AAP - Welfare and Institutions Code

16120. A child shall be eligible for Adoption Assistance Program benefits if all of the conditions specified in subdivisions (a) through (g), inclusive, are met or if the conditions specified in subdivision (h) are met.
    (a) The child has at least one of the following characteristics that are barriers to his or her adoption:
    (1) Adoptive placement without financial assistance is unlikely because of membership in a sibling group that should remain intact or by virtue of race, ethnicity, color, language, age of three years or older, or parental background of a medical or behavioral nature that can be determined to adversely affect the development of the child.

    (2) Adoptive placement without financial assistance is unlikely because the child has a mental, physical, emotional, or medical disability that has been certified by a licensed professional competent to make an assessment and operating within the scope of his or her profession. This paragraph shall also apply to children with a developmental disability as defined in subdivision (a) of Section 4512, including those determined to require out-of-home nonmedical care as described in Section 11464.
    (b) The need for adoption subsidy is evidenced by an unsuccessful search for an adoptive home to take the child without financial assistance, as documented in the case file of the prospective adoptive child. The requirement for this search shall be waived when it would be against the best interest of the child because of the existence of significant emotional ties with prospective adoptive parents while in the care of these persons as a foster child.
    (c) The child meets either of the following criteria:
    (1) At the time a petition for an agency adoption, as defined in Section 8506 of the Family **Code**, or an independent adoption, as defined in Section 8524 of the Family **Code**, is filed, the child has met the requirements to receive federal supplemental security income benefits pursuant to Subchapter 16 (commencing with Section 1381) of Chapter 7 of Title 42 of the United States **Code**, as determined and documented by the federal Social Security Administration.
    (2) The child is the subject of an agency adoption as defined in Section 8506 of the Family **Code** and was any of the following:
    (A) Under the supervision of a county welfare department as the subject of a legal guardianship or juvenile court dependency.
    (B) Relinquished for adoption to a licensed California private or public adoption agency, or the department, and would have otherwise been at risk of dependency as certified by the responsible public child welfare agency.
    (C) Committed to the care of the department pursuant to Section 8805 or 8918 of the Family **Code**.
    (d) The child is under 18 years of age, or under 21 years of age and has a mental or physical handicap that warrants the continuation of assistance.
    (e) The adoptive family is responsible for the child pursuant to the terms of an adoptive placement agreement or a final decree of adoption and has signed an adoption assistance agreement.
    (f) The adoptive family is legally responsible for the support of

the child and the child is receiving support from the adoptive parent.

    (g) The department or the county responsible for determining the child's Adoption Assistance Program eligibility status and for providing financial aid, and the prospective adoptive parent, prior to or at the time the adoption decree is issued by the court, have signed an adoption assistance agreement that stipulates the need for, and the amount of, Adoption Assistance Program benefits.

    (h) A child shall be eligible for Adoption Assistance Program benefits if the child received Adoption Assistance Program benefits with respect to a prior adoption and the child is again available for adoption because the prior adoption was dissolved and the parental rights of the adoptive parents were terminated or because the child's adoptive parents died.