



Mike DeWine, Governor

Kimberly Hall, Director

July 18, 2019

**Family, Children and Adult Services Manual Transmittal Letter No. 420**

**TO:** Family, Children and Adult Services Manual Holders

**FROM:** Kimberly Hall, Director

**SUBJECT:** Five-Year Rule Review: Amendment of Title IV-E Adoption Assistance Rules in Chapter 5101:2-49; OAC 5101:2-49-01, OAC 5101:2-49-17, OAC 5101:2-49-21 and forms JFS 01421, JFS 01421-I, 01438, JFS 01451, JFS 01451-B, JFS 01453, JFS 06612 and JFS 01470

In accordance with Ohio Revised Code (ORC) section 106.03 each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. The purpose of a five-year rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose. The rules have been reviewed and revised with the collaboration of an external workgroup comprised of various adoption assistance county partners across Ohio. The following rules were recently reviewed and amended to provide clarity as part of a five-year rule review. The rules and forms will be effective August 1, 2019.

Ohio Administrative Code (OAC) rule 5101:2-49-01 entitled "**Administration of the Title IV-E Adoption Assistance (AA) Program**" outlines the AA administrative requirements for public children services agencies (PCSA). This rule also contains requirements for private child placing agencies (PCPAs). Changes include updates to revision dates in paragraphs (B), (F) and (I); correction to form name in paragraph (F)(2)(b)(i); clarification in paragraph (E)(2)(c) regarding agency responsibility has been amended to placement and care/custody; paragraph (G) approval or denial of an eligibility determination application request has been changed from thirty working days to thirty days; and language has been stricken in (H)(1) referencing CRIS-E as a source of verification and information to determine eligibility. This can now be done by launching the Ohio Integrated Eligibility System (OIES) interface in the Statewide Automated Child Welfare Information System (SACWIS). The JFS 06612 "**Health Insurance Information Sheet**" is no longer available on the JFS Form Central website. The form is available through the Ohio Department of Medicaid, Medicaid Forms Listing website which can be accessed through JFS Forms Central. The title to the rule has been amended.

Ohio Administrative Code (OAC) rule 5101:2-49-17 entitled "**Case Record Requirements for Title IV-E Adoption Assistance (AA)**" outlines the case record requirements for each adoption assistance case. Changes were made to the rule to provide

30 East Broad Street  
Columbus, OH 43215  
jfs.ohio.gov

clarification. Form title changes and revision dates were made in paragraphs (B)(3), (B)(22), and (B)(27). Language was added in paragraph (B)(17) to include eligibility documentation of a child of a minor parent who is eligible for Title IV-E foster care maintenance (FCM) payments. Paragraph (B)(18) indicates the eligibility documentation of a child placed in the custody of a Public Children Services Agency (PCSA) as a result of a JFS 01645 or JFS 01666 to be included in the case record. Reference in the rule to the adoption assistance connection (AAC) to age twenty-one program has been removed from the rule. Rules pertaining to the AAC program can now be found in Chapter 5101:2-51 of the Administrative Code. The title to the rule has been amended. The JFS 01451-B "**Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage**" has been amended to incorporate the changes made to rule 5101:2-49-17 of the Administrative Code. The JFS 01453 "**Title IV-E Adoption Assistance Agreement**" has been amended to incorporate the changes made to rule 5101:2-49-17 of the Administrative Code.

