

	<b>GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES MEDICAID POLICY MANUAL</b>			
	<b>Chapter:</b>	<b>2800</b>	<b>Effective Date:</b>	<b>November 2020</b>
	<b>Policy Title:</b>	<b>Adoption Assistance Medicaid</b>		
<b>Policy Number:</b>	<b>2817</b>	<b>Previous Policy Update:</b>	<b>MT 45</b>	

## REQUIREMENTS

Children who are determined eligible for Adoption Assistance are eligible to receive Adoption Assistance Medicaid if citizenship/alienage criteria are met and are residing in Georgia. The Division of Family and Children Services (DFCS) shall provide Georgia Medicaid under the Consolidated Omnibus Budget Reconciliation Act (COBRA) Reciprocity to a child who is residing in Georgia and receiving Adoption Assistance from another state.

## BASIC CONSIDERATIONS

The Adoption Assistance Program provides funded subsidies to parents adopting children with special needs. A child does not have to have been in DHS custody to be eligible for Adoption Assistance. Reference Child Welfare Policy Manual 12.1 – Eligibility - Adoption Assistance Payments, Medicaid & Non-Recurring for eligibility criteria for adoption assistance. Eligibility for the Adoption Assistance Program is determined by the Social Services Adoption Unit, SSAU.

### **Special Needs**

In order for a child to qualify as having special needs, application must be made to the State Adoptions Unit to determine if special needs criteria have been met by the child based on one of the following criteria effective March 1, 2010.

- A child has been in the care of a private or public agency or individual other than the legal or biological parent for more than 24 consecutive months.
- A child with a physical, mental, or emotional disability, as validated by a licensed physician or psychologist.
- A child who is a member of a sibling group of two or more placed in the same home.

A funding determination is required before Social Services can authorize Adoption Assistance. A Revenue Maximization RMS validates the funding determination for Adoption Assistance. The funding determination is system derived by SHINES based on the funding

**BASIC CONSIDERATIONS (cont.)**

determination made at initial entry into foster care; or by review of the IV-E criteria for children who have not been in the permanent custody of DHS; or by criteria established by the Fostering Connections to Success and Increasing Adoptions Act of 2008.

For Adoption Assistance Under Age 18, the child does not have to be continually eligible under IV-E standards but must be determined IV-E eligible at the time of removal from the home.

IV-E eligibility begins at the time of adoptive placement as long as the Adoption Assistance Agreement is in effect. The initial removal court order must contain *the “contrary to the welfare language”*.

**NOTE:** While a court order with the judicial determination that *Reasonable Efforts were made to prevent removal or that Reasonable Efforts were not required to prevent removal* is required for IV-E eligibility for a child entering foster care, this requirement is not a criteria to meet IV-E eligibility for Adoption Assistance.

If the placement is initiated through a Voluntary Placement Agreement, a judicial determination containing “contrary to the welfare” language must be made within the 180-day limitation of the voluntary placement and a IV-E Foster Care payment must be made during the 180-day period.

A child placed pursuant to a Voluntary Placement Agreement under which an IV-E maintenance payment is not made is not eligible to receive IV-E Adoption Assistance.

If placement is initiated by a voluntary relinquishment, the State must petition the court within six months of removal. A judicial determination to the effect that remaining in the home would be *“contrary to the child’s welfare”* must be initiated within the six months’ time frame. See Section [2820](#), Legal Status.

There are two circumstances under which the nature of a child’s removal from his/her home is irrelevant:

- When a child is SSI eligible at the time adoption proceedings are initiated and the State determines the child meets the definition of special needs prior to the finalization of the adoption.
- In a subsequent adoption when a child received IV-E Adoption Assistance in a previous adoption that dissolved or in which the adoptive parent(s) died, if the State determines that the child continues to be a child with special needs.

Reviews are not required for Adoption Assistance, but are required for the related Medical Assistance case every 12 months.

**BASIC CONSIDERATIONS (cont.)**

**NOTE:** IV-E Adoption Assistance benefits are available through the month of the child's 18th birthday. A child may receive state funded Adoption Assistance after age 18 under certain eligibility criteria and verification. Reference Child Welfare Policy Manual 12.10 – Adoption Assistance Benefits – After 18.

**PROCEDURES**

The Social Services Case Manager (SSCM) requests a funding determination for the purpose of adoption by sending a SHINES Task to the RMS to complete a SHINES AA Funding Page.

