5101:2-49-09 **Title IV-E adoption assistance (AA) post-finalization application.**

(A) The adoptive parent(s) of a child with special needs may apply for ~~Title IV-E adoption assistance (AA)~~ AA after the adoption is finalized if the JFS 01451 "Title IV-E Adoption Assistance Application" (rev. ~~1/2014~~12/2015) was not completed prior to the finalization of adoption, and the JFS 01453 "Title IV-E Adoption Assistance Agreement (rev. ~~1/2014~~7/2019) was not executed prior to the finalization of adoption because of one of the following:

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

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

(a) The PCSA or PCPA may meet the requirement to inform the adoptive parent(s) of AA ~~by informing potential adoptive parents of the availability of AA during a recruitment campaign (e.g. website, newspaper, flyer, etc.)~~ pursuant to rules 5101:2-48-05, 5101:2-48-11.1 and 5101:2-48-15 of the Administrative Code.

(b) Advising an adoptive parent(s) is not required if the adoptive parent(s) is not known to the PCSA or PCPA for a child with special needs who is not in the custody of the PCSA or PCPA.

(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 finalization of adoption.

(C) 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 that held permanent custody of the child prior to the adoption.

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

(i) A ~~private child placing agency (PCPA)~~PCPA had permanent custody of the child by court order or through the execution of a JFS

01666 "Permanent Surrender of Child" (rev. 10/2013) 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.

(iii) The child is a child of a minor parent. The child was residing with the minor parent and a judicial determination that it was contrary to the welfare/best interest for the minor parent to remain with the specified relative.

(iv) The child was in receipt of AA in a prior finalized adoption, currently meets the definition of special needs as set forth in rule 5101:2-49-03 of the Administrative Code and finalizes the new AA agreement by the end of the month of the child's eighteenth birthday pursuant to rule 5101:2-49-04 of the Administrative Code.

(v) The child is a sibling placed in the same adoptive home as his or her sibling who meet the applicable child eligibility criteria in rule 5101:2-49-02 of the Administrative Code.

(2) At the time the JFS 01451 is submitted, the adoptive parent(s) shall provide the PCSA with a copy of the following:

(a) The JFS 01616 "Social and Medical History" (rev. 6/2009)

(b) The JFS 01673A "Child Characteristics Checklist for Foster Care and or Adoption" (rev. 12/2006).

(c) The JFS 01673 "Assessment for Child Placement (Homestudy)" (rev. ~~6/2011~~12/2014), or the JFS 01692 "Application for Adoption of a Foster Child" (rev. ~~6/2009~~12/2014) completed prior to the adoption of the child.

(D) If the PCSA determines that the child is eligible for adoption assistance post-finalization, without a state hearing, the agency shall process the application for adoption assistance, otherwise the PCSA shall deny the JFS 01451 based on the application not being submitted prior to finalization and provide the adoptive parent(s) with the following:~~.~~

(1) The JFS 04059 "Explanation of State Hearing Procedures" (rev. ~~10/2008~~1/2015).

(2) The JFS 07334 "Notice of Denial of your Application for Assistance" (rev. 9/2011).

(E) Upon receipt of the PCSA's denial of the JFS 01451, the adoptive parent(s) may request a state hearing.

(F) 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).

(G) If all of the conditions set forth in paragraphs (C) 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).

Effective:

Five Year Review (FYR) Dates: 3/5/2019

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Certification

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Date

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