



## Ohio Administrative Code

### Rule 5180:2-49-05 Initial determination of the Title IV-E adoption assistance (AA) monthly payment amount.

Effective: December 1, 2024

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- (A) The monthly amount of the AA payment is determined by negotiation and mutual agreement between the adoptive parent(s) and the public children services agency (PCSA).
- (B) The PCSA is not to consider the religion, sex, age, disability, race, color, or national origin of an adoptive parent(s) who has indicated an interest in adopting, when negotiating the AA agreement.
- (C) The PCSA is to consider viability of other relevant resources from local, state, and federal program services that are available and pertinent to the child's special needs and prospective adoptive parent(s) needs when determining the payment amount. Ohio adoption grant program (OAGP) funds received in accordance with rule 5101:2-44-15 of the Administrative Code are not to be considered when negotiating the AA agreement.
- (D) No income eligibility test is to be used when determining the monthly AA payment. The monthly AA payment amount should combine with the adoptive parent(s) resources and circumstances as identified by the adoptive homestudy and is to provide for the special and foreseeable future needs of the child. When changes occur to the special needs and circumstances of the child and family, those needs are to be addressed or reviewed pursuant to rule 5101:2-49-12 of the Administrative Code. Any social security benefits that will continue to be available to the child after finalization are to be considered along with the adoptive parent(s) resources in the negotiation and determination of the AA payment amount. The special needs of the child are to be based upon rule 5101:2-49-03 of the Administrative Code.
- (E) The maximum amount of the monthly AA payment is not to exceed the current cost of the monthly foster care maintenance (FCM) payment that was paid or would have been paid by the PCSA if the child had been placed in a foster home.
- (F) If the child's AA amount is more than the monthly adoption assistance statewide maximum (MAASM), the agency is to document the justification as to why the amount is over the MAASM in



Ohio comprehensive child welfare information system (Ohio CCWIS). The PCSA is to complete a waiver request in Ohio CCWIS.

(G) Any amount paid for an AA subsidy that exceeds the FCM amount the child would receive if he/she were currently in a foster home is to be paid by the county. This amount is to be included in a separate agreement outside of the AA agreement.

(H) Federal financial participation (FFP) for any AA agreement with a monthly AA payment amount in excess of the statewide maximum, prior to July 1, 2014, is to remain in effect and is to continue to receive FFP up to the current FCM payment for a child in the same level of care.

(I) If the child receives SSI benefits, the child may receive AA and SSI concurrently as outlined in the DCY 01451 "Title IV-E Adoption Assistance Application." If there is concurrent receipt of payments from both programs, the social security administration will decrease the monthly SSI benefit by the monthly AA payment amount.

(J) If the PCSA and the adoptive parent(s) cannot mutually agree on the monthly AA payment amount after thirty days from the initial negotiation meeting, the adoptive parent(s) or the PCSA may request with the agreement of the other party a state mediation conference using the DCY 01470 "Title IV-E Adoption Assistance State Mediation Conference Request" to develop a mutually acceptable level of monthly AA payment amount. The DCY 01470 is to be sent to the agency state hearings department.

(1) The state mediation conference is to be held within sixty days from the receipt of the request.

(2) If the state mediation conference is successful and results in a mutually acceptable monthly AA payment amount, it is considered a final decision between both parties.

(3) If the PCSA and the adoptive parent(s) cannot mutually agree on a monthly AA payment amount at the state mediation conference, the adoptive parent(s) may request a state hearing in accordance with provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.

(K) If the PCSA and the adoptive parent(s) do not agree to a mediation conference after sixty-days



from the initial negotiation meeting, the PCSA is to notify the adoptive parent(s) of their rights to a state hearing in accordance with provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.

(L) The PCSA is to document the following in Ohio CCWIS:

(1) Initial agreed upon monthly AA payment amount.

(2) If applicable, the outcome of the state mediation conference, state hearing and administrative appeal.