assistance payments only when the adoption assistance agreement includes the language and the provisions of suspension, which are:

- The agency cannot establish that the adoptive parent(s) are providing support to the child/youth because the agency has not been able to establish contact with the parent(s); or
- The CCYA cannot establish that the adoptive parent(s) are legally responsible for support of the child/youth who has not attained 18 years of age.

An agency cannot reduce or suspend adoption assistance solely because of the adoptive parents' failure to reply to the agency's request for information, renewal, or recertification of the adoption assistance agreement. Once an eligible child/youth is receiving adoption assistance pursuant to an agreement, adoption assistance continues until either the adoptive parents concur to a change or one of the statutory conditions are met for termination of the assistance. Therefore, suspensions or reductions in an adoption assistance payment are not permitted without the concurrence of the adoptive parents unless the agency suspends the payment in accordance with the conditions in this policy clarification. The agency shall make and document their concerted efforts to contact the adoptive parent(s) to determine what support is provided to the child/youth. Concerted efforts include various methods to contact the adoptive parent(s), such as telephone calls, mailings, text, emails, and face-to-face.

The above circumstances for suspension should be included in adoption assistance agreements. The agency may re-negotiate previous adoption assistance agreements that did not include this language with the adoptive parent to include the circumstances under which the agency may suspend payments; however, the terms of an existing adoption assistance agreement may only be changed with the concurrence of the adoptive parent. If an adoptive parent declines to include such terms in an existing agreement, the agency may not suspend adoption assistance payments under that agreement.

In addition, agencies may only suspend adoption assistance payments in accordance with the fair hearing requirements detailed in 45 C.F.R. §205.10 (see Section 5.5). Before suspending a payment, the agency must timely and adequately provide notice to the adoptive parent, including:

- Mail notice of the intent to suspend the adoption assistance payments at least 45 days before the agency plans to suspend payments;
- The reasons for the intended suspension; and
- Describe the adoptive parents' right to request a fair hearing and continuation of the subsidy until a hearing decision is issued if the fair hearing is requested timely.

If the adoptive parent(s) contacts the agency while the subsidy payment is suspended and can provide documentation to show continued support of the child/youth during the period in question, subsidy payments may be reinstated.

While an adoption assistance payment is suspended, the child/youth remains eligible for the federal or state subsidy and associated medical benefits; i.e., suspension of payment does not end the child/youth's eligibility for the payment and associated medical benefits. The adoption assistance agreement remains in effect.

The agency may claim any Title IV-E adoption assistance administrative costs on behalf of a child/youth whose Title IV-E adoption assistance is suspended; i.e., the agency may continue to count the child/youth in the applicable Random Moment Time Study case counts.

5.5 Fair Hearing and Appeals

An adoptive family can request a fair hearing whenever a DHS, CCYA decision affects their child/youth's adoption assistance benefits. Allegations that constitute grounds for a fair hearing include:

- Relevant facts regarding the child/youth were known or should have been reasonably known by the public or private agency and were not presented to the adoptive parents before adoption finalization;
- Denial of assistance based upon a means test of the adoptive family;
- Adoptive family disagreement that a child/youth is ineligible for adoption assistance;
- Failure by the agency to advise potential adoptive parents about the availability of adoption assistance for children/youth in the state foster care system;
- Decrease in the amount of adoption assistance without agreement of the adoptive parents; and
- Denial of a request for a change in payment level due to a change in the adoptive parents' or child/youth's circumstances.

The family must file the appeal in writing within 30 calendar days of receiving written notice of an adverse decision from the CCYA. Upon receipt of the appeal, the CCYA shall date stamp the appeal and submit it with a copy of the agency action being appealed to the DHS Bureau of Hearing and Appeals within three working days. The bureau has exclusive authority to grant or dismiss the appeal. Any existing benefit in an adoption assistance agreement continues during the appeal process.

If the appeal is denied by the Bureau of Hearings and Appeals, the family may request, within 15 days of the denial, that the Secretary of Human Services reconsider the decision. The family may also file a Petition for Review with the Pennsylvania Commonwealth Court within 30 days of the mailing of the Bureau of Hearings and Appeals decision. Both of these options may be pursued at the same time.

The CCYA is responsible for ensuring the following:

- Explain to parents are how to file an appeal;
- If necessary, help the parents to complete the written appeal request;
- Explain that all oral appeal requests must be put in writing within three days of the appeal;
- Assure that the appellant has signed the appeal;
- Date stamp the appeal when it is received and review it to determine if its actions were correct in accordance with Departmental regulations and policies;
- Take steps to resolve the issue without a hearing; and
- Forward any appeals that are not resolved at the county agency level within three working days from the date the appeal was received and date stamped to:

Department of Human Services
Bureau of Hearings and Appeals
2330 Vartan Way, 2nd Floor
Harrisburg, PA 17110-9721

In situations where the final fair hearing decision is favorable to the adoptive parents, the CCYA must reverse the earlier decision to deny benefits. If the child/youth meets all the eligibility criteria, State or Federal Financial Participation (FFP) is available, beginning with the earliest date of the child/youth's eligibility in accordance with the eligibility policies established above.

This procedural protection, however, does not confer benefits which have no legal support or basis. Accordingly, adoption assistance is available only in those situations in which a fair hearing determines that the child/youth was wrongly denied benefits and the child/youth meets all eligibility requirements.

For example, if a fair hearing officer determines that a child/youth would have been SSI-eligible at the time the adoption petition is filed, assistance is available only if there had been eligibility documentation for the child/youth from the SSA, or its designee, at the time of the adoption petition.

5.6. Private vs Independent Adoptions

Adoption Assistance may also apply to independent and private adoptions. An independent adoption refers to an adoption that occurs with no agency involvement. A private adoption refers to an adoption of a child/youth that is in the care of an approved adoption agency licensed by the Department of Human Services rather than a child welfare agency.

If there is an adoption occurring privately between a biological parent and former foster parent, and the agency is not involved other than to facilitate the adoption, the child/youth is not considered to be "in care" for the purposes of adoption assistance eligibility.

It is highly improbable that a child/youth who is adopted through an independent adoption will be eligible for Title IV-E adoption assistance if the child/youth is not an "applicable child" since many of these children/youth are voluntarily relinquished at birth directly to an adoptive family. Children/Youth who are voluntarily relinquished are eligible only in certain limited circumstances and only when they are relinquished to the Title IV-E agency or another public agency (including Tribes without an approved Title IV-E plan) with which the Title IV-E agency has a Title IV-E agreement. The only exceptions are: (1) a child/youth who meets the eligibility criteria for SSI, and (2) a child/youth in a subsequent adoption, under specific circumstances, if s/he received Title IV-E adoption assistance in a previous adoption. If the Title IV-E agency determines that such child/youth is a child/youth with special needs, consistent with section 473(c) of the Act, the Title IV-E agency may not apply any further requirements or restrictions to the child/youth's eligibility for Title IV-E adoption assistance.

Attachments and Appendices

The attachments to the consolidated Adoption Assistance Manual bulletin may be updated separately.

Attachment A: CY-61A Determination of Eligibility of Adoption Assistance and Instructions

Attachment B: Model Adoption Assistance Agreements

Attachment C: Annual Evaluation Form

Attachment D: Model Information Regarding the Federal Adoption Tax Credit

Appendix A: Supplemental Security Income Determination Process

Appendix B: Adoption Assistance Eligibility Flow Chart

County:
Case #:

