

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-49-01

**Rule Type:** Amendment

**Rule Title/Tagline:** Administration of the Title IV-E adoption assistance (AA) 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?** 7/17/2024
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?** 5101.141, 5101.11
5. **What statute(s) does the rule implement or amplify?** 5101.11, 5101.141
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 as a result of the five-year review.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

OAC rule 5101:2-49-01 entitled "Administration of the Adoption Assistance (AA) Program" outlines the AA administrative requirements for public children services agencies (PCSA) and private child placing agencies (PCPA). New language added to the rule in paragraph (B) due to revisions on the JFS 01451 "Title IV-E Adoption Assistance Application" to align with the adoption form JFS 01667 "Adoption Information Disclosure." New language added to the rule in paragraph (F)(2)(c) to include a copy of the JFS 01666 "Permanent Surrender of Child" being provided by the PCPA. Minor grammatical and spelling errors were corrected throughout the rule.

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 Social Security Act. This question is not applicable to those references in this rule because such references are exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(B)(2).

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code (OAC). 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 dated references to an ODJFS form or forms. Each cited ODJFS form is dated and is generally available to persons affected by this rule via the inner-web at <http://innerapp.odjfs.state.oh.us/forms/inner.asp> or on the inter-net at <http://www.odjfs.state.oh.us/forms/inter.asp> in accordance with RC 121.75(E).

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.

0.00

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? Yes**

- 18. Does this rule have an adverse impact on business? Yes**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

A Public Child Placing Agency (PCPA) must have a license in order to place children for adoption.

- 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? Yes**

A PCPA must have a license to operate as a child placing agency in Ohio.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

This proposed rule requires the Public Children Service Agency (PCPA) to inform all adoptive parents about the adoption assistance program and provide the JFS 01616 "Social and Medical History" (rev. 6/2009), JFS 01673 "Assessment for Child Placement" (rev. 8/2022), the JFS 01692 "Application for Adoption of a Foster Child or Sibling Group" (rev 8/2022) and out of state approved home study forms for children that they have placed for adoption that have applied for the adoption assistance program.

- 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?** 14

5101:2-49-01(A) Pursuant to RC 121.95(F) The public children services agency (PCSA) shall

5101:2-49-01(A) Pursuant to RC 121.95(F) The public children services agency (PCSA) shall be responsible for the administration of the Title IV-E adoption assistance (AA)AA program. Administrative expenditures can be claimed for reimbursement only if Title IV-E AA is a direct responsibility of the PCSA. The PCSA shall

5101:2-49-01(B) Pursuant to RC 121.95(F) Prior to finalization of the adoption, the public children services agency (PCSA)PCSA shall

5101:2-49-01(C)(2) Pursuant to RC 121.95(F) A child has been matched with an adoptive parent(s) in accordance with rule 5101:2-48-16 of the Administrative Code by an agency with such authority. If the child is placed for adoption in Ohio from another state, the Ohio agency shall

5101:2-49-01(E) Pursuant to RC 121.95(F) Prior to the finalization of adoption, the adoptive parent(s) shall

5101:2-49-01(E)(3) Pursuant to RC 121.95(F) For a child who is placed for adoption from Ohio into another state and the child is not in the permanent custody of an Ohio PCSA, the adoptive parent(s) shall

5101:2-49-01(E)(3) Pursuant to RC 121.95(F) For a child who is placed for adoption from Ohio into another state and the child is not in the permanent custody of an Ohio PCSA, the adoptive parent(s) shall apply at the Title IV-E agency in the state the adoptive parent(s) resides. The Title IV-E agency in the adoptive parent's state of residence shall

5101:2-49-01(F) Pursuant to RC 121.95(F) If an Ohio PCPA holds permanent custody of a child as a result of a JFS 01666 "Permanent Surrender of Child" (rev. 10/2013), the following requirements shall

5101:2-49-01(F)(1) Pursuant to RC 121.95(F) Prior to finalization of the adoption, the PCPA shall

