

INFORMATION FOR ADOPTIVE PARENTS



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COURT JURISDICTION

After your adoption is finalized, the Juvenile Dependency case (the case that was first opened when the child entered the system) is technically still open. It might take about 2-4 weeks for Dependency Court jurisdiction to be terminated.

Following the adoption your attorney will send a copy of the Adoption Order to your Department of Children and Family Services (DCFS) social worker. The social worker prepares a request for the court to terminate jurisdiction and then the file makes its way to the Judge so that jurisdiction will be terminated (the Dependency case will be closed).

Note: Until the court has terminated jurisdiction in the dependency case, you must still ask your social worker for permission for certain things regarding the child, just as you did as foster parents.

BIRTH CERTIFICATE

A new birth certificate will be issued to you with your name(s) and the child(ren)'s new name(s). For children born in California, the court automatically sends the necessary legal documents to the Office of Vital Records in Sacramento, which will send you the new birth certificate. The new birth certificate may take 6-12 months to arrive. For children born outside of California, but adopted in this state, the court will automatically send the legal documents to the Office of Vital Records in that state. The state where the child was born is responsible for sending the new birth certificate.

If you have not received the new birth certificate within 10-12 months you may want to call the California Department of Public Health Office of Vital Records at (916) 445-2684 (Monday through Friday, 8am to 4pm) and ask for a status update on the birth certificate. Due to the large number of calls, you might need to leave a message or make several attempts. You can also access their website at www.cdph.ca.gov.

If the office of Vital Records requires any court documents related to your adoption, contact the *Adoption and Abandonment Unit* at (323) 307-8099 (Monday through Friday 8:30 am to 10:30 am or 1:30 pm to 3:30 pm). If your child was born outside of California, you may call directory assistance (411) to obtain the telephone number for the relevant state office of Vital Records or Department of Health.

SOCIAL SECURITY CARD

Obtaining a new Social Security card for your Child after the adoption

After the adoption, you may apply for a new social security card for your adopted child with the child's new name by going to your local Social Security Administration (SSA) office. Generally, SSA will issue a new social security card with the adopted child's new name, but SSA usually will not change the child's original social security number, unless there is a special request (see below).

When you go to the SSA office, you should take the Adoption Order, the new birth certificate, and an identity document with the child's old name (e.g., school ID card, health insurance card, passport, state issued ID card). If you do not have an identity document with your child's old name, you may contact your adoption attorney and ask for a copy of the conformed Adoption Agreement form you signed at court, and or a conformed copy of the Adoption Request form filed by your adoption attorney. To contact the SSA, call 1(800) 772-1213; 1(880) 325-0778 (TTY)

Obtaining a New Social Security Number for your Child After the Adoption.

If privacy or safety is an issue for you and your adopted child, you may request a new social security number for your adopted child. To request a new social security number you must fill out the SSA application for a new social security card. You must also bring to the SSA office:

- 1) The Adoption Order,
- 2) The new birth certificate,
- 3) A valid form of identification for yourself, and
- 4) The child's original social security number or information on the child's original birth name, date and place of birth.

When you speak to an SSA service agent, tell him or her why you feel you need a new number to ensure your privacy and safety. Be prepared to show documentation of the problem, if possible. **Your child's social security number will be changed only if you provide enough facts or evidence to show that your privacy or safety is threatened.** For example, a birth parent may have threatened you or your child's safety, or a birth parent may be fraudulently using your child's social security number.

Note: If the child is receiving social security benefits under their original social security number, you should check with your social security office to ensure that changing the child’s social security number will not affect their benefits.

MEDI-CAL

A child who qualifies for AAP benefits is also eligible for health care services through the Medi-Cal program. If you have private medical insurance that could provide coverage for your child after the adoption, you are only required to enroll your child under your private insurance plan if you can enroll the child at no additional cost to you. If there is any additional cost associated with enrolling the child on your insurance plan, you do not have to enroll the child and can use the Medi-Cal as the child’s primary insurance plan after the adoption.

If you are able to enroll the child on your insurance plan at no additional cost, you are required to do so, but you can still keep Medi-Cal as a secondary form of insurance for the child.

Please call the **Department of Children and Family Services (DCFS) Foster Care/AAP Hotline** at (800) 697-4444 or Post Adoption Services (PAS) at (800) 735-4984 or (213) 351-0259 if you have any of the following problems:

- You need to replace a lost, stolen or destroyed Medi-Cal card.
- The Medi-Cal card does not have the child’s full and correct name after the adoption.
- If there is an urgent need for treatment and you have not received a Medi-Cal card, you can obtain an authorization letter from the Foster Care/AAP Hotline that can be used in the meantime.
- If you live in or move to a state other than California you can call the DCFS Foster Care/AAP Hotline for information about health care coverage through AAP in that state.
 - If you are on Federally-funded AAP, you will be able to receive Medicaid through your AAP in any state.
 - If you are on State-funded AAP, the state of residence must have reciprocity with California in order for your child to receive Medicaid through AAP. “Reciprocity” means that the state of residence would honor your child’s Medicaid eligibility and that your child’s Medi-Cal would be switched to that state’s Medicaid program.
 - As of January 2016, there were 4 states that do not have this kind of reciprocity with California. These states are: Hawaii, Illinois, New Mexico and Nevada.

- To find out if a state has a reciprocity agreement with California under the Interstate Compact on Adoption and Medical Assistance (ICAMA), call (916) 651-8100 or go to **<http://aaicama.org/cms/index.php/medical-assistance/state-funded>**.
- To find out if you receive Federally-funded or State-funded AAP, look at the box checked on the top of your AAP Agreement. To find out this information, or if you have questions about your ability to qualify for Medicaid through AAP for your child if you live in or move to a state other than California, call the DCFS Foster Care/AAP Hotline at (800)697-4444.

DCFS POST ADOPTION SERVICES (PAS)

In the first six months after the adoption is finalized, contact your current DCFS adoption social worker if you have questions, need medical or counseling referrals, or need other post adoption services. After six months following the adoption, contact DCFS Post Adoption Services at (213) 351-0259 or (800) 735-4984 for help with these types of issues.

CHILD CITIZEN ACT OF 2000

If your child is foreign-born, he or she will acquire U.S. citizenship through the adoption if all of the following are met:

1. At least one adoptive parent is a U.S. citizen;
2. The child is under 18 years of age;
3. The adoption is full, final and complete;
4. The child is a Lawful Permanent Resident (“green card” holder); and
5. The child resides in the U.S. in the legal and physical custody of the U.S. citizen parent, and has resided with the U.S. citizen parent for at least two years.

*** Adopted children applying for citizenship must meet the requirements of the Immigration and Nationality Act, which specifically defines an “adopted” child. Under the Act, an “adopted” child is one whose adoption was finalized before the child turned 16, or whose adoption was finalized before the child turned 18 if he/she has siblings being adopted by the same parents.***

For proof of citizenship, you may apply for a U.S. passport or file an Application for Certificate of Citizenship with the U.S. Citizenship & Immigration Services (“USCIS”). For information on citizenship forms, call the USCIS Forms Request Line at (800) 870-3676. Please be prepared to state the name of the form you are requesting and the name and address to which it should be mailed. You can also visit the USCIS website at www.uscis.gov. See below for passport information.

U.S. PASSPORT

If your child will be traveling to a foreign country, you must obtain a passport for him/her. Both adoptive parents must execute a passport application on behalf of a minor, in person, at the local passport agency or office, unless one adoptive parent establishes his/her status as sole custodian or submits the other adoptive parent’s written consent. The child also must be present at the time the adoptive parents are executing the passport application. There are waivers of these requirements in cases of exigent or special family circumstances.

