

TO BE RESCINDED

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

(A) An adoptive parent is eligible for a special service state adoption subsidy if the adoptive parent:

- (1) Is adopting a child with special needs as defined in rule 5101:2-44-01 of the Administrative Code;
- (2) Is approved for adoptive placement by a public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA);
- (3) Is making or agrees to make application for Title IV-E adoption assistance (or the PCSA or PCPA with custody of the child can supply written documentation that Title IV-E adoption assistance is not available), and if the child has been found eligible for Title IV-E adoption assistance, has entered into agreement with the appropriate PCSA for Title IV-E adoption assistance;
- (4) Has the capability of providing the permanent parental relationship needed by the special needs child, except that the parent's acceptance of the child as a member of the family would not be in the child's best interest without provision for meeting the child's identified or anticipated special needs through a state adoption subsidy.

(B) In the case of an adoptive parent who meets the requirements in paragraph (A) of this rule, a special service state adoption subsidy shall be utilized to pay for services defined in paragraph (C) of rule 5101:2-44-01 of the Administrative Code needed by an eligible special needs child if:

- (1) Other sources of assistance are inadequate or unavailable in sufficient time to meet the child's immediate special needs. The PCSA shall continue to assist the family in exploring other sources of support and services before and after the final decree of adoption. Alternative sources of assistance should be utilized if they become available, but exploration of such resources should not delay approval of a special service state adoption subsidy if it would prevent the delivery of needed services to the child. Other sources of assistance may include, but are not limited to Title IV-E adoption assistance, veteran's benefits, SSI, the program for children with medical handicaps, medicaid, Title XX, and family health insurance; and
- (2) The service needs of the child are beyond the economic ability and resources of

the adoptive parent. In making this determination, the PCSA shall consider whether other sources of assistance referred to in paragraph (B)(1) of this rule are adequate and available in sufficient time to meet the child's immediate needs. The adoptive parents shall assist the PCSA in acquiring documentation required to establish eligibility for a special service state adoption subsidy payment.

- (C) The adoptive parent is eligible for a maintenance state adoption subsidy if the adoptive parent:
- (1) Meets all of the requirements of paragraph (A) of this rule except that in the case of a state adoption subsidy approved on or after the effective date of this rule, a child who is determined eligible for Title IV-E adoption assistance is not eligible for a maintenance state adoption subsidy; and
 - (2) Has a gross income that does not exceed one hundred twenty per cent of the median income of a family of the same size, including the adoptive child, as the median income was most recently determined for this state pursuant to division (B) of section 5153.163 of the Revised Code. The adoptive parent's gross income may be verified by the adoptive parent's most recent U.S. department of internal revenue service (IRS) income tax form or any other documentation as required by the PCSA.
- (D) An adoptive parent meeting the requirements of paragraphs (A), (B), and (C) of this rule may be eligible to receive payments for services through a special service state adoption subsidy and a maintenance state adoption subsidy payment on behalf of the child. A child who is eligible for Title IV-E adoption assistance may also be eligible to receive payment for services through a special service state adoption subsidy.

Effective:

R.C. 119.032 review dates: 11/27/2002

Certification

Date

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