

**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 The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.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.

Ohio Administrative Code (OAC) rule 5101:2-49-01 "Administration of the Adoption Assistance program" outlines the Adoption Assistance (AA) administrative requirements for public children services (PCSA) agencies. The title of the rule has been amended, paragraph (A) has been added to include the responsibilities of the Title IV-E agency in the administration of the AA program. The JFS 01451 "Title IV-E Adoption Assistance Application" (rev. 1/2014) has been revised to add a separate section for the signature(s) of the adoptive parent and the revision date will be updated. The JFS 01451-A "Title IV-E Adoption Assistance Eligibility Determination" (rev. 1/2014) has been revised to include all eligibility requirements for an applicable and non applicable child and shall be used to determine eligibility until the statewide automated child

welfare information system (SACWIS) is updated with the adoption assistance eligibility requirements.

OAC 5101:2-49-02 "Adoption assistance eligibility criteria" sets forth the eligibility criteria for the adoption assistance program. The proposed rule contains the requirements for applicable and non applicable children to be eligible for the adoption assistance program. The JFS 01448 "Title IV-E Adoption Assistance Non-AFDC Relatedness Eligibility Determination" (rev. 4/2010) has been eliminated and contents of the form have been added to the revised JFS 1451-A. The rule has been rescinded and filed as new to clearly explain the requirements.

OAC 5101:2-49-02.1 "Title IV-E Adoption Assistance AFDC-Relatedness Eligibility Criteria" outlines the AFDC-relatedness requirements to determine a special needs child's eligibility for Title IV-E adoption assistance. This rule is proposed to be rescinded as the AFDC-relatedness requirements have been added to rule 5101:2-49-02 of the Administrative Code.

OAC 5101:2-49-03 "Special needs criteria for Adoption Assistance" sets forth the criteria for a child with special needs to be eligible for the Adoption assistance program. In paragraph (A)(2)(g) "licensed" has been added to marriage and family therapist, "licensed social worker who is under the direct supervision of a licensed professional clinical counselor" in the list of qualified professionals. "Mental illness" was removed as it is considered a developmental disability. The proposed rule has been rescinded and filed as new to clearly explain the special needs requirements for adoption assistance eligibility.

OAC 5101:2-49-04 "Requirement for Adoption Assistance past age eighteen" outlines the requirements for adoption assistance for children with an existing adoption assistance agreement that is past the age of eighteen. The title to the rule has been revised, the rule has been rescinded and filed as new to clearly explain the requirements.

OAC 5101:2-49-05 "Determination of the adoption assistance monthly payment amount" outlines how to determine the monthly payment amount for adoption assistance. ODJFS has set a statewide maximum for the adoption assistance program based on foster care expenditure data. If an agency wants to exceed the statewide maximum the agency must request a waiver by completing the JFS 01471 "Waiver request to exceed the Title IV-E Adoption Assistance Statewide Maximum"(Rev. 1/2014). This rule also explains the procedure for adoptive parent(s) to request a state mediation conference if the agency and adoptive parent(s) cannot mutually agree on an adoption assistance monthly payment amount within thirty calendar days of negotiation by submitting the JFS 01470 "Adoption assistance state mediation conference request "(Rev. 1/2014) to state hearings. The rule has been rescinded and filed as new to clearly explain the requirements.

OAC 5101:2-49-06 "Adoption assistance agreement and duration: provision for financial support and services" outlines the criteria of the AA agreement and the duration of the agreement. Minor grammatical changes were made to provide clarity.

OAC 5101:2-49-07 "Adoption assistance agreement only with no payment" outlines the conditions and procedures for completing an AA agreement with no payment option. Language was added to clarify that a child with an AA agreement with no payment is eligible for Title XIX (Medicaid) coverage. Children with an existing AA agreement that was determined to be eligible for adoption assistance with no payment prior to the effective date of this rule will be eligible for Title XIX as of the effective date of the rule.

OAC 5101:2-49-08 "Adoption assistance monthly payments" outlines the procedures for determining when a monthly AA payment shall begin. Grammatical changes were made to this rule.

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.

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