

2817 - IV-E ADOPTION ASSISTANCE MEDICAID

<p>POLICY STATEMENT</p>	<p>Adoptive children who are determined eligible for IV-E Adoption Assistance (AA) are eligible to receive IV-E Adoption Assistance Medicaid if citizenship/alienage criteria are met.</p>
<p>BASIC CONSIDERATIONS</p> <p>Special Needs</p>	<p>The IV-E Adoption Assistance Program provides IV-E funded subsidies to parents adopting children with special needs. A child does not have to have been in DFCS custody to be eligible for IV-E Adoption Assistance.</p> <p>In order for a child to qualify as having special needs, all three of the following criteria must be met.</p> <ul style="list-style-type: none"> • The child cannot or should not be returned to the home of his/her parents. <p>And</p> <ul style="list-style-type: none"> • There exists a specific factor or condition, which precludes adoptive placement without IV-E Adoption Assistance of Title XIX medical assistance. These factors include, but are not limited to the following: <ul style="list-style-type: none"> - Ethnic background - Age - Membership in a minority or sibling group - Presence of a mental condition - Physical, mental or emotional disability <p>And</p> <ul style="list-style-type: none"> • A reasonable but unsuccessful effort to place the child with appropriate parents without providing Adoption Assistance has been made. <p>The SSCM determines if the special needs criteria for Adoption Assistance have been met.</p> <p>A IV-E eligibility determination is required before Social Services can authorize IV-E Adoption Assistance. A Revenue Maximization MES determines eligibility for IV-E.</p> <p>Once the Revenue Maximization MES determines that the adoptive child is IV-E eligible, the State Adoptions Unit is notified by the SSCM.</p> <p>For IV-E Adoption Assistance, the child does not have to be continually eligible under IV-E standards, but must be determined IV-E eligible at the time of removal from the home.</p>

**BASIC
CONSIDERATIONS
(cont.)**

The IV-E eligible child must meet AFDC deprivation criteria at the time of removal from the home. See [Section 2825, AFDC Relatedness](#).

NOTE: Termination of Parental Rights may be used to meet the deprivation requirement.

IV-E eligibility begins at the time of adoptive placement as long as the Adoption Assistance Agreement is in effect. The initial removal court order must contain the “*contrary to the welfare language*”.

If the placement is initiated through a Voluntary Placement Agreement, a judicial determination containing “*contrary to the welfare*” language must be made within the 180-day limitation of the voluntary placement and a IV-E Foster Care payment must be made during the 180-day period.

A child placed pursuant to a Voluntary Placement Agreement under which a IV-E maintenance payment is not made is not eligible to receive IV-E Adoption Assistance.

If placement is initiated by a voluntary relinquishment, the State must petition the court within six months of removal. A judicial determination to the effect that remaining in the home would be “*contrary to the child’s welfare*” must be initiated within the six months time frame. See [Section 2820, Legal Status](#).

There are two circumstances under which the nature of a child’s removal from his/her home is irrelevant:

- When a child is SSI eligible at the time adoption proceedings are initiated and the State determines the child meets the definition of special needs prior to the finalization of the adoption.
- In a subsequent adoption when a child received IV-E Adoption Assistance in a previous adoption that dissolved or in which the adoptive parent(s) died, if the State determines that the child continues to be a child with special needs.

**BASIC
CONSIDERATIONS
(cont.)**

A child who is receiving IV-E Adoption Assistance is eligible for Medicaid in the state in which s/he resides. Refer to PROCEDURES in this Section for instructions on the IV-E determination and Medicaid authorization for a Georgia child placed out-of-state.

Reviews are not required for IV-E Adoption Assistance, but are required for the related Medicaid Case every 12 months.

NOTE: IV-E Adoption Assistance benefits are available through the month of the child's 18th birthday. A child may receive state funded Adoption Assistance after 18 under certain conditions. Refer to Adoption Services: Adoption Assistance, Section 109.11 Duration of Benefits for conditions.

PROCEDURES

Consider the SSCM's written request for an IV-E AA determination as an application for assistance.

Follow the steps below to determine IV-E AA eligibility.

Step 1

Obtain Form 223, Medicaid and IV-E Application for Foster Care and Adoption Assistance, Form 224, Removal Home Income and Asset Checklist, Form 403 Adoption Assistance Benefits Memorandum, copies of all court orders and any other documents of the court pertaining to the child to verify all of the following information:

- The date the petition for custody is filed
- The date the judicial determination is made
- Assurance that the "*contrary to the welfare*" language was in the initial court order
- The name of the agency or individual to whom the court gives responsibility for placement of the child.

