

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. ~~10/20063/2010~~), 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 ~~specify the duration of the agreement and shall~~ meet all other requirements of rule 5101:2-49-03 of the Administrative Code.

(B) At any time ~~during the duration of~~ 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:~~Any modification/amendment of the Title IV-E adoption assistance (AA) payment amount or provision of services must be made 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. When the parties concur upon a change in the AA payment amount, a modified/amended agreement shall be completed and signed by both the adoptive parent(s) and the PCSA. A copy shall be given to the adoptive parent(s) and a copy shall be retained by the PCSA. The modified/amended agreement shall meet all requirements of rule 5101:2-49-10 of the Administrative Code.~~

(1) The JFS 01453 shall be made 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) ~~In cases where~~If the PCSA and the adoptive parent(s) cannot agree on the amount of AA that should be provided, ~~they~~ 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 a state hearing.

~~(D) A PCSA shall not modify the amount of the AA payment without prior notification and agreement by the adoptive parent(s) unless the adoptive parent(s) does not comply with the requirements to determine continuing eligibility requirements pursuant to rule 5101:2-49-10 of the Administrative Code. In all other cases the PCSA shall not modify the amount of the AA payment without prior notification and agreement by the adoptive parent.~~

~~(E) When the PCSA proposes to terminate the AA agreement, the PCSA must provide the adoptive parent(s) with written notice of the proposal and of the right to a state hearing.~~

(D) A 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 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)~~ (E) If ~~When~~ 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 ~~must~~ provide the adoptive parent(s) with written notice of the denial and ~~of the~~ right to a state hearing.

Effective:

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Certification

Date

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