c. Behavioral, emotional, physical or mental disability; and
d. Membership in a minority race (race by itself is not sufficient to make a child eligible for subsidy);

3. The child must meet all of the following:
   a. Cannot be adopted without subsidy (see 479 NAC 8-001.02B2);
   b. Cannot or should not be returned to the home of the legal/biological parents;
   c. Is a ward of the Nebraska Department of Health and Human Services at the time the adoption petition is filed; and
   d. Is age 18 or younger.

{Effective 9/20/95}

8-001.02B1a Eligibility for State Subsidy: A child who is eligible for state subsidy must:

a. -Mmeet the criteria in 479 NAC 8-001.02B1 and be a ward of the Department at the time the adoption petition is finalized; or

b. .Be a child for whom the person adopting has a valid state subsidized guardianship agreement with the Department at the time of finalization of the adoption.

{Effective 02/23/04}

8-001.02B1b Eligibility for Federal Subsidy: A child who is eligible for federal subsidy must meet the criteria in 479 NAC 8-001.02B1 and:

1. Be a ward of the Department at the time the adoption petition is finalized and be eligible for Title IV-E foster care or SSI at the time the adoption petition is filed; and
2. Be a child with special needs who is in foster care placement with his/her minor parent if Title IV-E foster care payment is being made for the care of both.

{Effective 02/23/04}

8-001.02B2b(1) Non-Ward Eligibility for Federal Subsidy: The federal government has extended Title IV-E adoption eligibility to the following non-wards:

1. A child who is being adopted privately who is deemed eligible for SSI at the time the adoption petition is filed; or
2. A child who was receiving a Title IV-E subsidy in a previous adoption and that adoption dissolves (parents sign a relinquishment of parental rights or a court of competent jurisdiction terminates their parental rights) or the adoptive parents die is eligible for federal Title IV-E subsidy in a subsequent adoption.

If a child is placed across state lines and is not in the custody of the sending state, the adoptive parents must apply for subsidy in their state of residence. That state is responsible for determining whether the child qualifies for subsidy.

{Effective 02/23/04}

8-001.02B1c Determination of Child's Eligibility: In each case in which a ward is being adopted, the worker must assess the child's eligibility for subsidized adoption, including the child's mental and physical needs. If the child qualifies, the worker must discuss the possibility of subsidized adoption with the adoptive parent(s). To determine a child's eligibility, the worker must: