

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 special need 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 developmental disability or medical condition needs to be verified annually for continued eligibility. The child is considered to have a developmental 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:

- (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.

Replaces: 5101:2-49-04

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Certification

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