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Title 22@ Social Security

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Division 2@ Department of Social Services-Department of Health Services

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Part 2@ Health and Welfare Agency-Department of Health Services Regulations

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Subdivision 4@ Institutions and Boarding Homes for Persons Aged 16 and Above

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Chapter 3@ Adoptions Program Regulations [Renumbered]

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Subchapter 7@ Adoption Assistance Program/Aid for the Adoption of Children (AAP/AAC)

## **35334 AAP Benefits for a Child in Temporary Out-of-Home**

Article 3@ AAP Payments

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Section 35334@ AAP Benefits for a Child in Temporary Out-of-Home Placement

### **Placement**

#### **(a)**

The responsible public agency shall confirm the amount and duration of the AAP benefit when the child is placed, either on a voluntary basis or as a dependent or ward of the court, in out-of-home care to treat a condition that the agency has determined to have existed before the adoptive placement. (1) The agency shall conclude that the child would have been placed in the same out-of-home care facility if the child had not been placed for adoption if, after consultation with the adoptive parents, the agency has determined that: (A) Out-of-home placement is necessary to meet the child's needs, (B) The specific placement is able to meet the child's needs appropriately, and (C) The facility's rate classification level is appropriate to the child's needs. (2) The agency shall determine the maximum AAP benefit for which the child is eligible for out-of-home placement. (A) If the adoptive parents are paying for the cost of the placement directly, the available AAP benefit is the state-approved foster care facility rate for which the child is eligible. (B) If the placement cost is paid by another agency (e.g., county welfare department, probation office, regional center), the available AAP benefit shall be either the age-related, state-approved foster family home care rate or the adoptive parent's actual share of cost for support of the child, whichever is greater, but not to exceed the foster family home rate as determined under

Section 35333(c). 1. The maximum share of cost is the state-approved foster family home rate, eligible SCI rate or dual agency rate, and any applicable supplemental rate the child would have received had they remained in foster care. 2. Under Title 2 California Code of Regulations Section 60020(c), the county financially responsible for making AAP payments is responsible for the provision of mental health assessments and mental health services. (3) If the initial Adoption Assistance Program Agreement (AD 4320) for the child was signed on or after October 1, 1992, the duration of a child's placement in a group home or residential treatment facility shall be limited to an 18-month cumulative period of time for a specific episode or incident justifying that placement.

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**(A)**

Out-of-home placement is necessary to meet the child's needs,

**(B)**

The specific placement is able to meet the child's needs appropriately, and

**(C)**

The facility's rate classification level is appropriate to the child's needs.

**(2)**

The agency shall determine the maximum AAP benefit for which the child is eligible for out-of-home placement. (A) If the adoptive parents are paying for the cost of the

placement directly, the available AAP benefit is the state-approved foster care facility rate for which the child is eligible. (B) If the placement cost is paid by another agency (e.g., county welfare department, probation office, regional center), the available AAP benefit shall be either the age-related, state-approved foster family home care rate or the adoptive parent's actual share of cost for support of the child, whichever is greater, but not to exceed the foster family home rate as determined under Section 35333(c).

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**(A)**

If the adoptive parents are paying for the cost of the placement directly, the available AAP benefit is the state-approved foster care facility rate for which the child is eligible.

**(B)**

If the placement cost is paid by another agency (e.g., county welfare department, probation office, regional center), the available AAP benefit shall be either the age-related, state-approved foster family home care rate or the adoptive parent's actual share of cost for support of the child, whichever is greater, but not to exceed the foster family home rate as determined under Section 35333(c). 1. The maximum share of cost is the state-approved foster family home rate, eligible SCI rate or dual agency rate, and any applicable supplemental rate the child would have received had they remained in foster care. 2. Under Title 2 California Code of Regulations Section 60020(c), the county financially responsible for making AAP payments is responsible for the provision of mental health assessments and mental health services.

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The maximum share of cost is the state-approved foster family home rate, eligible SCI rate or dual agency rate, and any applicable supplemental rate the child would have received had they remained in foster care.

**2.**

Under Title 2 California Code of Regulations Section 60020(c), the county financially responsible for making AAP payments is responsible for the provision of mental health assessments and mental health services.

**(3)**

If the initial Adoption Assistance Program Agreement (AD 4320) for the child was signed on or after October 1, 1992, the duration of a child's placement in a group home or residential treatment facility shall be limited to an 18-month cumulative period of time for a specific episode or incident justifying that placement.

**(b)**

If the responsible public agency approves the provision of wrap-around services, as defined in Welfare and Institutions Code Section 18251(d), in lieu of out-of-home placement, the amount of the AAP benefit shall be limited to the amount that would have been paid for the out-of-home placement.

**(c)**

The AAP benefit for the child's placement in a group home or residential care treatment facility shall continue to be available, provided the requirements of this section are met and the adoptive parents actively participate in a plan to return the child to the adoptive home.

**(d)**

When the responsible public agency and the adoptive parents agree on the AAP benefit, the agency shall complete an Adoption Assistance Program Agreement

(AD 4320) with the adoptive parents.(1) The agency shall state in the agreement that the AAP benefit is intended for the child's out-of-home placement and is not to exceed 18 months. (A) The adoptive parent(s) may request the financially-responsible public agency to pay the facility directly using the child's eligible AAP funds, or the adoptive parents may request the AAP check continue to be sent to them to pay the facility. (2) The agency shall complete the AAP 2 instructing the county to send the adoptive parents a Notice of Action indicating that the AAP benefit is approved.

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The agency shall state in the agreement that the AAP benefit is intended for the child's out-of-home placement and is not to exceed 18 months. (A) The adoptive parent(s) may request the financially-responsible public agency to pay the facility directly using the child's eligible AAP funds, or the adoptive parents may request the AAP check continue to be sent to them to pay the facility.

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The adoptive parent(s) may request the financially-responsible public agency to pay the facility directly using the child's eligible AAP funds, or the adoptive parents may request the AAP check continue to be sent to them to pay the facility.

**(2)**

The agency shall complete the AAP 2 instructing the county to send the adoptive parents a Notice of Action indicating that the AAP benefit is approved.

**(f)**

The duration of an Adoption Assistance Program Agreement (AD 4320) for the child's out-of-home placement shall be 18 months before a subsequent reassessment is required.