

5101:2-49-09.1 **Title IV-E adoption assistance (AA) retroactive payment process.**

(A) A child is eligible for retroactive adoption assistance (AA) payment if any one of the following occur:

- (1) The public children services agency (PCSA) and the adoptive parent(s) mutually agree that the child is eligible for a retroactive adoption assistance payment after the adoption finalization, or
- (2) A state hearing decision or administrative appeal decision determines the child is eligible for retroactive AA payment.

(B) The agency and the adoptive parent(s) will engage in a negotiation process based on the special needs of the child and the resources and circumstances of the adoptive parent(s) to determine the amount of the retroactive AA payment based on the following circumstances:

- (1) The retroactive AA payment ~~shall~~ shall not exceed the foster care maintenance (FCM) payment for the level of care that would have been paid by the PCSA if the child had been placed in a family foster home.
- (2) The monthly amount of AA ~~shall~~ shall be determined in the same manner as AA benefits negotiated prior to the adoption finalization, until one calendar day prior to the effective date of the current AA agreement.
- (3) The PCSA ~~shall~~ shall manage the retroactive AA payment separately from any current or future AA payment negotiated between the adoptive parent(s) and the agency.
- (4) The retroactive AA payment ~~shall~~ shall be based on the total eligible months the child would have received an AA payment had the child been determined eligible on the date that:
 - (a) The adoptive parent(s) submitted the JFS 01451 "Title IV-E Adoption Assistance Application" (~~rev. 12/2015~~) to the PCSA;
 - (b) The child was placed for adoption; or
 - (c) The child's adoption was finalized.

(C) If the agency and the adoptive parent(s) are unable to agree on the retroactive AA payment the agency will follow the procedures outlined in ~~paragraph (H) of rule 5101:2-49-05~~ of the Administrative Code.

- (D) The PCSA ~~shallis~~ shall not to approve a retroactive AA payment for a month in which a state adoption maintenance subsidy payment was made.
- (E) The PCSA ~~shallis~~ shall to notify the adoptive parent(s) that retroactive AA payments have been approved for the child using the JFS 01454 "Approval and Agreement for Title IV-E Retroactive Adoption Assistance Payments," ~~(rev. 12/2015)~~.
- (F) The JFS 01454 ~~shallis~~ shall to set forth the terms of the retroactive AA payment.
- (G) The PCSA ~~shallis~~ shall to enter the applicable events in ~~the statewide automated child welfare information system (SACWIS)~~ Ohio comprehensive child welfare information system (Ohio CCWIS) to reflect dates and monthly payment amounts covered by the period of the retroactive payment approval.
- (H) The PCSA ~~shallis~~ shall to provide the adoptive parent(s) with a copy of the completed JFS 01454.
- (I) The PCSA ~~shallis~~ shall to retain a copy of the state hearing decision, administrative appeal decision or judicial determination rendered that determined the child either met the eligibility for AA or ordered the PCSA to reconsider eligibility for AA in the child's AA case record. The PCSA ~~shallis~~ shall to also retain a copy of the JFS 01451 and the JFS 01453 "Title IV-E Adoption Assistance Agreement" ~~(rev. 7/2019)~~ setting forth the provision for future AA payments.

Effective:

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Certification

Date

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