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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 9. PUBLIC SOCIAL SERVICES [10000 - 18999.98] (*Division 9 added by Stats. 1965, Ch. 1784.*)

PART 4. SERVICES FOR THE CARE OF CHILDREN [16000 - 16589] (*Heading of Part 4 amended by Stats. 1978, Ch. 429.*)

CHAPTER 2.1. Aid for Adoption of Children [16115 - 16125] (*Chapter 2.1 added by Stats. 1968, Ch. 1322.*)

16115. Aid under this chapter shall be known as the Adoption Assistance Program.

(Amended by Stats. 1982, Ch. 977, Sec. 18. Effective September 13, 1982. Operative October 1, 1982, by Sec. 36 of Ch. 977.)

16115.5. It is the intent of the Legislature in enacting this chapter to benefit children residing in foster homes by providing the stability and security of permanent homes, and in so doing, achieve a reduction in foster home care. It is not the intent of this chapter to increase expenditures but to provide for payments to adoptive parents to enable them to meet the needs of children who meet the criteria established in Sections 16116, 16120, and 16121.

(Amended by Stats. 1993, Ch. 1087, Sec. 1. Effective October 11, 1993.)

16118. (a) The department shall establish and administer the program to be carried out by the department or the county pursuant to this chapter. The department shall adopt any regulations necessary to carry out the provisions of this chapter.

(b) The department shall keep the records necessary to evaluate the program's effectiveness in encouraging and promoting the adoption of children eligible for the Adoption Assistance Program.

(c) The department or the county responsible for providing financial aid in the amount determined in Section 16120 shall have responsibility for certifying that the child meets the eligibility criteria and for determining the amount of financial assistance needed by the child and the adopting family.

(d) The department shall actively seek and make maximum use of federal funds that may be available for the purposes of this chapter. In accordance with federal law, any savings realized from the change in federal funding for adoption assistance resulting from the enactment of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) shall be spent for the provision of foster care and adoption services, and the counties shall annually report to the department how these savings are spent, including any expenditures for postadoption services. Not less than 30 percent of these savings shall be spent on postadoption services, postguardianship services, and services to support and sustain positive permanent outcomes for children who otherwise might enter into foster care. Of that 30-percent amount, at least two-thirds shall be spent on postadoption and postguardianship services. The process for submitting this information shall be developed by the department, in consultation with counties. All gifts or grants received from private sources for the purpose of this chapter shall be used to offset public costs incurred under the program established by this chapter.

(e) For purposes of this chapter, the county responsible for determining the child's Adoption Assistance Program eligibility status and for providing financial aid in the amount determined in Sections 16120 and 16120.1 shall be the county that, at the time of the adoptive placement, would otherwise be responsible for making a payment pursuant to Section 11450 under the CalWORKs program or Section 11461 under the Aid to Families with Dependent Children-Foster Care program if the child were not adopted. When the child has been voluntarily relinquished for adoption prior to a determination of eligibility for this payment, the responsible county shall be the county in which the relinquishing parent resides. The responsible county for all other eligible children shall be the county where the child is physically residing prior to placement with the adoptive family. The responsible county shall certify eligibility on a form prescribed by the department.

(f) Beginning in the 2011–12 fiscal year, and for each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be in accordance with the requirements provided in Sections 30025 and 30026.5 of the Government Code.

(Amended by Stats. 2015, Ch. 425, Sec. 24. (SB 794) Effective January 1, 2016.)

16119. (a) At the time application for adoption of a child who is potentially eligible for Adoption Assistance Program benefits is made, and at the time immediately prior to the finalization of the adoption decree, the department, county adoption agency, or the licensed adoption agency, whichever is appropriate, shall provide the prospective adoptive family with information, in writing, on the availability of Adoption Assistance Program benefits, with an explanation of the difference between these benefits and foster care payments. The department, county adoption agency, or the licensed adoption agency shall also provide the prospective adoptive family with information, in writing, on the availability of reimbursement for the nonrecurring expenses incurred in the adoption of the Adoption Assistance Program eligible child. The department, county adoption agency, or licensed adoption agency shall also provide the prospective adoptive family with information on the availability of mental health services through the Medi-Cal program or other programs, including information, in writing, regarding the importance of working with mental health providers that have specialized adoption or permanency clinical training and experience if the family needs clinical support, and a description of the desirable clinical expertise the family should look for when choosing an adoption- or permanency-competent mental health professional. The department, county adoption agency, or licensed adoption agency shall also provide information regarding the federal adoption tax credit for any individual who is adopting or considering adopting a child in foster care, in accordance with Section 403 of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351).

(b) The department, county adoption agency, or licensed adoption agency shall encourage families that elect not to sign an adoption assistance agreement to sign a deferred adoption assistance agreement.

(c) The department or the county, whichever is responsible for determining the child's eligibility for the Adoption Assistance Program, shall assess the needs of the child and the circumstances of the family.

(d) (1) The amount of an adoption assistance cash benefit, if any, shall be a negotiated amount based upon the needs of the child and the circumstances of the family. There shall be no means test used to determine an adoptive family's eligibility for the Adoption Assistance Program, or the amount of adoption assistance payments. In those instances where an otherwise eligible child does not require a cash benefit, Medi-Cal eligibility may be established for the child, as needed.

(2) For purposes of paragraph (1), "circumstances of the family" includes the family's ability to incorporate the child into the household in relation to the lifestyle, standard of living, and future plans and to the overall capacity to meet the immediate and future plans and needs, including education, of the child.

(e) The department, county adoption agency, or licensed adoption agency shall inform the prospective adoptive family regarding the county responsible for providing financial aid to the adoptive family in an amount determined pursuant to Sections 16120 and 16120.1.

(f) The department, county adoption agency, or licensed adoption agency shall inform the prospective adoptive family that the adoptive parents will continue to receive benefits in the agreed upon amount unless one of the following occurs:

(1) The department or county adoption agency determines that the adoptive parents are no longer legally responsible for the support of the child.

(2) The department or county adoption agency determines that the child is no longer receiving support from the adoptive family.

(3) The adoption assistance payment exceeds the amount that the child would have been eligible for in a licensed foster home, or a resource family at the basic rate, inclusive of any level of care rate determination.

(4) The adoptive parents demonstrate a need for an increased payment.

