

Child Welfare Policy Manual

Questions & Answers

8.2B.10 TITLE IV-E, Adoption Assistance Program, Eligibility, Responsibility for placement and care

1. Question: In reference to a child who is not an "applicable child" must the title IV-E agency have responsibility for placement and care of a child for that child to be eligible for title IV-E adoption assistance?

Answer: The eligibility requirements for adoption assistance in section 473(a)(2) of the Act do not specify that the title IV-E agency must have placement and care responsibility for a child to qualify for adoption assistance. There are some situations, however, in which the criteria dictate that a child who is not an applicable child be under the placement and care responsibility of the title IV-E agency or that of another public agency (including Tribes without an approved title IV-E plan) that has a title IV-E agreement in order to be eligible for title IV-E adoption assistance. These are:

- 1) a child who is placed pursuant to a voluntary placement agreement and who must have had a title IV-E foster care maintenance payment paid on his or her behalf under the agreement, consistent with section 472(a)(2)(B) and 473(a)(2)(A)(i)(I)(aa) of the Act; and
- 2) a child who is eligible for title IV-E adoption assistance based upon his or her minor parent's eligibility for title IV-E foster care while in the custody of the State agency, consistent with section 473(a)(2)(A)(i)(I)(cc) of the Act.

*Note: This Q/A was previously deleted on 10/25/2017 because at the time, the phase-in for the applicable child in section 473(e)(1)(B) of the Act was complete. P.L. 115-123 amended section 473(e)(1)(B) to extend the applicable child phase-in to FY 2025, effective 1/1/2018.

- **Source/Date:** ACYF-CB-IM-01-01 (11-6-01); (03/03/2020)
- **Legal and Related References:** Social Security Act - section 473(a)(2) and (e), and 479B