

5101:2-49-11

Suspension of Title IV-E adoption assistance (AA) payment.

- (A) The public children services agency (PCSA) that entered into the AA agreement after February 14, 2018, may suspend the AA payment when all of the following are met:
- (1) The PCSA ~~cannot~~ is unable to establish contact with the adoptive parent(s) to determine if the adoptive parent(s) are legally responsible for the support of the child.
 - (2) The PCSA can document concerted efforts that were made to contact the adoptive parent(s) to determine what support is provided to the child. Concerted efforts include various methods to make contact with the adoptive parent(s) such as telephone calls, mailings, text, emails, and face-to-face contact.
 - (3) The AA agreement or amended AA agreement ~~shall~~ is to include the provisions of suspension.
- (B) When the PCSA proposes to suspend AA payment, the PCSA ~~shall~~ is to complete the JFS 01452 "Notice of Adverse Action for Title IV-E Adoption Assistance (AA)" and provide the adoptive parent(s) with the following:
- (1) A written notice that the PCSA intends to suspend AA payments.
 - (2) The reason(s) for the intended suspension.
 - (3) The adoptive parent(s) right to a state hearing.
 - (4) The state hearing ~~shall~~ is to be requested within fifteen days from the mailing date of the notice in accordance with provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.
 - (5) When the AA payment is suspended, the adoptive parent(s) has ninety days from the mailing date of the notice to make contact and provide documentation of support.
- (C) If a state hearing is requested timely, within fifteen days of the mailing date on the notice, the AA payment ~~shall~~ is to continue until a state hearing decision is issued.
- (D) If no state hearing is requested timely, within fifteen days, the AA payments ~~shall~~ are to be suspended.
- (E) If a state hearing is requested and the state hearing decision is favorable to the adoptive parent(s), AA payments ~~shall~~ are to continue in accordance with the terms of the AA agreement, or an amended agreement may be entered into by mutual agreement.

- (F) If the PCSA has suspended an AA payment, the PCSA ~~shall~~ is to follow the procedures as outlined in rule 5101:2-49-13 of the Administrative Code.
- (G) If the adoptive parent(s) contacts the PCSA while the AA payment is suspended and can provide documentation that meets the ongoing verification requirement to show continued support of the child, AA payments may be reinstated retroactive back to the date of suspension, unless the PCSA has terminated the AA payment pursuant to rule 5101:2-49-13 of the Administrative Code.
- (H) Although the PCSA may suspend a child's adoption assistance payment under the circumstances described in this rule, the child's eligibility for, and receipt of, medicaid is not to be suspended while the adoption assistance agreement is in effect.
- (I) The PCSA is not to reduce or suspend adoption assistance solely because the adoptive parent(s) fails to reply to the PCSA's request for information or return of the JFS 01451-B "Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage" while the adoption assistance agreement is in effect.

Effective:

Five Year Review (FYR) Dates: 7/1/2024

Certification

Date

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