

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-49-23

**Rule Type:** Amendment

**Rule Title/Tagline:** Title IV-E adoption assistance (AA) intercounty and interstate case management responsibility.

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

**Division:** Division of Social Services

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#### I. Rule Summary

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 2/6/2024
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. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is proposed for amendment as a result of a five-year review.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Ohio Administrative Code (OAC) rule 5101:2-49-23 entitled "Title IV-E Adoption Assistance (AA) Intercounty and Interstate Case Management Responsibility" outlines the requirements for intercounty and interstate adoption assistance case management. Revision dates were stricken from the rule.

9. **Does the rule incorporate material by reference? Yes**
10. **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 121.76(A)(3).

This rule incorporates one or more dated references to an ODJFS form or forms. Each cited ODJFS form is dated and is generally available to persons affected by this rule via the inner-web at <http://innerapp.odjfs.state.oh.us/forms/inner.asp> or on the inter-net at <http://www.odjfs.state.oh.us/forms/inter.asp> in accordance with RC 121.75(E).

This rule incorporates one or more dated references to a federal act or acts. This question is not applicable to any dated incorporation by reference to a federal act because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(C).

11. **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**

12. **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

Not Applicable.

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

no costs of compliance.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

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

17. **Was this rule filed with the Common Sense Initiative Office? No**

18. **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**

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**

### **IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

19. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

- A. **How many new regulatory restrictions do you propose adding to this rule?** 0
- B. **How many existing regulatory restrictions do you propose removing from this rule?** 6

5101:2-49-23(A) Pursuant to RC 121.95(F). AA intercounty and interstate case management changes shall be handled as follows:

5101:2-49-23(A)(2) Pursuant to RC 121.95(F). If the adoptive parent(s) and the adopted child for whom an Ohio-executed JFS 01453 is in effect reside in or move to another state, the child shall be provided Title XIX (medicaid) and Title XX (social service block grant) services by the state in which the child resides. If any of the Title XX services specified in the AA agreement are not available in the state where the child resides or has moved, the PCSA that entered into the agreement shall be responsible for providing or securing those services.

5101:2-49-23(A)(3) Pursuant to RC 121.95(F). If the adoptive parent(s) and the adopted child for whom an JFS 01453 is in effect reside in or move to another Ohio county, the child shall be provided with Title XX services, as specified in the JFS 01453 by the county where the child resides. If any of the Title XX services specified in the AA agreement are not available in the Title XX plan in the county where the child resides or has moved, the PCSA which entered into the agreement shall be responsible for providing or securing those services.

5101:2-49-23(A)(4) Pursuant to RC 121.95(F). Nothing shall prohibit the adoptive parent(s) of a child for whom an AA agreement is in effect from seeking Title XX services available in the Title XX social service plan in the county of residence, even if the services are not already specified in the AA agreement. The adoptive parent(s) may:

5101:2-49-23(A)(5) Pursuant to RC 121.95(F). At the request of the PCSA that is the Title IV-E AA case management agency, the PCSA in the county of residence shall assist both the Title IV-E case management agency and the adoptive parent(s) in completing the JFS 01451-B " Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage" (rev. 7/2019) and/or the JFS 01453.

5101:2-49-23(A)(6) Pursuant to RC 121.95(F). In the event that the adoptive parent(s) and the adopted child move out of state, the PCSA with the case management responsibility shall comply with any interstate compact on adoption and medical assistance (ICAMA) requirements. The PCSA may ask the children services agency (CSA) in the new state to document the present

situation of the adoptive parent(s) and to assist the adoptive parent(s) in completing all required forms.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable