

**Does the adoptive family have the right to appeal an adoption subsidy decision?**

Should the county children and youth agency **deny, discontinue, or modify**, an agreement, without the parents consent an appeal can be filed by contacting;

**Department of Public Welfare  
Bureau of Hearings and Appeals  
2330 Vartan Way, 2nd floor  
Harrisburg, PA 17110  
Telephone (717) 783-3950**



**Effective July 1, 2009**, through the Fostering Adoption to Further Student Achievement Act of 2007, a youth adopted from foster care on or after their 13<sup>th</sup> birthday can apply to technical schools or colleges as an “independent student.” When applying for grants or other financial aid, only the student’s income (not the parents) is counted.



**Act 91**, which amends various provisions of the Juvenile Act, expands the criteria for youth to stay in care past age 18 and also allows youth to re-enter care before turning 21 if they aged out at 18 or older.

**For more information on subsidy  
please call or email:  
(215) 256-0669  
taplink@comcast.net**

**Please explain my child’s eligibility for extension of adoption assistance beyond the age of 18?**

Due to the passage of Act 80 effective July 1<sup>st</sup>, 2012, adoptive families may be eligible to receive the monthly subsidy beyond the age of 18 to the age of 21.

If a child was 0-12 years of age at the execution of the adoption agreement, this child is not eligible for the subsidy extension.

If a child was at least 13 years of age and not yet 21 years of age at the execution of an adoption agreement, the child may be eligible for the extension. This child must meet at least one of the five extension criteria to receive the extension as follows:

The youth is completing their secondary education or equivalent credential;

The youth is enrolled in a post secondary educational or vocational training program;

The youth is participating in a program designed to promote employment and/or remove barriers to employment;

The youth is employed and works at least 80 hours a month; or

The youth has a documented medical or behavioral health issue preventing them from doing any of the above.

**THE  
PENNSYLVANIA  
ADOPTION  
ASSISTANCE  
PROGRAM**



**Together As Adoptive  
Parents Inc.**

**Providing support, guidance,  
and information to the  
adoption, foster, and  
kinship community.**

**[www.taplink.org](http://www.taplink.org)  
[taplink@comcast.net](mailto:taplink@comcast.net)**

**(215) 256-0669**

In order to qualify for Adoption Assistance, a child must meet **one** of the following requirements:

- A physical, mental or emotional condition or handicap.
- A genetic condition which indicates a high risk of developing a disease or handicap.
- Be a member of a minority group.
- Be a member of a sibling group that is placed together. (The adoption of the siblings does not have to occur at the same time)
- Be 5 years of age or older.

PA Code 3140.202

### **What are the categories of adoption assistance?**

#### Non-recurring Expenses of Adoption

#### Title IV-E (Federal Funded) Monthly Adoption Assistance

#### State and County Funded Monthly Adoption Assistance

#### Medicaid/Medical Assistance

The child must be legally free for adoption and in the legal custody of a county children and youth agency or another agency approved by the state, in order to be eligible for adoption subsidy.

### **What are the categories of Assistance?**

**Nonrecurring Adoption Expenses** are responsible and necessary costs which are directly related to the legal adoption of a child with special needs. Such as; home studies fees travel for pre-adoptive visits, court costs, and attorney fees needed to complete the adoption process. The limit for all finalization expenses, including legal costs, is \$2000. All expenses must be documented.



**Maintenance Payments** are monthly cash payments intended to help defer the costs of providing food, clothing, medical expenses, and other incidental expenses associated with child rearing. These payments may not exceed the amount the county would pay if the child remained in foster care. It is not considered income and is non-taxable.

**Medical Assistance** cards are issued in the name of the adopted child. The card entitles the child to any benefit that would be available under the Pennsylvania Medical Assistance Program.

### **Can an agency use criteria, such as state median income adjusted for the family size or a sliding income scale, in determining the potential adoptive family's eligibility for adoption assistance?**

**No**, federal regulations (45 CFR 1356.40 (c)) prohibit use of a means test in determining eligibility for adoption assistance. In addition, the State **cannot** arbitrarily reject a request for an increase in the amount of subsidy (up to the amount the child would have received in foster care) in cases where the adoptive parents make life choices such as resigning one's job to stay at home with the adopted child or to return to school.

### **Notifying Prospective Adoptive Parents about Adoption Assistance.**

The State title IV-B/IV-E agency is required to actively seek ways to promote the adoption assistance program (45 CFR 1356.40(f)) This means it is incumbent upon the State agency to notify prospective adoptive parents about the availability of adoption assistance for the adoption of a child with special needs.

