



Ohio Administrative Code

Rule 5180:3-27-02 Title IV-E Agency Responsibilities for Federal and State Benefits.

Effective: November 1, 2025

(A) When is the Title IV-E agency (hereinafter referred to as an "agency") to assess if a child is eligible for federal or state benefits identified in paragraph (B) of this rule?

For any child entering custody or placement responsibility on or after October 1, 2025, the agency is to assess the child within one hundred eighty days after the disposition hearing date.

(B) Which federal or state benefits are an agency to assess a child's eligibility for?

An agency is to assess whether a child is receiving or eligible for benefits from the Social Security Administration, the United States Department of Veterans Affairs, Ohio Public Employee Retirement System, Ohio Police and Fire Pension Fund, the State Teacher Retirement System of Ohio, the School Employees Retirement System of Ohio, or the Ohio Highway Patrol Retirement System (hereinafter referred to as benefits).

(1) If a child is eligible for both Social Security Income (SSI) and Title IV-E Foster Care Maintenance (FCM) benefits, the agency may claim FCM on the child's behalf. Any SSI payment that remains after the FCM offset must be conserved for the child. The agency must comply with all applicable Social Security Administration rules and regulations under the Social Security Act and 20 C.F.R. Part 416.

(C) What is an agency to do if the child is eligible or may be eligible for benefits?

An agency is to apply for benefits on the child's behalf to whoever is responsible for administering the benefits identified in paragraph (B) of this rule.

(D) When is an agency to inform a child of the benefits and discuss the application, representative payee, use or conservation?



An agency is to inform a child fourteen years of age and older, developmentally appropriate, of the benefits and provide an annual update/report of the benefits. The agency is to incorporate services regarding financial management related to the benefits into the services for the child pursuant to rule 5180:2-42-19 of the Administrative Code for independent living plan and transition planning, if applicable.

(E) What is an agency to do if a child is receiving federal or state benefits before entering custody/care?

An agency is to:

(1) Identify the current payee of the benefits for the child and record the payee in the Ohio Comprehensive Child Welfare Information System (CCWIS).

(2) Inform and consult with the child's parent/guardian/custodian, attorney, guardian ad litem (GAL), or court appointed special advocate (CASA), and current payee to determine a preferred representative payee in accordance with 20 CFR § 404.2021 and 416.621.

(3) Apply to become the representative payee if there is no other preferred payee.

(F) What happens if a child's benefits application is denied?

After consultation with the child's attorney, GAL, or CASA, the agency is to file an appeal for benefits unless doing so is contrary to the child's best interest or the agency lacks the necessary information to support an appeal after making reasonable efforts to obtain it.

(G) When is an agency to complete the actions listed in paragraphs (H) through (O) of this rule?

An agency is to complete the actions listed in paragraphs (H) through (O) when it is the representative payee of the child's benefit(s).

(H) Can an agency use a child's federal or state benefits to pay for the child's care?



No, per Section 5103.09 of the Revised Code, the agency is not to use the child's federal or state benefits, savings, or assets to reimburse itself or the state for the cost of care.

(I) What types of accounts are appropriate to manage a child's benefits?

An agency is to establish and maintain an account in a manner that preserves the child's eligibility for federal and state benefits/supports the child is otherwise eligible to receive.

(J) What information does the agency record in Ohio CCWIS?

The agency is to enter the following information:

(1) Type of benefit.

(2) Amount of benefit.

(3) Financial institution name.

(4) Financial account number.

(K) What financial reports is the agency to provide regarding the child's benefits?

The agency is to provide an annual accounting of the child's benefits to:

(1) The child as referenced in (D).

(2) The child's attorney, GAL, or CASA.

(3) The child's parents or guardians, unless parental rights or guardianship have been terminated.

(L) How often does the agency need to review the representative payee selection and the appropriateness of a current representative payee?



The agency is to annually review whether someone else could better serve as the representative payee and assume the role in the child's best interest.

(M) Who is to be notified about applications, decisions, or appeals regarding a child's benefits?

The agency is to notify:

(1) The child's parents or guardians, unless parental rights or guardianship have been terminated.

(2) The child's attorney, GAL, or CASA.

(N) When does the agency's responsibility end under this rule?

Agency responsibility to comply with provisions of this rule ends when the agency's custody is terminated, save compliance with section (O) of this rule.

(O) What happens to a child's funds when the agency's responsibility ends?

Upon termination of the agency's responsibility, any remaining funds are to be distributed according to the funding source's requirements. If funding source requirements allow the conserved funds are to be released to:

(1) The child, if eighteen years old or emancipated.

(2) The child's legal guardian, if they are a minor and not emancipated.