

**LEGAL NOTICE
STATE OF OHIO
DEPARTMENT OF JOB AND FAMILY SERVICES**

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 amendment, adoption and rescission of rules governing children services, as identified below and of a public hearing thereon.

The following rules are being rescinded because they are being replaced by new rules in Chapter 5101:2-45:

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."

The following rules are being proposed for adoption to replace rules that are being rescinded and amended in Chapter 5101:2-47:

Rule 5101:2-45-01 entitled "Administration of the Title IV-E adoption assistance program" which defines the components of the adoption assistance (AA) program and addresses the administrative responsibilities of the AA program.

Rule 5101:2-45-02 entitled "Qualified and disqualified alien eligibility for adoption assistance" specifies eligibility requirements for qualified and disqualified aliens for Title IV-E adoption assistance.

Rule 5101:2-45-03 entitled "Intercounty and interstate case management responsibility for adoption assistance" contains procedures for intercounty and interstate case management for adoption assistance.

Rule 5101:2-45-04 entitled "Title XIX medicaid coverage for Title IV-E adoption assistance eligible children (COBRA)" contains the procedures for agencies to follow to provide Title XIX medical coverage for children eligible for Title IV-E adoption assistance.

Rule 5101:2-45-05 entitled "Notice of a right to a state hearing for adoption assistance" outlines the procedures for an agency to follow regarding providing notice to an adoptive parent of a right to a state hearing for adoption assistance.

Rule 5101:2-45-06 entitled "Case record requirements for adoption assistance" provides information on what information is to be contained in a Title IV-E adoption assistance case record.

Rule 5101:2-45-07 entitled "Authorization for adoption assistance payments" contains procedures for authorizing Title IV-E adoption assistance payments and requesting auxiliary payments.

Rule 5101:2-45-08 entitled "Application process for adoption assistance" outlines the process for applying for Title IV-E adoption assistance. This rule has been revised to clarify to which PCSA the adoption assistance application is to be submitted, the responsibilities of the PCSA when determining eligibility, and eligibility for children placed from another state into Ohio.

Rule 5101:2-45-09 entitled "Adoption assistance eligibility requirements" specifies the requirements to establish eligibility for the adoption assistance program. Language has been added to clarify the judicial determination requirements for court orders.

5101:2-45-10 entitled "Special needs for adoption assistance" contains the criteria that must be met in order for the PCSA to make a determination that a child is special needs and eligible for adoption assistance. Revisions have been made to the special needs requirements of age, sibling group and removal of the "at risk" category of children.

5101:2-45-11 entitled "Age requirement for adoption assistance" stipulates the age limits placed on eligibility for adoption assistance. The rule has been revised to clarify the circumstances under which a child can continue to receive adoption assistance beyond age eighteen.

5101:2-45-12 entitled "Determination of continuing eligibility requirements for adoption assistance" outlines procedures for determining continued eligibility for adoption assistance.

5101:2-45-13 entitled "Title IV-E adoption assistance post-finalization application procedure" provides information on the circumstances that would result in determining eligibility for and entering into an adoption assistance agreement after an adoption has been finalized. Revisions have been made to clarify the circumstances under which an application can be considered post-finalization.

5101:2-45-14 entitled "Adoption assistance agreement and duration; provision for financial support and services" outlines procedures to follow when entering into an adoption assistance agreement.

5101:2-45-15 entitled "Adoption assistance agreement only with no payment" outlines the conditions and procedures for completing an adoption assistance agreement with no payment option.

5101:2-45-16 entitled "Modification/amendment of adoption assistance agreement" contains procedures to follow when modifying or amending an adoption assistance agreement.

5101:2-45-17 entitled "Retroactive adoption assistance payment process" outlines procedures for the provision of retroactive adoption assistance payments as a result of the approval of a post-finalization application.

5101:2-45-18 entitled "Beginning date of an adoption assistance payment" contains information about when adoption assistance payments can begin.

5101:2-45-19 entitled "Termination of adoption assistance" outlines the circumstances that result in the termination of an adoption assistance agreement.

5101:2-45-20 entitled "Determination of the adoption assistance payment amount" outlines the factors to be considered when determining the amount of the adoption assistance payment and payment modification. The rules have been combined due to redundant information. Revisions have been made to the circumstances taken into consideration when determining the AA payment amount.

5101:2-45-21 entitled "Reimbursement of nonrecurring adoption expenses for a child with special needs: specifies the allowable adoption expenses that can be reimbursed and the procedures for public children services agencies to follow when adoptive families claim reimbursement for nonrecurring adoption expenses. Revisions have been made to identify the required forms to be provided by the adoptive parent to the PCSA for the determination of eligibility.

A copy of these proposed rules is available without charge to any person at the address listed below. A public hearing on the proposed rules will be held on September 8, 2003 at 9:30 A.M., until all testimony is heard in the Lobby Hearing Room, 30 East Broad Street, Columbus, Ohio. Either written or verbal testimony on the proposed rules will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than September 8, 2003 will be treated as testimony.

Requests for a copy of the proposed rule or comments on it 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 43266-0423", by fax at (614) 752-8298, or by email at legal@odjfs.state.oh.us.