

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: August 7, 2024
TIME: 10:00 a.m.
LOCATION: Teleconference and in-person, DCY 35E, room 7B,
246 N. High Street,
Columbus, Ohio 43215

This meeting will be held by teleconference and in person. If you would like to submit oral testimony, please attend the meeting site location, or call in at the date and time to 1-614-721-2972. Then enter the meeting I.D # which is 449 427 724#. Written testimony may also be submitted electronically to: rules@jfs.ohio.gov.

Pursuant to sections 5101.141, 5101.11 and Chapter 119 of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment of the rules as identified below and of a public hearing thereon. All rules have been amended to remove regulatory restrictive words as described in SB 9 of the 135th General Assembly. All rules were amended to change the reference of all systems to Ohio's Comprehensive Child Welfare Information System (Ohio's CCWIS). Ohio's CCWIS is defined as a federally recognized case management information system that state and tribal title IV-E agencies may develop to support their child welfare program needs. Ohio's CCWIS is designed to support social workers' needs to organize and record quality case information about the children and families receiving child welfare services. Ohio's CCWIS consists of several automated functions which are approved by the Children's Bureau and include but are not limited to: Ohio Statewide Automated Child Welfare Information System (SACWIS), Ohio Residential Treatment Information System (RTIS), Child and Adult Protective Services (CAPS) Learning Management System (LMS), Taking Early Action Matters (TEAM) Ohio, and Ohio Certification for Agencies and Families (OCAF). These rules are being filed as part of the five-year rule review process.

All rules have been amended to replace "Ohio Department of Job and Family Services (ODJFS)" with "the department of children and youth (DCY)." Ohio Department of Job and Family Services (ODJFS) has been stricken from form titles and retitled "Department of Children and Youth."

In accordance with Ohio Revised Code (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.

OAC rule 5101:2-49-03 entitled "**Special Needs Criteria for Title IV-E Adoption Assistance (AA)**" outlines the criteria for a child with special needs to be eligible for the

AA program. Inclusion of religion or cultural heritage language added to the rule as a special need factor or condition making it difficult to place a child with an adoptive parent(s) without the provision of AA in paragraph (A)(2)(b). Clarification to paragraph (2)(e) and (2)(g) regarding a culturally competent qualified professional for assessments and documentation of a child's diagnoses. Further clarification was added to the rule when adopting a child without AA and documentation requirements in paragraph (A)(3)(a). The rule has been amended to remove the revision date from the form(s) referenced in the rule.

OAC rule 5101:2-49-10 entitled "**Title IV-E Adoption Assistance (AA) Ongoing Verification**" outlines the responsibilities of the PCSA and the adoptive parent(s) to provide assurance of legal responsibility, school attendance and eligibility for continued Medicaid coverage through the AA program. Clarification to paragraph (A) regarding adoptive parent(s) receiving the JFS 01451-B "**Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage**" annually from the effective date of the agreement. Additional language was added in paragraphs (E)(2) and (G)(1) to define enlistment as the date of report for active duty. Inclusion of new language in paragraph (B) to provide guidance to PCSA's not to reduce, suspend, or terminate the AA subsidy solely because the JFS 01451-B is not returned. Minor edits were made throughout the rule for clarification. The rule has been amended to remove the revision date from the form(s) referenced in the rule.

OAC rule 5101:2-49-11 entitled "**Suspension of Title IV-E Adoption Assistance (AA) Payment.**" This rule allows the Public Children Services Agency (PCSA) to suspend adoption assistance payments to adoptive parent(s) when certain circumstances apply. Paragraph (B) includes the completion of a new form, the JFS 01452 "**Notice of Adverse Action for Title IV-E Adoption Assistance,**" when the PCSA proposes to suspend AA subsidy. Clarification was made when requesting a timely state hearing in paragraphs (B)(5) and (C). Paragraph (H) and (I) were added to the rule to provide guidance to the PCSA not to suspend a child's Medicaid when the AA subsidy is suspended while the adoption assistance agreement is in effect. And, not to suspend the AA subsidy solely due to when the JFS 01451-B "**Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage**" is not returned. Minor grammatical edits were made to provide clarification throughout the rule.

OAC rule 5101:2-49-13 entitled "**Termination of Title IV-E Adoption Assistance (AA)**" outlines the circumstances that result in the termination of an AA agreement. New language was added to the rule in paragraph (B) when the JFS 01451-B "**Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage**" is not to be used as a criterion for termination when the form is not returned to the PCSA. Grammatical changes were made in paragraph (C)(1) through (C)(4). Additional language was added in paragraph (D)(1) to define enlistment as the date of report for active duty. Inclusion of the JFS 01452 "**Notice of Adverse Action for Title IV-E Adoption Assistance**" in paragraph (E) of the rule when the PCSA proposes to terminate the AA subsidy. Clarification in paragraph (F)(4)

was made to the rule when a state hearing is not made timely. The rule has been amended to remove the revision date from the form(s) referenced in the rule.

OAC rule 5101:2-49-25 entitled "**Qualified and Disqualified Alien Eligibility for Title IV-E Adoption Assistance (AA)**" outlines the requirements for adoption assistance for qualified noncitizen. Clarification to paragraph (A) regarding the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) have been incorporated into the rule. Technical update replacing the term "alien" with "non-citizen" throughout the policy as used to refer to a person who meets the definition provided in the Immigration and Nationality Act (INA 101(a)(3) ["any person not a citizen or national of the United States"]. The terminology change throughout the rule to "non-citizen" is also in alignment with medicaid rule 5160:1-2-12 and the definition rule 5101:2-1-01 of the Administrative Code.

A copy of the proposed rule(s) is available, without charge, to any person affected by the rule(s) at the address listed below. The rule(s) is also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rule(s) 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.

Requests for a copy of the proposed rule(s) or comments on the rule(s) should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.