2-003 Respite Service Populations: DHHS staff may divide funding among populations in equal proportions. However, in order to ensure that all budgetary funds may be utilized, DHHS may move funds from one population to the other. (See 464 NAC 1-002). A child who reaches age 19 will automatically transition into the adult population and an adult who reaches age 60 will automatically transition into the elderly population. Populations will be divided as follows:

1. Birth through age 18;
2. Age 19 through age 59; and
3. Age 60 and above.

2-004 Eligibility Criteria:

2-004.01 Eligible Clients: Eligible clients must:

1. Reside in the State of Nebraska~~. There are no durational, legal residence, or citizenship requirements~~;
2. Reside in a non-institutional setting;
3. Have a special need; ~~and~~
4. Meet the financial criteria for the RSP~~.~~ and
5. Be a citizen of the United States of American or a qualified alien under the federal Immigration and Nationality Act and be lawfully present in the United States:
   a. Attestation: The applicant must attest that s/he is a citizen of the United States of America or that s/he is a qualified alien under the federal Immigration and Nationality Act, 8 USC 1101 et seq., as such act existed on January 1, 2009; and is lawfully present in the United States. The applicant must provide his/her immigration status and alien number, and agree to provide a copy of his/her United States Citizenship and Immigration Services (USCIS) documentation upon request.
   b. Verification: For any applicant who has attested that s/he is a qualified alien under 464 NAC 2-004.01, item 5.a., eligibility for benefits must be verified through the Systematic Alien Verification for Entitlements Program. Until verification of eligibility is made, the attestation may be presumed to be proof of lawful presence unless the verification is required before providing the public benefits under another provision of state or federal law.

2-004.02 Caregiver Requirements: Caregivers must:

1. Be providing care or supervision of the individual with special needs without reimbursement or payment;
2. Need a break from the ongoing care of a client; and
3. Reside in the same home as the client.

Note: Respite is not a substitute to allow the caregiver to work. The caregiver may maintain a separate residence but s/he must be residing with or staying with the client on an ongoing basis.

2-004.03 Financial Eligibility:

2-004.03A Family Size: Family size is determined by the number of adults and/or children related by blood, marriage or adoption who reside in the same household. An unborn child may be included. The following are considered separate families:

1. Related adults other than spouses and unrelated adults who reside together;
2. Children living with non-legally responsible relatives;
3. Emancipated minors;
4. A minor parent; and
5. Children placed outside the home and who are not residing full-time with the biological parents or usual caretaker.