Ohio | Department of Job and Family Services

To strengthen Ohio's families with solutions to temporary challenges

Adoption Subsidies Guide

Office of Families and Children

Table of Contents

Message to Prospective Adoptive Parents 2

About Adoption Subsidies 2

Federal Adoption Subsidy Programs 3

- Title IV-E Adoption Assistance 3
- Adoption Assistance Connections (AAC) to Age 21 6
- Nonrecurring Adoption Expenses Subsidy 8

State Adoption Subsidy Programs 10

- State Adoption Maintenance Subsidy (SAMS) 10
- Post-Adoption Special Services Subsidy (PASSS) 11

State Hearing Rights 14

Conclusion 16

Message to Prospective Adoptive Parents

Adoption subsidies help make permanent homes possible for children with special needs. This booklet describes assistance programs available in Ohio, the eligibility criteria for each program, and information about the application process. During the adoption process, an agency assessor can give you more details about each program and help you determine whether the child you are adopting is eligible.

As you read this booklet, keep in mind what a wonderful thing it is for a family to have a child and, more importantly, what a wonderful thing it is for a child to have a family. Best of luck on your adoption adventure.

About Adoption Subsidies

There was a time when children with special needs were considered unadoptable and remained in foster care for long periods of time. The federal Adoption Assistance and Child Welfare Act of 1980 attempted to give children with special needs a fair chance at being adopted. This law made it possible for families to receive subsidies and medical assistance to adopt children who have the hardest time finding permanent homes.

Four types of subsidies are available:

- Title IV-E Adoption Assistance
- Title IV-E Adoption Assistance Connections (AAC) to Age 21
- Nonrecurring Adoption Expenses Subsidy
- State Adoption Subsidy programs.

In Ohio, the Title IV-E Adoption Assistance, Nonrecurring Adoption Expenses Subsidy and State Adoption Subsidy programs are administered by county public children services agencies (PCSAs), children services boards or county departments of job and family services. AAC is administered by the state. All four programs aim to support and maintain special needs adoptive placements. All have unique eligibility requirements.

Federal Adoption Subsidy Programs

The concept of "special needs" can seem confusing. In general, it describes circumstances that prevent or delay a child from being placed into an adoptive home. Federal law states that when deciding whether a child has special needs, a state must make several determinations. This includes determining whether a specific factor or condition exists that would prevent the child from being placed with the adoptive parents if not for the adoption assistance.

Title IV-E Adoption Assistance

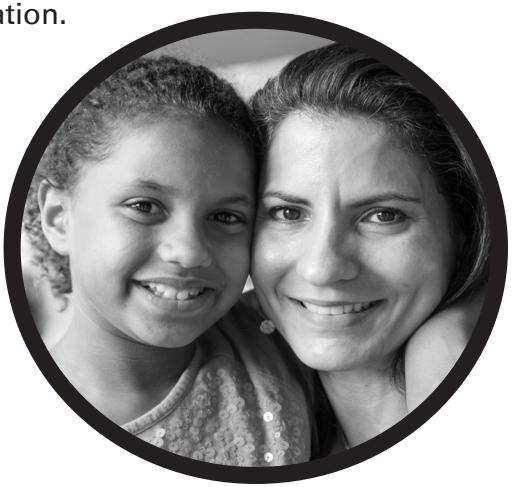
Title IV-E Adoption Assistance provides financial assistance to families based on the child's special needs at the time of the adoptive placement. The benefits may include a monthly payment and/or a Medicaid card. Please contact your local PCSA to see if the child you seek to adopt has a specific factor or condition that may be considered a special need.

What are the eligibility requirements for a child to qualify for Title IV-E Adoption Assistance?

In order for a child to be eligible for Title IV-E Adoption Assistance, the child must meet the definition of special needs and one of several other strict criteria, each of which has varying requirements. Factors considered include such things as the age of the child and length of time the child spent in foster care. Your PCSA or private child placing agency (PCPA) can provide more information.

Are children adopted internationally eligible for Title IV-E Adoption Assistance?

No. Only children in the permanent custody of an Ohio public children services agency or private child placing agency who are available for adoption are eligible.



Are children adopted through private agencies eligible for Title IV-E Adoption Assistance?
Yes. Children adopted through private adoption agencies must meet the same eligibility requirements as children adopted through PCSAs.

