



## Ohio Administrative Code

### Rule 5101:2-49-04 Requirement for Title IV-E adoption assistance (AA) past age eighteen.

Effective: February 3, 2020

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(A) AA is available for an eligible child whose adoptive parent(s) enter into an initial AA agreement prior to the child's eighteenth birthday through the end of the month of the child's eighteenth birthday.

(B) AA is available for a child with a physical or mental disability or medical condition pursuant to rule 5101:2-49-03 of the Administrative Code who is between the age of eighteen and twenty-one with an existing AA agreement if the child meets one of the requirements identified in paragraphs (B)(1) to (B)(5) of this rule and the adoptive parent(s) is supporting the child as identified in paragraph (D) of rule 5101:2-49-10 of the Administrative Code. The physical or mental disability or medical condition is to be verified annually for continued eligibility. The child is considered to have a physical or mental disability or medical condition if any of the following applies:

(1) A designated social security administration claims representative has determined that the child meets the disability criteria and is therefore eligible for one of the following:

(a) Title XVI supplemental security income (SSI) benefits.

(b) Social security disability benefits.

(c) Social security benefits due to the death or disability of the biological or adoptive parent(s).

(2) The child has been diagnosed by a "qualified professional" in the professional's area of expertise who is not responsible for providing casework services to the child to have a physical or mental disability or medical condition.

(a) For the purpose of this rule, a "qualified professional" is an individual who is the following: an audiologist, orthopedist, physician, certified nurse practitioner, physician assistant, psychiatrist, psychologist, school psychologist, licensed marriage and family therapist, speech and language



pathologist, a licensed independent social worker, licensed professional clinical counselor, a licensed social worker who is under the direct supervision of a licensed independent social worker or a licensed professional counselor who is under the direct supervision of a licensed professional clinical counselor.

(i) The qualified professional is to provide a clear written statement that the child is substantially limited in one or more major life activities, including self-care and the overall capacity for self-sufficiency/meeting the ordinary demands of life. This statement is to include an opinion as to the origin of the problem, past history, prognosis, and recommendations related to potential treatment needs. The child's documented disability is the direct result of one of the following:

(a) A developmental disability, as defined in 28 C.F.R. 35.108 [August 11, 2016] and section 5123.01 of the Revised Code.

(b) A medical condition causing permanent distress, pain, dysfunction or social problems diagnosed by a qualified professional that results in ongoing medical treatment. The medical condition is to be diagnosed prior to adoption or can be attributable to factors or conditions in the child's or birth family's history that existed prior to adoption.

(c) Mental illness, as defined in section 5122.01 of the Revised Code.

(3) The child is participating in one of the following rehabilitation programs or a program equivalent in the state where the child resides:

(a) Vocational rehabilitation as administered by the bureau of vocational rehabilitation through opportunities for Ohioans with disabilities.

(b) Services for the visually impaired as administered by the bureau of services for the visually impaired through the opportunities for Ohioans with disabilities.

(4) The child is in the process of obtaining a secondary education and meets the eligibility criteria for a child with a disability receiving special education and related services from the Ohio department of education (ODE), local education agency or school district or a program equivalent in the state



where the child resides. The adoptive parent(s) is responsible for providing official documentation from the school that the child is attending and participating in special education services.

(5) The child is eligible for services administered through the department of developmental disabilities (DODD).

(C) A clear written statement documenting the child's physical or mental disability or medical condition is to be accompanied by an assessment, evaluation or update within the last twelve months from the qualified professional including an opinion as to the prognosis and recommendations for future treatment needs.

(D) If the adoptive parent(s) requests to continue the AA payment beyond age eighteen due to any of the requirements identified in paragraph (B) of this rule, the PCSA is to do one of the following:

(1) Amend the AA agreement to begin the AA monthly payment based on the date of eligibility for any of the programs identified in paragraph (B) of this rule.

(2) Notify the adoptive parent(s) of the intent to amend the JFS 01453 "Title IV-E Adoption Assistance Agreement" to an AA agreement with no payment pending the approval of any program outlined in paragraph (B) of this rule and provide the adoptive parent(s) with notification of state hearing rights.

(3) Notify the adoptive parent(s) of the intent to terminate the AA agreement if eligibility is denied based on any of the requirements identified in paragraph (B) of this rule.

(4) If the adoptive parent(s) requested a state hearing within fifteen calendar days of the date the termination notice was issued then the PCSA continues the AA until the hearing decision has been rendered.

(5) If the adoptive parent(s) has not requested a state hearing within fifteen calendar days of the date the termination notice was issued, the PCSA:

(a) Terminates the AA agreement.



- (b) Completes the ODM 01958 "Referral for Medicaid Continuing Eligibility Review" and submit it to the county department of job and family services (CDJFS) located in the county where the adoptive parent(s) resides, in compliance with the medical pre-termination review.
- (c) Terminates the Title XIX medical coverage.
- (E) It is the responsibility of the adoptive parent(s) to provide the PCSA with documentation that application has been made for any services the child needs in paragraph (B) of this rule.
- (F) The PCSA advises the adoptive parent(s) of all necessary documentation that is to be submitted to continue an AA agreement.
- (G) For cases in which the year and month the child was born can be established, but not the exact day, the first of the month is used as the child's birth date.