

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-51-01

Rule Type: Amendment

Rule Title/Tagline: Administration of the adoption assistance connections to age twenty-one.

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?** 1/10/2023
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?** 5101.1414
5. **What statute(s) does the rule implement or amplify?** 5101.1411, 5101.1412, 5101.1413, 5101.1414
6. **What are the reasons for proposing the rule?**

To clarify policy relating to the administration of the Adoption Assistance Connections to age twenty-one program.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule provides guidelines for the administration of the Adoption Assistance Connections (AAC) to Age Twenty-One program. Adopted young adults who are age 18 may be able to continue adoption assistance payments to age 21. Amendments to this rule include clarification on program expectations for administration and case record requirements.

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 a form or a digital application into which data is entered. This question is not applicable to any incorporation by reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75(B)(4).

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. 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

There is no financial impact to the agencies revenues or expenditures as a result of the proposed amendments.

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

No cost of compliance.

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.

Not Applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? No
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
 - 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

ASSISTANCE AGREEMENT

The following adoption assistance connection (AAC) to age twenty-one agreement, hereinafter called "the agreement" has been entered into by and between the Ohio Department of Job and Family Services (ODJFS) hereinafter called "agency," and the adoptive parent(s) _____, residing at:

This is an: Initial Agreement Amended Agreement Effective (MM/DD/YY) _____

ARTICLE I: GENERAL PROVISIONS

1. The adoptive parent(s) represents that he/she/they:
 - Have adopted a child that is now an adopted young adult.
 - Are maintaining parental responsibility for the adopted young adult.
 - Adopted young adult has attained the age of eighteen and meets one of the following requirement:
 - Is completing secondary education or a program leading to an equivalent credential.
 - Is enrolled in an institution that provides post-secondary or vocational education.
 - Is participating in a program or activity designed to promote or remove barriers to employment.
 - Is employed for at least eighty hours per month.
 - Is incapable of doing any of the following activities described above due to a medical condition, which incapacity is supported by regularly updated information.
2. The name of such adopted young adult is _____ (*Adopted Young Adult Name*)
3. Adoption assistance may begin no earlier than the month following the adopted young adult's eighteenth birthday. The agreement must be signed by the adoptive parent(s) and the agency prior to the initial payment.
4. The initial agreement or any that is subsequently amended shall remain in effect regardless of the county or state in which the adoptive parent(s) and the adopted young adult resides.
5. The agreement remains in effect as long as the adoptive parent(s) continues to maintain parental responsibility for the adopted young adult's care and the adopted young adult meets the eligibility requirements in 5101:2-51-02 of the Ohio administrative code.
6. The AAC payment shall be paid to the adoptive parent(s) to assist the adoptive parent(s) in maintaining the adopted young adult into the adoptive family and meeting any ongoing needs of the adopted young adult. The payment is not restricted to meeting the daily support of the adopted young adult, but may be used to fund any other needs of the adopted young adult, including such services as education.
7. The agreement may be amended or terminated at any time by the mutual consent of the adoptive parent(s) and the agency or by the agency as described in Article VII of this agreement.
8. Both the adoptive parent(s) and agency are legally bound by this agreement.

ARTICLE II: OBLIGATIONS OF ADOPTIVE PARENTS

1. The adoptive parent(s) will
 - Notify the agency within fifteen calendar days of a change if they are no longer maintaining parental responsibility for the adopted young adult's care, the family relocates, the adopted young adult marries, enlists in the military, no longer meets the eligibility requirements, or dies.
 - Comply with any interstate requirements for AAC if the family moves to another state.
 - Notify the agency if health care insurance coverage is made available to the adopted young adult and submit the ODM 06612 "Health Insurance Information Sheet" (Rev. 9/2016).
 - **Semi-annually complete and return the JFS 00149 "Title IV-E Adoption Assistance Connection (AAC) to Age Twenty-One Semi-Annual Assurance of Parental Responsibility and Eligibility for Continued Medicaid Coverage" (Rev. 5/2018) and JFS 00150 "Title IV-E Adoption Assistance Connection (AAC) to Age Twenty-One Adopted Young Adult Semi-Annual Assurance of Parental Responsibility and Eligibility for Continued Medicaid Coverage" (Rev. 5/2018).**
 - **Semi-annually submit documentation to support ongoing parental responsibility and adopted young adult eligibility criteria.**
 - **Advise** the social security administration that the adopted young adult is in receipt of AAC.

