

5101:2-51-02

Eligibility for the adoption assistance connections (AAC) to age twenty-one.

(A) To be eligible for the adoption assistance connections (AAC) to age twenty-one, an adopted young adult ~~was adopted at age sixteen or seventeen and was in the permanent custody of an Ohio public children services agency (PCSA) and the child attained the age of sixteen before the adoption assistance agreement became effective. The adopted young adult must meet one of the following requirements~~ is to meet the following requirements:

(1) Was adopted at age sixteen or seventeen;

(2) Was in the permanent custody of an Ohio public children services agency (PCSA);

(3) Attained the age of sixteen before the JFS 01453 "Adoption Assistance (AA) Agreement" became effective;

(4) Meets one of the following requirements:

~~(1)(a)~~ (a) Is completing secondary education or a program leading to an equivalent credential;

~~(2)(b)~~ (b) Is enrolled in an institution that provides post-secondary or vocational education;

~~(3)(c)~~ (c) Is participating in a program or activity designed to promote or remove barriers to employment;

~~(4)(d)~~ (d) Is employed for at least eighty hours per month; or

~~(5)(e)~~ (e) Is incapable of doing any of the activities described in paragraphs ~~(A)(1)~~ ~~to (A)(4)(a) to (A)(4)(d)~~ of this rule due to a diagnosed physical or mental health condition, which incapacity is supported by updated information semi-annually.

(5) Has reached the age of eighteen but is not yet twenty-one years of age;

(6) Is continuing to receive parental support;

(7) Is not enlisted in the military;

(8) Is not married; and

(9) Is not in receipt of adoption assistance past age eighteen pursuant to rule 5101:2-49-04 of the Administrative Code.

- (B) The adoptive parent(s) may apply for AAC if the adopted young adult has attained the age of eighteen and meets the following requirements:
- (1) The adopted young adult meets ~~one of~~ the requirements in paragraph (A) of this rule; and
 - (2) The adoptive parent(s) ~~must maintain~~ maintains parental responsibility for the adopted young adult. An adoptive parent(s) maintains parental responsibility if the adoptive parent(s) provides the adopted young adult with shelter, food, and clothing, or other support regardless of the physical location of the adopted young adult.
- (C) The adoptive parent(s) shall submit the JFS 00147 "Adoption Assistance Connections to Age Twenty-One Application" ~~(12/2017)~~, and documentation that the adopted young adult meets one of the eligibility requirements outlined in paragraph (A)(4) of this rule, a copy of the signed JFS 01453 "Adoption Assistance (AA) Agreement" with the PCSA, and documentation of parental responsibility to the AAC representative ~~ODJFS~~.
- (D) ~~The AAC representative~~ ODJFS, within thirty calendar days after a completed JFS 00147 and all necessary documentation is received, shall determine eligibility in the statewide automated child welfare information system (SACWIS) and approve or deny the AAC application within thirty calendar days after a completed application and all required documentation is provided.
- (E) ODJFS, as the Title IV-E agency, is to obtain documentation verifying completion of all completed adoptive parent criminal record checks obtained by the PCSA prior to adoption finalization pursuant to rule 5101:2-48-10 of the Administrative Code.
- (F) If ODJFS determines an adopted young adult is eligible for AAC, ODJFS is to provide the adoptive parent(s) with the following:
- (1) The adoption assistance connections to age twenty-one (AAC) notice of eligibility approval form; and
 - (2) The JFS 04059 "Explanation of State Hearing Procedures."
- ~~(E)~~(G) If an adopted young adult is eligible, Upon determination of eligibility, ODJFS will send the JFS 00148 "Adoption Assistance Connections to Age Twenty-One Agreement" (12/2017) to the adoptive parent(s) for signature. The AAC agreement is effective on the date it is signed by both the adoptive parent(s) and the AAC representative. ODJFS, unless a later date is indicated for the subsidy to begin as designated on the AAC agreement form "Article IX Effective Date," which will then become the effective date of the AAC agreement.