(5) The adoptive parents voluntarily reduce or terminate payments.

(6) The adopted child has an extraordinary need that was not anticipated at the time the amount of the adoption assistance was originally negotiated.

(g) The department, county adoption agency, or licensed adoption agency shall inform the prospective adoptive family of their potential eligibility for a federal tax credit under Section 23 of the Internal Revenue Code of 1986 (26 U.S.C. Sec. 23) and a state tax credit under Section 17052.25 of the Revenue and Taxation Code.

(Amended by Stats. 2017, Ch. 732, Sec. 95.5. (AB 404) Effective January 1, 2018.)

16120. A child is eligible for Adoption Assistance Program benefits if all of the conditions specified in subdivisions (a) to (l), inclusive, are met or if the conditions specified in subdivision (m) are met.

(a) (1) It has been determined that the child cannot or should not be returned to the home of the child's parents as evidenced by any of the following:

(A) A petition for termination of parental rights.

(B) A court order terminating parental rights.

(C) A signed relinquishment.

(D) In the case of a tribal customary adoption, the court has given full faith and credit to a tribal customary adoption order as provided for pursuant to paragraph (2) of subdivision (e) of Section 366.26.

(E) In the case of a nonminor dependent, the court has dismissed dependency or transitional jurisdiction subsequent to the approval of the nonminor dependent adoption petition pursuant to subdivision (f) of Section 366.31.

(F) In the case of an Indian child who was a dependent of the juvenile court immediately prior to the transfer of the Indian child's case pursuant to Section 305.5, a final order of adoption issued by the tribal court of the child's tribe.

(2) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific paragraph (1) by means of all-county letters, written directives, interim licensing standards, or similar written instructions from the department until regulations are adopted. These all-county letters, written directives, interim licensing standards, or similar written instructions shall have the same force and effect as regulations until the adoption of regulations.

(b) The child has at least one of the following characteristics that are barriers to the child's adoption:

(1) Adoptive placement without financial assistance is unlikely because of membership in a sibling group that should remain intact or by virtue of race, ethnicity, color, language, three years of age or older, or parental background of a medical or behavioral nature that can be determined to adversely affect the development of the child.

(2) Adoptive placement without financial assistance is unlikely because the child has a mental, physical, emotional, or medical disability that has been certified by a licensed professional competent to make an assessment and operating within the scope of that licensee's profession. This paragraph shall also apply to children with a developmental disability, as defined in subdivision (a) of Section 4512, including those determined to require out-of-home nonmedical care, as described in Section 11464.

(c) The need for an adoption subsidy is evidenced by an unsuccessful search for an adoptive home to take the child without financial assistance, as documented in the case file of the prospective adoptive child. The requirement for this search shall be waived when it would be against the best interest of the child because of the existence of significant emotional ties with prospective adoptive parents while in the care of these persons as a foster child.

(d) The child satisfies any of the following criteria:

(1) The child is under 18 years of age.

(2) The child is under 21 years of age and has a mental or physical handicap that warrants the continuation of assistance.

(3) Effective January 1, 2012, the child is under 19 years of age, effective January 1, 2013, the child is under 20 years of age, and effective January 1, 2014, the child is under 21 years of age and as described in Section 10103.5, and has attained 16 years of age before the adoption assistance agreement became effective, and one or more of the conditions specified in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403 applies.

(e) The adoptive family is responsible for the child pursuant to the terms of an adoptive placement agreement or a final decree of adoption and has signed an adoption assistance agreement.

(f) The adoptive family is legally responsible for the support of the child and the child is receiving support from the adoptive parent.

(g) The department or the county responsible for determining the child's Adoption Assistance Program eligibility status and for providing financial aid, and the prospective adoptive parent, prior to or at the time the adoption decree is issued by the court, have signed an adoption assistance agreement that stipulates the need for, and the amount of, Adoption Assistance Program benefits.

(h) The prospective adoptive parent or any adult living in the prospective adoptive home has completed the criminal background check requirements pursuant to Section 671(a)(20)(A) and (C) of Title 42 of the United States Code.

(i) To be eligible for state funding, the child is the subject of an agency adoption, as defined in Section 8506 of the Family Code, and was any of the following:

(1) Under the supervision of a county welfare department as the subject of a legal guardianship or juvenile court dependency.

(2) Relinquished for adoption to a licensed California private or public adoption agency, or another public agency operating a Title IV-E program on behalf of the state, and would have otherwise been at risk of dependency as certified by the responsible public child welfare agency.

(3) Committed to the care of the department pursuant to Section 8805 or 8918 of the Family Code.

(4) The child is an Indian child and the subject of an order of adoption based on tribal customary adoption of an Indian child, as described in Section 366.24. Notwithstanding Section 8600.5 of the Family Code, for purposes of this subdivision a tribal customary adoption shall be considered an agency adoption.

(j) To be eligible for federal funding, in the case of a child who is not an applicable child for the federal fiscal year, as defined in subdivision (n), the child satisfies any of the following criteria:

(1) Prior to the finalization of an agency adoption, as defined in Section 8506 of the Family Code, or an independent adoption, as defined in Section 8524 of the Family Code, is filed, the child has met the requirements to receive federal supplemental security income benefits pursuant to Subchapter 16 (commencing with Section 1381) of Chapter 7 of Title 42 of the United States Code, as determined and documented by the federal Social Security Administration.

(2) The child was removed from the home of a specified relative and the child would have been AFDC eligible in the home of removal according to Section 606(a) or 607 of Title 42 of the United States Code, as those sections were in effect on July 16, 1996, in the month of the voluntary placement agreement or in the month court proceedings are initiated to remove the child, resulting in a judicial determination that continuation in the home would be contrary to the child's welfare. The child must have been living with the specified relative from whom the child was removed within six months of the month the voluntary placement agreement was signed or the petition to remove was filed.

(3) The child was voluntarily relinquished to a licensed public or private adoption agency, or another public agency operating a Title IV-E program on behalf of the state, and there is a petition to the court to remove the child from the home within six months of the time the child lived with a specified relative and a subsequent judicial determination that remaining in the home would be contrary to the child's welfare.

(4) Title IV-E foster care maintenance was paid on behalf of the child's minor parent and covered the cost of the minor parent's child while the child was in the foster family home or child care institution with the minor parent.

