

# Child Welfare Policy Manual

---

## Questions & Answers

---

### 8.2B.4 TITLE IV-E, Adoption Assistance Program, Eligibility, Deceased adoptive parents/dissolved adoptions

---

**1. Question: Please explain the requirements regarding a child's eligibility for title IV-E adoption assistance when the adoptive parents die or the adoption is dissolved.**

**Answer:** In the situation where a child is adopted and receives title IV-E adoption assistance, but the adoption later dissolves or the adoptive parents die, a child may continue to be eligible for title IV-E adoption assistance in a subsequent adoption. The only determination that must be made by the title IV-E agency prior to the finalization of the subsequent adoption is whether the child is a child with special needs, consistent with the requirements in section 473(c) of the Act. Eligibility factors in sections 473(a)(2)(A) of the Act must not be redetermined when such a child is subsequently adopted because the child is to be treated as though his or her circumstances are the same as those prior to his or her previous adoption. Since title IV-E adoption assistance eligibility need not be re-established in such subsequent adoptions, the manner of a child's removal from the adoptive home, including whether the child is voluntarily relinquished to an individual or private agency, is irrelevant.

- **Source/Date:** ACYF-CB-PA-01-01 (1/23/01)
- **Legal and Related References:** Social Security Act - section 473(a)(2)(A) and (C) and 473(c)

**2. Question: Please explain the responsibilities of States that have entered into interstate adoptions when the adoptive parents die or the adoption is dissolved.**

**Answer:** If a title IV-E adoption dissolves or the adoptive parents die and the child is placed with a State agency that assumes responsibility for placement and care, it is the placing State's responsibility to determine whether the child meets the definition of special needs, and pay the subsidy in a subsequent adoption. If, however, a public child welfare agency is not involved in the subsequent adoptive placement of a child, it is the public child welfare agency in the subsequent adoptive parents' State of residence that is responsible for determining whether the child meets the definition of special needs, entering into the adoption assistance agreement, and paying the subsidy. The State of the child's initial adoption or the State that pays the title IV-E adoption assistance in the child's initial adoption is irrelevant in a subsequent adoption.

- **Source/Date:** ACYF-CB-PA-01-01 (1/23/01)

- **Legal and Related References:** Social Security Act - section 473

**3. Question: A child is adopted by two parents, but only one parent signs the adoption assistance agreement. May the child continue to receive title IV-E adoption assistance payments if the parent who signed the adoption assistance agreement later dies?**

**Answer:** Yes, once the surviving adoptive parent signs an agreement. There is nothing in title IV-E or 45 C.F.R. Part 1356 that would prohibit payments from continuing on behalf of the eligible child under an agreement signed by the surviving adoptive parent after the death of the parent who signed the original agreement.

- **Source/Date:** 03/18/13
- **Legal and Related References:** Social Security Act - Section 473; 45 CFR 1356.40