CY-61A: DETERMINATION OF ELIGIBILITY FOR ADOPTION ASSISTANCE

Section I: Demographic Information																										
1a. Child/Youth's Birth Name:	1b. Child/Youth's Adoptive Name:																									
1c. DOB:	1d. SSN:	1e. Pre-adoption MCI#:																								
1f. Effective Date of Adoption Assistance Agreement:	1g. Child/Youth's Age at the end of the fiscal year noted in 1f:																									
1h. Adoptive Parent's Name(s): Adoptive Parent's Address & Phone number:																										
1i. The adoptive parent(s) and all household members 18 and older have all required clearances AND have a favorable, approved home study completed within three years prior to adoption finalization? Y <input type="checkbox"/> N <input type="checkbox"/>	1j. Was the child/youth under age 21 at the time of adoption? Y <input type="checkbox"/> N <input type="checkbox"/>																									
	1k. Is the child/youth a United States citizen or qualified alien? Y <input type="checkbox"/> N <input type="checkbox"/>																									
If the answer to 1i is no, please complete Sections II and III to determine the child/youth's eligibility for non-recurring expenses and then proceed to Section VI. Do NOT complete Sections IV and V, the child/youth is NOT eligible for Title IV-E or State Adoption Assistance. If the answer to 1j OR 1k is No, proceed to Section VI. The child/youth is not eligible for non-recurring expenses or adoption assistance.																										
Section II: Applicable Child Determination																										
2a. Will the child/youth attain the applicable age before the end of the fiscal year in which the Adoption Assistance Agreement was executed? Y <input type="checkbox"/> N <input type="checkbox"/>																										
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: black; color: white;">Federal Fiscal year</th> <th style="background-color: black; color: white;">Applicable age</th> </tr> </thead> <tbody> <tr><td>2010 (10/01/09-09/30/10)</td><td>16</td></tr> <tr><td>2011 (10/01/10-09/30/11)</td><td>14</td></tr> <tr><td>2012 (10/01/11-09/30/12)</td><td>12</td></tr> <tr><td>2013 (10/01/12-09/30/13)</td><td>10</td></tr> <tr><td>2014 (10/01/13-09/30/14)</td><td>8</td></tr> <tr><td>2015 (10/01/14-09/30/15)</td><td>6</td></tr> <tr><td>2016 (10/01/15-09/30/16)</td><td>4</td></tr> <tr><td>2017 (10/01/16-09/30/17)</td><td>2</td></tr> <tr><td>2018 (10/01/17-12/31/17)</td><td>Any age</td></tr> <tr><td>2018-2024 (01/01/18-06/30/24)</td><td>2</td></tr> <tr><td>2024 (07/01/24-therafter)</td><td>Any age</td></tr> </tbody> </table>			Federal Fiscal year	Applicable age	2010 (10/01/09-09/30/10)	16	2011 (10/01/10-09/30/11)	14	2012 (10/01/11-09/30/12)	12	2013 (10/01/12-09/30/13)	10	2014 (10/01/13-09/30/14)	8	2015 (10/01/14-09/30/15)	6	2016 (10/01/15-09/30/16)	4	2017 (10/01/16-09/30/17)	2	2018 (10/01/17-12/31/17)	Any age	2018-2024 (01/01/18-06/30/24)	2	2024 (07/01/24-therafter)	Any age
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2018-2024 (01/01/18-06/30/24)	2																									
2024 (07/01/24-therafter)	Any age																									
2b. Has the child/youth been in foster care under the care and responsibility of the County Children and Youth Agency (CCYA) for 60 consecutive months? Y <input type="checkbox"/> N <input type="checkbox"/>																										
2c. Is the child/youth a sibling of an applicable child in 2a or 2b and is being placed in the same adoptive arrangement as said sibling? Y <input type="checkbox"/> N <input type="checkbox"/>																										
Is Yes answered for one or more questions 2a-2c? Y <input type="checkbox"/> N <input type="checkbox"/> If yes, the child/youth meets applicable child criteria. For all cases proceed to Section III.																										
Section III. Special Needs Determination																										
3a. Is the child/youth legally free for adoption? Y <input type="checkbox"/> N <input type="checkbox"/> If Yes, proceed to 3b.																										
3b. Does the child/youth have one or more of the special needs characteristics below? Y <input type="checkbox"/> N <input type="checkbox"/> If Yes, proceed to 3c. Check all that apply: <input type="checkbox"/> Physical, mental, or emotional condition <input type="checkbox"/> Member of a sibling group placed together <input type="checkbox"/> Genetic condition <input type="checkbox"/> Five years of age of older <input type="checkbox"/> Member of a minority group <input type="checkbox"/> *Meets the medical or disability requirements for Supplemental Security Income (SSI). *This criterion is only an option for those determined to be an applicable child in Section II																										
3c. Have reasonable efforts been made to place the child/youth without adoption assistance OR does the child/youth have a significant bond to the prospective adoptive parents OR is the child/youth being adopted by relatives? Y <input type="checkbox"/> N <input type="checkbox"/>																										
If the answers to 3a-3c are yes, the child/youth meets special needs criteria and is eligible for Title IV-E non-recurring expenses. Proceed to Section IV. If any of the answers to 3a-3c are no, the child/youth does not meet special needs criteria and is not eligible for Title IV-E non-recurring expenses or Title IV-E or State adoption assistance. Skip to Section VI.																										
Section IV. Title IV-E Adoption Assistance and Medicaid Eligibility																										
If the child/youth was determined to be an applicable child in Section II, please complete 4a-4h. If the child/youth was NOT determined to be an applicable child in Section II, complete only 4e-4h.																										
4a. Was the child/youth in the care of the CCYA or private agency licensed by PA Department of Human Services (DHS) at the time of the adoption proceeding pursuant to a court order containing a Contrary to the Welfare/Best Interest (CTW/BI) ruling OR a Voluntary Placement Agreement (VPA)/Voluntary Relinquishment? Y <input type="checkbox"/> N <input type="checkbox"/>																										
4b. Does the child/youth meet the medical or disability requirements for SSI? Y <input type="checkbox"/> N <input type="checkbox"/>																										
4c. Has the child resided with their minor parent in foster care and the child's minor parent was removed from the home and placed in foster care pursuant to a CTW/BI court order or a VPA/Voluntary Relinquishment? Y <input type="checkbox"/> N <input type="checkbox"/>																										
4d. Was the child/youth eligible for Title IV-E adoption assistance in a prior adoption? Y <input type="checkbox"/> N <input type="checkbox"/>																										

4e. Aid to Families with Dependent Children eligibility: Did all the following criteria apply at the time of the child/youth's removal from the home? Y <input type="checkbox"/> N <input type="checkbox"/> <ul style="list-style-type: none"> ✓ The home of legal removal met specified relative requirements. ✓ The child/youth resided in the home of legal removal within six months prior to the eligibility month. ✓ The child/youth met deprivation/financial need requirements in the eligibility month. ✓ For court ordered removals, the initial removal court order contained CTW/BI language OR ✓ For VPA removals, the specified relative signed and dated the VPA and at least one Title IV-E payment was made for the child/youth. 			
4f. Does the child/youth meet all requirements for SSI as determined by the Social Security Administration? Y <input type="checkbox"/> N <input type="checkbox"/>			
4g. Does the child reside with their minor parent in foster care and a Title IV-E payment has been made that covers both the minor parent and the child? Y <input type="checkbox"/> N <input type="checkbox"/>			
4h. Was the child/youth eligible for Title IV-E adoption assistance in a prior adoption and would not be eligible under 4e-4g in this adoption? Y <input type="checkbox"/> N <input type="checkbox"/>			
Applicable child (as determined in Section II): If at least one yes is selected between 4a-4d, the child/youth is eligible for Title IV-E Adoption Assistance and Medicaid. Proceed to Section VI. Non-applicable child (as determined in Section II): If at least one yes is selected between 4e-4h, the child/youth is eligible for Title IV-E Adoption Assistance and Medicaid. Proceed to Section VI. *If the child/youth is determined to be an applicable child in Section II, has at least one yes between 4a-4d and the responses to 4e-4h are no, the child/youth is an "applicable child only." * Please proceed to Section VI.			
If the responses to 4a-4h are all no, the child/youth is not eligible for Title IV-E Adoption Assistance. Please proceed to Section V.			
Section V. State Monthly Subsidy and Medicaid Determination			
5a. Is the child/youth in the placement care and responsibility of the CCYA or a licensed private agency approved by DHS? Y <input type="checkbox"/> N <input type="checkbox"/>			
5b. Did the child/youth reside in foster care for at least six months? Y <input type="checkbox"/> N <input type="checkbox"/>			
If both 5a and 5b are marked yes, the child/youth is eligible for State Monthly Subsidy and Medicaid. If either 5a or 5b is marked no, the child/youth is ineligible for State Monthly Subsidy and Medicaid. If the child/youth is being placed in an out of state adoption, please answer 5c, otherwise, proceed to Section VI.			
5c. If the child/youth is placed in an out of state adoption, the child/youth's case record indicates that the out of state adoption cannot be finalized without Medicaid due to the child/youth's special needs for medical or rehabilitative care and the county has fulfilled the requirements to document such a need. Y <input type="checkbox"/> N <input type="checkbox"/>			
If 5c is marked yes, the child/youth fulfills the documentation requirements for State Medicaid outside of PA. If 5c is marked no, the child/youth may NOT be eligible for Medicaid outside of PA. Proceed to Section VI.			
Section VI. CCYA Eligibility Summary			
<input type="checkbox"/> The child/youth is eligible for Title IV-E non-recurring expense reimbursement only.			
<input type="checkbox"/> The child/youth is eligible for Title IV-E Adoption Assistance, Medicaid, and non-recurring expenses. <input type="checkbox"/> The child/youth is an "applicable child only" as determined in Section IV.			
<input type="checkbox"/> The child/youth is eligible for State Adoption Assistance, State Medicaid, Title IV-E non-recurring expenses, and Medicaid outside of PA.			
<input type="checkbox"/> The child/youth is eligible for State Adoption Assistance, State Medicaid, Title IV-E non-recurring expenses, and MAY NOT be eligible for Medicaid outside of PA.			
<input type="checkbox"/> The child/youth is ineligible for Title IV-E non-recurring expenses, Title IV-E Adoption Assistance, State Monthly Subsidy, and associated Medicaid.			
Adoption Finalization Date: .			
Name (Please print)	Signature	Date	Phone
The completed CY61A must be forwarded to the County Assistance Office (CAO) for processing. If the adoptive parent(s) request a name change on the Medicaid card, a copy of the adoption decree should be attached.			
Section VII. CAO Certification for Medicaid			
<input type="checkbox"/> The adopted child/youth is eligible for Medicaid under Program Status code:			
<input type="checkbox"/> The child/youth has been assigned a new MCI#:			
<input type="checkbox"/> The child/youth has been issued a new Access Card which has been sent to the adoptive parent's address above.			
<input type="checkbox"/> The Managed Care Organization (MCO) correction form has been completed for adoptive parent(s) who have selected to retain the child/youth's current MCO coverage.			
Name (please print)	Signature	Date	Phone

Form CY-61A “Determination of Eligibility for Adoption Assistance” Instructions**Background:**

Adoption Assistance pays certain costs, including adoption subsidy maintenance, associated with the adoption of a child/youth with “special needs.”

The County Children and Youth Agency (CCYA) determines eligibility for State Adoption Assistance for a child/youth who is not eligible for Federal Title IV-E Adoption Assistance.

Federal Child Welfare legislation provides Medicaid for any child/youth who has an adoption assistance agreement in place. This coverage applies to children/youth determined eligible for Federal Title IV-E or State Adoption Assistance. The CY-61A is the tool to determine eligibility for both Federal Title IV-E Non-recurring expenses, Title IV-E Adoption Assistance and State Monthly Subsidy and Medicaid.

When to Complete the CY-61A:

The CCYA is responsible for completing Sections I through VI of the CY-61A to determine eligibility for Adoption Assistance prior to executing the Adoption Assistance Agreement. This assures that the Adoption Assistance Agreement accurately reflects the child/youth’s eligibility status.

CCYA Responsibilities:

- Complete the CY-61A form to determine the child/youth's eligibility for Title IV-E or State Adoption Assistance.
- Send the form to the local County Assistance Office (CAO).
- Obtain primary source documentation supporting all aspects of the CY-61A eligibility determination and maintain documentation in the adoption eligibility file.

Local CAO Responsibilities:

- Authorize Medicaid in the correct category and program status code.
- Coordinate the opening of Medicaid in the county where the adoptive family is living and closing Medicaid in the local CAO (if the adoptive family lives in a different county) so there is no loss of coverage.
- Complete the CAO certification on the CY-61A and return to the CCYA.
- Provide the CY-61A to the CAO of the adoptive family if the adoptive family resides in another county.

SECTION I. DEMOGRAPHIC INFORMATION

Enter the requested demographic information for the child/youth and their adoptive parents for items 1a-1i.

1a. CHILD/YOUTH'S BIRTH NAME: Enter the child/youth's biological name for whom the Title IV-E determination is being made. (Last, First, MI).

1b. CHILD/YOUTH'S ADOPTIVE NAME: Enter the child/youth's adoptive name for whom the Title IV-E determination is being made. (Last, First, MI).

1c. DATE OF BIRTH: Enter the child/youth's date of birth.

1d. SOCIAL SECURITY NUMBER (SSN): Enter the child/youth's SSN.

