

2817 - ADOPTION ASSISTANCE MEDICAID

POLICY STATEMENT	Children who are determined eligible for Adoption Assistance are eligible to receive Adoption Assistance Medicaid if citizenship/alienage criteria are met and are residing in Georgia whether Title IV-E or IV-B eligible.
BASIC CONSIDERATIONS	The Adoption Assistance Program provides funded subsidies to parents adopting children with special needs. A child does not have to have been in DHS custody to be eligible for Adoption Assistance.
Special Needs	<p>In order for a child to qualify as having special needs, application must be made to the State Adoptions Unit to determine if special needs criteria has been met by the child based on one of the following criteria effective March 1, 2010.</p> <ul style="list-style-type: none"> • A child has been in the care of a private or public agency or individual other than the legal or biological parent for more than 24 consecutive months.. • A child with a physical, mental, or emotional disability, as validated by a licensed physician or psychologist. • A child who is a member of a sibling group of two or more placed in the same home. <p>A funding determination is required before Social Services can authorize Adoption Assistance. A Revenue Maximization RMS determines eligibility for IV-E and for IV-B Adoption Assistance. The funding determination is system derived by SHINES based on the funding determination made at initial entry into foster care; or by review of the IV-E criteria for children who have not been in the permanent custody of DHS; or by criteria established by the Fostering Connections to Success and Increasing Adoptions Act of 2008.</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> <p>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 “<i>contrary to the welfare language</i>”.</p> <p>NOTE: While a court order with the judicial determination that <i>Reasonable Efforts were made to prevent removal or that Reasonable Efforts were not required to prevent removal</i> is required for IV-E eligibility for a child entering foster care, this requirement is not a criteria to meet IV-E eligibility for Adoption Assistance.</p>

**BASIC
CONSIDERATIONS
(cont.)**

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.

Reviews are not required for 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 age 18 under certain conditions. Refer to Adoption Services: Adoption Assistance, Section 109.11 Duration of Benefits for conditions.

PROCEDURES

The Social Services Case Manager (SSCM) requests a funding determination for the purpose of adoption by sending a Task to the RMS to complete a SHINES AA Funding Page.

The RMS reviews, verifies eligibility criteria, completes and validates the AA Funding Page with the funding determination and alerts the SSCM of the funding determination.

The SSCM will complete the Adoption Assistance Application and submit to the State Adoptions Unit for review and approval.

**PROCEDURES
(cont.)**

**Title IV-E Adoption
Assistance**

For those children determined to be IV-E eligible at initial entry into foster care, the Adoption Assistance will be determined IV-E eligible.

Title IV-E Adoption Assistance – The Title IV-E Adoption Subsidy Program has specific requirements that must be met prior to claiming Federal reimbursement. These requirements include a child meeting both Special Needs Criteria and Title IV-E Eligibility criteria for either the “Applicable Child” or “Non Applicable” Child as found in Social Services Administration Unit, Section 109 – Adoption Assistance.

**Children Not In the
Permanent Custody of
DHS**

Eligibility requirements for Adoption Assistance do not specify that DHS must have custody or placement and care responsibilities for a child. However, a child who is not in the permanent custody of DHS 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 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 DHS. (The family shall be referred to Social Security Administration to apply for SSI.)

**Children Not in the
Permanent Custody of
DHS Adopted by a
Specified Relative**

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

PROCEDURES**(cont.)****Children Not in the
Permanent Custody of
DHS Adopted by a
Specified Relative
(cont.)**

- 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 DHS and meets IV-E criteria may receive IV-E Adoption Assistance if adopted by a specified relative. DHS 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.

**Authorizing Medicaid
for Out-of-State
Adoption Assistance
Children Residing in
Georgia**

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