

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 not consider the race, color, or national origin of an adoptive parent(s) or of the child for whom a family has indicated an interest in adopting, when negotiating the AA agreement.
- (C) The PCSA shall 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.
- (D) No income eligibility test shall 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 by the adoptive homestudy and shall 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 be addressed or reviewed pursuant to rule 5101:2-49-12 of the Administrative Code. The child's supplemental security income (SSI) benefits shall 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 be based upon rule 5101:2-49-03 of the Administrative Code.
- (E) The maximum amount of the monthly AA payment shall not 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 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 complete a waiver request in the statewide automated child welfare information system (SACWIS).
- (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) 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 be paid by the county.
- (I) Any monthly AA payment amount in excess of the statewide maximum, prior to July 1, 2014, shall remain in effect and shall continue to receive federal financial participation (FFP) up to the current FCM payment for a child in the same level of care.
- (J) If the child receives SSI benefits, the child may receive AA and SSI concurrently. 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) 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 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 01470 shall be sent to the ODJFS state hearings department.
- (1) The state mediation conference shall be held within thirty 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) 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 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) The PCSA shall document the following in the statewide automated child welfare information system (SACWIS):
- (1) Initial agreed upon monthly AA payment amount.

(2) If applicable, the outcome of the state mediation conference, state hearing and administrative appeal.

Replaces: This rule replaces rule 5101:2-49-05.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

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