1e. PRE-ADOPTION MASTER CLIENT INDEX NUMBER (MCI #): Enter the child/youth's pre-adoptive or current MCI #.

1f. EFFECTIVE DATE OF THE ADOPTION ASSISTANCE AGREEMENT: Enter the effective date of the Adoption Assistance Agreement.

1g. CHILD/YOUTH'S AGE AT THE END OF THE FISCAL YEAR NOTED IN 1f. Enter the age the child/youth will be at the end of the fiscal year noted in 1f. This is the age that will be used for the applicable child determination in Section II.

1h. ADOPTIVE PARENT'S NAME AND ADDRESS: Enter the first and last name(s) and address of the child/youth's adoptive parent(s).

1i. CLEARANCES and HOME STUDY: Check "yes" or "no" re: if the adoptive parent(s) and all household members 18 and older have all required clearances AND have a favorable, approved home study completed within three years prior to adoption finalization.

If the answer is "no", only complete Sections II and III below to determine the child/youth's eligibility for non-recurring expenses. Do not complete Sections IV and V as the child/youth is NOT eligible for Title IV-E or State Adoption Assistance.

1j. CHILD/YOUTH'S AGE: Check "yes" or "no" re: if the child/youth was under age 21 at the time of adoption.

1k. CHILD/YOUTH'S CITIZENSHIP: Check "yes" or "no" re: if the child/youth is a United States citizen or qualified alien.

If the answer to 1j. OR 1k. is "no", skip to Section VI. The child/youth is not eligible for non-recurring expenses or adoption assistance if age and citizenship requirements are not met.

NOTE: When determining whether the child/youth meets Adoption Assistance eligibility criteria, if the child/youth was previously receiving federal Title IV-E Subsidized Permanent Legal Custodianship payments, the placement of the child/youth with the custodian and any federal or state payments made on behalf of the child/youth shall be considered to have never been made. The Adoption Assistance determination should be based on the child/youth's foster care episode.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- Birth certificate, US passport, Immigration and Naturalization Service's (INS) documentation, Client Information Services (CIS) documents verifying citizenship and identity
- Copy of approved home study and required clearances

SECTION II. APPLICABLE CHILD DETERMINATION

Answer the following questions to determine if the child/youth meets the applicable child requirements. Applicable child eligibility determines which criterion are applied for both the special needs determination and adoption assistance eligibility.

2a. CHILD/YOUTH'S AGE: Check "yes" or "no" re: if the child/youth will attain the applicable age before the end of the fiscal year in which the adoption assistance agreement was executed.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- Birth Certificate, CIS documents verifying age, INS documents, Adoption Assistance Agreement

2b. TIME IN FOSTER CARE: Check "yes" or "no" re: if the child/youth been in foster care under the care and responsibility of the CCYA for 60 consecutive months.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- Court documents related to the child/youth's foster care episode, placement history log

2c. SIBLING OF AN APPLICABLE CHILD: Check "yes" or "no" re: if the child/youth is a sibling of an applicable child under 2a. or 2b. and is being placed in the same adoptive arrangement as said sibling.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- Sibling's CY-61A Determination of Eligibility for Adoption Assistance

If the answer to ONE of the above questions is "yes", the child/youth meets applicable child requirements. For all cases, continue to Section III.

SECTION III. SPECIAL NEEDS DETERMINATION

The child/youth must meet **all THREE** of the special needs requirements prior to the finalization of the adoption to be eligible for federal or state adoption assistance.

3a. LEGALLY FREE FOR ADOPTION: Check "yes" or "no" re: if the child/youth is legally free for adoption.

To be considered legally free for adoption, the child/youth's biological parent(s) must be deceased, or a Termination of Parental Rights (TPR) or Voluntary Relinquishment must have occurred for both parents. In the case where a subsequent adoption occurred, this would apply to the child/youth's adoptive parents. If one or both parents are unknown, there must be a TPR for the unknown parent.

For youth adopted between the ages of 18-21, TPRs are not required.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- TPR court order(s), Court confirmed Voluntary Relinquishment of Parental Rights, death certificate

3b. SPECIAL NEEDS CHARACTERISTIC: Check “yes” or “no” re: if the child/youth has one or more of the special needs characteristics listed below. Check all that apply.

- Child/Youth is five years of age or older.
- Child/Youth has a physical, mental, or emotional condition or disability (includes pathogenic environment).
- Child/Youth has a genetic condition indicating a high risk of developing a disease or disability.
- Child/Youth is a member of a minority group.
- Child/Youth is a member of a sibling group placed together in the same adoptive home.
- *Meets the medical or disability requirements for Supplemental Security Income (SSI). ***This criterion is only an option for those determined to be an applicable child in Section II and can be determined by the CCYA. Please see Appendix A.**

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- Birth Certificate, CIS documents, Child Profile, petition or court documents, medical/psychological reports, CCYA determination that child/youth meets medical and disability requirements for SSI.

3c. REASONABLE EFFORTS: Check “yes” or “no” re: if reasonable efforts have been made to place the child/youth without adoption assistance OR the child/youth has significant emotional ties to the prospective adoptive parents OR the child/youth is being adopted by relatives, within the fifth degree of consanguinity.

If the child/youth is not adopted by a relative or there is not proof of significant emotional ties, “Reasonable Efforts” to secure an adoptive placement before providing Adoption Assistance includes proof of any **ONE** of the following:

- Registration of the child/youth with the PA Adoption Exchange
- Referral of the child/youth to national adoption exchanges
- Development of individual recruitment plans
- Special recruitment initiatives, i.e., television or newspaper

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- Child Profile, Bulleted items above, Adoptive Family Profile verifying relative status

If all the answers to 3a.-3c. are “yes”, the child/youth meets special needs criteria **AND** is eligible for Title IV-E Non-recurring expenses. If **any** of the answers to 3a.-3c. are “no”, the child/youth is **not** eligible for Title IV-E Non-recurring expenses, Title IV-E adoption assistance, or State adoption assistance. Skip to Section VI.

SECTION IV. TITLE IV-E ADOPTION ASSISTANCE AND MEDICAID ELIGIBILITY

If the child/youth was determined to be an “applicable child” in Section II, complete questions 4a.-4d. as the child/youth must also meet **ONE** of those requirements to be eligible for Title IV-E Adoption Assistance. Please also complete questions 4e.-4h. which are required to determine if the applicable child meets “applicable child only” criteria for the purposes of Office of Children, Youth and Families reporting Adoption Savings to the Administration for Children and Families.

If the child/youth was **not** determined an “applicable child” in Section II, complete questions 4e.-4h. to determine if the child/youth meets Adoption Assistance eligibility through a “non-applicable” pathway.

4a. IN THE CARE OF CCYA OR PRIVATE AGENCY: Check “yes” or “no” re: if the child/youth was in the care of the CCYA or private agency licensed by the PA Department of Human Services (DHS) at the time of the adoption proceeding pursuant to a court order containing a Contrary to the Welfare/Best Interest (CTW/BI) ruling OR a Voluntary Placement Agreement (VPA)/Voluntary Relinquishment.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- Court order, VPA, Voluntary Relinquishment

4b. SSI REQUIREMENTS: Check “yes” or “no” re: if the child/youth meets all medical or disability requirements for SSI. Please refer to Appendix A.

- For the purposes of determining whether an applicable child who is a special needs child/youth is eligible for Title IV-E adoption assistance through the SSI pathway, the agency may make the determination that the child/youth meets the medical or disability requirements for SSI benefits. The Title IV-E agency is not making an SSI eligibility determination on behalf of the child/youth, as that responsibility lies with the Social Security Administration (SSA) and that includes a financial eligibility component. Rather, the agency is responsible for Title IV-E adoption assistance eligibility determinations, and therefore the agency is permitted to make the determination that the child/youth meets the medical or disability requirements for SSI benefits for Title IV-E eligibility purposes.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- Medical, psychological or hospital documents used by the CCYA for determining SSI eligibility and verification form.
- CCYA documentation that such determination was made.

4c. CHILD/YOUTH OF A MINOR PARENT: Check “yes” or “no” re: if the child/youth has resided with their minor parent in foster care and the child/youth’s minor parent was removed from the home and placed in foster care pursuant to a CTW/BI court order or a VPA/Voluntary Relinquishment.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- Placement history, Child Profile, Court order/VPA for minor parent

4d. ELIGIBLE IN A PRIOR ADOPTION: Check “yes” or “no” re: if the child/youth was eligible for Title IV-E adoption assistance in a prior adoption.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- Previous adoption Title IV-E adoption assistance determination, prior AA agreement(s)

4e. AID TO FAMILIES WITH DEPENDENT CHILDREN ELIGIBILITY:

Check “yes” or “no” if all of the following criteria applied at the time of the child/youth’s removal from the home:

- The home of legal removal met specified relative requirements.
- The child/youth resided in the home of legal removal within six months prior to the eligibility month.
- The child/youth met the financial need and deprivation requirements for the eligibility month.
- For court ordered removals, the initial removal order contained CTW/BI language OR
- For VPA removals, the specified relative signed and dated the VPA and at least one Title IV-E payment was made on behalf of the child/youth.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- CY-61 Determination of Eligibility for Foster Care, Court order/VPA, Court petitions, Statement of Family Resources or other documents to verify financial need, payment history (for VPA removals only)

4f. ELIGIBLE FOR SSI by SSA: Check “yes” or “no” re: if the child/youth meets all requirements for SSI as determined by the SSA.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- SSA documents supporting the child/youth is eligible for SSI, CIS printouts showing the child/youth is SSI eligible

4g. CHILD/YOUTH OF A TITLE IV-E MINOR PARENT: Check “yes” or “no” re: if the child/youth resides with their minor parent in foster care and a Title IV-E payment has been made that covers both the minor parent and the child/youth.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- Foster care placement history, minor parent’s Title IV-E claiming history, provider rate documentation

4h. ELIGIBLE IN A PRIOR ADOPTION: Check “yes” or “no” re: if the child/youth was eligible for Title IV-E adoption assistance in a prior adoption and would not be eligible under 4e-4g for this adoption.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- Previous adoption Title IV-E adoption assistance determination, Prior AA agreement

For those children/youth determined as “applicable” in Section II, if at least one “yes” is selected between 4a.-4d., the child/youth is eligible for Title IV-E Adoption Assistance and Medicaid. Proceed to Section VI.