(5) The child is an Indian child and the subject of an order of adoption based on tribal customary adoption of an Indian child, as described in Section 366.24.

(k) To be eligible for federal funding, in the case of a child who is an applicable child for the federal fiscal year, as defined in subdivision (n), the child meets any of the following criteria:

(1) At the time of initiation of adoptive proceedings, was in the care of a public or licensed private child placement agency or Indian tribal organization pursuant to either of the following:

(A) An involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child.

(B) A voluntary placement agreement or a voluntary relinquishment.

(2) The child meets all medical or disability requirements of Title XVI with respect to eligibility for supplemental security income benefits.

(3) The child was residing in a foster family home or a child care institution with the child's minor parent, and the child's minor parent was in the foster family home or child care institution pursuant to either of the following:

(A) An involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child.

(B) A voluntary placement agreement or voluntary relinquishment.

(4) The child is an Indian child and the subject of an order of adoption based on tribal customary adoption of an Indian child, as described in Section 366.24.

(5) The nonminor dependent, as described in subdivision (v) of Section 11400, is the subject of an adoption pursuant to subdivision (f) of Section 366.31.

(l) (1) The child is a citizen of the United States or a qualified immigrant. If the child is a qualified immigrant who entered the United States on or after August 22, 1996, and is placed with an unqualified immigrant, the child must meet the five-year residency requirement pursuant to Section 673(a)(2)(B) of Title 42 of the United States Code, unless the child is a member of one of the excepted groups pursuant to Section 1612(b) of Title 8 of the United States Code.

(2) For purposes of this subdivision, a "qualified immigrant" means a person who meets the definition of the term defined in Section 1641 of Title 8 of the United States Code.

(m) A child or nonminor shall be eligible for Adoption Assistance Program benefits if the following conditions are met:

(1) The child or nonminor received Adoption Assistance Program benefits with respect to a prior adoption and the child or nonminor is again available for adoption because the prior adoption was dissolved and the parental rights of the adoptive parents were terminated or because the child's or nonminor's adoptive parents died and the child or nonminor meets the special needs criteria described in subdivisions (a) to (c), inclusive. When a nonminor is receiving Adoption Assistance Program benefits after 18 years of age and the nonminor's adoptive parents die, the juvenile court may resume dependency jurisdiction over the nonminor pursuant to Section 388.1.

(2) To receive federal funding, the citizenship requirements in subdivision (l).

(n) (1) Except as provided in this subdivision, "applicable child" means a child for whom an adoption assistance agreement is entered into under this section during any federal fiscal year described in this subdivision if the child attained the applicable age for that federal fiscal year before the end of that federal fiscal year.

(A) For federal fiscal year 2010, the applicable age is 16 years.

(B) For federal fiscal year 2011, the applicable age is 14 years.

(C) For federal fiscal year 2012, the applicable age is 12 years.

(D) For federal fiscal year 2013, the applicable age is 10 years.

(E) For federal fiscal year 2014, the applicable age is eight years.

(F) For federal fiscal year 2015, the applicable age is six years.

(G) For federal fiscal year 2016, the applicable age is four years.

(H) For federal fiscal year 2017, the applicable age is two years.

(I) For October 1, 2017, to December 31, 2017, any age.

(J) Effective January 1, 2018, to June 30, 2024, the applicable age is two years.

(K) Effective July 1, 2024, and thereafter, any age.

(2) Beginning with the 2010 federal fiscal year, the term "applicable child" shall include a child of any age on the date on which an adoption assistance agreement is entered into on behalf of the child under this section if the child meets both of the following criteria:

(A) The child has been in foster care under the responsibility of the state for at least 60 consecutive months.

(B) The child meets the requirements of subdivision (k).

(3) Beginning with the 2010 federal fiscal year, an applicable child shall include a child of any age on the date that an adoption assistance agreement is entered into on behalf of the child under this section, without regard to whether the child is described in paragraph (2), if the child meets all of the following criteria:

(A) The child is a sibling of a child who is an applicable child for the federal fiscal year, under subdivision (n) or paragraph (2).

(B) The child is to be placed in the same adoption placement as an "applicable child" for the federal fiscal year who is their sibling.

(C) The child meets the requirements of subdivision (k).

(Amended by Stats. 2024, Ch. 175, Sec. 1. (AB 2948) Effective January 1, 2025.)

16120.05. The adoption assistance agreement shall, at a minimum, specify the amount and duration of assistance, and that the amount is subject to any applicable increases pursuant to the cost-of-living adjustments established by statute. The date for reassessment of the child's needs shall be set at the time of the initial negotiation of the adoption assistance agreement, and shall, thereafter be set at each subsequent reassessment. The interval between any reassessments may not exceed two years.

The adoption assistance agreement shall also specify the responsibility of the adopting family for reporting changes in circumstances that might negatively affect their ability to provide for the identified needs of the child.

(Amended by Stats. 2011, Ch. 32, Sec. 66. (AB 106) Effective June 29, 2011.)

16120.1. Upon the authorization of the department or, where appropriate, the county responsible for determining the child's or nonminor dependent's Adoption Assistance Program eligibility status and for providing financial aid, the responsible county shall directly reimburse eligible individuals for reasonable nonrecurring expenses, as defined by the department, incurred as a result of the adoption of a special needs child, as defined in subdivisions (a) to (c), inclusive, and subdivision (l), of Section 16120. Reimbursements shall conform to the eligibility criteria and claiming procedures established by the department and shall be subject to the following conditions:

(a) The amount of the payment shall be determined through agreement between the adopting parent or parents and the department or the county responsible for determining the child's Adoption Assistance Program eligibility status and for providing financial aid. The agreement shall indicate the nature and the amount of the nonrecurring expenses to be paid. Payments shall be limited to an amount not to exceed four hundred dollars (\$400) for each placement eligible for the Adoption Assistance Program.

(b) There shall be no income eligibility requirement for an adoptive parent or adoptive parents in determining whether payments for nonrecurring expenses shall be made.

(c) Reimbursement for nonrecurring expenses shall be limited to costs incurred by or on behalf of an adoptive parent or adoptive parents that are not reimbursed from other sources. No payments shall be made under this section if the federal program for reimbursement of nonrecurring expenses for the adoption of children eligible for the Adoption Assistance Program pursuant to Section 673 of Title 42 of the United States Code is terminated.

