

5101:2-49-06

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

- (A) The adoptive parent(s) and the public children services agency (PCSA) ~~shall~~is to 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.
- (B) The agreement ~~shall~~is to 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) Beginning July 1, 2019, the AA agreement ~~shall~~is to be effective on the date specified on the JFS 01453. The agreement ~~shall~~is to 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~~is to 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.
- (D) The AA agreement ~~shall~~is to 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~~is not to have a general policy limiting AA prior to the child's eighteenth birthday.
- (G) The PCSA ~~shall~~is to 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~~is to 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~~is to 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:
- (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 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, suspend, 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~~ shall to provide written notification to the adoptive parent(s) when any of 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, suspension, or termination of the monthly AA payment.
- (L) The PCSA ~~shall~~ shall to 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~~).

Effective:

Five Year Review (FYR) Dates: 2/6/2024

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, 03/05/2019