

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-49-08

Rule Type: Amendment

Rule Title/Tagline: Title IV-E adoption assistance (AA) monthly payments.

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 5101:2-49-08 entitled "Title IV-E Adoption Assistance (AA) Monthly Payment" outlines the procedures for determining when a monthly AA payment shall begin. 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

Not Applicable.

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.

Not Applicable.

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? 12

5101:2-49-08(A) Pursuant to RC 121.95(F). AA monthly payments shall begin when there is a mutually agreed upon AA agreement and all of the following have been completed:

5101:2-49-08(C) Pursuant to RC 121.95(F). Before the date on which the child is placed for adoption, the PCSA shall inform the certified foster caregiver(s) who is receiving foster care payments for the care of the child, of the option to continue the foster care payments until the adoption is finalized.

5101:2-49-08(D) Pursuant to RC 121.95(F). The PCSA shall enter the AA payment information into the statewide automated child welfare information system (SACWIS). The payment shall be in the form of a warrant or electronic funds transfer (EFT) made to the adoptive parent(s).

5101:2-49-08(E) Pursuant to RC 121.95(F). If an overpayment or an underpayment of an AA payment occurs, the PCSA shall take immediate action to correct either situation as soon as information is received.

5101:2-49-08(F) Pursuant to RC 121.95(F). The PCSA is responsible for reviewing payment records for AA cases to determine if an overpayment has occurred. If an overpayment has occurred, the PCSA shall:

5101:2-49-08(F)(1) Pursuant to RC 121.95(F). Adjust the overpayment in SACWIS within three business days of notification that an overpayment has occurred. Adjustment of the payment shall be effective on the first day of the month following the month in which the change occurred.

5101:2-49-08(G) Pursuant to RC 121.95(F). The PCSA shall take any adverse action regarding the financial status of an AA case in accordance with the provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code, and

5101:2-49-08(G)(1) Pursuant to RC 121.95(F). AA shall continue until a state hearing decision is issued if the state hearing is requested within fifteen calendar days of the mailing date on the notice.

5101:2-49-08(G)(2) Pursuant to RC 121.95(F). The PCSA shall continue AA if the hearing decision is favorable to the adoptive parent(s).

5101:2-49-08(H) Pursuant to RC 121.95(F). Documentation of the repayment for the overpayment and the adjustment for the underpayment shall be retained in the AA case record.

5101:2-49-08(I) Pursuant to RC 121.95(F). The PCSA shall refer all cases to the county prosecutor if there is probable cause to believe the crime of fraud has been committed.

5101:2-49-08(G)(3) Pursuant to RC 121.95(F). The adoptive parent is not required to return AA payments received prior to the issuance of the state hearing decision if the state hearing was requested within fifteen calendar days of the mailing date on the notice and the hearing decision is to terminate or amend the monthly AA payment.

- 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