
**ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL**

Effective Date: October 21, 1990
Revised: March 7, 2008
Revised: January 21, 2015

Policy No.: C-0502

Reimbursement of Nonrecurring Adoption Expenses

Purpose To provide guidelines for the reimbursement of qualifying nonrecurring expenses to adoptive parents of special needs children.

Approved This policy was approved by Gary Taylor, Director of CFS, on January 21, 2015. *Signature on file.*

Most Recent Revision This revision of the Policy and Procedure (P&P) includes:

- Requirement that adoptive applicant sign *Adoption Assistance Program Nonrecurring Adoption Expenses Agreement (AAP 8)*
- Complete revision of *Nonrecurring Adoption Expenses Claim Form (F063-18-243)*
- Eligibility of NMD Adoptions for reimbursement for nonrecurring adoption expenses

Background Prior to January 1, 1987, adoptive parents were permitted to deduct nonrecurring adoption expenses related to the adoption of special needs children through the Federal income tax deduction.

The Tax Reform Act of 1986 eliminated that deduction and mandated that states provide direct reimbursement to the adoptive parents for nonrecurring adoption expenses. Legislation to establish this system in California was passed effective January 1, 1990 and adoptive parents of children with special needs became eligible for reimbursement of nonrecurring adoption expenses up to \$400.

With the passage of Assembly Bill (AB) 1712 on September 30, 2012, reimbursement of nonrecurring adoption expenses was extended to Non-Minor Dependent Adoptions.

Definitions

Nonrecurring Adoption Expenses: 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 or other funds.

POLICY

Eligibility for Reimbursement

As stated in California Department of Social Services (CDSS) All County Letter (ACL) 09-51, adoptive parents may be reimbursed for nonrecurring adoption expenses of up to \$400 per adoption of a special needs child. The only eligibility criteria for reimbursement of nonrecurring adoption expenses is Children and Family Services (CFS) Adoptions' assessment that the child meets the special needs determination and citizenship requirements for the Adoption Assistance Program (AAP). Refer to CFS Policy and Procedure (P&P) [Adoption Assistance Program \(AAP\) \(C-0501\)](#) for additional details regarding qualification for AAP.

A child does not have to be eligible for Aid to Families with Dependent Children (AFDC), Title IV-E FC, or Supplemental Security Income (SSI) in order for the adoptive parents to receive reimbursement for nonrecurring adoption expenses. Adoptive parents may be reimbursed even when CFS Adoptions does not have responsibility for placement and care of the child.

Eligibility for reimbursement requires the adoptive parents sign the *Adoption Assistance Program Nonrecurring Adoption Expenses Agreement (AAP 8)* at the time of, or prior to, finalization of the adoption. After the adoption has been finalized, the adoptive parent may file a claim for reimbursement for up to two years from the date of finalization.

NMD Adoptions	Pursuant to CDSS ACL 13-100, the adoptive parent in an NMD adoption also qualifies for reimbursement for nonrecurring adoption expenses, subject to meeting the same eligibility criteria as a special needs child.
Examples of Nonrecurring Expenses	<p>Community Care Regulations (CCR), Title 22, Adoptions User Manual, Section (§) 35000(n)(2) states expenses incurred which are appropriate for reimbursement, in addition to adoption fees, court costs, and attorney fees, include:</p> <ul style="list-style-type: none"> • Adoption study, including health and psychological exams • Supervision of the 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 placement or adoption process
Claim for Nonrecurring Expenses	An adoptive applicant will submit their claim for reimbursement of nonrecurring adoption expenses using <i>Nonrecurring Adoption Expenses Claim Form (F063-18-243)</i> .
Required Documentation	<p>In order for a claim to be eligible for reimbursement, in accordance with CCR, Title 22, Adoption User Manual, § 35352.1, the following must be documented in the adoption case record:</p> <ul style="list-style-type: none"> • Adoption took place in compliance with applicable state and local laws • Child for whose adoptive costs the parents are claiming reimbursement meets the three part special needs determination and citizenship requirements • Verification in the case file that the expenses claimed were actual expenditures • A case note in the adoption case record that expenses claimed meet the definition of nonrecurring adoption expenses as defined in CCR Title 22, Adoptions User Manual, § 35000(n)(2) • The adoptive parents have not received reimbursement for the claimed expenses from other sources
Verification of Expenses	<p>Verification of nonrecurring expenses must be included in the adoption case record. Verification includes, but is not limited to, copies of the following:</p> <ul style="list-style-type: none"> • Canceled checks • Signed and dated receipts

