



April 24, 2024

**Family, Children and Adult Services Transmittal Letter No. 543**

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

**FROM:** Kara B. Wentz, DCY Director  
Matt Damschroder, ODJFS Director

**SUBJECT:** Five Year Rule Review and Amendment to Title IV-E Adoption Assistance Rules 5101:2-49-06, 5101:2-49-07, 5101:2-49-08, 5101:2-49-19, and 5101:2-49-23.

This letter transmits amendments to Ohio Administrative Code (OAC) rules in Chapter 5101:2-49 governing Title IV-E adoption assistance in rules. These amendments are being made as a result of the five-year rule review process. These rules and forms will be effective on July 1, 2024.

The following is a brief explanation of the changes.

All rules and forms have been amended to remove regulatory restrictive words as described in Senate Bill (SB) 9 of the 134<sup>th</sup> General Assembly.

All rules were amended to change the reference of all systems to Ohio's Comprehensive Child Welfare Information System (Ohio's CCWIS). Ohio's CCWIS is defined as a federally recognized case management information system that state and tribal title IV-E agencies may develop to support their child welfare program needs. Ohio's CCWIS is designed to support social workers' needs to organize and record quality case information about the children and families receiving child welfare services. Ohio's CCWIS consists of several automated functions which are approved by the Children's Bureau and include but are not limited to: Ohio Statewide Automated Child Welfare Information System (SACWIS), Ohio Residential Treatment Information System (RTIS), Child and Adult Protective Services (CAPS) Learning Management System (LMS), Taking Early Action Matters (TEAM) Ohio, and Ohio Certification for Agencies and Families (OCAF).

Ohio Administrative Code (OAC) rule 5101:2-49-06 entitled "**Title IV-E Adoption Assistance (AA) Agreement and Duration: Provision for Financial Support and Services**" outlines the criteria of the AA agreement and the duration of the agreement. Revision dates were stricken from the rule.

Ohio Administrative Code (OAC) rule 5101:2-49-07 entitled "**Initial Title IV-E Adoption Assistance (AA) Agreement Only with No Payment**" outlines conditions and procedures for completing an AA agreement with no payment option. Revision dates were stricken from the rule.

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Ohio Administrative Code (OAC) rule 5101:2-49-08 entitled "**Title IV-E Adoption Assistance (AA) Monthly Payment**" outlines the procedures for determining when a monthly AA payment shall begin. Revision dates were stricken from the rule.

Ohio Administrative Code (OAC) rule 5101:2-49-19 entitled "**Title XIX Medicaid Coverage for Title IV-E Adoption Assistance (AA) Eligible Children (COBRA)**" outlines the procedures to follow for provisions of Title XIX medical coverage for children eligible for Title IV-E adoption assistance. Revision dates were stricken from the rule.

Ohio Administrative Code (OAC) rule 5101:2-49-23 entitled "**Title IV-E Adoption Assistance (AA) Intercounty and Interstate Case Management Responsibility**" outlines the requirements for intercounty and interstate adoption assistance case management. Revision dates were stricken from the rule.

**INSTRUCTION:**

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual and Adult Services Manual (FCASM) and the materials that are to be inserted in the FCASM.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
MANAGEMENT AND ADMINISTRATION	5101:2-49-06	5101:2-49-06
	5101:2-49-07	5101:2-49-07
	5101:2-49-08	5101:2-49-08
	5101:2-49-19	5101:2-49-19
	5101:2-49-23	5101:2-49-23
TRANSMITTAL LETTERS		FCASMTL No. 543

