

5101:2-47-14

Foster care maintenance program eligibility: ADC-relatedness.

- (A) In order to meet Title IV-E foster care maintenance (FCM) initial program eligibility, the child must have a relatedness to the aid to dependent children (ADC) program authorized under Title IV-A of the Social Security Act as of July 16, 1996. Each ADC eligibility criteria must be met in the month of, but prior to the child's removal from the home. All applicable ADC eligibility requirements found in rule 5101:2-47-14.1 of the Administrative Code shall be applied when determining eligibility for ADC. Attempts must be made to verify all Title IV-E program eligibility requirements. Such attempts must be documented in the child's Title IV-E case record. In situations in which no information is available, eligibility ~~can~~ cannot be established.
- (B) As used in paragraph ~~(D)~~ (E) of this rule, "eligibility month" means the month during which a JFS 01645 "Agreement for Temporary Custody of Child"(rev. 4/2006) is ~~signed, executed in accordance with rule 5101:2-42-06 of the Administrative Code.~~ signed, executed in accordance with rule 5101:2-42-06 of the Administrative Code. ~~the~~ The month during which a JFS 01666 "Permanent Surrender"(rev. 6/2006) is ~~signed as described in rule 5101:2-47-13~~ executed in accordance with rule 5101:2-42-09 of the Administrative Code, ~~or the~~ The month during which the public children services agency (PCSA), private child placing agency (PCPA) or a public entity with whom the Ohio department of job and family services (ODJFS) has a Title IV-E interagency agreement in effect files petition for the custody of the child which eventually leads to a court-ordered removal of the child from his home, or the month in which a court orders the commitment of the child to the Title IV-E agency is the eligibility month. The month the child enters custody is not necessarily the same as the eligibility month.
- (1) When the date that a child is removed as a result of a court order is after the petition date, the date of the petition, not the removal or the court order date, shall define the eligibility month.
- (2) If the child comes into care after a JFS 01645 or JFS 01666 is ~~signed~~ executed, the actual date that the JFS 01645 or JFS 01666 is ~~signed~~ executed shall be the date which defines the eligibility month.
- (C) The home from which the child was removed is the home which must be examined when determining ADC-relatedness. For purposes of Title IV-E FCM, "removal of the child from the home of a specified relative," as defined in paragraph (D) of this rule, means:
- (1) A judicial order for a physical or constructive removal (non-physical, paper removal) of the child from the home of a specified relative has been issued.
- (2) ~~A signed~~ An executed JFS 01645 or JFS 01666 has been entered into which

leads to a physical or constructive removal of the child from the home of a specified relative.

(D) A removal has not occurred in situations where legal custody has been removed from the specified relative and the child remains with the same relative in that home under protective supervision by the PCSA.

(E) The circumstances which define ADC eligibility include all of the following:

(1) Living with a specified relative.

(a) For purposes of meeting the requirements for living with a specified relative prior to the removal from the home as described in paragraph (C) of this rule, one of the following must apply:

(i) The child was living with the specified relative and was ADC-related in that home in the eligibility month as defined in paragraph (B) of this rule, ~~or~~.

(ii) The child had been living with the specified relative within six months of the eligibility month, as defined in paragraph (B) of this rule, and would have met the requirements of paragraphs ~~(B)(1) (E)(2) to (B)(4) (E)(5)~~ of this rule in the eligibility month if the child had continued to reside with the specified relative.

(b) The "specified relative," as defined in rule 5101:2-47-14.1 of the Administrative Code is a blood relative, including those of half blood, who may be one of the following:

(i) Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, nephew, niece, half brother, half sister, first cousin, first cousin once removed, or any person of preceding generation denoted by prefix of "grand," "great-grand," "great," "great-great," and "great-great-great."

(ii) Any person who legally adopted the child or adopted the child's parent, or the natural children or other adopted children of such person.

(iii) Married spouse of any person named above, even though the marriage had been terminated by death or divorce.

- (iv) Paternal relatives of an out-of-wedlock child are relatives for ADC purposes, provided that the father meets one of the definitions of a parent found in rule 5101:1-3-04 of the Administrative Code.

(2) Age

A child is ADC eligible through the month of ~~the~~ his or her eighteenth birthday. The following requirements apply for other circumstances:

- (a) A child may remain eligible for ADC beyond ~~the~~ his or her eighteenth birthday only if the child is a full-time student reasonably expected to complete a secondary school program or the equivalent of vocational or technical training prior to ~~the~~ his or her nineteenth birthday.

A child who will be nineteen the same month in which the child completes the secondary school program or equivalent, is eligible for ADC through that month.

- (b) A child who completes high school prior to ~~the~~ his or her eighteenth birthday and is attending college or college-level vocational or technical training is eligible for ADC through the month of ~~the~~ his or her eighteenth birthday.

