

# Determining Eligibility for the Adoption Assistance Program

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## Forms

The following forms are referenced in this file:

- AAP 1 Request for Adoptions Assistance
- AAP 4 Eligibility Certification Adoption Assistance Program
- [AD 4320](#) Adoption Assistance Program Agreement
- FC 8 Federal Eligibility Certification for Adoption Assistance Program

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## Introduction

The Adoption Assistance Program (AAP) is designed to encourage the adoption of special needs children, specifically those in foster care while removing financial barriers for families that want to assume parental responsibilities for children but are prevented from doing so by inadequate financial resources.

AAP is a federally funded program that utilizes subsidies designated by Congress in the Adoption Assistance and Child Welfare Act of 1980. AAP provides financial benefits and health insurance to eligible adopted children, with the intent of removing barriers to permanency.

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.

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## Policy

The child's adoption social worker will determine if a child is eligible for AAP benefits and negotiate the rate of the benefits with the Adoptive family based on AAP eligibility criteria as determined by the FC 8 and AAP 4. AAP benefits should begin for a child based on the AAP start date on the Adoptive Placement Papers.

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## Eligibility Criteria

To be eligible for AAP benefits, the child must:

- be under the age of 18,
- meet the three part special needs determination; and
- meet the citizenship requirements, pursuant to WIC Section 16120 (a) through (c);(k) and (i); and
- meet one of the following four paths to eligibility:
  1. The child is in the care of a public or private child placement agency or Indian Tribal Organization and is the subject of either one of the following:
    - a. An involuntary removal from the home in accordance with a judicial determination that continuation in the home would be contrary to the welfare of the child;
    - b. A voluntary placement agreement or voluntary relinquishment.  
**NOTE:** There does not have to be a Title IV-E foster care maintenance payment made on behalf of an “applicable child,” nor a judicial determination that continuation in the home would be contrary to the welfare of the child.
  2. The child has met all medical or disability eligibility requirements for federal supplemental security income (SSI) benefits.
  3. The child was residing in a foster family home or child care institution with the child’s minor parent
  4. The child received AAP with respect to a prior adoption that dissolved.

Once it is determined that a child is eligible for AAP, the Adoptions SW will offer the family an AAP 1 concurrent with signing adoption placement paperwork.

The adoptive family must sign the AD 4320 prior to the adoption finalization to establish the child’s need for the benefit and the benefit amount that the family will receive. The AD4320 is an agreement between the family and the Agency as to the rate of AAP benefit that the child will receive.

Efforts to find a family that will adopt the child without financial assistance must also be documented in the AAP request (i.e. matching efforts and discussions with applicants regarding their willingness to adopt without assistance), unless the child is being adopted by a caregiver with whom he or she has already developed significant emotional ties that should be maintained.

Eligible children may receive AAP benefits until their 18th birthday. Adoption Assistance Program Benefits after Age 18 are available under specific circumstances.

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**Birth Parent  
Relinquishment**

If the child has been voluntarily relinquished for adoption to a California licensed public or private adoption agency and placed with a California prospective adoptive family, the financially responsible county will be the county in which the relinquishing parent resides. The prospective adoptive parents will submit the completed AAP 1 and supporting documentation to the responsible public agency representing their county of residence.

The licensed private adoption agency will submit the AAP 1 and supporting documentation, including, but not limited to, the assessment of the child required by Section 35127.1 and a description of efforts to locate a non-subsidy home for the child, as the Department or licensed county adoption agency finds necessary in the particular case.

If a child is relinquished to a private adoption agency in another state and placed with a prospective adoptive family in California, the prospective adoptive family's county of residence is financially responsible. The prospective adoptive parents will submit the completed AAP 1 and supporting documentation to the responsible public agency representing their county of residence.

If a child is relinquished to a private adoption agency in California and placed with a prospective adoptive family in another state, the public child welfare agency in the adoptive parents' state of residence is responsible for determining the child's eligibility and for all AAP payments.

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**AD4320**

The AD4320 form is used to inform an adoptive family as to the AAP benefit they will receive for an adopted child. The family will review this form with the Adoptions SW at the time of signing adoptive placement papers (see Placement Paperwork and Finalization). The adoptions SW will inform the family that if CWS and the family cannot reach an agreement on the level of AAP benefit, they will receive a Notice of Action which will explain how to request a state hearing to resolve the matter.

The AD 4320 is used when:

- A family wishes to defer AAP benefits
- A family is signing an initial AAP agreement
- A family is amending a previous AAP agreement

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**References**

California State Adoption Regulation Policy Manual Section 35325.

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