

Child Welfare Policy Manual

Questions & Answers

8.2B.2 TITLE IV-E, Adoption Assistance Program, Eligibility, Children in foster care

1. Question: Would adoptive parents continue to be eligible to receive title IV-E adoption assistance payments on behalf of a child who has been placed in a psychiatric facility under the care and responsibility of the title IV-E agency through a voluntary placement agreement?

Answer: Yes. Title IV-E, section 473(a)(4)(A) of the Social Security Act indicates that no payment may be made to parents with respect to any child if the title IV-E agency determines that the parents are no longer legally responsible for the support of the child who has not attained 18 years of age or if the title IV-E agency determines that the child is no longer receiving any support from such parents. Other than the age of the child, these two conditions are the only basis in the Act for terminating adoption assistance payments on behalf of a child unless requested by or agreed to by the adoptive parents. On the other hand, there is nothing to prevent the title IV-E agency or the court from requesting or ordering the parents to contribute toward the cost of the child's care in the psychiatric facility, in the same manner as any other parents would be asked in similar situations.

- **Source/Date:** ACYF-CB-PIQ-85-12 (11/25/85); 10/25/17; (03/03/2020)
- **Legal and Related References:** Social Security Act - section 473(a)(4)(A) and 479B

2. Question: May title IV-E eligible children in adoptive homes receive title IV-E foster care maintenance payments prior to finalization of adoption?

Answer: Prior to the finalization of adoption, title IV-E eligible children in adoptive homes may receive foster care maintenance payments if the home is licensed for foster care.

- **Source/Date:** ACYF-CB-PIQ-82-01 (1/19/82)
- **Legal and Related References:** Social Security Act - section 472