

5101:2-49-13

Termination of Title IV-E adoption assistance (AA).

(A) The public children services agency (PCSA) that entered into the agreement ~~shall~~ is to terminate the AA in any of the following circumstances:

- (1) At the end of the month of the child's eighteenth birthday; or at the end of the month of the child's twenty-first birthday, if the child meets the criteria as set forth in paragraph (B) of rule 5101:2-49-04 of the Administrative Code.
- (2) If the child is no longer receiving any support from the adoptive parent(s) as defined in paragraph ~~(B)~~ (C) of this rule.
- (3) If the adoptive parent(s) is no longer legally responsible for supporting the child as defined in paragraph ~~(C)~~ (D) of this rule.
- (4) If a court of competent jurisdiction has terminated the parental rights of the adoptive parent(s) or the adoptive parent(s) has voluntarily surrendered ~~his or her~~ their parental rights.
- (5) If the adoptive parent(s) requests termination of the AA benefits.
- (6) If the adoptive placement disrupts prior to finalization.
- (7) If the adoptive parent(s) dies.
- (8) If the child dies.

(B) The PCSA is not to terminate the adoption assistance solely because the adoptive parent(s) fails to reply to the PCSA request for information or return the JFS 01451-B "The 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.

~~(B)~~ (C) An adoptive parent(s) is not supporting the child if the adoptive parent(s) is not providing the child with shelter, food, clothing, child support, or any financial support regardless of the physical location of the child. A parent(s) is generally responsible for the support of a child who is under the age of eighteen or a physical and or mentally disabled child with special needs who is under twenty-one years of age.

~~(C)~~ (D) A parent(s) is not legally required to support the child if the child is emancipated. A child becomes emancipated if the child:

- (1) ~~The child enlists~~ Enlists in the military services. Enlistment in the military is defined as the date of report for active duty.

- (2) ~~The child marries~~Marries.
- (3) ~~The child has been determined~~Determined to be an emancipated minor by a court of competent jurisdiction or the state of residence.
- (4) ~~The child is self-supporting~~Self-supporting by paying for shelter, food, and clothing even though he or she may still reside with the adoptive parent(s).
- ~~(D)~~(E) When the PCSA proposes to terminate the AA agreement, 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 a written notice of the proposal to terminate and the right to a state hearing.
- ~~(E)~~(F) When the PCSA proposes to terminate the AA agreement, and the adoptive parent(s) has requested a state hearing, the following ~~shall~~is to apply:
- (1) If a state hearing is requested within fifteen days of the mailing date on the notice in accordance with provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code, AA ~~shall~~is to continue until a state hearing decision is issued.
 - (2) If a state hearing is requested within fifteen days of the mailing date on the notice and the hearing decision is favorable to the adoptive parent(s), AA ~~shall~~is to continue in accordance with the terms of the AA agreement, or an amended agreement may be entered into by mutual agreement.
 - (3) If a state hearing is requested within fifteen days of the mailing date on the notice and the hearing decision is to terminate the AA, the adoptive parent(s) ~~is not required~~does not have to return the payments received prior to the issuance of the state hearing decision.
 - (4) If no timely hearing is requested within fifteen days, AA ~~shall~~is to be terminated. Following the termination, the child ~~shall~~is to lose all eligibility for future AA as long as he or she is legally a member of the same adoptive family.
- ~~(F)~~(G) When the PCSA determines the AA should be terminated, the PCSA ~~shall~~is to complete the ODM 01958 "Referral for medicaid continuing eligibility review" (~~rev. 7/2014~~) pursuant to rule 5160:1-2-01 of the Administrative Code and send the ODM 07236 "Your Rights & Responsibilities as a Consumer of Medicaid Health Coverage" (~~rev. 7/2014~~) to the adoptive parent(s).

Effective:

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Certification

Date

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