

5101:2-46-12**Reimbursement of Title IV-E nonrecurring kinship guardianship assistance program (KGAP) expenses.**

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

(1) "Nonrecurring KGAP expenses" are reasonable and necessary legal custody/guardianship fees, court costs, attorney fees, and in accordance with paragraph (A)(2) of this rule, other expenses directly related to the court issuing an order granting legal custody/guardianship of a child. These expenses cannot be incurred in violation of state or federal law and cannot be reimbursed from other sources or funds.

(2) "Nonrecurring other expenses directly related to the legal custody/guardianship of a child" as specified in paragraph (A)(1) of this rule refers to the costs of the court issuing an order granting legal custody/guardianship incurred by or on behalf of the kinship caregiver(s) and for which the kinship caregiver(s) carries the ultimate liability for payment. These are the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child.

(B) Ohio department of job and family services (ODJFS) is to notify anyone inquiring about legal custody/guardianship services through the agency of the availability of funds for the reimbursement of nonrecurring KGAP expenses and the application process.

(C) ODJFS is to enter into an agreement with the kinship caregiver(s) of a child for the payment of nonrecurring KGAP expenses for which the kinship caregiver(s) has not otherwise been reimbursed, not to exceed two thousand dollars for each child.

(D) ODJFS is to inform a kinship caregiver(s) who inquires about legal custody/guardianship services through the agency that the JFS 00134 "Application for Reimbursement of Nonrecurring Kinship Guardianship Assistance Program (KGAP) Expenses" is to be submitted to ODJFS and approved prior to the court issuing an order granting legal custody/guardianship or disruption prior to the court issuing an order granting legal custody/guardianship, if applicable. The JFS 00134 cannot be considered for approval retroactively.

(E) The kinship caregiver(s) and ODJFS are to sign the JFS 00135 "Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in a Kinship Guardianship Placement," prior to the court issuing an order granting legal custody/guardianship or disruption prior to the court issuing an order granting legal custody/guardianship, if applicable. The JFS 00135 cannot be entered into after the court has issued an order granting legal custody/guardianship.

- (F) ODJFS is not to consider the race, color, religion, sex, age, disability, or national origin of a kinship caregiver(s) or of the child, when entering into a JFS 00135 "Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in a Kinship Guardianship Placement."
- (G) If siblings are placed with the KGAP eligible child, either separately or together, each child is to be treated as an individual. A separate JFS 00134 "Application for Reimbursement of Nonrecurring Kinship Guardianship Assistance Program (KGAP) Expenses" and JFS 00135 "Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in a Kinship Guardianship Placement" is to be executed for each child.
- (H) ODJFS is not to apply an income eligibility requirement (means test) to the kinship caregiver(s) in determining whether payment or reimbursement for nonrecurring KGAP expenses are to be made.
- (I) The kinship caregiver(s) is to submit to ODJFS a request for payment or reimbursement and proof of the expenditures for nonrecurring expenses incurred during the legal custody/guardianship process within two years of the court issuing an order granting legal custody/guardianship or disruption prior to the court issuing an order granting legal custody/guardianship, if applicable.
- (J) For each JFS 00135 executed, ODJFS is to maintain documentation in the child's case record to verify compliance with this rule.
- (K) The state hearing policies and procedures contained in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code apply to individuals applying for benefits under this rule.

Effective: 1/1/2023  
Five Year Review (FYR) Dates: 01/01/2028

CERTIFIED ELECTRONICALLY

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Certification

10/11/2022

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Date

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