

**PUBLIC HEARING NOTICE**  
**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

**DATE: April 17, 2014**

**TIME: 10am**

**LOCATION: Rhodes State Office Tower, Lobby Hearing Room**

**30 East Broad Street, Columbus, Ohio 43215**

Pursuant to Sections 5153.112, 5153.122 ,5153.123 and Chapter 119. of the Ohio Revised Code, the director of the Department of Job and Family Services gives notice of the department's intent to consider the rescission, amendment and adoption of rules as identified below and of a public hearing thereon. These rules are being filed as part of the five year rule review process.

In accordance with Ohio Revised Code (ORC) section 119.03, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose. These rules have been amended to provide clarity. All of the rules have been revised through the Partnership for Ohio's Families (PFOF) Rule review initiative and are a product of the collaborative partnership between the Ohio Department of Job and Family Services (ODJFS), public children services agencies (PCPA), private child placing agencies (PCPA), adoptive parents and other stakeholders.

OAC 5101:2-49-09 "Title IV-E adoption assistance post-finalization application" outlines the criteria for determining Adoption Assistance (AA) eligibility and entering into an AA agreement after the adoption finalization. Organizational changes were made to the rule to provide clarity. Language was added to paragraph (D) to allow agencies to process the AA application if the agency determines the child is eligible for the post-finalization

OAC 5101:2-49-09.1 "Retroactive adoption assistance payment process" outlines the process for retroactive adoption assistance payments. This rule replaces rule 5101:2-49-15 of the Ohio Administrative Code.

OAC 5101:2-49-10 "Ongoing verification for adoption assistance" explains the responsibilities of the PCSA and the adoptive parents to provide assurance of legal responsibility, school attendance and eligibility for continued Medicaid coverage through the adoption assistance program. The JFS 01451-B "Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, school attendance and eligibility for continued Medicaid coverage" has been updated and the revision date has been revised. The time frame for adoptive parent(s) to notify the PCSA of any changes has been increased to fifteen calendar days of the date of the change.

OAC 5101:2-49-12 "Amendment of an adoption assistance agreement" outlines criteria to amend an AA agreement. Language was added to clarify that any request for an amendment to the AA agreement must contain newly documented special needs or circumstances that were not previously subject to the original agreement.

OAC 5101:2-49-13 "Termination of adoption assistance" outlines the circumstances that result in the termination of an AA agreement. Language was added to say an adoptive parent(s) is supporting the child if they provide the child with shelter, food, clothing or child support. A timely state hearing request is defined as within fifteen calendar days of the mailing date of the notice. Minor grammatical changes were made to clearly explain the requirements.

OAC 5101:2-49-15 "Retroactive Adoption Assistance Payment Process" outlines the process for handling retroactive adoption assistance payments. This rule has been rescinded and filed as a new rule 5101:2-49-09.1 of the Administrative Code.

OAC 5101:2-49-17 "Case record requirements for adoption assistance" outlines the case record requirements for each adoption assistance case. New forms used for adoption assistance have been added to the rule.

OAC 5101:2-49-19 "Title XIX medicaid coverage for Title IV-E adoption assistance eligible children (COBRA)" outlines the procedures to follow for provision of Title XIX medical coverage for children eligible for Title IV-E adoption assistance. The timeframe has changed to fifteen calendar days for adoptive parents to inform the PCSA if they move to another county or state. Minor grammatical changes were made to clearly explain the requirements.

OAC 5101:2-49-21 "Reimbursement of 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. Language has been added in paragraph (E) and (I) to meet federal requirements to allow reimbursement of nonrecurring adoption expenses if the adoption disrupts before finalization. In this circumstance, the adoptive parent(s) must submit the request for payment or reimbursement and proof of expenditures within two years from the date of disruption prior to the adoption finalization. The JFS 01438 "Agreement for payment or reimbursement for nonrecurring expenses incurred in the adoption of a child with special needs" has been revised to incorporate the changes made to 5101:2-49-21 of the Administrative Code.

OAC 5101:2-49-23 "Adoption assistance intercounty and interstate case management responsibility" outlines the requirements for intercounty and interstate adoption assistance case management. Minor grammatical changes were made to clearly explain the requirements.

OAC 5101:2-49-25 "Qualified and disqualified alien eligibility for Title IV-E adoption assistance" outlines the requirements to adoption assistance for qualified aliens. A change was made to clearly identify the Immigration and Nationality Act.

A copy of the proposed rules is available, without charge, to any person affected by the rules at the address listed below. The rules are 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 and Acquisition Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215, by fax at (614) 752-8289, or by e-mail at [rules@jfs.ohio.gov](mailto:rules@jfs.ohio.gov).

.