Ohio Administrative Code (OAC) rule 5101:2-49-21 entitled "**Reimbursement of Title Nonrecurring Adoption Expenses for a child with Special Needs**" outlines the requirements for eligibility for nonrecurring adoption expenses and the reimbursement of the nonrecurring adoption expenses. Changes were made to clearly explain requirements. Language was added to paragraph (M)(1) to clarify that the application for reimbursement of nonrecurring adoption expenses, the JFS 01421 entitled "Application for Reimbursement of Nonrecurring Adoption Expenses," to the Public Children Services Agency (PCSA) that holds permanent custody, or the case of an independent adoption is submitted in the county that the adoptive parent(s) resides. Submission of the JFS 01421 "Application for Reimbursement of Title IV-E Nonrecurring Adoption Expenses" shall be submitted to the county where the adoptive parent(s) reside. Clarifying language added to paragraph (S)(2) for children legally available for adoption. Paragraph (S)(3) was added to paragraph (S) to include language for a final decree of adoption by a foreign country which now constitutes a final adoption. The JFS 01421 "**Application for Reimbursement of Title IV-E Nonrecurring Adoption Expenses**"; JFS 01421-I "**Instruction for Completing JFS 01421, Application for Reimbursement of Title IV-E Nonrecurring Adoption Expenses**"; and JFS 01438 "**Agreement for Payment of Reimbursement for Title IV-E Nonrecurring Expenses incurred in Adoption of a Child**" have been amended to incorporate the changes made to rule 5101:2-49-21 of the Administrative Code. The JFS 01453 "**Title IV-E Adoption Assistance Agreement**" has been amended to incorporate the changes made to rule 5101:2-49-21 of the Administrative Code.

#### Forms

JFS 01421 – "**Application for Reimbursement of Title IV-E Nonrecurring Adoption Expenses.**" Clarification to section IV to include (C), documentation that a child has been determined to be at substantial risk, with no manifestation of a special needs factor, as criteria for reimbursement of Nonrecurring Adoption Expenses pursuant to Family, Children and Adult Services Procedure Letter (FCASPL) 316, effective March 17, 2017. The title to this form has been revised. The revision date has been updated.

JFS 01421-I – **"Instruction for Completing JFS 01421, Application for Reimbursement of Title IV-E Nonrecurring Adoption Expenses."** Clarification to section IV to include the change from three to four special needs criteria with documentation to meet the special needs certification section of the form. The title to this form has been revised. The revision date has been updated.

JFS 01438 – **"Agreement for Payment of Reimbursement for Title IV-E Nonrecurring Expenses incurred in Adoption of a Child."** Clarification to section V and VI to include documentation of a child with special needs or a substantial risk, with no manifestation of a special need pursuant to rule 5101:2-49-03 of the Administrative Code. The revision date has been updated.

JFS 01451 – **"Title IV-E Adoption Assistance Application."** No change.

JFS 01451-B - **"Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage,"** amended to annual diagnosis by a qualified professional in section 1. Minor clarification to section V. Revision date to this form has been revised.

JFS 01453 – **"Title IV-E Adoption Assistance Agreement."** Title to the form has been revised. The attachment of the nonrecurring agreement is now submitted with this form per OAC rule 5101:2-49-21. Identification of an Independent adoption has been added to Article I of this form. Article IV, has included specifications of additional adoption assistance programs such as Nonrecurring, SAMS, PASSS, AAC and notification to the adoptive parent. Clarification of adoption assistance payment specific to the service needs of the child. Article VII has been included to address requirements of when a Title IV-E agency may suspend adoption assistance (AA) payment. Article X has been included to identify the AA agreement effective date with the inclusion of the Agency Representative and Director signature in addition to the adoptive parents. Changes were made to the form to be consistent with amendments made to OAC rules 5101: 2-49-03, 04, 06, 07, 08, 09, 09.1, 12, 17, 19, 21, 23, and 25. Revision date to this form has been revised.

JFS 01470 – **"Title IV-E Adoption Assistance State Mediation Conference Request."** Form amended to incorporate the changes made to rule 5101:2-49-05 of the Administrative Code. Title to the form and the form revision date have been revised.

The JFS 06612 **"Health Insurance Information Sheet"** is no longer available on the Form Central website. The form is available through the Ohio Department of Medicaid, Medicaid Forms Listing website which can be accessed through Forms Central.

**INSTRUCTION:**

The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
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MANAGEMENT AND ADMINISTRATION	5101:2-49-01	5101:2-49-01
	5101:2-49-17	5101:2-49-17
	5101:2-49-21	5101:2-49-21
	JFS 01421	JFS 01421
	JFS 1421-I	JFS 1421-I
	JFS 01438	JFS 01438
	JFS 01451	JFS 01451
	JFS 01451-B	JFS 01451-B
	JFS 01453	JFS 01453
	JFS 01470	JFS 01470
	JFS 06612	ODM 06612
TRANSMITTAL LETTERS		FCASMTL No. 420

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

(A) The public children services agency (PCSA) shall be responsible for the administration of the ~~Title IV-E adoption assistance (AA)~~AA program. Administrative expenditures can be claimed for reimbursement only if ~~Title IV-E-AA~~ is a direct responsibility of the PCSA. The PCSA shall 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 ~~public children services agency (PCSA)~~PCSA shall provide and assist the adoptive parent(s) of a child placed by that PCSA with a JFS 01451 "Title IV-E Adoption Assistance Application" (rev. ~~1/2014~~12/2015) and the JFS 04059 "Explanation of State Hearing Procedures" (rev. ~~10/2008~~1/2015).

(C) The adoptive parent(s) may apply for ~~Title IV-E adoption assistance (AA)~~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 shall 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 calendar days pursuant to section 2151.011 of the Revised Code.
- (E) Prior to the finalization of adoption, the adoptive parent(s) shall 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 ~~public children services agency~~ 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) shall 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 shall be responsible for determining the child's eligibility for AA, 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" (rev. 10/2013), the following requirements shall be met:
- (1) Prior to finalization of the adoption, the PCPA shall ensure that the adoptive parent(s) receives information about AA and an AA application.
  - (2) At the time of application by the adoptive parent(s), the PCPA shall provide the PCSA with the following:
    - (a) A copy of the JFS 01616 "Social and Medical History" (rev. 6/2009) 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)" (rev. ~~6/2011~~12/2014).
  - (ii) A copy of the JFS 01692 "Application for Adoption of a Foster Child or Sibling Group" (rev. ~~6/2009~~12/2014).
  - (iii) The out of state approved homestudy forms for an adoptive parent(s) residing out of state.
- (G) The PCSA shall complete the ~~adoption assistance~~AA eligibility determination in the statewide automated child welfare information system (SACWIS) and approve or deny the application within thirty ~~working~~ days after a completed application and all required documentation are 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 county department of job and family services (CDJFS) client registration information system enhanced (CRIS-E).~~
  - ~~(2)~~(1) The social security administration.
  - ~~(3)~~(2) The agency that has held permanent custody of the child and placed the child for adoption.
  - ~~(4)~~(3) The court records.
  - ~~(5)~~(4) The adoptive parent(s).
- (I) The PCSA shall request verification from the adoptive parent(s) and have the adoptive parent(s) complete the ~~JFSODM~~ 06612 "Health Insurance Information Sheet" (rev. ~~5/2001~~9/2016) at ~~anytime~~ any time the adoptive parent(s) acquires health care insurance coverage for the child.
- (J) In accordance with federal requirements, the PCSA may not add any language to the AA agreement that makes the agreement subject to the availability of funds.

Effective: 8/1/2019  
Five Year Review (FYR) Dates: 4/16/2019 and 08/01/2024

CERTIFIED ELECTRONICALLY

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Certification

07/12/2019

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Date

Promulgated Under: 119.03  
Statutory Authority: 5101.141  
Rule Amplifies: 5101.11  
Prior Effective Dates: 01/01/1983, 01/01/1985 (Emer.), 04/01/1985,  
05/22/1985 (Emer.), 08/12/1985, 04/01/1986 (Emer.),  
07/01/1986, 07/02/1987, 09/01/1988, 09/01/1992,  
05/01/1998, 07/01/2000, 02/24/2002, 01/01/2007,  
04/01/2010, 12/15/2011, 07/01/2014

5101:2-49-17                    **Case record requirements for Title IV-E adoption assistance (AA).**