For those children/youth **not** determined “applicable” in Section II, if at least one “yes” is selected between 4e.-4h., the child/youth is eligible for Title IV-E Adoption Assistance and Medicaid. Proceed to Section VI.

If the child/youth determined to be an applicable child in Section II has at least one “yes” between 4a.-4d. and the responses to 4e.-4h. are **no**, the child/youth is an “applicable child only.” Proceed to Section VI.

If all the responses to 4a.-4h. are “no”, the child/youth is not eligible for Title IV-E Adoption Assistance. Proceed to Section V.

SECTION V. STATE MONTHLY SUBSIDY AND MEDICAID DETERMINATION

5a. PLACEMENT AND CARE: Check “yes” or “no” re: if the child/youth is under the placement care and responsibility of the CCYA or a licensed private agency approved by the PA DHS.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- Court order, VPA, Voluntary Relinquishment

5b. IN FOSTER CARE FOR SIX MONTHS: Check “yes” or “no” re: if the child/youth was in foster care for at least six months.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- Court documents, placement history

If both 5a. and 5b. are “yes”, the child/youth is eligible for State Monthly Subsidy and Medicaid. If either 5a. or 5b. Are “no”, the child/youth is not eligible for State Monthly Subsidy and Medicaid. If the child/youth is being placed in an out-of-state adoption, proceed to 5c., otherwise proceed to Section VI.

5c. OUT-OF-STATE ADOPTION: Check “yes” or “no” re: if the child/youth is being placed in an out-of-state adoption, the child/youth’s case record indicates that the out-of-state adoption cannot be finalized without Medicaid due to the child/youth’s special needs for medical or rehabilitative care and the county has fulfilled the requirements to document such a need.

ACCEPTABLE PRIMARY SOURCE DOCUMENTS:

- Medical and/or psychological records, Child Profile, court documents

If 5c. is “yes”, the child/youth fulfills the documentation requirements for state Medicaid outside of Pennsylvania. If 5c. is “no”, the child/youth MAY NOT be eligible for Medicaid outside of PA. Proceed to Section VI.

SECTION VI. CCYA ELIGIBILITY SUMMARY

- ❖ **The child/youth is eligible for Title IV-E Non-recurring expense reimbursement only:** Check this box if the child/youth only meets the requirements in Section III, Special Needs Determination.

- ❖ **The child/youth is eligible for Title IV-E Adoption Assistance, Medicaid, and Non-recurring expenses:** Check this box if the child/youth meets the requirements in Section I, III and IV.

The child/youth is an “applicable child only” as determined in Section IV:
Check this box if the child/youth was determined to be an applicable child in Section II has at least one “yes” between 4a.-4d. and the responses to 4e.-4h. were “no”.

- ❖ **The child/youth is eligible for State Adoption Assistance, State Medicaid, Title IV-E Non-recurring expenses, and Medicaid outside of PA:** Check this box if the child/youth meets the requirements in Section III and Section V.

- ❖ **The child/youth is eligible for State Adoption Assistance, State Medicaid, Title IV-E Non-recurring expenses and MAY NOT be eligible for Medicaid outside of PA:** Check this box if the child/youth meets the requirements in Section III and meets the requirements for Section V, 5a. and 5b. but does **not** meet the requirements for 5c.

- ❖ **The child/youth is ineligible for Title IV-E Non-recurring expenses, Title IV-E Adoption Assistance, State Adoption Assistance, and associated Medicaid:** Check this box if the child/youth does not meet the requirements in Section I, Section III, Section IV and/or Section V.

Adoption Finalization Date: Enter the date of the adoption finalization.

Upon completion of the required Sections, the CCYA staff should print and sign their name as well as their phone number and the date. The CY-61A is then forwarded to the CAO for processing. If the adoptive parents have requested a name change, the CCYA should attach a copy of the adoption decree to the CY-61A.

Section VII. CAO Certification for Medicaid

This section will be completed by the CAO. The CAO will annotate the child/youth’s Medicaid Program Status code and new MCI number. The CAO will also check to indicate if a new ACCESS card has been issued and if a Managed Care Organization Correction form was required and/or completed. The CAO staff completing the form will then print and sign their name and record their phone number and date. The CY-61A should be returned to the CCYA. If the adopted child/youth will be residing in another county, the CAO will send a copy of the completed CY-61A to the child/youth’s county of residence to ensure there are no breaks in Medicaid coverage.

ATTACHMENT B

Model Adoption Assistance Agreement

I/We, _____, the undersigned adoptive parent(s), hereinafter referred to as “adoptive parent(s)”, and _____ **COUNTY CHILDREN AND YOUTH SERVICES** do hereby agree to the terms and conditions of this Adoption Assistance Agreement, made on behalf of _____, hereinafter referred to as the “child/youth”, who was born on _____, as detailed below.

This document is the initial Adoption Assistance Agreement. The adoptive parent(s) agree that they intend to adopt the child/youth named above and that they have signed this document prior to finalization of the adoption.

This document is the initial Adoption Assistance Agreement. The finalization of the adoption for the child/youth named above has already occurred; eligibility for Adoption Assistance has been ordered through a fair hearing. A copy of the order issued by the Bureau of Hearings and Appeals, or a higher appeals court is attached to this agreement. The agreement is effective from the date indicated in the order.

PROVISIONS OF AGREEMENT**I. Eligibility**

A. This child/youth qualifies as a child/youth with special needs because:

1. The child/youth cannot or should not be returned to the home of his or her biological parents.
2. There exists, with respect to this child/youth, at least one or more of the following special needs characteristics (Please check all that apply):

- Physical, mental, or emotional condition or disability
- Genetic condition which indicates a high risk of developing a disease or disability
- Member of a minority group
- Member of a sibling group who is placed together in the same adoptive home
- Five years of age or older
- Meets all medical or disability requirements for Supplemental Security Income (SSI) (applies only to applicable children for the fiscal year).

B. Except where it would be contrary to the best interests of the child/youth due to such factors as the existence of significant emotional ties between the child/youth and the adoptive parent(s), a reasonable effort has been made to place the child/youth with appropriate adoptive parent(s) without providing adoption assistance.

- Reasonable efforts to place without subsidy have been made and have been unsuccessful; or
- Efforts to place without subsidy would not be in the best interest of the child/youth because of the bond formed between the child/youth and the adoptive parent(s); or
- The child/youth is being adopted by a relative within the fifth degree of consanguinity.

II. Adoption Assistance

Please select one of the following:

- The child/youth is eligible for Non-Recurring Expenses only.
- The child/youth is eligible for Federal Monthly Adoption Subsidy and Non-Recurring Expenses.
- The child/youth is eligible for State Monthly Adoption Subsidy and Non-Recurring Expenses.
- The child/youth is eligible for County Monthly Adoption Subsidy and as such the following section may not apply per county option: Non-Recurring Expenses.

A. Non-Recurring Expenses

The adoptive parent(s) are eligible for a one-time only reimbursement of up to \$2,000.00 for actual expenditures incurred in adopting the child/youth, not incurred in violation of state or federal law, and not reimbursed from other sources or funds. These expenses may include adoption fees, court costs, attorney fees, and other legal expenses directly related to the adoption of a child/youth with special needs. The payment may also be reimbursement for health and psychological examinations and consultations; transportation; criminal background checks; and the reasonable cost of lodging and food for the child/youth and the adoptive parent(s) when necessary to complete the placement or adoption process.

- The amount of _____ meets these criteria and will be reimbursed on the date of _____ directly to the adoptive parent(s) when applicable.
- Non-Recurring expenses are not applicable.

B. Monthly Subsidy

1. The Title IV-E or State eligible adoption assistance monthly subsidy payment amount will be (**\$ _____**) **per day/month**. This amount may not exceed the maximum foster care maintenance payment the child/youth would have received in foster care (including level of care supplements). Adjustments in the adoption assistance monthly subsidy may be made with the concurrence of the adoptive parent(s) and _____ County Children and Youth Services.
2. Other increases or decreases to the initial amount of the agreed subsidy payment may be made but may not exceed the maximum foster care maintenance payment. Any payment adjustments may not be made except with the concurrence of the adoptive parent(s).

3. Monthly subsidy payments may begin only after the child/youth has been placed in the adoptive home, the Adoption Assistance Agreement has been signed by all parties and the adoption petition has been filed. **Payments will begin on** Click or tap to enter a date. and will be made monthly thereafter.
4. Once the adoption has been finalized, the adoptive parent(s) may use the adoption assistance payment in any way that incorporates the child/youth into the family without agency approval or oversight.
5. If the adoptive parent(s) relocate to another county/state, the Adoption Assistance Agreement for adoption assistance monthly subsidy payments will remain in effect regardless of the county or state in which the child/youth resides.

C. Medical Care

1. The following Medicaid benefits will be provided to the child/youth within the conditions described below. The value of these services is not considered as part of the maximum monthly subsidy payment. These services include:

Due to the child/youth's eligibility for and receipt of Federal Title IV-E Adoption Subsidy, the child/youth is automatically eligible for Medicaid and will remain eligible, regardless of the state of residence. If the adoptive parent(s) currently reside or subsequently relocate outside this Commonwealth, the adopted child/youth will remain eligible for Title IV-E Medicaid benefits under the Social Security Act. The adoptive parent(s) should contact _____ County Children and Youth Services prior to moving out of state to coordinate the process of requesting Title IV-E Medicaid in the new state of residence. The authorizing state will issue the Medicaid card.

Due to the child/youth's eligibility for State Adoption Subsidy, the child/youth is eligible for State Medicaid and will remain eligible, regardless of the state of residence. The adoptive parent(s) should contact _____ County Children and Youth Services prior to moving out of state to coordinate the process of requesting Medicaid in the new state of residence regarding adoption assistance. If the state the adoptive family resides in/relocates to offers Consolidated Omnibus Reconciliation Act (COBRA) reciprocity, the state of residence is obligated to provide medical coverage for the child/youth.

If an adopted child/youth is receiving state Medical Assistance and resides in/relocates to a state which does not offer COBRA reciprocity or medical assistance in relationship to the adoption subsidy, a Pennsylvania Medical Assistance card may be provided in the child/youth's name. However, it may be difficult to locate medical providers who will accept a Pennsylvania Medical Assistance card if the adoptive family resides outside Pennsylvania boundaries.

2. The adoptive parent(s) agree to notify the County Assistance Office if they receive Medicaid for the child/youth and the child/youth becomes covered under the adoptive parent(s)' insurance at a later date.