(d) Reimbursement for nonrecurring expenses shall be in addition to any adoption expenses paid pursuant to Section 16121 and shall not be included in the computation of maximum benefits for which the adoptive family is eligible pursuant to Section 16121.

(Amended by Stats. 2012, Ch. 846, Sec. 49. (AB 1712) Effective January 1, 2013.)

16121. (a) (1) For initial adoption assistance agreements executed on or prior to December 31, 2007, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that shall not exceed the basic foster care maintenance payment rate structure in effect on December 31, 2007, that would have been paid based on the age-related state-approved foster family home rate, and any applicable specialized care increment, for a child placed in a licensed or approved family home.

(2) For initial adoption assistance agreements executed from January 1, 2008, to December 31, 2009, inclusive, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that shall not exceed the basic foster care maintenance payment rate structure in effect on December 31, 2009, that would have been paid based on the age-related state-approved foster family home rate, and any applicable specialized care increment, for a child placed in a licensed or approved family home.

(3) Notwithstanding any other provision of this section, for initial adoption assistance agreements executed on January 1, 2010, to June 30, 2011, inclusive, or the effective date specified in a final order, for which the time to appeal has passed, issued by a court of competent jurisdiction in *California State Foster Parent Association, et al. v. William Lightbourne, et al.*, (U.S. Dist. Ct. No. C 07-08056 WHA), whichever is earlier, where the adoption is finalized on or before June 30, 2011, or the date specified in that order, whichever is earlier, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstance of the adopting parents, but that amount shall not exceed the basic foster care maintenance payment rate structure in effect on June 30, 2011, or the date immediately before the date specified in the order described in this paragraph, whichever is earlier, and any applicable specialized care increment, that the child would have received while placed in a licensed or approved family home. Adoption assistance benefit payments shall not be increased based solely on age. This paragraph shall not preclude any reassessments of the child's needs, consistent with other provisions of this chapter.

(4) Notwithstanding any other provision of this section, for initial adoption assistance agreements executed on or after July 1, 2011, or the effective date specified in a final order, for which the time to appeal has passed, issued by a court of competent jurisdiction in *California State Foster Parent Association, et al. v. William Lightbourne, et al.* (U.S. Dist. Ct. No. C 07-05086 WHA), whichever is earlier, where the adoption is finalized on or after July 1, 2011, or the effective date of that order, whichever is earlier, and before December 31, 2016, and for initial adoption assistance agreements executed before July 1, 2011, or the date specified in that order, whichever is earlier, where the adoption is finalized on or after the earlier of July 1, 2011, or that specified date, and before December 31, 2016, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that amount shall not exceed the basic foster family home rate structure effective and available as of December 31, 2016, plus any applicable specialized care increment. These adoption assistance benefit payments shall not be increased based solely on age. This paragraph shall not preclude any reassessments of the child's needs, consistent with other provisions of this chapter.

(5) Notwithstanding any other provision of this section, for initial adoption assistance agreements executed on or after January 1, 2017, and before July 1, 2027, or the effective date specified in paragraph (9) of subdivision (h) of Section 11461, as applicable, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the

circumstances of the adopting parents, but that amount shall not exceed the home-based family care rate structure developed pursuant to subdivision (g) of Section 11461 and Section 11463, inclusive of any level of care determination, plus any applicable specialized care increment. This paragraph shall not preclude any reassessments of the child's needs consistent with other provisions of this chapter.

(6) (A) For initial adoption assistance agreements executed on and after the date specified in paragraph (9) of subdivision (h) of Section 11461, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that amount shall not exceed Tier 1 of the Care and Supervision component of the Tiered Rate Structure, as described in subdivision (h) of Section 11461, plus any applicable specialized care increment. This paragraph shall not preclude any reassessments of the child's needs consistent with other provisions of this chapter.

(B) Notwithstanding subparagraph (A), the department shall issue written guidance regarding the specific conditions under which an adoptive family may be paid an amount of aid based on the child's needs that exceeds Tier 1, but shall not exceed Tier 2, of the Care and Supervision component of the Tiered Rate Structure, as described in subdivision (h) of Section 11461, plus any applicable specialized care increment.

(b) Payment may be made on behalf of an otherwise eligible child in a state-approved group home, short-term residential therapeutic program, or residential care treatment facility if the department or county responsible for determining payment has confirmed that the placement is necessary for the temporary resolution of mental or emotional problems related to a condition that existed before the adoptive placement. Out-of-home in-state placements shall be in accordance with the applicable provisions of Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code and other applicable statutes and regulations governing eligibility for AFDC-FC payments for placements in in-state facilities. If the placement is out-of-state, payments may be made only if the provisions of Section 16121.5 are met. The Adoption Assistance Program (AAP) rate paid on behalf of the child shall not exceed the rate paid for a short-term residential therapeutic program. The designation of the placement facility shall be made after consultation with the adoptive family by the department or county welfare agency responsible for determining the Adoption Assistance Program eligibility and authorizing financial aid. Group home, short-term residential therapeutic program, or residential placement shall only be made as part of a plan for return of the child to the adoptive family, that shall actively participate in the plan. Adoption Assistance Program benefits may be authorized for payment for an eligible child's group home, short-term residential therapeutic program, or residential treatment facility placement if the placement is justified by a specific episode or condition and does not exceed an 18-month cumulative period of time. After an initial authorized group home, short-term residential therapeutic program, or residential treatment facility placement, subsequent authorizations for payment for a group home, short-term residential therapeutic program, or residential treatment facility placement may be based on an eligible child's subsequent specific episodes or conditions.

(c) (1) Payments on behalf of a child who is a recipient of AAP benefits who is also a consumer of regional center services shall be based on the rates established by the State Department of Social Services pursuant to Section 11464 and subject to the process described in paragraph (1) of subdivision (d) of Section 16119.

(2) (A) Except as provided for in subparagraph (B), this subdivision shall apply to adoption assistance agreements signed on or after July 1, 2007.

(B) Rates paid on behalf of regional center consumers who are recipients of AAP benefits and for whom an adoption assistance agreement was executed before July 1, 2007, shall remain in effect, and may only be changed in accordance with Section 16119.

