

5101:2-49-04

Age requirement for adoption assistance.

(A) A special needs child may be eligible for Title IV-E adoption assistance (AA) from the date that the child is placed for adoption through the month of the child's eighteenth birthday.

(B) A special needs child may be eligible for AA from the beginning of the month following the child's eighteenth birthday through the month of the child's twenty first birthday if the child has a mental or physical disability and the child meets the continuing eligibility requirements in rule 5101:2-49-10 of the Administrative Code. The child is considered to have a mental or physical disability if any of the following apply:

- (1) The child has been determined to meet the disability criteria required to be eligible for Title XVI supplemental security income (SSI) benefits by a designated social security administration claims representative;
- (2) The child does not meet the cash benefit eligibility requirements for SSI, but there is a diagnosis by a physician or a qualified professional that the child has a medical condition or physical disability, or a qualified mental health professional has determined the child to have a mental or emotional disability. The diagnosed condition or disability must prevent the child from being able to be self-supporting by paying for shelter, food and clothing even though the child still resides with the adoptive parent(s);
- (3) The designated social security administration claims representative determines the child meets the disability criteria required to be eligible for social security disability benefits;
- (4) The child meets the disability criteria, as determined by a designated social security administration claims representative, required to be eligible for the receipt of social security benefits due to the death or disability of the biological or adoptive parent(s);
- (5) The child has been determined to meet the eligibility criteria for participation in a vocational rehabilitation program administered by the bureau of vocational rehabilitation or is eligible for services for the visually impaired administered by the bureau of services for the visually impaired through the Ohio rehabilitation services commission, or is eligible for participation in an equivalent agency in the state in which the child resides;
- (6) The child has been determined to meet the eligibility criteria for a child with a disability receiving special education and related services from the Ohio department of education and local education agency or school district;
- (7) The child has been determined eligible for services administered through the Ohio department of mental retardation and developmental disabilities (MR/DD).

- (C) For purposes of this rule, a qualified professional is defined as an audiologist, licensed independent social worker, licensed professional clinical counselor, medical doctor, orthopedist, psychiatrist, psychologist, or speech/language pathologist. The qualified professional shall only diagnose disabilities within the professional's area of expertise.
- (D) A written statement of the child's mental or physical disability shall be supported by an assessment or evaluation from the qualified professional including an opinion as to the prognosis and recommendations related to future treatment needs.
- (E) If the adoptive parent(s) requests to continue the AA agreement beyond age eighteen due to any of the disabilities identified in paragraph (B) of this rule, the PCSA shall do one of the following:
- (1) Amend the AA agreement to begin AA payment based on the beginning date of eligibility for any of the programs identified in paragraph (B) of this rule.
 - (2) Notify the adoptive parent(s) of the intent to amend the JFS 01453 "Adoption Assistance Agreement" (rev. 10/2006) to an AA agreement with no payment and provide the adoptive parent(s) with notification of state hearing rights.
 - (3) Terminate the AA agreement if eligibility is denied for any of the programs identified in paragraph (B) of this rule, unless the adoptive parent(s) provide the PCSA with documentation that the denial has been appealed. In the case of an appeal, the AA agreement shall continue in effect until a determination has been made.
 - (4) If a state hearing is requested within the fifteen-day prior notice period, the AA agreement and Title XIX medical assistance shall continue until a state hearing decision is rendered.
 - (5) If no timely appeal is made, the AA agreement shall be amended to an "Agreement Only"; with zero dollars and zero cents payments and Title XIX medical coverage shall be terminated and a JFS 01958 "Referral for Continuing Eligibility Review" (rev. 06/2003) shall be sent to the county department of job and family services (CDJFS) located in the county in which the adoptive parent(s) resides, in compliance with the medicaid pre-termination review.
- (F) It is the responsibility of the adoptive parent(s) to provide the PCSA with documentation that application has been made for any services the child needs in paragraph (B) of this rule. The PCSA shall advise the adoptive parent(s) of all necessary documentation that must be submitted to continue an AA agreement.
- (G) For cases in which the year and month 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 birth date.

Replaces: 5101:2-47-33
Effective: 01/01/2007
R.C. 119.032 review dates: 08/31/2011

CERTIFIED ELECTRONICALLY

Certification

11/07/2006

Date

Promulgated Under: 119.03
Statutory Authority: 5101.11, 5101.141
Rule Amplifies: 5101.11, 5101.141, 5153.16
Prior Effective Dates: 1/14/83, 4/1/86 (Emer), 7/1/86, 7/2/87, 9/1/88, 9/1/92,
5/1/98, 2/15/02