

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-49-17

Rule Type: Amendment

Rule Title/Tagline: Case record requirements for Title IV-E adoption assistance (AA).

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?** 7/17/2024
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, 5101.11
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 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 5101:2-49-17 entitled "Case Record Requirements for Title IV-E Adoption Assistance (AA)" outlines the case record requirements. Inclusion of adoption forms JFS 01667 "Adoption Information Disclosure" and JFS 01699 "Prefinalization Adoption Assessment Report" added to paragraph (B) to ensure notification of AA to adoptive parents. Minor grammatical and spelling errors were corrected throughout 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(E).

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? Yes
18. Does this rule have an adverse impact on business? Yes
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

A Public Child Placing Agency (PCPA) must have a license in order to place children for adoption.
 - 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? Yes

A PCPA must have a license to operate as a child placing agency in Ohio.
 - 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? 18

5101:2-49-17(A) Pursuant to RC 121.95(F) The public children services agency (PCSA) shall

5101:2-49-17(B) Pursuant to RC 121.95(F) The case record shall

5101:2-49-17(B) Pursuant to RC 121.95(F) The case record shall contain documentation which supports the PCSA's actions in determining eligibility for AA. The case record shall

5101:2-49-17(B)(7) Pursuant to RC 121.95(F) A copy of the court order committing the child to the permanent custody of an Ohio PCSA or Ohio private child placing agency (PCPA), or a copy of the JFS 01666 "Permanent Surrender of Child" (rev. 10/2013). In cases where the child initially entered permanent custody as the result of the execution of a JFS 01666, there must

5101:2-49-17(C) Pursuant to RC 121.95(F) For applications received from an adoptive parent(s) who resides out of state, the case record shall

5101:2-49-17(C) Pursuant to RC 121.95(F) For applications received from an adoptive parent(s) who resides out of state, the case record shall include a copy of forms which contain, at a minimum, the information required

5101:2-49-17(D) Pursuant to RC 121.95(F) In order to protect confidentiality of adoption records, the dates of the documents listed in paragraphs (B)(3) to (B)(6) of this rule may be included in the AA case record in place of copies of the court order, JFS 01645, JFS 01666, or petition for adoption. For auditing purposes these documents shall

5101:2-49-17(D) Pursuant to RC 121.95(F) In order to protect confidentiality of adoption records, the dates of the documents listed in paragraphs (B)(3) to (B)(6) of this rule may be included in the AA case record in place of copies of the court order, JFS 01645, JFS 01666, or petition for adoption. For auditing purposes these documents shall be provided upon request. Provision of these dates by the PCSA shall

5101:2-49-17(D) Pursuant to RC 121.95(F) In order to protect confidentiality of adoption records, the dates of the documents listed in paragraphs (B)(3) to (B)(6) of this rule may be included in the AA case record in place of copies of

the court order, JFS 01645, JFS 01666, or petition for adoption. For auditing purposes these documents shall be provided upon request. Provision of these dates by the PCSA shall be recognized as evidence that copies of the legal records exist. The following information shall

5101:2-49-17(D)(1) Pursuant to RC 121.95(F) Each document mustshall

5101:2-49-17(E) Pursuant to RC 121.95(F) When applicable, the PCSA shall

5101:2-49-17(E) Pursuant to RC 121.95(F) When applicable, the PCSA shall contact the PCPA which placed the child for adoption in order to obtain verification of the date of the documents listed in paragraph (B) of this rule. Documentation of these dates by the PCPA shall

5101:2-49-17(E) Pursuant to RC 121.95(F) When applicable, the PCSA shall contact the PCPA which placed the child for adoption in order to obtain verification of the date of the documents listed in paragraph (B) of this rule. Documentation of these dates by the PCPA shall be recognized as evidence that copies of the legal records exist. For auditing purposes these documents shall

5101:2-49-17(E) Pursuant to RC 121.95(F) When applicable, the PCSA shall contact the PCPA which placed the child for adoption in order to obtain verification of the date of the documents listed in paragraph (B) of this rule. Documentation of these dates by the PCPA shall be recognized as evidence that copies of the legal records exist. For auditing purposes these documents shall be provided upon request. The following information shall

5101:2-49-17(E)(1) Pursuant to RC 121.95(F) Each record mustshall

5101:2-49-17(F)Pursuant to RC 121.95(F) The PCSA and PCPA shall

5101:2-49-17(F)Pursuant to RC 121.95(F) The PCSA and PCPA shall use the preadoptive pre-adoptive identifying information when contacting the public assistance benefits eligibility or referral specialists to request pertinent information on file, or when contacting the social security administration to request pertinent information about the child's eligibility for SSI. The PCSA and PCPA shall

5101:2-49-17(G) Pursuant to RC 121.95(F) Pursuant to In accordance with paragraph (D) of rule 5101:2-33-23 of the Administrative Code the adoption assistance case record 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

Ohio Department of Children and Youth (DCY)

TITLE IV-E ADOPTION ASSISTANCE (AA) APPLICATION

Ohio Administrative Code (OAC) Chapter 5101:2-49 requires that an application be completed and signed for each child that has been matched with an adoptive parent(s) in accordance with OAC rule 5101:2-48-16 "Adoption Preplacement and Placement Procedures" by an agency with such authority. Note: If adoption assistance is provided on behalf of a child who is receiving Supplemental Security Income (SSI) it will be the responsibility of the adoptive parent(s) to advise the Social Security Administration (SSA) regarding the child's receipt of Title IV-E adoption assistance. This application must be completed and signed by the adoptive parent(s).

SECTION I: ADOPTIVE PARENT(S) INFORMATION			
Name of Adoptive Parent (<i>first and last</i>)	Name of Adoptive Parent (<i>first and last</i>)	Phone Number	
Address			
City, State, Zip			
SECTION II: AGENCY INFORMATION			
Name of Custodial Agency		Name of Caseworker	
Address			
City, State, Zip			Phone Number
SECTION III: CHILD'S INFORMATION			
Name of Adoptive Child (<i>First, Middle, Last</i>)		Date of Birth (<i>mm/dd/yyyy</i>)	<input type="checkbox"/> Male <input type="checkbox"/> Female
What are the child's special needs and dates of diagnosis?			
COMPLETE IF CHILD WILL BE ATTENDING SCHOOL			
Name of School		School District	Grade
SECTION IV: STATEMENT TO WAIVE ADOPTION ASSISTANCE			
I affirm that I understand that my child may be eligible for Title IV-E Adoption Assistance, but I do not wish to receive any payment or benefits as it relates to the adoption of the above-named child. By signing my name in the signature box in this section, I waive my right to Adoption Assistance for my adoptive child as indicated in the JFS 01667 "Adoption Information Disclosure." By waiving Adoption Assistance, I understand no further Adoption Assistance subsidy is allowable in the future for this child.			
(Adoptive Parent Signature)	Date	(Adoptive Parent Signature)	Date
SECTION V: HEALTH INSURANCE			
If the child is or will be covered by health, accident, or hospital insurance, complete the following:			
Policy Holder		Policy Number	
Name of Insurance Company		Effective Date	
Benefits to be paid <input type="checkbox"/> Hospital <input type="checkbox"/> Doctor <input type="checkbox"/> Person Insured			
Identify any limitations/riders affecting the coverage for the child:			
SECTION VI: SIGNATURE(S) TO APPLY FOR ADOPTION ASSISTANCE			
Adoptive Parent's Signature		Date	Adoptive Parent's Signature