

5101:2-49-09.1**Retroactive adoption assistance payment process.**

(A) In accordance with paragraph (A) of rule 5101:2-49-09 of the Administrative Code, if the public children services agency (PCSA) and the adoptive parent(s) mutually agree that the child is eligible for a retroactive adoption assistance (AA) payment after the adoption finalization, or as a result of a state hearing decision or administrative appeal decision determines the eligibility and directs the PCSA to negotiate a retroactive payment, the agency and the adoptive parent(s) will engage in a negotiation process to determine the amount of retroactive AA payments. The monthly amount of AA shall be determined in the same manner as AA benefits negotiated prior to the adoption finalization, until one calendar day prior to the effective date of the current AA agreement.

(B) A child is eligible for retroactive AA payment if any one of the following occur:

(1) The PCSA and the adoptive parent(s) mutually agree that the child is eligible for a retroactive adoption assistance payment after the adoption finalization, or

(2) A state hearing decision or administrative appeal decision determines the child is eligible for retroactive AA payment.

(C) The agency and the adoptive parent(s) will engage in a negotiation process based on the special needs of the child, the resources and circumstances of the adoptive parent(s) to determine the amount of the retroactive AA payment. The retroactive AA payment shall not exceed the FCM payment for the level of care that would have been paid by the PCSA if the child had been placed in a foster home.

(D) If the agency and the adoptive parent(s) are unable to agree on the retroactive AA payment the agency will follow the procedures outlined in paragraph (H) of rule 5101:2-49-05 of the Administrative Code.

(E) The PCSA shall treat the retroactive AA payment separately from any current or future AA payment negotiated between the adoptive parent(s) and the agency. The amount and type of any future AA benefits shall be determined in the same manner as AA benefits negotiated prior to the adoption finalization and shall begin after the AA agreement has been signed.

(F) The retroactive AA payment shall be based on the total eligible months the child would have received an AA payment had the child been determined eligible on the date that:

(1) The adoptive parent(s) submitted the JFS 01451 "Title IV-E Adoption Assistance Application" (rev. 1/2014) to the PCSA.

(2) The child was placed for adoption.

(3) The child's adoption was finalized.

- (G) The PCSA shall not approve a retroactive AA payment for a month in which a state adoption maintenance subsidy payment was made.
- (H) The PCSA shall notify the adoptive parent(s) that retroactive AA payments have been approved for the child using the JFS 01454 "Approval and Agreement for Title IV-E Retroactive Adoption Assistance Payments" (rev. 7/2010).
- (I) The JFS 01454 shall set forth the terms of the retroactive AA payment.
- (J) The PCSA shall enter the applicable events in the statewide automated child welfare information system (SACWIS) to reflect dates and monthly payment amounts covered by the period of the retroactive payment approval.
- (K) The PCSA shall provide the adoptive parent(s) with a copy of the completed JFS 01454.
- (L) The PCSA shall retain a copy of the state hearing decision, administrative appeal decision or judicial determination rendered that determined the child either met the eligibility for AA or ordered the PCSA to reconsider eligibility for AA in the child's AA case record. The PCSA shall also retain a copy of the JFS 01451 and the JFS 01453 "Adoption Assistance Agreement" (rev. 1/2014) setting forth the provision for future AA payments.

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Certification

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