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TITLE 470 DIVISION OF FAMILY AND CHILDREN

LSA Document #01-61(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the 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; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 189)

LSA Document #01-61(F)

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