

5101:2-56-03**Public children services agency (PCSA) eligibility determination of the state kinship guardianship assistance program (KGAP).**

- (A) The 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 the state kinship guardianship assistance program. The PCSA is to:
- (1) Determine the child's eligibility status within thirty days of a request by the kinship caregiver to apply for state kinship guardianship assistance payments. The PCSA will determine eligibility using the criteria outlined in rule 5101:2-56-02 of the Administrative Code.
  - (2) Provide the JFS 00128 "Application for State Kinship Guardianship Assistance Program Payments" to any kinship caregiver(s) upon request.
- (B) The PCSA is to inform ODJFS that the applicant(s) are eligible for state KGAP.
- (C) ODJFS will complete the negotiation process with the kinship caregiver(s) including the completion of the JFS 00129 "State Kinship Guardianship Assistance Program Agreement." A completed agreement will name a successor guardian. The successor guardian cannot be the parent in accordance with section 42 U.S.C. 673(d)(3)(C) effective September 29, 2014. Once the JFS 00129 is completed, ODJFS is to sign the form, obtain the signature of the kinship caregiver(s) and send the documents to the PCSA director or designee for signatures.
- (D) ODJFS is to obtain the signature(s) of the kinship caregiver(s) and the PCSA director or designee pursuant to section 5153.163 of the Revised Code prior to the court issuing an order granting legal custody or guardianship to the kinship caregiver(s).
- (E) The PCSA is to ensure the JFS 00129 has been completed with all needed signatures prior to the court issuing a final order granting legal custody or guardianship to the applicant.
- (F) The PCSA is to establish and maintain policy and procedures governing its state kinship guardianship assistance program eligibility process in accordance with section 5153.163 of the Revised Code and Chapter 5101:2-56 of the Administrative Code.
- (G) The PCSA is to document, in the PCSA's policy, a description of the opportunity for a state hearing pursuant to section 5101.35 of the Revised Code and Chapter 5101:6 of the Administrative Code.

(H) The PCSA is to file a motion for legal custody or guardianship to be granted to the kinship caregiver(s) named in the approved application once the agreement date is entered into Ohio statewide automated child welfare information system (SACWIS).

(I) The PCSA is to ensure legal status change entry into Ohio SACWIS within ten days from the receipt of the journalized court order granting the kinship caregiver(s) legal custody or guardianship.

(J) The PCSA is to provide a copy of the court order to ODJFS.

(K) Upon the kinship caregiver(s) being granted legal custody or guardianship, they are to apply for Ohio works first (OWF) cash assistance within thirty days of the court date in which the kinship caregiver(s) are granted legal custody or guardianship. The kinship caregiver(s) may also apply for medicaid. If the kinship caregiver(s) do not apply for OWF cash assistance within sixty days of the court date, the agreement may be terminated. The following applies to kinship caregivers who reside out of state:

(1) The kinship caregiver is to apply for cash assistance or the equivalent of OWF in the state where they reside within thirty days of the court date in which the kinship caregiver(s) are granted legal custody or guardianship.

(2) If the kinship caregiver(s) do not apply for cash assistance within sixty days of the court date, the agreement may be terminated.

(3) ODJFS will continue to be responsible for the case management of the state KGAP case.

(L) ODJFS is to approve state KGAP funding for eligible caregiver(s) as long as state funds are available. In the event state funding is no longer available, the state KGAP program will close to new applications until July first of the following state fiscal year (SFY). Once state funds have been exhausted, neither ODJFS nor the PCSA may be held responsible for payment.

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