

5101:2-49-06      **Adoption assistance agreement and duration: provision for financial support and services.**

- (A) The adoptive parent(s) and the public children services agency (PCSA) shall review and sign the JFS 01453 "Adoption Assistance Agreement" (rev. ~~1/2014~~ 12/2015) prior to the adoption finalization. The PCSA responsible for determining eligibility for Title IV-E adoption assistance (AA) is also responsible for entering into the JFS 01453.
- (B) 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.
- (C) The AA agreement is effective on the date it is signed by both the adoptive parent(s) and the PCSA. The AA payments shall not begin before the date that the child is placed in the adoptive home and all requirements are completed as set forth in rule 5101:2-49-08 of the Administrative Code.
- (D) 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.
- (E) The terms of the AA agreement may be amended at any time if both parties agree to the change in accordance with rule 5101:2-49-12 of the Administrative Code.
- (F) The PCSA shall not have a general policy limiting AA prior to the child's eighteenth birthday.
- (G) 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.
- (H) 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.
- (I) Nothing shall 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:
- (1) Apply for the Title XX services in the county where they reside.
  - (2) Seek to amend the child's AA agreement.

(J) The adoptive parent(s) has the right to a state hearing under any of the following circumstances:

- (1) The PCSA denies eligibility for AA.
- (2) The PCSA denies the amount of payment assistance requested by the adoptive parent(s) in the child's initial JFS 01453.
- (3) The PCSA and the adoptive parent(s) are unable to come to a mutual agreement following a state mediation conference.
- (4) The PCSA proposes to reduce or terminate the amount of AA payment specified on the current AA agreement.
- (5) The PCSA denies a request by the adoptive parent(s) to amend the terms of the current AA agreement.

(K) The PCSA shall provide written notification to the adoptive parent(s) when any of the the following occur:

- (1) A determination to deny AA eligibility.
- (2) A denial for a request to increase the amount of the monthly AA payment.
- (3) The PCSA and the adoptive parent(s) are unable to come to a mutual agreement following a state mediation conference.
- (4) A reduction or ~~termination~~ termination of the monthly AA payment.

(L) 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. ~~10/2008~~ 1/2015).

(M) Adoption assistance connection (AAC) to age twenty-one may be available for an adopted young adult between the age of eighteen and twenty-one in accordance with rule 5101:2-51-02 of the Administrative Code, if the adopted young adult meets all of the requirements in paragraphs (M)(1) and (M)(2) of this rule along with one of the five requirements in paragraphs (M)(3)(a) to (M)(3)(e) of this rule:

- (1) The child had been in the custody of an Ohio PCSA.
- (2) The child was age sixteen or older before the AA agreement became effective.
- (3) The child meets one of the following:

- (a) Is completing secondary education or a program leading to an equivalent credential.
- (b) Is enrolled in an institution that provides post-secondary or vocational education.
- (c) Is participating in a program or activity designed to promote or remove barriers to employment.
- (d) Is employed for at least eighty hours per month.
- (e) Is incapable of doing any of the activities described in paragraphs (M)(3)(a) to (M)(3)(d) of this rule due to a medical condition, and such incapacity is supported by semi-annually updated information.

Effective:

Five Year Review (FYR) Dates: 7/1/2019

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 5101.141  
Rule Amplifies: 5101.11  
Prior Effective Dates: 01/01/1983, 04/01/1986 (Emer.), 07/01/1986,  
07/02/1987, 09/01/1988, 09/01/1992, 07/01/1993,  
05/01/1998, 01/01/2007, 04/01/2010, 12/15/2011,  
07/01/2014