3. The adoptive parent(s) agree to cooperate with and abide by the Medicaid program rules and procedures of the state which provides Medicaid. Some states may require primary coverage of the child/youth by a family health insurance plan, if available. Medicaid requires prior authorization for certain medical services. The child/youth is only eligible for Medicaid as provided by the state of residence. If a state of residence does not provide Medicaid services that Pennsylvania does provide, then Pennsylvania is not responsible for covering that service. Items covered by Medicaid vary from state to state.

D. Social Services

1. The following social services will be provided to the child/youth within the conditions described below. The value of these services is not considered as part of the maximum monthly subsidy payment. These services include: _____.
2. Post-permanency services are available in Pennsylvania through the Statewide Adoption and Permanency Network (SWAN). Post-permanency services include:
 - Case advocacy;
 - Respite; and
 - Support groups.

If the adoptive parent(s) is/are interested in these services, they may contact SWAN at 1-800-585-SWAN.

III. Interstate Compact on Adoption and Medical Assistance

The interests of a child/youth are protected through the Interstate Compact on Adoption and Medical Assistance. This agreement will remain in effect while the child/youth remains under 18 years of age or under 21 years of age (if eligible for an extension) regardless of the state in which the adoptive parent(s) reside at any given time.

IV. Notification of Change

Other than in the case of their own deaths, the adoptive parent(s) agree to notify _____ County Children and Youth Services immediately, but no later than **thirty (30) days**, if any of the following circumstances occur:

- Change in the family's address or telephone number.
- Change in a child/youth's legal guardian(s).
- Date of termination of the parental rights of the adoptive parent(s) or other determination that the adoptive parent(s) is/are no longer legally responsible for support of a child/youth.
- Date the adoptive parent(s) is/are no longer providing any support to a child/youth.
- Date of death of the child/youth.
- Date the child/youth enlists in the military.
- Date of marriage of the child/youth.
- Date the child/youth becomes an emancipated minor.
- Separation or divorce of the adoptive parent(s).
- Date the child/youth becomes eligible/ineligible for SSI; or

- Date the child/youth re-entered substitute care through a state/county agency.

V. Modification of Terms

- A. This agreement is subject to modification when a significant change in the child/youth’s need or the adoptive parent(s)’ circumstances affects the need for or amount of the monthly subsidy payment.
- B. The parties to the agreement may at any time request modification of the agreement. The request must be made in writing.

When a modification to the agreement is requested by the adoptive parent(s) or _____ County Children and Youth Services, _____ County Children and Youth Services shall negotiate the modification with the adoptive parent(s). In the event _____ County Children and Youth Services and the adoptive parent(s) is/are unable to agree upon the modification proposed by either party, the adoptive parent(s) may file an appeal pursuant to Section V of this agreement (please see section XI for more information on the fair hearings and appeals process).

VI. Continuation of Adoption Assistance Beyond Age 18

- A. The adopted youth may be eligible to continue receiving adoption assistance beyond age 18, provided he/she is at least 13 years old and not yet 21 years of age at the execution of this adoption agreement.

_____, is ____ years of age at the time of the execution of this agreement.

- Youth is ineligible for subsidy extension due to being under the age of 13 when this agreement was executed.
- Youth is eligible for Federal Title IV-E funded subsidy extension due to being age 16 or older when this Title IV- E agreement was executed.
- Youth is eligible for State funded subsidy extension due to being age 13 or over when this agreement was executed.

- B. To be eligible and to continue receiving the monthly adoption assistance subsidy beyond age 18, the youth must meet one of the following criteria:
 - The youth is completing his/her secondary education or equivalent credential.
 - The youth is enrolled in a post-secondary educational or vocational training program.
 - The youth is participating in a program designed to promote employment and/or remove barriers to employment.
 - The youth is employed and works at least 80 hours a month.
 - The youth has a documented medical or behavioral health issue preventing them from doing any of the above.

1. _____ County Children and Youth Services has an obligation to confirm at least every six months the above criteria for the youth age 18 to 21. The adoptive parent(s)

- shall submit the required documentation to _____ County Children and Youth Services to substantiate that the criteria have been met for youth 18 to 21. This may include, but is not limited to, pay stubs, report cards or a letter from the employer or school.
2. Documentation will be required to substantiate the criteria for youth 18 to 21, starting on the day the youth turns 18 and at least every six months after that date. To prevent interruption of the subsidy payment, the adoptive parent(s) must submit the documentation as requested by the county.
 3. If the criteria for extension of the payment for youth age 18 to 21 are not met, it is the responsibility of the adoptive parent(s) to notify _____ County Children and Youth Services. The daily subsidy amount will be withheld until the criterion is met.
 4. If a criterion is not met for six months, or the necessary documentation is not received after six months from the date it is due, there will be an interruption of the adoption subsidy payment.

VII. Suspension of Agreement

This agreement can be suspended under the following circumstances:

- The County Children and Youth Agency (CCYA) cannot establish that the adoptive parent(s) are providing support to the child/youth because the agency has not been able to establish contact with the parent(s); or
- The CCYA cannot establish that the adoptive parent(s) are legally responsible for support of the child/youth who has not attained 18 years of age.

Before suspending a payment, the CCYA must timely and adequately provide notice to the adoptive parent(s), including:

- Mail notice of the intent to suspend the adoption assistance payments at least 45 days before the CCYA plans to suspend payments.
- The reasons for the intended suspension; and
- Describe the adoptive parents' right to request a fair hearing and continuation of the subsidy until a hearing decision is issued if the fair hearing is requested timely.

If the adoptive parent(s) contacts the CCYA while the subsidy payment is suspended and can provide documentation to show continued support of the child/youth during the period in question, subsidy payments may be reinstated. While an adoption assistance payment is suspended, the child/youth remains eligible for the federal or state subsidy and associated medical benefits, i.e., suspension of payment does not end the child/youth's eligibility for the payment and associated medical benefits. The adoption assistance agreement remains in effect.

VIII. Termination of Agreement

- A. This agreement will be terminated in any of the following circumstances:
- The youth turns 18 and the adoption agreement was executed from ages zero up to 12.
 - The youth turns 21.
 - The child/youth is emancipated.
 - The child/youth marries.
 - The child/youth joins the military.
 - The adoptive parent(s) is/are no longer providing any financial support for the child/youth.
 - The adoptive parent(s) request the termination of assistance.
 - The adoptive parent(s) is/are determined by court action to no longer be legally responsible for the child/youth.
 - The death of the adoptive parent(s) of a child/youth (the death of one parent in a single-parent family or the death of both parents in a two-parent family); or
 - The death of the child/youth.
- B. Adoption assistance benefits cannot be transferred to the child/youth or an appointed guardian.
- C. Once terminated, the Adoption Assistance Agreement may not be reinstated.

IX. Termination

Unless termination occurs because of one or more of the conditions set forth in Section VIII, this agreement will terminate when the child/youth attains:

- Child/Youth turns age 18 and the adoption agreement was executed from age zero up to 12.
- Youth turns age 21.

This will occur on _____

X. Supplemental Security Income (SSI)

- A. An adoptive child/youth may be concurrently eligible for Title IV-E Adoption Assistance and SSI. If the child/youth is eligible for Title IV-E Adoption Assistance as a non-applicable child, the Social Security Administration (SSA) will reduce the SSI payment dollar for dollar by the amount of the Adoption Assistance payment.
- B. An adoptive child/youth may be concurrently eligible for Title IV-E Adoption Assistance and SSI. If the child/youth is eligible for Title IV-E Adoption Assistance as an applicable child, the Adoption Assistance subsidy will be considered unearned income by the SSA and subject to the \$20 general income exclusion.

- C. After the adoption is finalized and the adoptive parent(s) request to be the SSI payee, SSA will redetermine the child/youth's SSI eligibility based on the adoptive family's income. The county and adoptive family should take into account the child/youth's potential loss of SSI when negotiating the amount of the adoption assistance payment. However, the monthly adoption assistance amount may not exceed the foster care maintenance payment the child/youth would have received in a foster family home (including level of care supplements).
- D. If a child/youth becomes eligible for SSI after a child/youth has been adopted, the adoptive family must inform the SSA regarding the child/youth's adoption assistance status. If the family does not notify the SSA of the child/youth's receipt of Title IV-E Adoption Assistance, the SSA may request that the adoptive family pay back any extra money they have obtained through the receipt of the full amount of adoption assistance and SSI. It is the responsibility of the SSA to reduce the SSI payment to the family receiving concurrent benefits.
- E. The receipt of Retirement, Survivor's, and Disability Insurance (RSDI) does not have an automatic impact on Title IV-E Adoption Assistance. The county may request a renegotiation of the adoption assistance agreement with the concurrence of the adoptive parent(s) when receiving RSDI.

XI. Fair Hearings and Appeals

The right to a fair hearing is a procedural protection that provides due process for individuals who claim that they have been wrongly denied benefits. Policy requires that the Adoption Assistance Agreement be signed and in effect at the time of, or prior to, the final decree of adoption. If the adoptive parent(s) feel they have been wrongly denied benefits on behalf of an adopted child/youth, they have the right to a fair hearing at any time. A county may attempt on their own to settle any disputes prior to the adoption but must refer any appeals that occur after the finalization of the adoption to the Bureau of Hearings and Appeals. Some allegations that constitute grounds for a fair hearing include:

- A.
 - Relevant facts regarding the child/youth were known or should have been reasonably known by the public or private agency and not presented to the adoptive parent(s) prior to the finalization of the adoption.
 - Denial of assistance based upon a means test of the adoptive family.
 - Adoptive family disagreement that the child/youth is ineligible for adoption assistance.
 - Failure by _____ County Children and Youth Services to advise potential adoptive parent(s) about the availability of adoption assistance for children/youth in the State foster care system.
 - Adoptive parent(s) disagreement with the eligibility determination.
 - Decrease in the amount of adoption assistance without the concurrence of the adoptive parent(s).
 - Denial of a request for a change in payment level due to a change in the circumstances of the adoptive parent(s).

- B. An appeal must be filed in writing within 15 calendar days of receiving written notice of an adverse decision from a CCYA. The existing subsidy payment continues during the appeal process. Upon receipt of the appeal, the CCYA shall date stamp the appeal and submit the appeal with a copy of the agency action that is being appealed to the Department of Human Services Bureau of Hearing and Appeals within three working days.

