

AAP Eligibility for Private Adoptions

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Introduction

California State Adoption Regulations (35325) require that any adoption agency providing private adoption services will be responsible for:

- Informing prospective adoptive parents of the availability of the Adoption Assistance Program (AAP) (if applicable)
- Assisting the prospective adoptive parents in the process of requesting AAP benefits
- Negotiating AAP benefits with the prospective adoptive parents
- Informing the prospective adoptive parents about how to claim reimbursement of nonrecurring adoption expenses

The responsible public agency will determine whether the child meets the eligibility requirements as specified in section 35326.

Policy

It is the responsibility of the SW to determine if a child that is being adopted through a private adoption is eligible for the AAP and to ensure that the prospective adoptive parents are aware of the availability of AAP.

General Eligibility

Please refer to the policy Determining Eligibility for the Adoption Assistance Program to determine the financially responsible party for a private adoption and general AAP eligibility requirements.

Federal Eligibility Pathway

Along with meeting the general eligibility requirements, a child relinquished to a private adoption agency has only two options of eligibility pathways to be eligible for Federal benefits:

1. The child has met the requirements to receive Federal Supplemental Security income (SSI) benefits as determined by the Social Security Administration (SSA).
 2. The child was eligible to receive AAP benefits with respect to a prior adoption that dissolved due to the death of the adoptive parent(s) or termination of parental rights.
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State/Non-Federal Eligibility Pathway	If a child is not eligible for Federal funding, they may meet the requirements for State/Non-Federal funding. For State AAP benefits, the child must be relinquished to a California licensed private adoption agency, and have been at risk of dependency. The risk of dependency must be certified by the responsible public child welfare agency. A child relinquished to a private adoption agency in another state and then placed with prospective adoptive parents in California will not meet this requirement.
Risk of Dependency	The private agency must obtain a risk of dependency certification (letter) indicating whether the child would or would not have been at risk of dependency if the child had not been relinquished for adoption. The letter is provided by the public child welfare agency from the county where the child is relinquished. A risk of dependency determination made by an entity other than a public child welfare agency does not meet this requirement.
Forms	<p>The following forms are to be completed by the county and the responsible public agency:</p> <ul style="list-style-type: none">• Federal Eligibility Certification for Adoption Assistance Program (FC 8)• Eligibility Certification Adoption Assistance Program (AAP 4)• Adoption Assistance Program Negotiated Benefit Amount and Approval (AAP 6) <p>The submission of completed and/or signed FC 8, AAP 4, and AAP 6 forms by the private adoption agency are not valid and should be discarded by the responsible public agency.</p> <p>The Adoptive Placement Agreement (AD907) is a contract between the adoptive parents and the responsible public agency. Adoptive parents may not receive AAP benefits for their AAP eligible child prior to the AD 907 being signed. The beginning date of payment stated on the AAP Agreement may be the actual date the agreement is signed, or the first day of the month following the signing of the agreement.</p>
References	California State Adoption Regulation Policy Manual Section 35325 and 35326.
SET Value	This policy aligns with our SET Value 3 by holding a sense of urgency when seeking permanency for children through establishing both legal and relational permanence for children and youth.