A telephone interview may be conducted with the SSCM to establish points of eligibility. Contact the SSCM if a copy of the initial court order has not been received by the Rev Max MES within ten (10) working days of the child's placement.

Step 2

Establish the month the child was removed from the home. This is the month in which the petition for custody was filed, the Voluntary Placement Agreement was signed or the voluntary relinquishment was signed.

Step 3

Accept the SSCM's statement of the following circumstances of the family if s/he has knowledge of them:

- AU composition
- AU income and resources
- The child's deprivation in the home.

PROCEDURES
(cont.)

Step 3 (cont.) **NOTE:** If the SSCM does not have knowledge of the circumstances, coordinate efforts with the SSCM to obtain this information from the family.

If the child did not live with a specified relative in the removal month, determine if s/he lived with a specified relative in any one of the six months prior to the date the petition for custody was filed or the voluntary placement/relinquishment agreement was signed.

Establish AFDC relatedness in the removal home. Determine if the child could have received AFDC in the home in the removal month if the child had been living with the specified relative from whom custody was removed. [See Section 2825, AFDC Relatedness.](#)

If AFDC relatedness can be established, proceed to Step 4.

If eligibility for AFDC cannot be established, notify the SSCM and complete a CMD with the assistance of the SSCM.

Step 4 Determine the child's financial eligibility as an AU of one using IV-E Gross Income Ceiling and the IV-E Standard of Need and the AFDC resource limit. Refer to [Section 2840, IV-E Budgeting.](#)

Step 5 Notify the SSCM via Form 225, IV-E Eligibility Documentation Form, of the child's eligibility for IV-E and attach copies of the eligibility determination.

**CHILDREN NOT IN
THE PERMANENT
CUSTODY OF DHR**

Eligibility requirements for Adoption Assistance do not specify that DHR must have custody or placement and care responsibilities for a child. However, a child who is not in the permanent custody of DHR must be Title IV-E eligible and meet the special needs criteria in order to be considered for Adoption Assistance.

- A special needs child who is eligible for SSI at the time of the filing of the adoption petition is eligible to receive IV-E Adoption Assistance benefits. These include Monthly Assistance, Medicaid and Non-Recurring Adoption Expenses.
- If a special needs child is in the permanent custody of a private, non-profit agency, the child may be eligible for

**PROCEDURES
(cont.)****CHILDREN NOT IN
THE PERMANENT
CUSTODY OF DHR
ADOPTED BY A
SPECIFIED
RELATIVE**

Adoption Assistance benefits if the child receives SSI; or if it can be verified that a child was removed from the home of a specified relative, was AFDC eligible at the time of removal and a judicial determination was initiated within six months of removal from the home containing the “*contrary to the welfare*” language.

- Eligibility is contingent on an application for Adoption Assistance being signed and in effect prior to the finalization of the adoption. Benefits are available to the child once all parental rights have been terminated or surrendered, the child is legally free for adoption, and the child is placed in the adoptive home.
- Benefits will terminate on the last day of the child’s 18th birthday if the child was never in the permanent custody of DHR. (The family shall be referred to Social Security Administration to apply for SSI.)

A child who has not been in the custody of DHR and is being adopted by a specified relative is potentially eligible for IV-E Adoption Assistance under the following circumstances:

- The child must have been removed from the home of a specified relative by a judicial determination (this may be a termination of parental rights) that includes the “*contrary to the welfare*” language (this may be a constructive removal). At the time of the removal the child must have been AFDC eligible. Reference Section 2825 – AFDC Relatedness.

OR

- A special needs child who is in the temporary custody of DHR and meets IV-E criteria may receive IV-E Adoption Assistance if adopted by a specified relative. DHR must initiate the TPR proceedings but may give permanent custody to the relative for the purpose of adoption.

AND

- A special needs determination must be made by the State Adoptions Unit if the child is not eligible based on age and race.

**PROCEDURES
(cont.)****AUTHORIZING
MEDICAID FOR
OUT-OF-STATE
ADOPTION
ASSISTANCE CHILD
RESIDING IN
GEORGIA
PROCEDURES**

Refer to [Section 2852](#), Medicaid Application Processing For Out-of-State Children Placed in Georgia.