

5101:2-44-08

Redetermination and amendment of a state adoption maintenance subsidy.

- (A) This rule does not apply when the Ohio department of job and family services (ODJFS) determines that state funds are not available to maintain the state adoption maintenance subsidy (SAMS) program at the current maximum monthly funding level. At the beginning of each state fiscal year, the ODJFS shall issue a procedure letter that identifies the maximum monthly funding level for the SAMS.
- (B) The public children services agency (PCSA) shall complete a redetermination of each SAMS one year from the initial effective date of the JFS 01615 "State Adoption Maintenance Subsidy Agreement" (rev. ~~4/2014~~/2019).
- (C) Redeterminations shall include the following:
- (1) The PCSA shall provide written notice of the redetermination to the adoptive parent(s) at least ninety days prior to the annual redetermination date of the JFS 01615.
 - (2) The redetermination notice shall request the adoptive parent(s) return the following applicable documents within forty-five days of the annual redetermination date:
 - (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 including pension benefits.
- (D) The PCSA shall determine from the verification submitted by the adoptive parent(s) if the adopted child and adoptive parent(s) remain eligible.
- (E) The PCSA shall complete the JFS 01614 "Redetermination or Amendment of a State Adoption Maintenance Subsidy" (~~4/2014~~/2019) at least thirty days prior to the annual redetermination date of the JFS 01615.
- (1) If the redetermination results in no change in the amount of SAMS, the PCSA shall use the JFS 01614 to inform the adoptive parent(s) of the results and the effective date of the subsidy.

- (2) If the redetermination results in a decrease, suspension or termination of the state adoption maintenance subsidy, the PCSA shall use the JFS 01614 to inform the adoptive parent(s) of the reason for the action, its effective date and submit the JFS 04065 "Prior Notice of Right to a State Hearing" (rev. ~~5/0405/2001~~) pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code, informing the adoptive parent(s) the right to a state hearing.
 - (3) If the redetermination results in an increase, the PCSA shall enter into a separate county agreement with the adoptive parent(s) for a county adoption maintenance subsidy.
- (F) If the adoptive parent(s) fails to comply with the requirements of a redetermination as described in this rule, the PCSA shall suspend the SAMS pursuant to rule 5101:2-44-10 of the Administrative Code after ninety days and terminate the SAMS pursuant to rule 5101:2-44-11 of the Administrative Code after one hundred eighty days from the redetermination date.
- (G) An amendment shall be reviewed when requested by the adoptive parent or if the PCSA is aware of:
- (1) Any change in the adoptive child's or adoptive parent(s) eligibility status.
 - (2) The need for an addition or deletion of the SAMS.
- (H) Upon written request by the adoptive parent(s) for an amendment, the PCSA shall do all of the following:
- (1) Review the request to amend the SAMS.
 - (2) Make a determination within thirty days once all documentation to review the amendment is received.
 - (3) Use the JFS 01614 and the JFS 04065 to inform the adoptive parent(s) of the reason for the action, the effective date and of their right to a state hearing pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.
- (I) An adoptive parent receiving a SAMS 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 maintenance subsidy.

Effective:

Five Year Review (FYR) Dates: 4/10/2019

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5101.35, 5153.163
Rule Amplifies: 5101.35, 5153.16, 5153.163
Prior Effective Dates: 06/01/2012, 05/29/2014