

**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES
BUREAU OF STATE HEARINGS**

ADMINISTRATIVE APPEAL SECTION

In Re Appeal of:

Docket Number:	AA-2206	
Appeal No(s)	1387469	IVE
AG No.	5062874184	
Hearing Request Date:	12/13/2007	
Hearing Decision Date:	01/10/2008 / JLP	
Appeal Request Date:	01/25/2008	
Agency:	STARK PCSA	

Administrative Appeal Decision

The appellant requests an administrative appeal of the state hearing decision issued on January 10, 2008. The state hearing decision overruled the appellant's appeal of the termination of the appellant's adoption assistance. The Stark County Public Children Services Agency (PCSA) proposed termination of the adoption assistance because the appellant's three adoptive children were removed from her home and were in the custody of children services.

Ohio Admin. Code 5101:2-49-13 allows the PCSA to terminate Title IV-E adoption assistance, "If the child is no longer receiving support from the adoptive parent(s)" The rule further provides that "An adoptive parent(s) is supporting the child when the adoptive parent(s) provides the child with shelter, food, and clothing." The appellant's children were removed from her home on August 30, 2007. The appellant has not been ordered to pay child support for the children. While there is a reunification plan in place, the children have not yet returned home. The appellant is no longer providing support, in the nature of food, shelter and clothing, to the children, and the Agency appropriately proposed termination of the adoption assistance.

The appellant appeals because she feels that \$200 of the \$450 adoption assistance payment for each child was negotiated by her to repair damages that the children caused in her home. The appellant states that she is still in the process of making repairs. The appellant feels that she should be reimbursed for repairs that

remain outstanding in the amount of \$4000. The jurisdiction of the Bureau of State Hearings is limited to determining whether the PCSA appropriately terminated the appellant's adoption assistance. We have found, based on Ohio Admin. Code 5101:2-49-13, that they have appropriately terminated the adoption assistance payments. Whether the appellant is entitled to compensation from the PCSA for damages caused to her home by her children is outside our jurisdiction. The state hearing decision is correct.

DECISION

We hereby ORDER that the hearing denial is AFFIRMED.

Administrative Appeal Officer

CONCUR:

Administrative Appeal Officer

Chief Administrative Hearing Officer

Date of Issuance: February 1, 2008

Notice to Appellant

This Administrative Appeal decision is the final decision on this appeal from the state department of job & family services. It is binding on the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

An Appellant who disagrees with this decision may appeal it to the court of common pleas pursuant to sections 119.12 and 5101.35(E) of the Revised Code. The Appellant shall mail the original notice of appeal to the department at the following address:

**Ohio Department of Job & Family Services
Office of Legal Services
30 E. Broad Street, 31st Floor
Columbus, OH 43215-3414**

The Appellant must also file a copy of the notice of appeal with the court of common pleas in the county in which the Appellant resides (Franklin County, if the Appellant does not reside in Ohio). Please note: Both the mailing to the

department and the filing with the court must occur within thirty (30) calendar days of the date of issuance of this decision.

If you have questions about appealing to a court, contact your attorney, local legal aid society, or bar association. If you want information about free legal services, you can call the Ohio State Legal Services Association, toll free, at 1-800-589-5888.

cc:

Director, STARK PCSA

LEHMAS01, PARSOJ, Bureau of State Hearings