

5101:2-49-06

Adoption assistance agreement and duration: provision for financial support and services.

- (A) ~~The JFS 01453 "Adoption Assistance Agreement" (rev. 10/2006) must be signed by both the~~ The adoptive parent(s) and the public children services agency (PCSA) shall sign the JFS 01453 "Adoption Assistance Agreement" (rev. 3/2010) before the adoption is finalized for each child receiving Title IV-E adoption assistance (AA) payments. The PCSA responsible for determining eligibility for Title IV-E adoption assistance (AA) is also responsible for entering into the JFS 01453.
- (B) The agreement shall ~~must~~ list the payments to be provided and the terms under which such benefits will continue to be available. The AA agreement is binding ~~to both parties,~~ but the payments may be modified at any time in response to a request made ~~by~~ either by the adoptive parent(s) or the PCSA if the adoptive parent(s) agrees to the change.
- (C) The AA agreement is effective on the date it is signed by both the adoptive parent(s) and the PCSA. The AA payments shall not begin before the date on which the child is placed in the adoptive home and all requirements are completed as set forth in rule 5101:2-49-08 of the Administrative Code.
- (D) The AA agreement shall remain in effect regardless of the state in which the adoptive parent(s) resides unless the agreement is terminated pursuant to rule 5101:2-49-13 of the Administrative Code.
- (E) The terms of the AA agreement may be modified or amended at any time if both parties agree to the change in accordance with rule 5101:2-49-12 of the Administrative Code.
- ~~(C)~~(F) The PCSA shall not consider the race, color, or national origin of an adoptive family or of the child for whom a family has indicated an interest in adopting when conducting the negotiation or entering into the JFS 01453.
- ~~(D)~~(G) The PCSA ~~may~~ shall not have a general policy limiting AA prior to the child's eighteenth birthday.
- ~~(E)~~ The AA agreement becomes effective on the date both the adoptive parent(s) and the PCSA representative sign the document but AA payments may begin no earlier than the date on which the child is placed for adoption. The agreement must be signed by the adoptive parent(s) and the PCSA prior to the issuance of the final decree of adoption, unless the conditions specified in rule 5101:2-47-14 of the Administrative Code are present. A copy of the signed agreement must be given to the adoptive parent(s) and the PCSA shall retain a copy in the AA case record.
- (H) The PCSA shall give a copy of the signed agreement to the adoptive parent(s) and shall keep a copy in the AA case record.

~~(F)~~(I) The PCSA and adoptive parent(s) shall specify on the JFS 01453:

- (1) The names ~~Name~~ of the PCSA and ~~the names of~~ the adoptive parent(s).
- (2) The type of agreement, ~~i.e.~~ initial agreement or amended ~~agreement~~.
- (3) The duration of the agreement.
- (4) The name ~~Name~~ of the child ~~to be adopted for whom~~ or who has been adopted ~~the AA agreement has been established~~.
- (5) The amount of monthly AA payments, ~~and the child for whom the payments will be made.~~
- ~~(6) The adoptive parent(s)' agreement with the amount of the monthly AA payments.~~
- ~~(7)~~(6) The child's eligibility for medicaid benefits.
- ~~(8)~~(7) Title XX funded social services to be provided to the child.
- ~~(9)~~(8) ~~Services~~ Other services to be provided to the child ~~whether or not they are available through Title XX.~~
- ~~(10) Provisions for reimbursement of nonrecurring adoption expenses.~~
- ~~(11)~~(9) The adoptive parent(s)' right to appeal through a request for a state hearing.

~~(G)~~(J) The child is eligible for Title XIX and Title XX services in the state in which the child resides, regardless of whether it is the state which entered into the AA agreement. If the state in which the child resides does not provide some or all of the Title XX services listed in the AA agreement, then the PCSA which entered into the AA agreement shall be responsible for providing/securing those particular Title XX services.

~~(H)~~(K) If the parent and the adopted child for whom an AA agreement is in effect moves to another Ohio county, ~~the child will be provided with Title XX services by the county where the child resides. If any of the Title XX services specified in the AA agreement are not available in the county where the child resides, the PCSA in the county which entered into the AA agreement shall be responsible for providing or securing services.~~

- (1) Except as provided in paragraph (K)(2) of this rule, the PCSA in the county the child resides shall provide the child with Title XX services.
- (2) If any of the Title XX services specified in the AA agreement are not available in the county where the child resides, the PCSA in the county which entered into the AA agreement shall provide or secure services.
- ~~(H)~~(L) Nothing shall prohibit the adoptive family from seeking Title XX services available in the county of residence even if they are not already specified in the AA agreement. The adoptive parent(s) may:
- (1) Apply for the Title XX services in the county where they reside, ~~or~~
 - (2) Seek to modify/amend the child's AA agreement.
- ~~(H)~~(M) The adoptive parent(s) has the right to appeal through a request for a state hearing under the following circumstances:
- (1) The PCSA denies eligibility for AA.
 - (2) The PCSA denies the amount of payment assistance requested by the adoptive parent(s) in the child's initial JFS 01453.
 - (3) The PCSA proposes to reduce or terminate the amount of AA payment specified on the current agreement.
 - (4) The PCSA denies a request by the adoptive parent(s) to modify/amend the terms of an existing AA agreement.
- ~~(K)~~(N) The PCSA ~~shall~~must provide written notification to the adoptive parent(s) of any determination to deny eligibility for AA, deny a request for an increase in the amount of AA payment, or to reduce or terminate the AA payment, ~~or deny a request for an increase in the amount of AA payment.~~ The PCSA must also inform the adoptive parent(s) with a copy of the JFS 04059 "Explanation of State Hearing Procedures" (rev. ~~04/2005~~10/2008) along with the JFS 01451 "Title IV-E Adoption Assistance Continuing Eligibility Determination" (rev. 10/2006).
- (O) In accordance with federal requirements, the PCSA may not add any language to the AA agreement that makes the agreement subject to the availability of funds.
- ~~(L)~~ The AA agreement, if made after October 1, 1983, will remain in effect regardless of the state in which the adoptive parent(s) resides at any given time.

- ~~(M)~~(P) The adoptive parent(s) ~~shall~~will comply with any interstate requirements for adoption ~~in the event if that~~ the family moves out-of-state.
- ~~(N)~~ The AA agreement remains in effect for the time period stated, provided that the child meets the continuing eligibility requirements set forth in rule 5101:2-49-10 of the Administrative Code and specified in the AA agreement.
- ~~(O)~~ During the time period specified, the terms of the AA agreement may be modified/amended at any time if both parties agree to the change in accordance with rule 5101:2-49-12 of the Administrative Code.

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CERTIFIED ELECTRONICALLY

Certification

02/19/2010

Date

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