

5101:2-49-08

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

- (A) AA monthly payments ~~shall~~is to 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~~is to 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~~is to enter the AA payment information into the Ohio statewide automated child welfare information system (SACWIS). The payment ~~shall~~is to 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~~is 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 ~~shall~~ is to:
- (1) Adjust the overpayment in Ohio SACWIS within three business days of notification that an overpayment has occurred. Adjustment of the payment ~~shall~~ is 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 ~~shall~~ is 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 ~~shall~~ is 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 ~~shall~~ is 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 ~~shall~~ is to be retained in the AA case record.
- (I) The PCSA ~~shall~~ is to refer all cases to the county prosecutor if there is probable cause to believe the crime of fraud has been committed.

Effective:

Five Year Review (FYR) Dates: 2/6/2024

Certification

Date

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