

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-49-06

Rule Type: Amendment

Rule Title/Tagline: Title IV-E adoption assistance (AA) agreement and duration: provision for financial support and services.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

Address: 30 E Broad Street Columbus OH 43215

Contact: Michael Lynch **Phone:** 614-466-4605

Email: Michael.Lynch@jfs.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 2/6/2024
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. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is proposed for amendment as a result of the five-year review.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Ohio Administrative Code (OAC) rule 5101:2-49-06 entitled "Title IV-E Adoption Assistance (AA) Agreement and Duration: Provision for Financial Support and Services" outlines the criteria of the AA agreement and the duration of the agreement. Revision dates were stricken from the rule.

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, 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 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).

11. **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

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

No fiscal effects expected on current or future budgets.

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

No new costs.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

N/A

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? No
18. 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
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes
 - A. How many new regulatory restrictions do you propose adding to this rule? 0
 - B. How many existing regulatory restrictions do you propose removing from this rule? 10

5101:2-49-06(A) Pursuant to RC 121.95(F). The adoptive parent(s) and the public children services agency (PCSA) shall review and sign the JFS 01453 "Title IV-E Adoption Assistance Agreement" (rev. 7/2019) prior to the adoption finalization. The PCSA responsible for determining eligibility for AA is also responsible for entering into the JFS 01453.

5101:2-49-06(B) Pursuant to RC 121.95(F). The agreement shall list the payments to be provided and the terms under which such benefits will continue to be available. The AA agreement is binding, but the payments may be amended at any time in response to a request made either by the adoptive parent(s) or the PCSA if the adoptive parent(s) and the PCSA agree to the change.

5101:2-49-06(C) Pursuant to RC 121.95(F). Beginning July 1, 2019, the AA agreement shall be effective on the date specified on the JFS 01453. The agreement shall be signed, dated and in effect prior to the final order of adoption when it is signed by both the adoptive parent(s) and the PCSA. The AA payments and services shall not begin prior to the effective date. AA agreements in effect, prior to July 1, 2019, are considered effective on the date signed by the adoptive parent(s) and the PCSA.

5101:2-49-06(D) Pursuant to RC 121.95(F). The AA agreement shall remain in effect regardless of the state where the adoptive parent(s) resides unless the agreement is terminated pursuant to rule 5101:2-49-13 of the Administrative Code.

5101:2-49-06(F) Pursuant to RC 121.95(F). The PCSA shall not have a general policy limiting AA prior to the child's eighteenth birthday.

5101:2-49-06(G) Pursuant to RC 121.95(F). The PCSA shall give a copy of the signed agreement and all amendments to the adoptive parent(s) and keep in the AA case record.

5101:2-49-06(H) Pursuant to RC 121.95(F). The PCSA that entered into the AA agreement shall secure Title XIX medicaid and Title XX social services block grant services if the services are not available in the state or county where the child resides in accordance with rule 5101:2-49-23 of the Administrative Code.

5101:2-49-06(I) Pursuant to RC 121.95(F). Nothing shall prevent prohibit the adoptive family from seeking Title XX services available in the county of

residence even if they are not already specified in the AA agreement. The adoptive parent(s) may:

5101:2-49-06(K) Pursuant to RC 121.95(F). The PCSA shall provide written notification to the adoptive parent(s) when any of the following occur:

5101:2-49-06(L) Pursuant to RC 121.95(F). The PCSA shall inform the adoptive parent(s) of all decisions to deny or approve AA with a copy of the JFS 04059 "Explanation of State Hearing Procedures" (rev. 1/2015).

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable