

What determines the child's eligibility for Adoption Assistance payments?

In order to qualify for Adoption Assistance, a child must meet one of the following definitions of special needs:

- ✓ 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.



**PENNSYLVANIA'S
Adoption
Reimbursement
Of
Nonrecurring
Expenses**

**Together As Adoptive Parents
Inc.**

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

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Does the nonrecurring adoption expenses limit of \$2,000 (or lower at State option) apply per adoption episode or is it a lifetime limit?

The nonrecurring adoption expenses limit is applied per adoption episode.

As **adopting parents**, you are qualified for up to \$2000 reimbursement of nonrecurring expenses when you adopt a child with special needs

Who is eligible?

In a word, *all* adopted children (domestic, and international) with special needs are potentially eligible for the nonrecurring reimbursement.

What determines the child's eligibility?

The only eligibility criterion to be applied for reimbursement of the nonrecurring expense of adoption is that the State determines that the child meets the definition of special needs, in accordance with section 473c of the Act.

A child does not have to be eligible for AFDC, title IV-E foster care, or SSI in order for the adoptive parents to receive reimbursement for their nonrecurring adoption expenses. Nor does the child have to be under the responsibility for placement and care of the State agency in order for the adoptive parents to be reimbursed for the nonrecurring expenses of adoption.

What is nonrecurring adoption expense?

Nonrecurring Adoption Expenses are reasonable and necessary adoption fees, court costs, attorney fees and *other expenses* which are directly related to the legal adoption of a child with special needs, which are not incurred in violation of State or Federal law, and which have not been reimbursed from other sources of funds.



Other expenses are the costs of adoption incurred by or on behalf of the parents and for which parents carry the burden of payments, such as the adoption study, including health and psychological examinations, supervision of placement prior to adoption, transportation and the reasonable costs of lodging and food for the child and/or the adoptive parents when necessary to complete the adoption process.

If the adoptive parents who adopt a child with special needs incur an attorney fee for review of the adoption subsidy agreement, the State may reimburse the adoptive parents for that expenditure, up to the \$2,000 limit, as a nonrecurring expense of adoption.

Is it possible for States to set maximum amounts on specific items within the category of nonrecurring expenses for which they will reimburse adoptive parents?

No. The Tax Reform Act of 1986 (Public Law 99-514) amended title IV-E of the Act to require States to make payments for the nonrecurring adoption expenses incurred by adopting parents in connection with the adoption of children with special needs.

The only discretion given States is the flexibility to set a lower maximum than the \$2000 for which Federal reimbursement is available at a 50% matching rate.

Address to file an appeal

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

Siblings

In accordance with 45 CFR 1356.41(f) (3) when sibling are adopted, each child is treated as an individual with separate reimbursement for the nonrecurring expenses of adoption up to the maximum amount allowable for each child.