

# **Extended Adoption Assistance Program (AAP) Beyond the Age of 18**

E050-0565 | Revision Date: 01/28/2022

## Overview

This policy provides staff with instructions regarding the extension of Adoption Assistance Program (AAP) benefits to age 21 for youth who meets the eligibility participation criteria in accordance to Assembly Bill 12 (AB 12) or a child/youth who is assessed with a mental and/or physical disability.

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## Version Summary

This policy guide was updated from the 10/18/2012 version, as part of the Eligibility Policy Redesign. Changes were made to align with the implementation of the California Statewide Automated Welfare System (CalSAWS) / Leader Replacement System (LRS).

# POLICY

## Eligibility for Extended Benefits

There are two (2) distinct ways AAP benefits may be extended beyond age 18:

- Children/youth receiving AAP benefits who have a documented mental and/or physical disability that warrants the continuation of assistance are eligible to receive benefits to age 21 regardless of the age of the child/youth when the initial adoption assistance agreement was signed. [The child/youth, under these documented conditions, may be eligible for AAP Federal \(03\) or State \(04\) funds.](#) Adoptive parent must request AAP benefits extension prior to child's 18<sup>th</sup> birthday or;
- Effective January 1, 2012, nonminors who do not have a documented mental and/or physical disability that warrants continuation of benefits [may be eligible for AAP benefits after the age of 18](#) if they meet one of the [five \(5\) participation criteria](#), as follows:
  - (1) The nonminor is completing high school or a program leading to an equivalency program.
  - (2) The nonminor is enrolled in an institution that provides post-secondary or vocational education.
  - (3) The nonminor is participating in a program or activity designed to promote or remove barriers to employment
  - (4) The nonminor is employed at least 80 hours per month
  - (5) The nonminor is incapable of doing any of the activities in the above criteria (items 1 through 4, inclusive) due to a documented medical condition. This includes a temporary condition that would keep the nonminor from meeting one of the four (4) criteria above.
    - Once the temporary condition no longer exists, the nonminor will need to meet at least one (1) of the other above-mentioned participation criteria to remain eligible for extended AAP benefits.
- The adoptive parent(s) must request AAP benefits extension prior to child's/youth's 18<sup>th</sup> birthday.

Under this AAP extended benefits, the AAP aid code of the child/youth prior to the AAP age extension must be "03". After approval of the AAP age extension benefits, the "03" aid code will be converted to "07".

It is the adoptive parent(s) responsibility to notify the responsible public agency via a phone call, email or a written document if the former NMD is not satisfying at least one (1) of the [participation criteria](#).

In addition to the five (5) [participation criteria](#), children/youth must also meet one (1) of the following for benefits to be extended beyond age 18:

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- The initial AAP agreement must have been signed when the child/youth was at least 16 years old.
- The child/youth will turn 18 on or after January 1, 2012.

## Exclusions

The AB 12 excludes the following youth from receiving extended AAP benefits:

- A child/youth whose initial AAP agreement was signed prior to the age of 16.
- When a child/youth's case was determined to be non-federal prior to the extension period.

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## County Responsibility to Notify AAP Recipients

The Revenue Enhancement Division (RED) of the Department of Children and Family Services (DCFS) must notify all affected AAP recipients of a child/youth's potential eligibility for extended benefits prior to the child/youth's 18<sup>th</sup> birthday. The Post Adoptive Services (PAS) Unit and Resource Family Support and Permanency Division (RFSPD) CSW must document in the AAP case file that the child/youth meets one of the [five \(5\) participation criteria](#) for extended benefits in accordance with AB12 and include current supporting documentation requested from State Regulation.

The responsible public agency is encouraged to broadly define the [five \(5\) participation criteria](#), so that the child/youth and the adoptive family may benefit from the extension of AAP benefits.

## Recipient Responsibilities for AAP Benefits

For nonminors receiving extended AAP benefits, the AD 4320, Adoption Assistance Program Agreement creates a contractual obligation for the adoptive parent(s) to continue to financially support the nonminor as a condition of continued receipt of AAP benefits.

The adoptive parent(s) is/are responsible for requesting the AAP benefit extension prior to the child/youth's 18<sup>th</sup> birthday, and providing current supportive documentation to the responsible public agency that the child/youth meets one of the five (5) [participation criteria](#).

The responsible public agency will determine the child/youth's eligibility for the extension of AAP benefits beyond the age of 18. All AAP rate negotiations and AAP agreements are to be conducted and signed by the responsible public agency and the adoptive parent(s). The regulations and statutes specific to AAP, including the Fair Hearing procedures, continue to apply.

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## Notices of Action (NOA)

All NOAs are child-specific. A NOA is completed by the individual taking the action when aid is granted, request for a rate change is denied, increased, decreased, discontinued, deferred or terminated.

The County shall send an NOA between 60 and 70 days prior to the ending date of payment when the child will reach the age of 18 or 21, or when the adoption assistance agreement indicates that AAP benefits are for a specific, time-limited duration.