- C. This procedural protection, however, does not confer benefits which have no legal support or basis. Accordingly, adoption assistance is available only in those situations in which a fair hearing determines that the child/youth was wrongly denied benefits and the child/youth meets all eligibility requirements.

Signatures: Signatures from all parties indicate the execution of the agreement.

Adoptive Parent:	_____	Date:	_____
Adoptive Parent:	_____	Date:	_____
Adoptive Parent(s) Address:	_____	Telephone:	_____
CCYA Representative:	_____	Date:	_____
CCYA Director:	_____	Date:	_____

A copy of this agreement was given or mailed to the adoptive parent(s) on:

Model Adoption Assistance Agreement for Youth adopted between 18-21 years of age

I/We, _____, the undersigned adoptive parent(s), hereinafter referred to as “adoptive parent(s)”, and _____ **COUNTY CHILDREN AND YOUTH SERVICES** do hereby agree to the terms and conditions of this Adoption Assistance Agreement, made on behalf of _____, hereinafter referred to as “youth”, who was born on _____, as detailed below.

This document is the initial Adoption Assistance Agreement. The adoptive parent(s) agree that they intend to adopt the youth named above and that they have signed this document prior to finalization of the adoption.

This document is the initial Adoption Assistance Agreement. The finalization of the adoption for the youth named above has already occurred; eligibility for Adoption Assistance has been ordered through a fair hearing. A copy of the order issued by the Bureau of Hearings and Appeals, or a higher appeals court is attached to this agreement. The agreement is effective from the date indicated in the order.

PROVISIONS OF AGREEMENT

I. Eligibility

A. This youth qualifies as meeting special needs because:

1. The youth cannot or should not be returned to the home of his or her biological parents.
2. The youth is older than five years. In addition, the youth meets the following special needs characteristics (Please check all that apply if applicable):
 - Physical, mental, or emotional condition or disability
 - Genetic condition which indicates a high risk of developing a disease or disability
 - Member of a minority group
 - Member of a sibling group who is placed together in the same adoptive home
 - Meets all medical or disability requirements for Supplemental Security Income (SSI)

B. Except where it would be contrary to the best interests of the youth due to such factors as the existence of significant emotional ties between the youth and the adoptive parent(s), a reasonable effort has been made to place the youth with appropriate adoptive parent(s) without providing adoption assistance.

- Reasonable efforts to place without subsidy have been made and have been unsuccessful; or
- Efforts to place without subsidy would not be in the best interest of the youth because of the bond formed between the youth and the adoptive parent(s); or
- The youth is being adopted by a relative.

II. Requirements for Adoption Assistance for Youth adopted between 18-21 years of age

- A. The adopted youth was between 18-21 years of age at the execution of this adoption agreement. Specifically, the youth was age _____ at the execution of this agreement.
- B. To be eligible and to continue receiving the monthly adoption assistance subsidy beyond age 18, the youth must meet one of the following criteria:
- The youth is completing their secondary education or equivalent credential.
 - The youth is enrolled in a post-secondary educational or vocational training program.
 - The youth is participating in a program designed to promote employment and/or remove barriers to employment.
 - The youth is employed and works at least 80 hours a month.
 - The youth has a documented medical or behavioral health issue preventing them from doing any of the above.
1. _____ County Children and Youth Services has an obligation to confirm at least every six months the above criteria for the youth age 18 to 21. The adoptive parent(s) shall submit the documentation to _____ County Children and Youth Services to substantiate that the criteria have been met for youth 18 to 21. This may include, but is not limited to, pay stubs, report cards or a letter from the employer or school.
 2. Documentation will be required to substantiate the criteria for youth 18 to 21 at least every six months. To prevent interruption of the subsidy payment, the adoptive parent(s) must submit the documentation as requested by the county.
 3. If the criteria for extension of the payment for youth age 18 to 21 are not met, it is the responsibility of the adoptive parent(s) to notify _____ County Children and Youth Services. The daily subsidy amount can be withheld until the criterion is met.
 4. If a criterion is not met for six months, or the necessary documentation is not received after six months from the date it is due, there will be an interruption of the adoption subsidy payment.

C. Adoption Assistance

Please select one of the following:

- The youth is eligible for Non-Recurring Expenses only.
- The youth is eligible for Federal Monthly Adoption Subsidy and Non-Recurring Expenses.
- The youth is eligible for State Monthly Adoption Subsidy and Non-Recurring Expenses.
- The youth is eligible for County Monthly Adoption Subsidy and as such the following section may not apply per county option: Non-Recurring Expenses.

D. Non-Recurring Expenses

The adoptive parent(s) are eligible for a one-time only reimbursement of up to \$2,000.00 for actual expenditures incurred in adopting the youth, not incurred in violation of state or federal law, and not reimbursed from other sources or funds. These expenses may include adoption fees, court costs, attorney fees, and other legal expenses directly related to the adoption of a youth with special needs. The payment may also be reimbursement for health and psychological examinations and consultations; transportation; criminal background checks; and the reasonable cost of lodging and food for the youth and the adoptive parent(s) when necessary to complete the placement or adoption process.

- The amount of _____ meets these criteria and will be reimbursed on the [Click or tap to enter a date](#) directly to the adoptive parent(s) when applicable.
- Non-Recurring Expenses are not applicable.

E. Monthly Subsidy

1. The Title IV-E or State eligible adoption assistance monthly subsidy payment amount will be (**\$ _____) per day/month**. This amount may not exceed the maximum foster care maintenance payment the youth would have received in foster care (including level of care supplements). Adjustments in the adoption assistance monthly subsidy may be made with the concurrence of the adoptive parent(s) and _____ County Children and Youth Services.
2. Other increases or decreases to the initial amount of the agreed subsidy payment may be made but may not exceed the maximum foster care maintenance payment. Any payment adjustments may not be made except with the concurrence of the adoptive parent(s).
3. Monthly subsidy payments may begin only after the youth has been placed in the adoptive home, the Adoption Assistance Agreement has been signed by all parties and the adoption petition has been filed. **Payments will begin on _____** and will be made monthly thereafter.
4. Once the adoption has been finalized, the adoptive parent(s) may use the adoption assistance payment in any way that incorporates the youth into the family without agency approval or oversight.
5. If the adoptive parent(s) relocate to another county/state, the Adoption Assistance Agreement for adoption assistance monthly subsidy payments will remain in effect regardless of the county or state in which the youth resides.

F. Medical Care

1. The following Medicaid benefits will be provided to the youth within the conditions described below. The value of these services is not considered as part of the maximum monthly subsidy payment. These services include:

Due to the youth's eligibility for and receipt of Federal Title IV-E Adoption Subsidy, the youth is automatically eligible for Medicaid and will remain eligible, regardless of the state of residence. If the adoptive parent(s) currently reside or subsequently relocate outside this Commonwealth, the adopted youth will remain eligible for Title IV-E Medicaid benefits under the Social Security Act. The adoptive parent(s) should contact _____ County Children and Youth Services prior to moving out of state to coordinate the process of requesting Title IV-E Medicaid in the new state of residence regarding adoption assistance. The authorizing state will issue the Medicaid card.

Due to the youth's eligibility for State Adoption Subsidy, the youth is eligible for state Medicaid and will remain eligible, regardless of the state of residence. The adoptive parent(s) should contact _____ County Children and Youth Services prior to moving out of state to coordinate the process of requesting Medicaid in the new state of residence regarding adoption assistance. If the state the adoptive family resides in/relocates to offers Consolidated Omnibus Reconciliation Act (COBRA) reciprocity, the state of residence is obligated to provide medical coverage for the youth.

If an adopted youth is receiving state Medical Assistance and resides in/relocates to a state which does not offer COBRA reciprocity or medical assistance in relationship to the adoption subsidy, a Pennsylvania Medical Assistance card may be provided in the youth's name. However, it may be difficult to locate medical providers who will accept a Pennsylvania Medical Assistance card if the adoptive family resides outside Pennsylvania boundaries.

2. The adoptive parent(s) agree to notify the County Assistance Office if they receive Medicaid for the youth and the youth becomes covered under the adoptive parent(s)' insurance at a later date.

3. The adoptive parents agree to cooperate with and abide by the Medicaid program rules and procedures of the state which provides Medicaid. Some states may require primary coverage of the youth by a family health insurance plan, if available. Medicaid requires prior authorization for certain medical services. The youth is only eligible for Medicaid as provided by the state of residence. If a state of residence does not provide Medicaid services that Pennsylvania does provide, then Pennsylvania is not responsible for covering that service. Items covered by Medicaid vary from state to state.

G. Social Services

The following social services will be provided to the youth within the conditions described below. The value of these services is not considered as part of the maximum monthly subsidy payment. These services include: _____.

Post-permanency services are available in Pennsylvania through the Statewide Adoption and Permanency Network (SWAN). Post-permanency services include:

- Case advocacy;
- Respite; and
- Support groups.

If the adoptive parent(s) is/are interested in these services, they may contact SWAN at 1-800-585-SWAN.

III. Interstate Compact on Adoption and Medical Assistance

The interests of a youth are protected through the Interstate Compact on Adoption and Medical Assistance. This agreement will remain in effect while the youth remains under 21 years of age, regardless of the state in which the adoptive parent(s) reside at any given time.

IV. Notification of Change

Other than in the case of their own deaths, the adoptive parent(s) agree to notify _____ County Children and Youth Services immediately, but no later than **thirty (30) days**, if any of the following circumstances occur:

- Change in the family's address or telephone number.
- Change in a youth's legal guardian(s).
- Date of termination of the parental rights of the adoptive parent(s) or other determination that the adoptive parent(s) are no longer legally responsible for support of a youth.
- The adoptive parent(s) are no longer providing any support to a youth.
- The death of the youth.
- The youth enlists in the military.
- The youth marries.
- Separation or divorce of the adoptive parent(s).
- The youth becomes eligible/ineligible for SSI.
- The youth re-enters substitute care through a state/county agency.

V. Modification of Terms

- A. This agreement is subject to modification when a significant change in the youth's needs or the adoptive parent(s)' circumstances affects the need for or amount of the monthly subsidy payment.
- B. The parties to the agreement may at any time request modification of the agreement. The request must be made in writing.
- C. When a modification to the agreement is requested by the adoptive parent(s) or _____ County Children and Youth Services, _____ County Children and Youth Services shall negotiate the modification with the adoptive parent(s). In the event _____ County Children and Youth Services and the adoptive parent(s) are unable to agree upon the modification proposed by either party, the adoptive parent(s) may file an appeal pursuant

to Section V of this agreement (please see section X for more information on the fair hearings and appeals process).

