

Eligibility Documentation Desk Aid
Adoption Assistance Eligibility

Criteria	Required for Funding	Requirement	Acceptable Documentation
Age	Title IV-E	The child must be under the age of 18, or under the age of 21 and it is determined that the child has a handicapping condition that warrants the continuation of assistance.	Birth certificate, baptismal certificate, or progress notes that substantiate that a certificate was seen by the caseworker, and the note contains the child's name, date of birth, parents' names, certificate number, and school records. Case record information must be consistent with these data. Also, WMS clearance printout reflecting the child's date of birth.
Age	State Subsidy	State Adoption Subsidy is allowed for a child up to age 21 whose guardianship and custody were transferred prior to the age of 18, as long as the adoptive parent remains legally responsible for the support of the child or provides any support for the child.	
Age	Title IV-E	When Title IV-E assistance is lost at age 18 as a result of the handicapping condition not warranting continued payment to age 21, a State Adoption Subsidy must be authorized until the child attains the age of 21, providing the child remains dependent. In the case of a child who was eligible for Title IV-E Adoption Assistance as a hard-to-place child, federal Adoption Assistance must end at age 18. State Adoption Subsidy (maintenance only) must be authorized until the child reaches the age of 21, providing the child remains dependent.	
Special Needs	Title IV-E	All factors must apply: a. 1) The child was removed from the home pursuant to a judicial determination that it was contrary to the child's welfare to remain in the home, or 2) the child was	a. 1) A copy of the removal court order stating that it is contrary to the child's welfare to remain in the home, or 2) a copy of the Voluntary Placement Agreement and Court's approval of the Voluntary Agreement and WMS screen print showing that the child receives Title IV-E foster care payments. b. UCR documentation showing that the child meets the criteria of a child with special needs.

Criteria	Required for Funding	Requirement	Acceptable Documentation
Special Needs <i>continued</i>	Title IV-E <i>continued</i>	<p>removed from the home pursuant to a Voluntary Placement Agreement and the child receives Title IV-E foster care payments.</p> <p>b. The child meets the criteria of a child with special needs, as outlined in 18 NYCRR 421.24(a)(2) and (a)(3)(ii) or (iii).</p> <p>c. The State must determine that a reasonable, but unsuccessful, effort to place the child with appropriate parents without providing Adoption Assistance has been made. The only exception is when it would not be in the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in their care as a foster child, or the child is placed for adoption with a relative.</p>	<p>c. UCR documentation listing the specific factor(s) making the child difficult to place and describing the efforts to place the child for adoption without providing assistance or that explains significant emotional ties with the prospective foster adoptive parent(s) or placement for adoption with a relative.</p>
Special Needs (Handicap or hard-to-place)	State Subsidy	<p>The child must meet the criteria in 18 NYCRR 421.24 (a) or (b) or (c) (1):</p> <p>1) must be determined handicapped and is not eligible for Title IV-E Adoption Assistance; <i>or</i> 2) must be determined to be hard to place and not eligible for Title IV-E Adoption Assistance; <i>or</i> 3) had a pre-existing condition or disability unknown to the adoptive parents before finalization.</p>	<p>1) Medical documentation of the child's handicap, Initial Foster Child Eligibility Checklist (LDSS-4809) or Automated Eligibility Worksheet output showing that the child is <i>ineligible</i> for Title IV-E or SSI; 2) Surrender or TPR document indicating freed date and a copy of the signed Adoption Placement Agreement (APA); UCR documentation that substantiate that the child is a member of a sibling group or a member of a minority group over represented in foster care; 3) Certification from a physician indicating a pre-existing condition.</p>

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Financial Need (not a requirement for State Subsidy)	Title IV-E	The child with special needs: 1) would have been ADC-eligible in the home from which he/she was removed at the time of removal <i>and</i> in the month the adoption proceedings were initiated (not necessarily during the entire period of foster care placement); <i>or</i> 2) would have been SSI- eligible at the time the adoption petition is filed (regardless of how the child was removed); <i>or</i> 3) was previously adopted and was receiving Title IV-E Adoption Assistance, but the adoption dissolved or the adoptive parent(s) died; <i>or</i> 4) the child is a child of a minor parent in foster care who is receiving Title IV-E foster care payments that cover both the minor parent and the child at the time the adoption petition is filed (Title IV-E Adoption Assistance, including an expanded subsidy amount, is available to cover the needs of an otherwise eligible minor parent and her infant when the parent is being adopted and her infant or child remains in her custody and lives with her in the adoptive home); <i>or</i> 5) a fair hearing has determined that Adoption Assistance was wrongfully denied.	Initial Foster Child Eligibility Checklist (LDSS-4809) or Automated Eligibility Worksheet output showing Title IV-E categorical eligibility and relevant back-up documentation for that eligibility, or letter from SSI or copy of check confirming receipt of SSI benefits at the time the adoption petition was filed; copies of the surrender, notification from the Court of the TPR or the death certificate of the adoptive parent(s) and a copy of the county's record that the child previously received Title IV-E Adoption Assistance; WMS screen print showing that the minor parent receives Title IV-E foster care payments; or the fair hearing determination that the Adoption Assistance was wrongfully denied.
Date of Agreement	Title IV-E and State Subsidy	Adoption Subsidy Agreement (LDSS-4623) must be signed by all parties on or before the final decree of adoption. Agreements executed after finalization are not eligible for Title IV-E Adoption Assistance payments except when a fair hearing determines that Adoption Assistance was wrongfully denied.	Adoption Subsidy Agreement signed by all parties on or before the final decree of adoption. Note: The Checklist (LDSS-3912) must be completed before completing the Adoption Subsidy Agreement.

Criteria	Required for Funding	Requirement	Acceptable Documentation
Date of Agreement (<i>continued</i>)	Title IV-E and State Subsidy (<i>continued</i>)	For state subsidy, an application may be made subsequent to finalization of the adoption, if the parents become aware of pre-existing condition unknown to the parents prior to finalization of the adoption and a physician certifies that the condition existed prior to the child's adoption.	
Medical Assistance	COBRA MA	<p>A child who is eligible for Title IV-E Adoption Assistance is eligible for MA coverage.</p> <p>To be eligible for MA under the COBRA provision, the child must be ineligible for Title IV-E and have a special medical or rehabilitative need that would make placement for adoption without MA coverage difficult; the child must have been in receipt of, or eligible for, MA in the three-month period before the Adoption Subsidy Agreement is signed.</p>	Medical documentation of the child's handicap, Initial Foster Child Eligibility Checklist (LDSS-4809), documentation from SSA, or the Automated Eligibility Worksheet output showing that the child is <i>ineligible</i> for Title IV-E or SSI.
Medical Assistance (<i>continued</i>)	State Medical Subsidy	State Medical Subsidy must be provided to 1) a handicapped child who is eligible for adoption subsidy but is not eligible for MA, and 2) a hard-to-place child who is not MA eligible and is being adopted by parents who are within five years of mandatory retirement age, or age 62 or older. The child may receive State Medical Subsidy up to age 21 providing that the parent remains legally responsible for the child and provides any support for the child. 3) a handicapped or hard to place child whose adoptive parents die and the child is ineligible for non-Title IV-E MA and had been eligible for medical subsidy.	For handicapped children, documentation of handicapping condition; for hard-to-place children, the prospective adoptive parent's birth certificate or documentation from the prospective adoptive parent's place of employment showing that there is a mandatory retirement age, adoptive parent(s) death certificate.