

**RECOMMENDED MOTION TO AUTHORIZE PUBLIC COMMENT PERIOD
FOR RULE-MAKING**

Rules and Regulations for Special Needs Children

RULES CHAPTER 290-2-27

ADMINISTRATIVE RULE -.01

BACKGROUND

The Division of Family and Children Services wishes to revise certain provisions of DHS Rule -.01 ("Definitions") within Chapter 290-2-27. This chapter relates to "Rules and Regulations for Special Needs Children." A memorandum from the Division of Family and Children Services detailing the proposed changes has been circulated to all members of the Board. The Division of Family and Children Services requests the Board's authorization to present the draft revisions to the public in a public hearing.

RECOMMENDED MOTION

I move that the Division of Family and Children Services be authorized by this Board to present the proposed changes to Rule -.01 ("Definitions"), within Chapter 290-2-27, entitled "Rules and Regulations for Special Needs Children" to the public for comment in a public hearing, and that the results of such hearing be reported back to the Board for final action.

**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 Services Board shall establish the definition of special needs child. With the inception of the Federal Adoption Assistance Program in 1980, all states established criteria to define what constitutes a “special needs” child with regard to adoption assistance. The true intent of the adoption assistance program is to provide assistance to facilitate adoptive placements of children who have characteristics that make them difficult to place for adoption. The federal law allows each state to independently define what constitutes “special needs”. This revision will ensure that any child in Georgia will have equal opportunity to be adopted and receive support and resources specific and appropriate to his or her needs. In addition, the revision will allow the division to focus on children who are not achieving permanency within timeframes required by the federal Child and Family Services Review. The agency projects that approximately 164 additional children will qualify for adoption assistance under the new criteria annually.

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 criterion based on a child being eight (8) years or older;
- Deletes in its entirety the criterion based on a child being of black heritage and is one year of age or older;
- Deletes in its entirety the criterion based on a child being a member of a sibling group of three (3) or more placed together;
- Deletes in its entirety the criterion based on a sibling group of two where one is eight (8) years of age or older or has another special need;
- Adds a criterion for a child for whom an adoptive placement has not been made within 12 months of becoming legally free for adoption;
- Adds a criterion for all sibling groups of 2 or more placed together in the same home; and
- Amends the criterion based on any physical, emotional, or mental health limitation to read: a child with physical, mental, or emotional disability, as certified by a licensed physician or psychologist.