

Child Welfare Policy Manual

Questions & Answers

8.2B.5 TITLE IV-E, Adoption Assistance Program, Independent Adoptions

1. Question: Is a child who is the subject of an independent adoption eligible for title IV-E adoption assistance if the child is not an "applicable child"?

Answer: We consider an independent adoption one in which the child is not under the responsibility of a public or private adoption agency. It is highly improbable that a child who is adopted through an independent adoption will be eligible for title IV-E adoption assistance if the child is not an "applicable child" since many of these children are voluntarily relinquished at birth directly to an adoptive family. Children who are voluntarily relinquished are eligible only in certain limited circumstances and only when they are relinquished to the title IV-E agency or another public agency (including Tribes without an approved title IV-E plan) with which the title IV-E agency has a title IV-E agreement. The only exceptions are: (1) a child who meets the eligibility criteria for Supplemental Security Income, and (2) a child in a subsequent adoption, under specific circumstances, if s/he received title IV-E adoption assistance in a previous adoption. If the title IV-E agency determines that such child is a child with special needs, consistent with section 473(c) of the Act, the title IV-E agency may not apply any further requirements or restrictions to the child's eligibility for title IV-E adoption assistance. *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-PA-01-01 (1/23/01); 7/17/2006; (03/03/2020)
- **Legal and Related References:** Social Security Act - sections 473(a)(2), 473(c), and 479B; The Deficit Reduction Act of 2005