

5101:2-49-10 **Determination of continuing eligibility requirements for adoption assistance.**

(A) The public children services agency (PCSA) responsible for the Title IV-E adoption assistance (AA) agreement shall provide the adoptive parent(s) with the JFS 01451B "Title IV-E Adoption Assistance Continuing Eligibility Determination" ~~(10/2006)~~(rev. 3/2010) to be completed annually on an annual basis or whenever there is a significant change in the family situation. ~~Within fourteen working days of receipt of the JFS 01451B the adoptive parent(s) shall complete and return the JFS 01451B to the PCSA.~~

(B) The PCSA shall assure that each child who has attained the minimum age for compulsory school attendance receiving AA is a full-time elementary or secondary school student. The documentation shall be contained in the child's AA case record. Full-time elementary or secondary school attendance includes the following:

(1) A child is enrolled, or in the process of enrolling in an institution providing elementary or secondary education.

(2) A child is instructed in elementary or secondary education at home in accordance with the home school law of the state where the home is located.

(3) A child in an independent study elementary or secondary education program in accordance with the law of the state where the program is located, which is administered by the local school or school district.

(4) A child is incapable of attending school on a full-time basis due to the medical condition of the child, and the incapability is supported by regularly updated information in the AA case record of the child.

~~(B)~~(C) The adoptive parent(s) ~~shall~~ **must** notify the PCSA within five working days of the date of a change ~~if~~ **when**:

(1) The child reaches the age of eighteen, or twenty-one if the child ~~has a~~ **is** ~~mental~~ **mentally** or ~~physical~~ **physically** ~~handicap~~ **disabled pursuant to rule 5101:2-49-04 of the Administrative Code.**

(2) The child has married, enlisted in the military service, or established ~~his/her~~ **his or her** own residence.

(3) The child's primary health care insurance coverage changes from medicaid to private health care insurance. The adoptive parent(s) shall complete a JFS 06612 "Health Insurance Information Sheet (rev. ~~055~~/2001) as a result of this change.

- (4) The adoptive parent(s) is no longer supporting the child, pursuant to paragraph ~~(D)~~ (F) of this rule, even though the child may still be living with the adoptive parent(s).
- (5) The adoptive parent's parental rights have been terminated by a court of competent jurisdiction or permanently surrendered to a PCSA or private child placing agency (PCPA).
- (6) The family or the child moves.
- (7) The child dies.
- ~~(8) The child is no longer living with the adoptive parent(s).~~
- ~~(C) The child continues to be eligible for AA if:~~
- ~~(1) The adoptive parent(s) continues to be legally responsible for the child's support, and/or~~
- ~~(2) The child is receiving support from the adoptive parent, and/or~~
- ~~(3) The child is under eighteen, or twenty-one if physically or mentally disabled pursuant to rule 5101:2-49-04 of the Administrative Code.~~
- (D) An adoptive parent(s) is supporting the child ~~if~~when the adoptive parent(s) provides the child with shelter, food, and clothing. A parent is generally responsible for the support of a ~~their minor~~ child who is under the age of eighteen or a ~~their~~ physically and/or mentally disabled child who is under twenty-one years old. ~~A parent is not legally required to support the child if the child is emancipated.~~
- ~~(1) A child becomes emancipated if the child:~~
- ~~(a) Marries,~~
- ~~(b) Enlists in the military services,~~
- ~~(c) Establishes his/her own residence,~~
- ~~(d) Is self-supporting by paying for shelter, food, and clothing even though he/she may still reside with his/her adoptive parent(s).~~
- (E) A parent is not legally required to support the child if the child is emancipated. A child becomes emancipated if:

- (1) Parental rights have been terminated.
 - (2) The child enlists in the military services.
 - (3) The child marries.
 - (4) The child has been determined to be an emancipated minor by a court of appropriate jurisdiction or the state of residence.
- ~~(E) Failure of the adoptive parent(s) to notify the PCSA of a change in the family's situation or to comply with the determination of continuing eligibility requirements in accordance with this rule may result in the reduction of the child's AA payment.~~
- (F) If the child no longer meets the requirements for ~~continuing eligibility for~~ AA, the PCSA shall terminate the AA agreement pursuant to rule 5101:2-49-13 of the Administrative Code.

Effective: 04/01/2010

R.C. 119.032 review dates: 08/31/2011

CERTIFIED ELECTRONICALLY

Certification

02/19/2010

Date

Promulgated Under: 119.03
Statutory Authority: 5101.141
Rule Amplifies: 5101.11
Prior Effective Dates: 1/1/83, 4/1/86 (Emer), 7/1/86, 7/2/87, 9/1/88, 5/1/94,
5/1/98, 1/1/07