

# ADMINISTRATIVE DIRECTIVE

NEW YORK STATE DEPARTMENT OF SOCIAL SERVICES  
40 North Pearl Street  
Albany, New York 12243  
Cesar A. Perales, Commissioner



TRANSMITTAL NO: 88 ADM-16

DATE: April 11, 1988

DIVISION: Family & Children Services

TO: Commissioners of Social Services

SUBJECT: Title IV-E Adoption Assistance Eligibility Form (DSS-3912)

SUGGESTED DISTRIBUTION: Directors of Social Services  
Children's Services Staff  
Staff Development Coordinators

CONTACT PERSON: Veronica A. Lynch, Division of Family & Children Services staff at 1-800-342-3715, extension 4-9452.

## I. PURPOSE

To introduce a new application form for Title IV-E Adoption Assistance Eligibility: Eligibility for Title IV-E Adoption Assistance, (DSS-3912) and provide instructions for its use.

## II. BACKGROUND

Federal adoption assistance payments are available for children with "special needs" who meet the federal eligibility criteria for Title IV-A (AFDC), Title IV-E foster care, or Supplemental Security Income (SSI) payments.

### FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Department Regs.	Social Services Law and Other Legal References	Manual References	Miscellaneous Reference
84 ADM-4 86 ADM-36		421.24 426.5(c)	SSL §450-458 Social Security Act, Sect. 473 and 475(3)		

Title IV-E adoption assistance payments have been available in New York State since April 1, 1982 for eligible children adopted after October 1, 1980. While there has not been a statewide eligibility form, local variations have been used. In order to have a uniform eligibility form to document eligibility in these adoption assistance cases, the DSS-3912 is now being issued for statewide use.

III. PROGRAM IMPLICATIONS

The Eligibility for Title IV-E Adoption Assistance Form (DSS-3912) provides a simplified application form which outlines eligibility requirements in order to assist the district to determine and document the child's eligibility for Title IV-E adoption assistance payments.

IV. REQUIRED ACTION

- A. The services worker must complete this new form for each child who may be eligible to receive a Title IV-E adoption subsidy.
- B. The worker's supervisor must review and sign each determination to verify its accuracy.
- C. The completed DSS-3912 must be maintained in the child's case folder.
- D. The use of this new form is mandated on May 1, 1988.

V. SYSTEMS IMPLICATIONS

None

VI. ADDITIONAL INFORMATION

A. Forms and Instructions

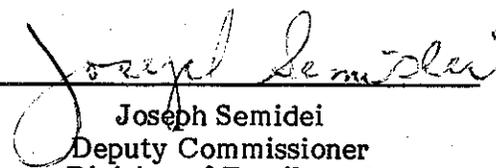
- 1. A copy of the ELIGIBILITY FOR TITLE IV-E ADOPTION ASSISTANCE form (DSS-3912) and instructions for its completion are attached to this directive.
- 2. An initial supply of forms will be sent to each district under separate cover.
- 3. Additional forms can be ordered by writing:

NYSDSS  
Forms and Publications  
40 N. Pearl Street  
Albany, New York 12243.

- B. A complete explanation of State and Federal subsidy program requirements is available in 84 ADM-4 and 86 ADM-36.

VII. EFFECTIVE DATE

The Title IV-E Adoption Assistance Eligibility Form, the DSS-3912 must be used beginning May 1, 1988.



Joseph Semidei  
Deputy Commissioner  
Division of Family and  
Children Services

DSS-3808 (2/87)

Attachment

### ELIGIBILITY FOR TITLE IV-E ADOPTION ASSISTANCE

Child's Name: \_\_\_\_\_  
(ONLY ADOPTIVE NAME IS TO BE USED)

Child's Case/CIN Number: \_\_\_\_\_  
(USE ONLY POST-FINALIZATION NUMBERS)

County \_\_\_\_\_

The child must meet all the criteria listed below in order to be eligible for Title IV-E adoption assistance. (See 84 ADM-4 for IV-E adoption assistance eligibility).

1) AGE

The child is under the age of 18, or under age 21 if it is determined that the child has a mental or physical handicap which warrants the continuation of assistance.

\_\_\_\_\_ Date of Birth

- NO - Child is not eligible for Title IV-E adoption assistance. Do not continue.
- YES - Continue on to #2.

2 & 3) SPECIAL NEEDS

The child has been determined to be a child with special needs as defined by Section 473(c) of the Social Security Act. Both questions 2 and 3 pertain to special needs criteria.

- 2) (a) The State has determined that the child cannot be or should not be returned to the home of his/her parents.  Yes  No

AND

- (b) The child meets the criteria in DR 421.24 as handicapped or hard-to-place.  Yes  No  
Child meets the definition of  handicapped  hard-to-place, (for reasons other than the child has been freed for six months or more and not placed).

- NO - Child is not eligible for Title IV-E adoption assistance. Do not continue.
- YES - Continue on to #3.

- 3) Efforts must have been made to place the child without subsidy. The record must document that the child in accordance with DR 421.24 is determined to have a specific factor or condition because of which it is reasonable to conclude that the child cannot be placed without adoption assistance, or that the child will be adopted by his foster parents where the child has been with the family for at least eighteen months. Also, there has been registration with the Statewide Adoption Service (NYSAS) and, when required, the child has been photo-listed.

Check all factors which apply. One box must be checked to meet IV-E requirements.

- Child has resided with foster parents for 18 months or more.  
Date of placement with foster parent \_\_\_\_\_

OR

- Child has been registered with NYSAS.

**ELIGIBILITY FOR TITLE IV-E ADOPTION ASSISTANCE (continued)**

**OR**

This child has a specific factor or condition which would make placement without subsidy difficult.

Specify \_\_\_\_\_

**NO** - Child is not eligible for Title IV-E adoption assistance. Do not continue.

**YES** - Continue on to #5.

**4. FINANCIAL NEED**

(See 84 ADM-4, pages 7-11, 24)

At the time the adoption proceedings were initiated, the child must have received or would have been eligible to receive either:

Title IV-A (AFDC) payments; or

Title IV-E foster care payments; or

Supplemental Security Income (SSI) payments.

**NO** - Child is not eligible for Title IV-E adoption assistance. Do not continue.

**YES** - Continue on to #4.

**5. DATE OF AGREEMENT**

The Adoption Subsidy Agreement must have been signed by all parties **on or prior to** the final decree of adoption. (Agreements executed after finalization are **not** eligible for Title IV-E adoption assistance payments.)

Date of Adoption Assistance Agreement \_\_\_\_\_

Date of Finalization \_\_\_\_\_

**NO** - Child is not eligible for Title IV-E adoption assistance. Do not continue.

**YES** - Continue on to #6.

**6. CHILD'S ELIGIBILITY**

The child meets **all** the Title IV-E adoption assistance eligibility requirements.

**NO** - Child is not eligible for Title IV-E adoption assistance.

**YES** - Child has met **all** adoption assistance criteria listed above and is eligible for Title IV-E adoption assistance.

Worker's Signature \_\_\_\_\_ Date \_\_\_\_\_

Supervisor's Signature \_\_\_\_\_ Date \_\_\_\_\_

## INSTRUCTIONS FOR COMPLETION OF THE DSS-3912

### Heading Information

Fill in the child's post-finalization name, case number, and CIN number only.

The county providing the adoption subsidy payments to the child is to be filled in.

#### 1. Age

The child shall not be age 18 before the adoption is finalized. Title IV-E adoption assistance payments are available up to age 18 for hard-to-place children (at age 18 the case should be changed to a state subsidy case until the child reaches age 21). For handicapped children, Title IV-E adoption assistance payments are available up to age 21, providing the child has a mental or physical handicap which warrants continuation of the Title IV-E payments beyond age 18.

The adoption subsidy agreement or the court order finalizing the adoption may be used to document the child's date of birth.

#### 2. & 3. Special Needs - Questions 2 and 3 pertain to federal special needs criteria. Both requirements are necessary to meet the "special needs" definition.

The child must meet the federal criteria of "special needs" child (See DR 426.5(c) or 84 ADM-4, p. 21). In order for a child to be considered a child with "special needs", the State must determine that: (a) the child cannot or should not be returned to the home of his or her parents; (b) there exists with respect to the child a special factor or condition (such as his ethnic background, age, or membership in a minority or sibling group, or the presence of medical conditions or physical, mental or emotional handicaps) because of which it is reasonable to conclude that such child cannot be placed with adoptive parents without providing adoption assistance; and (c) except where it would be against the best interest of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents' as a foster child, a reasonable but unsuccessful effort has been made to place the child with an adoptive parent without providing adoption assistance.

2. Parts (a) and (b) of Section 2 of the form are designed to document and determine compliance with these "special needs" criteria. In order to meet the federal "special needs" requirement, the "yes" box under both parts must be checked.

Part (a) relates to the requirement that the State determine that the child not be returned home.

Part (b) uses New York State's definitions of a "hard-to-place child" and a "handicapped child" to document and determine compliance with the federal "special needs" requirement that the State determine that the child has a special factor or condition which precludes adoption without adoption assistance payments. However, the State's definition of a "hard-to-place child" for purposes of State-funded adoption subsidies is broader than the federal definition of a child with "special needs." A child who meets the State definition of a "hard-to-place child"

solely because the child has been freed for adoption for six months or more and has not been placed, would not meet the federal criteria for a child with "special needs." Part (b) is designed to clarify that such a child is eligible for Title IV-E adoption assistance payments.

Check the category which applies to the child, i.e., handicapped or hard-to-place. The approved adoption assistance agreement can be used to document that the child meets these criteria.

### 3. Efforts to Place Without Subsidy

This is also a special needs requirement. The record and Adoption Subsidy Agreement must document that either reasonable efforts were made to place the child without subsidy, i.e., that the child was photo-listed or that the child has been residing with foster parents for at least 18 months; or that the child has a specific factor or condition which would make placement without subsidy difficult.

If the child has been with foster parents for more than 18 months, the date of placement should be noted here.

If the child has been registered with NYSAS, this should be checked. Also, if the child has a specific factor or condition which make placement without subsidy difficult, it should be noted what these are.

### 4. Financial Need

The financial component for Title IV-E adoption assistance must be met through eligibility for either the Title IV-A (AFDC) program, the Title IV-E foster care program, or the SSI program. The child must have been receiving or would have been eligible to receive either Title IV-E, Title IV-A or SSI at the time when the court proceedings are initiated, i.e., the filing of the adoption petition.

The eligibility boxes should be checked off for either Title IV-A, Title IV-E foster care, or SSI.

There must be sufficient information to document Title IV-A, or Title IV-E foster care or SSI, in the child's case record.

### 5. Date of Agreement

To be eligible for Title IV-E adoption assistance payments, the Adoption Subsidy Agreement must have been executed on or prior to the date the adoption was finalized.

The adoption subsidy agreement in the case record will document this eligibility criteria.

### 6. Child's Eligibility

All eligibility criteria must be checked off "yes" in order for the child to be eligible for Title IV-E adoption assistance payments.

Both the caseworker and supervisor must sign the form to verify that the child meets all the Title IV-E adoption assistance requirements.