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OHIO LEGISLATIVE SERVICE
COMMISSION
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# Ohio Administrative Code

## Rule 5101:2-49-04 Requirement for adoption assistance past age eighteen.

Effective: January 10, 2018

(A) Title IV-E adoption assistance (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) Title IV-E AA may continue to be available for a child with special needs 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 mental or physical disability needs to be verified annually for continued eligibility. The child is considered to have a mental or physical disability 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:

(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 to have a special need as described in paragraph (C) of this rule.

(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.

(b) Services for the visually impaired as administered by the bureau of services for the visually impaired through the Ohio rehabilitation services commission.

(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.

(5) The child is eligible for services administered through the Ohio department of developmental disabilities (DODD) or school district or a program equivalent in the state where the child resides.

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(C) 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. For the purpose of this rule, a "qualified professional" is an audiologist, orthopedist, physician, certified nurse practioner, 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. There is a clear written statement that the child has been diagnosed with one of the following:

(1) A developmental disability, as defined in rule 5123:2-1-02 of the Administrative Code.

(2) A developmental delay, as defined in section 5123.01 of the Revised Code.

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

(4) A medical condition causing distress, pain, dysfunction, social problems or death as diagnosed by a qualified professional.

(D) A clear written statement documenting the child's mental or physical disability shall be supported by an assessment or evaluation within the last twelve months from the qualified professional including an opinion as to the prognosis and recommendations for future treatment needs.

(E) If the adoptive parent(s) requests to continue the AA agreement beyond age eighteen due to any of the disabilities identified in paragraph (B) of this rule, the PCSA shall 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 "Adoption Assistance Agreement" (rev. 12/2015) 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 for any of the programs identified in paragraph (B) of this rule.

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

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

(a) Terminate the AA agreement.

(b) Complete the ODM 01958 "Referral for Continuing Eligibility Review" (rev. 7/2014), 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 medicaid pre-termination review.

(c) Terminate the Title XIX medical coverage.

(F) 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.

(G) The PCSA shall advise the adoptive parent(s) of all necessary documentation that shall be submitted to continue an AA agreement.

(H) 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 shall be used as the child's birth date.

(I) ) Adoption assistance connection (AAC) to age twenty-one may be available for an adopted young adult between the age of eighteen and twenty-one in accordance with rule 5101:2-51-02 of the Administrative Code if the adopted young adult meets all of the following requirements in paragraphs (I)(1) to (I)(2) of this rule along with one of the requirements in paragraphs (I)(3)(a) to (I)(3)(e) of this rule:

(1) The adopted young adult had been in the custody of an Ohio public children services agency (PCSA).

(2) ) The adopted young adult was age sixteen or older before the AA agreement became effective.

(3) The adopted young adult meets one of the following:

(a) Is completing secondary education or a program leading to an equivalent credential.

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(b) Is enrolled in an institution that provides post-secondary or vocational education.

(c) Is participating in a program or activity designed to promote or remove barriers to employment.

(d) Is employed for at least eighty hours per month.

(e) Is incapable of doing any of the activities identified in paragraphs (C)(3)(a) to (C)(3)(d) of this rule due to a medical condition, and such incapacity is semi-annually supported by updated information.