

TO BE RESCINDED

5101:2-40-06 **Kinship child care program.**

- (A) The kinship child care program provides child care services to eligible kinship families. This temporary assistance for needy families (TANF) non-assistance program is not part of the publicly funded child care program.
- (B) The following definitions are applicable to this rule and supersede any conflicting 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) "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.
 - (3) "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) The following individuals related by blood or adoption to the child:
 - (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 (B)(3)(a) and (B)(3)(b) of this rule;
 - (d) A legal guardian of the child; or

- (e) A legal custodian of the child.
 - (4) "Kinship child" means a child being cared for by any kinship caregiver pursuant to paragraphs (B)(1) to (B)(3) of this rule.
 - (5) "Kinship family" means the kinship caregiver, spouse of the kinship caregiver, and all of the minor children for whom the kinship caregiver and spouse of the kinship caregiver are responsible, and who reside in the same household.
- (C) When a public children services agency (PCSA) is considering placement of a child with a kinship caregiver as defined in paragraph (B)(3) of this rule, or when a kinship caregiver has been approved for the kinship permanency incentive program (KPIP) and the PCSA determines that the kinship caregiver has a need for child care services, the PCSA shall:
- (1) Complete the JFS 01499 "Pre-Screening Tool for Kinship Child Care" (02/2018) for the kinship family to determine whether the kinship family may qualify for publicly funded child care or the kinship child care program; and
 - (2) Send the completed JFS 01499 to the Ohio department of job and family services (ODJFS). The PCSA may choose to retain the completed forms and send them in batches to ODJFS no later than the end of each calendar month.
- (D) When a PCSA has approved a kinship home assessment and the JFS 01499 indicates the kinship family may be eligible for publicly funded child care or the kinship child care program, the PCSA shall do one of the following:
- (1) Assist the kinship caregiver with the application process for publicly funded child care pursuant to rule 5101:2-16-30 of the Administrative Code when the PCSA determines the kinship family may be eligible for publicly funded child care; or
 - (2) Inform the kinship caregiver about the kinship child care program and provide the kinship caregiver with the JFS 01500 "Kinship Child Care Application" (02/2018) when the PCSA determines that the kinship family will not qualify for publicly funded child care, but may qualify for the kinship child care program.
- (E) A kinship family may be eligible for the kinship child care program when all of the following requirements are met:
- (1) A PCSA is currently or was previously involved with the family, including solely for kinship permanency incentive program approval purposes, and supports the kinship child(ren) residing in the home of the kinship caregiver;

- (2) The PCSA has completed and approved a home assessment in accordance with rule 5101:2-42-18 of the Administrative Code for the child(ren) for which the kinship caregiver has a need for child care services;
 - (3) The gross income of the kinship family, including the kinship child(ren) does not exceed two hundred per cent of the federal poverty guidelines. The income eligibility guidelines will be published annually in a child care manual procedure letter;
 - (4) The child(ren) in need of kinship child care is less than thirteen years of age, or less than eighteen years of age and meets the definition of "special needs" pursuant to rule 5101:2-16-01 of the Administrative Code;
 - (5) The kinship caregiver is a resident of Ohio;
 - (6) The kinship child(ren) in need of child care resides with the kinship caregiver;
 - (7) The kinship caregiver and kinship child(ren) must be United States citizens, non-citizen nationals, or qualified aliens as those terms are defined in rule 5101:1-2-30 of the Administrative Code;
 - (8) The kinship caregiver and kinship child(ren) must have, or have applied for, social security numbers;
 - (9) The kinship caregiver must not owe any of the cost of fraudulent TANF assistance paid to the kinship caregiver;
 - (10) The kinship caregiver must have been afforded the opportunity to register to vote; and
 - (11) The kinship family has a need for kinship child care services for the kinship child(ren). A need for kinship child care services results when the kinship caregiver(s):
 - (a) Is participating in paid employment on a full-time or part-time basis;
 - (b) Is participating in a training or education activity; or
 - (c) Requires child care services which provide temporary relief of child caring functions, are reasonable and necessary, and are intended for the kinship family to receive a break.
- (F) The kinship family shall apply for the kinship child care program by submitting a completed application to the PCSA who holds custody of the child, or to the PCSA

in the kinship caregiver's county of residence when the kinship caregiver has custody or guardianship of the child. A completed application includes all of the following:

- (1) The JFS 01500;
 - (2) Verification of citizenship or qualified alien status for the kinship child(ren) in need of care;
 - (3) Verification of income for all household members pursuant to rule 5101:2-16-34 of the Administrative Code; and
 - (4) Verification of a need for kinship child care, which includes but is not limited to:
 - (a) Pay stubs that indicate hours of work;
 - (b) A statement from an employer indicating hours of work;
 - (c) A class schedule;
 - (d) A training schedule; or
 - (e) A client statement regarding the need for kinship child care services which addresses why they are reasonable and necessary.
- (G) The PCSA shall determine how much child care the kinship family needs for the kinship child(ren) on a weekly basis. The PCSA shall base the determination on the need identified by the kinship family pursuant to paragraph (E)(11) of this rule and shall assign the need according to the following categories:
- (1) Hourly, which is less than 7.0 hours per week;
 - (2) Part-time weekly, which is 7.0 to less than 25.0 hours per week; or
 - (3) Full-time weekly, which is 25.0 to 60.0 hours per week.
- (H) The PCSA shall assess a kinship family's eligibility for the kinship child care program as soon as possible, but no later than five business days from the date the PCSA receives the completed application. The PCSA shall retain a copy of the JFS 01500 and copies of all required supporting documentation in the agency's files.
- (I) The PCSA shall provide all of the following to ODJFS:
- (1) The JFS 01500 and other documentation required in paragraph (F) of this rule;

- (2) A recommendation to approve or deny eligibility for the kinship child care program; and
 - (3) A recommendation of hours of authorization pursuant to paragraph (G) of this rule, if the PCSA is recommending approval of eligibility.
- (J) ODJFS will notify both the kinship caregiver and the PCSA of the final determination of initial eligibility.
- (K) If the kinship family is determined eligible for kinship child care benefits, the initial eligibility period may begin on the date the PCSA received the completed application and shall last for four months, unless the kinship child is no longer residing in the home.
- (L) An eligible kinship caregiver may receive kinship child care services from a child care provider who has entered into and is abiding by a provider agreement pursuant to rule 5101:2-16-44 of the Administrative Code and is any of the following:
 - (1) Licensed by the state of Ohio in accordance with Chapter 5101:2-12 or 5101:2-13 of the Administrative Code;
 - (2) Approved as a day camp in accordance with Chapter 5101:2-18 of the Administrative Code;
 - (3) Licensed by the Ohio department of education;
 - (4) An in-home aide certified in accordance with Chapter 5101:2-14 of the Administrative Code; or
 - (5) An eligible border state provider.
- (M) If a kinship caregiver chooses an individual as a child care provider who does not meet the requirements listed in paragraph (L) of this rule, the PCSA shall notify the individual that they may be eligible to apply for an expedited process to become a licensed type B home provider to provide kinship child care as determined by ODJFS.
- (N) If the kinship caregiver chooses to reapply for ongoing benefits through the kinship child care program, the kinship caregiver shall submit the JFS 01500, current income verification, and current verification of the need for kinship child care benefits to the PCSA no later than thirty calendar days prior to the end of the current eligibility period.
- (O) When the kinship caregiver submits the JFS 01500 to reapply for the kinship child care program, the PCSA shall complete the activities in paragraphs (G) to (I) of this rule.

- (P) ODJFS will notify both the kinship caregiver and the PCSA of the final redetermination of eligibility.
- (Q) If the kinship family's reapplication for kinship child care benefits is approved, the new period shall begin on the date following the last day of the current eligibility period and shall continue for twelve months.
- (R) The kinship caregiver shall notify the PCSA within ten calendar days of any changes that may affect their eligibility for the kinship child care program including:
- (1) A change in income;
 - (2) A change in the need for kinship child care including, but not limited to changes in employment, education, or job training;
 - (3) A change in household members;
 - (4) A change of address;
 - (5) The child(ren) in need of child care is no longer residing in the kinship placement.
- (S) The PCSA shall notify ODJFS within three business days of any changes reported by the kinship caregiver that may affect their eligibility for the kinship child care program, pursuant to paragraph (R) of this rule.
- (T) In the event state funding is no longer available, the kinship child care program will close. Once state funds have been exhausted, neither ODJFS nor the PCSA may be held responsible for payment of child care services.

Effective:

Five Year Review (FYR) Dates: 4/4/2019

Certification

Date

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