- (A) The public children services agency (PCSA) shall maintain a separate case record for each ~~adoption assistance (AA)~~AA case.
- (B) The case record shall contain documentation which supports the PCSA's actions in determining eligibility for AA. The case record shall include the following information, when applicable:
- (1) A copy of the signed JFS 01451 "Title IV-E Adoption Assistance Application" (rev. 12/2015).
  - (2) A copy of the ~~Title IV-E adoption assistance~~AA eligibility determination in the statewide automated child welfare information system (SACWIS).
  - (3) A copy of each signed "JFS 01451-B "Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued~~continued~~ Medicaid ~~coverage~~Coverage" (rev. ~~12/2015~~7/2019).
  - (4) A copy of the PCSA's petition to the court which led to the child's removal from the specified relative.
  - (5) A copy of the court order which resulted in the child's removal from a specified relative and which contains a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child and that placement is in the best interest of the child.
  - (6) A copy of the signed JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) along with a copy of a court determination that continuation in the home would be contrary to the welfare of the child and that the placement is in the best interest of the child.
  - (7) A copy of the court order committing the child to the permanent custody of an Ohio PCSA or Ohio private child placing agency (PCPA), or a copy of the JFS 01666 "Permanent Surrender of Child" (rev. 10/2013). In cases where the child initially entered permanent custody as the result of the execution of a JFS 01666, there must also be a copy of a court determination that continuation in the home would be contrary to the welfare of the child and that the placement is in the best interest of the child.
  - (8) A copy of the signed JFS 01654 "Adoptive Placement Agreement" (rev. 2/2017).
  - (9) Initial child ~~Child~~ study inventory.

- (10) A copy of the JFS 01616 "Social and Medical History" (rev. 6/2009).
- (11) A copy of the JFS 01673 "Assessment for Child Placement (Homestudy)" (rev. 12/2014) or another state's approved child with special needs homestudy.
- (12) A copy of the JFS 01673A "Ohio Department of Job and Family Services Child Characteristics Checklist for Foster Care and/or Adoption" (rev. 12/2006).
- (13) A copy of the JFS 01689 "Documentation of the Placement Decision-Making Process" (rev. 4/2017).
- (14) A copy of the JFS 01692 "Application for Adoption of a Foster Child or Sibling Group" (rev. 12/2014).
- (15) If the basis for determination of AA eligibility is meeting supplemental security income (SSI) eligibility requirements, a copy of the SSI voucher or a copy of any other official documentation verifying SSI eligibility.
- (16) If the basis for determination of AA eligibility is ADC-relatedness, copies of all documentation used for the determination.
- (17) ~~If the basis for eligibility determination for AA is that a child's cost in a foster home or residential child care facility are covered by the Title IV-E foster care maintenance (FCM) payments being made for the child's minor parent, the documentation of inclusion of the costs in the FCM payment for the minor parent~~The eligibility determination for the child of a minor parent who is eligible for a Title IV-E foster care maintenance (FCM) payment.
- (18) ~~If the basis for eligibility determination for AA is that the child was placed in the custody of the PCSA as a result of a JFS 01645 or JFS 01666 for a non-applicable child and the child is in receipt of Title IV-E FCM payments, documentation of receipt of the FCM payments~~If the basis for determination for AA eligibility is that the child was placed in the custody of the PCSA as a result of a JFS 01645 or JFS 01666, then copies of all documentation used for determination.
- (19) A copy of the ODM 06612 "Health Insurance Information Sheet" (rev. 9/2016) as completed by the adoptive parent(s).
- (20) A copy of the adoption petition filed with the court.
- (21) A copy of the adoption finalization.

- (22) A copy of the signed JFS 01453 "Title IV-E Adoption Assistance Agreement" (rev. ~~12/2015~~7/2019) between the adoptive parents and the PCSA and any amendments.
- (23) Documentation of current eligibility for AA, and in a prior finalized adoption.
- (24) Copies of each signed ~~JFS 01451B~~JFS 01451-B "~~Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage~~" (rev. 12/2015).
- (25) A copy of the documentation evidencing repayment of any identified AA overpayment.
- (26) A copy of all state hearing, administrative appeal and judicial review documentation information.
- (27) A copy of the JFS 01470 "Title IV-E Adoption Assistance State Mediation Conference Request" (rev. ~~1/2014~~7/2019).
- (28) A copy of the interstate compact and adoption medical assistance forms.
- (C) For applications received from an adoptive parent(s) who resides out of state, the case record shall include a copy of forms which contain, at a minimum, the information required by the JFS 01673, JFS 01692 and child study inventory.
- (D) In order to protect confidentiality of adoption records, the dates of the documents listed in paragraphs (B)(3) to (B)(6) of this rule may be included in the AA case record in place of copies of the court order, JFS 01645, JFS 01666, or petition for adoption. For auditing purposes these documents shall be provided upon request. Provision of these dates by the PCSA shall be recognized as evidence that copies of the legal records exist. The following information shall be provided on the child services agency (CSA) or PCSA's letterhead.
- (1) Each document ~~must~~shall be clearly identified.
  - (2) The effective date of each record.
  - (3) The PCSA representative's signature, confirming that the record is on file at the PCSA.
- (E) When applicable, the PCSA shall contact the PCPA which placed the child for adoption in order to obtain verification of the date of the documents listed in paragraph (B) of this rule. Documentation of these dates by the PCPA shall be recognized as evidence that copies of the legal records exist. For auditing purposes these documents shall be