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## PROCEDURE

### AAP Reassessment Eligibility Worker (EW) Responsibilities

1. Receive and review the AAP 2, Payment Instructions Adoption Assistance Program and a copy of the AD 4320, Adoption Assistance Program Agreement for the appropriate signatures from the PAS Unit or the RFSPD CSW to extend AAP benefits.
  - If the documentation is incomplete or inaccurate notify the PAS CSW or the RFSPD CSW for corrective measures.
2. Confirm the Benefits Extension Reason from the AAP 2 document and input on LRS Summary Page.
3. If AAP benefits have been discontinued in LRS due to the youth having turned 18, reopen the AAP case with an effective date of the first day of the following month that the youth turned 18.
4. Update the Extended Benefits section under the AAP Summary page based on the AAP 2 in LRS.
5. Edit the AAP Placement page to add the new agreement to reflect the extension period in LRS.
6. Run and review the AAP Eligibility Determination Benefits Calculation (EDBC) Summary page before accepting it.
  - The AB 12 extension aid code is to be "07"
  - The non-AB 12 extension aid code is to remain 03 or 04 according to the child's prior eligibility determination.
7. Complete the following forms:
  - a. [AAP Approved Review Sheet](#)
  - b. [NA 791, Notice of Action](#)

8. Print and review the Medi-Cal printouts to take proper action:
  - a. Review the Medi-Cal aid code to reflect the proper aid code according to eligibility determination.
  - b. Submit a [MEDS Referral](#) to the Medi-Cal Unit to re-activate if the child's Medi-Cal has been closed.
  - c. Alert the Continuous Eligibility for Children (CEC) Unit to terminate their Medi-Cal request since the AAP case has already been extended.
  - d. Submit the ICAMA 7.5 with the Extension AD 4320 forms for out-of-state placement.
9. Print out the appropriate rate chart based on the approved rate.
10. File all of the extended AAP related forms in the physical case.
11. Document the actions taken in the LRS Journal.
12. Submit the physical case to the AAP Reassessment Eligibility Supervisor (ES) for review and approval
  - If returned for corrective measures, take the appropriate actions and resubmit for approval.
13. Upon approval, send two (2) copies of the NA 791 to the Adoptive Parent(s) advising them of the approval of extended AAP benefits.
14. Send one (1) copy of the NA 791 to the PAS/RFSPD CSW who worked on the extension, for the NA 791 to be filed in the AAP Services folder.

### **AAP Reassessment Eligibility Supervisor (ES) Responsibilities**

1. Review the physical case
  - a. If inaccurate or incomplete, return to the AAP Reassessment EW for corrections
2. Review the LRS AAP Summary page and AAP Placement page.
  - a. If inaccurate or incomplete, reject the EDBC Results
  - b. If completed accurately, authorize EDBC, approve the physical case and return to the AAP Reassessment EW.
3. Document actions taken in the LRS Journal.

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## APPROVALS

### Eligibility Supervisor

- AAP Reassessment Physical Case
- AAP Eligibility Determination Benefits Calculation

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## HELPFUL LINKS

### Forms

[AAP 2](#) - Payment Instructions - Adoption Assistance Program

[AD 4320](#) - Adoption Assistance Agreement

[NA 791](#), Notice of Action

[AAP Approved Review Sheet](#)

### Referenced Policy Guides

#### Foster Care Eligibility Handbook

[E050-0560](#), Adoption Assistance Program (AAP) – Freed Child and AAP Intake

[E050-0562](#), Adoption Assistance Program (AAP) Reassessment/Post Adoption

[E050-0564](#), Adoption Assistance Program (AAP) Payment Resolution

### Statutes

[All County Letter \(ACL\) 11-15](#) - Provides counties with instructions about new provisions for the Kinship Guardianship Assistance Payment (KIN-GAP) Program as enacted by AB 12. This includes, but is not limited to, addressing effective dates: criteria/eligibility: age, income, and asset information; rates, overpayments; and how to process new KIN-GAP cases.

[ACL 11-61](#) – Discusses the extension of Aid to Families with Dependent Children-Foster Care (AFDC-FC) benefits for youth that remain in foster care beyond age 18 and is specific to those youth who are in foster care at age 18 and wish to continue in the Foster Care Program beyond age 18, without a break in care. In addition, California Work Opportunity and Responsibility to Kids (CalWORKs) benefits for court dependents placed with approved relatives is extended beyond age 18, Kin-GAP and AAP benefits may also be extended after age 18 and up to age 21 for youth who entered Kin-GAP and AAP after attaining his/her 16<sup>th</sup> birthday and who are otherwise eligible.

[ACL 11-69](#) - Provides counties instructions regarding the policies and procedures for the Extended Foster Care (EFC) Program created by AB 12.

[ACL 11-86](#) – Lists the participation criteria for the extension of AAP benefits as well as the “phase-in of age extensions”, which addresses the effective dates and ages for the extension of Kin-GAP and AAP benefits.

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[ACL 19-31](#) - Provides guidance and instructions regarding AB 2337, effective January 1, 2019, which allows youth, who are under the age of 21 and were in receipt of Supplemental Security Income (SSI) or other aid from the Social Security Administration (SSA), in lieu of KIN-GAP or (AAP) payments, to re-enter EFC under the same conditions as those receiving Kin-GAP or AAP payments.

[Assembly Bill \(AB\) 12](#) - Extends the Court’s jurisdiction to a ward who has been placed into foster care or a dependent who reaches the age of majority before jurisdiction is terminated until the NMD reaches 21 years of age.

[AB 212](#), - Extends specified foster care benefits to youth up to 19, 20, and 21 years of age, if specified conditions are met.

[Welfare and Institutions Code \(WIC\) 388\(e\)](#) - Allows eligible youth under the age of 21 to petition the Court in which they were previously adjudicated a dependent or delinquent for a hearing to request re-entry into foster care as an NMD.

[WIC Section 11403\(b\)](#) - Addresses the requirements a youth must meet in order for AAP benefits to be extended after they turn 18.

[WIC 16120\(d\)\(3\)](#) - States, in part, that a child is eligible for AAP benefits if all of the conditions specified this statute’s subdivisions (a) to (i), inclusive, are met.

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