

5101:2-40-04

Kinship permanency incentive program.

(A) The following definitions are applicable to this rule and supersede any definitions contained in rule 5101:2-1-01 of the Administrative Code.

- (1) "Custodian" has the same meaning as in section 5107.02 of the Revised Code, which is an individual who has legal custody of a minor child or comparable status over a minor child created by a court of competent jurisdiction in another state.
- (2) "Family" means kinship caregiver, spouse of kinship caregiver, and all of the minor children who reside in the same household.
- (3) "Fraudulent incentive" means incentive funds provided to the kinship caregiver(s) as a result of fraud by the kinship caregiver(s), including an intentional violation of the program requirements. Fraudulent incentive does not include incentive payments provided due to an error of the agency in processing the application.
- (4) "Gross income" means income before taxes and deductions. Exclusions of reported income are as follows and shall be deducted from the gross income of each adult responsible for reporting his or her income:
 - (a) Child support paid out to another custodian for a child in the other custodian's care.
 - (b) Up to one-hundred dollars per month of any child support received on behalf of the child for whom the kinship caregiver is applying for the kinship permanency incentive (KPI).
 - (c) Any Ohio works first (OWF) payments.
- (5) "Guardian" has the same meaning as in section 5107.02 of the Revised Code, which is an individual that is granted authority by a probate court or a court of competent jurisdiction in another state, to exercise parental rights over a minor child to the extent provided in the court's order and subject to residual parental rights of the minor child's parents.
- (6) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code, which is any of the following who is eighteen years of age or older and is caring for a child in place of the child's parents.
 - (a) Individuals related by blood or adoption to the child including:

- (i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great."
 - (ii) Siblings.
 - (iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand."
 - (iv) First cousins and first cousins once removed.
- (b) Stepparents and stepsiblings of the child.
- (c) Spouses and former spouses of individuals named in paragraphs (A)(6)(a)(i) to (A)(6)(a)(iv) and (A)(6)(b) of this rule.
- (d) A legal guardian of the child.
- (e) A legal custodian of the child.
- (7) "Minor child" has the same meaning as in 45 C.F.R. 260.30 (1999), which is either of the following:
- (a) An individual who has not attained age eighteen.
 - (b) An individual who has not attained age nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.
- (B) The KPI program is designed to promote a permanent commitment by a kinship caregiver(s) through becoming guardians and custodians over minor children who would otherwise be unsafe or at risk of harm if they remained in their own homes. KPI provides time-limited incentive payments to families caring for their kin.
- (C) In order for a kinship caregiver(s) to be eligible for KPI, all of the following criteria must be met:
- (1) On July 1, 2005 or thereafter, a court issued an order granting legal custody or legal guardianship to the kinship caregiver(s). Any temporary court orders do not apply.

- (2) The child currently resides with the kinship caregiver(s). If the child is on temporary leave from the kinship caregiver's home (e.g., hospitalization, mental health treatment or respite) and the kinship caregiver retains legal custody or legal guardianship this shall not preclude eligibility for KPI.
 - (3) The kinship caregiver(s) is a resident of the state of Ohio.
 - (4) The placement was approved by the public children services agency (PCSA) or private child placing agency (PCPA) pursuant to paragraphs (B) to (H) of rule 5101:2-42-18 of the Administrative Code. For children placed directly with a kinship caregiver by a court or relative, the PCSA shall assess the home in accordance with the requirements identified in paragraph (B) to (H) of rule 5101:2-42-18 of the Administrative Code prior to the approval of KPI, and
 - (5) The gross income of the kinship caregiver's family, with the minor child, does not exceed three hundred per cent of the federal poverty guidelines.
- (D) Eligible kinship caregiver(s) shall receive an initial amount of ~~one thousand five hundred~~ hundred twenty-five dollars per child to defray costs of initial placement and may receive ~~five~~ three hundred dollars per child at six-month intervals to support the stability of the child's placement in the home. The maximum incentive amount may not exceed ~~thirty five hundred dollars~~ six payments per child per placement or per kinship caregiver(s). The incentive amount for the kinship caregiver(s) shall not be provided for longer than a total of thirty-six consecutive months during which time the child remains in the legal custody or legal guardianship of the kinship caregiver(s) and continues to meet the other eligibility requirements of the program.
- (E) The PCSA in the county in which the kinship caregiver(s) resides, at the time of initial application or re-determination, is responsible for the following:
- (1) Upon request of the kinship caregivers(s), providing the kinship caregiver(s) with the JFS 01501 "Application for Kinship Permanency Incentive" (rev. 7/2007).
 - (2) Determining eligibility for the initial incentive payment.
 - (3) Notifying the kinship caregiver(s) of the approval, denial or incomplete application in accordance with paragraphs (F)(1) to (F)(3) of this rule.
 - (4) Informing the kinship caregiver(s) that subsequent payments will require re-determination of eligibility every six months and that the kinship

caregiver(s) must submit another application.

