

5101:2-49-13 **Termination of adoption assistance.**

(A) The public children services agency (PCSA) that entered into the agreement shall terminate the Title IV-E adoption assistance (AA) in any of the following circumstances:

(1) ~~The first day of the month following~~ At the end of the month of the child's eighteenth birthday; or the first day of the month following or at the end of the month of the child's twenty-first birthday, if the child has a mental or physical disability meets the criteria as set forth in paragraph (B) of rule 5101:2-49-04 of the Administrative Code.

(2) If the child is no longer receiving any support from the adoptive parent(s) as defined in paragraph (B) of this rule.

(3) If the adoptive parent(s) is no longer legally responsible for supporting the child as defined in paragraph (C) of this rule.

(4) If a court of competent jurisdiction has terminated the parental rights of the adoptive parent(s) or the adoptive parent(s) has voluntarily surrendered his or her parental rights.

(5) If the adoptive parent(s) requests termination of the AA benefits.

(6) If the adoptive placement disrupts prior to finalization.

(7) If the adoptive parent(s) dies.

(8) If the child dies.

(B) An adoptive parent(s) is not supporting the child if the adoptive parent(s) is not providing ~~provides~~ the child with shelter, food, ~~and~~ clothing, child support, or any support regardless of the physical location of the child. ~~Parents are generally responsible for the support of their minor child who is under eighteen years of age or their physically or mentally disabled child who is under the age of twenty-one. A parent is generally responsible for the support of a child who is under the age of eighteen or a physical and or mentally disabled child with special needs who is under twenty-one years of age.~~

(C) A parent is not legally required to support the child if the child is emancipated. A child becomes emancipated if ~~the child~~:

- (1) ~~Marries~~ The child enlists in the military services.
 - (2) ~~Enlists in the military service~~ The child marries.
 - (3) ~~Has~~ The child has been determined to be an emancipated minor by a court of ~~appropriate~~ competent jurisdiction or the state of residence.
 - (4) ~~Is~~ The child is self-supporting by paying for shelter, food, and clothing even though he or she may still reside with the adoptive parent(s).
- (D) When the PCSA proposes to terminate the AA agreement, the PCSA shall provide the adoptive parent(s) with a written notice of the proposal and the right to a state hearing.
- (E) When the PCSA proposes to terminate the AA agreement, and the adoptive parent(s) has requested a state hearing, the following shall apply:
- (1) If a ~~timely~~ state hearing is requested within fifteen calendar days of the mailing date on the notice in accordance with provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code, AA shall continue until a state hearing decision is issued.
 - (2) If a ~~timely~~ state hearing is requested within fifteen calendar days of the mailing date on the notice and the hearing decision is favorable to the adoptive parent(s), AA shall continue in accordance with the terms of the AA agreement or an amended agreement may be entered into by mutual agreement.
 - (3) If a state hearing is requested within fifteen calendar days of the mailing date on the notice ~~decision is made~~ and the hearing decision is to terminate the AA, the adoptive parent(s) is not required to return the payments received prior to the issuance of the state hearing decision.
 - (4) If no timely hearing is requested, AA shall be terminated. Following the termination, the child shall lose all eligibility for future AA as long as he or she is legally a member of the same adoptive family.
- (F) When the PCSA determines the AA should be terminated, the PCSA shall complete the JFS 01958 "Referral for medicaid continuing eligibility review" (rev. 12/2009) pursuant to rule 5160:1-2-01.2 of the Administrative Code and send the JFS 07236 "Your Rights & Responsibilities as a Consumer of Medicaid Health Coverage"

~~(rev. 10/2006) to the adoptive parent(s) a medicaid pre-termination review (PTR) of continuing medicaid eligibility pursuant to rule 5101:1-38-01.1 of the Administrative Code.~~

~~(G) In accordance with federal requirements, the PCSA may not add any language to the AA agreement that makes the agreement subject to the availability of funds.~~

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CERTIFIED ELECTRONICALLY

Certification

05/19/2014

Date

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