



## Ohio Administrative Code

### Rule 5101:2-49-01 Administration of the Title IV-E adoption assistance (AA) program.

Effective: October 15, 2024

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(A) The public children services agency (PCSA) is to be responsible for the administration of the AA program. Administrative expenditures can be claimed for reimbursement only if AA is a direct responsibility of the PCSA. The PCSA is to be responsible for:

- (1) Ensuring the proper administration of funds, allocated or reimbursed.
- (2) Determining initial and continuing eligibility for AA program services.
- (3) Maintaining a separate AA case record for each program eligible child for whom a PCSA has entered into an AA agreement.
- (4) Service planning and increasing the opportunities for adoption of children with special needs who are free for adoption by:
  - (a) Encouraging and increasing the opportunities for adoption of children with special needs who are free for adoption.
  - (b) Ensuring that all possibilities for an adoptive home without the assistance of AA are explored.
  - (c) AA case management.
  - (d) Pre-finalization and the provision or referral for post-finalization adoption services.

(B) Prior to finalization of the adoption, the PCSA is to provide and assist the adoptive parent(s) of a child placed by that PCSA and eligible for AA with a JFS 01451 "Title IV-E Adoption Assistance Application" and the JFS 04059 "Explanation of State Hearing Procedures."

- (1) Although the adoptive parent(s) may have declined an adoption subsidy during the completion of



a JFS 01667 "Adoption Information Disclosure," the Title IV-E agency is to assist the adoptive parent(s) with the completion of the JFS 01451.

(2) A completed and signed application is to be on file in the child's AA case record in accordance with rule 5101:2-49-17 of the Administrative Code.

(C) The adoptive parent(s) may apply for AA only after both of the following have occurred.

(1) The homestudy has been approved in accordance with rules 5101:2-48-11, 5101:2-48-11.1, 5101:2-48-12, and 5101:2-48-12.1 of the Administrative Code.

(2) A child has been matched with an adoptive parent(s) in accordance with rule 5101:2-48-16 of the Administrative Code by an agency with such authority. If the child is placed for adoption in Ohio from another state, the Ohio agency is to use the other state's documentation to meet the matching requirements.

(D) A stepparent may apply for AA only if a biological parent(s) is not present in the home due to death or divorce or has failed to visit or maintain contact with the child for more than ninety days pursuant to section 2151.011 of the Revised Code.

(E) Prior to the finalization of adoption, the adoptive parent(s) is to submit the AA application to one of the following, as appropriate:

(1) The PCSA holding permanent custody of the child.

(2) The PCSA located in the county in which the adoptive parent(s) resides when one of the following applies:

(a) The child meets the eligibility requirements for Title XVI supplemental security income (SSI) benefits and the child is not in the custody of a PCSA.

(b) The child is placed by a private child placing agency (PCPA) having permanent custody of the child.



(c) The child is placed for adoption in Ohio from another state and that state's PCSA does not have responsibility for placement and care/custody of the child.

(3) For a child who is placed for adoption from Ohio into another state and the child is not in the permanent custody of an Ohio PCSA, the adoptive parent(s) is to apply at the Title IV-E agency in the state the adoptive parent(s) resides. The Title IV-E agency in the adoptive parent's state of residence is to be responsible for determining the child's eligibility for AA, and if the child is eligible, entering into the AA agreement, and issuing the AA payment.

(F) If an Ohio PCPA holds permanent custody of a child as a result of a JFS 01666 "Permanent Surrender of Child," the following requirements are to be met:

(1) Prior to finalization of the adoption, the PCPA is to ensure that the adoptive parent(s) receives information about AA and an AA application, including when the adoptive parent(s) declines AA.

(2) At the time of application by the adoptive parent(s), the PCPA is to provide the PCSA with the following:

(a) A copy of the JFS 01616 "Social and Medical History" completed on the child for whom the subsidy is being requested.

(b) A copy of one of the following homestudies:

(i) JFS 01673 "Assessment for Child Placement (homestudy)."

(ii) A copy of the JFS 01692 "Application for Adoption of a Foster Child or Sibling Group."

(iii) The out of state approved homestudy forms for an adoptive parent(s) residing out of state.

(c) A copy of the JFS 01666 "Permanent Surrender of Child."

(G) The PCSA is to complete the AA eligibility determination in Ohio comprehensive child welfare



information system (Ohio CCWIS) and approve or deny the application within thirty days after a completed application and all needed documentation is provided to the PCSA.

(H) The PCSA may obtain written verification and information to assist in determining AA eligibility from a variety of sources including:

- (1) The social security administration.
- (2) The agency that has held permanent custody of the child and placed the child for adoption.
- (3) The court records.
- (4) The adoptive parent(s).

(I) The PCSA is to request verification from the adoptive parent(s) and have the adoptive parent(s) complete the ODM 06612 "Health Insurance Information Sheet" at any time the adoptive parent(s) acquires health care insurance coverage for the child.

(J) In accordance with federal requirements, the PCSA is not to add any language to the AA agreement that makes the agreement subject to the availability of funds.