Are children adopted through an independent adoption eligible for Title IV-E Adoption Assistance?
It's possible but unlikely that a child adopted through an independent, or open, adoption would be eligible for Title IV-E Adoption Assistance, since those adoptions typically take place immediately after a baby's birth. To be eligible for Title IV-E Adoption Assistance, a child must previously have been in the permanent custody of a PCSA or PCPA or, if the child is eligible for Supplemental Security Income, they are automatically eligible.

How is the amount of the monthly Title IV-E Adoption Assistance payment determined?
The amount of the monthly payment is determined through negotiation and mutual agreement between the adoptive parent(s) and the PCSA. The circumstances of the adoptive family and the special needs of the child are taken into consideration.

The use of an income eligibility test is prohibited when negotiating Title IV-E Adoption Assistance payments. If the child was in a family foster home, the amount of the monthly Title IV-E Adoption Assistance payment cannot exceed the foster care maintenance payment for the child.

When does the monthly Title IV-E Adoption Assistance payment begin?
Title IV-E Adoption Assistance payments may begin when all of the following steps have been completed:

- The child is placed in an approved adoptive home.
- The PCSA has determined that the child meets all of the eligibility requirements for Title IV-E Adoption Assistance.
- The Adoption Assistance Agreement form is completed and signed by the adoptive parent(s) and the PCSA.

When does the monthly Title IV-E Adoption Assistance payment end?
Title IV-E Adoption Assistance agreements may be in effect until the child turns 18 or, if he or she has a mentally or physically disabling condition as defined in the Ohio Administrative Code, the month after his or her 21st birthday. Please contact your local PCSA to determine if your child's condition allows for an extension of the Title IV-E Adoption Assistance agreement beyond his or her 18th birthday.

Is there an income requirement?
No, a family's income is not taken into consideration in determining eligibility for Title IV-E Adoption Assistance.

Where and when do I apply for Title IV-E Adoption Assistance?
Prospective adoptive parent(s) must apply for Title IV-E Adoption Assistance prior to the finalization of the adoption. If the child is in the custody of a PCSA, then the prospective adoptive parent(s) must submit an application to that PCSA. If the child is in the custody of a PCPA as a result of a court order or permanent surrender, then the prospective adoptive parent(s) must apply at the PCSA in the county where they live.

Can I apply for Title IV-E Adoption Assistance after an adoption has been finalized?
The family adopting the child may apply after the adoption is finalized if one of the following circumstances occurred:

- Relevant facts regarding the child were known to the PCSA or PCPA but were not presented to the adoptive parent(s) prior to the finalization of adoption.
- The PCSA or PCPA failed to advise the adoptive parent(s) of the availability of Title IV-E Adoption Assistance.

Adoption Assistance Connections (AAC) to Age 21

AAC provides financial assistance to eligible families who adopt children at ages 16 or 17 and then continue to support them as they transition to adulthood. Families may receive a monthly payment and/or Medicaid coverage, and that support may continue until the young adult reaches age 21, as long as other eligibility criteria are met.

Unlike the other adoption subsidy programs, the state of Ohio administers AAC. This program is not intended to replace Title IV-E Adoption Assistance for young adults with documented special needs. AAC was developed to help families who adopt older youth but are not eligible for continued Title IV-E Adoption Assistance through their PCSA when their child reaches age 18.

What are the eligibility requirements for AAC?

To be eligible, adopted young adults must:

- Have been in the permanent custody of an Ohio PCSA,
- Have been 16 or 17 when the Adoption Assistance Agreement was signed,
- Have been adopted before they turned 18,
- Have adoptive parent(s) who are continuing their parental responsibility,
- Not be enlisted in the military,
- Not be married,
- AND meet at least one of the following five requirements:
    - Completing secondary education or a program leading to an equivalent credential,
    - Enrolled in an institution that provides post-secondary or vocational education,
    - Participating in a program or activity designed to promote, or remove barriers to, employment,
    - Employed for at least 80 hours a month, OR
    - Incapable of doing any of the above activities due to a medical condition, as documented by a qualified practitioner.

AAC eligibility is redetermined every six months. Families found to be ineligible can reapply at any time before the young adult turns 21.

Are children adopted internationally eligible for AAC?
No. Only children who were in the permanent custody of an Ohio PCSA and meet the other requirements are eligible (see page 7).

