

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-49-05

Rule Type: Amendment

Rule Title/Tagline: Initial determination of the Title IV-E adoption assistance (AA) monthly payment amount.

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?** 9/6/2024
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, 5103.03, 5153.166
5. **What statute(s) does the rule implement or amplify?** 5101.11, 5101.141, 5103.03, 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 a result of a five year rule amendment.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Ohio Administrative Code (OAC) rule 5101:2-49-05 entitled "Initial Determination of the Title IV-E Adoption Assistance (AA) Monthly Payment Amount" outlines how to determine the monthly payment amount for adoption assistance (AA).

- Language was added in paragraph (B) to identify additional characteristics which may not be considered when a prospective adoptive parent(s) is interested in adopting and negotiating an AA agreement.
- Language was included in the rule in paragraph (C) to inform Public Children's Services Agencies (PCSA) to not consider the Ohio Adoption Grant Program when negotiating the AA agreement in accordance with rule 5101:2-44-15 of the Administrative Code. The Ohio Adoption Grant Program is a one-time payment, per child, provided to eligible adoptive parents for qualifying adoptions finalized on or after January 1, 2023, as long as state funds are available.
- Clarification in paragraph (D) any social security benefits available to the child after adoption finalization are to be considered in the negotiation process.
- Clarification was added to paragraph (G) a PCSA shall enter into a separate county agreement with the adoptive parent(s) for a county adoption maintenance subsidy that exceeds the Foster Care Maintenance amount the child would receive if he/she were currently in a foster home.
- Language was added in paragraph (H) to align with federal guidance in the Social Security Act 473(a)(3) and in accordance with 45 CFR 1356.20 and 1356.40 the fiscal requirement of federal payments for AA under Title IV-E.
- Extension of the mediation conference in paragraph (J)(1) to be held within sixty days to allow for conference documentation preparation.
- The rule has been amended to remove the revision date from the form(s) referenced in 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 Ohio Revised Code (ORC). This question is not applicable to any incorporation by reference to the ORC 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 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(B)(4).

- 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

No expected fiscal effects on current or future budgets.

- 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.**

This will have no impact on revenues or expenditures.

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? 18

5101:2-49-05(B). Pursuant to RC 121.95 (F). (B) The PCSA shall

5101:2-49-05(C). Pursuant to RC 121.95 (F). (C) The PCSA shall

5101:2-49-05(D). Pursuant to RC 121.95 (F). (D) No income eligibility test shall

5101:2-49-05(D). Pursuant to RC 121.95 (F). (D) The monthly AA payment amount should combine with the adoptive parent(s) resources and circumstances as provisionally required by the adoptive homestudy and shall

5101:2-49-05(D). Pursuant to RC 121.95 (F). (D) When changes occur to the special needs and circumstances of the child and family, those needs shall

5101:2-49-05(D). Pursuant to RC 121.95 (F). (D) The child's supplemental security income (SSI) benefits shall

5101:2-49-05(D). Pursuant to RC 121.95 (F). (D) The special needs of the child shall

5101:2-49-05(E). Pursuant to RC 121.95 (F). (E) The maximum amount of the monthly AA payment shall

5101:2-49-05(F). Pursuant to RC 121.95 (F). (F) The AA payment shall

5101:2-49-05(F). Pursuant to RC 121.95 (F). (F) The PCSA shall

5101:2-49-05(G). Pursuant to RC 121.95 (F). (G) Notification of the approval or denial of the MAASM waiver request shall

5101:2-49-05(H). Pursuant to RC 121.95 (F). (H) Any amount paid for an AA subsidy that exceeds the FCM amount the child would receive if he/she were currently in a foster home shall

5101:2-49-05(I). Pursuant to RC 121.95 (F). (I) Any monthly AA payment amount in excess of the statewide maximum, prior to July 1, 2014, shall

5101:2-49-05(I). Pursuant to RC 121.95 (F). (I) Any monthly AA payment amount in excess of the statewide maximum, prior to July 1, 2014, shall remain in effect and shall

5101:2-49-05(K). Pursuant to RC 121.95 (F). (K) The JFS 01470 shall

5101:2-49-05(K)(1). Pursuant to RC 121.95 (F). (K)(1) The state mediation conference shall

5101:2-49-05(L). Pursuant to RC 121.95 (F). (L) If the PCSA and the adoptive parent(s) do not agree to a mediation conference after sixty-days from the initial negotiation meeting, the PCSA shall

5101:2-49-05(M). Pursuant to RC 121.95 (F). (M) The PCSA shall

- 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