5101:2-49-06

**Title IV-E adoption assistance (AA) agreement and duration: provision for financial support and services.**

- (A) The adoptive parent(s) and the public children services agency (PCSA) ~~shall~~is to review and sign the JFS 01453 "Title IV-E Adoption Assistance Agreement" (~~rev. 7/2019~~) prior to the adoption finalization. The PCSA responsible for determining eligibility for AA is also responsible for entering into the JFS 01453.
- (B) The agreement ~~shall~~is to list the payments to be provided and the terms under which such benefits will continue to be available. The AA agreement is binding, but the payments may be amended at any time in response to a request made either by the adoptive parent(s) or the PCSA if the adoptive parent(s) and the PCSA agree to the change.
- (C) Beginning July 1, 2019, the AA agreement ~~shall~~is to be effective on the date specified on the JFS 01453. The agreement ~~shall~~is to be signed, dated and in effect prior to the final order of adoption when it is signed by both the adoptive parent(s) and the PCSA. The AA payments and services ~~shall~~is to not begin prior to the effective date. AA agreements in effect, prior to July 1, 2019, are considered effective on the date signed by the adoptive parent(s) and the PCSA.
- (D) The AA agreement ~~shall~~is to remain in effect regardless of the state where the adoptive parent(s) resides unless the agreement is terminated pursuant to rule 5101:2-49-13 of the Administrative Code.
- (E) The terms of the AA agreement may be amended at any time if both parties agree to the change in accordance with rule 5101:2-49-12 of the Administrative Code.
- (F) The PCSA ~~shall~~is not to have a general policy limiting AA prior to the child's eighteenth birthday.
- (G) The PCSA ~~shall~~is to give a copy of the signed agreement and all amendments to the adoptive parent(s) and keep in the AA case record.
- (H) The PCSA that entered into the AA agreement ~~shall~~is to secure Title XIX medicaid and Title XX social services block grant services if the services are not available in the state or county where the child resides in accordance with rule 5101:2-49-23 of the Administrative Code.
- (I) Nothing ~~shall~~is to prevent ~~prohibit~~ the adoptive family from seeking Title XX services available in the county of residence even if they are not already specified in the AA agreement. The adoptive parent(s) may:
- (1) Apply for the Title XX services in the county where they reside.

- (2) Seek to amend the child's AA agreement.
- (J) The adoptive parent(s) has the right to a state hearing under any of the following circumstances:
- (1) The PCSA denies eligibility for AA.
  - (2) The PCSA denies the amount of payment requested by the adoptive parent(s) in the child's initial JFS 01453.
  - (3) The PCSA and the adoptive parent(s) are unable to come to a mutual agreement following a state mediation conference.
  - (4) The PCSA proposes to reduce, suspend, or terminate the amount of AA payment specified on the current AA agreement.
  - (5) The PCSA denies a request by the adoptive parent(s) to amend the terms of the current AA agreement.
- (K) The PCSA ~~shall~~ shall provide written notification to the adoptive parent(s) when any of the following occur:
- (1) A determination to deny AA eligibility.
  - (2) A denial for a request to increase the amount of the monthly AA payment.
  - (3) The PCSA and the adoptive parent(s) are unable to come to a mutual agreement following a state mediation conference.
  - (4) A reduction, suspension, or termination of the monthly AA payment.
- (L) The PCSA ~~shall~~ shall inform the adoptive parent(s) of all decisions to deny or approve AA with a copy of the JFS 04059 "Explanation of State Hearing Procedures" (~~rev. 1/2015~~).

Effective: 7/1/2024  
Five Year Review (FYR) Dates: 2/6/2024 and 07/01/2029

CERTIFIED ELECTRONICALLY

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Certification

04/19/2024

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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, 09/01/1992, 07/01/1993,  
05/01/1998, 01/01/2007, 04/01/2010, 12/15/2011,  
07/01/2014, 03/05/2019

5101:2-49-07

**Initial Title IV-E adoption assistance (AA) agreement only with no payment.**

(A) The public children services agency (PCSA) ~~shall~~is to enter into a JFS 01453 "Title IV-E Adoption Assistance Agreement" (~~rev. 7/2019~~) without an AA payment if any of the following apply:

- (1) The adoptive parent(s) and the PCSA, after considering the needs of the child and the circumstances of the adoptive family, agree that the adoptive family does not currently ~~require~~need an AA payment to incorporate the child into household.
- (2) The child or the child's biological family has a social or medical history that establishes a substantial risk of acquiring conditions, as identified in rule 5101:2-49-03 of the Administrative Code.

(B) An AA agreement with no payment ~~shall~~is to include the following provisions:

- (1) The child is eligible for AA, but there is no monthly payment in effect because of the determination set forth in paragraph (A) of this rule.
- (2) The adoptive parent(s) may request amendment of the AA agreement to include AA payments if the child develops a condition, and the condition is diagnosed by a qualified professional, as identified in rule 5101:2-49-03 of the Administrative Code.
- (3) Title XX (social services block grant) and post adoption services ~~shall~~are to be provided or secured in addition to Title XIX (medicaid) coverage for a child that has an AA agreement with no payment.
- (4) All of the remaining conditions of the JFS 01453 as set forth in rule 5101:2-49-10 of the Administrative Code apply including reimbursement of nonrecurring adoption expenses, categorical eligibility for Title XIX medical assistance and Title XX social services and the right of appeal through a state hearing.

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5101:2-49-08

**Title IV-E adoption assistance (AA) monthly payments.**

- (A) AA monthly payments ~~shall~~shall begin when there is a mutually agreed upon AA agreement and all of the following have been completed:
- (1) The responsible public children services agency (PCSA) determines that the child meets all of the eligibility requirements for AA as defined in rule 5101:2-49-02 of the Administrative Code.
  - (2) The child is placed for adoption.
  - (3) The JFS 01453 "Title IV-E Adoption Assistance Agreement" (~~rev. 7/2019~~) is completed and signed by both the adoptive parent(s) and the PCSA.
- (B) If the PCSA and the adoptive parent(s) cannot agree on a mutually acceptable monthly AA payment amount and the state mediation conference or state hearing is being pursued, an interim AA payment amount may be established in accordance with paragraphs (A)(1) to (A)(3) of this rule.
- (C) Before the date on which the child is placed for adoption, the PCSA ~~shall~~shall inform the certified foster caregiver(s) who is receiving foster care payments for the care of the child, of the option to continue the foster care payments until the adoption is finalized.
- (D) The PCSA ~~shall~~shall enter the AA payment information into the Ohio statewide automated child welfare information system (SACWIS). The payment ~~shall~~shall be in the form of a warrant or electronic funds transfer (EFT) made to the adoptive parent(s).
- (E) If an overpayment or an underpayment of an AA payment occurs, the PCSA ~~shall~~shall to take immediate action to correct either situation as soon as information is received.
- (1) An underpayment occurs when one of the following circumstances exists:
    - (a) The adoptive parent(s) of an AA child does not receive a payment they are entitled to.
    - (b) The adoptive parent(s) of an AA child receives a payment less than the amount they are entitled to.
  - (2) An overpayment occurs when an adoptive parent(s) receives a payment amount they are not entitled to because of the following reasons.
    - (a) The payment was made in excess of the agreed upon amount.



- (b) The child for whom an AA payment was made was not eligible for such payment the month the payment was made.
- (F) The PCSA is responsible for reviewing payment records for AA cases to determine if an overpayment has occurred. If an overpayment has occurred, the PCSA shallis to:
- (1) Adjust the overpayment in Ohio SACWIS within three business days of notification that an overpayment has occurred. Adjustment of the payment shallis to be effective on the first day of the month following the month in which the change occurred.
  - (2) Provide written notification to the adoptive parent(s) when an overpayment is found and identify what action the PCSA proposes to take with regard to the payment.
  - (3) Send written notification to the adoptive parent in accordance with the provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.
- (G) The PCSA shallis to take any adverse action regarding the financial status of an AA case in accordance with the provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code, and
- (1) AA shallis to continue until a state hearing decision is issued if the state hearing is requested within fifteen calendar days of the mailing date on the notice.
  - (2) The PCSA shallis to continue AA if the hearing decision is favorable to the adoptive parent(s).
  - (3) The adoptive parent ~~is not required~~ does not have to return AA payments received prior to the issuance of the state hearing decision if the state hearing was requested within fifteen calendar days of the mailing date on the notice and the hearing decision is to terminate or amend the monthly AA payment.
- (H) Documentation of the repayment for the overpayment and the adjustment for the underpayment shallis to be retained in the AA case record.
- (I) The PCSA shallis to refer all cases to the county prosecutor if there is probable cause to believe the crime of fraud has been committed.

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Five Year Review (FYR) Dates: 2/6/2024 and 07/01/2029

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02/15/2002, 01/01/2007, 04/01/2010, 12/15/2011,  
07/01/2014, 07/01/2019

5101:2-49-19

**Title XIX medicaid coverage for Title IV-E adoption assistance (AA) eligible children (COBRA).**

- (A) A child eligible for AA, is eligible for Title XIX medicaid coverage beginning with the effective date of the JFS 01453 "Title IV-E Adoption Assistance Agreement." ~~(rev. 07/2019).~~
- (B) The public children services agency (PCSA) ~~shall~~ shallis to inform the adoptive parent(s) that he or she ~~shall~~ shallis to notify the PCSA within fifteen calendar days after moving to another county or state.
- (C) The parent(s) ~~shall~~ shallis to cooperate with the PCSA to assure that a move out-of-state complies with any applicable interstate requirements. Failure to notify the PCSA may result in the interruption of Title XIX medical coverage.
- (D) For a child with an AA agreement in effect who moves or resides out-of-state, the following ~~shall~~ shallis to apply:
- (1) Within seven business days after the PCSA is notified by the adoptive parent(s) that the AA eligible child is moving to or residing in another state, the PCSA ~~shall~~ shallis to transfer Title XIX medical coverage to the state of residence by:
- (a) Completing and forwarding the current signed and dated JFS 01453 to the Ohio department of job and family services (ODJFS) interstate compact on adoption and medical assistance (ICAMA) state administrator pursuant to rule 5101:2-44-05.2 of the Administrative Code.
- (b) Providing written notification to the adoptive parent(s) of Ohio's intent to terminate the Title XIX medical coverage. Notification ~~shall~~ shallis to, at a minimum, include all of the following:
- (i) The effective termination date of Ohio's Title XIX medical coverage.
- (ii) A completed JFS 04065 "Prior Notice of Right To A State Hearing." ~~(rev 05/2001).~~
- (iii) A statement that the child will continue to receive AA payments from Ohio or, if no payments are being made, a statement that the JFS 01453 remains in effect and Title XIX medical coverage will be provided by the state in which the child resides.
- (c) Terminating the medical coverage in the Ohio statewide automated child welfare information system (SACWIS).

- (2) Upon notification of any change that would affect the medicaid status, the PCSA shallis to, within seven business days, complete and forward the ICAMA form 7.5 "Information Exchange" (~~rev. 1/2015~~) which can be found at: <https://aaicama.org/cms/index.php/the-aaicama/new-icama-forms/icama-forms> to the ODJFS ICAMA state administrator.
  - (3) No less than annually, the PCSA shallis to provide the responsible Title XIX medical authority in the state where the child resides with written verification that the child meets the continuing eligibility requirements for medicaid. If the PCSA determines the child does not meet the continuing eligibility requirements, within twenty business days the PCSA shallis to:
    - (a) Complete a medicaid pre-termination review (PTR) of continuing medicaid eligibility pursuant to rule 5160:1-2-01 of the Administrative Code.
    - (b) Provide written notification of the date Title XIX medical coverage shallis to be terminated to the responsible Title XIX medical authority in the state in which the AA eligible child resides.
- (E) For a child with an out-of-state AA agreement in effect who moves to or resides in Ohio, the following shallis to apply:
- (1) The child is automatically eligible for Title XIX medical coverage provided by Ohio.
  - (2) The PCSA shallis to, within twenty business days after being notified by the ODJFS ICAMA administrator take the following actions to activate Title XIX medical coverage:
    - (a) Verify the following information is included on the ICAMA form 7.01 received from the responsible Title XIX authority and the national ICAMA database:
      - (i) The child's name, social security number, date of birth, and address.
      - (ii) The name of adoptive parent(s).
      - (iii) The address where the medical card should be sent.
      - (iv) A copy of the sending state's AA agreement.
      - (v) The name, address and telephone number of a contact person in the state with Title IV-E case management responsibility.

