

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**5101:2-47-03.1 Qualified and disqualified alien eligibility for foster care maintenance and independent living services.**

- (A) Effective August 22, 1996, foster care maintenance (FCM) reimbursements and independent living services as defined in Chapter 5101:2-42 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 in foster care shall be required to live in the United States for five years before there is eligibility for FCM or independent living services. Pursuant to section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), a child, who is in one of the following categories, is exempted from the residency requirement:
- (1) A child placed with a foster caregiver who is a United States citizen or a qualified alien.
  - (2) An alien admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act (INA) (05/2005).
  - (3) An alien who is granted asylum under section 208 of the INA.
  - (4) An alien whose deportation is being withheld under the INA.
  - (5) Cuban/Haitian entrants, as defined in section 501(e) of the Refugee Education Assistance Act of 1980, 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 Title IV-E FCM payments if the following are met:
- (1) The child is disqualified under section 245A (H), 210 (F) or 210 (D)(7) 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. 4/2006) was entered into.
    - (b) 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 5101:2-47 of the Administrative Code.
- (D) An alien who meets the definition of a qualified alien in rule 5101:2-1-01 of the Administrative Code, is eligible to become a foster caregiver and receive Title IV-E FCM or independent living services for an eligible child.
- (E) An alien who does not meet the definition of a qualified alien in rule 5101:2-1-01 of the Administrative Code is an unqualified alien. An unqualified alien is eligible to become a foster caregiver and receive Title IV-E FCM or independent living services for an eligible child who entered the United States on or after August 22, 1996, and 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.

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

(G) Citizenship or immigration status must be verified in the following cases:

- (1) For all children in receipt of Title IV-E FCM payments or independent living services.
- (2) For the foster caregiver with whom the qualified alien child is placed.