~~(F)~~(H) The AAC agreement is binding on all parties. The terms of the AAC agreement may be amended at any time if both parties agree to the change.

~~(G)~~(I) The AAC agreement shall remain in effect regardless of the state where the adoptive parent(s) or the adopted young adult resides unless the AAC agreement is terminated.

~~(H)~~(J) ~~The AAC representative~~ODJFS shall give a copy of the signed AAC agreement and all amendments to the adoptive parent(s) and keep the originals in the AAC case record.

~~(I)~~(K) ~~The AAC representative~~ODJFS, as the agency that entered into the AAC agreement, shall secure Title XIX medicaid and Title XX social services block grant services if the services are not available in the state or county where the adopted young adult resides in accordance with rule 5101:2-51-01 of the Administrative Code.

~~(J)~~(L) Nothing shall prohibit the adoptive family from seeking Title XX services available in the county of residence even if they are not specified in the AAC agreement. The adoptive parent(s) may:

- (1) Apply for the Title XX services in the county where they reside; and
- (2) Request to amend the AAC agreement.

~~(K)~~(M) ~~If the AAC representative~~ODJFS determines an adopted young adult is ineligible for AAC~~does not meet eligibility requirements outlined in paragraphs (A) and (B) of this rule, the AAC representative~~ODJFS shall provide the adoptive parent(s) with the following:

- (1) The JFS 07334 "Notice of Denial of your Application for Assistance," ~~(rev. 9/2011)~~;
- (2) The JFS 04059 "~~Explanation of State Hearing Procedures~~" ~~(rev. 01/2015)~~.

(N) Semiannual redetermination is to be completed every one hundred eighty calendar days to maintain program eligibility for AAC. The semiannual redetermination date is determined by the initial AAC effective date.

(O) No later than thirty calendar days prior to the semiannual redetermination due date, ODJFS is to provide the adoptive parent(s) with the following:

- (1) The adoption assistance connections (AAC) to age twenty-one notice of redetermination;

- (2) The JFS 00149 "Title IV-E Adoption Assistance Connections to Age Twenty-One Semi-Annual Assurance of Parental Responsibility and Eligibility for Continued Medicaid Coverage"; and
- (3) The JFS 00150 "Title IV-E Adoption Assistance Connections to Age Twenty-One Adopted Young Adult Semi-Annual Assurance of Parental Responsibility and Eligibility for Continued Medicaid Coverage."
- (P) Completed JFS 00149 and JFS 00150 forms, documentation that the adopted young adult meets one of the eligibility requirements outlined in paragraph (A)(4) of this rule, and documentation of parental responsibility is to be received prior to the semiannual redetermination due date. Upon receipt of the required forms and documentation listed in this paragraph, ODJFS will check for continued eligibility as follows:

 - (1) If redetermined as eligible, ODJFS is to provide the adoptive parent(s) with the following:

 - (a) The adoption assistance connections to age twenty-one (AAC) notice of continued approval form; and
 - (b) The JFS 04059.
 - (2) If redetermined as ineligible, or if documentation is not received by the redetermination due date, ODJFS is to provide the adoptive parent(s) with written notice of the proposal to terminate AAC and the right to a state hearing. ODJFS is to provide the adoptive parent(s) with the following thirty calendar days prior to the termination date:

 - (a) The adoption assistance connections to age twenty-one (AAC) notice of termination form; and
 - (b) The JFS 4059.
 - (3) If sufficient documentation to support eligibility is received by ODJFS from the adoptive parent(s) and/or adopted young adult prior to the termination date, ODJFS may proceed with semiannual redetermination of continued eligibility for AAC.
- (Q) The adoptive parent(s) and the adopted young adult are to submit the JFS 00149 and JFS 00150 semiannually and whenever there is a significant change in the family situation for continued eligibility.
- (R) At any time a JFS 00148 is in effect, the JFS 00148 may be amended.