(i) If the rates paid pursuant to adoption assistance agreements executed before July 1, 2007, are lower than the rates specified in paragraph (1) of subdivision (c) or paragraph (1) of subdivision (d) of Section 11464, respectively, those rates shall be increased, as appropriate and in accordance with Section 16119, to the amount set forth in paragraph (1) of subdivision (c) or paragraph (1) of subdivision (d) of Section 11464, effective July 1, 2007. Once set, the rates shall remain in effect and may only be changed in accordance with Section 16119.

(ii) For purposes of this clause, for a child who is a recipient of AAP benefits or for whom the execution of an AAP agreement is pending, and who has been deemed eligible for or has sought an eligibility determination for regional center services pursuant to subdivision (a) of Section 4512, and for whom a determination of eligibility for those regional center services has been made, and for whom, before July 1, 2007, a maximum rate determination has been requested and is pending, the rate shall be determined through an individualized assessment and pursuant to subparagraph (C) of paragraph (1) of subdivision (c) of Section 35333 of Title 22 of the California Code of Regulations as in effect on January 1, 2007, or the rate established in subdivision (b) of Section 11464, whichever is greater. Once the rate has been set, it shall remain in effect and may only be changed in accordance with Section 16119. Other than the circumstances described in this clause, regional centers shall not make maximum rate benefit determinations for the AAP.

(3) Regional centers shall separately purchase or secure the services contained in the child's IFSP or IPP, pursuant to Section 4684.

(4) Regulations adopted by the department pursuant to this subdivision shall be adopted as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. The regulations authorized by this paragraph shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.

(d) (1) In the event that a family signs an adoption assistance agreement where a cash benefit is not awarded, the adopting family shall be otherwise eligible to receive Medi-Cal benefits for the child if it is determined that the benefits are needed pursuant to this chapter.

(2) Regional centers shall separately purchase or secure the services that are contained in the child's Individualized Family Service Plan (IFSP) or Individual Program Plan (IPP) pursuant to Section 4684.

(e) The adoption assistance payment rate structure identified in subdivision (a) shall be adjusted by the percentage changes in the California Necessities Index, beginning with the 2011–12 fiscal year, and shall not require a reassessment.

(Amended by Stats. 2025, Ch. 7, Sec. 6. (AB 118) Effective June 27, 2025.)

16121.05. (a) The department or county adoption agency may recover any overpayments of financial assistance under the Adoption Assistance Program, and shall develop regulations that establish the means to recoup them, including an appropriate notice of action and appeal rights, when the department determines either of the following applies:

(1) The adoptive parents are no longer legally responsible for the support of the child.

(2) The child is no longer receiving support from the adoptive family.

(3) The adoptive family has committed fraud in its application for, or reassessment of, the adoption assistance.

(b) Children on whose behalf an adoption assistance agreement had been executed prior to October 1, 1992, shall continue to receive adoption assistance in accordance with the terms of that agreement.

(c) Payment shall begin on or after the effective date of an adoption assistance agreement, or a deferred adoption assistance agreement, or a final decree of adoption, provided that the adoption assistance agreement has been signed by all required parties prior to or at the time the adoption decree is issued by the court. The amount and duration of assistance shall not be changed without the concurrence of the adoptive parents, unless any of the following has occurred:

(1) The child has attained 18 years of age, or 21 years of age where the child has a mental or physical disability that warrants the continuation of assistance.

(2) The adoptive parents are no longer legally responsible for the support of the child.

(3) The child is no longer receiving any support from adoptive parents.

(Amended by Stats. 2012, Ch. 35, Sec. 111. (SB 1013) Effective June 27, 2012.)

16121.1. Notwithstanding the provisions of Section 11105, the residence of the adoptive parents at the time of or subsequent to adoptive placement shall not terminate the eligibility of a child who is otherwise eligible for adoptive assistance payments.

(Added by Stats. 1982, Ch. 977, Sec. 28.5. Effective September 13, 1982. Operative October 1, 1982, by Sec. 36 of Ch. 977.)

16121.2. The Director of Social Services and the Director of Health Services may enter into interstate agreements pursuant to Chapter 2.6 (commencing with Section 16170) that provide for medical and other necessary services for special needs children, establish procedures for interstate delivery of adoption assistance and related services and benefits, and provide for the adoption of related regulations.

(Added by Stats. 1999, Ch. 887, Sec. 8. Effective January 1, 2000.)

16121.5. (a) Adoption Assistance Program (AAP) payments may be made on behalf of an otherwise eligible child for placement in out-of-state residential treatment facility if one or more of the adoptive parents reside in the state in which the residential treatment facility is located and the responsible public agency has confirmed that placement in the an out-of-state residential treatment facility

is necessary for the temporary resolution of the mental health, behavioral health, or emotional health needs of the child and related to a condition that existed before the adoptive placement.

(b) AAP benefits may be authorized for payment for an eligible child's placement in an out-of-state residential treatment facility if the responsible public agency has determined that both of the following conditions exist:

(1) One or more of the adoptive parents reside in the state in which the residential treatment facility is located.

(2) The placement is justified by a specific condition and does not exceed a 12-month cumulative period of time. For the purpose of transitioning the child home, payment at the rate described in subdivision (d) may continue for up to an additional 60 calendar days if the child remains placed at the out-of-state residential treatment facility.

(c) The designation of the placement facility shall be made, after consultation with the adoptive family, by the responsible public agency. Placement in an out-of-state residential treatment facility shall only be made as part of a plan for return of the child to the adoptive family and the adoptive parents shall actively participate in the reunification plan.

(d) The AAP rate paid on behalf of the child for an out-of-state residential treatment facility shall not exceed the lesser amount of the following:

(1) The rate paid for a foster care placement in a short-term residential therapeutic program, as defined in paragraph (18) of subdivision (a) of Section 1502 of the Health and Safety Code.

(2) The rate determined by the ratesetting authority in the state in which the out-of-state residential treatment facility is located.

(e) (1) For the purpose of this section, "out-of-state residential treatment facility" means a facility that is located in a state outside of California, is licensed and in good standing or otherwise approved and in good standing by the applicable state or tribal authority, is eligible as a Title IV-E funded placement in the state in which it is situated, and provides an integrated program of specialized and intensive care and supervision, services and supports, treatment, and short-term, 24-hour, trauma-informed care and supervision to children. An out-of-state residential treatment facility may be called another name, including a group home, a residential facility, or a residential care treatment facility. An out-of-state residential treatment facility shall have a trauma-informed therapeutic focus to treat a child's mental health, behavioral health, emotional health, and attachment needs, and shall have a mental health clinic program.

