

5101:2-49-09

Title IV-E adoption assistance post-finalization application.

(A) The adoptive ~~family parent(s) who has finalized the adoption~~ of a special needs child may apply for Title IV-E adoption assistance (AA) after the adoption is ~~legalized~~finalized if the JFS 01451 "Title IV-E Adoption Assistance Application" (rev. 10/2006) was not completed prior to the finalization of adoption, or the JFS 01453 "Adoption Assistance Agreement (rev. ~~3/2010~~4/2010) was not executed prior to the ~~final decree~~finalization of adoption because of one of the following:

(1) ~~The public children services agency (PCSA) or private children placing agency (PCPA) knew relevant~~ Relevant facts regarding the child ~~were known to the public children services agency (PCSA) or private child placing agency (PCPA) and did not presented~~present the facts to the adoptive parent(s) prior to the ~~final decree~~finalization of adoption.

(2) The PCSA or PCPA failed to advise the adoptive parent(s) of the availability of AA.

(B) The child shall meet all of the remaining eligibility requirements for AA that are in effect on the date the PCSA receives the JFS 01451 except for the timeliness standard which requires that a JFS 01451 be completed and a JFS 01453 be signed prior to a ~~final decree~~finalization of adoption.

(C) The PCSA or PCPA may meet the requirement to inform the adoptive parent(s) of AA by alerting potential adoptive parents of the availability of AA during a recruitment campaign (website, newspaper, flyer, etc). Advising an adoptive parent(s) is not required if the adoptive parent(s) is not known to the PCSA or PCPA for a special needs child who is not in the custody of the PCSA or PCPA.

(D) The following procedures shall be followed for AA eligibility to be considered after an adoption has been finalized:

(1) The adoptive parent(s) shall submit a JFS 01451 to one of the following: :

(a) The PCSA ~~which that~~ held permanent custody of the child prior to the adoption.

(b) The PCSA in the county ~~in which where~~ the adoptive parent(s) resides, if one of the following ~~apply~~applies:

(i) A private child placing agency (PCPA) had permanent custody of the child by court order or through the execution of a JFS 01666 "Permanent Surrender of Child" (rev. 6/2006) prior to the

adoption.

- (ii) The social security administration determined the child eligible for the supplemental security income benefits prior to the finalization of the adoption and no PCSA held permanent custody of the child.

- (2) At the time the JFS 01451 is submitted, the adoptive parent(s) shall provide the PCSA with a copy of the child's JFS 01616 "Social and Medical History" (rev. 6/2009) and the adoptive parent's JFS 01673 "Assessment for Child Placement (Homestudy)" (rev. 08/2005), or JFS 01692 "Application for Adoption of a Foster Child" (rev. 6/2009), completed prior to the adoption of the child and the JFS 01673A "Child Characteristics Checklist for Foster Care and/or Adoption" (rev. 12/2006).
- (E) The PCSA shall deny the JFS 01451 based on untimely submission and inform the adoptive parent(s) of his or her right to a state hearing.
- (F) Upon receipt of the PCSA's denial of the JFS 01451, the adoptive parent(s) may request a state hearing.
- (G) If a state hearing decision determines that one or more of the circumstances set forth in paragraph (A) of this rule were present, the PCSA shall determine eligibility for AA after finalization and negotiate a JFS 01453 with the adoptive parent(s).
- (H) If all of the conditions set forth in paragraphs (B) and (D) of this rule are met, the effective date for current and future AA payments shall be the date on which the JFS 01453 is signed by the PCSA and the adoptive parent(s). The PCSA shall make retroactive AA payments according to the payment rates in effect from the date of the finalization of the adoption, until one day prior to the effective date of the current AA agreement.

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CERTIFIED ELECTRONICALLY

Certification

11/16/2011

Date

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