

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

**DATE:** 5/12/21

**TIME:** 10am

**LOCATION:** Teleconference

**Due to COVID-19 precautions this meeting will be held by teleconference. If you would like to submit oral testimony, please call in at the above date and time to 1-614-721-2972. Then enter the meeting I.D. which is 366 264 41#. Written testimony may also be submitted electronically to [rules@jfs.ohio.gov](mailto:rules@jfs.ohio.gov).**

In accordance with Public Law 115-123, Family First Prevention Services Act (FFPSA) made changes to title IV-B and IV-E of the Social Security Act, for a specific category of a non-foster family home setting, the Qualified residential treatment program (Q RTP) placements. Rules are being amended to outline the eligibility and reimbursability requirements for foster care maintenance for child placed into a Q RTP. The rules have also been amended to include FFPSA changes to the eligibility requirement, "living with and removed from a specified relative within the last six months" when a child is removed from a parent and the child is living with a kinship caregiver.

OAC 5101:2-47-01 entitled "**Administration of the Title IV-E Foster Care Maintenance Program.**" This rule sets forth the objectives, goals and responsibilities for the administration of the Title IV-E Foster Care Maintenance (FCM) program. Paragraph (D) added the reference to the Q RTP rule 5101:2-47-21 and Paragraph (G) added language regarding Q RTP aftercare services rule 5101:2-47-21. Revisions included minor changes to language to add clarity.

OAC 5101:2-47-09 "**Case record requirements for foster care maintenance (FCM)**" sets forth the case record responsibilities for FCM. Paragraph (A) was revised by removing language regarding a hard copy being stored due to agencies utilizing Traverse for document imaging and SACWIS. The use of the Child Support form JFS 01435 was removed due to being automated in an interface between SETS/SACWIS.

OAC 5101:2-47-12 "**Title IV-E Foster care maintenance (FCM): Initial determination of program eligibility and reimbursability**" outlines the requirements for determining FCM eligibility and reimbursement. Paragraph (C) was revised to add language to address the FFPSA changes to the eligibility requirement of "living with a specified relative within the last six months" for a child who is a candidate for FFPS and in the home of a kinship caregiver at the time of the removal and the removal is from the parents. Revisions included minor changes to language to add clarity.

OAC rule 5101:2-47-13 entitled "**Title IV-E foster care maintenance (FCM) program eligibility: Legal responsibility requirements**" sets forth the legal responsibility requirements, including judicial determination of best interest and reasonable efforts, for FCM program eligibility. Paragraph (E)(1) was revised to add language to address the FFPSA changes to the eligibility requirement of "living with a specified relative within the last six months" for a child who is a candidate for Family First Prevention Services (FFPS) and in the home of a kinship caregiver at the time of the removal and the removal is from the parents. Revisions included minor changes to language to add clarity.

OAC 5101:2-47-14 "**Title IV-E Foster care maintenance (FCM) program eligibility: ADC-relatedness**" outlines the aid to dependent children (ADC) program requirements for foster care maintenance. Paragraph (D) was revised to add language to address the FFPSA changes to the eligibility requirement of "living with a specified relative within the last six months" for a child who is a candidate for Family First Prevention Services (FFPS) and in the home of a kinship caregiver at the time of the removal and the removal is from the parents. Revisions included minor changes to language to add clarity.

OAC 5101:2-47-15 entitled "**Foster care maintenance program reimbursability: authorization for foster care maintenance and auxiliary payment reimbursements**" outlines the process to receive reimbursement for FCM, difficulty of care auxiliary reimbursements. Paragraph (E) was amended to include residential parenting facilities as a type of FCM reimbursable setting and minor edits to paragraph (J) for clarity.

OAC rule 5101:2-47-16 entitled "**Title IV-E foster care maintenance (FCM) program: Reimbursable placement settings.**" This rule outlines the requirements for placement settings that are eligible for foster care maintenance reimbursement. The rule is being amended to include a Qualified Residential Treatment Program (Q RTP) as defined in rule 5101:2-9-42 of the Administrative Code. Paragraph (B) was amended to add clarity when a child is on a temporary leave from a foster home.

OAC 5101:2-47-19 entitled "**Foster care maintenance program reimbursability: Reimbursements, Graduation Expenses and Personal Incidentals.**" This rule outlines the requirements for reimbursements for graduation expenses and personal incidentals. The rule is being amended to include a Qualified Residential Treatment Program (Q RTP) as defined in rule 5101:2-9-42 of the Administrative Code. Paragraph (D) added reference to the rule 5101:2-47-10 which outlines the reimbursement for foster homes.

OAC 5101:2-47-20 "**Title IV-E Foster care maintenance (FCM) program reimbursability: Supplemental reimbursement for the cost of care for the child of a Title IV-E recipient parent**" outlines the process to receive reimbursement for a child of a minor parent that is not in the custody of a Title IV-E agency. The rule is being amended to include a Qualified Residential Treatment Program (Q RTP) as defined in rule 5101:2-9-42 of the Administrative Code. Paragraphs (A) and (E) were revised to add clarity.

OAC 5101:2-47-21 "**Title IV-E Foster Care Maintenance (FCM) reimbursement for a child placed into a Qualified Residential Treatment Program (Q RTP)**" outlines the reimbursement requirements for a child placed into a Q RTP. The language in this rule mirrors language in other

foster care maintenance eligibility rules, substitute care rule 5101:2-42-12 regarding the assessment and approval process, and the QRTP licensing rule 5101:2-9-42 which includes the requirements for six months of aftercare support.

OAC 5101:2-47-23 "**Beginning date of reimbursability for Title IV-E foster care maintenance (FCM)**" outlines the requirements to begin reimbursement for FCM. Paragraph (A) was revised to add language to address the FFPSA changes to the eligibility requirement of "living with a specified relative within the last six months" for a child who is a candidate for Family First Prevention Services (FFPS) and in the home of a kinship caregiver at the time of the removal and the removal is from the parents.

#### INSTRUCTION:

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, 31<sup>st</sup> Floor, Columbus, Ohio 43215, by fax at (614) 752-8289, or by e-mail at [rules@jfs.ohio.gov](mailto:rules@jfs.ohio.gov).