VI. Suspension of Agreement

This agreement can be suspended under the following circumstances:

- The County Children and Youth Agency (CCYA) cannot establish that the adoptive parent(s) are providing support to the youth because the agency has not been able to establish contact with the parent(s).

Before suspending a payment, the CCYA must timely and adequately provide notice to the adoptive parent(s), including:

- Mail notice of the intent to suspend the adoption assistance payments at least 45 days before the CCYA plans to suspend payments.
- The reasons for the intended suspension; and
- Describe the adoptive parent(s)' right to request a fair hearing and continuation of the subsidy until a hearing decision is issued if the fair hearing is requested timely.

If the adoptive parent(s) contact the CCYA while the subsidy payment is suspended and can provide documentation to show continued support of the youth during the period in question, subsidy payments may be reinstated. While an adoption assistance payment is suspended, the youth remains eligible for the federal or state subsidy and associated medical benefits, i.e., suspension of payment does not end the youth's eligibility for the payment and associated medical benefits. The adoption assistance agreement remains in effect.

VII. Termination of Agreement

A. This agreement will be terminated in any of the following circumstances:

- The youth turns 21.
- The youth marries.
- The adoptive parent(s) are no longer providing any financial support for the youth.
- The adoptive parent(s) request the termination of assistance.
- The death of the adoptive parent(s) of a youth (the death of one parent in a single-parent family or the death of both parents in a two-parent family).
- The death of the youth.

B. Adoption assistance benefits cannot be transferred to the youth or an appointed guardian.

C. Once terminated, the Adoption Assistance Agreement may not be reinstated.

VIII. Termination

Unless termination occurs because of one or more of the conditions set forth in Section VIII, this agreement will terminate when the youth attains 21 years of age, which will occur on [Click or tap to enter a date.](#)

IX. Supplemental Security Income (SSI)

- A. An adoptive youth may be concurrently eligible for Title IV-E Adoption Assistance and SSI. If the youth is eligible for Title IV-E Adoption Assistance as an applicable child, the Adoption Assistance subsidy will be considered unearned income by the Social Security Administration (SSA) and subject to the \$20 general income exclusion.
- B. After the adoption is finalized and the adoptive parent(s) request to be the SSI payee, SSA will redetermine the youth's SSI eligibility based on the adoptive family's income. The county and adoptive family should consider the youth's potential loss of SSI when negotiating the amount of the adoption assistance payment. However, the monthly adoption assistance amount may not exceed the foster care maintenance payment the youth would have received in a foster family home (including level of care supplements).
- C. If a youth becomes eligible for SSI after he/she has been adopted, the adoptive family must inform the SSA regarding the youth's adoption status. If the family does not notify the SSA of the youth's receipt of Title IV-E Adoption Assistance, the SSA may request that the adoptive family pay back any extra money they have obtained through the receipt of the full amount of adoption assistance and SSI. It is the responsibility of the SSA to reduce the SSI payment to the family receiving concurrent benefits.
- D. The receipt of Retirement, Survivor's, and Disability Insurance (RSDI) does not have an automatic impact on Title IV-E Adoption Assistance. The county may request a renegotiation of the adoption assistance agreement with the concurrence of the adoptive parent(s) when receiving RSDI.

X. Fair Hearings and Appeals

- A. The right to a fair hearing is a procedural protection that provides due process for individuals who claim that they have been wrongly denied benefits. Policy requires that the Adoption Assistance Agreement be signed and in effect at the time of, or prior to, the final decree of adoption. If the adoptive parent(s) feel they have been wrongly denied benefits on behalf of an adopted youth, they have the right to a fair hearing at any time. A county may attempt on their own to settle any disputes prior to the adoption but must refer any appeals that occur after the finalization of the adoption to the Bureau of Hearings and Appeals. Some allegations that constitute grounds for a fair hearing include:
 - Relevant facts regarding the youth were known or should have been reasonably known by the public or private agency and not presented to the adoptive parent(s) prior to the finalization of the adoption.
 - Denial of assistance based upon a means test of the adoptive family.
 - Adoptive family disagreement that a youth is ineligible for adoption assistance.
 - Failure by _____ County Children and Youth Services to advise potential adoptive parent(s) about the availability of adoption assistance for youth in the State foster care system.
 - Adoptive parent(s)' disagreement with the eligibility determination.

- Decrease in the amount of adoption assistance without the concurrence of the adoptive parent(s).
- Denial of a request for a change in payment level due to a change in the circumstances of the adoptive parent(s).

B. An appeal must be filed in writing within 15 calendar days of receiving written notice of an adverse decision from a CCYA. The existing subsidy payment continues during the appeal process. Upon receipt of the appeal, the CCYA shall date stamp the appeal and submit the appeal with a copy of the agency action that is being appealed to the Department of Human Services Bureau of Hearing and Appeals within three working days.

C. This procedural protection, however, does not confer benefits which have no legal support or basis. Accordingly, adoption assistance is available only in those situations in which a fair hearing determines that the youth was wrongly denied benefits and the child/youth meets all eligibility requirements.

Signatures: Signatures from all parties indicate the execution of the agreement.

Adoptive Parent: _____ Date: _____

Adoptive Parent: _____ Date: _____

Adoptive Parent(s)' Address: _____ Telephone: _____

CCYA Representative: _____ Date: _____

CCYA Director: _____ Date: _____

A copy of this agreement was given or mailed to the adoptive parent(s) on:

ATTACHMENT C

Annual Evaluation Form for Children in Receipt of Adoption Assistance

To be completed on a yearly basis by adoptive parent(s) and returned to the County Children and Youth Agency (CCYA).

*This form should be utilized for children who were **under the age of thirteen** at the time of the original subsidy agreement.*

Name of Adopted Child/Youth:	Date of Birth:	Age at the time of Original Subsidy Agreement:
Name of Adoptive Parent(s):		Telephone Number:
Address:		
Date of Original Subsidy Agreement:		

CHILD INFORMATION	YES	NO	COMMENTS
1. Has the child/youth reached the age of eighteen?	<input type="checkbox"/>	<input type="checkbox"/>	
2. Is the child/youth currently living with you? <i>If no, please provide the current location of the child and answer question 2a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
2a. If no, are you currently providing financial support to the child/youth (e.g., child support, tuition, clothing, therapy)?	<input type="checkbox"/>	<input type="checkbox"/>	
3. Has the child/youth become an emancipated minor, married, or enlisted in the military?	<input type="checkbox"/>	<input type="checkbox"/>	
4. Is the child/youth a full-time elementary or secondary school student? <ul style="list-style-type: none"> • <i>Yes, should be checked if the child/youth is instructed in elementary or secondary education or at home in accordance with a home school law of the State or other jurisdiction in which your home is located.</i> • <i>If no is checked, please state the reason why the child is not a full-time student in the Comments box.</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A – Child/youth is not of compulsory school age. Expected Graduation Date: _____
5. Have there been any changes in the child/youth's development, care, medical and/or behavioral condition that would require a change in the subsidy agreement? <i>Please provide explanation of changes, including any additional treatment required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Since the initial agreement/last annual review have any new benefits (such as Veteran's Benefits, Supplemental Security Income, Social Security) been initiated for or received by the child? <i>If yes, please list the amount, source and effective date.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
7. Would you like to terminate this subsidy agreement?	<input type="checkbox"/>	<input type="checkbox"/>	
8. Would you like a change to the adoption assistance agreement currently in effect?	<input type="checkbox"/>	<input type="checkbox"/>	

I/We understand that the CCYA may request to renegotiate the amount of the adoption assistance subsidy based on the information I/we have provided. I/We confirm that the information is true and accurate to the best of my/our knowledge. I/We continue to fulfill the responsibilities of the adoptive parent(s) under the adoption assistance agreement in effect.

_____ Signature of Adoptive Parent or CCYA representative contacting Parent	_____ Date	_____ Signature of Adoptive Parent	_____ Date
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Additional Information for Adoptive Parent(s)

Additional Questions - If there are any questions about the adoption assistance agreement or the information requested on this form, please contact _____ with _____
(Name of Contact) (County)

County Children & Youth Agency at _____
(Phone Number)

Adoption Tax Credit - The adoptive parent(s) may be able to take a tax credit for qualifying expenses paid to adopt an eligible child/youth (including a child with special needs). The adoption credit is an amount subtracted from the adoptive parent(s)' tax liability. Although the credit generally is allowed for the year following the year in which the expenses are paid, a taxpayer who paid qualifying expenses in the current year for an adoption which became final in the current year, may be eligible to claim the credit on the current year return. The adoption credit is not available for any reimbursed expense. In addition to the credit, certain amounts reimbursed by the adoptive parent(s) employer for qualifying adoption expenses may be excludable from his/her/their gross income.

The credit and exclusion for qualifying adoption expenses are each subject to a dollar limit and an income limit. It is recommended that tax advisors should be consulted if more specific information is required. More information on the Adoption Tax Credit can also be obtained at the following websites:

- <http://www.irs.gov/taxtopics/tc607.html>
- <https://www.nacac.org/category/adoption-tax-credit/>

Post-Adoption Services – Post-adoption services are available through the Department of Human Services, Office of Children, Youth and Families via the Statewide Adoption Network (SWAN). SWAN post-adoption services (referred to as Post-Permanency Services) include the following examples:

- Advocacy for post-permanency services
- Support groups
- Respite Care

Eligibility is open to all adoptive, kinship, and permanent legal custodian placements from the child welfare system. Families self-refer for SWAN post-permanency services by calling SWAN at 1-800-585-SWAN (7926). County and private agencies across the State offer a variety of post-adoption services including:

1. Information and referral
2. Educational Materials/Newsletters
3. Educational Programs
4. Lending libraries
5. Support Groups/Programs
6. Advocacy
7. Respite Care
8. Therapy
9. Case management

Placement of Child– If your child has been placed into a facility by a CCYA or a Juvenile Probation Office, it is imperative that you contact the CCYA with whom you have the adoption assistance agreement.

CCYA Review: *To be completed by the CCYA based on the information contained in the completed form.*

As a result of this evaluation, the subsidy agreement:

May be Renegotiated

May Not be Renegotiated

Reason for decision:

_____ Signature of Agency Staff	_____ Date	_____ Signature of Supervisor	_____ Date
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Annual Evaluation Form for Youth in Receipt of Adoption Assistance

To be completed on a yearly basis by adoptive parent(s) and returned to the County Children and Youth Agency (CCYA).

