

5101:2-46-01

Administration of the Title IV-E kinship guardianship assistance program (KGAP).

- (A) The primary objectives of the KGAP program are to:
- (1) Facilitate another permanency planning option for children who it has been determined that reunification and adoption are not appropriate options for the child; and
 - (2) Assist kinship caregiver(s) who have a strong commitment to caring permanently for the child.
- (B) The public children services agency (PCSA) is to determine eligibility and coordinate with the Ohio department of job and family services (ODJFS) to complete all procedures related to the administration of KGAP.
- (C) ODJFS is responsible for the following administrative activities related to KGAP.
- (1) Negotiate payment.
 - (2) Ensuring the proper administration of funds, allocated or reimbursed.
 - (3) Maintaining a separate KGAP case record for each program eligible child that has entered into a KGAP agreement.
 - (4) Redetermination of annual eligibility.
- (D) The PCSA is to establish and maintain policy and procedures governing its kinship guardianship assistance program in accordance with ~~section 5153.163 of the Revised Code.~~ §42 U.S.C. 673(d) of the Act.
- (E) The PCSA is to determine eligibility status in the Ohio statewide automated child welfare information system (SACWIS) and inform ODJFS that the applicant(s) are eligible for federal KGAP within thirty working days of a request by the kinship caregiver to apply for federal KGAP payments. The PCSA will determine the eligibility status using the criteria outlined in rule 5101:2-46-02 of the Administrative Code.
- (F) Prior to the court issuing an order of legal custody/guardianship, the PCSA that holds custody is to complete the KGAP eligibility determination in the Ohio SACWIS and if the child is eligible for Title IV-E KGAP provide the kinship caregiver(s) with information on how to access the JFS 00131 "Title IV-E Kinship Guardianship Assistance Program (KGAP) Application for Initial Eligibility" form.

- (G) The PCSA is to assist the kinship caregiver(s) of a child placed by the PCSA with the JFS 00131, requested by the kinship caregiver(s). The PCSA is to also provide the kinship caregiver(s) with the JFS 04059 "Explanation of State Hearing Procedures" and is to inform the kinship caregiver(s) of the right to request a state hearing upon approval or denial of their application.
- (H) The kinship caregiver(s) has the right to request a state hearing if the PCSA denies eligibility for KGAP, or the application has been acted upon erroneously, or not acted upon with reasonable promptness.
- (I) In the event that the kinship caregiver dies or is incapacitated, the PCSA is to assist the primary successor legal guardian as outlined in rule 5101:2-46-05 if the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 1/1/2028

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5153.163, 5101.1417
Rule Amplifies: 5153.163, 5101.1416, 5101.1417
Prior Effective Dates: 01/01/2023