

5101:2-44-06

Eligibility for the state adoption maintenance subsidy program.

(A) The following criteria shall be met for a child to be determined eligible to enter into an agreement for ~~the~~ state adoption maintenance subsidy (SAMS) ~~program~~:

(1) The child is in the permanent custody of a public children services agency (PCSA) or a private child placing agency (PCPA) and is legally available for adoption.

(2) The adoptive parent(s) has applied for the Title IV-E adoption assistance program, and the adoptive child has been determined ineligible in accordance with rules 5101:2-49-02 and 5101:2-49-02.1 of the Administrative Code. Eligibility for reimbursement of nonrecurring adoption expenses pursuant to rule 5101:2-49-21 of the Administrative Code does not constitute eligibility for Title IV-E adoption assistance.

~~(3) The adoptive parent(s) has completed the JFS 01613 "Application for State Adoption Maintenance Subsidy" (rev. 4/2019) and the PCSA has approved or denied the JFS 01613 prior to the adoption finalization.~~

~~(4)~~(3) The child is either:

(a) Under the age of eighteen.

(b) Between eighteen and twenty-one years of age and is mentally or physically disabled as diagnosed by a qualified professional.

~~(5) The child is a child with special needs who, prior to the finalization of adoption, has at least one of the following needs or circumstances that may be a barrier to the adoption without financial assistance:~~

~~(a) Is part of a sibling group being adopted together or part of a previously adopted biological sibling group with whom the child should be placed.~~

~~(b) Is a member of a minority or ethnic group.~~

~~(c) Is six years of age or older.~~

~~(d) Has remained in the permanent custody of a PCSA or PCPA for more than one year.~~

~~(e) Has a medical condition, physical impairment, or developmental disability.~~

~~(f) Has a mental illness as defined in Chapter 5121. of the Revised Code.~~

~~(g) His or her family has a social or medical history that establishes a substantial risk of the child acquiring a medical condition, physical impairment, or mental or developmental disability that makes it difficult to place the child for adoption without the provision of SAMS. The condition shall be diagnosed by a qualified professional. For the purpose of this rule, a "qualified professional" is an audiologist, licensed independent social worker, licensed professional clinical counselor, physician, physician assistants, or orthopedist, marriage and family therapist, psychiatrist, psychologist or speech/language pathologist or other licensed/certified professionals that are under the direct supervision of any of the professionals listed in this paragraph. The qualified professional shall:~~

~~(i) Diagnose a medical, or physical impairment, or mental or developmental disability within the professional's area of expertise.~~

~~(ii) Not be responsible for providing casework services to the child.~~

~~(iii) Provide a clear written statement of the child's diagnosis supported by an assessment or evaluation which includes an opinion as to the origin of the problem, past history, prognosis and recommendations related to future treatment needs.~~

~~(h) Has been in the home of his or her prospective adoptive parents as a foster child for at least six months and would experience severe separation and loss if placed in another setting due to his or her significant emotional ties with these foster parents as determined and documented by a qualified mental health professional.~~

~~(i) Has experienced previous adoption disruption or multiple placements.~~

~~(6)~~(4) A PCSA or PCPA has approved the adoptive parent for adoptive placement pursuant to rule 5101:2-48-16 of the Administrative Code. If a PCPA approved the adoptive placement, the PCPA shall provide the PCSA with the following:

(a) The JFS 01673 "Assessment for Child Placement (Homestudy)" ~~(rev. 12/2014)~~ or the JFS 01692 "Application for Adoption of a Foster Child or Sibling Group," ~~(rev. 12/2014)~~.

(b) JFS 01654 "Adoptive Placement Agreement," ~~(rev. 2/2017)~~.

(c) JFS 01616 "Social and Medical History," ~~(rev. 6/2009)~~.

(d) Child study inventory.

~~(7)~~(5) In addition to the criteria listed in this paragraph, the agency has determined the following:

- (a) The adoptive family has the capability of providing the permanent family relationships needed by the child.
- (b) The needs of the child are beyond the economic resources of the adoptive family.
- (c) The acceptance of the child as a member of the adoptive parent's family would not be in the child's best interest without state adoption maintenance subsidy payments.

(B) The child is a child with special needs who, prior to the finalization of adoption, has at least one of the following needs or circumstances that may be a barrier to the adoption without financial assistance:

- (1) Is part of a sibling group being adopted together or part of a previously adopted biological sibling group with whom the child should be placed.
- (2) Is a member of a minority or ethnic group.
- (3) Is six years of age or older.
- (4) Has remained in the permanent custody of a PCSA or PCPA for more than one year.
- (5) Has a medical condition, physical impairment, or developmental disability.
- (6) Has a mental illness as defined in Chapter 5122. of the Revised Code.
- (7) His or her family has a social or medical history that establishes a substantial risk of the child acquiring a medical condition, physical impairment, or mental or developmental disability that makes it difficult to place the child for adoption without the provision of SAMS. The condition is to be diagnosed by a qualified professional. For the purpose of this rule, a "qualified professional" is an audiologist, licensed independent social worker, licensed professional clinical counselor, physician, physician assistants, or orthopedist, marriage and family therapist, psychiatrist, psychologist or speech/language pathologist or other licensed/certified professionals that are under the direct supervision of any of the professionals listed in this paragraph. The qualified professional is to:
 - (a) Diagnose a medical, or physical impairment, or mental or developmental disability within the professional's area of expertise.

- (b) Not be responsible for providing casework services to the child.
- (c) Provide a clear written statement of the child's diagnosis supported by an assessment or evaluation which includes an opinion as to the origin of the problem, past history, prognosis and recommendations related to future treatment needs.
- (8) Has been in the home of his or her prospective adoptive parents as a foster child for at least six months and would experience severe separation and loss if placed in another setting due to his or her significant emotional ties with these foster parents as determined and documented by a qualified mental health professional.
- (9) Has experienced previous adoption disruption or multiple placements.
- (C) At the time of the initial application, an adoptive family is eligible for payments under SAMS if all the requirements in paragraphs (A)(1) to (A)(5) and at least one of the criteria listed in paragraphs (B)(1) to (B)(9) of this rule are met and the adoptive parent's annual gross income does not exceed one hundred twenty per cent of the median income of a family of the same size, as most recently determined for this state pursuant to division (B) of section 5153.163 of the Revised Code.
- (D) The adoptive parent(s) is to complete the JFS 01613 "Application for State Adoption Maintenance Subsidy" and provide verification of the family's annual gross income by submitting the following as applicable:

 - (1) The most recent U.S. department of internal revenue service (IRS) income tax form.
 - (2) Proof of receipt of benefits from the social security administration.
 - (3) Proof of receipt of workers compensation.
 - (4) Any other income verification from other providers of pension benefits.
 - (5) Grant funds received in accordance with rule 5101:2-44-15 of the Administrative Code are not to be considered when reviewing the verification of the family's annual gross income.
- (E) Approval or denial of the JFS 01613 is to occur prior to the adoption finalization.
- ~~(B) If paragraphs (A)(1) to (A)(4), (A)(6) and (A)(7) of this rule are met, and paragraph (A)(5)(g) of this rule is the sole basis for the determination that the child is a child with special needs, the PCSA shall enter into a JFS 01615 "Approval for State Adoption~~

~~Maintenance Subsidy" (rev. 4/2019) with the adoptive parent(s) with no payment. The adoptive parent(s) may request an amendment of the agreement to include subsidy payments if the child develops a condition, impairment, or disability as described in paragraph (A)(5)(g) of this rule.~~

~~(C) An adoptive family is eligible for payments under SAMS if all the requirements in paragraph (A) of this rule are met and at the time of the initial application:~~

~~(1) The adoptive parent's annual gross income does not exceed one hundred twenty per cent of the median income of a family of the same size, included in the family size count is the adoptive child, as most recently determined for this state pursuant to division (B) of section 5153.163 of the Revised Code.~~

~~(2) The adoptive parent provides verification of the family's annual gross income by submitting the following as applicable:~~

~~(a) The most recent U.S. department of internal revenue service (IRS) income tax form.~~

~~(b) Proof of receipt of benefits from the social security administration.~~

~~(c) Proof of receipt of workers compensation.~~

~~(d) Any other income verification from other providers of pension benefits.~~

~~(D)~~(F) The SAMS payment amount shall be agreed upon between the PCSA and the adoptive parent(s) and shall be based upon the needs of the adoptive child and in accordance with the PCSA's adoption policy.

(G) If paragraphs (A)(1) to (A)(5) are met and paragraph (B)(7) of this rule is the sole special needs determination that the child is a child with special needs, the PCSA is to enter into an agreement with the adoptive parent(s) with no payment. The adoptive parent(s) may request an amendment of the agreement to include subsidy payments if the child develops a condition, impairment, or disability as described in paragraph (B)(7) of this rule.

~~(E)~~(H) For the beginning of each state fiscal year a procedure letter that identifies the maximum monthly funding level for SAMS will be published on the Ohio department of job and family services (ODJFS) website. If a PCSA negotiates a payment in excess of the maximum SAMS payment identified in the procedure letter, the PCSA shall enter into a separate county agreement with the adoptive parent for a county adoption maintenance subsidy (CAMS).

Effective:

Five Year Review (FYR) Dates: 5/19/2023

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5153.16, 5153.163
Rule Amplifies: 5153.163
Prior Effective Dates: 10/02/1980, 08/31/1985 (Emer.), 11/25/1985,
07/01/1990, 01/13/1992 (Emer.), 04/11/1992,
05/01/2003, 07/01/2004, 07/01/2008, 05/01/2009,
08/10/2009 (Emer.), 08/13/2009 (Emer.), 11/09/2009,
06/01/2010, 09/15/2014, 08/01/2019