

5101:2-44-03

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

(A) A public children services agency (PCSA) is responsible for the administration and determination of eligibility for the state adoption subsidy. Administration of the state adoption subsidy program requires a PCSA to do the following:

(1) Provide a JFS 01613 "Application for State Adoption Subsidy" to any prospective adoptive parent 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; and,

(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) Assess to determine whether the child is a special needs child 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." If the agency determines the child is not a special needs child for a state adoption subsidy, the PCSA shall document the reason for this determination on the JFS 07334 "Notice of Denial of Your Application for Assistance."

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

(6) Determine the eligibility status within forty-five calendar days of receipt of a complete state adoption subsidy application packet. A complete packet will contain a JFS 01613 "Application for State Adoption Subsidy," JFS 01654 "Adoptive Placement Agreement," 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) Notify the adoptive parent of the approval or denial of the state adoption subsidy within fifty calendar days of receipt of a complete state adoption application packet with the JFS 01615 "Approval for State Adoption Subsidy," or the JFS 07334 "Notice of Denial of Your Application for Assistance." The state adoption 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 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) The PCSA shall establish and maintain policy and procedures governing its state adoption subsidy program in accordance with 42 U.S.C. section 671(a)(21) 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 must be part of the PCSA adoption policy prepared pursuant to rule 5101:2-48-05 of the Administrative Code.
- (D) 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 level designation 5101:6 of the Administrative Code.
- (E) A state adoption 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.
- (F) The PCSA shall make an annual redetermination of eligibility for the state adoption 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, amendments and modifications of a state adoption subsidy must be documented on the JFS 01615 "Approval for State Adoption Subsidy."
- (2) The PCSA's suspensions, decreases, and terminations shall be documented on the JFS 04065 "Prior Notice of Right to a State Hearing."
- (G) When the PCSA determines the adoptive parent is approved for a state adoption 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 "Approval for State Adoption Subsidy;"

(2) JFS 01449 "Determination of Special Needs for Medical, Mental Health or Rehabilitative Care;" and,

(3) JFS 07216 "Combined Programs Application."

(H) When the PCSA determines the adoptive parent is approved for a state adoption 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 "Approval for State Adoption Subsidy;"

(2) JFS 01449 "Determination of Special Needs for Medical, Mental Health or Rehabilitative Care" indicating the child does not have a special need for medical, mental health, or rehabilitative care;" and,

(3) JFS 07334 "Notice of Denial of Your Application for Assistance" 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.

(I) The PCSA may issue an approval for a state adoption 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.

(J) State adoption subsidy payments may 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 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.

(K) No applications for state special service subsidies may be approved after July 1, 2004. State adoption special service subsidy agreements entered into prior to July 1, 2004 shall be redetermined annually pursuant to 5101:2-44-09 of the Administrative Code.

(L) The PCSA shall provide documentation of the compliance with paragraphs (A) and (F) to (K) of this rule in the adoptive parent's state adoption subsidy record pursuant to rule 5101:2-44-12 of the Administrative Code.

(M) The PCSA shall assist the adoptive parent in exploring sources of assistance,

support, and services before and after the final decree.

(N) 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," as required by rule 5101:6-2-01 of the Administrative Code.

Replaces: 5101:2-44-03, 5101:2-44-07

Effective:

R.C. 119.032 review dates:

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Certification

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Date

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