

5101:2-16-07

**Caretaker improper payments or misuse of publicly funded child care benefits.****(A) What is a caretaker improper child care payment?**

A caretaker improper payment for publicly funded child care (PFCC) means that a PFCC payment was made to a caretaker's provider for services provided to the caretaker's child that were ineligible to be paid by the PFCC program. The caretaker shall repay the county agency for the following improper payments:

- (1) An error on the part of the caretaker or the caretaker's authorized representative, pursuant to rule 5101:2-16-01 of the Administrative Code.
- (2) Payments made to a provider for care provided during a state hearing appeal period when the decision to terminate benefits is upheld at the state hearing.
- (3) An error by the county agency or Ohio department of job and family services.

**(B) What is considered caretaker misuse of PFCC benefits or the automated child care system?**

Misuse is when the caretaker:

- (1) Intentionally withholds or falsifies information, including information withheld or falsified by the caretaker's authorized representative, as defined in rule 5101:2-16-01 of the Administrative Code.
- (2) Allows the provider to use or possess the caretaker's personal identification information to gain access to the automated child care system.
- (3) Falsifies attendance records.

**(C) What are the repayment procedures for a caretaker improper child care payment or an overpayment related to misuse of the automated child care system?****(1) The county agency shall:**

- (a) Calculate the overpayment resulting from an improper payment.
- (b) Notify the caretaker of the determined overpayment amount to be repaid using the JFS 01151 "County Notice of Child Care Benefit Repayment Requirements for Caretakers" ~~(rev. 10/2019)~~.
- (c) Report payments received from caretakers in the county finance information system (CFIS).

(2) The caretaker shall:

- (a) Sign the JFS 01151 acknowledging the overpayment and agreeing to a repayment plan.
- (b) Make payments in accordance with the signed payment agreement.

(D) What if the caretaker fails to comply with a repayment agreement?

- (1) The county agency shall terminate child care benefits if the caretaker fails to enter into or comply with an agreement to repay a child care overpayment, and shall issue the appropriate hearing notice pursuant to division 5101:6 of the Administrative Code.
- (2) Ineligibility for child care benefits shall continue until the caretaker complies with an agreement to repay the determined amount.

(E) What is considered child care caretaker fraud?

- (1) Child care caretaker fraud is the willful withholding or falsification of information, or the misuse of child care services by the caretaker, or the caretaker's authorized representative, pursuant to rule 5101:2-16-01 of the Administrative Code, with an intent to deceive or defraud, resulting in the acceptance of services to which the caretaker was not entitled, as determined by a court of law or the caretaker's admission.
- (2) The county agency, in cooperation with the county prosecutor, shall develop and implement procedures for the investigation and/or prosecution of alleged child care caretaker fraud and the recovery of child care over payments from caretakers. The county agency shall update these procedures as necessary.

(F) What happens if a caretaker has admitted to caretaker fraud or has been convicted of fraud by a court of law?

- (1) The county agency shall terminate child care benefits.
- (2) The caretaker shall not be eligible for PFCC benefits until full repayment has been made.
- (3) The county agency shall follow all appropriate provisions of the state hearing notice as required in division 5101:6 of the Administrative Code.

Effective:

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Certification

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Date

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