

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-49-21

**Rule Type:** Amendment

**Rule Title/Tagline:** Reimbursement of title IV-E nonrecurring adoption expenses for a child with special needs.

**Agency Name:** Department of Job and Family Services

**Division:** Division of Social Services

**Address:** OFC- 4200 E. 5th Ave., 2nd fl. L2-01 P.O. Box 183204 Columbus OH 43218-3204

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#### I. Rule Summary

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?** 8/1/2024
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5101.141
5. **What statute(s) does the rule implement or amplify?** 5101.11
6. **What are the reasons for proposing the rule?**

To clarify policy relating to the administration of the Title IV-E adoption assistance program.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

OAC rule 5101:2-49-21 entitled "Reimbursement of Title IV-E Nonrecurring Adoption Expenses for a Child with Special Needs" outlines the requirements for eligibility for

nonrecurring adoption expenses and the reimbursement of the nonrecurring adoption expenses. Reinstated original language in paragraph (I) to clarify the submission of a request for payment or reimbursement and proof of expenditures for nonrecurring expenses within two years of adoption finalization or disruption prior to adoption finalization. Minor edits were made throughout. No substantive changes were made to the rule. The JFS 01438 "Agreement for Payment or Reimbursement for Title IV-E Nonrecurring Expenses Incurred in the Adoption of a Child with Special Needs" form title has been amended to incorporate the changes made to rule 5101:2-49-21 of the Administrative Code.

8. **Does the rule incorporate material by reference? Yes**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75 please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code (OAC). This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

No fiscal effects expected on current or future budgets.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

No new costs.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

No fiscal effects expected on current or future budgets.

### **III. Common Sense Initiative (CSI) Questions**

16. Was this rule filed with the Common Sense Initiative Office? Yes
17. Does this rule have an adverse impact on business? No
  - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

The rule is not being filed to meet FYR and the amendments pose no adverse impact to businesses.
  - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
  - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
  - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

Ohio Department of Job and Family Services

## AGREEMENT FOR PAYMENT OR REIMBURSEMENT FOR TITLE IV-E NONRECURRING EXPENSES INCURRED IN THE ADOPTION OF A CHILD WITH SPECIAL NEEDS

### SECTION I: GENERAL PROVISIONS

1. The following agreement has been entered into by and between \_\_\_\_\_ hereinafter called "Agency" and the adoptive/adopting parent(s), hereinafter called the "Adoptive Parent(s)," residing at \_\_\_\_\_
2. The adoptive name of the child \_\_\_\_\_

### SECTION II: GENERAL TERMS OF THE AGREEMENT

1. The adoptive parent(s) and the agency concur that the provisions for payment or reimbursement of nonrecurring adoption expenses apply to adoptions which have been legally finalized or disrupted prior to finalization.
2. The adoptive parent(s) and the agency concur that the provisions of this agreement will apply only to:
  - a) Nonrecurring adoption expenses incurred or paid by the adoptive parent(s).
  - b) Nonrecurring adoption expenses paid by the agency on behalf of the adoptive parent(s).
3. The adoptive parent(s) and the agency concur that payment or reimbursement will include only those nonrecurring adoption expenses for which a bill or fee has been charged and for which the adoptive parent(s) are ultimately liable (*i.e. the cost of services that the Agency is not required to provide or to pay*).

### SECTION III: SPECIFIC TERMS OF THE AGREEMENT

The adoptive parent(s) and the agency agree to the following procedures for payment or reimbursement of the nonrecurring expenses of adoption with the understanding that total payments or reimbursement will not exceed \$1,000 per child for each adoption. Check each arrangement below which applies to this agreement.

1. The agency has reimbursed \_\_\_\_\_, and/or agrees to provide reimbursement to \_\_\_\_\_, the adoptive parent(s), for the following adoption expenses following payment by the adoptive parent(s)

- |  |   |
|--|---|
| <input type="checkbox"/> Adoption Home Study                                     | <input type="checkbox"/> Reasonable and necessary Adoption Fees |
| <input type="checkbox"/> Health Examination Related to the Adoption Study        | <input type="checkbox"/> Supervision of the Placement           |
| <input type="checkbox"/> Legal Expenses  | <input type="checkbox"/> Transportation, Lodging and Food       |
| <input type="checkbox"/> Psychological Examination Related to the Adoption Study |   |

2. The agency has paid \_\_\_\_\_, and agrees to make payment(s) to \_\_\_\_\_, service provider(s) on behalf of the adoptive parent(s) for the following adoption expenses incurred by the adoptive parent(s)

- |  |   |
|--|---|
| <input type="checkbox"/> Adoption Home Study                                     | <input type="checkbox"/> Reasonable and necessary Adoption Fees |
| <input type="checkbox"/> Health Examination Related to the Adoption Study        | <input type="checkbox"/> Supervision of the Placement           |
| <input type="checkbox"/> Legal Expenses  | <input type="checkbox"/> Transportation, Lodging and Food       |
| <input type="checkbox"/> Psychological Examination Related to the Adoption Study |   |

3. The agency agrees to submit a claim on behalf of the adoptive parent(s) to the Ohio Department of Job and Family Services for payment or reimbursement of the following nonrecurring adoption expenses incurred or paid by the adoptive parent(s)

- |  |   |
|--|---|
| <input type="checkbox"/> Adoption Home Study                                     | <input type="checkbox"/> Reasonable and necessary Adoption Fees |
| <input type="checkbox"/> Health Examination Related to the Adoption Study        | <input type="checkbox"/> Supervision of the Placement           |
| <input type="checkbox"/> Legal Expenses  | <input type="checkbox"/> Transportation, Lodging and Food       |
| <input type="checkbox"/> Psychological Examination Related to the Adoption Study |   |

**SECTION IV: PAYMENT OR REIMBURSEMENT IF NONRECURRING EXPENSES EXCEED \$1,000**

In the event that nonrecurring expenses for the adoption of an individual child exceeds \$1,000, the agency agrees that the adoptive parent(s) may choose the expenses to claim for payment or reimbursement from among the expenses they have not received previous payment or reimbursement.

**SECTION V: VERIFICATION BY THE ADOPTIVE PARENT(S)**

1. The adoptive parent(s) states that they have incurred expenses or expects to incur expenses which are necessary to complete the placement and adoption of a child with special needs or a substantial risk, with no manifestation of a special need as defined by rule 5101:2-49-03 of the Ohio Administrative Code.
2. The adoptive parent(s) states that the nature and the amounts of the nonrecurring expenses listed in Section III will be accurately reported and documented.
3. The adoptive parent(s) agrees to verify the nonrecurring adoption expenses for which they have received payment or reimbursement from the agency, or which the agency has paid to a service provider in their behalf.
4. The adoptive parent(s) agrees to submit a claim for payment or reimbursement and proof of expenditures only for those additional nonrecurring adoption expenses for which they are financially responsible within two years of the adoption finalization or an adoption disruption before finalization.
5. The adoptive parent(s) understands that if an agreement cannot be reached in the determination of the child as a child with special needs, or the nature and amount of expenses which are eligible for payment or reimbursement, they are entitled to a state hearing in accordance with the policies and procedures contained in Chapter 5101:6-2 of the Ohio Administrative Code.

**SECTION VI: VERIFICATION BY THE AGENCY**

1. The agency has determined that the adopted child is a child with special needs or a substantial risk, with no manifestation of a special need in accordance with rule 5101:2-49-03 of the Administrative Code.
2. The agency asserts that a copy of this agreement, along with accurate documentation of the nonrecurring adoption expenses itemized in Section III of this agreement, will be maintained in the case record.
3. The adoptive parent(s) and the Agency concur that payment or reimbursement for nonrecurring adoption expenses will not exceed the total sum of \$1,000 for each child.

**SECTION VII: AMENDMENT OF THE AGREEMENT**

The adoptive parent(s) and the agency concur that this agreement may be amended by mutual consent at any time prior to the finalization of adoption subject to the conditions of Rule 5101:2-49-21 of the Administrative Code.

Adoptive Parent's Signature	Email	Date
Adoptive Parent's Signature	Email	Date
Authorized Agency Representative's Signature	Email	Date

A signed copy of this Agreement was given/mailed to the adoptive parent(s) on:

Date (mm/dd/yyyy)