

**441—201.3(600) Conditions of eligibility or ineligibility.**

**201.3(1)** The child is eligible for subsidy when the department or a private agency has documented that it has been unable to place the child in an appropriate adoptive home without a subsidy and the child is determined to be a child with special needs based on one or more of the following reasons:

*a.* The child has a medically diagnosed disability, as determined by a physician, an advanced registered nurse practitioner or a physician assistant, that substantially limits one or more major life activities, requires ongoing professional treatment, impacts the child's ability to perform daily living skills, and is expected to last 12 months or longer.

*b.* The child has been determined by a qualified intellectual disability professional to be intellectually disabled.

*c.* The child has been determined by a qualified professional to be at high risk of developing a qualifying medical, mental, or emotional condition as defined in this subrule. A child in this group is eligible for subsidy of nonrecurring expenses only.

*d.* The child has been diagnosed by a qualified mental health professional to have a psychiatric condition that impairs the child's mental, intellectual, or social functioning and for which the child requires ongoing professional services.

*e.* The child has been diagnosed by a qualified mental health professional to have a behavioral or emotional disorder characterized by situationally inappropriate behavior that deviates substantially from behavior appropriate to the child's age or significantly interferes with the child's intellectual, social and personal adjustment and that requires ongoing treatment.

*f.* The child is aged five or older.

*g.* The child is a member of a sibling group of three or more children who are placed in the same adoptive home.

**201.3(2)** A child who enters the United States from another country on the basis of a visa classifying the child as an orphan, in accordance with the Immigration and Naturalization Act as amended to December 31, 2023, for the purpose of adoption by a specific United States family is not eligible for subsidized adoption maintenance payments, medical assistance, or special services, except for nonrecurring expenses.

**201.3(3)** Adverse eligibility determinations by the department may be appealed according to rules in 441—Chapter 7.

**201.3(4)** The department shall review the subsidy agreement when the child reaches the age of 17½ to determine whether the child is eligible to receive subsidy to the age of 21 due to the child's physical, intellectual, or mental health disability.

*a.* The disability shall be diagnosed by a physician, a qualified mental health professional, or a qualified intellectual disability professional.

*b.* The diagnosis shall be current within one year prior to the child's eighteenth birthday.

*c.* The child's parents shall provide documentation of the child's disability.

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