

5101:2-49-25

Qualified and disqualified alien eligibility for Title IV-E adoption assistance.

(A) Effective August 22, 1996, Title IV-E adoption assistance (AA) payments as defined in Chapter 5101:2-49 of the Administrative Code may be paid on behalf of a child who meets the definition of a qualified alien in rule 5101:2-1-01 of the Administrative Code.

(B) A child who is a qualified alien, entering the United States on or after August 22, 1996, and is placed for adoption shall be required to live in the United States for five years before there is eligibility for AA. Pursuant to section 403(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), a child, who is in one of the following accepted categories, is exempted from the residency requirement.

(1) A child placed with an adoptive parent who is a United States citizen or a qualified alien.

(2) A child who is a qualified alien receiving AA pursuant to a JFS 01453 "Adoption Assistance Agreement" signed prior to August 22, 1996, continues to be eligible for the AA.

(3) An alien admitted to the United States as a refugee under the Immigration and Nationality Act (INA).

(4) An alien whose deportation is being withheld under the INA.

(5) Cuban/Haitian entrants, as defined in Section 501(c) of the Refugee Education Assistance Act of 1988, Pub. L. No. 96-422.

(6) Amerasian immigrants admitted to the United States pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, Pub. L. No. 100-202.

(C) In addition to meeting the requirements of paragraph (B) of this rule, a child who is a qualified alien is eligible to receive AA payments if both of the following are met:

(1) The child is disqualified under section 245A(h), 210(f) of the INA from meeting eligibility requirements for aid to dependent children (ADC) program in effect on July 16, 1996, as defined in rule 5101:2-47-14.1 of the Administrative Code:

(a) In the month in which a JFS 01645 "Agreement for Temporary Custody of Child" (rev. 12/2005) was entered into;

(b) In the month a JFS 01666 "Permanent Surrender of Child" (rev. 12/2005) was entered into;

(c) In the month court proceedings leading to the removal of the child from the home of a specified relative were initiated.

(2) The child meets all other eligibility requirements of Chapter 5101:2-49 of the Administrative Code.

(D) An individual who meets the definition of a qualified alien in rule 5101:2-1-01 of the Administrative Code, is eligible to become an adoptive parent and receive AA payments and services for an eligible child.

(E) An individual who does not meet the definition of qualified alien in rule 5101:2-1-01 of the Administrative Code is an unqualified alien. An unqualified alien is eligible to become an adoptive parent and receive AA payments and services for an eligible child who entered the United States on or after August 22, 1996, if the child is a United States citizen or is in one of the accepted groups as defined in paragraph (B) of this rule, or has lived in the United States as a qualified alien for five years.

(F) A child who is a qualified alien and is eligible for AA shall be eligible for Title XIX medicaid coverage.

(G) Citizenship or immigration status must be verified:

(1) For children in receipt of AA payments.

(2) For the adoptive parent(s) with whom the qualified alien child is placed.

Replaces: Part of 5101:2-47-03.1

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5101.11, 5101.141
Rule Amplifies: 5101.11, 5101.141, 5153.16
Prior Effective Dates: 2/15/02