

5101:2-49-06 **Adoption assistance agreement and duration: provision for financial support and services.**

- (A) The adoptive parent(s) and the public children services agency (PCSA) shall sign the JFS 01453 "Adoption Assistance Agreement" (rev. ~~3/2010~~4/2010) before the adoption is finalized. The PCSA responsible for determining eligibility for Title IV-E adoption assistance (AA) is also responsible for entering into the JFS 01453.
- (B) The agreement shall list the payments to be provided and the terms under which such benefits will continue to be available. The AA agreement is binding, but the payments may be modified at any time in response to a request made either by the adoptive parent(s) or the PCSA if the adoptive parent(s) agrees to the change.
- (C) The AA agreement is effective on the date it is signed by both the adoptive parent(s) and the PCSA. The AA payments shall not begin before the date ~~on which~~that the child is placed in the adoptive home and all requirements are completed as set forth in rule 5101:2-49-08 of the Administrative Code.
- (D) The AA agreement shall remain in effect regardless of the state ~~in which~~where the adoptive parent(s) resides unless the agreement is terminated pursuant to rule 5101:2-49-13 of the Administrative Code.
- (E) The terms of the AA agreement may be modified or amended at any time if both parties agree to the change in accordance with rule 5101:2-49-12 of the Administrative Code.
- (F) 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 conducting the negotiation or entering into the JFS 01453.
- (G) The PCSA shall not have a general policy limiting AA prior to the child's eighteenth birthday.
- (H) The PCSA shall give a copy of the signed agreement to the adoptive parent(s) and ~~shall~~ keep a copy in the AA case record.
- (I) The PCSA and adoptive parent(s) shall specify on the JFS 01453:
- (1) The names of the PCSA and the adoptive parent(s).
 - (2) The type of agreement, initial agreement or amended.

- (3) The duration of the agreement.
 - (4) The name of the child for whom the AA agreement has been established.
 - (5) The amount of monthly AA payments.
 - (6) The child's eligibility for medicaid benefits.
 - (7) Any Title XX funded social services to be provided to the child.
 - (8) Any Other services to be provided to the child.
 - ~~(9) The adoptive parent(s)' right to appeal through a request for a state hearing.~~
- (J) ~~The child is eligible for Title XIX and Title XX services in the state in which the child resides, regardless of whether it is the state which entered into the AA agreement. If the state in which the child resides does not provide some or all of the Title XX services listed in the AA agreement, then the PCSA which entered into the AA agreement shall be responsible for providing/securing those particular Title XX services.~~ The PCSA that entered into the AA agreement shall secure Title XIX and Title XX services if the services are not available in the state or county where the child resides in accordance with rule 5101:2-49-23 of the Administrative Code.
- ~~(K) If the parent and the adopted child for whom an AA agreement is in effect moves to another Ohio county:~~
- ~~(1) Except as provided in paragraph (K)(2) of this rule, the PCSA in the county the child resides shall provide the child with Title XX services.~~
 - ~~(2) If any of the Title XX services specified in the AA agreement are not available in the county where the child resides, the PCSA in the county which entered into the AA agreement shall provide or secure services.~~
- ~~(L)~~(K) Nothing shall prohibit the adoptive family from seeking Title XX services available in the county of residence even if they are not already specified in the AA agreement. The adoptive parent(s) may:
- (1) Apply for the Title XX services in the county where they reside.
 - (2) Seek to modify/amend the child's AA agreement.

~~(M)~~(L) The adoptive parent(s) has the right to appeal through a request for a state hearing under the following circumstances:

- (1) The PCSA denies eligibility for AA.
- (2) The PCSA denies the amount of payment assistance requested by the adoptive parent(s) in the child's initial JFS 01453.
- (3) The PCSA proposes to reduce or terminate the amount of AA payment specified on the current agreement.
- (4) The PCSA denies a request by the adoptive parent(s) to modify/amend the terms of an existing AA agreement.

~~(N)~~(M) The PCSA shall provide written notification to the adoptive parent(s) of: any determination to deny eligibility for AA, deny a request for an increase in the amount of AA payment, or to reduce or terminate the AA payment. ~~The PCSA must also inform the adoptive parent(s) with a copy of the JFS 04059 "Explanation of State Hearing Procedures" (rev. 10/2008) along with the JFS 01451 "Title IV-E Adoption Assistance Continuing Eligibility Determination" (rev. 10/2006).~~

(N) The PCSA shall inform the adoptive parent(s) of all decisions to deny or approve AA with a copy of the JFS 04059 "Explanation of State Hearing Procedures" (rev. 10/2008) along with the JFS 01451-B "Title IV-E Adoption Assistance Continuing Eligibility Determination" (rev. 10/2006).

(O) In accordance with federal requirements, the PCSA may not add any language to the AA agreement that makes the agreement subject to the availability of funds.

(P) The adoptive parent(s) shall comply with any interstate requirements for adoption if the family moves out-of-state.

Effective: 12/15/2011

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CERTIFIED ELECTRONICALLY

Certification

11/16/2011

Date

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