

5101:2-49-12      **Amendment of the Title IV-E adoption assistance (AA) agreement.**

- (A) Prior to the expiration date of the JFS 01453 "Title IV-E Adoption Assistance Agreement," ~~(rev. 7/2019)~~, the adoptive parent(s) and the public children services agency (PCSA) may by mutual agreement amend the JFS 01453. The amended agreement shallis to meet all other requirements of rule 5101:2-49-06 of the Administrative Code.
- (B) Any request for an amendment to the AA agreement shallis to contain newly documented special needs of the child or circumstances of the adoptive parent(s) that were not previously subject to the current agreement.
- (C) A clear written statement documenting the assessment, evaluation, or update from a culturally competent, as defined in rule 5101:2-1-01 of the Administrative Code, qualified professional as defined in rule 5101:2-49-03 of the Administrative Code, is to occur within the last twelve months when a child's eligibility is based on physical/mental disability or medical condition. The statement is to include an opinion to the prognosis and recommendations for future treatment updates.
- ~~(D)~~ (D) At any time while the JFS 01453 is in effect, the adoptive parent(s) and the PCSA may agree to amend the payment amount or provision for services. If an amendment is requested the PCSA is to complete the JFS 01452 "Notice of Adverse Action for Title IV-E Adoption Assistance (AA)" and the following is to apply:
- (1) The JFS 01453 shallis to be entered into by mutual agreement between the adoptive parent(s) and the PCSA pursuant to rule 5101:2-49-05 of the Administrative Code.
  - (2) The PCSA and adoptive parent(s) shallare to sign the amended agreement.
  - (3) The agreement shallis to meet all requirements of rule 5101:2-49-10 of the Administrative Code.
  - (4) The PCSA shallis to give a copy of the amended agreement to the adoptive parent(s) and retain a copy in the child's case record.
- ~~(E)~~ (E) If the PCSA and the adoptive parent(s) cannot agree on a mutually acceptable monthly AA payment amount, the PCSA and the adoptive parent(s) may complete a JFS 01453 for a mutually acceptable level of AA payment while negotiations continue through the state mediation conference, or the adoptive parent(s) requests a state hearing.

~~(E)~~(F) If the adoptive parent(s) requests an amendment of the AA payment specified in an existing agreement and the PCSA denies the request, the PCSA ~~shall~~is to provide the adoptive parent(s) with written notice of the denial and the right to a state hearing.

~~(F) The PCSA shall not automatically amend the AA payment if the adopted child is placed under the responsibility and care of a PCSA.~~

(G) The PCSA is not to automatically amend, suspend, terminate, or redirect the AA payment to a third party if the adopted child is placed under the custody/care and placement of a Title IV-E agency or placed in the legal or temporary custody of a third party.

Effective:

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

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Certification

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Date

Promulgated Under: 119.03  
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