



B. J. Walker, Commissioner
Brenda King Woodard, Chief Legal Officer

Legal Services Office • Two Peachtree Street, NW • Suite 29.210 • Atlanta, Georgia 30303-3142
Phone: 404-656-4421 • Fax: 404-657-1123

Docket No. FCS-264

Notice Date: May 27, 2008

RULES AND REGULATIONS FOR SPECIAL NEEDS CHILDREN ADMINISTRATIVE RULE -290-2-27-.01

Dear Sir or Madam:

Please find enclosed a copy of proposed Administrative Rule 290-2-27-.01 ("Definitions"), within Rules Chapter 290-2-27, entitled "Rules and Regulations for Special Needs Children." The Board of Human Resources is considering formally adopting this Rule in lieu of the current Rule of the same number and title. A synopsis of the proposed changes from the current Rule is also enclosed. An electronic version of the Rules text may be found on the agency's web site at <http://dfcs.dhr.georgia.gov/portal/site/DHR-DFCS/menuitem.5d32235bb09bde9a50c8798dd03036a0/?vgnextoid=036a2b48d9a4ff00VgnVCM100000bf01010aRCRD>.

Questions concerning these changes should be directed to Mr. Bobby Cagle, Family Services Director, at telephone number (404) 657-3485.

Written comments and other written materials regarding the rules should be sent to Marion W. Cornett, Jr., Administrative Hearing Officer, at the above mailing address or by e-mail to mwcornett@dhr.state.ga.us.

The Department solicits your comments, data or argument for or against this proposed action. Your comments may be made in writing by mail or other delivery to the undersigned Hearing Officer within thirty (30) days of the above notice date, or orally at a public hearing starting at 10:00 AM on Thursday, June 26, 2008, in the DHR Board Room, 2 Peachtree Street, NW, Suite 29-250, Atlanta, Georgia. **Please be assured that comments made by either method will be given equal consideration.**

All comments received will be summarized in a report to the Board which will consider final adoption of these proposed Rules at its regular meeting starting at 1:00 p.m. on Wednesday, July 16, 2008, in the Board Room, Suite 29-250, 2 Peachtree Street, NW, Atlanta, Georgia.

If due to a disability you need this notice in an alternate format or if you plan to offer oral comment and will need auxiliary aids or services, please call the undersigned Hearing Officer as soon as possible but no later than ten (10) days before the above oral comment date.

This Notice is issued pursuant to O.C.G.A. §§ 50-13-4 and 49-5-8(a)(7)(G).

Marion W. Cornett, Jr.
Administrative Hearing Officer
Tel. (404) 656-4421 (Procedural questions only)

**RULES OF
DEPARTMENT OF HUMAN RESOURCES
DIVISION OF FAMILY AND CHILDREN SERVICES**

CHAPTER 290-2-27

RULES AND REGULATIONS FOR SPECIAL NEEDS CHILDREN

SYNOPSIS OF PROPOSED RULES

- **PURPOSE:** The Rules and Regulations for Special Needs Children, Chapter 290-2-27 are proposed to be amended to revise the definition of "Special Needs child". This definition is an integral part of Georgia's adoption assistance program. Under O.C.G.A. Section 49-5-8(a)(7)(G) the Department of Human Resources Board shall establish the definition of special needs child. With the inception of the Federal Adoption Assistance Program in 1980, all states established very broad criteria to cover as many children in the foster care system as possible. The true intent of adoption assistance is to ensure long-term financial assistance to families who adopt children with "special needs" and was never intended to cover all children who are adopted. The federal law allows each state to independently define what constitutes "special needs". The criteria Georgia established initially, based on the needs of the state in 1980, is so broadly defined that it encourages the perception that every family who adopts should receive an ongoing subsidy from the state without regard to need until the child reaches the age of 18. This revision will ensure that long term adoption assistance is appropriately targeted at children needing long term, ongoing assistance due to their significant physical or mental health needs. In addition, the revision will also allow the division to refocus resources to promote adoption of older children and large sibling groups. Any potential impact will be minimized through implementation of the following two strategies:
 - A special fund will be established to pay for services deemed necessary for any child who is not receiving ongoing adoption assistance as a result of the criteria revision.
 - Any child who is not eligible for adoption assistance at the time of the pre-adoptive placement, can sign a deferred application which allows the parent to reapply at any time if the child's needs change.

MAIN FEATURES OF THE PROPOSED RULE: The proposed change to the Rules and Regulations for Special Needs Children, Chapter 290-2-27, is to revise the definition of "special needs child"

SUMMARY OF THE PROPOSED RULE

290-2-27-.01 Definitions. The new rule revises the definition of "special needs child". The current definition contains five criteria under which a child would be considered special needs. The proposed rule would revise the criteria as follows:

- Deletes in its entirety the criteria based on a child being of black heritage and is one year of age or older;

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Unless a different meaning is required by the context, the following terms as used in these Rules and Regulations shall have the meaning hereafter respectively ascribed to them:

(a) "Special needs child" means any child eight (8) years of age or over; members of a sibling group of three (3) or more who will be placed together at the same time; or any child with documented and professionally diagnosed acute/chronic, medical/physical disability or emotional/mental disorder requiring regular ongoing treatment.

(b) "Child-placing agency" means any nonprofit institution, society, agency or facility, whether incorporated or not, which is licensed by the Department for the purpose of placing children in an adoptive home for adoption.

(c) "Department" means the Department of Human Resources of the State of Georgia.

(d) "Disruption" means the termination of adoption proceedings prior to finalization of the adoption.

(e) "Payments" means funds provided to a child-placing agency from a combination of state and Federal Title IV-E funds for placing a child with special needs who is under the jurisdiction of the Department in an adoptive home for the purpose of adoption.

Authority O.C.G.A. Sec. 49-5-8(a)(7)(G). **History.** Original Rule entitled "Definitions" adopted. F. Nov. 16, 1990; eff. Dec. 6, 1990.