§ 455. Fair hearings. 1. Any person aggrieved by the decision of a social services official or an official of the office of children and family services not to make a payment or payments pursuant to this title or to make such payment or payments in an inadequate or inappropriate amount or the failure of a social services official or an official of the office of children and family services to determine an application under this title within thirty days after filing, may appeal to the office of children and family services which shall review the case, give such person an opportunity for a fair hearing thereon, and render its decision within thirty days. The office of children and family services may also, on its own motion, review any such decision made by a social services official or any case in which a decision has not been made within the time specified. All decisions of the office of children and family services shall be binding upon the social services district involved and shall be complied with by the social services official thereof.

2. The only issues which may be raised in a fair hearing under this section are (a) whether the social services official or an official of the office of children and family services has improperly denied an application for payments under this title, or (b) whether the social services official or an official of the office of children and family services has improperly discontinued payments under this title, or (c) whether the social services official or an official of the office of children and family services has determined the amount of the payments made or to be made in violation of the provisions of this title or the regulations of the office of children and family services promulgated hereunder, or (d) whether the social services official improperly refused to certify the individual preferred by a child for certification as the representative payee or improperly denied a request by a child to revoke the certification of a representative payee pursuant to section four hundred fifty-three of this title.

3. When an issue is raised as to whether a social services official or an official of the department has improperly denied an application for payments under this title, the department shall affirm such denial if: (a) the child is not a hard to place child or a handicapped child or (b)

there is another approved adoptive parent or parents who is or are willing to accept the placement of the child in his or their home without payment under this title within sixty days of such denial and placement of the child with such other parent or parents would not be contrary to the best interests of the child.

4. The provisions of subdivisions two and four of section twenty-two of this chapter shall apply to fair hearings held and appeals taken pursuant to this section.