

5101:2-44-03

Public children services agency (PCSA) administration of the state adoption maintenance subsidy program.

(A) A public children services agency (PCSA) is responsible for the administration and determination of eligibility for the state adoption maintenance subsidy. The PCSA shall:

(1) Provide the JFS 01613 "Application for State Adoption Subsidy" (rev. 7/2004) to any prospective adoptive ~~parent~~ parent(s) of a child in the custody of a PCSA or private child placing agency (PCPA) or upon request.

~~(2) Consult with the adoptive parent prior to the approval or denial of a JFS 01613 regarding:~~

~~(a) Special needs of the adoptive child, identified or anticipated.~~

~~(b) Amount of the state adoption maintenance payments based upon the needs of the adoptive child, the circumstances of the adoptive family, and in accordance with the PCSA's adoption policy.~~

~~(c) Beginning and ending dates of the state adoption maintenance payments.~~

~~(3) Determine if the adoptive parent meets the income eligibility criteria for the state adoption maintenance subsidy in accordance with rule 5101:2-44-06 of the Administrative Code.~~

~~(4)~~(2) Determine whether the adoptive child ~~is a~~ meets the special needs ~~child~~criteria for a state adoption maintenance subsidy as defined in rule 5101:2-1-01 of the Administrative Code and document the special needs of the child on the JFS 01615 "~~Approval for State Adoption Subsidy~~" (rev. 7/2004) "State Adoption Maintenance Subsidy Agreement" (rev. 4/2014). If the agency determines the child ~~is~~does not ~~meet the~~ special needs ~~child~~criteria for a state adoption maintenance subsidy, the PCSA shall document the reason for this determination on the JFS 07334 "Notice of Denial of Your Application for Assistance" (~~rev. 10/2007~~)(rev. 9/2011).

~~(5)~~(3) Determine whether the adoptive child has or does not have ~~is~~ a special ~~needs~~ childneed for medical, mental health, or rehabilitative care in accordance with rule 5101:2-44-05.1 of the Administrative Code. ~~Document and document~~ on the JFS 01449 "Determination of Special Needs For Medical, Mental Health or Rehabilitative Care" (rev. 7/2004) ~~whether the child has or does not have a special need for medical, mental health or rehabilitative care.~~

~~(6)~~(4) Determine the adoptive child's eligibility status within forty-five ~~calendar~~ days of receipt of a complete state adoption maintenance subsidy application

packet. A complete packet will contain a JFS 01613, JFS 01654 "Adoptive Placement Agreement" (rev. 10/2001), if applicable, and the child study inventory. Any other information that may help in determining the special needs and resource needs of the child may be included in the packet.

- (~~7~~)(5) Notify the adoptive parent of the approval or denial of the state adoption maintenance subsidy within fifty ~~calendar~~ days of receipt of a complete state adoption maintenance subsidy application packet with the JFS 01615 or the JFS 07334 . The state adoption maintenance subsidy application shall be approved or denied prior to the adoption finalization.
- (B) The PCSA in the county in which a private child placing agency (PCPA) is located is responsible for the administration of a state adoption maintenance subsidy for a child in the permanent custody of the PCPA who is eligible pursuant to rule 5101:2-44-06 of the Administrative Code.
- (C) State adoption special service subsidy approvals entered into prior to July 1, 2004 shall be redetermined in accordance with rule 5101:2-44-09 of the Administrative Code.
- (D) The PCSA shall establish and maintain policy and procedures governing its state adoption maintenance subsidy program in accordance with 42 U.S.C. section 671(a)(21) (1/3/06) and section 5153.163 of the Revised Code. Such policy and procedures shall be consistent with Chapter 5101:2-44 of the Administrative Code and shall be part of the PCSA adoption policy prepared pursuant to rule 5101:2-48-05 of the Administrative Code.
- (E) The PCSA's policy shall indicate whether the PCSA continues to provide the state adoption special services subsidies for those approvals in effect before July 1, 2004.
- (F) The PCSA shall document, in the PCSA's adoption policy, a description of the opportunity for a state hearing pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.
- (G) A state adoption maintenance subsidy payment shall continue if the adoptive parent moves to another county, state or country unless the PCSA that approved the subsidy determines that the adoptive parent and the adoptive child are no longer eligible pursuant to rules 5101:2-44-06 and 5101:2-44-08 of the Administrative Code.
- (H) The PCSA shall make an annual redetermination of eligibility for the state adoption maintenance subsidy program pursuant to rule 5101:2-44-08 of the Administrative

Code, unless the state adoption subsidy is suspended pursuant to rule 5101:2-44-10 of the Administrative Code.