provided upon request. The following information shall be provided on the PCPA's letterhead.

- (1) Each record ~~must~~shall be clearly identified.
  - (2) The effective date of each record.
  - (3) The PCPA representative's signature confirming that the record is on file at the PCPA.
  - (4) ~~Pre-adoptive~~Pre-adoptive identifying information which is needed to establish eligibility for AA.
- (F) The PCSA and PCPA shall use the ~~pre-adoptive~~ pre-adoptive identifying information when contacting the public assistance benefits eligibility or referral specialists to request pertinent information on file, or when contacting the social security administration to request pertinent information about the child's eligibility for SSI. The PCSA and PCPA shall not provide any information about the child's new identity or present situation.
- ~~(G) The case record for an adopted young adult eligible for the adoption assistance connection (AAC) to age twenty-one program shall contain a copy of the entire AA case record as identified in paragraph (B) of this rule along with the criminal record checks that were obtained prior to the initial AA agreement at the time the adopted young adult is determined eligible for the AAC program.~~
- ~~(H)~~(G) Pursuant to ~~In accordance with paragraph (D) of rule 5101:2-33-23 of the Administrative Code~~ the adoption assistance case record shall be permanently ~~kept~~ retained.

Effective: 8/1/2019  
Five Year Review (FYR) Dates: 4/16/2019 and 08/01/2024

CERTIFIED ELECTRONICALLY

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Certification

07/12/2019

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Date

Promulgated Under: 119.03  
Statutory Authority: 5101.141  
Rule Amplifies: 5101.11  
Prior Effective Dates: 01/01/1983, 04/01/1986 (Emer.), 07/01/1986,  
07/02/1987, 09/01/1988, 05/01/1994, 05/01/1998,  
01/01/2007, 12/15/2011, 07/01/2014

5101:2-49-21

**Reimbursement of title IV-E nonrecurring adoption expenses for a child with special needs.**

- (A) The following definitions are applicable to this rule and supersede any definition contained in rule 5101:2-1-01 of the Administrative Code.
- (1) "Nonrecurring adoption expenses" are reasonable and necessary adoption fees, court costs, attorney fees, and in accordance with paragraph (A)(2) of this rule, other expenses directly related to the legal adoption of a child with special needs, as defined in rule 5101:2-49-03 of the Administrative Code. These expenses cannot be incurred in violation of state or federal law and cannot be reimbursed from other sources or funds.
  - (2) "Nonrecurring other expenses directly related to the legal adoption of a child with special needs" as specified in paragraph (A)(1) of this rule refers to the cost of the adoption incurred by or on behalf of the adoptive parent(s) and for which the adoptive parent(s) carries the ultimate liability for payment. These expenses include costs related to:
    - (a) The adoption homestudy.
    - (b) Health and psychological examinations.
    - (c) Supervision of the placement prior to the adoption finalization.
    - (d) Reasonable cost of transportation, lodging, and food for the child and/or adoptive parent(s) when necessary to complete the placement or adoption process.
- (B) A public children services agency (PCSA), private child placing agency (PCPA), or private non-custodial agency (PNA) shall notify anyone inquiring about adoption services through the agency of the availability of funds for the reimbursement of nonrecurring adoption expenses and the application process.
- (C) The PCSA shall enter into an agreement with the adoptive parent(s) of a child with special needs for the payment of ~~non-recurring~~nonrecurring adoption expenses for which the parent(s) has not otherwise been reimbursed not to exceed one thousand dollars for each child.
- (D) The PCSA, PCPA, or PNA shall inform an adoptive parent(s) who inquires about adoption services through the agency that the JFS 01421 "Application for Reimbursement of Title IV-E Nonrecurring Adoption Expenses" (rev. ~~10/2009~~7/2019) shall be submitted to the appropriate PCSA and approved prior to

