



Ohio Administrative Code

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

Effective: February 7, 2022

(A) 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 non-citizen in rule 5101:2-1-01 of the Administrative Code.

(B) A child who is a qualified non-citizen, and 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 non-citizen.
- (2) A non-citizen admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act (INA) (05/2005).
- (3) A non-citizen who is granted asylum under section 208 of the INA.
- (4) A non-citizen 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.
- (7) A parolee allowed into the United States under section 212(d)(5) of the INA (as in effect October 1, 2019) for a period of at least one year.



(8) A person granted conditional entry pursuant to section 203(a)(7) of the INA (as in effect prior to April 1, 1980).

(9) A non-citizen or the child or parent of a non-citizen who has been battered or subjected to extreme cruelty in the U.S.

(10) An Afghan or Iraqi non-citizen granted special immigrant visa status under Section 8120 of the December 19, 2009 Defense Appropriations Bill (Pub. L. No. 111-118) and section 101(a)(27) of the INA (as in effect October 1, 2019).

(C) In addition to meeting the requirements of paragraph (B) of this rule, a child who is a qualified non-citizen 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" 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) A non-citizen who meets the definition of a qualified non-citizen 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) A child who is a qualified non-citizen and is eligible for Title IV-E FCM shall be eligible for Title XIX medicaid coverage.



(F) 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 non-citizen child is placed.