

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-49-10

Rule Type: Amendment

Rule Title/Tagline: Title IV-E adoption assistance (AA) ongoing verification.

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?**

The rule is proposed for amendment as a result of the five year review.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

OAC rule 5101:2-49-10 entitled "Title IV-E Adoption Assistance (AA) Ongoing Verification" outlines the responsibilities of the PCSA and the adoptive parent(s) to provide assurance of legal responsibility, school attendance and eligibility for continued Medicaid coverage through the AA program. Clarification to paragraph (A) regarding adoptive parent(s) receiving the JFS 01451-B "Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage" annually from the effective date of the agreement. Additional language was added in paragraphs (E)(2) and (G)(1) to define enlistment as the date of report for active duty. Inclusion of new language in paragraph (B) to provide guidance to PCSA's not to reduce, suspend, or terminate the AA subsidy solely because the JFS 01451-B is not returned. Minor edits were made throughout the rule for clarification. 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 references to another rule or rules of the Ohio Administrative Code (OAC). This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

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

Not Applicable

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

No new costs

- 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.**

Not Applicable

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? 6

5101:2-49-10(A) Pursuant to RC 121.95(F). (A) The public children services agency (PCSA) responsible for the Title IV-E adoption assistance (AA) AA agreement shall

5101:2-49-10(B) Pursuant to RC 121.95(F). (B)For a child who has attained the minimum age for compulsory school attendance the PCSA shall

5101:2-49-10(D) Pursuant to RC 121.95(F). (D)The adoptive parent(s) shall

5101:2-49-10(D)(3) Pursuant to RC 121.95(F). (D)(3) The adoptive parent(s) shall

5101:2-49-10(E) Pursuant to RC 121.95(F). (E) The adoptive parent(s) shall

5101:2-49-10(G) Pursuant to RC 121.95(F). (G) If the child no longer meets the requirements for AA, the PCSA 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