ARTICLE III: OBLIGATION OF THE ODJFS ADMINISTRATION

1. The agency will notify the adoptive parent(s) of changes in agency, state, or federal policy that have a potential effect on the amount of the AAC payment.
2. The agency will verify semi-annually the adopted young adult's continuing eligibility for AAC. The criteria for continuing eligibility are:
 - The adoptive parent(s) continues to maintain parental responsibility for the adopted young adult's care.
 - The adopted young adult continues to meet the AAC eligibility requirements.

ARTICLE IV: ADOPTION ASSISTANCE CONNECTIONS TO AGE TWENTY-ONE PAYMENT

1. Adoption assistance connections payments in the amount of \$_____ per month will be provided on behalf of (adopted young adult's adoptive name) _____.
2. The terms of the agreement may be amended at any time if both parties agree to the change.

ARTICLE V: MEDICAL CARE

1. The adopted young adult is eligible for Medicaid benefits provided under Title XIX of the Social Security Act for as long as the agreement is in effect.
2. The adopted young adult is eligible for Medicaid benefits described in number 1. above in the state where he or she resides.

ARTICLE VI: TITLE XX SOCIAL SERVICES AND OTHER SERVICES

1. The adopted young adult is eligible for Title XX funded social services as long as the agreement is in effect.
2. The adopted young adult is eligible for Title XX funded social services in the state in which he/she resides. If a needed service(s) specified in this agreement is not available in the new state of residence, the state making the original adoption assistance payments remains financially responsible for providing the specified service(s).
3. If the adopted young adult moves to another Ohio county, the adopted young adult will be provided with Title XX funded social services in the county where the adopted young adult resides. If any of the Title XX funded social services specified in this agreement are not available in the county where the adopted young adult resides, ODJFS shall be responsible for providing/securing those services. Nothing shall prohibit the adoptive parent(s) from applying for Title XX funded social services in the county of residence, even if the services are not already specified in this agreement.
4. The adopted young adult will be provided the following Title XX funded social services:

5. The agency shall provide or secure funding for the following services, whether or not they are available through Title XX.

ARTICLE VII: TERMINATION

1. The agreement is subject to termination if the agency determines:
 - The adoptive parent(s) is no longer maintaining parental responsibility for the adopted young adult's care.
 - The adoptive parent(s) dies.
2. The agreement is subject to termination if the agency determines:
 - The adopted young adult no longer meets the eligibility requirements.
 - The adopted young adult enlists in the military.
 - The adopted young adult marries.
 - The adopted young adult dies.
3. The agreement terminates at the end of the month of the adopted young adult's twenty-first birthday.
4. Following the termination, the adoptive parent(s) may reapply for AAC at any time prior to the adopted young adult attaining the age of twenty-one.

ARTICLE VIII: APPEAL

1. The adoptive parent(s) may appeal any agency decision to deny, reduce or terminate AAC or to deny the amount of AAC payment requested by the adoptive parent(s).
2. The agency must inform the adoptive parent(s) in writing of any decision to deny, reduce, or terminate AAC or to deny the amount of the AAC payment requested by the adoptive parent(s). The notice of denial must inform the adoptive parent(s) of the right to appeal through a state hearing as well as the procedure for requesting a state hearing.
3. The adoptive parent(s) may also appeal through a request for a state hearing in any case in which the agency fails to inform the adoptive parent(s) about potential financial, medical, or service benefits that may be available to the adopted young adult through the Title IV-E adoption assistance program.

ARTICLE IX: EFFECTIVE DATE

1. The agreement is effective on the date of final signature by both the adoptive parent(s) and ODJFS unless a later date is indicated in the space below for the subsidy payment to begin.
2. Subsidy Effective Date: ____/____/____ OR Not Applicable

SIGNATURES

Adoptive Parent's Signature	Date (mm/dd/yyyy)
Adoptive Parent's Signature	Date (mm/dd/yyyy)
Authorized Agency Representative's Signature	Date (mm/dd/yyyy)