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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)

**35337 Content of the Adoption Assistance Program**

Article 4@ Adoption Assistance Program Agreement

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Section 35337@ Content of the Adoption Assistance Program Agreement

**Agreement****(a)**

The Adoption Assistance Program Agreement form (AD 4320) shall contain the following: (1) The child's adoptive name and the name(s) of the adoptive parent(s). (2) The amount and duration of financial assistance. (A) The agreement is effective until terminated in accordance with its terms or a new amended agreement is signed. (B) The AD 4320 shall be signed by the responsible public agency and the adopting parent(s) prior to the granting of the final decree of adoption. (C) In adoptive placements which involve more than one agency, all agencies shall sign the initial AD 4320. 1. Subsequent amendments to the AD 4320 shall be signed by the responsible public agency and adoptive parent(s). (3) The AAP benefit will continue unless one of the following occurs: (A) The child has attained the age of 18 unless the child has a mental or physical handicap which warrants continuation of AAP benefits to the age of 21 years. (B) The adoptive parents are no longer legally responsible for the support of the child. (C) The responsible public agency determines the adoptive parents are no longer providing any type of support to the child. (4) It is the adoptive parent's responsibility to inform the responsible public agency immediately if any of the following occurs: (A) Change in mailing address and/or state of residence. (B) The child is no longer residing in the family home. (C) The adoptive parents are no

longer providing any type of support to the child. (D) The adoptive parents are no longer legally responsible for the support of the child. (5) If a needed service is not available in the state of residence, the financially responsible county of origin remains financially responsible for the needed services. (A) The responsible public agency shall assist the adoptive parents by providing information and referral services offered in their state of residence. (B) If the child is state-eligible and eligible for state-funded Medi-Cal benefits, the adoptive parents shall be informed that if they move or reside in another state, access to medical services is contingent on whether their state of residence extends COBRA-reciprocity for children receiving California state-funded Medi-Cal benefits. (6) If the adoptive parents believe their child has a physical or mental disability that warrants the continuance of assistance beyond the age of 18, prior to their child's eighteenth birthday, the adoptive parents are to request the responsible public agency assess and evaluate their child's needs for continuation of benefits beyond the age of 18. (7) If the child is a current consumer of California Regional Center (CRC) services, the maximum available AAP benefit is \$3006. CRC consumers who have received an AAP benefit prior to July 2007, which exceeds the maximum \$3006 rate, may continue to receive the higher rate until the child is no longer eligible for AAP benefits or the adoption is dissolved. (A) If the child is under the age of three and the CRC has determined the child to have a developmental disability as defined by the Lanterman Act, the maximum AAP benefit is \$2006. (B) If the child is under the age of three and receiving services under the California Early Intervention Services Act, but not yet determined by the CRC to have a developmental disability as defined by the Lanterman Act, the maximum AAP benefit is \$898 or the foster family home rate and applicable SCI rate, whichever is greater. 1. After the adoption is finalized, it is the adoptive parents'

responsibility to request the CRC to evaluate the child's eligibility for CRC services and notify the responsible public agency if the child is eligible and receiving CRC services. (8) A child with an initial AAP agreement signed on or after January 1, 2010, will no longer be eligible to receive an AAP age-related increase. (A) A child with an initial AAP agreement signed prior to January 1, 2010 will still be eligible to receive the AAP age-related increase upon request. (B) A child with an initial Adoption Assistance Agreement signed prior to October 1, 1992, shall be governed by Welfare and Institutions Code Section 16121.05(b). (9) That a failure to report the changes specified in Sections 35337(a)(5)(B) through (D) may result in an overpayment which would be recovered by a direct charge or a reduction in current and future AAP benefits. (10) That continuation of payment depends upon continued legal responsibility of the adoptive parents for the support of the child and upon continued receipt by the child of that support. (11) That the AAP benefit will be reduced if the AAP benefit amount exceeds the foster care maintenance payment that would have been made if the child had remained in a foster family home. (12) The agreement shall specify the rate for a child receiving wraparound services or placed in an out-of-home placement which may not exceed the maximum eligible state-approved facility rate and is limited to 18 months per episode or condition. It is the adoptive parent's choice to request the AAP benefit be directed to the facility or to them and they pay the facility directly with the AAP funds received. (13) That the child is eligible for Medi-Cal services. (14) That the child is eligible for services provided pursuant to Title XX of the federal Social Security Act. (A) Title XX services are public social services as described under MPP Sections 30-000 and 31-000. (15) The procedure for reassessment of the AD 4320. (16) That the agreement remains effective regardless of the state in which the adoptive parents reside. (17) Any additional

