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Title 22@ Social Security

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Division 2@ Department of Social Services-Department of Health Services

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Part 2@ Health and Welfare Agency-Department of Health Services Regulations

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Subdivision 4@ Institutions and Boarding Homes for Persons Aged 16 and Above

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Chapter 3@ Adoptions Program Regulations [Renumbered]

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Subchapter 7@ Adoption Assistance Program/Aid for the Adoption of Children (AAP/AAC)

## **35344 Procedures for Identification and Recovery of Overpayments**

Article 7@ AAP Overpayments

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Section 35344@ Procedures for Identification and Recovery of Overpayments

### **(a)**

An overpayment of Adoption Assistance Program (AAP) benefits may exist in the following situations: (1) The adoptive parent receives aid after the child becomes ineligible for assistance because: (A) The child has attained 18 years of age, or, if the agency has determined that the child has a mental or physical condition which warrants the continuation of assistance, 21 years of age. (B) The adoptive parent is no longer supporting the child. (C) The adoptive parent is no longer legally responsible for the support of the child. (2) The adoptive parent has committed fraud in his or her application for, or reassessment of, the adoption assistance benefit. (3) The AAP payment exceeds the foster care payment which would have been paid on behalf of the child if the child had not been placed for adoption.

### **(1)**

The adoptive parent receives aid after the child becomes ineligible for assistance because: (A) The child has attained 18 years of age, or, if the agency has determined that the child has a mental or physical condition which warrants the continuation of assistance, 21 years of age. (B) The adoptive parent is no longer supporting the child. (C) The adoptive parent is no longer legally responsible for the support of the child.

### **(A)**

The child has attained 18 years of age, or, if the agency has determined that the child has a mental or physical condition which warrants the continuation of assistance, 21 years of age.

**(B)**

The adoptive parent is no longer supporting the child.

**(C)**

The adoptive parent is no longer legally responsible for the support of the child.

**(2)**

The adoptive parent has committed fraud in his or her application for, or reassessment of, the adoption assistance benefit.

**(3)**

The AAP payment exceeds the foster care payment which would have been paid on behalf of the child if the child had not been placed for adoption.

**(b)**

The agency which authorized payment shall compute the overpayment amount as follows: (1) Compute the correct AAP payment based on correct information for each month. (2) Subtract the correct AAP payment from the amount of assistance actually provided.

**(1)**

Compute the correct AAP payment based on correct information for each month.

**(2)**

Subtract the correct AAP payment from the amount of assistance actually provided.

**(c)**

The agency which authorized payment shall inform the county responsible for payment of the reason for the overpayment and the computation of the overpayment amount.

**(d)**

The county shall attempt to recover the overpayment as specified in MPP Section 45-806 and Section 45-808, which provides for recovery by grant adjustment, demand for repayment, or civil judgment.

**(e)**

The county shall not demand overpayment collection when the overpayment was due to county error.