

5101:2-46-03**Initial determination of the Title IV-E kinship guardianship assistance program (KGAP) monthly payment amount.**

- (A) The monthly amount of the KGAP payment is determined by negotiation and mutual agreement between the kinship caregiver(s) and Ohio department of job and family services (ODJFS).
- (B) KGAP payments are to be negotiated as follows:
- (1) The amount of the monthly KGAP payment for a child is not to exceed the current cost of the monthly foster care maintenance (FCM) payment that was paid or would have been paid if the child had been placed in a foster home.
  - (2) The KGAP payment for a child is to be eighty per cent of the child's current foster care per diem unless this would result in a KGAP payment of less than three hundred fifty dollars.
  - (3) For any child for whom the requirement in paragraph (B)(1) of this rule would result in a KGAP payment of less than three hundred fifty dollars, the KGAP payment is to be three hundred fifty dollars or the child's current foster care per diem amount, whichever is lower.
  - (4) ODJFS and the kinship caregiver can mutually agree to negotiate a lower payment of three hundred fifty dollars.
- (C) ODJFS is not to consider the religion, sex, age, race, color, disability, or national origin of a kinship caregiver(s) or of the child when negotiating the KGAP agreement.
- (D) No income eligibility test is to be used when determining the monthly KGAP payment.
- (E) The child's supplemental security income (SSI) benefits are to be considered in the determination of the KGAP payment amount.
- (F) The kinship caregiver(s) is to notify the social security administration (SSA) of the KGAP monthly payment amount if the child receives SSI benefits. The child may receive KGAP and SSI concurrently if the child receives SSI. If there is concurrent receipt of payments from both programs, the SSA will decrease the monthly SSI benefit by the monthly KGAP payment amount.
- (G) ODJFS is to notify the kinship caregiver(s) of their rights to a state hearing in accordance with provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.
- (H) ODJFS is to document the following in the Ohio statewide automated child welfare information system (SACWIS):

- (1) Initial agreed upon monthly KGAP payment amount.
- (2) State hearing and administrative appeal.
- (I) ODJFS is to document in the child's KGAP case file when changes occur to the circumstances of the child and/or family; those changes are to be addressed or reviewed pursuant to rule 5101:2-46-07 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under:	119.03
Statutory Authority:	5153.163, 5101.1417
Rule Amplifies:	5153.163, 5153.16