

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

P [REDACTED] R [REDACTED], A [REDACTED] R [REDACTED],
K [REDACTED] R [REDACTED],
Petitioner,

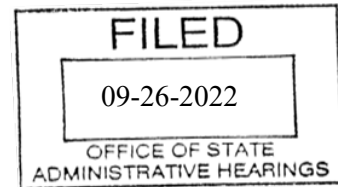
v.

**DHS, DIVISION OF FAMILY AND
CHILDREN SERVICES,
Respondent.**

Docket No.: [REDACTED]
[REDACTED]-OSAH-DFCS-SAA-60-Malihi

Agency Reference No.: [REDACTED]

DECISION



This matter was heard on Wednesday, September 21, 2022. All parties were present.

The facts are not in dispute. Ms. A [REDACTED] R [REDACTED] and Mr. K [REDACTED] R [REDACTED] adopted P [REDACTED] R [REDACTED] when he was only a few days old. P [REDACTED] is a very kind, caring, and brilliant young man. He grew up in a loving and caring family with two wonderful parents. Ms. And Mr. R [REDACTED] spent the last 18 years providing a nurturing environment for P [REDACTED] to flourish.

P [REDACTED] was born on November 21, 2003. The Respondent provided adoption assistance to P [REDACTED] without interruption until May 2022. Adoption Assistance is generally available until the child's 18th birthday. If the child is enrolled in high school full-time on his/her 18th birthday, the benefits continue until the child is no longer a full-time high school student. *Georgia Division of Family and Children Services, Youth Welfare Policy Manual, at 2.*

The Respondent terminated P [REDACTED]'s benefits in November 2021, after his 18th birthday. Ms. R [REDACTED] contacted the Respondent and provided the necessary supporting documents to show that P [REDACTED] was enrolled in

high school full-time. The Respondent reinstated P [REDACTED]'s adoption benefits. On May 31, 2022, the Respondent, in compliance with the Youth Welfare Policy, terminated P [REDACTED]'s adoption benefits again when he was no longer a full-time high school student. See Notification of Decision Related to Adoption Assistance.

Although the Respondent was authorized to terminate P [REDACTED]'s adoption benefits in May 2022, it did so without providing a timely termination notice to the family. Eventually, the Respondent corrected the error and issued a termination notice to the family on June 14, 2022. *Testimony of Ms. Shaquita Pratt; Notification of Decision Related to Adoption Assistance.*


The Respondent admits that a 30-day termination notice to the family is required. The notice is, in part, intended to provide the family with the opportunity to request a hearing within 30 days of the notice. See Notification of Decision Related to Adoption Assistance.

For children who are placed in adoptive status before age 13, the adoption benefits end at age 18 or until the child is no longer enrolled in high school full-time. *Id.* P [REDACTED] turned 18 on November 21, 2021. He remained eligible for adoption assistance until May 31, 2022, since he remained a full-time high school student. However, because the termination notice was delayed until June 14, 2022, the Respondent is directed to provide adoption assistance to P [REDACTED] for June and July 2022. Other than the notice error, the Respondent is authorized to terminate P [REDACTED]'s adoption benefits at the end of July 2022, because he is no longer eligible for the program.

SO ORDERED, this 26th day of September, 2022.

Michael Malihi

Michael Malihi
Administrative Law Judge

The seal of the State Administrative Hearings is circular. It features a central emblem with a scale of justice and a book. The text "STATE ADMINISTRATIVE HEARINGS" is written around the top inner edge of the circle, and "1905" is at the bottom. The words "OFFICE OF THE ADMINISTRATIVE LAW JUDGE" are also visible around the perimeter.