

5101:2-49-11**Adoption assistance program payment authorization.**

(A) Title IV-E adoption assistance (AA) payments shall be entered for the family through the statewide automated child welfare information system. The payment shall be in the form of a warrant or electronic funds transfer (EFT) made to the adoptive parent(s).

(B) If an overpayment or an underpayment of an AA payment occurs, the public children services agency (PCSA) shall take immediate action to correct either situation as soon as information is received which affects the payment.

(1) An underpayment for AA occurs when one of the following circumstances exists:

(a) The adoptive parent(s) of an AA child does not receive a payment to which the adoptive parent is entitled, or

(b) The adoptive parent(s) of an AA child receives a payment that is less than the amount to which the adoptive parent is entitled.

(2) An overpayment occurs when an adoptive parent(s) receives a payment or an amount of payment to which they are not entitled because of the following reasons:

(a) The payment was made in excess of the allowable amount, or

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

(C) 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. 01/2002) within three working days of notification that an overpayment has occurred. Adjustment of the AA payment must 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 regards to the overpayment. The written notice must be in accordance with the provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.

(D) 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.

(1) AA shall continue until a state hearing decision is issued if the state hearing is

requested within the fifteen-day prior notice period.

(2) The PCSA shall take the adverse action if no timely appeal is made.

(3) The PCSA shall continue AA if a timely appeal is made and the hearing decision is favorable to the adoptive parent(s).

(4) 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.

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

(F) The PCSA must refer all cases to the county prosecutor in which there is probable cause to believe that the crime of fraud has been committed.

Replaces: Part of 5101:2-47-15
Effective: 01/01/2007
R.C. 119.032 review dates: 08/31/2011

CERTIFIED ELECTRONICALLY

Certification

11/07/2006

Date

Promulgated Under: 119.03
Statutory Authority: 5101.11, 5101.141
Rule Amplifies: 5101.11, 5101.141, 5153.16
Prior Effective Dates: 1/1/83, 1/1/85 (Emer), 7/1/86, 7/2/87, 9/30/87 (Emer),
7/11/89, 9/1/88, 9/1/92, 5/1/98