(2) For purposes of this section, "out-of-state residential treatment facility" shall not include wilderness programs, boot camps, detention facilities, any facility operated primarily for the detention of youth who are involved in the juvenile justice system, academies, or schools, including, but not limited to, boarding schools and military schools.

(3) For purposes of this section, "responsible public agency" means the department or licensed county adoption agency responsible for determining a child's AAP eligibility and initial and subsequent payment amount.

(f) (1) Prior to the authorization of AAP benefits in the out-of-state residential treatment facility, the adoptive family shall provide proof of licensing and accreditation to the responsible public agency. The adoptive family shall provide verification that the out-of-state residential treatment facility is all of the following:

(A) Licensed or otherwise approved by the applicable state or tribal authority.

(B) In good standing.

(C) Eligible as a Title IV-E funded placement.

(D) A qualified residential treatment program, as defined in the federal Social Security Act (42 U.S.C. Sec. 672(k)(4)).

(2) The documentation required by paragraph (1) shall originate from the government agency or tribal authority that licenses or otherwise approves the out-of-state residential treatment facility, or the appropriate state or tribal Title IV-E agency.

(g) Commencing September 1, 2025, and annually thereafter, county adoption agencies shall provide all of the following information to the department:

(1) The total number of children in out-of-state residential treatment facilities.

(2) The name and location of each out-of-state residential treatment facility during the reporting period.

(3) The number of days each child placed in an out-of-state residential treatment facility remained in that facility.

(h) Nothing in this section shall be interpreted to invalidate or alter the terms or conditions of adoption assistance agreements executed before the effective date of this section. For a child who is placed in an out-of-state residential treatment facility before June 30, 2025, or the effective date of this section, whichever date is later, and remains in placement on June 30, 2025, or the effective date of this section, whichever date is later, payment at the negotiated benefit amount shall not exceed the timeframe authorized in the adoption assistance agreement in effect on June 30, 2025, or the effective date of this section, whichever date is

later, unless the responsible public agency and the adoptive parents have negotiated and agreed upon up to an additional 60 calendar days for the purpose of transitioning the child home.

(i) The department shall engage child welfare advocates, county child welfare agencies, tribes, and interested stakeholders to update policies regarding the use of AAP for wraparound and out-of-home placements, and shall provide to the Legislature proposed statutory changes no later than February 1, 2026.

(j) (1) The department shall provide guidance to counties regarding the steps necessary to document the requirements described in this section and shall develop processes to regularly document that the out-of-state residential treatment facility continues to meet the requirements of subdivision (f).

(2) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this section by means of all-county letters or similar written instructions and amended forms, which shall be exempt from submission to or review by the Office of Administrative Law. These all-county letters or similar instructions shall have the same force and effect as regulations.

(k) This section is inoperative on July 1, 2027, or the date that the department notifies the Legislature that the California Statewide Automated Welfare System can perform the necessary automation to implement the Tiered Rate Structure described in subdivision (h) of Section 11461, whichever is later, and is repealed as of January 1 of the following year.

(Added by Stats. 2025, Ch. 7, Sec. 7. (AB 118) Effective June 27, 2025. Conditionally inoperative on or after July 1, 2027, as prescribed by its own provisions. Repealed as of January 1 following inoperative date. See later operative version as added by Sec. 8 of Stats. 2025, Ch. 7.)

16121.5. (a) Adoption Assistance Program (AAP) payments may be made on behalf of an otherwise eligible child for placement in an out-of-state residential treatment facility if one or more of the adoptive parents reside in the state in which the residential treatment facility is located and the responsible public agency has confirmed that placement in the out-of-state residential treatment facility is necessary for the temporary resolution of the mental health, behavioral health, or emotional health needs of the child and related to a condition that existed before the adoptive placement.

(b) AAP benefits may be authorized for payment for an eligible child's placement in an out-of-state residential treatment facility if the responsible public agency has determined that both of the following conditions exist:

(1) One or more of the adoptive parents reside in the state in which the residential treatment facility is located.

(2) The placement is justified by a specific condition and does not exceed a 12-month cumulative period of time. For the purpose of transitioning the child home, payment at the rate described in subdivision (d) may continue for up to an additional 60 calendar days if the child remains placed at the out-of-state residential treatment facility.

(c) The designation of the placement facility shall be made, after consultation with the adoptive family, by the responsible public agency. Placement in an out-of-state residential treatment facility shall only be made as part of a plan for return of the child to the adoptive family and the adoptive parents shall actively participate in the reunification plan.

(d) The AAP rate paid on behalf of the child for an out-of-state residential treatment facility shall not exceed the lesser amount of the following:

(1) The sum of all of the following:

(A) The Tier 3+ Care and Supervision rate established under paragraph (3) of subdivision (h) of Section 11461.

(B) The Tier 3+ administrative rate established under paragraph (2) of subdivision (e) of Section 11462.

(C) The Tier 3+ Immediate Needs Funding established under subparagraph (B) of paragraph (1) of subdivision (d) of Section 16562.

(2) The rate determined by the ratesetting authority in the state in which the out-of-state residential treatment facility is located.

(e) (1) For the purpose of this section, "out-of-state residential treatment facility" means a facility that is located in a state outside of California, is licensed and in good standing or otherwise approved and in good standing by the applicable state or tribal authority, is eligible as a Title IV-E funded placement in the state in which it is situated, and provides an integrated program of specialized and intensive care and supervision, services and supports, treatment, and short-term, 24-hour, trauma-informed care and supervision to children. An out-of-state residential treatment facility may be called another name, including a group home, a residential facility, or a residential care treatment facility. An out-of-state residential treatment facility shall have a trauma-informed therapeutic focus to treat a child's mental health, behavioral health, emotional health, and attachment needs, and shall have a mental health clinic program.

(2) For purposes of this section, "out-of-state residential treatment facility" shall not include wilderness programs, boot camps, detention facilities, any facility operated primarily for the detention of youth who are involved in the juvenile justice system, academies, or schools, including, but not limited to, boarding schools and military schools.