The RMS reviews, verifies eligibility criteria and validates the AA Funding Page with the funding determination and alerts the SSCM of the funding determination.

The SSCM will complete the Adoption Assistance Application and submit to the State Adoptions Unit for review and approval.

For those children determined to be IV-E eligible at initial entry into foster care, the Adoption Assistance will be determined IV-E eligible.

**Title IV-E Adoption Assistance**

Title IV-E Adoption Assistance – The Title IV-E Adoption Subsidy Program has specific requirements that must be met prior to claiming Federal reimbursement. These requirements include a child meeting both Special Needs Criteria and Title IV-E Eligibility criteria for either the “Applicable Child” or “Non-Applicable” Child as found in Social Services Administration Unit, Section 109 – Adoption Assistance.

**Children Not in the Permanent Custody of DHS**

Eligibility requirements for Adoption Assistance do not specify that DHS must have custody or placement and care responsibilities for a child. However, a child who is not in the permanent custody of DHS must be Title IV-E eligible and meet the special needs criteria in order to be considered for Adoption Assistance.

A special needs child who is eligible for SSI at the time of the filing of the adoption petition is eligible to receive IV-E Adoption Assistance benefits. These include Monthly Assistance, Medicaid and Non-Recurring Adoption Expenses.

If a special needs child is in the permanent custody of a private, nonprofit agency, the child may be eligible for Adoption Assistance benefits if the child receives SSI; or if it can be verified that a child was removed from the home of a specified relative, was AFDC eligible at the time of removal and a judicial determination was initiated within six months of removal from the home containing the “*contrary to the welfare*” language.

**PROCEDURES (cont.)**

Eligibility is contingent on an application for Adoption Assistance being signed and in effect prior to the finalization of the adoption. Benefits are available to the child once all parental rights have been terminated or surrendered, the child is legally free for adoption, and the child is placed in the adoptive home.

Benefits will terminate on the last day of the child's 18th birthday if the child was never in the permanent custody of DHS. (The family shall be referred to Social Security Administration to apply for SSI.)

**Children Not in the Permanent Custody of DHS Adopted by a Specified Relative**

A child who has not been in the custody of DHS and is being adopted by a specified relative is potentially eligible for IV-E Adoption Assistance under the following circumstances:

- The child must have been removed from the home of a specified relative by a judicial determination (this may be a termination of parental rights) that includes the "*contrary to the welfare*" language (this may be a constructive removal). At the time of the removal the child must have been AFDC eligible. Reference Section 2825 – AFDC Relatedness.

**OR**

- A special needs child who is in the temporary custody of DHS and meets IV-E criteria may receive IV-E Adoption Assistance if adopted by a specified relative. DHS must initiate the TPR proceedings but may give permanent custody to the relative for the purpose of adoption.

**AND**

- A special needs determination must be made by the Social Services Adoptions Unit if the child is not eligible based on age and race.

**Adoption Assistance Medicaid Under Age 18.**

Follow the steps below to determine initial Medicaid eligibility.

Obtain the Form 403, ADOPTION Assistance Benefits Memorandum.

- A legally executed adoption assistance agreement is in place between the state and the adoptive parents and the date signed;
- There exists a specific factor or condition which precludes adoptive placement without state adoption assistance. These factors include, but are not limited to the following:

**PROCEDURES (cont.)****Adoption Assistance Medicaid Under Age 18. (cont.)**

- Ethnic background
  - Age
  - Membership in a minority or sibling group
  - Presence of a mental condition
  - Physical, mental or emotional disability
- The placement of the child in the adoptive home would not be possible without the Medicaid coverage.
  - The child's date of birth.
  - The Social Security number (SSN) of the child or statement of intent to apply for a SSN.

Determine the child's Medicaid eligibility as of the month of the adoption finalization. As long as the child is receiving Adoption Assistance and is under the age of 18, Adoption Assistance Under Age 18 Medicaid coverage is provided.

**Adoption Assistance Age 18 – 21**

A youth may continue beyond the youth's 18<sup>th</sup> birth month when the youth's circumstances meet the basic eligibility criteria to continue benefits past 18 years of age and when verification is provided that meets the high school or college eligibility criteria. Reference Child Welfare Policy Manual 12.10 – Adoption Assistance Benefits – After 18

**Authorizing Medicaid for Out-of-State Adoption Assistance Children Residing in Georgia**

Refer to Section [2852](#), Medicaid Application Processing For Out-of-State Children Placed in Georgia.