

5101:2-49-01

Adoption assistance ~~criteria and~~ application process.

- (A) Prior to finalization of the adoption, the public children services agency (PCSA) shall ensure that the adoptive parent(s) of a child placed by that PCSA receives a JFS 01451 "Adoption Assistance Application" (rev. 10/2006) and shall assist the adoptive parent(s) with the completion of the application. The PCSA shall ~~must~~ determine a child's eligibility for Title IV-E adoption assistance (AA) within thirty working days after a completed AA application and all required documentation are provided to the PCSA.
- ~~(B)~~ (B) The adoptive parent(s) may apply for Title IV-E adoption assistance (AA) only after a homestudy has been completed and he or she has been approved for an adoptive placement of a special needs child by an agency with such authority. Application shall be made before or after the child is placed in the approved adoptive home, but shall be made prior to the finalization of the adoption.
- ~~(B)~~ The PCSA responsible for determining eligibility for AA is also responsible for entering into the JFS 01453 "Adoption Assistance Agreement" (rev. 10/2006) and, if the child is eligible, issuing the AA payment.
- ~~(C)~~ (C) The adoptive parent(s) may apply for AA only after a homestudy has been completed and they have been approved for adoptive placement of a special needs child by an agency with such authority. Application may be made before or after the child is placed in the approved adoptive home, but must be made prior to finalization of the adoption.
- ~~(D)~~ (C) A stepparent may apply for AA only if a biological parent is not present in the home due to death or divorce or has failed to visit or maintain contact with the child for more than ninety days pursuant to section 2151.01 of the Revised Code.
- ~~(E)~~ (D) Prior to the ~~final decree~~ finalization of adoption, the adoptive parent(s) shall submit the AA application to one of the following, as appropriate:
- (1) The PCSA holding permanent custody of the child.
 - (2) The PCSA located in the county in which the adoptive parent(s) resides when one of the following apply; ~~when the child has been placed by a private child placing agency (PCPA) having permanent custody of the child.~~
 - (a) The child meets the eligibility requirements for Title XVI supplemental security income (SSI) benefits and the child is not in the custody of a PCSA.
 - (b) The child is placed by a private child placing agency (PCPA) having permanent custody of the child.

(c) The child is placed for adoption in Ohio from another state and that state's public children services agency does not have responsibility for placement and care of the child.

~~(3) The PCSA in the county in which the adoptive parent(s) resides, when the child meets the eligibility requirements for Title XVI supplemental security income (SSI) benefits and the child is not in the custody of a PCSA or PCPA.~~

~~(4) The PCSA in the county in which the adoptive parent(s) resides, when the child is placed for adoption in Ohio from another state and that state's public child service agency (CSA) does not have responsibility for placement and care of the child. The child must meet the definition of special needs pursuant to rule 5101:2-49-03 of the Administrative Code and all other requirements of Chapter 5101:2-49 of the Administrative Code.~~

(3) The state children services agency in the state of residence if the child is placed for adoption from Ohio into another state and the child is not in the permanent custody of an Ohio PCSA.

~~(F)(E) The AA application shall must be completed prior to the final decree finalization of the adoption and the JFS 01453 must be completed prior to the time of the final decree of adoption unless the agreement application is a result of a post finalization application pursuant to rule 5101:2-49-09 of the Administrative Code. For each child, a separate AA application must be completed, a Title IV-E AA case number assigned and the information entered into the statewide automated child welfare information system.~~

~~(G)(F) If an Ohio PCPA holds permanent custody of a child as a result of a JFS 01666 "Permanent Surrender of Child" (rev. 02/20026/2006), the following requirements shall must be met; for AA eligibility:~~

~~(1) Prior to finalization of the adoption, the PCPA shall ensure that the adoptive parent(s) receives information about AA; and an AA application.~~

~~(2) At the time of application by the adoptive parent(s) to the PCSA, the PCPA shall provide the PCSA with the following:~~

~~(a) A copy of the JFS 01616 "Social and Medical History" (rev. 09/19966/2009) completed on the child for whom the subsidy is being requested; and~~

~~(b) A copy of one of the following homestudies; the adoptive parent(s) completed JFS 01673 "Assessment for Child Placement (homestudy)"~~

~~(rev. 08/2005); or~~

(i) JFS 01673 "Assessment for Child Placement (homestudy)" (rev. 8/2005).

(ii) A copy of the JFS 01692 "Application for Adoption of a Foster Child" (rev. 6/2009).