(3) For purposes of this section, "responsible public agency" means the department or licensed county adoption agency responsible for determining a child's AAP eligibility and initial and subsequent payment amount.

(f) (1) Prior to the authorization of AAP benefits in the out-of-state residential treatment facility, the adoptive family shall provide proof of licensing and accreditation to the responsible public agency. The adoptive family shall provide verification that the out-of-state residential treatment facility is all of the following:

(A) Licensed or otherwise approved by the applicable state or tribal authority.

(B) In good standing.

(C) Eligible as a Title IV-E funded placement.

(D) A qualified residential treatment program, as defined in the federal Social Security Act (42 U.S.C. Sec. 672(k)(4)).

(2) The documentation required by paragraph (1) shall originate from the government agency or tribal authority that licenses or otherwise approves the out-of-state residential treatment facility, or the appropriate state or tribal Title IV-E agency.

(g) County adoption agencies shall annually provide all of the following information to the department:

(1) The total number of children in out-of-state residential treatment facilities.

(2) The name and location of each out-of-state residential treatment facility during the reporting period.

(3) The number of days each child placed in an out-of-state residential treatment facility remained in that facility.

(h) (1) The department shall provide guidance to counties regarding the steps necessary to document the requirements described in this section and shall develop processes to regularly document that the out-of-state residential treatment facility continues to meet the requirements of subdivision (f).

(2) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this section by means of all-county letters or similar written instructions and amended forms, which shall be exempt from submission to or review by the Office of Administrative Law. These all-county letters or similar instructions shall have the same force and effect as regulations until the adoption of regulations no later than January 1, 2031.

(i) This section is operative on July 1, 2027, or the date that the department notifies the Legislature that the California Statewide Automated Welfare System can perform the necessary automation to implement the Tiered Rate Structure described in subdivision (h) of Section 11461, whichever is later.

(Repealed (in Sec. 7) and added by Stats. 2025, Ch. 7, Sec. 8. (AB 118) Effective June 27, 2025. Conditionally operative on or after July 1, 2027, as prescribed by its own provisions.)

16122. (a) It is the intent of the Legislature in enacting this chapter to support permanency for children and nonminor dependents who need permanent homes through adoption or guardianship. Historically, the adoption of children from foster care has been supported by private adoption agencies pursuant to the Private Agency Adoptions Reimbursement Program. It is the intent of the Legislature to encourage counties and private adoption agencies to continue supporting these children and families both pre- and post-permanency, which supports the counties and state in meeting federal and state-required permanency outcomes for foster children. In light of the enactment and implementation of the 2011 Realignment and the Continuum of Care Reform, it is necessary to change the construction of the Private Agency Adoptions Reimbursement Program in order to allow for local control of the program and ensure the services provided are consistent with the Continuum of Care Reform, and to allow unspent funds to be utilized to support permanency activities undertaken outside of the Private Agency Adoptions Reimbursement Program.

(b) (1) As set forth in this section, a county child welfare agency shall compensate private adoption agencies licensed pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code for the costs of supporting families through the process of adopting children or nonminor dependents eligible for the Adoption Assistance Program benefits pursuant to Section 16120.

(2) The agencies described in paragraph (1) shall be compensated for adoption services pursuant to this section. One-half of the compensation shall be paid at the time the adoptive placement agreement is signed, unless the adoption agency opts to be paid in full at the time of finalization of the adoption. The remainder shall be paid at the time the adoption petition is granted by the court. Reimbursement procedures shall be established by the department in consultation with the counties and private adoption agencies.

(3) This subdivision shall not be construed to authorize reimbursement to private agencies for intercountry adoption services.

(c) Effective July 1, 2020, the reimbursement made pursuant to subdivision (b) shall be eight thousand dollars (\$8,000) for children adopted from families approved by dually licensed private nonprofit foster family and adoption agencies, and six thousand six hundred dollars (\$6,600) for all other children. These rates shall apply to children for whom an adoption placement agreement is signed on or after that effective date. Children for whom an adoption placement agreement was signed prior to that date shall be reimbursed pursuant to the rates in effect prior to July 1, 2020, and those claims shall be paid by the department pursuant to the process in effect at that time under former Section 16122, with the exception that a cost report shall not be required for adoptions in process as of July 1, 2020.

(d) To the extent that reimbursements made pursuant to subdivision (b) total less than the amount provided to the county for those services, the county may, at its discretion, utilize unspent funds for additional activities related to permanency, including, but not limited to, pre- and post-permanency support related to the establishment of adoptions and guardianships for foster children. This may include services outlined in guidance from the department issued in All-County Letter 18-142.

(e) (1) The department shall work with counties and representatives of adoption agencies to ensure a smooth transition to the new structure under this section, which shall include, but not be limited to, a review of existing guidance and claim forms and instructions and any necessary updates to reflect the new process.

(2) The department, counties, and adoption agencies shall develop language for the placement agreement signed between the county and a dually licensed private nonprofit foster family and adoption agency to ensure compensation is made pursuant to this section should the child transition to an adoption with a family who is under the auspices of that agency.

(f) This section shall become operative on July 1, 2020.

(Repealed (in Sec. 2) and added by Stats. 2019, Ch. 827, Sec. 3. (AB 1301) Effective January 1, 2020. Section operative July 1, 2020, by its own provisions.)

16123. The provisions of Section 16120, permitting the payment of adoption assistance until a child attains 18 or 21 years of age if the child has mental or physical handicaps, or effective January 1, 2012, up to 21 years of age, if the child or nonminor meets the criteria specified in paragraph (3) of subdivision (d) of Section 16120, shall be effective as long as federal funds are available under Title IV-E of the federal Social Security Act (Part E (commencing with Section 670) of Subchapter 4 of Chapter 7 of Title 42 of the United States Code), and the state continues to exercise its option to extend payments up to 21 years of age, pursuant to Section 473(a)(4) of the federal Social Security Act (42 U.S.C. Sec. 673(a)(4)). When those funds cease to be available, the maximum length for payment of the Adoption Assistance Program shall be five years except in instances in which there is a continuing need, related to a chronic health condition of the child which necessitated the initial financial assistance. On and after October 1, 1992, the parent may petition the department or the responsible county to continue financial assistance up to the age of majority.

