

5101:2-44-08

Redetermination and amendment of a state adoption maintenance subsidy.

- (A) This rule does not apply when the ~~Ohio department of job and family services (ODJFS)~~ Ohio department of children and youth (DCY) 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~~ DCY is to issue a ~~procedure letter~~ communication that identifies the maximum monthly funding level for the SAMS.
- (B) The public children services agency (PCSA) ~~shall~~ is to complete a redetermination of each SAMS one year from the initial effective date of the JFS 01615 "~~State Adoption Maintenance Subsidy Agreement.~~" Approval for State Adoption Maintenance Subsidy."
- (C) Redeterminations ~~shall~~ are to include the following:
- (1) The PCSA ~~shall~~ is to 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.
 - (2) The redetermination notice ~~shall~~ is to request the adoptive parent(s) return the following applicable documents within forty-five days of the annual redetermination date:
 - (a) The most recent U.S. department of internal revenue service (IRS) income tax form.
 - (b) Proof of receipt of benefits from the social security administration.
 - (c) Proof of receipt of workers compensation.
 - (d) Any other income verification from other providers including pension benefits.
 - (e) Grant funds received in accordance with rule 5101:2-44-15 of the Administrative Code are not to be considered when reviewing the verification of the family's annual gross income.
 - (3) In the event of a judicial determination that alters the custody status in place during the time of the determination, the redetermination is to be completed using the income of both adoptive parents. This rule does not supersede any judicial determination made by the court concerning the SAMS payment.

- (D) The PCSA ~~shall~~is to determine from the verification submitted by the adoptive parent(s) if the adopted child and adoptive parent(s) remain eligible.
- (E) The PCSA ~~shall~~is to 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.
- (1) If the redetermination results in no change in the amount of SAMS, the PCSA ~~shall~~is to use the JFS 01614 to inform the adoptive parent(s) of the results and the effective date of the subsidy.
 - (2) If the redetermination results in a decrease, suspension or termination of the state adoption maintenance subsidy, the PCSA ~~shall~~is to 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.
 - (3) If the redetermination results in an increase, the PCSA ~~shall~~is to 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~~is to 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~~is to be reviewed when requested by the adoptive ~~parent~~parent(s) or if the PCSA is aware of:
- (1) Any change in the adoptive child's or adoptive parent(s) eligibility status.
 - (2) The need for an addition or deletion of the SAMS.
- (H) Upon written request by the adoptive parent(s) for an amendment, the PCSA ~~shall~~is to do all of the following:
- (1) Review the request to amend the SAMS.
 - (2) Make a determination within thirty days once all documentation to review the amendment is received.

- (3) Use the JFS 01614 and the JFS 04065 to inform the adoptive parent(s) of the reason for the action, the effective date and of their right to a state hearing pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.
- (I) ~~An adoptive parent~~ Adoptive parent(s) receiving a SAMS ~~shall~~ are to 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.

Effective:

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Certification

Date

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