Are children adopted through private agencies eligible for AAC?
No. Only children who were in the permanent custody of an Ohio PCSA and meet the other requirements are eligible (see page 7).

Are children adopted through an independent adoption eligible for AAC?
No. Only children who were in the permanent custody of an Ohio PCSA and meet the other requirements are eligible (see page 7).

How are AAC payments determined?
Through negotiation and mutual agreement between the adoptive parent(s) and the state of Ohio. The circumstances of the family and the needs of the adopted young adult are taken into consideration. If the child was in a family foster home, the amount of the monthly AAC payment cannot exceed the amount of the monthly foster care maintenance payment.

When can AAC payments begin?
AAC payments may begin after the following steps have occurred:

- The Ohio Department of Job and Family Services (ODJFS) receives the completed application.
- The adoptive parent(s) provide documentation of continued parental responsibility.
- The adoptive parent(s) provide documentation that the young adult meets one of the five requirements (see page 7).
- ODJFS determines that the young adult is eligible.
- The adoptive parent(s) and ODJFS complete and sign the agreement form.

When do AAC payments end?
If the ongoing eligibility requirements are met, when the adopted young adult turns 21.

Is there an income requirement?
No,. Family income is not taken into consideration when determining AAC eligibility.

How can I apply for AAC?
Prospective adoptive parent(s) should email **HELP-DESK-OCF@jfs.ohio.gov** to request an application. Completed applications and corresponding documentation should be sent to the following address:

ODJFS – OFC – AAC
P.O. Box 183204
Columbus, Ohio 43218-3204

Can I apply for AAC after an adoption has been finalized?
Yes.

Where can I get more information about AAC?
Email **HELP-DESK-OCF@jfs.ohio.gov**.

Nonrecurring Adoption Expenses Subsidy

Nonrecurring adoption expenses are one-time expenses directly related to the legal adoption of a child with special needs. This program provides payment or reimbursement for such expenses as supervision of placements prior to the adoption, attorney's fees, court costs, transportation costs, and the reasonable costs of food and lodging. Payment or reimbursement also is available for costs associated with the adoption home study, health examinations related to the home study, and reasonable and necessary adoption fees.

Is there an income requirement for the Nonrecurring Adoption Expenses Subsidy?
No. Family income is not taken into consideration when determining whether payments for nonrecurring adoption expenses should be made.

Who is eligible to receive the Nonrecurring Adoption Expenses Subsidy?
Families who adopt children determined to have special needs may be eligible if the following criteria also are met:

- The PCSA determines that the child cannot or should not be returned to the home of their birth parent(s) because of **one** of the following:
  - an order from a court of competent jurisdiction terminating parental rights
  - a petition for the termination of parental rights
  - a signed relinquishment by the birth parents
  - a determination that the child meets the special needs criteria
- The PCSA determines the prospective adoptive parent(s) would not be able to adopt the child without Nonrecurring Adoption Assistance.

How can I apply?
Before an adoption is finalized, the prospective adoptive parent(s) should submit a completed Application for Reimbursement of Nonrecurring Adoption Expenses form to the PCSA.

If a Title IV-E Adoption Assistance agreement has not been executed, the application must be submitted to the PCSA in the county where the adoptive parent(s) lives. If a Title IV-E Adoption Assistance agreement has been executed, the application must be submitted to the PCSA in the county where the adoptive parent(s) entered into the Adoption Assistance agreement.

How do I prove what my direct expenses are?
Once you and the agency have signed an agreement stating that you can be reimbursed for nonrecurring adoption expenses, you must submit your receipts to the agency within two years of the adoption's finalization.

Are international adoptions eligible for the Nonrecurring Adoption Expenses Subsidy?
No, they are not.

Are any other resources available to offset the expenses of adopting a child?

The federal government and the state of Ohio allow families who adopt to receive nonrefundable tax credits for the year in which the adoption was legalized.

The **State Adoption Tax Credit** is intended to offset the expenses incurred in the legal adoption of a minor child (less than 18 years old). The State Adoption Tax Credit is limited to $1,500 per child during the taxable year. Any unused amounts can be carried forward for up to five years. For more information, call the Ohio Department of Taxation at (800) 282-1780 or visit **http://codes.ohio.gov/orc/5747.37**.

