5101:2-49-04 **Requirement for Title IV-E adoption assistance (AA) past age eighteen.**

(A) AA is available for an eligible child whose adoptive parent(s) enter into an initial AA agreement prior to the child's eighteenth birthday through the end of the month of the child's eighteenth birthday.

(B) AA shall continue to be available for a child with a physical or mental disability or medical condition pursuant to rule 5101:2-49-03 of the Administrative Code who is between the age of eighteen and twenty-one with an existing AA agreement if the child meets one of the requirements identified in paragraphs (B)(1) to (B)(5) of this rule and the adoptive parent(s) is supporting the child as identified in paragraph (D) of rule 5101:2-49-10 of the Administrative Code. The physical or mental disability or medical condition shall be verified annually for continued eligibility. The child is considered to have a physical or mental disability or medical condition if any of the following applies:

(1) A designated social security administration claims representative has determined that the child meets the disability criteria and is therefore eligible for Title XVI supplemental security income (SSI) benefits.

(2) The child has been diagnosed by an approved "qualified professional" in the professional's area of expertise who is not responsible for providing casework services to the child to have a developmental disability or medical condition.

(a) For the purpose of this rule, a "qualified professional" is an individual that is but not limited to the following: an audiologist, orthopedist, physician, certified nurse practitioner, physician assistant, psychiatrist, psychologist, school psychologist, licensed marriage and family therapist, speech and language pathologist, a licensed independent social worker, licensed professional clinical counselor, a licensed social worker who is under the direct supervision of a licensed independent social worker or a licensed professional counselor who is under the direct supervision of a licensed professional clinical counselor.

(i) The qualified professional shall provide a clear written statement that the child is substantially limited in one or more major life activities, including self-care and the overall capacity for self-sufficiency/ meeting the ordinary demands of life. This statement shall include an opinion as to the origin of the problem, past history, prognosis, and recommendations related to potential treatment needs. The child's documented disability is the direct result of one of the following:

(a) A developmental disability, as defined in section 5123.01 of the Revised Code.

(b) A medical condition causing permanent distress, pain, dysfunction, social problems diagnosed by a qualified professional. The medical condition shall have been diagnosed prior to adoption or can be attributable to factors or conditions in the child's or birth family's history that existed prior to adoption.

(3) The child is participating in one of the following rehabilitation programs or a program equivalent in the state where the child resides:

(a) Vocational rehabilitation as administered by the bureau of vocational rehabilitation.

(b) Services for the visually impaired as administered by the bureau of services for the visually impaired through the Ohio rehabilitation services commission.

(4) The child is in the process of obtaining a secondary education and meets the eligibility criteria for a child with a disability receiving special education and related services from the Ohio department of education (ODE), local education agency or school district or a program equivalent in the state where the child resides. The adoptive parent is responsible for providing official documentation from the school that the child is attending and participating in special education services.

(5) The child is eligible for services administered through the department of developmental disabilities (DODD).

(C) A clear written statement documenting the child's developmental disability or medical condition shall be accompanied by an assessment, evaluation or update within the last twelve months from the qualified professional including an opinion as to the prognosis and recommendations for future treatment needs.

(D) If the PCSA chooses to amend the agreement to continue the AA payment 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 the AA monthly payment based on the 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 "Title IV-E Adoption Assistance Agreement" (rev. 7/2019) to an AA agreement with no payment pending the approval of any program outlined in paragraph (B) of this rule and provide the adoptive parent(s) with notification of state hearing rights.

(E) 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.

(F) The PCSA shall advise the adoptive parent(s) of all necessary documentation that shall 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 shall be used as the child's birth date.

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