(Amended by Stats. 2012, Ch. 846, Sec. 51. (AB 1712) Effective January 1, 2013.)

16124. (a) (1) Upon the appropriation of funds by the Legislature for the purposes set forth in this section, the State Department of Social Services shall establish a project in four counties and one state district office of the department to provide preadoption and postadoption services to ensure the successful adoption of children and youth who have been in foster care 18 months or more, are at least nine years of age, and are placed in an unrelated foster home or in a group home.

(2) The participating entities shall include the following:

(A) City and County of San Francisco.

(B) County of Los Angeles.

(C) Two additional counties and one state district office, based on criteria developed by the department in consultation with the County Welfare Directors Association, which shall demonstrate geographic diversity.

(3) A county that elects to apply for funding pursuant to this section shall submit an application to the department no later than a date determined by the department to ensure timely allocation of funds. The department shall review the applications received, and select the eligible counties in accordance with this section.

(b) Each entity identified pursuant to paragraph (2) of subdivision (a) shall receive funding to provide preadoption and postadoption services to the adoptive parents and the targeted population identified in paragraph (1) of subdivision (a).

(1) Preadoption and postadoption services for the child and each family may include, but shall not be limited to, all of the following:

(A) Individualized or other recruitment efforts.

- (B) Postadoption services, including respite care.
- (C) Behavioral health services.
- (D) Peer support groups.
- (E) Information and referral services.
- (F) Other locally designed services, as appropriate.
- (G) Relative search efforts.
- (H) Training of adoptive parents, foster youth, or mentoring families.
- (I) Mediation services.
- (J) Facilitation of siblings in the same placement.
- (K) Facilitation of postadoption contact.
- (L) Engaging youth in permanency decisionmaking.
- (M) Any service or support necessary to resolve any identified barrier to adoption.

(2) The services specified in paragraph (1) may be provided directly by the county, contracted for by the county, or provided through reimbursement to the family, as approved by the county.

(c) The amount of funding provided in the appropriation of funds provided by the annual Budget Act to each county participating in the project shall be allocated as follows:

(1) Seven hundred fifty thousand dollars (\$750,000) to the City and County of San Francisco.

(2) One million two hundred fifty thousand dollars (\$1,250,000) to the County of Los Angeles.

(3) A total of two million dollars (\$2,000,000), to be awarded to the two additional counties and the district office selected pursuant to subparagraph (C) of paragraph (2) of subdivision (a), minus any funds subtracted by the department for the purpose of administering the project. The amount of funds provided to the department for administration of the project, including the costs of collecting and analyzing data pursuant to subdivision (h) and developing the information pursuant to subdivision (i), shall not exceed three hundred thousand dollars (\$300,000).

(4) If the appropriated amount in the annual Budget Act differs from the total amount specified above, then the funds shall be distributed in the same proportion as the amounts listed in paragraphs (1) to (3), inclusive.

(d) Funds shall be allocated to the counties pursuant to subdivision (c) no later than January 1 of each year, and shall remain available for expenditure until June 30, 2010.

(e) (1) The department shall seek approval for any federal matching funds that may be available to supplement the project.

(2) The implementation of the project shall not be dependent upon the receipt of federal funding.

(3) Project funds shall supplement, and not supplant, existing federal, state, and local funds, and shall be used only in accordance with the terms and conditions of the project.

(4) No expenditure made for services specified in subdivision (b) may be made to the extent that it renders the family ineligible for federal adoption assistance.

(f) The project shall be implemented only upon the adoption of a resolution adopted by each county board of supervisors.

(g) The department shall work with the counties to develop the requirements for the project, including the number of families that may participate in the project, given the available resources, and guidelines for data collection, as required by subdivision (h).

(h) (1) The department shall work with the participating county and the state district office to analyze the effects of the project.

(2) Measures assessed by the state and counties shall include, but shall not be limited to, the following:

(A) The extent to which the adoptions of the targeted population identified in paragraph (1) of subdivision (a) increased as a result of the project.

(B) The number of families and children served by the project.

(C) The type and amount of preadoption and postadoption services that were provided to children and families under the project.

(i) The department shall provide information to the Legislature on the results of the project by May 31, 2011.

(j) Adoption programs in the project counties shall be encouraged to create public-private partnerships with private adoption agencies to maximize their success in improving permanent outcomes for older foster youth.

(Amended by Stats. 2010, Ch. 328, Sec. 257. (SB 1330) Effective January 1, 2011.)

16125. A foster child whose adoption has become final, who is receiving or is eligible to receive Adoption Assistance Program assistance, including Medi-Cal, and whose foster care court supervision has been terminated, shall be provided medically necessary specialty mental health services by the local mental health plan in the county of residence of his or her adoptive parents, pursuant to all of the following:

(a) The host county mental health plan shall be responsible for submitting the treatment authorization request (TAR) to the mental health plan in the county of origin.

(b) The requesting public or private service provider shall prepare the TAR.

(c) The county of origin shall retain responsibility for authorization and reauthorization of services utilizing an expedited TAR process.

(d) (1) The State Department of Social Services shall convene a stakeholder group to identify barriers to the provision of mental health services by mental health professionals with specialized clinical training in adoption or permanency issues to children who are receiving services pursuant to this section. The stakeholder group shall include, but is not limited to, all of the following persons:

(A) Adoptive parents.

(B) Former foster youth.

(C) Representatives from the mental health and child welfare fields, including associations representing county mental health departments and private organizations providing specialty mental health services.

(D) Representatives from mental health and social work graduate degree-granting postsecondary education institutions.

(E) Representatives from relevant state and local agencies.

(2) The stakeholder group shall, on or before January 31, 2016, make specific recommendations for voluntary measures available to state and local government agencies and private entities, as appropriate, to address those barriers. The department shall collect existing research and professional literature pertinent to the need for specialized clinical training in adoption and permanency issues, and shall distribute the information to the stakeholder group for consideration and use in making its recommendations. The stakeholder group shall coordinate with, and endeavor not to duplicate, existing local, state, or national initiatives.

(3) A recommendation made pursuant to paragraph (2) shall not be construed to be binding on any state or local government agency or private entity.

(Amended by Stats. 2014, Ch. 766, Sec. 1. (AB 1790) Effective January 1, 2015.)