

5101:2-55-02**Eligibility for kinship guardianship assistance program connections to twenty-one (KGAP C21).**

(A) Pursuant to sections 5101.141 and 5101.1411 of the Revised Code, to be eligible for kinship guardianship assistance program connections to twenty-one (KGAP C21), a kinship guardianship young adult is to meet all of the following requirements:

- (1) Was in the temporary, permanent, or planned permanent living arrangement custody of an Ohio public children services agency (PCSA) prior to the commitment described in paragraph (A)(2) of this rule.
- (2) Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective.
- (3) Meets one of the following requirements:
 - (a) Is completing secondary education or a program leading to an equivalent credential;
 - (b) Is enrolled in an institution that provides post-secondary or vocational education;
 - (c) Is participating in a program or activity designed to promote or remove barriers to employment;
 - (d) Is employed for at least eighty hours per month; or
 - (e) Is incapable of doing any of the activities described in paragraphs (A)(3)(a) to (A)(3)(d) of this rule due to a diagnosed physical or mental health condition, which incapacity is supported by updated information semi-annually.
- (4) Has reached the age of eighteen and is not yet twenty-one years of age.
- (5) Is continuing to receive kinship caregiver support including but not limited to providing the young adult with shelter, food, or clothing. Residing in the same physical location is not required.
- (6) Is not enlisted in the military. Enlisted in the military is defined as the date of report for active duty.
- (7) Is not married.

(B) The kinship caregiver(s) may apply for KGAP C21 by submitting all of the following to ODJFS:

(1) A completed JFS 00137 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Application."

(2) Documentation that the kinship guardianship young adult meets one of the eligibility requirements outlined in paragraph (A)(3) of this rule.

(3) Documentation of kinship caregiver responsibility.

(4) A copy of the signed JFS 00133 "Title IV-E Kinship Guardianship Assistance Program (KGAP) Agreement" with the PCSA.

(C) ODJFS, within thirty calendar days after a completed JFS 00137 and all necessary documentation is received, is to determine eligibility in the Ohio statewide automated child welfare information system (SACWIS) and approve or deny the KGAP C21 application.

(D) As the Title IV-E agency, ODJFS is to obtain documentation verifying completion of all kinship caregiver(s) criminal record checks secured by the PCSA prior to initiation of kinship guardianship assistance payments pursuant to rule 5101:2-5-09.1 of the Administrative Code.

(E) If ODJFS determines a kinship guardianship young adult is eligible for KGAP C21, ODJFS is to provide the kinship caregiver(s) with the following:

(1) The JFS 00138 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Notice of Eligibility Approval" form.

(2) The JFS 04059 "Explanation of State Hearing Procedures."

(F) Upon determination of eligibility, ODJFS will send the JFS 00139 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Agreement" to the kinship caregiver(s) for signature. The KGAP C21 agreement is effective on the date it is signed by both the kinship caregiver(s) and ODJFS, unless a later date is indicated for the subsidy to begin as designated on the KGAP C21 agreement form "Article IX Effective Date," which will then become the effective date of the KGAP C21 agreement.

(G) The KGAP C21 agreement is binding on all parties. The terms of the KGAP C21 agreement may be amended at any time if both parties agree to the change.

- (H) The KGAP C21 agreement is to remain in effect regardless of the state where the kinship caregiver(s) or the kinship guardianship young adult resides unless the KGAP C21 agreement is terminated.
- (I) ODJFS is to give a copy of the signed KGAP C21 agreement and all amendments to the kinship caregiver(s) and keep the originals in the KGAP C21 case record.
- (J) ODJFS, as the agency that entered into the KGAP C21 agreement, is to secure Title XIX medicaid and Title XX social services block grant services if the services are not available in the state or county where the kinship guardianship young adult resides in accordance with rule 5101:2-55-01 of the Administrative Code.
- (K) Nothing will prohibit the kinship caregiver(s) and kinship guardianship young adult from seeking Title XX services available in the county of residence even if they are not specified in the KGAP C21 agreement. The kinship caregiver(s) may:
- (1) Apply for the Title XX services in the county where they reside.
 - (2) Request to amend the KGAP C21 agreement.
- (L) If ODJFS determines a kinship guardianship young adult does not meet eligibility requirements outlined in paragraph (A) of this rule, ODJFS is to provide the kinship caregiver(s) with the following:
- (1) The JFS 07334 "Notice of Denial of your Application for Assistance."
 - (2) The JFS 04059 "Explanation of State Hearing Procedures."
- (M) Semiannual redetermination is to be completed every one hundred eighty calendar days to maintain program eligibility for KGAP C21. The semiannual redetermination date is determined by the initial KGAP C21 effective date.
- (N) No later than thirty calendar days prior to the semiannual redetermination due date, ODJFS is to provide the kinship caregiver(s) with the following forms:
- (1) The JFS 00140 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Notice of Redetermination."
 - (2) The JFS 00142 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Kinship Caregiver Semi-Annual Assurance of Kinship Caregiver Responsibility and Eligibility for Continued Medicaid Coverage."

