5101:2-49-02.1   **Title IV-E adoption assistance AFDC-relatedness eligibility criteria.**

(A) For purposes of meeting the requirements of paragraph (A)(7)(a) of rule 5101:2-49-02 of the Administrative Code the child shall meet the aid to families with dependent children (AFDC) relatedness requirements authorized under Title IV-A of the Social Security Act as of July 16, 1996 if at the time of removal from the home of the specified relative, one of the following is met:

  (1) The public children services agency (PCSA) filed a petition with the court requesting custody of the child. The first court order, including temporary order, removing the child from the home of the specified relative shall include a judicial determination that the child cannot or should not be returned to the home of his or her specified relative.

  (2) The removal was a result of a court order ~~that placed~~placing the child in the custody of the PCSA. The first court order, including temporary order, removing the child from the home of the specified relative shall include a judicial determination that the child cannot or should not be returned to the home of his or her specified relative.

(B) An AFDC eligible child who is voluntarily relinquished to a PCSA or an appropriately licensed private non-profit adoption agency is considered judicially removed if all of the following conditions are met:

  (1) The JFS 01666 "Permanent Surrender Of Child" (rev. 6/2006) is entered into by the PCSA or private non-profit agency and is subsequent to a JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006).

  (2) There is a petition to the court to remove the child from the home within six months from the date the child lived with the specified relative.

  (3) There is a subsequent judicial determination that remaining in the home of the specified relative would be contrary to the child's welfare.

(C) A child removed from the home as a result of a voluntary placement agreement and placed in the custody of a PCSA is eligible for Title IV-E adoption assistance (AA) if the child is in receipt of foster care payments.

(D) If the judicial determination that continuation in the home would be contrary to the welfare of the child or the removal from the home is in the best interest of the child is not included in the court order, a transcript of the court proceedings is the only other documentation acceptable to verify that the required determination has been

made. An affidavit, a nunc pro tunc order, or a backdated court determination are not acceptable as documentation of the requirements as specified in paragraph (B) of this rule.

(E) If there is insufficient or no available verification of AFDC-relatedness, the AA eligibility determiner shall contact the county department of job and family services (CDJFS) or other resources to obtain information pertaining to these requirements. If the AFDC-relatedness requirements cannot be verified, the child does not meet ~~this~~the eligibility requirement.

Effective:

R.C. 119.032 review dates: 07/06/2011

_____

Certification

_____

Date

Promulgated Under: 119.03
Statutory Authority: 5101.141
Rule Amplifies: 5101.11
Prior Effective Dates: 4/1/2010