

**PUBLIC HEARING NOTICE**  
**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**  
**DATE: September 7, 2006**  
**TIME: 10:00 a.m.**  
**LOCATION: Room 2925, Rhodes State Office Tower**  
**30 East Broad St., Columbus, Ohio 43215**

Pursuant to sections 5101.03, 5101.14, 5101.141, 5101.16, 5101.35, 5153.163, 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 adoption, amendment, and rescission of rules governing children services, as identified below and of a public hearing thereon.

OAC 5101:2-33-18 entitled, Administration of the Title IV-E adoption assistance program, is replacing rule 5101:2-47-03 Administrative overview: adoption assistance. This rule defines components of the AA program and addresses the administrative responsibilities of the agency for the AA program.

OAC 5101:2-49-01 entitled, Adoption assistance criteria and application process, is replacing rule 5101:2-47-28 Adoption assistance eligibility procedure: application process for adoption assistance. This rule outlines the application process for AA. It has been revised to clarify to which PCSA the AA application is submitted, the responsibilities of the PCSA when determining eligibility, and the requirements for the eligibility of children placed from another state into Ohio. The JFS 01451A has been created for the purpose of determination of AA eligibility. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-02 entitled, Adoption assistance eligibility requirements, is replacing rule 5101:2-47-29 Adoption assistance program eligibility: eligibility requirements. This rule specifies the details for establishing eligibility for the AA program. Paragraph (B) has been added to clarify the judicial determination requirements for court orders. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-03 entitled, Special needs criteria for adoption assistance, is replacing rule 5101:2-47-30 Adoption assistance program eligibility: special needs. This rule contains the criteria which must be met in order for the PCSA to make a determination that a child is special needs and eligible for AA. The rule has been revised to clarify the special needs requirements based on the recommendations of a workgroup comprised of state, public and private agency staff. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-04 entitled, Age requirement for adoption assistance, is replacing rule 5101:2-47-33 Adoption assistance program eligibility: age requirement. This rule

stipulates the age limits placed on eligibility for AA. The requirement of the qualified professional has been defined. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-05 entitled, Determination of the adoption assistance payment amount, is replacing rules 5101:2-47-42 Adoption assistance payment rate: determination of the payment amount and 5101:2-47-43 Adoption assistance payment rate: payment rate for adoption assistance. This rule outlines the factors that must be considered in determining the amount of the adoption assistance payment and payment modifications. Revisions have been made to the circumstances taken into consideration when determining the AA payment amount. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-06 entitled, Adoption assistance agreement and duration: provision for financial support and services, is replacing rule 5101:2-47-36 Adoption assistance payment eligibility: adoption assistance agreement and duration; provision for financial support and services. This rule outlines procedures to follow when entering into an AA agreement. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-07 entitled, Adoption assistance agreement only with no payment, is replacing rule 5101:2-47-37 Adoption assistance payment eligibility: agreement only with no payment. The rule outlines the conditions and procedures for completing an AA agreement with no payment option. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-08 entitled, Beginning date of an adoption assistance payment, is replacing rule 5101:2-47-40 Adoption assistance payment eligibility: beginning date of payment. This rule contains information when adoption assistance payments can begin. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-09 entitled, Title IV-E Adoption assistance post-finalization application, is replacing rule 5101:2-47-35 Adoption assistance eligibility procedure: Title IV-E adoption assistance post-finalization application. This rule defines the circumstances used to determine eligibility and the criteria which must be used to enter into an AA agreement after an adoption has been finalized. Revisions have been made to clarify the conditions under which an application can be considered post-finalization. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-10 entitled, Determination of continuing eligibility requirements for adoption assistance, is replacing rule 5101:2-47-34 Adoption assistance program eligibility: determination of continuing eligibility requirements. This rule outlines procedures for determining continued eligibility for adoption assistance. This rule was previously in clearance and has been revised to include comments received from ODJFS Executive Leadership Committee adoption subsidy group. The form JFS 01451B has

been added for the renewal of AA. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-11 entitled, Adoption assistance program reimbursability: adoption assistance payments, is being filed new. It contains procedures for authorizing Title IV-E adoption assistance payments and requesting auxiliary payments. This rule was previously filed and contains changes based on clearance comments and recommendations by the ODJFS ELC adoption subsidy workgroup.

