

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: August 10, 2011
TIME: 10:00 AM
LOCATION: Room 3110B, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 5101.35, 5153.16, 5153.163 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services (ODJFS) gives notice of the department's intent to consider the amendment of the rules identified below and of a public hearing thereon. These rules are being amended as a result of the five year rule review requirements.

OAC 5101:2-49-01 entitled, Adoption assistance criteria and application process, outlines the application process for the Title IV-E Adoption Assistance (AA) program. Paragraph (B) was changed to clarify that an adoptive parent shall have an approved homestudy and be matched with a special needs child before submitting an AA application to the public children services agency (PCSA). Grammatical changes were made to this rule. In addition, form JFS 01451A "Title IV-E Adoption Assistance Eligibility Determination" (rev. 4/2010) reflects an updated date.

OAC 5101:2-49-02 entitled, Adoption assistance eligibility requirement, outlines the specific details for establishing eligibility for the AA program. In paragraph (A), the wording "final decree" was replaced with "after the finalization" to be consistent with other rules in chapter 49. Grammatical changes were made to this rule. In addition, forms JFS 01448 "Title IV-E Adoption Assistance Non-AFDC Relatedness Determination" (4/2010) and JFS 01453 "Adoption Assistance Agreement" (rev. 4/2010) reflect updated dates.

OAC 5101:2-49-02.1 entitled, Adoption assistance AFDC-relatedness eligibility criteria, outlines the AFDC-relatedness requirements to determine a special needs child's eligibility for Title IV-E adoption assistance. Grammatical changes were made to this rule.

OAC 5101:2-49-03 entitled, Special needs criteria for adoption assistance, outlines the criteria for the PCSA to determine that a child is special needs and eligible for AA. Paragraph (A) (3) (g) clarifies the responsibilities of a qualified professional. Grammatical changes were made to this rule. In addition, form JFS 01453 reflects an updated date.

OAC 5101:2-49-04 entitled, Age requirement for adoption assistance, outlines the age requirement for a child to be considered eligible for AA. Grammatical changes were made to this rule. In addition, forms JFS 01453 and JFS 01958 "Referral for Medicaid Continuing Eligibility Review" (rev. 2010) reflect updated dates.

OAC 5101:2-49-05 entitled Determination of the adoption assistance payment amount, outlines the criteria used to determine the amount of the AA payment and payment modifications. Paragraphs (D) and (E) clarify that the PCSA shall take into consideration foster care payment

rates for a home contracted by the PCSA. Grammatical changes were made to this rule. Reference corrections were made to paragraph (E) (2).

OAC 5101:2-49-06 entitled, Adoption assistance agreement and duration: provision for financial support and services, outlines the criteria of the AA agreement and the duration of the agreement. Paragraph (N) included a corrected form number. Grammatical changes were made to this rule. In addition, form JFS 01453 reflects an updated date.

OAC 5101:2-49-07 entitled, Adoption assistance agreement with no payment, outlines the conditions and procedures for completing an AA agreement with a no payment option. Grammatical changes were made to this rule.

OAC 5101:2-49-08 entitled, Adoption assistance payments, outlines the conditions and procedures for determining an AA payment. The rule was rescinded and filed new combining former OAC rules 5101:2-49-08 "Beginning date of an adoption assistance payment" and rule 5101:2-49-11 "Adoption assistance program reimbursability: adoption assistance payments." Grammatical changes were also made to this rule.

OAC 5101:2-49-09 entitled Title IV-E adoption assistance post-finalization application, outlines the criteria for determining AA eligibility and entering into an adoption assistance agreement after an adoption has been finalized. Grammatical changes were made to this rule. In addition, form JFS 01453 reflects an updated date.

OAC 5101:2-49-10 entitled, Determination of continuing eligibility requirements for adoption assistance, outlines procedures for determining continued eligibility for adoption assistance. Grammatical changes were made to this rule. In addition, form 1451B "Title IV-E Adoption Assistance Eligibility Review" (rev. 4/2010) reflects an updated date.

OAC 5101:2-49-11 entitled Adoption assistance program reimbursability: adoption assistance payments, outlines procedures for authorizing Title IV-E adoption assistance payments and requesting auxiliary payments. This rule is being rescinded as noted above as its content was merged into OAC 5101:2-49-08.

OAC 5101:2-49-12 entitled, Modification/amendment of an adoption assistance agreement, outlines criteria for modifying or amending an AA agreement. Grammatical changes were made to this rule. In addition, the form JFS 01453 reflects an updated date.

OAC 5101:2-49-13 entitled, Termination of adoption assistance, outlines the circumstances that result in the termination of an AA agreement. Paragraphs (B) and (C) were reordered for clarity. Grammatical changes were made to this rule.

OAC 5101:2-49-15 entitled Adoption assistance payment eligibility: payment for retroactive adoption assistance, outlines procedures for the provision of retroactive adoption assistance payments after the finalization of the adoption. Language was clarified in paragraph (A). Grammatical changes were made to this rule. In addition, forms JFS 01453 and JFS 01454 "Approval and Agreement for Title IV-E Retroactive Adoption Assistance Payments" (rev. 7/2010) reflect updated dates.

OAC 5101:2-49-17 entitled Case record requirements for adoption assistance, outlines the case record requirements for a Title IV-E adoption assistance case. Grammatical changes were made to this rule. In addition, forms JFS 01451A, JFS 01453, JFS 01654 "Adoptive Placement Agreement" (rev. 10/2001), JFS 01616 "Social and Medical History" (rev. 6/2009), JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006), JFS 01666 "Permanent Surrender of Child" (rev. 6/2006), JFS 1673A "Assessment of Child Placement" (rev. 8/2005), JFS 01689 "Documentation of the Decision Making Process" (rev. 12/2006), JFS 01692 "Application for Adoption of a Foster Child" (rev. 6/2009) reflect updated dates.

OAC 5101:2-49-19, entitled Administrative procedure: Title XIX medicaid coverage for Title IV-E adoption assistance eligible children (COBRA), contains the procedures to follow for provision of Title XIX medical coverage for children eligible for Title IV-E adoption assistance. Grammatical changes were made to this rule. In addition, form JFS 01453 reflects an updated date.

OAC 5101:2-49-21, entitled Reimbursement of nonrecurring adoption expenses for a child with special needs, outlines procedures for public children services agencies to follow when adoptive families claim reimbursement for nonrecurring adoption expenses. Grammatical changes were made to this rule. The forms JFS 01421 "Application for Reimbursement of Nonrecurring Expenses" (rev. 10/2009), JFS 01438 "Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in the Adoption of a Special Needs Child" (rev. 8/2009), and JFS 01453 reflect updated dates.

OAC 5101:2-49-23, entitled Administrative Procedure: Intercounty and interstate case management responsibility for adoption assistance, contains procedures for intercounty and interstate case management for adoption assistance. Grammatical changes were made to this rule. In paragraph (A) (2) language was added to clarify the PCSA's responsibility when a child lives or moves out of state. In addition, form JFS 01453 reflects an updated date.

OAC 5101:2-49-25 entitled Administrative Overview: Qualified and disqualified alien eligibility for adoption assistance, specifies adoption assistance eligibility requirements for qualified aliens. Grammatical changes were made to this rule. In addition, forms JFS 01645 and JFS 1666 reflect updated dates.

A copy of the proposed rules is available, without charge, to any person affected by the rules at the address listed below. The rule is also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.