For additional information:

- Call the National Passport Information Center at (877) 487-2778 or (888) 874-7793 (TDD/TTY) for 24-hour recorded information and to schedule a passport appointment. Please be prepared to provide a date and time when you will be available in the next 14 days for an appointment.
- Visit the official U.S. Government website for passport information: travel.state.gov/content/passports/passports.html. This site will help you find the nearest location to apply for a passport.

LAWFUL PERMANENT RESIDENT

A child who obtains Lawful Permanent Resident Status (a “green card”) when under the age of 14 **must file a Form I-90 Application to Replace Permanent Resident card within 30 days of his or her 14th birthday.**

Additionally, a Form I-90 must be filed for a child who undergoes a name change at adoption and is a green card holder in order for the name change to be recorded with the U.S. Citizenship and Immigration Services.

You can contact the DCFS Special Immigrant Status Unit at (323) 725-4679 for citizenship and immigration questions, and to request help with submitting the forms mentioned above. Additional information can also be obtained at the USCIS website www.uscis.gov.

INDEPENDENT LIVING PROGRAM (ILP)

ILP for youth adopted at age 16 or older

Youth who are adopted out of foster care at age 16 or older qualify to receive ILP (Independent Living Program) services from DCFS through age 21. Services are based on need and availability of funding, but can include **tuition assistance for college or a trade school, help with graduation expenses, money for college tours, and scholarships. ILP eligible youth who live in LA County also may qualify for one-on-one life skills training.**

More information on services and how to apply can be found by contacting the L.A. County Youth Development Services Division at (877) 694-5741, or (877) MY-ILP-411, or online at, www.ilponline.org.

Note: For a copy of Public Counsel’s guide “The ABC’s of Transition and Independent Living Program” go to:
<http://publiccounsel.org/publications?id=0042>.

ADOPTED YOUTH AND FINANCIAL AID

For youth adopted at age 13 or older

The Fostering Adoption to Further Student Achievement Act helps youth adopted at age 13 and older access student financial aid after high school. A youth adopted from foster care at age 13 or older is considered an **“independent student”** when filling out the Free Application for Federal Student Aid (FAFSA) form. As an independent student, the student does not have to include his or her adoptive parents’ income in the calculations for determining his or her eligibility for financial aid to attend college or a trade school.

THE ADOPTION ASSISTANCE PROGRAM (AAP)

AAP is a program to help remove financial barriers for families adopting children. Enrollment in AAP begins when you sign the AAP Agreement presented to you by the DCFS adoptions social worker. The AAP Agreement is usually signed the same day as Adoptive Placement.

The AAP Agreement contains the date your payments began, the future date of reassessment, and the monthly payment amount. The AAP Agreement also states whether or not your child is eligible for federal, state, or county funding. This is important to note as it can affect Medi-Cal eligibility if you move out of state in the future.

You should have a copy of your AAP Agreement. If you do not have a copy, contact your DCFS adoption social worker (if it has been less than six months since your adoption finalized), or DCFS Post Adoption Services (if it has been more than six months since your adoption finalized).

You have a right to receive monthly payments from AAP until your child turns 18 years old (or past 18 under certain circumstances). See below for more information.

AAP PAYMENT RATES

AAP monthly payment rates include the Basic Care Rate, the Specialized Care Rates (“D” or “F1-F4” if the benefits are based on the Los Angeles County rates), and the Dual Agency Rate and Supplement for children eligible for Regional Center services.

- **Cost of Living Increase:** Since July 1, 2011, at the start of every fiscal year (July 1), AAP monthly payments increase according to the California Necessities Index (CNI). This increase is automatic and your child will not need to be reassessed. If no increase has occurred, please contact DCFS Post Adoption Services (PAS) at (213) 351-0259 or (800) 735-4984.
- **Basic Care Rate:** This amount is meant to assist your family with the child’s food, clothing, and other basic needs. This payment rate is assigned when a child does not have special needs.
- **Specialized Care Rate:** This higher rate is given when a child has a qualifying condition and extra care and supervision is required. A child with a documented serious medical, physical, psychological/behavioral, or developmental condition may qualify for a specialized care rate.

