

5101:2-44-08

Redetermination and amendment of a state adoption maintenance subsidy.

- (A) The public children services agency (PCSA) shall complete a redetermination of each state adoption maintenance subsidy (SAMS) one year from the initial effective date of the JFS 01615 "Approval for State Adoption Subsidy" (rev. 7/2004) or most recent redetermination and amendment date and annually thereafter.
- (B) Redetermination date:
- (1) Except as provided in paragraph ~~(K)~~(L) of this rule, the PCSA shall complete a redetermination of the JFS 01615 annually, beginning one year from the initial effective date of the agreement.
 - (2) Any recalculation and amendment to the ~~SAMS~~ JFS 01615 to address availability of state funds as described in paragraph ~~(K)~~(L) of this rule does not change the date of the redetermination of the JFS 01615.
- (C) Except as provided in paragraph ~~(K)~~(L) of this rule, to initiate the redetermination process, the PCSA shall provide written notice to the adoptive parent at least sixty calendar days prior to the anniversary date of the effective JFS 01615 or most recent redetermination or amendment.
- (D) Except as provided in paragraph ~~(K)~~(L) of this rule, the PCSA shall redetermine the state adoption maintenance subsidy more often than annually upon written request of the adoptive parent or if the PCSA is aware of substantial changes in the adoptive parent's financial situation or the adoptive child's special needs. A redetermination or amendment shall occur when:
- (1) The adoptive parent's or adoptive child's eligibility status has changed.
 - (2) The addition or deletion of a state adoption maintenance subsidy is necessary.
- (E) Except as provided in paragraph ~~(K)~~(L) of this rule, the following are necessary to redetermine or amend a JFS 01615:
- (1) The adoptive parent shall provide written verification of continued financial eligibility.
 - (2) The PCSA shall determine, from verification submitted by the adoptive parent, if the adoptive child and the adoptive parent remain eligible pursuant to rule 5101:2-44-06 of the Administrative Code.

- (F) Except as provided in paragraph ~~(K)~~(L) of this rule, the PCSA shall complete the redetermination and provide written notification to the adoptive parent of the redetermination outcome at least fifteen days prior to the annual anniversary date of the JFS 01615 or most recent redetermination, or within thirty days of a request for an amendment.
- (G) Except as provided in paragraph ~~(K)~~(L) of this rule, if the redetermination or amendment results in no change or a change in the amount of state adoption maintenance subsidy, the PCSA shall use the JFS 01615 to inform the adoptive parent of the results and the effective date of the redetermined subsidy.
- (H) Except as provided in paragraph ~~(K)~~(L) of this rule, if the redetermination or amendment results in a decrease, suspension or termination of the state adoption maintenance subsidy, the PCSA shall use the JFS 04065 "Prior Notice of Right to a State Hearing" (rev. 5/2001) to inform the adoptive parent of the reason for the action, its effective date and the right to a state hearing pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.
- (I) If the adoptive parent fails to comply with the requirements of a redetermination as described in this rule, the PCSA shall suspend the state adoption maintenance subsidy pursuant to rule 5101:2-44-10 of the Administrative Code or terminate the state adoption subsidy pursuant to rule 5101:2-44-11 of the Administrative Code.
- (J) An adoptive parent receiving a state adoption subsidy shall report any significant change in the adoptive family's financial situation or the adoptive child's special needs within thirty days of the change to the PCSA that approved the state adoption subsidy.
- (K) For the beginning of each state fiscal year, the Ohio department of job and family services (ODJFS) shall issue a procedure letter that identifies the maximum monthly funding level for SAMS.
- ~~(K)~~(L) When the Ohio department of job and family services ~~(ODJFS)~~ODJFS determines that state funds are not available to maintain the state adoption ~~maintenance subsidy~~ ~~(SAMS)~~SAMS program at the current maximum monthly funding level and notifies the PCSA of the unavailability of state funds, the PCSA shall notify any adoptive parent receiving a monthly subsidy ~~that is greater than two hundred forty dollars per child~~ in accordance with rule 5101:6-2-06 of the Administrative Code.

Effective:

R.C. 119.032 review dates: 11/20/2013

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5101.35, 5153.163
Rule Amplifies: 5101.35, 5153.16, 5153.163
Prior Effective Dates: 10/2/80, 7/1/90, 5/1/03, 7/1/04, 5/1/09, 8/10/09
(Emer.), 8/13/09 (Emer.), 11/9/09