

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-49-04

Rule Type: Rescission

Rule Title/Tagline: Requirement for adoption assistance past age eighteen.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 3/5/2019
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 5101.141
5. What statute(s) does the rule implement or amplify? 5101.11
6. What are the reasons for proposing the rule?

This rule has been reviewed as part of the five-year review process and is proposed to be rescinded and replaced by new rule 5101:2-49-04.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule sets forth the requirements for adoption assistance (AA) for children with an existing AA agreement that are eighteen to twenty-one years of age. To be eligible for adoption assistance beyond age eighteen, the child must have a documented

developmental disability or medical condition that is verified annually. Language was included in paragraph (B)(1) to include eligibility requirements for title XVI supplemental security income (SSI) benefits. Clarification was given to the rule to define a "qualified professional" for approved diagnoses for a developmental disability or medical condition in paragraph (B)(2) of the rule. Language was added to paragraph (B)(4) that requires an adoptive parent to provide official documentation from the school when the child is receiving special educational services. All references to adoption assistance connection (AAC) to age twenty-one was stricken from the rule. AAC program eligibility information can now be found in its own chapter 5101:2-51. The JFS 01451-B "Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage" has been amended to incorporate the changes made to rule 5101:2-49-04 of the Administrative Code. The JFS 01453 "Title IV-E Adoption Assistance Agreement" has been amended to incorporate the changes made to 5101:2-49-04 of the Administrative Code. The title to the rule has been amended. This rule was rescinded and created as new for clarification.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code (OAC). This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(3).

This rule incorporates one or more references to the Ohio Revised Code (ORC). This question is not applicable to any incorporation by reference to the ORC because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(1).

This rule incorporates one or more dated references to an ODJFS form or forms. Each cited ODJFS form is dated and is generally available to persons affected by this rule via the inner-web at <http://innerapp.odjfs.state.oh.us/forms/inner.asp> or on the inter-net at <http://www.odjfs.state.oh.us/forms/inter.asp> in accordance with RC 121.75(E).

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

No fiscal effects expected on current or future budgets.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

No new costs of compliance.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

III. Common Sense Initiative (CSI) Questions

- 15. Was this rule filed with the Common Sense Initiative Office? No**

- 16. Does this rule have an adverse impact on business? No**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No**