

5101:2-44-03

Public children services agency (PCSA) administration of the state adoption maintenance subsidy program.

(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~~is to:

- (1) Provide the JFS 01613 "Application for State Adoption Maintenance Subsidy" ~~(rev. 4/2019)~~ to any prospective adoptive parent(s) of a child in the custody of a PCSA or private child placing agency (PCPA) or upon request.
- (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~~is to document the reason for this determination on the JFS 07334 "Notice of Denial of Your Application for Assistance," ~~(rev. 9/2011)~~.
- (3) Determine whether the child has or does 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 and document on the JFS 01449 "Determination of Special Needs For Medical, Mental Health or Rehabilitative Care," ~~(rev. 7/2016)~~.
- (4) Determine the adoptive child's eligibility status within forty-five days of receipt of a complete state adoption maintenance subsidy application packet. A complete packet will contain a JFS 01613, JFS 01654 "Adoptive Placement Agreement," ~~(rev. 02/2017)~~, if applicable, and the child study inventory. Any other information that may help in determining the special needs and resource needs of the child may be included in the packet.
- (5) Notify the adoptive ~~parent~~parent(s) 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~~is to be approved or denied prior to the adoption finalization.

(B) The PCSA in the county in which a private child placing agency (PCPA) is located is responsible for the administration of a state adoption maintenance subsidy for a child in the permanent custody of the PCPA who is eligible pursuant to rule 5101:2-44-06 of the Administrative Code.

- (C) State adoption special service subsidy approvals entered into prior to July 1, 2004 ~~shall~~ are to be redetermined in accordance with rule 5101:2-44-09 of the Administrative Code.
- (D) The PCSA ~~shall~~ is to 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. Such policy and procedures ~~shall~~ are to be consistent with Chapter 5101:2-44 of the Administrative Code and ~~shall~~ are to 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~~ is to 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~~ is to 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~~ is to continue if the adoptive ~~parent moves~~ parent(s) move to another county, state or country unless the PCSA that approved the subsidy determines that the adoptive ~~parent~~ parent(s) 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~~ is to 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.
- (1) The PCSA's approvals and amendments of a state adoption maintenance subsidy ~~shall~~ are to 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)~~.
- (2) The PCSA's suspensions, decreases, and terminations of a state adoption maintenance subsidy ~~shall~~ are to 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~~ parent(s) are 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~~ is to provide the adoptive ~~parent~~ parent(s) with the following forms, including explanations and instructions:

(1) JFS 01615- "Approval for State Adoption Maintenance Subsidy."

(2) JFS 01449 "Determination of Special Needs for Medical, Mental Health or Rehabilitative Care." ~~(rev. 7/2016).~~

~~(3)~~

(J) If the PCSA determines the adoptive ~~parent~~parent(s) is are approved for a state adoption maintenance subsidy payment, but the adoptive child does 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~~is to provide the adoptive ~~parent~~parent(s) with the following forms, including explanations and instructions:

(1) JFS 01615-completed and signed.

(2) JFS 01449 indicating the child does not have a special need for medical, mental health, or rehabilitative care.

(3) JFS 07334 indicating the child does 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.

(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~~is to be no earlier than the date of adoptive placement.

(L) State adoption maintenance subsidy payments ~~shall~~are to 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. 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~~is to be suspended pursuant to rule 5101:2-44-10 of the Administrative Code. Upon finalization, the suspended subsidy ~~shall~~is to 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.~~

(M) Pursuant to rule 5101:2-44-12 of the Adminstrative Code the state adoption maintenance subsidy record belonging to the adoptive parent(s) is to include documentation provided by the PCSA of compliance with paragraphs (A) and (G) to (K) of this rule.

- (N) The PCSA ~~shall~~is to assist the adoptive ~~parent~~parent(s) in exploring other sources of assistance, support, and services before and after the adoption finalizes.
- (O) The PCSA ~~shall~~is to make copies of its adoption subsidy policy available to adoptive applicants and the public upon request. The PCSA ~~shall~~is to also provide the applicants with the JFS 04059 "Explanation of State Hearing Procedures" (~~rev. 1/2015~~) ~~as required by~~in accordance with 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~~is to terminate the child's medicaid coverage in ~~the statewide automated child welfare information system (SACWIS)~~ Ohio comprehensive child welfare information system (CCWIS) when the adoption finalizes.

Effective:

Five Year Review (FYR) Dates: 7/24/2024

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5153.163
Rule Amplifies: 5153.16, 5153.163
Prior Effective Dates: 10/02/1980, 07/01/1990, 02/13/1998 (Emer.),
05/14/1998, 05/01/2003, 07/01/2004, 05/01/2009,
05/29/2014, 08/01/2019