- (3) The JFS 00141 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Young Adult Semi-Annual Assurance of Kinship Caregiver Responsibility and Eligibility for Continued Medicaid Coverage."
- (O) Completed JFS 00142 and JFS 00141 forms, documentation that the kinship guardianship young adult meets one of the eligibility requirements outlined in paragraph (A)(3) of this rule, and documentation of kinship caregiver responsibility are to be received prior to the semiannual redetermination due date. Upon receipt of the required forms and documentation listed in this paragraph, ODJFS will check for continued eligibility as follows:
- (1) If redetermined as eligible, ODJFS is to provide the kinship caregiver(s) with the following:
- (a) The JFS 00144 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Notice of Continued Approval" form.
- (b) The JFS 04059 "Explanation of State Hearing Procedures."
- (2) If redetermined as ineligible, or if documentation is not received by the redetermination due date, ODJFS is to provide the kinship caregiver(s) with written notice of the proposal to terminate KGAP C21 and the right to a state hearing. ODJFS is to provide the kinship caregiver(s) with the following thirty calendar days prior to the termination date:
- (a) The JFS 00143 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Notice of Termination" form.
- (b) The JFS 04059 "Explanation of State Hearing Procedures."
- (3) If sufficient documentation to support eligibility is received by ODJFS from the kinship caregiver(s) and/or kinship guardianship young adult prior to the termination date, ODJFS may proceed with semiannual redetermination of continued eligibility for KGAP C21.
- (P) The kinship caregiver(s) and the kinship guardianship young adult are to submit the JFS 00142 and JFS 00141 semiannually and whenever there is a significant change in the kinship guardianship situation for continued eligibility.
- (Q) At any time a JFS 00139 is in effect, the JFS 00139 may be amended.

- (1) The kinship caregiver(s) and ODJFS may by mutual agreement amend the JFS 00139 to reflect changes for payment amount or provision of services. Upon agreement, the following is to occur:

 - (a) ODJFS and the kinship caregiver(s) are to sign the amended KGAP C21 agreement.
 - (b) ODJFS is to provide a copy of the amended KGAP C21 agreement to the kinship caregiver(s) and retain the original in the case record.
 - (c) ODJFS is to provide the kinship caregiver(s) with the JFS 04059.
- (2) If the kinship caregiver(s) and ODJFS cannot agree on the amendment requested by the kinship caregiver(s) or ODJFS, the following is to occur:

 - (a) ODJFS is to provide the kinship caregiver(s) with a JFS 07334, and a JFS 04059 explaining the right to request a state hearing.
- (R) The kinship caregiver(s) is to notify ODJFS within fifteen calendar days of the date of any of the following:

 - (1) The kinship guardianship young adult's primary health care insurance coverage changes from medicaid to private health care insurance. The kinship caregiver(s) is to complete an ODM 06612 "Health Insurance Information Sheet" as a result of this change.
 - (2) The kinship caregiver(s) or kinship guardianship young adult relocates.
 - (3) The kinship guardianship young adult enlists in the military.
 - (4) The kinship guardianship young adult has married.
 - (5) The kinship caregiver(s) no longer has caregiver responsibility for the kinship guardianship young adult.
 - (6) The kinship guardianship young adult is no longer eligible pursuant to paragraph (A) of this rule.
- (S) The KGAP C21 agreement will terminate when any of the following circumstances apply:

 - (1) At the end of the month of the kinship guardianship young adult's twenty-first birthday.

- (2) If the kinship caregiver(s) no longer has caregiver responsibility for the kinship guardianship young adult as defined in paragraph (A)(5) of this rule.
 - (3) If the kinship caregiver(s) requests to terminate the KGAP C21 agreement.
 - (4) If the kinship caregiver(s) dies and there is no successor guardian(s) named on the KGAP C21 agreement.
 - (5) If the kinship guardianship young adult dies.
 - (6) If the kinship guardianship young adult marries.
 - (7) If the kinship guardianship young adult enlists in the military.
- (T) ODJFS will propose to terminate the KGAP C21 agreement under any of the following circumstances:
- (1) ODJFS denies eligibility for KGAP C21 at semiannual redetermination.
 - (2) ODJFS denies the amount of monthly payment requested by the kinship caregiver(s).
 - (3) ODJFS proposes to terminate the payment specified on the current KGAP C21 agreement.
 - (4) ODJFS denies a request by the kinship caregiver(s) to amend the payment amount or provision of service terms of the current KGAP C21 agreement.
- (U) If ODJFS proposes to terminate the KGAP C21 agreement due to any of the circumstances listed in paragraph (S) or (T) of this rule, ODJFS is to provide the following to the kinship caregiver(s) thirty calendar days prior to the termination date:
- (1) The JFS 00143 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Notice of Termination" form.
 - (2) The JFS 04059 "Explanation of State Hearing Procedures."
- (V) If ODJFS proposes to terminate the KGAP C21 agreement, and the kinship caregiver(s) has requested a state hearing, the following is to apply:
- (1) If a state hearing is requested within fifteen calendar days of the mail or electronic mailing date on the notice in accordance with provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code, the KGAP C21 agreement is to continue to be in effect until a state hearing decision is issued.

(2) If a state hearing is requested within fifteen calendar days of the mail or electronic mailing date on the notice and the hearing decision is favorable to the kinship caregiver(s), the KGAP C21 agreement is to remain in effect or an amended KGAP C21 agreement may be entered into by mutual agreement.

(3) If a state hearing is requested within fifteen calendar days of the mail or electronic mailing date on the notice and the hearing decision is to terminate the KGAP C21 agreement as specified in paragraph (S) or (T) of this rule, the kinship caregiver(s) is not required to return the payments received prior to the issuance of the state hearing decision.

(4) If no timely hearing is requested, the KGAP C21 agreement is to be terminated. Following the termination, the kinship caregiver(s) may reapply for KGAP C21 at any time prior to the kinship/guardianship young adult attaining the age of twenty-one.

(W) If the KGAP C21 agreement is terminated, ODJFS is to:

(1) Send the JFS 00143 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Notice of Termination" form to the kinship caregiver(s).

(2) Send the ODM 07236 "Your Rights & Responsibilities as a Consumer of Medicaid Health Coverage" to the kinship caregiver(s).

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Five Year Review (FYR) Dates: 01/01/2028

CERTIFIED ELECTRONICALLY

Certification

10/11/2022

Date

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