the adoption finalization or disruption prior to the adoption finalization, if applicable. The JFS 01421 cannot be considered for approval retroactively.

- (E) The adoptive parent(s) and the PCSA as specified in paragraphs ~~(M)(L)~~ to ~~(P)(O)~~ of this rule shall sign the JFS 01438 "Agreement for Payment or Reimbursement for Title IV-E Nonrecurring Expenses Incurred in the Adoption of a Child with Special Needs " (rev. ~~4/2014~~7/2019), prior to ~~the~~ adoption finalization or disruption prior to adoption finalization, if applicable. A final decree of adoption by a foreign country constitutes ~~the~~ adoption finalization. ~~The agreement shall indicate the amount and details of the nonrecurring expenses.~~ The JFS 01438 cannot be entered into after ~~the~~ adoption finalization.
- (F) The PCSA shall not consider the race, color, or national origin of an adoptive family or of the child for whom a family has indicated an interest in adopting, when entering into a JFS 01438.
- (G) If siblings are placed for adoption, either separately or together, each child shall be treated as an individual. A separate JFS 01421 and JFS 01438 shall be executed for each child.
- (H) The PCSA shall not apply an income eligibility requirement (means test) to the adoptive parent(s) in determining whether payment or reimbursement for nonrecurring adoption expenses shall be made.
- (I) The adoptive parent(s) shall submit to the PCSA a request for payment or reimbursement and proof of the expenditures for nonrecurring expenses incurred in the adoption of a child with special needs within one year of incurring the cost~~two years of the adoption finalization or disruption prior to adoption finalization, if applicable.~~
- (J) In order for a PCSA to enter into an agreement for the reimbursement of nonrecurring~~non-recurring~~ adoption expenses the child must be determined a child with special needs prior to the adoption finalization or disruption prior to adoption finalization as defined in rule 5101:2-49-03 of the Administrative Code. The child need not meet other categorical eligibility requirements of Title IV-E adoption assistance.
- (K) ~~If all other eligibility criteria are met, and~~ the only special needs factor is the child has been determined to be at substantial risk, with no manifestation of a special needs factor, the child is ~~not~~ eligible for nonrecurring adoption assistance with the exclusion of international adoptions.
- (L) If the PCSA and the adoptive parent(s) have completed a JFS 01453 "Title IV-E Adoption Assistance Agreement" (rev. ~~4/2014~~7/2019), the application for

reimbursement of nonrecurring adoption expenses shall be made to the PCSA with which the adoptive parent(s) entered into the AA agreement. The JFS 01438 shall be incorporated as an addendum to the AA agreement.

(M) If a JFS 01453 has not been completed by a PCSA, all of the following shall apply:

- (1) Prior to ~~the~~ adoption finalization or disruption prior to adoption finalization, if applicable, the adoptive parent(s) shall submit a JFS 01421 for reimbursement of nonrecurring adoption expenses to the PCSA who holds permanent custody or in the case of an independent adoption in the county in which the adoptive parent(s) resides~~they reside~~.
- (2) At the time of application and prior to ~~the~~ adoption finalization or disruption prior to adoption finalization, if applicable, the adoptive parent(s) shall provide the PCSA with:
  - (a) A copy of the JFS 01616 "Social and Medical History" (rev. 6/2009) completed on the child for whom the request is being made or a copy of the social and medical history completed in the child's country of origin.
  - (b) A copy of the JFS 01673A "Child ~~Characteristics~~Characteristic-Checklist for Foster Care and/or Adoption" (rev. 12/2006) and one of the following homestudies:
    - (i) JFS 01673 "Assessment for Child Placement (Homestudy)" (rev. ~~6/2011~~ 12/2014) or its equivalent for a child adopted from another state.
    - (ii) JFS 01692 "Application for Adoption of a Foster Child or Sibling Group" (rev. ~~6/2009~~ 12/2014).
- (3) If the adoptive parent does not provide a completed JFS 01616, JFS 01673A and JFS 01673 or JFS 01692 the PCSA shall deny the JFS 01421.

