

TO BE RESCINDED

5101:2-49-05 **Determination of the adoption assistance payment amount.**

- (A) The amount of the Title IV-E adoption assistance (AA) payment is determined by negotiation and mutual agreement between the adoptive parent(s) and the public children services agency (PCSA). Negotiations shall be based on the needs of the child and the circumstances of the adoptive family.
- (B) No income eligibility test shall be used to determine eligibility for AA or the amount of an AA payment.
- (C) The PCSA shall not consider the race, color, or national origin of an adoptive family or of the child for whom a family has indicated an interest in adopting, when negotiating the AA agreement.
- (D) The maximum amount of the AA payment shall not exceed the cost of the foster care maintenance (FCM) payment which was paid or would have been paid if the child for whom the AA payment is made is placed or would have been placed in a foster home operated by the PCSA, as provided in paragraph (E) of this rule.
- (E) To determine the amount the FCM payment would have been if the child had been placed in a foster home operated by the PCSA, the PCSA shall:
- (1) Determine the monthly foster care board rate in effect for a foster home of the PCSA completing the AA agreement at the time the most current agreement or modification/amendment to an existing agreement is signed.
 - (2) Determine the amounts of any special, exceptional or intensive needs difficulty of care payments, clothing payments, school supplies, and other allowable FCM payments which are not part of the daily or monthly foster care board rate, if the same payments are equally available to a Title IV-E and non-Title IV-E child as described in rule 5101:2-47-02 of the Administrative Code. The annual payment shall be divided by twelve and the quotient added to the monthly foster care board rate as described in paragraph (E)(1) of this rule.
- (F) The amount of the AA payment may be modified/amended at any time that the AA agreement is in effect to support the needs of the child and circumstances of the adoptive family.
- (G) If the child receives supplemental security income (SSI) benefits, the child may receive AA and SSI concurrently.

- (1) The child's SSI benefits shall be considered in the negotiation and determination of the AA payment amount.
 - (2) If there is concurrent receipt of payments from both programs, the social security administration will decrease the SSI benefit by the AA payment amount.
- (H) If the adoptive parents(s) and the PCSA cannot agree on the initial or modified amount of AA, the adoptive parent(s) has the right to request a state hearing. In such cases, the PCSA must inform the adoptive parent(s) in writing of its decision to deny the amount of AA requested by the adoptive parent(s) and the right to a state hearing.

In cases where the PCSA and the adoptive parent(s) cannot agree on the initial AA payment amount, an AA agreement may be completed for a mutually acceptable level of monthly AA payment while negotiations continue or the adoptive parent(s) requests a state hearing.

Effective: 07/01/2014

R.C. 119.032 review dates: 03/14/2014

CERTIFIED ELECTRONICALLY

Certification

05/19/2014

Date

Promulgated Under: 119.03
Statutory Authority: 5101.141, 5103.03, 5153.16
Rule Amplifies: 5101.11, 5101.141, 5103.03, 5153.16
Prior Effective Dates: 1/1/83, 1/1/85 (Emer.), 4/1/85 (Emer.), 8/12/85, 4/1/86 (Emer.), 7/1/86, 7/2/87, 9/1/92, 1/1/83, 4/1/86 (Emer.), 7/1/86, 10/9/86 (Emer.), v1/1/87, 7/2/87, 9/1/89 (Emer.), 11/30/89, 1/13/92 (Emer.), 4/11/92, 3/20/93, 5/1/98, 1/1/07