

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: January 6, 2010
TIME: 10:00 AM
LOCATION: Room 2925, Rhodes State Office Tower
30 East Broad Street, Columbus, Ohio 43215

Pursuant to sections 5101.141 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 adoption, amendment, and rescission of the rules as identified below and of a public hearing thereon.

OAC 5101:2-33-18 entitled, **Administration of the Title IV-E adoption assistance program**, outlines components of the Title IV-E adoption assistance (AA) program and addresses the responsibility of the public children services agency for the adoption assistance program. The rule is being proposed for rescission because the provisions of the rule are included in other rules within chapter 5101:2-49 of the Administrative Code.

OAC 5101:2-49-01 entitled, **Adoption assistance criteria and application process**, outlines the application process for Title IV-E Adoption Assistance (AA). Duplication of the criteria for reasonable efforts to place a child without adoption assistance was deleted from this rule. Clarification was given for the submission of the JFS 06612 "Health Insurance Information Sheet." The form JFS 1451A "Title IV-E Adoption Assistance Application" is updated and reformatted for clarification of eligibility of AA. Punctuation and grammatical changes are made in rule.

OAC 5101:2-49-02 entitled, **Adoption assistance eligibility requirement**, outlines the specific details for establishing eligibility for the AA program. This rule is being rescinded and filed new. Removes language that a JFS 01666 "Permanent Surrender" shall be entered into by a Private Child Placing Agency (PCPA) subsequent to a JFS 01645 being executed no later than ninety-six hours after the birth of the child. The requirement that the adoptive parent(s) shall have a completed homestudy was added to the rule. Removes the AFDC relatedness in the month the adoption petition is filed was taken out of rule for compliance to federal regulation. Incorporates the eligibility criteria de-linking AFDC relatedness, effective October 1, 2009 as a result of Fostering Connections to Success and Increasing Adoptions Act of 2008. Clarifies eligibility criteria for a child who was voluntarily relinquished to a Public Children Services Agency (PCSA) or private non profit agency (PCPA). Revised the JFS 01451A "Title IV-E Adoption Assistance Eligibility Determination" for the determination of eligibility. Establishes form JFS 01448 "Title IV-E Adoption Assistance Non-AFDC-relatedness Eligibility Determination." Reformatted to clarify the eligibility process. Punctuation and grammatical changes are made in rule.

OAC 5101:2-49-02.1 entitled, **Adoption assistance AFDC-relatedness eligibility criteria**, is a new rule which outlines the AFDC-relatedness requirements to determine whether a special

needs child is eligible for Title IV-E adoption assistance. This new rule includes language removed from rule 5101:2-49-02 to clarify the eligibility requirement for a child who is determined eligible for AA as it related to ADFC-relatedness. This rule also clarifies that a child who was voluntarily relinquished to a PCSA or private non profit agency is considered judicially removed and therefore eligible for adoption assistance if certain conditions are met.

OAC 5101:2-49-03 entitled, **Special needs criteria for adoption assistance**, outlines the criteria for the PCSA to use to determine that a child is special needs and eligible for AA. This rule is being rescinded and filed new due to multiple changes to the existing rule. Language added to allow for a child to be determined eligible for AA who has a medical condition. Removed the requirement to post a child on Ohio Adoption Photo Listing (OAPL) to document reasonable effort to place the child without adoption assistance. Clarifies "reasonable efforts" to place the child without adoption assistance. Clarifies the federal requirement that the contrary to welfare statement must be in the first court ruling, even the temporary ruling.

OAC 5101:2-49-04 entitled, **Age requirement for adoption assistance**, outlines the age requirement for a child to be considered eligible for AA. Clarifies the AA eligibility for a child past the age of 18. Clarifies the continuing AA eligibility for a child with an Individualized Education Program (IEP). Defines a qualified professional and includes the criteria in section 4757.23 of the Revised Code. "Medical doctor" replaced "physician." JFS 01453 "Adoption assistance agreement" and JFS 01958 "Referral for Medicaid Continuing Eligibility Review" was updated to include the correct effective date. Punctuation and grammatical changes are made in rule.

OAC 5101:2-49-06 entitled, **Adoption assistance agreement and duration: provision for financial support and services**, outlines the criteria of the adoption assistance agreement and the duration of the agreement. Clarification to what should be contained in the agreement as it relates to provisions for financial support and services. Updated the JFS 01453 "Adoption Assistance Agreement." Reordered the rule for clarity. Removed language that the AA agreement would be suspended if the adoptive parent did not return the JFS 01451-B in a timely manner. Punctuation and grammatical changes are made in rule.

OAC 5101:2-49-07 entitled, **Adoption assistance agreement only with no payment**, outlines the conditions and procedures for completing an AA agreement with a no payment option. Reformatted for clarity. Punctuation and grammatical changes are made in rule.

OAC 5101:2-49-08 entitled, **Beginning date of an adoption assistance payment**, outlines the steps that must be completed before the AA payment can begin. Reformatted the rule for clarity. Punctuation and grammatical changes are made in 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. Reordered the rule for clarification. Corrected the name of the JFS 01673 "Assessment for Child Placement (Homestudy)." Revised the language that stated the social security administration determination had to be completed "at the

time of the adoption petition." Revised the date on form JFS 01453 "Adoption Assistance Agreement." Punctuation and grammatical changes are made in rule.

OAC 5101:2-49-10 entitled, **Determination of continuing eligibility requirements for adoption assistance**, outlines procedures for determining continued eligibility for adoption assistance. Deletes language instructing a PCSA to reduce the AA payment if an adoptive parent fails to submit the annual eligibility determination for continuing eligibility. Reordered for clarity. Punctuation and grammatical changes are made in rule.

OAC 5101:2-49-12 entitled, **Modification/amendment of an adoption assistance agreement**, outlines criteria for modifying or amending an AA agreement. Clarifies that a PCSA shall not automatically modify, suspend, or redirect, the amount of the AA payment for the duration of an adopted child reentering foster care. Reordered for clarity. Punctuation and grammatical changes are made in rule.

OAC 5101:2-49-13 entitled, **Termination of adoption assistance**, outlines the circumstances that result in the termination of an AA agreement. Clarifies the process for terminating an AA agreement. Clarified the PCSA cannot add language to the JFS 01453 that specifies the obligation of the state or PCSA to provide federally funded AA is subject to the appropriation of state funds. Punctuation and grammatical changes are made in rule. Reordered for clarity.

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. Updates form JFS 01453 to reflect the correct revision date. Deleted the language "after the final decree of adoption." Clarifies the adoptive parent must notify the social security administration that the adoptive child is in receipt of AA and Social Security Income. Reordered for clarity. Punctuation and grammatical changes are made in rule.

OAC 5101:2-49-19 entitled **Administrative procedure: 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. This rule is reordered for clarity. This rule has been revised to update the revision date on the form JFS 01453. Punctuation and grammatical changes are made in rule.

Copies of the proposed rules are 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.

Request for a copy of the proposed rules or comments on the rules should be submitted by mail to Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.