(N) If the child is placed for adoption from Ohio into another state, the following apply:

- (1) If a PCSA has entered into a JFS 01453 or has custody of the child, that PCSA is responsible for the determination of eligibility for reimbursement of nonrecurring adoption expenses and payment of allowable nonrecurring adoption expenses if the child is eligible.
- (2) If a JFS 01453 is not in effect or a PCSA does not have custody of the child, the children services agency (CSA) in the state where the adoptive parent(s) lives

is responsible for determining eligibility. The CSA shall inform the adoptive parent(s) of the required documentation.

- (3) If a PCPA has custody of the child, that agency is responsible for providing all required information and documentation to the PCSA responsible for determining eligibility.
  - (4) If a PCSA or PCPA does not have custody of the child, the adoptive parent(s) is responsible for providing all required information and documentation to the PCSA responsible for determining eligibility. The PCSA shall inform the adoptive parent(s) of the required documentation.
- (O) If the child is placed for adoption from another state into Ohio, the following apply:
- (1) If the ~~CSA~~PCSA has entered into a Title IV-E AA agreement or has custody of the child, that agency is responsible for determining eligibility for reimbursement of nonrecurring adoption expenses and paying allowable nonrecurring adoption expenses if the child is eligible.
  - (2) If the ~~CSA state public agency~~ has not entered into a Title IV-E AA agreement or does not have custody of the child, the Ohio PCSA in the county in which the adoptive parent(s) resides is responsible for determining eligibility for reimbursement of nonrecurring adoption expenses and paying allowable nonrecurring adoption expenses if the child is eligible.
  - (3) If a private child placing agency has custody of the child, that agency is responsible for providing all required information and documentation to the Ohio PCSA in the county where the adoptive parent(s) resides to determine eligibility.
  - (4) If a ~~public or~~ private child placing agency does not have custody of the child, the adoptive parent(s) is responsible for providing all required information and documentation to the Ohio PCSA in the county of residence to determine eligibility. The PCSA shall inform the adoptive parents(s) of the required documentation.
- (P) A stepparent adopting a child with special needs shall not be eligible to receive payment or reimbursement for nonrecurring adoption expenses if a biological parent is also present in the home. If a biological parent is not present due to death, divorce, or abandonment of the child, the stepparent shall receive payment or reimbursement for the nonrecurring adoption expenses if all other provisions of this rule are met.
- (Q) For each JFS 01438 executed, the PCSA shall maintain documentation in the child's case record to verify compliance with this rule.

(R) The state hearing policies and procedures contained in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code apply to individuals applying for benefits under this rule.

(S) International adoption payment prohibition.

(1) Notwithstanding any other paragraph of this rule, no payment may be made to an adoptive parent(s)~~parents~~ with respect to a child who meets the requirements specified in paragraph (J) of this rule but who is not a citizen or resident of the United States and was adopted outside of the United States or was brought into the United States for the purpose of being adopted.

(2) Paragraph (S)(1) of this rule shall not be construed as prohibiting payments where the child is placed and is legally available for adoption by a permanent custody order or permanent surrender by a PCSA or PCPA, or petition for adoption when the child is the subject of an independent adoption pursuant to rule 5101:2-49-02 of the Administrative Code ~~in foster care~~ subsequent to the failure, as determined by the PCSA, of the initial adoption of the child by the parents described in paragraph (S)(1) of this rule.

(3) If an adopted child from a foreign country has a subsequent adoption finalization in the U.S., the child is not eligible for nonrecurring.

Effective: 8/1/2019  
Five Year Review (FYR) Dates: 4/16/2019 and 08/01/2024

CERTIFIED ELECTRONICALLY

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Certification

07/12/2019

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Date

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