*This form should be utilized for youth who were **over the age of thirteen** at the time of the original subsidy agreement.*

Name of Adopted Youth:	Date of Birth:	Age at the time of Original Subsidy Agreement:
Name of Adoptive Parent(s):		Telephone Number:
Address:		
Date of Original Subsidy Agreement:		

YOUTH INFORMATION	YES	NO	COMMENTS
1. Has the youth reached the age of eighteen or was adopted between the ages of eighteen and twenty? If yes, please indicate which of the below activities the youth is currently engaged in: <ul style="list-style-type: none"> Completing secondary education or equivalent Enrolled in post-secondary or vocational training Participating in a program actively designed to promote or remove barriers to employment Employed at least 80 hours monthly Incapable of doing the above activities due to a medical or behavioral condition Please provide documentation of the above selected activity.	<input type="checkbox"/>	<input type="checkbox"/>	
2. Is the youth currently living with you? <i>If no, please provide the current location of the youth and answer question 2a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
2a. If no, are you currently providing financial support to the youth (e.g., child support, tuition, clothing, therapy)?	<input type="checkbox"/>	<input type="checkbox"/>	
3. Has the youth become an emancipated minor, married, or enlisted in the military?	<input type="checkbox"/>	<input type="checkbox"/>	
4. Is the youth a full-time secondary school student? <ul style="list-style-type: none"> <i>Yes should be checked if the youth is instructed in secondary education or at home in accordance with a home school law of the State or other jurisdiction in which your home is located.</i> <i>If no is checked, please state the reason why the youth is not a full-time student in the Comments box.</i> 	<input type="checkbox"/>	<input type="checkbox"/>	Expected Graduation Date: _____

5. Have there been any changes in the youth's development, care, medical and/or behavioral condition that would require a change in the subsidy agreement? <i>Please provide explanation of changes, including any additional treatment required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Since the initial agreement/last annual review have any new benefits (such as Veteran's Benefits, Supplemental Security Income, Retirement, Survivor's, and Disability Insurance) been initiated for or received by the youth? <i>If yes, please list the amount, source, and effective date.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
7. Would you like to terminate this subsidy agreement?	<input type="checkbox"/>	<input type="checkbox"/>	
8. Would you like a change to the adoption assistance agreement currently in effect?	<input type="checkbox"/>	<input type="checkbox"/>	

I/We understand that the CCYA may request to renegotiate the amount of the adoption assistance subsidy based on the information I/we have provided. I/We confirm that the information is true and accurate to the best of my/our knowledge. I/We continue to fulfill the responsibilities of the adoptive parent(s) under the adoption assistance agreement in effect.

Signature of Adoptive Parent or CCYA Representative contacting Parent	Date	Signature of Adoptive Parent	Date
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Additional Information for Adoptive Parent(s)

Additional Questions - If there are any questions about the adoption assistance agreement or the information requested on this form, please contact _____ with _____
(Name of Contact) (County)
County Children and Youth Agency at _____
(Phone Number)

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The credit and exclusion for qualifying adoption expenses are each subject to a dollar limit and an income limit. It is recommended that tax advisors should be consulted if more specific information is required. More information on the Adoption Tax Credit can also be obtained at the following websites:

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7. Respite Care
8. Therapy
9. Case management

Placement of Youth – If your youth has been placed into a facility by a CCYA or a Juvenile Probation Office, it is imperative that you contact the CCYA with whom you have the adoption assistance agreement.

CCYA Review: *To be completed by the CCYA based on the information contained in the completed form.*

As a result of this evaluation, the subsidy agreement:

May be Renegotiated

May Not be Renegotiated

Reason for decision:

Signature of Agency Staff

Date

Signature of Supervisor

Date

ATTACHMENT D

Model Information Regarding the Federal Adoption Tax Credit

As an adoptive parent(s), you may be able to take a tax credit for qualifying expenses paid to adopt an eligible child/youth (including a child/youth with special needs). The adoption credit is an amount subtracted from your tax liability. Although the credit generally is allowed for the year following the year in which the expenses are paid, a taxpayer who paid qualifying expenses in the current year for an adoption which became final in the current year, may be eligible to claim the credit on the current year return. The adoption credit is not available for any reimbursed expense. In addition to the credit, certain amounts reimbursed by your employer for qualifying adoption expenses may be excludable from your gross income.

Families who adopt a child/youth with special needs from foster care can claim a federal adoption tax credit without needing to incur or document expenses. The per-child tax credit is \$_____ for adoptions finalized in 20__, and the adoptive family has a period of time to use the entire credit.

To qualify for the credit without documenting expenses, families must:

- Have adopted a child/youth with special needs from foster care; and
- Have a modified adjusted gross income of a certain level.

Then to be able to use the credit, families must also have federal tax liability.

To claim the credit, you need to complete IRS Form 8839 in addition to filing your usual IRS Form 1040. You can find Form 8839 at www.irs.gov/pub/irs-pdf/f8839.pdf or by requesting it from 800-829-1040.

It is recommended that tax advisors should be consulted if more specific information is required. More information on the Adoption Tax Credit can also be obtained at the following websites:

- <http://www.irs.gov/taxtopics/tc607.html>
- <https://www.nacac.org/help/adoption-tax-credit/adoption-tax-credit-2020/>

Signature(s):

*Information contained in this document was obtained from the Internal Revenue Service website <http://www.irs.gov/taxtopics/tc607.html> and the North American Council on Adoptable Children website <https://www.nacac.org/help/adoption-tax-credit/adoption-tax-credit-2020/>.

APPENDIX A**PROCESS FOR COUNTY CHILDREN AND YOUTH (CCYA) AGENCIES TO DETERMINE MEDICAL OR DISABILITY ELIGIBILITY FOR SUPPLEMENTAL SECURITY INCOME (SSI)**

The CCYA should only determine the child/youth's medical or disability eligibility for SSI if the child/youth is an applicable child and does not meet via any other "applicable child" special needs or adoption assistance eligibility pathway. This is not required for every child/youth on whose behalf the CCYA is entering into an adoption assistance agreement.

For the purposes of determining whether an applicable child who is a special needs child/youth is eligible for Title IV-E adoption assistance through the SSI pathway, the CCYA may make the determination that the child/youth meets the medical or disability requirements for SSI benefits. The Title IV-E agency is not making an SSI eligibility determination on behalf of the child/youth, as that responsibility lies with the Social Security Administration (SSA) which includes a financial eligibility component. Rather, the CCYA is responsible for Title IV-E adoption assistance eligibility determinations, and thereby the agency is permitted to make the determination that the child/youth meets the medical or disability requirements for SSI benefits for Title IV-E eligibility purposes. *This only applies to applicable children (determined in Section II on the CY-61A).*

Please see below outlining the process for the CCYA to make the medical or disability determination for SSI.

The CCYA must follow SSA guidelines for determining if the child/youth meets SSA's definition of disability, outlined below: To be found disabled:

- The child/youth must have a physical or mental condition(s) that very seriously limits activities; and
- The condition(s) must have lasted, or be expected to last, at least one year or to result in death.

The CCYA must follow the same process as the SSA in determining medical eligibility for SSI, as follows.

CCYA must: Look for a Medically Determinable Impairment

A medically determined physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities that can be shown by medically acceptable clinical and laboratory diagnostic techniques. The medical evidence must establish that an individual has a physical or mental impairment; a statement about the individual's symptoms is not enough.

The individual's own medical source(s) is the preferred source. Medical sources are used to determine:

- The nature and severity of the claimant's impairment(s),
- How long the claimant has experienced the impairment(s), and
- The expected duration of the impairment(s).

Step 1: The child/youth's medical, or psychological, records must be reviewed.

Step 2:

A. Any documented diagnosis or impairment must be compared to those identified in the SSA Blue Book Listing of Impairments, Part B (Childhood Listings)

<https://www.ssa.gov/disability/professionals/bluebook/ChildhoodListings.htm>

and/or

B. Any documented diagnosis or impairment may also be compared to those identified in the Department of Human Services (DHS) Supplemental Handbook, Chapter 820 Appendix A

http://services.dpw.state.pa.us/oimpolicymanuals/supp//Supplemental_Handbook.htm

*If the child/youth's documented diagnosis meets the criteria in Step 2: A. or B., the child/youth meets the medical or disability requirements for SSI. The CCYA should proceed to the attached verification form. If not, the CCYA should proceed to Step 3.

Step 3:

If the child/youth does not meet SSI medical or disability requirements as outlined in Step 2, the CCYA must then determine the below:

Physical, Mental or Vocational Factors & Age-Appropriate Development

(Children): if the child/youth has three of the physical, mental, or vocational factors outlined in the below resource, the child/youth may meet SSI disability criteria. At least one of the factors must be physical or mental. Any one physical or mental factor, if severe enough, may meet the SSI disability criteria. Specifically associated with children/youth, attainment of age-appropriate developmental milestones may be considered.

http://services.dpw.state.pa.us/oimpolicymanuals/supp/index.htm#820_Disability_Advocacy_Program/820_Title.htm=&t=820_Disability_Advocacy_Program%2F820_Appendix_A.htm

*If the child/youth's documented diagnosis meets the criteria in outlined in Step 3, the child/youth is considered to have met the medical and disability requirements for SSI. If not, the child/youth does not meet the medical and disability requirements for SSI. The CCYA should proceed to the attached verification form. The verification form must be maintained in the child/youth's adoption assistance eligibility file.

CCYA VERIFICATION OF MEDICAL AND DISABILITY ELIGIBILITY FOR SSI

Demographic information
Child/Youth's Name:
Date of Birth:
Address:
Date of SSI determination:

The CCYA is responsible for Title IV-E adoption assistance eligibility determinations, and thereby the agency is permitted to make the determination that the child/youth meets the medical or disability requirements for SSI benefits for Title IV-E eligibility purposes.

The CCYA completed the eligibility determination process outlined in Appendix A and verifies that:

- The above-mentioned child/youth meets applicable child criteria and was determined by the CCYA to meet the medical or disability criteria for SSI.
- The above-mentioned child/youth does not meet the medical or disability criteria for SSI.

CCYA Verification		
Print Name	Signature	Date

NOTE: A copy of this form should be maintained in the child/youth's adoption assistance eligibility file.

APPENDIX B

Adoption Assistance Eligibility Flow Chart