- (c) A child who is not reasonably expected to complete high school or the equivalent training prior to ~~the~~ his or her nineteenth birthday is ineligible for ADC the month following the month of ~~the~~ his or her eighteenth birthday.

- (d) A child who is eighteen and has completed high school and is now enrolled in a technical program that can be completed before age nineteen is not eligible for ADC.

- (e) In cases where the year and the month in which the child was born can be established, but not the exact day, the first of the month is to be used as the child's birthday.

(3) Deprivation

In the eligibility month, but prior to the child's removal from the home, the child must be deprived of the support of one or both parents as a result of one of the following:

- (a) Death;
- (b) Incapacity;
- (c) Continued absence from the removal home; or
- (d) Unemployment of the principal wage-earning parent.

(4) Need

- (a) In the eligibility month, but prior to the child's removal from the home, the income available to the child must be less than the state of Ohio's one hundred eighty-five ~~percent~~ per cent and the one hundred ~~percent~~ per cent standard of need for ADC eligibility, in effect on July 16, 1996.
- (b) In the eligibility month, but prior to the child's removal from the home, the income and resources of the standard filing unit (SFU) as defined in rule 5101:2-47-14.1 of the Administrative Code must be considered in the needs determination. -
- (c) In the eligibility month, but prior to the child's removal from the home, under constructive removal situations, the income and resources of the SFU as defined in rule 5101:2-47-14.1 of the Administrative Code must be considered in the needs determination. The home of the parent or other specified relative that the child is constructively removed from shall be the home in which the SFU will be established.
- (d) In the eligibility month, but prior to the child's removal from the home, ~~the~~ The resources available to the SFU shall not exceed ten thousand dollars.
 - (i) The ten thousand dollar resource limit does not include:
 - (a) Homestead property which is the usual residence of the assistance group.
 - (b) One motor vehicle, the value of which does not exceed one thousand five hundred dollars with consideration of liens or encumbrances. Any excess value over the limit is applied to

the overall resource limit.

- (c) Items or personal property owned by the members of the SFU that are considered as household goods and personal effects.
- (d) The resources of an SSI recipient and the resources of an individual for whom federal, state or local foster care maintenance (FCM) ~~or adoption assistance (AA)~~ payments are made.
- (e) Funeral arrangements valued at one thousand five hundred dollars or less for each member of the SFU. Equity value for funeral arrangements that exceed the limit shall be counted toward the overall resource limit.
- (f) One burial space for each member of the SFU.
- (g) Bona fide loans from any source.
- (h) Educational grants and scholarships from any source for undergraduate and graduate college expenses.
- (i) Payments received by individuals of Japanese ancestry under section 105 of Public Law 100-383, and payments received by Aleuts under section 206 of Public Law 100-383.
- (j) Payments received under the provisions of the Agent Orange Compensation Exclusion Act (Public Law 101-201).
- (k) Earned income tax credit (EITC) payments in the form of a refund of "federal" income taxes or in the form of an advance payment by an employer must be disregarded in the month and the month following the receipt of such payment.
- (l) The resources of an individual on whose behalf federal, state or local FCM payments are made.
- ~~(m) The resources of an individual who is excluded from the ADC standard filing unit on whose behalf federal, state or local AA payments are made.~~

~~(#)~~(m) Payments received under the provisions of the Radiation Exposure Compensation Act (Public Law 101-246).

~~(#)~~(n) Payments received under the provisions of the Maine Indian Claims Settlement Act of 1980 (Public Law 96-240).

~~(#)~~(o) Payments received under the provisions of Aroostook Band of Micmacs Act (Public Law 102-171).

~~(#)~~(p) Payments received under the provisions of the Child Care and development Block Grant (Section 5082 of Public Law 101-508).

~~(#)~~(q) Escrow accounts established and credited as the direct result of the SFU's involvement in the family self-sufficiency program. These escrow accounts are only considered available when the SFU is no longer receiving any federal, state, or other public assistance for housing.

~~(#)~~(r) Payments received under the provisions of the Seneca Nation Settlement Act of 1990 (Public Law 101-503).

(5) The ten-thousand dollar resource limit includes but is not limited to:

- (a) The equity value of real property not used as the residence of the SFU, assessed according to its equity value. Any income received from income-producing property is counted as income to the case.
- (b) The equity value of any burial spaces in excess of one per person.
- (c) The cash value of life insurance policies.
- (d) Household goods and personal effects not considered as exempt resources.
- (e) The amount of cash on hand.
- (f) The current savings and checking account balances.
- (g) The value of any stocks, bonds and trust accounts.

(h) The value of revocable funeral agreements.

(i) The value of all vehicles available to the SFU.

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