

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-44-08

**Rule Type:** Amendment

**Rule Title/Tagline:** Redetermination and amendment of a state adoption maintenance subsidy.

**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?** 5153.163,5153.16
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 adoption assistance.

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

OAC 5101:2-44-08 entitled Redetermination and amendment of a state adoption maintenance subsidy (SAMS) outlines the responsibility of the PCSA and the adoptive parent(s) to complete activities for the redetermination of SAMS annually. Language to assist the PCSA in completing the redetermination in the event of a custody change was added.

- 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 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 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).

- 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? 13**

(A) This rule does not apply when the Ohio department of job and family services (ODJFS) determines that state funds are not available to maintain the state adoption maintenance subsidy (SAMS) program at the current maximum monthly funding level. At the beginning of each state fiscal year, the ODJFS shall issue a procedure letter that identifies the maximum monthly funding level for the SAMS.

(C) Redeterminations shall include the following:

(C)(1) The PCSA shall provide written notice of the redetermination to the adoptive parent(s) at least ninety days prior to the annual redetermination date of the JFS 01615.

(C)(2) The redetermination notice shall request the adoptive parent(s) return the following applicable documents within forty-five days of the annual redetermination date:

(D) The PCSA shall determine from the verification submitted by the adoptive parent(s) if the adopted child and adoptive parent(s) remain eligible.

(E) The PCSA shall complete the JFS 01614 "Redetermination or Amendment of a State Adoption Maintenance Subsidy" at least thirty days prior to the annual redetermination date of the JFS 01615.

(E)(1) If the redetermination results in no change in the amount of SAMS, the PCSA shall use the JFS 01614 to inform the adoptive parent(s) of the results and the effective date of the subsidy.

(E)(2) If the redetermination results in a decrease, suspension or termination of the state adoption maintenance subsidy, the PCSA shall use the JFS 01614 to inform the adoptive parent(s) of the reason for the action, its effective date

and submit the JFS 04065 "Prior Notice of Right to a State Hearing" pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code, informing the adoptive parent(s) the right to a state hearing.

(E)(3) If the redetermination results in an increase, the PCSA shall enter into a separate county agreement with the adoptive parent(s) for a county adoption maintenance subsidy.

(F) If the adoptive parent(s) fails to comply with the requirements of a redetermination as described in this rule, the PCSA shall suspend the SAMS pursuant to rule 5101:2-44-10 of the Administrative Code after ninety days and terminate the SAMS pursuant to rule 5101:2-44-11 of the Administrative Code after one hundred eighty days from the redetermination date.

G) An amendment shall be reviewed when requested by the adoptive parent or if the PCSA is aware of:

(H) Upon written request by the adoptive parent(s) for an amendment, the PCSA shall do all of the following:

(I) An adoptive parent receiving a SAMS shall report any significant change in the adoptive family's financial situation or the adoptive child's special needs within thirty days of the change to the PCSA that approved the state adoption maintenance subsidy.

- 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