- (1) The adoptive parent(s) and ODJFS may by mutual agreement amend the JFS 00148 to reflect changes for payment amount or provision of services. Upon agreement, the following is to occur:
- (a) ODJFS and the adoptive parent(s) are to sign the amended AAC agreement;
 - (b) ODJFS is to provide a copy of the amended AAC agreement to the adoptive parent(s) and retain the original in the case record; and
 - (c) ODJFS is to provide the adoptive parent(s) with the JFS 04059.
- (2) If the adoptive parent(s) and ODJFS cannot agree on the amendment requested by the adoptive parent(s) or ODJFS, the following is to occur:
- (a) ODJFS and the adoptive parent(s) may complete a JFS 00148 for a mutually acceptable AAC agreement while negotiations continue through the state mediation process, or the adoptive parent(s) request a state hearing; or
 - (b) ODJFS is to provide the adoptive parent(s) with a JFS 07334, and a JFS 04059.
- (S) The adoptive parent(s) is to notify ODJFS within fifteen calendar days of the date of any of the following:
- (1) The adopted young adult's primary health care insurance coverage changes from medicaid to private health care insurance. The adoptive parent(s) is to complete an ODM 06612 "Health Insurance Information Sheet" as a result of this change.
 - (2) The family relocates.
 - (3) The adopted young adult enlists in the military.
 - (4) The adopted young adult has married.
 - (5) The adoptive parent(s) no longer has parental responsibility for the adopted young adult.
 - (6) The adopted young adult is no longer eligible pursuant to paragraphs (A) and (B) of this rule.
- (T) The AAC agreement will terminate when any of the following circumstances apply:
- (1) At the end of the month of the adopted young adult's twenty-first birthday.

- (2) If the adoptive parent(s) no longer has parental responsibility for the adopted young adult as defined in paragraph (B)(2) of this rule.
- (3) If the adoptive parent(s) requests to terminate the AAC agreement.
- (4) If the adoptive parent(s) dies.
- (5) If the adopted young adult dies.
- (6) If the adopted young adult marries.
- (7) If the adopted young adult enlists in the military.
- ~~(L)~~(U) If the AAC representative ODJFS will propose to terminate the AAC agreement, the AAC representative shall provide the adoptive parent(s) with a written notice of the proposal and the right to a state hearing thirty calendar days prior to the termination date under any of the following circumstances:
- (1) The AAC representative ODJFS denies eligibility for AAC at semiannual redetermination.
 - (2) The AAC representative ODJFS denies the amount of monthly payment requested by the adoptive parent(s) in the AAC agreement.
 - (3) The AAC representative ODJFS and the adoptive parent(s) are unable to come to a mutual agreement following a state mediation conference.
 - (4) The AAC representative ODJFS proposes to reduce or terminate the amount of the payment specified on the current AAC agreement.
 - (5) The AAC representative ODJFS denies a request by the adoptive parent(s) to amend the payment amount or provision of service terms of the current AAC agreement.
- (V) If ODJFS proposes to terminate the AAC agreement due to any of the circumstances listed in paragraph (S) of this rule, ODJFS is to provide the following to the adoptive parent(s) thirty calendar days prior to the termination date:
- (1) The adoption assistance connections to age twenty-one (AAC) notice of termination form; and
 - (2) The JFS 04059.
- ~~(M) The AAC representative shall provide written notification to the adoptive parent(s) if any of the following occur:~~

- ~~(1) A determination to deny AAC eligibility.~~
 - ~~(2) A denial for a request to increase the amount of the monthly payment.~~
 - ~~(3) A denial for a request by the adoptive parent(s) to amend the terms of the current AAC agreement.~~
 - ~~(4) The AAC representative and the adoptive parent(s) are unable to come to a mutual agreement following a state mediation conference.~~
 - ~~(5) A reduction or termination of the monthly payment.~~
- ~~(N) The AAC representative shall inform the adoptive parent(s) of all decisions to deny or approve AAC and include a copy of the JFS 04059.~~
- ~~(O) The AAC representative shall provide the adoptive parent(s) with the JFS 00149 "Adoption Assistance Connections to Twenty-One Semi-Annual Assurance of Parental Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage" (12/2017) and adopted young adult with JFS 00150 "Adoption Assistance Connections to Twenty-One Adopted Young Adult Semi-Annual Assurance of Parental Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage" (12/2017). The adoptive parent(s) and the adopted young adult shall submit the JFS 00149 and JFS 00150 semi-annually or whenever there is a significant change in the family situation for continued eligibility.~~
- ~~(1) If the documentation is received within thirty calendar days of the mailing date of the JFS 00149 and the JFS 00150 the AAC representative will check for continued eligibility.
 - ~~(a) If eligible, the AAC representative will send a notice of eligibility.~~
 - ~~(b) If determined ineligible, the AAC will send a notice of termination.~~~~
 - ~~(2) If documentation is not received within thirty calendar days of the mailing date of the JFS 00149, the AAC representative will send a notice of termination as specified in paragraph (T) of this rule.~~
- ~~(P) For an adopted young adult who has an AAC agreement, the AAC representative shall assure that the case record contains documentation of one of the circumstances described in paragraphs (A)(1) to (A)(5) of this rule.~~
- ~~(Q) The adoptive parent(s) shall notify the AAC representative within fifteen calendar days of the date of any of the following:~~

- ~~(1) The adopted young adult's primary health care insurance coverage changes from medicaid to private health care insurance. The adoptive parent(s) shall complete an ODM 06612 "Health Insurance Information Sheet" (rev. 9/2016) as a result of this change.~~
- ~~(2) The family relocates.~~
- ~~(3) The adopted young adult enlisted in the military service.~~
- ~~(4) The adopted young adult has married.~~
- ~~(5) The adoptive parent(s) no longer has parental responsibility for the adopted young adult.~~
- ~~(6) The adopted young adult is no longer eligible pursuant to paragraphs (A) and (B) of this rule.~~
- ~~(R) If the adopted young adult meets the requirements described in paragraphs (Q)(3) to (Q)(6) of this rule, the AAC representative shall terminate the AAC agreement.~~
- ~~(S) The AAC agreement shall terminate when any of the following circumstances apply:~~
- ~~(1) At the end of the month of the adopted young adult's twenty-first birthday.~~
- ~~(2) If the adoptive parent(s) no longer has parental responsibility for the adopted young adult as defined in paragraph (B) of this rule.~~
- ~~(3) If the adoptive parent(s) requests to terminate the AAC agreement.~~
- ~~(4) If the adoptive parent(s) dies.~~
- ~~(5) If the adopted young adult dies.~~
- ~~(T)(W) If the AAC representative ODJFS proposes to terminate the AAC agreement, and the adoptive parent(s) has requested a state hearing, the following shall apply:~~
- (1) If a 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, the AAC agreement shall continue to be in effect until a state hearing decision is issued.
- (2) If a 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), the AAC agreement shall remain in effect or an amended AAC 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 and the hearing decision is to terminate the AAC agreement as specified in paragraph (O) of this rule, 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, the AAC agreement shall be terminated. Following the termination, the adoptive parent(s) may reapply for the AAC at any time prior to the adopted young adult attaining the age of twenty-one.

~~(U)(X)~~ If the AAC representative determines the AAC agreement should be terminated, ~~the AAC representative~~ ODJFS shall: ~~complete the ODM 01958 "Referral for Medicaid Continuing Eligibility Review" (rev. 7/2014) pursuant to rule 5160:1-2-01.2 of the Administrative Code and send the ODM 07236 "Your Rights & Responsibilities as a Consumer of Medicaid Health Coverage" (rev. 7/2014) to the adoptive parent(s).~~

- (1) Send the adoption assistance connections to age twenty-one (AAC) notice of termination form to the adoptive parent(s); and
- (2) Send the ODM 07236 "Your Rights & Responsibilities as a Consumer of Medicaid Health Coverage" to the adoptive parent(s).

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