Examples of conditions that qualify for the specialized care rate include, but are not limited to the following:

- Asthma/respiratory problems requiring medication.
- Serious emotional and/or behavioral problems.
- Seizure disorder.
- Profound vision or hearing loss.
- Use of leg braces, wheelchair, or other device.
- G-tube feeding.
- Use of an apnea and/or heart monitor.
- Insulin use.

Note: Your child might qualify for the specialized care rate even if he or she does not have one of the conditions mentioned above. You may contact DCFS or Public Counsel to discuss your child's condition. See below.

- **Dual Agency Rate and Supplement:** Dual Agency rates are higher rates available for children who are Regional Center consumers due to a developmental disability and children age 0-3 in the Early Start Program through Regional Center. Children age 3 and older who are Regional Center consumers may qualify for a Supplement to the Dual Agency Rate. For more information about rates for children eligible for Regional Center services, please call Public Counsel.
- **Examples of developmental disabilities** that qualify children to become Regional Center consumers include intellectual disability (formerly known as mental retardation), autism, epilepsy, and cerebral palsy.

Note: If your child is under the age of 3 and receiving Early Start Program services through Regional Center, the AAP rate will change once the child turns 3 depending on whether he/she continues to be eligible for Regional Center services.

- If your child is no longer eligible for Regional Center services, you will receive the Basic Rate or a specialized care rate if the child has any other special needs.
- If your child continues to be eligible for Regional Center after the age of three, the child will qualify for the Dual Agency rate. He or she may also qualify for a Supplement to the Rate. To receive the Dual Agency Rate and Supplement, you must contact DCFS Post Adoption Services to request the Dual Agency Rate and to request assessment for the Supplement.

AAP REASSESSMENT

The Department of Children and Family Services (DCFS) will reassess your AAP payments every two years. The reassessment date is written on your AAP Agreement. If you do not have a copy of your AAP Agreement, you should request a copy from your DCFS adoption social worker or DCFS Post Adoption Services. About 60 days before the reassessment date DCFS will mail you the **Reassessment Information – Adoption Assistance Program (AAP3)** form. On the AAP3 form you are asked to check boxes to indicate if:

1. You no longer wish to receive AAP.
2. The child's needs have stayed the same and you are requesting the same AAP amount.
3. The child's needs have changed and you are requesting an increase or decrease in the AAP amount.

If your child's needs have changed and you are requesting an increase in the AAP amount, you need to provide additional information about the child's needs and the circumstances of your family.

You should also attach information such as copies of evaluations or letter(s) from doctors and/or psychologists describing your child's condition(s) and need for treatment. You should also describe any special care you provide for your child. If you do not submit the reassessment form, AAP must continue at the same rate reflected on the last AAP agreement form.

Note: If you feel that your child is not receiving the correct AAP rate based on his or her condition, you may ask for a ***Specialized Care Rate or a Dual Agency Rate and Supplement at any time*** (you do not need to wait for the reassessment). Be prepared to present documentation, such as letter(s) from doctors or psychologists describing your child's condition and need for treatment as well as any special care or activities you must provide for your child. See below.

Based on the information you provide to DCFS, your AAP payments may be adjusted. To begin the process of requesting higher AAP payments (other than during the Reassessment period mentioned above), do one of the following:

- During the first six months following the adoption, call the DCFS Adoption social worker that last had the case, and explain that you are requesting a higher AAP rate for your child based on his or her documented condition.

- After the first six months following the adoption, call the DCFS office of Post Adoption Services (PAS) at (800) 735-4984 or (213) 351-0259 and request the Reassessment Information - Adoption Assistance Program (AAP3) form. Make sure to write down the date you call and the name and phone number of the worker you speak to at Post Adoption Services. Complete the Reassessment form and include

EXTENDING AAP PAST AGE 18

documentation regarding your child's condition.

