

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

**5101:2-33-29 Verification of United States citizenship and immigration status for all children in foster care.**

- (A) All Title IV-E agencies shall verify United States (U.S.) citizenship and immigration status for all children in foster care regardless of whether Title IV-E foster care maintenance (FCM) payments are made on their behalf.
- (B) Documents that verify citizenship are:
- (1) A U.S. birth certificate.
  - (2) A U.S. passport, unless it is authorized with a limitation; limited passports are issued through the department of homeland security (DHS).
  - (3) A certification of birth issued by the department of state (form DS-1350).
  - (4) A report of birth abroad of a U.S. citizen (form FS-240).
  - (5) A certificate of birth abroad (FS-545).
  - (6) A U.S. citizen identification card (I-197).
  - (7) A certificate of naturalization (N-550 or N-570).
  - (8) A certificate of U.S. citizenship (N-560 or N-561) for children who derived their citizenship through a parent.
  - (9) An extract from a hospital record on hospital letterhead established at the time of the individual's birth that was created at least five years before the initial date of custody, and indicates a U.S. place of birth. For a child under sixteen, the document must have been created near the time of birth.
  - (10) A life insurance, health insurance, or other insurance record showing a U.S. place of birth and created at least five years before the initial date of custody. For children under sixteen, the document must have been created near the time of birth.
  - (11) A statement provided from a U.S. consular officer certifying that the individual is a U.S. citizen.
  - (12) An American Indian card (I-872) issued by the department of homeland security (DHS) with the classification code "KIC" and a statement on the back identifying U.S. citizenship of members of the Texas band of Kickapoos living near the United States/Mexican border.
  - (13) A state match with the state data exchange (SDX) for supplemental security income (SSI).
  - (14) Birth information obtained by the Title IV-E agency through Ohio department of job and family services (ODJFS)-authorized data exchanges or data sharing agreements.
  - (15) A federal or state census record showing U.S. citizenship or a U.S. place of birth, including an individual's age.
  - (16) Native American tribal documents, including but not limited to:
    - (a) A Seneca Indian tribal census record.

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(b) The bureau of Indian affairs tribal census records of the Navajo Indians.

(c) A certificate of Indian blood.

(d) U.S. American tribal documents.

(e) Other native American tribal documents.

(17) Affidavits may be used only in rare circumstances when the agency is unable to secure evidence of citizenship from another listing. Affidavits are signed under penalty or perjury, but need not be notarized. If the documentation requirement needs to be met through affidavits, the following rules apply:

(a) There shall be at least two affidavits by people who have personal knowledge of the event(s) establishing the individual's claim of citizenship. The two affidavits could be combined in a joint affidavit. At least one of the persons making the affidavit cannot be related to the individual and neither person can be the individual.

(b) Persons making the affidavit must be able to provide proof of their own citizenship. The persons making the affidavit shall have information which explains why documentary evidence establishing the individual's claim of citizenship does not exist or cannot be readily obtained.

(C) For all children who are determined non-citizens, the Title IV-E agency shall obtain verification of their alien status.

(D) A qualified alien status shall be verified by one of the following:

(1) An alien who is lawfully admitted for permanent residence (I-551) or (I-94) under the Immigration and Nationality Act of 1952 (INA).

(2) An alien who is granted asylum (I-94) under section 208 of the INA.

(3) A refugee (I-94) or (I-571) who is admitted to the U.S. under section 207 of the INA.

(4) An alien whose deportation is being withheld (I-688B) or (I-766) under section 243(h) or section 241(b)(3) of the INA.

(5) An alien who is granted conditional entry (I-94) pursuant to section 203(a)(7) of the INA.

(6) A Cuban or Haitian entrant (I-551).

(7) An alien or the child or parent of an alien who has been battered or subjected to extreme cruelty in the U.S.

(E) If a mother is a naturalized U.S. citizen and the baby was not born in the U.S., the baby's citizenship status would depend on whether the baby was born before or after the mother became a U.S. citizen. In most cases, when the parent becomes a naturalized U.S. citizen and the baby is living with the parent in the U.S., the baby would also become a U.S. citizen.

(F) A child who is in the U.S. under a visitor or tourist's visa or under a student arrangement does not meet the qualified alien status.

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- (G) All U.S. citizenship and immigration status verification documentation shall be kept in the child's case record regardless of the child's status.
- (H) For a child who enters foster care, the Title IV-E agency shall verify citizenship or immigration status within sixty days of entrance.