The **Federal Adoption Tax Credit** is a nonrefundable tax credit for qualifying expenses paid to adopt an eligible child. Families have five years to use the entire credit. For more information, see Internal Revenue Service (IRS) Topic 607 "Adoption Credit and Adoption Assistance Programs" and IRS form 8839 "Qualified Adoption Expenses," or call the IRS at (800) 829-1040 or visit **irs.gov**.

State Adoption Subsidy Programs

For a family to be eligible for State Adoption Subsidy Programs, a PCSA must document that the child was placed for adoption by a PCPA or PCSA and that the child meets at least one of the state's criteria for special needs. In addition, the PCSA must document that the prospective adoptive parent(s) lack the economic resources to care for the child without financial assistance.

State Adoption Maintenance Subsidy (SAMS)

SAMS program provides financial assistance to families based on children's special needs at the time of the adoptive placement. To be eligible for SAMS, the adoptive family's gross income must not exceed 120 percent of the median income of a family of the same size. A child who is eligible to receive Title IV-E Adoption Assistance is not eligible to receive SAMS.

What are the benefits of SAMS?
Families determined to be eligible receive a monthly payment and/or Medicaid coverage to help pay for the child's mental, physical or rehabilitative needs.

How can I apply?
Before an adoption is finalized, the prospective adoptive parent(s) must submit a completed JFS 01613, "Application for State Adoption Subsidy," to the PCSA. You can get this form from your PCSA, and staff there can help you complete it.

If the child is in the custody of a PCSA, then the prospective adoptive parent(s) should apply for SAMS in the county in which the PCSA is located. However, if the child is in the custody of a PCPA, then the prospective adoptive parents must apply for SAMS in the county where the private agency is located.

Post Adoption Special Services Subsidy (PASSS)

PASSS is a unique subsidy designed to help Ohio families **after** adoptions are finalized. PASSS is available to all adoptive families, with the exception of stepparent adoptions, regardless of the type of adoption (international, attorney, public or private agency). The child does not have to meet the federal or state definitions of special needs, which are more detailed than the PASSS definition of special needs.

What types of services will PASSS cover?
PASSS is intended to pay for services not covered by other adoption subsidy programs, insurance programs or Medicaid. PASSS funds may be used to cover medical or psychological services deemed necessary to meet the needs of the child. They also may be used to pay for respite care and/or the maintenance costs of residential treatment programs. PASSS will not cover educational or recreational services or activities solely designed to improve self-esteem.

How do I know if my child is eligible for PASSS?
In order to qualify for PASSS, the following criteria must be met:

- The child must have a physical, developmental, mental or emotional condition considered a special need.
- The child's special need must have existed before the adoption was finalized or must have been caused by a pre-adoptive condition.
- The child must be younger than 18 or younger than 21 and mentally or physically disabled.
- The family must have explored other sources of assistance but found them to be inadequate or not available to meet the needs of the child.
- The expenses must be beyond the economic resources of the adoptive family.
- The child must not be in the custody of a PCSA or PCPA.
- The family must live in Ohio.

Is there an income limit or sliding scale of benefits for PASSS?
There is no fixed income limit for PASSS. Therefore, even if you have a good income, you may be eligible to receive PASSS assistance if the cost of service is beyond your economic resources. If your gross income is more than 200 percent of the federal poverty guideline, you will be required to pay a 5 percent copayment on the amount approved.

We did not adopt our child through an agency. Can we still get help?
Yes. As long as funds are available, the program covers all adopted children, with the exception of children adopted by stepparents, regardless of the method of adoption.

Our child is not having any unusual problems, but we're still having a hard time making ends meet. Can PASSS help with some sort of monthly payments?
PASSS is not a maintenance program. Therefore, it cannot provide monthly payments. A clear, well-defined, pre-adoptive need for service must be identified in order for PASSS to help. You can talk with your county department of job and family services to determine if there may be another program that could help you.

What if things change, and the amount of money we need is different from what we agreed upon?
Keep in touch with your PCSA to let them know of any unexpected changes in costs. If services will cost less than expected, the agency will want to free up the money to help another child. If the services will cost more, you can submit a new application. There is a limit of $10,000 per child per state fiscal year (July 1 through June 30). If the PCSA determines that extraordinary circumstances exist, families may apply for an additional $5,000. PASSS applications are approved based upon the availability of funds.

