

TO BE RESCINDED

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 the child is placed for adoption through the month of the child's eighteenth birthday or 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) A designated social security administration claims representative has determined that the child meets the disability criteria and is therefore eligible for:
 - (a) Title XVI supplemental security income (SSI) benefits.
 - (b) Social security disability benefits.
 - (c) Social security benefits due to the death or disability of the biological or adoptive parent(s).
- (2) The child has been diagnosed to have a special need as described in paragraph (A)(3)(g) of rule 5101:2-49-03 of the Administrative Code.
- (3) The child is participating in one of the following rehabilitation programs:
 - (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.
 - (c) A program equivalent to Ohio's rehabilitation program in the state where the child resides.
- (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, local education agency or school district.

- (5) The child is eligible for services administered through the Ohio department of developmental disabilities (DODD).
- (B) For the purpose of this rule, a qualified professional is defined as an audiologist, licensed independent social worker (LISW), a professional counselor licensed by section 4757.23 of the Revised Code, physician, orthopedist, psychiatrist, psychologist, or speech/language pathologist. The qualified professional shall only diagnose disabilities within the professional's area of expertise.
- (C) A written statement documenting the child's medical, 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 for future treatment needs.
- (D) If the adoptive parent(s) requests to continue the AA agreement beyond age eighteen due to any of the disabilities identified in paragraph (A) of this rule, the PCSA shall do one of the following:
- (1) Amend the AA agreement to begin the AA payment based on the beginning date of eligibility for any of the programs identified in paragraph (A) of this rule.
 - (2) Notify the adoptive parent(s) of the intent to amend the JFS 01453 "Adoption Assistance Agreement" (rev. 4/2010) to an AA agreement with no payment pending the approval of any program outlined in paragraph (A) of this rule 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 (A) of this rule, unless the adoptive parent(s) provides the PCSA with documentation that the denial has been appealed.
 - (4) If no timely appeal is made, the PCSA shall:
 - (a) Terminate the AA agreement.
 - (b) Terminate the Title XIX medical coverage.
 - (c) Complete the JFS 01958 "Referral for Continuing Eligibility Review" (rev. 12/2009) and submit it to the county department of job and family services (CDJFS) located in the county where the adoptive parent(s) resides, in compliance with the medicaid pre-termination review.

- (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 (A) 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.

Effective:

R.C. 119.032 review dates: 03/14/2014

Certification

Date

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