

ACTION: INT.
MANAGEMENT

DATE: 09/18/2002
04:08 PM

5101:9-6-20

Consolidated state child protective allocation (SCPA) fiscal sanctions.

(A) ODJFS has the authority to take fiscal sanctions against the county if mandated requirements, as contained in paragraphs (C) and (D) of this rule, are not met.

(B) ODJFS calculates the specific sanction amount that is owed and provides notification to the county agency. The county agency must return the sanction amount that is owed within ninety days after notification. Funds that are not returned will be certified for collection to the Ohio attorney general.

(C) Sanction related to maintenance of effort:

(1) Services to children as used in this rule refer only to children's protective services, home-based services to children and families, foster home services, residential treatment services, adoptive services, and independent living services;

(2) ODJFS will reduce the current year consolidated SCPA if in the preceding calendar year the total amount expended for services to children from local funds and Title XX funds was less than the total expended from those sources in the second preceding calendar year. The reduction is equal to the difference between the total expended in the preceding calendar year and the total expended in the second preceding calendar year; and,

(3) The determination of whether the amount expended for services to children was less in the preceding calendar year than in the second preceding calendar year shall not include a difference due to any of the following factors:

(a) An across-the board reduction in the county budget as a whole;

(b) A reduced or failed levy specifically earmarked for children's services;

(c) A reduced allocation of federal Title XX funds to the county; or,

(d) The closure of, or reduction in the operating capacity of, a children's home owned and operated by the county.

(4) A difference due to any of the factors contained paragraph (B)(3) of this rule shall only be considered to the extent it does not exceed the difference in calendar year expenditure for services to children.

(5) A maintenance of effort (MOE) report, based upon data collected on the JFS

02820 "Children Services Monthly Financial Statement" and/or the JFS 02827 "Monthly Financial Statement" is prepared by ODJFS and sent to the county agency by April first each year. If the MOE report shows that the county agency does not meet mandated children services expenditure requirements, the county agency must submit a waiver request. ODJFS has the ability to grant whole or partial waivers for the MOE provision. Any funds recovered through the MOE sanction may be reallocated to those counties that complied with the MOE requirement.

(D) Sanction related to determination/redetermination.

- (1) The county is required to determine/redetermine the possibility of adoption for special needs children who are placed in a setting other than with a person seeking to adopt.
- (2) If the county fails to meet the determination/redetermination requirements as per rule 5101:2-48-07 of the Administrative Code, ODJFS has the authority to withhold fifty per cent of the consolidated SCPA funds for which it would otherwise be eligible for the month of noncompliance.

Replaces: 5101-6-20

Effective: 9/28/2002

CERTIFIED ELECTRONICALLY

Certification

09/18/2002 04:08 PM

Date

Promulgated Under: 111.15
Statutory Authority: 5101.02, 5101.14, 5153.163
Rule Amplifies: 5101.02, 5101.14, 5153.163
Prior Effective Dates: 6/2/79, 7/1/80, 10/1/80,
7/1/83, 11/20/83, 6/18/85
(Emer.), 10/1/85 (Emer.),
11/25/85, 12/22/85, 10/1/87
(Emer.), 12/24/87, 8/19/90,

7/1/96, 11/20/97, 1/26/98,
7/2/02 (Emer.)