Is there anything I should do before applying for help through PASSS?
Yes. Before applying for PASSS, you first must explore other community resources. PASSS funding is intended only for situations in which other sources of funding are not available or are inadequate. Your PCSA can help you explore other resources. Early exploration can help you define your child's needs and make the PASSS application easier to complete.

When and where do I apply for PASSS?
You can apply for PASSS any time after the adoption is finalized. The application must be submitted to the PCSA—or children services board or county department of job and family services—in the county where you live.

What happens if my PASSS application is approved?
After your PCSA provides written approval, you may schedule the approved service(s). Ask about billing procedures prior to receiving the service or at the time of service. Providers usually bill the agency directly. If you decide not to use the approved services, please let the agency know as soon as possible so the money may be used for another child.

Who makes the decision to approve the application?
Each PCSA has a PASSS committee that reviews applications and supporting documentation. The committee makes recommendations to the PCSA director. The PCSA director then approves or denies the application and informs the family of the decision.

State Hearing Rights

If you do not agree with decisions regarding any of these adoption subsidy programs, you may apply for a county conference and/or state hearing. A state hearing is a meeting with you, someone from the PCSA and an ODJFS hearing officer.

You may request a state hearing if your child has been denied an adoption subsidy, if your child has been approved for an adoption subsidy but you disagree with the amount, or if you are notified that the subsidy is being reduced or terminated.

To request a state hearing, call or write the PCSA. You also may contact the ODJFS Bureau of State Hearings at:

Ohio Department of Job and Family Services
Bureau of State Hearings
P.O. Box 182825
Columbus, Ohio 43218-2825
Phone: 1-866-635-3748 or 1-866-ODJFS-4-U
Fax: (614) 728-9574
Email: **BSH@jfs.ohio.gov**

If you receive written notice denying, reducing or discontinuing your subsidy and you disagree with the proposed action, complete the bottom of the required notification form and send it to the Bureau of State Hearings. State Hearings must receive your request within 90 days of the mailing date of the notice of action (for example, the denial of your application).

When will the hearing be held?
After receiving your request for a hearing, the Bureau of State Hearings will notify you of the date, time and place of your hearing. The notice will be sent to you at least 10 days before the hearing.

Where are hearings held?
Hearings usually are held at the local agency. If you are unable to go there, specify that you would like a new location

on your hearing request, and the hearing may be held at some other place convenient to you and to the other people involved.

What happens at the hearing?
You may bring friends, relatives or an attorney to the hearing to help present your case. The hearing officer may limit the number of witnesses allowed in the room if there is not enough space. You and your representative may look at the evidence used at the hearing and present your side of the case. The hearing officer will listen to both sides and recommend a decision, and the hearing authority will issue a decision. This decision will be sent to you in the mail.

If you disagree with the hearing officer's decision, you may file an administrative appeal with the ODJFS Office of Legal and Acquisition Services. Attorneys there will reconsider your case and decide whether the hearing officer's decision was correct. Administrative appeal decisions are the agency's final say, although these can be appealed to the common pleas court.

Conclusion

We hope this information has been helpful to you. Please note that the Ohio Administrative Code (OAC) rules from which this information was taken are subject to change.

The most current eligibility rules for Title IV-E Adoption Assistance, SAMS and PASSS can be found in these OAC sections:

- OAC 5101:2-44-06, "Eligibility for the State Adoption Maintenance Subsidy Program"
- OAC 5101:2-44-13.1, "Eligibility and application process for the post adoption special services subsidy (PASSS) program"
- OAC 5101:2-49-02, "Title IV-E adoption assistance (AA) eligibility criteria for children age two and older"
- OAC 5101:2-49-02.1, "Title IV-E adoption assistance (AA) eligibility criteria for children under age two"
- OAC 5101:2-51-02, "Adoption assistance connections to age twenty-one eligibility criteria"*

This information also may be obtained from your local PCSA. If you have questions or need additional information regarding adoption subsidies, please contact the PCSA in the county where you live. Thank you for your interest in Ohio's waiting children.

* AAC is a state-administered program. If you have questions or need additional information about it, please email **HELP-DESK-OCF@jfs.ohio.gov**.

Mike DeWine, Governor
State of Ohio

Kimberly Henderson, Director
Ohio Department of Job and Family Services

JFS 01985 (Rev. 11/2020)

This institution is an equal opportunity provider and employer.