§ 456. State reimbursement and payments. 1. Payments made by social services officials pursuant to the provisions of this title shall, if approved by the department, be subject to reimbursement by the state, in accordance with the regulations of the department as follows: there shall be paid to each social services district (a) the amount of federal funds, if any, properly received or to be received on account of such payments; and (b) except as set forth below, seventy-five per centum of such payments after first deducting therefrom any federal funds properly received or to be received on account thereof; provided, however, that when payments under section four hundred fifty-three of this title are made to a person or persons residing in a social services district whose board rate exceeds that of the district making such payments, that portion of the payments which exceeds the board rate of the district making the payments shall be subject to reimbursement by the state in the amount of one hundred per centum thereof, or (c) one hundred per centum of such payments after first deducting therefrom any federal funds properly to be received on account of such payments, for children placed out for adoption or being adopted after being placed out for adoption by an Indian tribe as referenced in subdivision seven of section four hundred fifty-one of this title.

2. (a) Claims for state reimbursement shall be made in such form and manner and at such times and for such periods as the department shall determine.

(b) When certified by the department, state reimbursement shall be paid from the state treasury upon the audit and warrant of the comptroller out of funds made available therefor.

3. Notwithstanding any other provision of law to the contrary, for a child who has been placed for adoption by a voluntary authorized agency with guardianship and custody or care and custody of such child, as referenced in subdivision one of section four hundred fifty-one of this title, payments available under section four hundred fifty-three, four hundred fifty-three-a or four hundred fifty-four of this title shall be made by the state pursuant to a written agreement between an official of the office of children and family services and the persons who applied for such payments prior to adoption. Notwithstanding any other provision

of law to the contrary, the office of children and family services shall not enter into written agreements for, or issue, any such payments in instances where the person or persons applying for such payments reside outside of the state of New York at the time the application for such payments is made.