

5101:2-49-05 **Initial determination of the Title IV-E adoption assistance (AA) monthly payment amount.**

- (A) The monthly amount of the AA payment is determined by negotiation and mutual agreement between the adoptive parent(s) and the public children services agency (PCSA).
- (B) The PCSA ~~shall~~ is not to consider the religion, sex, age, disability, race, color, or national origin of an adoptive parent(s) or of the child for whom a family who has indicated an interest in adopting, when negotiating the AA agreement.
- (C) The PCSA ~~shall~~ is to consider viability of other relevant resources from local, state, and federal program services that are available and pertinent to the child's special needs and prospective adoptive parent(s) needs when determining the payment amount. Ohio adoption grant program (OAGP) funds received in accordance with rule 5101:2-44-15 of the Administrative Code are not to be considered when negotiating the AA agreement.
- (D) No income eligibility test ~~shall~~ is to be used when determining the monthly AA payment. The monthly AA payment amount should combine with the adoptive parent(s) resources and circumstances as ~~provisionally required~~ identified by the adoptive homestudy and ~~shall~~ is to provide for the special and foreseeable future needs of the child. When changes occur to the special needs and circumstances of the child and family, those needs ~~shall~~ are to be addressed or reviewed pursuant to rule 5101:2-49-12 of the Administrative Code. ~~The child's supplemental security income (SSI)~~ Any social security benefits that will continue to be available to the child after finalization shall are to be considered along with the adoptive parent(s) resources in the negotiation and determination of the AA payment amount. The special needs of the child ~~shall~~ are to be based upon rule 5101:2-49-03 of the Administrative Code.
- (E) The maximum amount of the monthly AA payment ~~shall~~ is not to exceed the current cost of the monthly foster care maintenance (FCM) payment that was paid or would have been paid by the PCSA if the child had been placed in a foster home.
- (F) If the child's AA amount is more than the monthly adoption assistance statewide maximum (MAASM), the agency is to document the justification as to why the amount is over the MAASM in Ohio comprehensive child welfare information system (Ohio CCWIS) ~~the PCSA may request from the Ohio department of job and family services (ODJFS) a waiver to exceed the MAASM AA payment amount when the PCSA determines it is in the best interest of the child. The AA payment shall not exceed the FCM amount that was paid or would have been paid if the child was placed in a foster home. The PCSA shall~~ is to complete a waiver request in ~~the statewide automated child welfare information system (SACWIS)~~ Ohio CCWIS.

~~(G)~~ Notification of the approval or denial of the MAASM waiver request shall be made within ten business days upon receipt of the waiver request. The approval or denial of a waiver is a final determination and does not grant the PCSA state hearing rights under section 5101.35 of the Revised Code or Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.

~~(H)~~(G) 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 shallis to be paid by the county. This amount is to be included in a separate agreement outside of the AA agreement.

~~(H)~~(H) Federal financial participation (FFP) for any AA agreement with a Any monthly AA payment amount in excess of the statewide maximum, prior to July 1, 2014, shallis to remain in effect and shallis to continue to receive federal financial participation (FFP) FFP up to the current FCM payment for a child in the same level of care.

~~(I)~~(I) If the child receives SSI benefits, the child may receive AA and SSI concurrently as outlined in the DCY 01451 "Title IV-E Adoption Assistance Application."; If there is concurrent receipt of payments from both programs, the social security administration will decrease the monthly SSI benefit by the monthly AA payment amount.

~~(K)~~(J) If the PCSA and the adoptive parent(s) cannot mutually agree on the monthly AA payment amount after thirty ~~calendar~~ days from the initial negotiation meeting, the adoptive parent(s) or the PCSA may request with the agreement of the other party a state mediation conference using the ~~JFS~~DCY 01470 "Title IV-E Adoption Assistance State Mediation Conference Request" (rev. 7/2019) to develop a mutually acceptable level of monthly AA payment amount. The ~~JFS~~DCY 01470 shallis to be sent to the ODJFS agency state hearings department.

(1) The state mediation conference shallis to be held within thirty~~sixty business~~ days from the receipt of the request.

(2) If the state mediation conference is successful and results in a mutually acceptable monthly AA payment amount, it is considered a final decision between both parties.

(3) If the PCSA and the adoptive parent(s) cannot mutually agree on a monthly AA payment amount at the state mediation conference, the adoptive parent(s) may request a state hearing in accordance with provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.

~~(L)~~(K) 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 shallis to notify the

adoptive parent(s) of their rights to a state hearing in accordance with provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.

~~(M)~~(L) The PCSA ~~shall~~is to document the following in ~~the statewide automated child welfare information system (SACWIS)~~Ohio CCWIS:

- (1) Initial agreed upon monthly AA payment amount.
- (2) If applicable, the outcome of the state mediation conference, state hearing and administrative appeal.

Effective:

Five Year Review (FYR) Dates: 9/6/2024

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 5101.141, 5103.03, 5153.166  
Rule Amplifies: 5101.11, 5101.141, 5103.03, 5153.16  
Prior Effective Dates: 01/01/1983, 01/01/1985 (Emer.), 04/01/1985 (Emer.),  
08/12/1985, 04/01/1986 (Emer.), 07/01/1986,  
07/02/1987, 09/01/1989 (Emer.), 11/30/1989,  
01/13/1992 (Emer.), 04/11/1992, 09/01/1992,  
03/20/1993, 05/01/1998, 01/01/2007, 07/01/2014,  
09/01/2019