AAP can be extended past age 18 in certain circumstances. The extension request must occur **before** the youth's 18th birthday. You can request the extension by calling Post Adoption Services (PAS) at (213) 351-0259 or (800) 735-4984. It can be helpful to keep a record for yourself including the name of the PAS worker you talk to, the date of the call, and the address of PAS. After the call, you can write a letter to PAS stating the date that you requested an extension of AAP past your child's 18th birthday. It can be helpful to date the letter, and keep a copy for your records.

Extension of AAP past the youth's 18th birthday can occur in **two circumstances**:

- If the youth has a documented mental or physical disability, AAP can be extended until age 21; **or**
- If your first AAP agreement was signed when the child was 16 years or older, AAP can be extended up to age 21 if the youth meets one of the following requirements:
 - a. The youth is attending/completing high school or an equivalency program;
 - b. The youth is enrolling in a post-secondary school (such as a community college or four year university) or vocational school;
 - c. The youth is participating in a program or activity that promotes or removes barriers to employment;
 - d. The youth is employed at least 80 hours per month; or
 - e. The youth is incapable of participating in one of the above due to a documented physical or mental condition.

Tip: You may also call Public Counsel at 213/385-2977 ext. 219 for assistance or guidance.

CHANGE OF ADDRESS OR PAYMENT PROBLEMS

AAP payments will continue even if you move to another state or country. However, to continue receiving your monthly AAP payments, it is important that you inform DCFS if your address changes.

Note: If you change your address or your AAP payments stop without explanation, please call the DCFS Foster Care Hotline (800) 697-4444 or Post Adoption Services (PAS) (213) 351-0259 or (800) 735-4984 in order to resolve the problem.

ADOPTION TAX CREDIT

If you adopted a child in 2016 you may be eligible for an adoption tax credit. Please go to Public Counsel's website www.publiccounsel.org/practice_areas/childrens_rights and click on the "Publications" tab to see Public Counsel's 2016 Adoption Tax Credit Flyer.

How to learn more:

- For more information, please contact a tax attorney, tax preparer, accountant, or the IRS (1-800-829-1040; www.irs.gov).
- Taxpayers can ask questions about how the tax law applies to their individual tax return by meeting with an IRS representative in person at their local Taxpayer Assistance Center (TAC). The number for the Los Angeles TAC is (213) 576-3009. To find the TAC closest to you, see <http://apps.irs.gov/app/officeLocator/index.jsp> or call the IRS.

Note: Taxpayers should keep copies of supporting documentation such as the Adoption Order and AAP Agreement (or proof of qualifying adoption-related expenses) but these documents do not need to be included when filing.

Note: The information contained in this booklet is for general information purposes only and is not legal advice. Readers should consult a Tax Attorney, accountant, tax preparer, or other tax expert regarding their particular situation and tax return. This booklet is not intended to be used, and may not be used, for the purpose of avoiding IRS penalties.

MORE INFORMATION

Public Counsel is the nation's largest *pro bono* law firm. Public Counsel coordinates the contributions of thousands of volunteer lawyers each year. Public Counsel serves those in need — such as children and the elderly, literacy projects and low income housing providers, refugees and the homeless — by providing legal representation and matching financially eligible clients with volunteer attorneys.

While this publication is designed to provide accurate and current information about the law, readers should contact an attorney or other expert for advice in particular cases, and should also consult the relevant statutes and court decisions when relying on cited materials.

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Notes:



Contact Public Counsel's Adoption Project at (213)385-2977 ext. 219

If you :

- Have any questions about AAP.
- Are faced with problems with your AAP payments.
- Need information about applying for a specialized care rate.
- Have questions or need information about post adoption services.

We are here to help.

**QUESTIONS? CALL
PUBLIC COUNSEL'S
ADOPTIONS PROJECT AT
213/385-2977 EXT. 219
OR VISIT: WWW.PUBLICCOUNSEL.ORG**

