

Child Welfare Policy Manual

Questions & Answers

8.2B.1 TITLE IV-E, Adoption Assistance Program, Eligibility, Biological parents

1. Question: Can a biological parent whose parental rights have been terminated and who later adopts his or her biological child receive title IV-E adoption assistance?

Answer: No. The purpose of the title IV-E adoption assistance program is to provide assistance to adoptive families who adopt special needs children in need of alternative permanent homes. A child cannot be considered a child with special needs unless, among other things, "the State has determined that the child cannot or should not be returned to the home of his parents" (section 473(c) of the Act). While the termination of parental rights (TPR) would verify that this determination had previously been made, the placement of the child back into the biological home would nullify such a determination. While the IV-E agency may continue to recognize that the legal ties have been severed, the biological ties remain.

In this situation, the child would be returned to the home of the biological parent. Thus, a determining factor for title IV-E eligibility in section 473(c) of the Act would not be present. The adoption by the biological parent in these circumstances, would be undertaken as a means of restoring the legal relationship between the parent and child, rather than for purposes of providing the child with new parents or a substitute for the original home.

- **Source/Date:** ACYF-CB-PIQ-89-04 (8/8/89)
- **Legal and Related References:** Social Security Act - sections 472 (a)(2)(A) and (C), 473 (a)(2)(A)(ii) and 473 (c)