

5101:2-49-12 **Modification/amendment of an adoption assistance agreement rule.**

- (A) Prior to the expiration date of the JFS 01453 "Adoption Assistance Agreement" (rev. ~~3/2010~~4/2010), 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 of the Administrative Code.
- (B) 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/amendment is requested:
- (1) The JFS 01453 shall be ~~made~~entered into by mutual agreement between the adoptive parent(s) and the PCSA 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) If the PCSA and the adoptive parent(s) cannot agree on the 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 or the adoptive parent(s) ~~request~~requests a state hearing.
- (D) ~~A~~The PCSA shall not automatically modify, 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 ~~the~~a PCSA, one of the following shall apply:
- (1) The PCSA shall modify the AA agreement with mutual consent by the adoptive parent(s).
 - (2) The PCSA shall make a referral to the Title IV-D 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) If the adoptive parent(s) requests a 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:

R.C. 119.032 review dates: 07/06/2011

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5101.141
Rule Amplifies: 5101.11
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