services and assistance which are to be provided as part of the agreement.

**(1)**

The child's adoptive name and the name(s) of the adoptive parent(s).

**(2)**

The amount and duration of financial assistance. (A) The agreement is effective until terminated in accordance with its terms or a new amended agreement is signed. (B)

The AD 4320 shall be signed by the responsible public agency and the adopting parent(s) prior to the granting of the final decree of adoption. (C) In adoptive placements which involve more than one agency, all agencies shall sign the initial AD 4320. 1. Subsequent amendments to the AD 4320 shall be signed by the responsible public agency and adoptive parent(s).

**(A)**

The agreement is effective until terminated in accordance with its terms or a new amended agreement is signed.

**(B)**

The AD 4320 shall be signed by the responsible public agency and the adopting parent(s) prior to the granting of the final decree of adoption.

**(C)**

In adoptive placements which involve more than one agency, all agencies shall sign the initial AD 4320. 1. Subsequent amendments to the AD 4320 shall be signed by the responsible public agency and adoptive parent(s).

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Subsequent amendments to the AD 4320 shall be signed by the responsible public agency and adoptive parent(s).

**(3)**

The AAP benefit will continue unless one of the following occurs: (A) The child has

attained the age of 18 unless the child has a mental or physical handicap which warrants continuation of AAP benefits to the age of 21 years. (B) The adoptive parents are no longer legally responsible for the support of the child. (C) The responsible public agency determines the adoptive parents are no longer providing any type of support to the child.

**(A)**

The child has attained the age of 18 unless the child has a mental or physical handicap which warrants continuation of AAP benefits to the age of 21 years.

**(B)**

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

**(C)**

The responsible public agency determines the adoptive parents are no longer providing any type of support to the child.

**(4)**

It is the adoptive parent's responsibility to inform the responsible public agency immediately if any of the following occurs: (A) Change in mailing address and/or state of residence. (B) The child is no longer residing in the family home. (C) The adoptive parents are no longer providing any type of support to the child. (D) The adoptive parents are no longer legally responsible for the support of the child.

**(A)**

Change in mailing address and/or state of residence.

**(B)**

The child is no longer residing in the family home.

**(C)**

The adoptive parents are no longer providing any type of support to the child.

**(D)**

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

**(5)**

If a needed service is not available in the state of residence, the financially responsible county of origin remains financially responsible for the needed services. (A) The responsible public agency shall assist the adoptive parents by providing information and referral services offered in their state of residence. (B) If the child is state-eligible and eligible for state-funded Medi-Cal benefits, the adoptive parents shall be informed that if they move or reside in another state, access to medical services is contingent on whether their state of residence extends COBRA-reciprocity for children receiving California state-funded Medi-Cal benefits.

**(A)**

The responsible public agency shall assist the adoptive parents by providing information and referral services offered in their state of residence.

**(B)**

If the child is state-eligible and eligible for state-funded Medi-Cal benefits, the adoptive parents shall be informed that if they move or reside in another state, access to medical services is contingent on whether their state of residence extends COBRA-reciprocity for children receiving California state-funded Medi-Cal benefits.

**(6)**

If the adoptive parents believe their child has a physical or mental disability that warrants the continuance of assistance beyond the age of 18, prior to their child's eighteenth birthday, the adoptive parents are to request the responsible public agency assess and evaluate their child's needs for continuation of benefits beyond the age of 18.

