

**Notice of Intent to Adopt a Rule**

LSA Document #09-163

Under [IC 4-22-2-23](#), the Department of Child Services intends to adopt a rule concerning the following:

**OVERVIEW:** Amends a reference to the definition of a child with special needs in [465 IAC 2-4-2](#). Adopts a new rule, [465 IAC 4-1](#), concerning adoption assistance and adoption subsidies under the Indiana adoption program (IAP). Defines types of adoption assistance and general eligibility requirements relating to the federal Title IV-E adoption assistance program periodic payments (AAP), nonrecurring adoption expenses under Title IV-E (NRAE), state adoption subsidy periodic payments under [IC 31-19-26.5](#) (SAS), and Medicaid eligibility under the IAP. Provides specific eligibility requirements for each category of adoption assistance. Defines "special needs child" for purposes of AAP, NRAE, and SAS. Defines "hard to place child" for purposes of SAS. Establishes amount of benefits and payment procedures for each category of assistance. Establishes specific procedures for determining funding priorities for AAP and SAS agreements and continuing court-ordered subsidies, based on availability of funds in the department's adoption assistance account (AAC) during each state fiscal year. Authorizes suspension or reduction of SAS payments under certain conditions, in the event of funding shortfalls in the AAC. Provides procedures for department administration of the IAP. Specifies the form and contents of agreements between adoptive parents and the department relating to the IAP. Provides annual review and reporting requirements for assistance recipients under pre-2009 AAP agreements, pre-2009 county adoption subsidy orders under the former county adoption subsidy program, [IC 31-19-26](#) (repealed effective January 1, 2009), and post-2008 AAP and SAS agreements. Specifies grounds for termination or suspension of assistance to program beneficiaries. Specifies grounds and procedure for continuation of assistance after the adoptive child becomes 18 years of age. Provides for department administrative reviews and appeals of certain determinations under the program. Specifies a procedure for determining funding availability in the AAC for current and new assistance agreements during each state fiscal year. Repeals [465 IAC 2-7-1](#), [465 IAC 2-7-2](#), and [465 IAC 2-7-3](#). Comments and questions concerning this notice should be submitted in writing and directed to the Small Business Regulatory Coordinator for this rule. Statutory authority: [IC 31-19-26.5-12](#); [IC 31-25-2-18](#).

For purposes of [IC 4-22-2-28.1](#), the Small Business Regulatory Coordinator for this rule is:

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