

5101:2-49-08

Adoption assistance payments.

(A) Title IV-E adoption assistance (AA) payments shall begin when 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 "Adoption Assistance Agreement" (rev. 4/2010) is completed and signed by both the adoptive parent(s) and the PCSA.

(B) Unless paragraph (C) of this rule applies, if the completion and signing of the AA agreement is delayed, the AA payment may be effective beginning on the date the child was placed for adoption, after the agreement is completed and signed by all parties.

(C) If the PCSA and the adoptive parent(s) cannot agree on the beginning date of an AA payment or the initial amount of AA, they may enter into an AA agreement for a mutually acceptable monthly payment while negotiations continue or the adoptive parent(s) requests a state hearing.

(D) Before the date on which the child is placed for adoption, the PCSA 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.

(E) The PCSA shall enter the AA payment information into the statewide automated child welfare information system (SACWIS). The payment shall be in the form of a warrant or electronic funds transfer (EFT) made to the adoptive parent(s).

(F) If an overpayment or an underpayment of an AA payment occurs, the PCSA shall 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 allowable amount.

(b) The child for whom an AA payment was made was not eligible for such payment the month the payment was made.

(G) 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:

- (1) Adjust the overpayment through the JFS 01659 "Title IV-E Auxiliary Payment Authorization" (rev. 3/2007) within three working days of notification that an overpayment has occurred until SACWIS is implemented. Adjustment of the payment shall 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.

(H) The PCSA shall 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 continue until a state hearing decision is issued if the state hearing is requested within fifteen days prior to the notice period.
- (2) The PCSA shall continue AA if the hearing decision is favorable to the adoptive parent(s).
- (3) The adoptive parent is not required to return AA payments received prior to the issuance of the state hearing decision if a timely appeal is made and the hearing decision is to terminate or adjust the AA payment.

(I) Documentation of the repayment for the overpayment and the adjustment for the underpayment shall be retained in the AA case record.

(J) The PCSA shall refer all cases to the county prosecutor if there is probable cause to believe the crime of fraud has been committed.

Replaces:

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Effective:

R.C. 119.032 review dates:

Certification

Date

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