

PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: May 21, 2019

TIME: 10:00 A.M.

LOCATION: Rhodes State Office Tower  
30 East Broad Street, Columbus, Ohio 43215

Pursuant to Sections 5101.141, 5103.03, 5153.16 and Chapter 119 of the Ohio Revised Code (ORC), the director of the Department of Job and Family Services gives notice of the department's intent to consider the rescission and adoption of rules as identified below and of a public hearing thereon. These rules are being filed as part of the five-year rule review process.

In accordance with ORC section 106.03, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose. The rule has been reviewed and revised with the collaboration of an external workgroup comprised of various adoption assistance county partners across Ohio.

OAC rule 5101:2-49-05 entitled "**Initial Determination of the Title IV-E Adoption Assistance (AA) Monthly Payment Amount**" outlines how to determine the monthly payment amount for adoption assistance (AA). Ohio Department of Job and Family Services (ODJFS) has set a statewide maximum for the AA program based on foster care expenditure data. If an agency chooses to exceed the statewide maximum the agency must submit a waiver request through the statewide automated child welfare information system (SACWIS). Notification of approval or denial of the waiver request will be made within ten business days. This rule also explains the option and procedure for the adoptive parent(s) to request a state mediation conference if the agency and adoptive parent(s) cannot mutually agree on an AA monthly payment amount within thirty calendar days of negotiation by submitting the JFS 01470 "Title IV-E Adoption Assistance State Mediation Conference Request" (rev. 7/2019) to state hearings. Clarification was added to the rule for the Public Children Services Agencies (PCSA) when negotiating an AA agreement. Language was added to paragraph (C) to clarify that the PCSA shall take into consideration the "viability" of other relevant resources from local, state, and federal program services that pertain to the special need of the child that are available when determining the AA payment. Clarifying language added to paragraph (D) to include the provisional requirements of the adoptive parent(s) homestudy that provide for the special and foreseeable future needs of the child. Rule 5101:2-49-12 "Amendment of the Title IV-E adoption assistance (AA) agreement" reference added to the rule when changes occur to the child's special needs and family circumstances. Clarifying

language added to paragraphs (F) when submitting the monthly adoption assistance statewide maximum (MAASM) waiver request to ODJFS in the statewide automated child welfare information system (SACWIS). Language in paragraph (H) was added to the rule for clarification when an AA subsidy exceeds the FCM amount that would have been paid if the child were in foster care. Language was added to paragraph (I) includes an effective date of July 1, 2014 for all prior AA agreements that were entered into in excess of the MAASM amount shall remain in effect and continue to receive federal financial participation (FFP) up to the current FCM payment at the same level of care pursuant to the Family, Children and Adult Services Procedure Letter (FCASPL) 262. New language was included in paragraph (K) that gives mediation rights to the PCSA and that either party can request a state mediation conference if the agency and adoptive parent(s) cannot mutually agree on an AA monthly payment amount within thirty calendar days of initial negotiation. State hearing rule references were added to paragraph (K)(3) when the PCSA and adoptive parent(s) cannot agree on an AA monthly payment. Paragraph (L) was added to the rule to explain when the adoptive parent(s) and the PCSA do not agree to a mediation conference after sixty days from the date of initial negotiation, that notification of state hearing rights will be sent to the adoptive parent(s). The JFS 01470 "Title IV-E Adoption Assistance State Mediation Conference Request" has been amended to incorporate the changes made to rule 5101:2-49-05 of the Administrative Code. The title to the rule has been amended. This rule was rescinded and created as new for clarification.

A copy of the proposed rules is available, without charge, to any person affected by the rules at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules will be held at the date, time and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Request for a copy of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215, by fax at 614-752-8289, or by e-mail at [rules@jfs.ohio.gov](mailto:rules@jfs.ohio.gov).