- (5) Notifying the kinship caregiver(s) thirty days prior to the eligibility for a subsequent incentive payment that the kinship caregiver(s) must submit verifying documentation to enable the PCSA to determine eligibility.
 - (6) Determining continuing eligibility for subsequent incentive payments.
 - (7) Notifying the kinship caregiver(s) of the approval, denial or incomplete application for subsequent incentive payments in accordance with paragraphs (F)(1) to (F)(3) of this rule.
 - (8) Conducting a face-to-face interview with the kinship caregiver(s) to determine eligibility no less frequently than annually. The PCSA may waive the face-to-face interview if this proves to be a hardship for the kinship caregiver(s).
- (F) The PCSA shall approve or deny the application for KPI based on criteria identified in paragraphs (C)(1) to (C)(5) of this rule and provide written notification to the kinship caregiver(s) of its decision within fifteen days of receipt of the completed JFS 01501 and supporting documentation.
- (1) When sufficient information is not available to enable the PCSA to approve or deny the application for incentive payments, the PCSA shall provide the kinship caregiver(s) with JFS 01502 "Notice of Incomplete Kinship Permanency Incentive Application" (rev. 7/2007) that identifies the information needed. The PCSA shall notify the kinship caregiver(s) that if information requested is not submitted within ten days the application will be denied. This shall not prohibit the kinship caregiver(s) from reapplying.
 - (2) For approved applications, JFS 01503 "Notice of Approval for Kinship Permanency Incentive Funds" (~~01/2006~~)(rev. 8/2009) shall be completed.
 - (3) For denied applications, JFS 01504 "Notice of Denial for Kinship Permanency Incentive Funds" (rev. 7/2007) shall be completed.
- (G) If a kinship caregiver(s) relocates to another Ohio county, the PCSA in the current county of residence is responsible for determining eligibility for subsequent incentive payments and complying with notification requirements outlined in paragraphs (E)(5) to (E)(8) of this rule. When known, the PCSA in the county in which the kinship caregiver(s) currently resides shall coordinate with the PCSA in the county of former residence in order to secure information regarding prior

incentive payments. The PCSA in the county in which the kinship caregiver(s) formerly resided shall share information regarding prior incentive payments and upon request, transfer the case to the PCSA of the kinship caregiver's current county of residence.

- (H) The kinship caregiver(s) is responsible for notifying the PCSA of any status change in the household that may impact eligibility; as well as notifying the PCSA of address changes.
- (I) The PCSA may develop an interagency agreement with the CDJFS to assist in gathering eligibility information necessary for the PCSA to approve or deny the application.
- (J) If a director of a PCSA determines that a kinship caregiver(s) has received a fraudulent incentive, the kinship caregiver(s) is ineligible to participate in the KPI program.
- (K) In order to confine KPI expenditures to appropriated state funds, the director of the department of job and family services, or designee, may issue an order at any time suspending the intake of any ~~new~~ applications for KPI. During a program suspension, all ~~new~~ applicants will be advised that a suspension is in effect. All ~~new~~ applications will be denied during the same time that a suspension is in effect. No waiting lists will be established during the periods of suspension.
- (L) The PCSA shall inform the kinship caregiver(s) of the right to request a state hearing and provide the kinship caregiver(s) with a copy of the JFS 04059 "Explanation of State Hearing Procedures" (04/2005) upon approval or denial of their application. The kinship caregiver(s) has the right to request a state hearing if the PCSA denies eligibility for KPI, or the application has been acted upon erroneously, or not acted upon with reasonable promptness.

Effective:

R.C. 119.032 review dates: 09/01/2012

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5101.801, 5101.802
Rule Amplifies: 5101.801, 5101.802
Prior Effective Dates: 1/1/2006, 7/2/2007 (Emer.), 9/30/2007, 8/21/2009 (Emer.)