

5101:2-49-12 ~~Modification/amendment~~ Amendment of an adoption assistance agreement.

(A) Prior to the expiration date of the JFS 01453 "Adoption Assistance Agreement" (rev. ~~4/2010~~1/2014), the adoptive parent(s) and the public children services agency (PCSA) may by mutual agreement ~~modify/amend~~ the JFS 01453. The ~~modified/amended~~ agreement shall meet all other requirements of rule ~~5101:2-49-03~~5101:2-49-06 of the Administrative Code.

(B) Any request for an amendment to the AA agreement must contain newly documented special needs or circumstances of the adoptive parent(s) that were not previously subject to the current agreement.

~~(B)~~(C) At any time while the JFS 01453 is in effect, the adoptive parent(s) and the PCSA may agree to ~~modify/amend~~ the payment amount or provision for services. If a ~~modification/~~an amendment is requested:

(1) The JFS 01453 shall be entered into by mutual agreement between the adoptive parent(s) and the PCSA. The monthly AA payments should combine with the adoptive parent(s) resources, circumstances of the adoptive parent(s) and shall provide for the special and anticipated needs of the child projected over an extended period of time ~~based on the needs of the child and the circumstances of the adoptive family.~~

(2) The PCSA and adoptive parent(s) shall sign the ~~modified/amended~~ agreement.

(3) The agreement shall meet all requirements of rule 5101:2-49-10 of the Administrative Code.

(4) The PCSA shall give a copy of the ~~modified/amended~~ agreement to the adoptive parent(s) and retain a copy in the child's case record.

~~(C)~~(D) If the PCSA and the adoptive parent(s) cannot agree on ~~the a mutually acceptable monthly AA payment~~ amount ~~of AA that should be provided~~, the PCSA and the adoptive parent(s) may complete a JFS 01453 for a mutually acceptable level of AA payment while negotiations continue through the state mediation conference or the adoptive parent(s) requests a state hearing.

~~(D)~~(E) The PCSA shall not automatically ~~modify~~ amend, suspend, terminate, or redirect the AA payment if the adopted child is placed under the responsibility and care of a PCSA. If the adopted child is placed in the care of a PCSA, one of the following shall apply:

(1) The PCSA shall ~~modify~~ amend the AA agreement with mutual consent by the

adoptive parent(s).

(2) The PCSA shall make a referral to the Title IV-D (child support) agency as defined in rule 5101:12-1-01 of the Administrative Code for support in the cost and care of the child while the child is in foster care.

~~(E)~~(F) If the adoptive parent(s) requests a an ~~modification~~/amendment of the AA payment specified in an existing agreement and the PCSA denies the request, the PCSA shall provide the adoptive parent(s) with written notice of the denial and the right to a state hearing.

Effective: 07/01/2014

R.C. 119.032 review dates: 03/14/2014 and 07/01/2019

CERTIFIED ELECTRONICALLY

Certification

05/19/2014

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, 9/1/92, 5/1/98,
1/1/07, 4/1/10, 12/15/11