

Document: Readopted Rules

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TITLE 470 DIVISION OF FAMILY AND CHILDREN

LSA Document #01-61

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Readopts without amendment 470 IAC 3-10-1, 470 IAC 3-10-3, 470 IAC 3-10-5, 470 IAC 3-10-6, 470 IAC 3-10-7, and 470 IAC 3-10-8. Amends 470 IAC 3-10-2 to delete membership of a child in a minority group as an eligibility criterion for a special needs child under the adoption assistance program and make eligible any child who is two years of age or older or a member of a sibling group one of whom is two years of age or older. Effective 30 days after filing with the secretary of state.

470 IAC 3-10-1 **470 IAC 3-10-6**
470 IAC 3-10-2 **470 IAC 3-10-7**
470 IAC 3-10-3 **470 IAC 3-10-8**
470 IAC 3-10-5

SECTION 1. UNDER IC 4-22-2.5-3, THE FOLLOWING ARE READOPTED:

470 IAC 3-10-1 Adoption assistance agreement; renewal; modifications; terminations
470 IAC 3-10-3 Adoption assistance payments
470 IAC 3-10-5 Title IVE; medicaid: adoption assistance program, foster care
470 IAC 3-10-6 Title IVE; foster care eligibility
470 IAC 3-10-7 Title IVE; foster care assistance payments
470 IAC 3-10-8 AFDC regulations applicable to foster care assistance

SECTION 2. UNDER IC 4-22-2.5-3, 470 IAC 3-10-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

470 IAC 3-10-2 Special needs child; criteria

Authority: IC 12-13-5-1; IC 12-13-5-3

Affected: IC 31-19-11; IC 31-19-27; IC 31-19-28; IC 31-35

Sec. 2. A child shall be considered to be a special needs child, under the Indiana adoption assistance program, if the child meets **each** of the following criteria:

(1) The county ~~department of public welfare~~ **office of family and children** has determined that the child cannot or should not be returned to the home of the child's parent or parents and that the parent or parents have signed or will sign a consent to adoption regarding the child or that parental rights have been or will be terminated by a court in accordance with ~~IC 31-6-5~~ **IC 31-35**.

(2) One (1) of the following **conditions exists:**

(A) The child is two (2) years of age or older. ~~and is a member of a commonly recognized minority group.~~

~~(B) The child is six (6) years of age or older.~~

~~(C) The child is a member of a sibling group of two (2) or more children, of which at least one (1) is six (6) years of age or older, and who must be placed with the sibling group in the same home.~~

~~(D) (B) The child is a minority child who is a member of a sibling group of two (2) or more children of which at least one (1) is two (2) years of age or older and who **must will** be placed with the sibling group in the same home.~~

~~(E) (C) The child has a medical condition or physical, mental, or emotional **handicap disability** as determined by a physician licensed to practice in Indiana or another state or territory. **This problem or handicap must exist at the time of the interlocutory decree or when the adoption petition is filed.**~~

(3) Reasonable but unsuccessful efforts must be made to place the child in an appropriate adoptive home without providing adoption assistance. Reasonable efforts include, but are not limited to, the following:

(A) Photo listing the child with the Indiana adoption resource exchange for a minimum of six (6) months.

(B) Inability to recruit appropriate, interested adoptive parent or parents who are able to meet the child's needs without the use of adoption assistance.

Reasonable efforts need not be made to place the child without adoption assistance if to do so would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child.

(Division of Family and Children; Title 3, Ch 7, Reg 3-705; filed Aug 31, 1982, 1:37 p.m.: 5 IR 2224; filed Aug 26, 1987, 11:00 a.m.: 11 IR 83; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2229)

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-3, notice is hereby given that on May 30, 2001 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Training Center Room 1, Indianapolis, Indiana the Division of Family and Children will hold a public hearing to readopt rule 470 IAC 3-10, relating to the Indiana Foster Care and Adoption Assistance Program, with an amendment to 470 IAC 3-10-2 concerning special needs child eligibility criteria.

Any interested person who has questions, suggestions or proposed revisions should contact John Wood at the office stated above. Comments submitted by mail before the date of the public hearing will be included in the hearing record.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

James Hmurovich
Director
Division of Family and Children