

**DSS ADMINISTRATIVE LETTER  
FAMILY SUPPORT AND CHILD WELFARE SERVICES FSCWS-11-06**

**TO:** County Directors of Social Services

**ATTENTION:** Children's Services Program Managers and Supervisors  
Children's Services Social Workers

**DATE:** October 6, 2006

**SUBJECT:** Changes to Adoption and Foster Care Policy

**EFFECTIVE DATE:** IMMEDIATELY

The purpose of this Administrative Letter is to inform counties of changes to adoption policy resulting from the Deficit Reduction Act of 2006. This change was inadvertently overlooked when Part VI-Adoption Assistance Payments of the Child Welfare Funding, Chapter XIII was sent out on August 7, 2006.


*Adoption Assistance Eligibility Criteria.* The law revises section 473(a)(2) of the Social Security Act to clarify that for title IV-E adoption assistance eligibility, a child must meet the AFDC criteria in the specified relative's home from which he or she is removed. Further, the law simplifies an aspect of adoption assistance eligibility by requiring that a child meet the AFDC eligibility criteria (as they existed in the State's title IV-A plan on July 16, 1996) at the time of the child's removal from a specified relative only. **A State is no longer required to determine the child's AFDC eligibility at the time of the initiation of adoption proceedings.**

For those children who qualify for Adoption Assistance based on receipt of SSI benefits, they must meet both the requirements for SSI benefits and be determined to be a child with special needs prior to the finalization of the adoption. **Determination of SSI eligibility is no longer needed at the time the adoption petition is filed.**

For those children who qualify for Adoption Assistance based on being the child of a minor parent, the child's parent must have received a Title IV-E maintenance payment that covered parent and child and be determined to be a child with special needs prior to the finalization of the adoption. **Determination of eligibility is no longer needed at the time the adoption petition is initiated.**

If you have any questions about the information included in this Administrative Letter, please contact your Children's Programs Representative or call the Foster Care and Adoption Policy Team at (919) 733-2580.

Sincerely,



Esther High, Acting Chief  
Family Support and Child Welfare Services Section

cc: Sherry S. Bradsher  
Sarah Barham  
Family Support and Child Welfare Services Team Leaders  
Children's Program Representatives  
Local Business Liaisons  
Child Welfare Attorneys