

5101:2-46-08

**Suspension of Title IV-E kinship guardianship assistance program (KGAP) payment.**

(A) Ohio department of job and family services (ODJFS) may suspend the KGAP payment when the following occur:

- (1) If ODJFS cannot establish contact with the kinship caregiver(s) to determine if the kinship caregiver(s) is still legally responsible for the support of the child; and
- (2) If ODJFS can document efforts to contact the kinship caregiver(s) to determine what support is provided to the child. Efforts include various methods to make contact with the kinship caregiver(s) such as telephone calls, mailings, texts, and emails; or
- (3) A Title IV-E agency has assumed legal responsibility for the care and placement/ custody of the child.

(B) When ODJFS proposes to suspend KGAP payment, ODJFS is to provide the kinship caregiver(s) with the following:

- (1) A written notice that ODJFS intends to suspend KGAP payments.
- (2) The reason(s) for the intended suspension of KGAP payments.
- (3) The begin date of the intended suspension of KGAP payments.
- (4) The kinship caregiver(s) right to a state hearing and the JFS 04059 "Explanation of State Hearing Procedures."

(C) The state hearing is to be requested within fifteen days from the date of the notice in accordance with provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code

- (1) If a state hearing is requested timely, within fifteen days, the KGAP payment is to continue until a state hearing decision is issued.
- (2) If no state hearing is requested timely, within fifteen days, the KGAP payments are to be suspended.
- (3) When the KGAP payment is suspended, the kinship caregiver(s) has ninety days to make contact and provide documentation of support.

(D) If a state hearing is requested and the state hearing decision is favorable to the kinship caregiver(s), KGAP payments are to continue in accordance with the terms

of the KGAP agreement or an amended agreement may be entered into by mutual agreement.

(E) If a state hearing is requested and the state hearing decision is favorable to ODJFS, ODJFS can terminate the KGAP agreement in accordance with the procedures as outlined in rule 5101:2-46-09 of the Administrative Code.

(F) If the kinship caregiver(s) contacts ODJFS while the KGAP payment is suspended and can provide documentation that meets the ongoing verification requirement to show continued support of the child, KGAP payments may be reinstated retroactive back to the date of the suspension, unless ODJFS has terminated the KGAP payment pursuant to rule 5101:2-46-09 of the Administrative Code.

(G) If the kinship caregiver(s) has not contacted ODJFS and provided documentation that meets the ongoing verification requirement within ninety days of the written notice to suspend KGAP payment, ODJFS can terminate the KGAP agreement in accordance with the procedures as outlined in rule 5101:2-46-09 of the Administrative Code.

Effective: 1/1/2023  
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CERTIFIED ELECTRONICALLY

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Certification

10/11/2022

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Date

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Rule Amplifies: 5153.163, 5153.16