

TO BE RESCINDED

5101:2-44-06 **Eligibility of adoptive family and child for the state adoption subsidy program.**

(A) In addition to the requirements in paragraph (B) or (C) of this rule, all of the following eligibility requirements for the state adoption subsidy program must be met:

- (1) The child is in the custody of a public children services agency (PCSA) or a private child placing agency (PCPA) and is legally free for adoption;
- (2) The child is a special needs child as defined in rule 5101:2-1-01 of the Administrative Code;
- (3) The child is under the age of eighteen, or is between eighteen and twenty-one years of age and has a mental or physical disability as diagnosed by a qualified professional;
- (4) A PCSA, PCPA, or private non custodial agency (PNA) has approved the adoptive parent for adoptive placement pursuant to Chapter 5101:2-48 of the Administrative Code. Where a PCPA or PNA approved the adoptive placement, the PCPA or PNA must provide the PCSA with evidence of an approved home study and an adoptive placement agreement;
- (5) The adoptive parent has applied for the Title IV-E adoption assistance program, in accordance with rule 5101:2-47-29 of the Administrative Code. The PCSA shall document in the state adoption subsidy record the Title IV-E adoption assistance approval or denial of eligibility;
- (6) The adoptive family has the capability of providing the permanent family relationships needed by the child in all areas except financial need;
- (7) The needs of the child are beyond the economic resources of the adoptive family; and
- (8) The acceptance of the child as a member of the adoptive parent's family would not be in the child's best interest without state adoption subsidy payments on the child's behalf.

(B) A family is eligible for payments for services defined in rule 5101:2-1-01 of the Administrative Code under the state adoption special service subsidy if all the requirements of paragraph (A) of this rule are met and:

- (1) The service needs of the child are beyond the economic ability and resources of the adoptive family; and
 - (2) Other sources of assistance are inadequate or unavailable to meet the child's immediate special needs. Other sources of assistance may include, but are not limited to, Title IV-E adoption assistance, veteran's benefits, supplemental security income (SSI), medicaid, Title XX social services, family insurance, social security disability benefits, or any program for children with medical or physical disabilities.
 - (3) A child who is eligible for Title IV-E adoption assistance may also be eligible to receive payment for services through a state adoption special services subsidy.
- (C) A family is eligible for payments under the state adoption maintenance subsidy if all the requirements in paragraph (A) of this rule are met and:
- (1) The child has been initially determined ineligible for Title IV-E adoption assistance. Eligibility for reimbursement of nonrecurring adoption expenses under Title IV-E of the Social Security Act, pursuant to rule 5101:2-47-44 of the Administrative Code, does not constitute eligibility for Title IV-E adoption assistance. Any subsequent determination of ineligibility for Title IV-E adoption assistance does not constitute eligibility for state adoption maintenance subsidy;
 - (2) The adoptive family's gross income does not exceed one hundred and twenty per cent of the median income of a family of the same size, including the child, as most recently determined for this state pursuant to division (B) of section 5153.163 of the Revised Code; and
 - (3) The adoptive parent verifies the family's gross income by providing verification, as applicable, from the most recent U.S. department of internal revenue service (IRS) income tax form, pay stubs from the prior four week period if the previous income tax form is not representative, proof of receipt of benefits from the social security administration (including data exchange information), proof of receipt of workers compensation, or other income verification from other providers of pension benefits.
- (D) An adoptive family meeting the requirements of paragraphs (A), (B), and (C) of this rule may be eligible to receive payments on behalf of the child both for services through the state adoption special service subsidy and under the state adoption maintenance subsidy.

Effective: 07/01/2004

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CERTIFIED ELECTRONICALLY

Certification

06/18/2004

Date

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