5101:2-49-01(F)(2) Pursuant to RC 121.95(F) At the time of application by the adoptive parent(s), the PCPA shall

5101:2-49-01(G) Pursuant to RC 121.95(F) The PCSA shall

5101:2-49-01(G) Pursuant to RC 121.95(F) The PCSA shall complete the adoption assistanceAA eligibility determination in the statewide automated child welfare information system (SACWIS) and approve or deny the application within thirty working days after a completed application and all required

5101:2-49-01(I) Pursuant to RC 121.95(F) The PCSA shall

5101:2-49-01(J) Pursuant to RC 121.95(F) In accordance with federal requirements, the PCSA may

- 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

Ohio Department of Children and Youth (DCY)

**TITLE IV-E ADOPTION ASSISTANCE (AA) APPLICATION**

Ohio Administrative Code (OAC) Chapter 5101:2-49 requires that an application be completed and signed for each child that has been matched with an adoptive parent(s) in accordance with OAC rule 5101:2-48-16 "Adoption Preplacement and Placement Procedures" by an agency with such authority. Note: If adoption assistance is provided on behalf of a child who is receiving Supplemental Security Income (SSI) it will be the responsibility of the adoptive parent(s) to advise the Social Security Administration (SSA) regarding the child's receipt of Title IV-E adoption assistance. This application must be completed and signed by the adoptive parent(s).

| <b>SECTION I: ADOPTIVE PARENT(S) INFORMATION</b>   |   |                                     |   |
|--|---|-------------------------------------|---|
| Name of Adoptive Parent ( <i>first and last</i> )  | Name of Adoptive Parent ( <i>first and last</i> ) | Phone Number                        |   |
| Address  |   |                                     |   |
| City, State, Zip   |   |                                     |   |
| <b>SECTION II: AGENCY INFORMATION</b>  |   |                                     |   |
| Name of Custodial Agency   |   | Name of Caseworker                  |   |
| Address  |   |                                     |   |
| City, State, Zip   |   |                                     | Phone Number  |
| <b>SECTION III: CHILD'S INFORMATION</b>  |   |                                     |   |
| Name of Adoptive Child ( <i>First, Middle, Last</i> )  |   | Date of Birth ( <i>mm/dd/yyyy</i> ) | <input type="checkbox"/> Male <input type="checkbox"/> Female |
| What are the child's special needs and dates of diagnosis?   |   |                                     |   |
| <b>COMPLETE IF CHILD WILL BE ATTENDING SCHOOL</b>  |   |                                     |   |
| Name of School   |   | School District                     | Grade   |
| <b>SECTION IV: STATEMENT TO WAIVE ADOPTION ASSISTANCE</b>  |   |                                     |   |
| I affirm that I understand that my child may be eligible for Title IV-E Adoption Assistance, but I do not wish to receive any payment or benefits as it relates to the adoption of the above-named child. By signing my name in the signature box in this section, I waive my right to Adoption Assistance for my adoptive child as indicated in the JFS 01667 "Adoption Information Disclosure." By waiving Adoption Assistance, I understand no further Adoption Assistance subsidy is allowable in the future for this child. |   |                                     |   |
| (Adoptive Parent Signature)  | Date  | (Adoptive Parent Signature)         | Date  |
| <b>SECTION V: HEALTH INSURANCE</b>   |   |                                     |   |
| If the child is or will be covered by health, accident, or hospital insurance, complete the following:   |   |                                     |   |
| Policy Holder  |   | Policy Number                       |   |
| Name of Insurance Company  |   | Effective Date                      |   |
| Benefits to be paid <input type="checkbox"/> Hospital <input type="checkbox"/> Doctor <input type="checkbox"/> Person Insured  |   |                                     |   |
| Identify any limitations/riders affecting the coverage for the child:  |   |                                     |   |
| <b>SECTION VI: SIGNATURE(S) TO APPLY FOR ADOPTION ASSISTANCE</b>   |   |                                     |   |
| Adoptive Parent's Signature  |   | Date                                | Adoptive Parent's Signature                                   |
|  |   |                                     |   |