

5101:2-49-07

Adoption assistance agreement only with no payment.

(A) The public children services agency (PCSA) shall enter into a A JFS 01453 "Adoption Assistance Agreement" (rev. 3/201010/2006) only with no Title IV-E adoption assistance (AA) payment shall be entered into by the public children services agency (PCSA) and the adoptive parent(s) without a Title IV-E adoption assistance (AA) payment if in any of the following circumstances apply:

(1) The adoptive parent(s) and the PCSA, after considering the needs of the child and the circumstances of the adoptive family, ~~have agreed~~ agree that the adoptive family does not need currently require an AA payment at the present time to meet the child's current needs in order to incorporate the child into the adoptive family.

(2) The child or the child's biological family has a social or medical history that establishes a substantial risk of acquiring ~~any one of the following conditions, as determined by a qualified professional assessing conditions within their area of expertise as identified in rule 5101:2-49-03 of the Administrative Code., which makes it difficult to place the child for adoption without the provision of AA:~~

~~(a) A developmental disability, as defined in rule 5101:2-1-01 of the Administrative Code;~~

~~(b) A developmental delay, as defined in rule 5123:2-1-02 of the Administrative Code;~~

~~(c) Mental illness, as defined in rule 5101:2-1-01 of the Administrative Code;~~

~~(d) Mental retardation, as defined in rule 5101:2-1-01 of the Administrative Code~~

(3) The child has reached the age of eighteen and has not been determined to meet the eligible eligibility requirements for continuation of AA as set forth in paragraph (B) of rule 5101:2-49-04 of the Administrative Code.

(B) An AA agreement ~~only~~ with no AA payment shall include the following provisions ~~of the completed AA agreement:~~

(1) The child is eligible for AA, but there is no monthly payment in effect because of the determination set forth in paragraph (A) of this rule.

(2) The adoptive parent(s) may request modification/amendment of the AA agreement to include AA payments if the child develops a condition, and the condition is diagnosed ~~determined~~ by a qualified professional, ~~as a result of~~

~~the substantial risk identified in paragraph (A)(2) of this rule 5101:2-49-03 of the Administrative Code.;~~

~~(3) In accordance with paragraph (A)(3) of this rule, the child had been determined eligible for one of the programs identified in rule 5101:2-49-04 of the Administrative Code.~~

~~(4)~~(3) Unless the provisions of paragraph (A)(3) of this rule apply, Title XX services and post adoption services ~~are to~~ shall be provided or secured in addition to Title XIX (medicaid) coverage if the child develops a condition, as determined by a qualified professional, as a result of the substantial risk identified in paragraph (A)(2) of this rule.;

~~(5)~~(4) All of the remaining conditions of the JFS 01453 as set forth in rule 5101:2-49-10 of the Administrative Code apply including reimbursement of nonrecurring adoption expenses, categorical eligibility for Title XIX medical assistance and Title XX social services and the right of appeal through a state hearing.

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CERTIFIED ELECTRONICALLY

Certification

02/19/2010

Date

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