

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 ~~the month~~ of the child's eighteenth birthday; or the first day of the month following ~~the month~~ of the child's twenty-first birthday, if the child has a mental or physical disability as set forth in rule 5101:2-49-04 of the Administrative Code.
- (2) If the child is no longer receiving 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 ~~(B)~~(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 supporting the child if the adoptive parent(s) provides the child with shelter, food, and clothing. 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 not legally required to support the child if the child is emancipated.~~

(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.
- (2) Enlists in the military service.

- (3) ~~The child has~~Has been determined to be an emancipated minor by a court of appropriate jurisdiction or the state of residence.
 - (4) 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, ~~if and~~ the adoptive parent(s) has request requested a state hearing, the following shall apply:
- (1) If a timely state hearing is requested 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 and the 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 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 loses~~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 a medicaid pre-termination review (PTR) of continuing medicaid eligibility pursuant to rule ~~5101:1-38-01.1~~5101:1-38-01.1 of the Administrative Code ~~shall be completed~~.
- (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.

Effective:

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

Certification

Date

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