

ACF

Administration
for Children
and Families

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children, Youth and Families**

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ACYF-IM-86-24

INFORMATION MEMORANDUM

TO: State Agencies Administering or Supervising the Administration of Title IV-E of the Social Security Act (the Act), Indian Tribes and Indian Tribal Organizations

SUBJECT: Eligibility, for Titles XIX and XX in the Title IV-E Foster Care and Adoption Assistance Programs

LEGAL AND RELATED REFERENCES: Section 473 of the Act; P.L. 99-272

INFORMATION: On April 7, 1986, President Reagan signed into law the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986 (P.L. 99-272). COBRA amends title IV-E of the Social Security Act in several sections.

These are:

(1) Section 473(b) is amended so that, for purposes of eligibility under title XIX and title XX, title IV-E eligible children are deemed to be receiving assistance under title IV-E from the State in which the child actually resides. This will apply to children in foster care and adopted children under title IV-E, who move across State lines, for eligibility under title XIX and title XX in the State in which they are residing, rather than in the State from which they were originally placed.

(2) Section 473(c)(2) is amended to make title XIX Medicaid and title XX social services available from the time the title IV-E eligible child is placed in an adoptive home with a signed adoption assistance agreement in effect. No adoption assistance payment is required for such child to be eligible for Medicaid or for services provided under title XX.

(3) Section 475 is amended so that the definition of "adoption assistance agreement" conforms with these changes.

Title XIX regulations will be developed by the Health Care Financing administration in relation to this program. State child welfare agencies should contact the State title XIX agency in order to determine how to proceed.

EFFECTIVE DATE: These amendments will become effective on October 1, 1986.

INQUIRIES TO: Regional Administrators
Regions I-X

/s/
Dodie Livingston
COMMISSIONER