Denial of Reimbursement of Nonrecurring Expenses	The SSW can deny the claim for reimbursement of nonrecurring expenses if verification, i.e., receipts, cancelled checks, etc., is not provided or if expenses claimed do not meet the definition of allowable nonrecurring adoption expenses.
Duty to Inform	As stated in Welfare and Institutions Code (WIC) § 16119 (a), CFS Adoptions will provide the prospective adoptive family with information, in writing, on the availability of reimbursement for the nonrecurring expenses incurred in the adoption of an AAP-eligible child. Pursuant to CCR Title 22 Adoption Users Manual § 35352.1, the applicant SSW will meet, review, and have the adoptive applicant sign <i>Adoption Assistance Program Nonrecurring Adoption Expenses Agreement (AAP 8)</i> . A copy of <i>Adoption Assistance Program Nonrecurring Adoption Expenses Agreement (AAP 8)</i> will be filed in the adoption case record.
Sibling Placements	Pursuant to CCR, Title 22, Adoption User Manual, § 35352.1, siblings placed for adoption, either separately or as a unit, are treated as individual placements. Separate reimbursement for nonrecurring adoption expenses up to the maximum amount is allowable for each child.
Out-of-County Placements	As stated in CCR, Title 22, Adoption User Manual, § 35352.2, when there is a claim for expenses on an out-of-county placement, the county responsible for the child's AAP is responsible for reimbursement of nonrecurring adoption expenses. If the adoptive parents have elected not to receive AAP, the county that would otherwise provide the child's AAP is responsible for the reimbursement.
Out-of-State Placements	<p>When there is a claim for expenses on an out-of-state placement, the state that entered into the agreement for AAP is responsible for reimbursement of nonrecurring adoption expenses.</p> <p>If there was no agreement for AAP, the state which issued the final adoption decree is responsible for reimbursement. However, out-of-state placements that do not comply with the Interstate Compact on the Placement of Children (ICPC) are not eligible for reimbursement.</p>
Documentation	The following will be filed on the <i>Adoption Assistance Program (AAP) Acco (F063-25-1133)</i> , which is retained in the adoption case record:

- The original *Adoption Assistance Program Nonrecurring Adoption Expenses Agreement (AAP 8)*
- A copy of *Nonrecurring Adoption Expenses Claim Form (F063-18-243)* along with supporting documentation

REFERENCES

Attachments and CWS/CMS Data Entry Standards

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

None.

Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P [Adoptions Assistance Program \(AAP\) \(C-0501\)](#)

Other Sources

Other printed references include the following:

None.

FORMS

Online Forms

Forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
Nonrecurring Adoption Expenses Claim Form	F063-18-243
Adoption Assistance Program Nonrecurring Adoption Expenses Agreement	AAP 8

Hard Copy Forms

Forms that may be completed in hard copy (including multi-copy NCR forms) are listed below. ***For reference purposes only***, links are provided to view these hard copy forms, where available.

Form Name	Form Number
Adoption Assistance Program (AAP) Acco	F063-25-1133

**CWS/CMS
Forms**

Forms that may **only** be obtained in CWS/CMS are listed below. ***For reference purposes only***, links are provided to view these CWS/CMS forms, where available.

	Form Name	Form Number
	None.	

Brochures

Brochures to distribute in conjunction with this policy may include:

	Brochure Name	Brochure Number
	None.	

LEGAL MANDATES

[Social Security Act Section \(§\) 473\(c\)](#) defines the term “child with special needs.”

[Welfare and Institutions Code \(WIC\) § 16119\(a\)](#) describes Children and Family Services' (CFS) responsibility to provide the prospective adoptive family with information, in writing, on the availability of reimbursement for the nonrecurring expenses incurred in the adoption of an Adoption Assistance Program (AAP) eligible child.

[WIC § 16120.1](#) describes the parties eligible and conditions required for reimbursement of nonrecurring adoption expenses.

[All County Letter \(ACL\) 09-51](#) discusses the eligibility criteria for reimbursement of nonrecurring adoption expenses.

[ACL 12-18](#) requires the use of the AAP 8 form.

[ACL 13-100](#) states that NMD adoptions that qualify for AAP are also eligible for reimbursement of nonrecurring adoption expenses.

[Community Care Regulations \(CCR\), Title 22, Adoptions User Manual, § 35000\(n\)\(2\)](#) defines nonrecurring adoption expenses.

[CCR, Title 22, Adoption User Manual, §§ 35352–35352.3](#) describes notification, documentation, and eligibility requirements, for authorization and reimbursement of nonrecurring adoption expenses.