OAC 5101:2-49-12 entitled, Modification/amendment of an adoption assistance agreement, is replacing rule 5101:2-47-38 Adoption assistance payment eligibility: modification/amendment of adoption assistance agreement. This rule contains procedures to follow when modifying or amending an AA agreement. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-13 entitled, Termination of adoption assistance, is replacing rule 5101:2-47-41 Adoption assistance payment eligibility: termination of adoption assistance. This rule outlines the circumstances that result in the termination of an AA agreement. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-15 entitled, Retroactive adoption assistance payment process, is replacing rule 5101:2-47-39 Adoption assistance payment eligibility: payment for retroactive adoption assistance. This rule outlines procedures for the provision of retroactive adoption assistance payments after the adoption finalization. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-17 entitled, Case record requirements for adoption assistance, is replacing rule 5101:2-47-10 Adoption assistance program eligibility: eligibility requirements. The rule provides information on case record requirements for an AA case. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-19 entitled, Title XIX medicaid coverage for Title IV-E adoption assistance eligible children (COBRA), is replacing rule 5101:2-47-06 Administrative procedure: Title XIX medicaid coverage for Title IV-E adoption assistance eligible children (COBRA). This rule contains the procedures to follow for provision of Title XIX medical coverage for children eligible for AA. The sentence structure and punctuations corrections were made.

5101:2-49-21 entitled, Reimbursement of nonrecurring adoption expenses for a child with special needs, is replacing rule 5101:2-47-44 Adoption assistance payment eligibility: reimbursement of nonrecurring adoption expenses for a child with special needs. This rule outlines procedures for public children services agencies to follow when

adoptive families claim reimbursement for nonrecurring adoption expenses. Paragraph (F) has been revised to clarify the provision of forms required for the PCSA to determine eligibility. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-23 entitled, Adoption assistance and intercounty and interstate case management responsibility, is being filed new. This rule contains procedures for intercounty and interstate case management for AA. A new form JFS 01451B has been added for the continuing determination for AA.

OAC 5101:2-49-25 entitled, Qualified and disqualified alien eligibility for Title IV-E adoption assistance, is being filed new. This rule specifies adoption assistance eligibility requirements for qualified aliens. The sentence structure and pronunciation corrections were made.

**The following rules are being rescinded because they are being replaced by new rules in Chapter 5101:2-49:**

Rule 5101:2-47-03 entitled, Administrative overview: adoption assistance.

Rule 5101:2-47-06 entitled, Administrative procedure: Title XIX medicaid coverage for Title IV-E adoption assistance eligible children (COBRA).

Rule 5101:2-47-10 entitled, Adoption assistance program eligibility: eligibility requirements.

Rule 5101:2-47-28 entitled, Adoption assistance eligibility procedure: application process for adoption assistance.

Rule 5101:2-47-29 entitled, Adoption assistance program eligibility: eligibility requirements.

Rule 5101:2-47-30 entitled, Adoption assistance program eligibility: special needs.

Rule 5101:2-47-33 entitled, Adoption assistance program eligibility: age requirement.

Rule 5101:2-47-34 entitled, Adoption assistance program eligibility: determination of continuing eligibility requirements.

Rule 5101:2-47-35 entitled, Adoption assistance eligibility procedure: Title IV-E adoption assistance post-finalization application.

Rule 5101:2-47-36 entitled, Adoption assistance payment eligibility: adoption assistance agreement and duration; provision for financial support and services.

Rule 5101:2-47-37 entitled, Adoption assistance payment eligibility: agreement only with no payment.

Rule 5101:2-47-38 entitled, Adoption assistance payment eligibility: modification/ amendment of adoption assistance agreement.

Rule 5101:2-47-39 entitled, Adoption assistance payment eligibility: payment for retroactive adoption assistance.

Rule 5101:2-47-40 entitled, Adoption assistance payment eligibility: beginning date of payment.

Rule 5101:2-47-41 entitled, Adoption assistance payment eligibility: termination of adoption assistance.

Rule 5101:2-47-42 entitled, Adoption assistance payment rate: determination of the payment amount.

Rule 5101:2-47-43 entitled, Adoption assistance payment rate: payment rate for adoption assistance.

Rule 5101:2-47-44 entitled, Adoption assistance payment eligibility: reimbursement of nonrecurring adoption expenses for a child with special needs.

A copy of the proposed rules are available, without charge, to any person affected by the rule(s) 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 Services, 30 East Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@odjfs.state.oh.us](mailto:rules@odjfs.state.oh.us).