(iii) The homestudy forms containing at a minimum the information required on the JFS 01673 for an adoptive parent(s) residing out of state.

~~(e) A copy of the JFS 01692 "Application for Adoption of a Foster Child" (rev. 01/2002); or~~

~~(d) For an adoptive parent(s) who resides out of state a copy of forms which contain at a minimum the information required on the JFS 01673 or the JFS 01692.~~

~~(3) Application by the adoptive parent(s) shall be made to the PCSA in the county in which the adoptive parent(s) reside.~~

~~(4)~~(3) The PCSA ~~must~~ shall complete the JFS 01451A "Title IV-E Adoption Assistance Eligibility Determination" ~~(10/2006)~~(rev. 3/2010) and approve or deny the application within thirty working days after a completed application and all required documentation are provided to the PCSA.

~~(H) For a child who was previously determined eligible for AA and is not in the permanent custody of a PCSA or PCPA, one of the following must apply in order for the child to be determined eligible for AA and, if applicable, receive payment:~~

~~(1) The child resides in the same county as the PCSA responsible for the child's previous AA agreement. That PCSA shall terminate the JFS 01453, and determine whether the child continues to meet the special needs and age requirements.~~

~~(2) When the child is placed for adoption in another county or another state, the PCSA responsible for the child's previous AA agreement is responsible for terminating the agreement. The agency in the county or state in which the adoptive parent(s) resides at the time the previous agreement is terminated, is responsible for determining whether the child continues to meet the special needs and age requirements.~~

~~(3) The prior finalized adoption was dissolved and the parental rights of the adoptive parent(s) were terminated on or after October 1, 1997.~~

~~(4) The child's adoptive parent(s) died on or after October 1, 1997.~~

~~(H)(G)~~ A face-to-face interview with the adoptive parent(s) is required at application. If the adoptive parent(s) resides out-of-state or in another county which is a considerable distance from the agency, a face-to-face interview is not required. The PCSA may ask the public child service agency ~~(CSA)~~ in the other county or state to assist with the determination of eligibility or continuing eligibility.

~~(J) The PCSA shall notify the adoptive parent(s) of approval or denial of eligibility for AA within thirty working days. If, after completing the application and being notified that the child is eligible, the adoptive parent(s) determine that there is no existing need for AA payments, the PCSA and adoptive parent(s) shall complete a JFS 01453 indicating zero dollars and zero cents.~~

~~(K)(H)~~ The PCSA may obtain information ~~Information~~ to establish AA eligibility ~~may be obtained~~ from a variety of sources including, ~~but not limited to, the following:~~

- (1) The county ~~County~~ department of job and family services (CDJFS) client registration information system-enhanced (CRIS-E).
- (2) The social ~~Social~~ security administration.
- (3) The Agency ~~agency~~ that has held permanent custody of the child and placed the child for adoption.
- (4) The court ~~Court~~ records.
- (5) The adoptive ~~Adoptive~~ parents.

~~(L)(I)~~ ~~The PCSA shall request verification from the adoptive parent(s) and have the adoptive parent(s) complete the JFS 06612 "Health Insurance Information Sheet" (rev. 5/2001) if at anytime the adoptive parent(s) acquires health care insurance coverage for is available to the child. If insurance coverage is available, a JFS 06612 "Health Insurance Information Sheet" (rev. 05/2001) must be completed by the adoptive parent(s).~~

~~(M)(J)~~ For a child who is placed for adoption from Ohio into another state and the child is not in the permanent custody of an Ohio PCSA, the adoptive parent(s) ~~shall must~~ apply to the Title IV-E agency in the state the adoptive parent(s) resides. The Title IV-E agency in the adoptive ~~parent's~~ ~~parent(s)~~ state of residence ~~shall be~~ responsible for determining the child's eligibility for AA and, if the child is eligible, entering into the AA agreement; and issuing the AA payment.

Effective: 04/01/2010

R.C. 119.032 review dates: 08/31/2011

CERTIFIED ELECTRONICALLY

Certification

02/19/2010

Date

Promulgated Under: 119.03
Statutory Authority: 5101.141
Rule Amplifies: 5101.11
Prior Effective Dates: /1/83, 1/1/85 (Emer), 4/1/85, 5/22/85 (Emer), 8/12/85,
4/1/86 (Emer), 7/1/86, 7/2/87, 9/1/88, 9/1/92, 5/1/98,
7/1/00, 2/24/02, 1/1/2007