- (1) The PCSA's approvals and amendments of a state adoption maintenance subsidy shall be documented on the JFS 01615 the initial agreement, and for redeterminations or amendments, the JFS 01614 "Redetermination or Amendment of a State Adoption Maintenance Subsidy " (4/2014) .
 - (2) The PCSA's suspensions, decreases, and terminations of a state adoption maintenance subsidy shall be documented on the JFS 04065 "Prior Notice of Right to a State Hearing." (rev. 5/2001).
- (I) If the PCSA determines the adoptive parent is approved for a state adoption maintenance subsidy and the adoptive child has a special need for medical, mental health, or rehabilitative care in accordance with rule 5101:2-44-05.1 of the Administrative Code, the PCSA shall provide the adoptive parent with the following forms, including explanations and instructions:
- (1) JFS 01615 .
 - (2) JFS 01449 .
 - (3) JFS 07216 "Combined Programs Application" (~~rev. 10/2006~~)(rev. 11/2013).
- (J) If the PCSA determines the adoptive parent is approved for a state adoption maintenance subsidy, but the adoptive child does not have a special need for medical, mental health, or rehabilitative care in accordance with rule 5101:2-44-05.1 of the Administrative Code, the PCSA shall provide the adoptive parent with the following forms, including explanations and instructions:
- (1) JFS 01615 .
 - (2) JFS 01449 indicating the child does not have a special need for medical, mental health, or rehabilitative care.
 - (3) JFS 07334 indicating the child does not have a special need for medical, mental health, or rehabilitative care in accordance with rule 5101:2-44-05.1 of the Administrative Code.
- (K) The PCSA may issue an approval for a state adoption maintenance subsidy prior to the adoptive placement of the child upon the condition that the effective date shall

be no earlier than the date of adoptive placement.

- (L) State adoption maintenance subsidy payments shall be made for no longer than twelve months prior to the issuance of a final decree, unless a final decree is delayed by proceedings or action under the jurisdiction of the court. If, for any other reason, finalization of the adoption does not occur within the twelve-month period of the state adoption subsidy payment, the state adoption maintenance subsidy payment shall be suspended pursuant to rule 5101:2-44-10 of the Administrative Code. Upon finalization, the suspended subsidy shall be redetermined pursuant to rule 5101:2-44-08 of the Administrative Code.
- (M) The PCSA shall provide documentation of the compliance with paragraphs (A) and (G) to (K) of this rule in the adoptive parent's state adoption maintenance subsidy record pursuant to rule 5101:2-44-12 of the Administrative Code.
- (N) The PCSA shall assist the adoptive parent in exploring other sources of assistance, support, and services before and after the final decree.
- (O) The PCSA shall make copies of its adoption subsidy policy available to adoptive applicants and the public upon request. The PCSA shall also provide the applicants with the JFS 04059 "Explanation of State Hearing Procedures" (~~rev. 4/2005~~)(rev. 10/2008) as required by rule 5101:6-2-01 of the Administrative Code.

Effective: 05/29/2014

R.C. 119.032 review dates: 03/12/2014 and 05/01/2019

CERTIFIED ELECTRONICALLY

Certification

05/19/2014

Date

Promulgated Under: 119.03
Statutory Authority: 5153.163
Rule Amplifies: 5153.16, 5153.163
Prior Effective Dates: 10/280, 7/1/90, 2/13/98 (Emer.), 5/14/98, 5/1/03,
7/1/04, 5/1/09