AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
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Ohio Administrative Code

Rule 5101:2-49-02 Title IV-E adoption assistance (AA) eligibility criteria for children age two and older.

Effective: November 17, 2018

(A) The public children services agency (PCSA) shall determine that a child is eligible for AA if, prior to the finalization of the adoption, the PCSA finds all of the following:

(1) Pursuant to Pub. L. No. 115-123, (2/9/2018) the child will be two years of age or older in the current federal fiscal year (FFY) of October first to September thirtieth at the time the AA agreement becomes effective.

(2) The adoptive parent(s) has an approved homestudy in accordance with rules in Chapter 5101:2-48 of the Administrative Code. If the adoptive parent(s) resides in another state, then the adoptive homestudy shall be valid in the adoptive state of residence.

(3) The child has been matched with an adoptive parent(s) in accordance with rule 5101:2-48-16 of the Administrative Code. If the child is placed for adoption in Ohio from another state, the Ohio agency shall use the other state's documentation to meet the matching requirements except as specified in paragraph (C) of this rule.

(4) The child meets the requirements of a child with special needs as described in rule 5101:2-49-03 of the Administrative Code.

(5) The child meets the age requirement as described in rule 5101:2-49-04 of the Administrative Code.

(6) The child shall be a citizen or legal resident of the United States, and will be adopted in the United States.

(7) The agency placing the child made a reasonable but unsuccessful effort to place the child with an appropriate adoptive parent(s) without adoption assistance, as supported by facts specified in the child's case record as described in paragraph (A)(3) of rule 5101:2-49-03 of the Administrative Code.

(B) The child shall be in the permanent custody of a PCSA, private child placing agency (PCPA) or tribe at the time of the adoption proceedings and meet one of the following adoption assistance eligibility requirements:

(1) A judicial determination to the effect that it was contrary to the child's welfare/best interest to remain in the home at any time prior to the finalization of adoption.

(2) The child has been approved for supplemental security income (SSI).

(3) The child is a child of a minor parent. The child was residing with the minor parent and a judicial determination that it was contrary to the welfare/best interest for the minor parent to remain with the specified relative.

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(4) The child was in receipt of AA in a prior finalized adoption, currently meets the definition of special needs as set forth in rule 5101:2-49-03 of the Administrative Code, and finalizes the new AA agreement by the end of the month of the child's eighteenth birthday pursuant to rule 5101:2-49-04 of the Administrative Code.

(C) A child in an independent adoption is eligible for AA, only if the child meets the requirements of a child with special needs as described in rule 5101:2-49-03 of the Administrative Code, and the child is eligible for SSI, or is a child in a subsequent adoption if the child received AA in a prior finalized adoption.

(D) For all children that are deemed eligible for AA, the Title IV-E agency is responsible for ensuring that background checks be conducted prior to adoption finalization and/or the issuance of a monthly AA payment. The background checks must reveal that the prospective adoptive parent(s) has not been convicted of one of the prohibited offenses in accordance with rule 5101:2-48-10 of the Administrative Code.

(E) The PCSA shall use the statewide automated child welfare information system (SACWIS) to determine adoption assistance eligibility.

(F) A child from an international adoption, that is not currently in the custody of a PCSA or PCPA or tribe, is not eligible for AA.