

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:1-24-30

Rule Type: Rescission

Rule Title/Tagline: Kinship caregiver program.

Agency Name: Department of Job and Family Services

Division: Division of Public Assistance

Address: OFC- 4200 E. 5th Ave., 2nd fl. L2-01 P.O. Box 183204 Columbus OH
43218-3204

Contact: Michael Lynch **Phone:** 614-466-4605

Email: Michael.Lynch@jfs.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 7/14/2023
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 33 - 135
- Jay Edwards
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** Section 307.81 of Amended Substitute House Bill 110 of the 134th General Assembly, 5101.80
5. **What statute(s) does the rule implement or amplify?** Section 307.81 of Amended Substitute House Bill 110 of the 134th General Assembly, 5101.80, 5101.801, 5108.01, 5108.02
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable

7. What are the reasons for proposing the rule?

The Ohio Department of Job and Family Services proposes to rescind the rule due to the Amended Substitute House Bill 33 of the 135th General Assembly being signed into law on July 3, 2023 removing the Kinship Caregiver Program.

8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule describes the requirements for ensuring TANF eligibility of Kinship Caregiver Program assistance groups; the protections for ensuring that benefits and services remain TANF non-assistance; the elements of stabilization caregiving services; and defines the assistance group composition for each service.

9. Does the rule incorporate material by reference? Yes**10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more dated references to the Code of Federal Regulations (CFR). This question is not applicable to any dated incorporation by reference to the CFR because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2)(d).

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis**12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable.

13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

No new costs.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? No

18. Does this rule have an adverse impact on business? No

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 21

(A) KCP shall be incorporated into a county agency's prevention, retention and contingency (PRC) plan and designed by the county agency and the public children services agency (PCSA) to be consistent with the provisions of Section 307.81 of Amended Substitute House Bill 110 of the 134th General Assembly, Chapter 5108. of the Revised Code, and this rule.

(B) KCP shall be designed to reasonably achieve the purpose of helping needy families so that children may be cared for in their own homes or in the homes of relatives.

(B) Therefore, an application and determination of TANF eligibility is required for every assistance group.

(B) The benefits and/or services provided in KCP may not be "assistance" as defined in 45 C.F.R. 260.31(a) (10/1999); and are limited to benefits and/or services that are excluded from the definition of assistance pursuant to 45 C.F.R. 260.31(b) (10/1999).

(D)(1) For the stabilization service, the assistance group shall include only a minor child residing with a kinship caregiver.

(D)(2) For the caregiving service, the assistance group shall include at least a minor child residing with a kinship caregiver and the kinship caregiver.

(D)(3) Each member of the assistance group shall:

(D)(4) The assistance group shall have gross income of less than two hundred per cent of the federal poverty level.

(D)(4) Income received during the past thirty days shall be used as an indicator of the income that is and will be available to the assistance group.

(D)(4) However, the county agency shall not use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated.

(D)(5) A redetermination of TANF eligibility for KCP shall be required no less than every twelve months from determination of initial eligibility.

(E) What are the required elements of the stabilization service?

(E) Stabilization services shall be designed to transition the child into and maintain the child in the home of the kinship caregiver.

(F) What are the required elements of the caregiving service?

(F)(1) The benefits or services shall be limited to reimbursement to the kinship caregiver for, or direct payment to, a third-party individual or entity to administer to the needs of a minor child.

(F)(2) The minor child for who caregiving services are being provided shall be:

(F)(3) The kinship caregiver or other member of the assistance group shall be participating in one of the following approved activities:

(F)(4) The assistance group shall inform the county agency within ten days if no member of the assistance group is participating in an approved activity or if the child is no longer residing with the kinship caregiver.

(G) How must adverse action be taken against an applicant or recipient of KCP?

(G) In accordance with rules 5101:6-2-02 and 5101:6-2-04 of the Administrative Code, a county agency shall provide an assistance group written notice of a denial or its intent to withhold, reduce, suspend, or terminate KCP services.

(D)(5) A redetermination of TANF eligibility for KCP shall be required no less than every twelve months from determination of initial eligibility.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable