

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-44-03

Rule Type: Amendment

Rule Title/Tagline: Public children services agency (PCSA) administration of the state adoption maintenance subsidy program.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 7/24/2024
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5153.163
5. **What statute(s) does the rule implement or amplify?** 5153.16, 5153.163
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is proposed for amendment due to a five year review. This rule governs the administration of the State Adoption Maintenance Subsidy (SAMS) program which provides adoption subsidy to qualifying children that do not meet the criteria for Title IV-E.

- 8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

OAC 5101:2-44-03 details the state adoption maintenance subsidy (SAMS) program including the responsibilities of the public children services agency (PCSA). The revisions dates were removed from the rule. The name of the Statewide Automated Child Welfare Information System (SACWIS) was changed to the Comprehensive Child Welfare Information System (CCWIS).

- 9. Does the rule incorporate material by reference? Yes**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(a).

This rule incorporates one or more references to a form or a digital application into which data is entered. This question is not applicable to any incorporation by reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75(B)(4).

This rule incorporates one or more dated references to the U.S. Code. This question is not applicable to any dated incorporation by reference to the U.S. Code because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2)(a).

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0

Not applicable

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

No new costs

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable

III. Common Sense Initiative (CSI) Questions

- 17. Was this rule filed with the Common Sense Initiative Office? No**

- 18. Does this rule have an adverse impact on business? No**

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0
- B. How many existing regulatory restrictions do you propose removing from this rule? 21

(A) A public children services agency (PCSA) is responsible for the administration and determination of eligibility for the state adoption maintenance subsidy. The PCSA shall:

(A)(2) Determine whether the adoptive child meets the special needs criteria for a state adoption maintenance subsidy as described in rule 5101:2-44-06 of the Administrative Code and document the special needs of the child on the JFS 01615 "Approval for State Adoption Maintenance Subsidy." (rev. 4/2019). If the agency determines the child does not meet the special needs criteria for a state adoption maintenance subsidy, the PCSA shall document the reason for this determination on the JFS 07334 "Notice of Denial of Your Application for Assistance." (rev. 9/2011).

(A)(5) Notify the adoptive parent of the approval or denial of the state adoption maintenance subsidy within fifty days of receipt of a complete state adoption maintenance subsidy application packet with the JFS 01615 or the JFS 07334 "Notice of Denial of your application Your Application for Assistance." (rev. 9/2011). The state adoption maintenance subsidy application shall be approved or denied prior to the adoption finalization.

(C) State adoption special service subsidy approvals entered into prior to July 1, 2004 shall be redetermined in accordance with rule 5101:2-44-09 of the Administrative Code.

(D) The PCSA shall establish and maintain policy and procedures governing its state adoption maintenance subsidy program in accordance with 42 U.S.C. section 671(a)(21) (10/24/18) and section 5153.163 of the Revised Code.

(D) Such policy and procedures shall be consistent with Chapter 5101:2-44 of the Administrative Code and shall be part of the PCSA adoption policy prepared pursuant to rule 5101:2-48-05 of the Administrative Code.

(E) The PCSA's policy shall indicate whether the PCSA continues to provide the state adoption special services subsidies for those approvals in effect before July 1, 2004.

(F) The PCSA shall document, in the PCSA's adoption policy, a description of the opportunity for a state hearing pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.

(G) A state adoption maintenance subsidy payment shall continue if the adoptive parent moves to another county, state or country unless the PCSA that approved the subsidy determines that the adoptive parent and the adoptive child are no longer eligible pursuant to rules 5101:2-44-06 and 5101:2-44-08 of the Administrative Code.

(H) The PCSA shall make an annual redetermination of eligibility for the state adoption maintenance subsidy pursuant to rule 5101:2-44-08 of the Administrative Code, unless the state adoption maintenance subsidy payment is suspended pursuant to rule 5101:2-44-10 of the Administrative Code.

(H)(1) The PCSA's approvals and amendments of a state adoption maintenance subsidy shall be documented on the JFS 01615 for the initial agreement, and for redeterminations or amendments, the JFS 01614 "Redetermination or Amendment of a State Adoption Maintenance Subsidy " (7/2014).

(H)(2) The PCSA's suspensions, decreases, and terminations of a state adoption maintenance subsidy shall be documented on the JFS 04065 "Prior Notice of Right to a State Hearing" (rev. 5/2001).

(I) If the PCSA determines the adoptive parent is approved for a state adoption maintenance subsidy payment and the adoptive child has a special need for medical, mental health, or rehabilitative care in accordance with rule 5101:2-44-05.1 of the Administrative Code, the PCSA shall provide the adoptive parent with the following forms, including explanations and instructions:

(K) The PCSA may issue an approval for a state adoption maintenance subsidy prior to the adoptive placement of the child upon the condition that the effective date shall be no earlier than the date of adoptive placement.

(L) State adoption maintenance subsidy payments shall be made for no longer than twelve months prior to the issuance of a final decree, unless a final decree is delayed by proceedings or action under the jurisdiction of the court.

(L) If, for any other reason, finalization of the adoption does not occur within the twelve-month period of the state adoption maintenance subsidy payment, the state adoption maintenance subsidy payment shall be suspended pursuant to rule 5101:2-44-10 of the Administrative Code.

Upon finalization, the suspended subsidy shall be redetermined pursuant to rule 5101:2-44-08 of the Administrative Code.

(M) The PCSA shall provide documentation of the compliance with paragraphs (A) and (G) to (K) of this rule in the adoptive parent's state adoption maintenance subsidy record pursuant to rule 5101:2-44-12 of the Administrative Code.

(N) The PCSA shall assist the adoptive parent in exploring other sources of assistance, support, and services before and after the adoption finalizes.

(O) The PCSA shall make copies of its adoption subsidy policy available to adoptive applicants and the public upon request. The PCSA shall also provide the applicants with the JFS 04059 "Explanation of State Hearing Procedures" (rev. 1/2015) as required by rule 5101:6-2-01 of the Administrative Code.

(P) If the PCSA determined the child did not have a special need for medical, mental health or rehabilitative care in accordance with rule 5101:2-44-05.1 of the Administrative Code, the PCSA shall terminate the child's medicaid coverage in the statewide automated child welfare information system (SACWIS) when the adoption finalizes.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable