

|->

Title 22@ Social Security

|->

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

|->

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

|->

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

|->

Chapter 3@ Adoptions Program Regulations [Renumbered]

|->

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

|->

Article 11@ Reimbursement for Nonrecurring Adoption Expenses

|->

(a) Section 35352.1@ Eligibility for Reimbursement

35352.1 Eligibility for Reimbursement

In order for a claim to be eligible for reimbursement, the responsible public agency shall: (1) Record in the case file that the adoption took place in compliance with applicable state and local laws. (2) Record in the case file that the child for whose adoptive costs the parents are claiming reimbursement meets the three part special needs determination and citizenship requirements. (3) Include verification in the case file that the expenses claimed were actual expenditures. "Verification" includes, but is not limited to, copies of the following: (A) Cancelled checks; (B) Signed and dated receipts. (4) Record in the case file that the expenses claimed meet the definition of "nonrecurring adoption expenses" as defined in section 35000(n). (5) Record in the case file that the adoptive parents have not received reimbursement for the claimed expenses from other sources. "Other sources" include, but are not limited to, the following: (A) Reimbursement from employers; (B) Income tax deductions. (6) Ensure that all adoptive parents sign the Adoption Assistance Program Nonrecurring Adoption Expenses Agreement (AAP 8) with the agency prior to finalization of the adoption. The completed and signed AAP 8 shall be filed in the child's AAP file. The content of all such agreements shall meet the requirements as follows: (A) The agreement must indicate the nature and amount of the nonrecurring expenses to be paid. (B) The agreement may be a separate document or part of an agreement for either state

or federal adoption assistance payments or services. (7) Limit the maximum reimbursement for nonrecurring adoption expenses to \$400.00 per placement. (A) Reimbursement for the adoptions costs incurred for the adoption of siblings shall be paid as follows: 1. Siblings placed for adoption either separately or as a unit are treated as individual placements with separate reimbursement for nonrecurring expenses up to the maximum amount allowable for each child. (8) Record in the case file that reimbursement for nonrecurring adoption expenses in interstate placements shall conform to the following: (A) When the adoption of the child involves interstate placement, the State that enters into an Adoption Assistance Agreement under section 473(a)(1)(B)(ii) of the Social Security Act or under a state subsidy program will be responsible for paying the nonrecurring adoption expenses of the child. In cases where there is interstate placement but no agreement for other Federal or State adoption assistance, the State in which the Final Adoption Decree is issued will be responsible for reimbursement of nonrecurring expenses if the child meets the requirements of 473(c).

(1)

Record in the case file that the adoption took place in compliance with applicable state and local laws.

(2)

Record in the case file that the child for whose adoptive costs the parents are claiming reimbursement meets the three part special needs determination and citizenship requirements.

(3)

Include verification in the case file that the expenses claimed were actual expenditures. "Verification" includes, but is not limited to, copies of the following: (A) Cancelled checks; (B) Signed and dated receipts.

(A)

Cancelled checks;

(B)

Signed and dated receipts.

(4)

Record in the case file that the expenses claimed meet the definition of "nonrecurring adoption expenses" as defined in section 35000(n).

(5)

Record in the case file that the adoptive parents have not received reimbursement for the claimed expenses from other sources. "Other sources" include, but are not limited to, the following: (A) Reimbursement from employers; (B) Income tax deductions.

(A)

Reimbursement from employers;

(B)

Income tax deductions.

(6)

Ensure that all adoptive parents sign the Adoption Assistance Program Nonrecurring Adoption Expenses Agreement (AAP 8) with the agency prior to finalization of the adoption. The completed and signed AAP 8 shall be filed in the child's AAP file. The content of all such agreements shall meet the requirements as follows: (A) The agreement must indicate the nature and amount of the nonrecurring expenses to be paid. (B) The agreement may be a separate document or part of an agreement for either state or federal adoption assistance payments or services.

(A)

The agreement must indicate the nature and amount of the nonrecurring expenses to be paid.

(B)

The agreement may be a separate document or part of an agreement for either state or federal adoption assistance payments or services.

(7)

Limit the maximum reimbursement for nonrecurring adoption expenses to \$400.00 per placement. (A) Reimbursement for the adoptions costs incurred for the adoption of siblings shall be paid as follows: 1. Siblings placed for adoption either separately or as a unit are treated as individual placements with separate reimbursement for nonrecurring expenses up to the maximum amount allowable for each child.

(A)

Reimbursement for the adoptions costs incurred for the adoption of siblings shall be paid as follows: 1. Siblings placed for adoption either separately or as a unit are treated as individual placements with separate reimbursement for nonrecurring expenses up to the maximum amount allowable for each child.

1.

Siblings placed for adoption either separately or as a unit are treated as individual placements with separate reimbursement for nonrecurring expenses up to the maximum amount allowable for each child.

(8)

Record in the case file that reimbursement for nonrecurring adoption expenses in interstate placements shall conform to the following: (A) When the adoption of the child involves interstate placement, the State that enters into an Adoption Assistance Agreement under section 473(a)(1)(B)(ii) of the Social Security Act or under a state subsidy program will be responsible for paying the nonrecurring adoption expenses of the child. In cases where there is interstate placement but no agreement for other Federal or State adoption assistance, the State in which the Final Adoption Decree is

issued will be responsible for reimbursement of nonrecurring expenses if the child meets the requirements of 473(c).

(A)

When the adoption of the child involves interstate placement, the State that enters into an Adoption Assistance Agreement under section 473(a)(1)(B)(ii) of the Social Security Act or under a state subsidy program will be responsible for paying the nonrecurring adoption expenses of the child. In cases where there is interstate placement but no agreement for other Federal or State adoption assistance, the State in which the Final Adoption Decree is issued will be responsible for reimbursement of nonrecurring expenses if the child meets the requirements of 473(c).