- (vi) The termination date of Title XIX medical coverage in the state with Title IV-E case management responsibility or the state where the child moved.
  - (vii) Any additional information regarding other health insurance coverage the child may have, including third-party liability.
- (b) Enter into Ohio SACWIS the Ohio medicaid effective date and an "active" status on the ICAMA record.
- (c) Complete the ODM 06612 "Health Insurance Information Sheet" (~~rev. 9/2016~~) if there is information that the child is covered by a private health insurance plan.
- (3) The PCSA ~~shall~~ is to maintain a separate case record for each AA eligible child who resides in Ohio. The case record ~~shall~~ is to contain all of the information required in paragraph (D) of this rule for all children with AA agreements in effect who move to or reside in Ohio.

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05/01/1998, 01/01/2007, 04/01/2010, 12/15/2011,  
07/01/2014, 07/01/2019

5101:2-49-23

**Title IV-E adoption assistance (AA) intercounty and interstate case management responsibility.**

(A) AA intercounty and interstate case management changes ~~shall~~is to be handled as follows:

- (1) The JFS 01453 "Title IV-E Adoption Assistance Agreement" (~~rev. 7/2019~~) remains in effect even though the adoptive parent(s) and the adopted child move to another county or state. The responsibility for management of the AA case remains with the Ohio public children services agency (PCSA) that entered into the agreement prior to the move.
- (2) If the adoptive parent(s) and the adopted child for whom an Ohio-executed JFS 01453 is in effect reside in or move to another state, the child ~~shall~~is to be provided Title XIX (medicaid) and Title XX (social service block grant) services by the state in which the child resides. If any of the Title XX services specified in the AA agreement are not available in the state where the child resides or has moved, the PCSA that entered into the agreement ~~shall~~is to be responsible for providing or securing those services.
- (3) If the adoptive parent(s) and the adopted child for whom an JFS 01453 is in effect reside in or move to another Ohio county, the child ~~shall~~is to be provided with Title XX services, as specified in the JFS 01453 by the county where the child resides. If any of the Title XX services specified in the AA agreement are not available in the Title XX plan in the county where the child resides or has moved, the PCSA which entered into the agreement ~~shall~~is to be responsible for providing or securing those services.
- (4) Nothing ~~shall~~is to prohibit~~prevent~~ the adoptive parent(s) of a child for whom an AA agreement is in effect from seeking Title XX services available in the Title XX social service plan in the county of residence, even if the services are not already specified in the AA agreement. The adoptive parent(s) may:
  - (a) Apply for the Title XX services in the county where the adoptive parent(s) resides;
  - (b) Seek to amend the child's JFS 01453.
- (5) At the request of the PCSA that is the Title IV-E AA case management agency, the PCSA in the county of residence ~~shall~~is to assist both the Title IV-E case management agency and the adoptive parent(s) in completing the JFS 01451-B "-Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage" (~~rev. 7/2019~~) and/or the JFS 01453.

- (6) In the event that the adoptive parent(s) and the adopted child move out of state, the PCSA with the case management responsibility ~~shall~~ is to comply with any interstate compact on adoption and medical assistance (ICAMA) requirements. The PCSA may ask the children services agency (CSA) in the new state to document the present situation of the adoptive parent(s) and to assist the adoptive parent(s) in completing all required forms.



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