**(7)**

If the child is a current consumer of California Regional Center (CRC) services, the

maximum available AAP benefit is \$3006. CRC consumers who have received an AAP benefit prior to July 2007, which exceeds the maximum \$3006 rate, may continue to receive the higher rate until the child is no longer eligible for AAP benefits or the adoption is dissolved. (A) If the child is under the age of three and the CRC has determined the child to have a developmental disability as defined by the Lanterman Act, the maximum AAP benefit is \$2006. (B) If the child is under the age of three and receiving services under the California Early Intervention Services Act, but not yet determined by the CRC to have a developmental disability as defined by the Lanterman Act, the maximum AAP benefit is \$898 or the foster family home rate and applicable SCI rate, whichever is greater. 1. After the adoption is finalized, it is the adoptive parents' responsibility to request the CRC to evaluate the child's eligibility for CRC services and notify the responsible public agency if the child is eligible and receiving CRC services.

**(A)**

If the child is under the age of three and the CRC has determined the child to have a developmental disability as defined by the Lanterman Act, the maximum AAP benefit is \$2006.

**(B)**

If the child is under the age of three and receiving services under the California Early Intervention Services Act, but not yet determined by the CRC to have a developmental disability as defined by the Lanterman Act, the maximum AAP benefit is \$898 or the foster family home rate and applicable SCI rate, whichever is greater. 1. After the adoption is finalized, it is the adoptive parents' responsibility to request the CRC to evaluate the child's eligibility for CRC services and notify the responsible public agency if the child is eligible and receiving CRC services.

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After the adoption is finalized, it is the adoptive parents' responsibility to request the CRC to evaluate the child's eligibility for CRC services and notify the responsible public agency if the child is eligible and receiving CRC services.

**(8)**

A child with an initial AAP agreement signed on or after January 1, 2010, will no longer be eligible to receive an AAP age-related increase.(A) A child with an initial AAP agreement signed prior to January 1, 2010 will still be eligible to receive the AAP age-related increase upon request. (B) A child with an initial Adoption Assistance Agreement signed prior to October 1, 1992, shall be governed by Welfare and Institutions Code Section 16121.05(b).

**(A)**

A child with an initial AAP agreement signed prior to January 1, 2010 will still be eligible to receive the AAP age-related increase upon request.

**(B)**

A child with an initial Adoption Assistance Agreement signed prior to October 1, 1992, shall be governed by Welfare and Institutions Code Section 16121.05(b).

**(9)**

That a failure to report the changes specified in Sections 35337(a)(5)(B) through (D) may result in an overpayment which would be recovered by a direct charge or a reduction in current and future AAP benefits.

**(10)**

That continuation of payment depends upon continued legal responsibility of the adoptive parents for the support of the child and upon continued receipt by the child of that support.

**(11)**

That the AAP benefit will be reduced if the AAP benefit amount exceeds the foster care

maintenance payment that would have been made if the child had remained in a foster family home.

**(12)**

The agreement shall specify the rate for a child receiving wraparound services or placed in an out-of-home placement which may not exceed the maximum eligible state-approved facility rate and is limited to 18 months per episode or condition. It is the adoptive parent's choice to request the AAP benefit be directed to the facility or to them and they pay the facility directly with the AAP funds received.

**(13)**

That the child is eligible for Medi-Cal services.

**(14)**

That the child is eligible for services provided pursuant to Title XX of the federal Social Security Act. (A) Title XX services are public social services as described under MPP Sections 30-000 and 31-000.

**(A)**

Title XX services are public social services as described under MPP Sections 30-000 and 31-000.

**(15)**

The procedure for reassessment of the AD 4320.

**(16)**

That the agreement remains effective regardless of the state in which the adoptive parents reside.

**(17)**

Any additional services and assistance which are to be provided as part of the agreement.