

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-49-09

Rule Type: Amendment

Rule Title/Tagline: Title IV-E adoption assistance (AA) post-finalization application.

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?** 7/1/2024
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
5. **What statute(s) does the rule implement or amplify?** 5101.11, 5101.141
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 proposed for amendment as a result of a five-year review.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

OAC rule 5101:2-49-09 entitled "Title IV-E Adoption Assistance (AA) Post-Finalization Application" outlines the criteria for determining AA eligibility and entering into an AA agreement after the adoption finalization. An application must be signed and included in the AA case record or adoption case file, even if subsidy is declined. Language included in paragraph (A) that an AA application can be submitted after finalization, one time, if prior to the finalization of adoption, the AA agreement was not executed due to one of the following (1) relevant facts were not present or (2) adoptive parent(s) was not aware of AA subsidy as indicated in the JFS 01667 "Adoption Information Disclosure." Inclusion of PCSA and PCPA disclosure requirement in paragraph (B) to align with adoption rules in chapter 5101:2-48. Paragraph (C) provides special needs eligibility requirements for post-finalization. AA payment effective date clarification in paragraph (H). New language was in paragraph (I) for children in an independent adoption eligibility requirement. 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 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 fiscal effects expected on current or future budget.

13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

No new costs of compliance.

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.

No.

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? 8

5101:2-49-09(B). Pursuant to RC 121.95 (F). (B)The child shall

5101:2-49-09(C). Pursuant to RC 121.95 (F). (C)The following procedures shall

5101:2-49-09(C)(1). Pursuant to RC 121.95 (F). (C)(1)The adoptive parent(s) shall

5101:2-49-09(C)(2). Pursuant to RC 121.95 (F). (C)(2)At the time the JFS 01451 is submitted, the adoptive parent(s) shall

5101:2-49-09(D). Pursuant to RC 121.95 (F). (D) If the PCSA determines that the child is eligible for adoption assistance post-finalization, without a state hearing, the agency shall

5101:2-49-09(D). Pursuant to RC 121.95 (F). (D) If the PCSA determines that the child is eligible for adoption assistance post-finalization, without a state hearing, the agency shall process the application for adoption assistance, otherwise the PCSA shall

5101:2-49-09(F). Pursuant to RC 121.95 (F). (F)If a state hearing decision determines that one or more of the circumstances set forth in paragraph (A) of this rule were present, the PCSA shall

5101:2-49-09(G). Pursuant to RC 121.95 (F). (G)If all of the conditions set forth in paragraphs (C) and (D) of this rule are met, the effective date for current and future AA payments 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