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Hearing Date: 10/9/2019

Today's Date: 10/25/2019

Agency: Department of Job and Family Services

Rule Number(s): 5101:1-24-30

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If no comments at the hearing, please check the box. ☐

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List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Quo Vadis Ellison, NOBLE – 5101:1-24-30
2. Jaci Jones, NOBLE – 5101:1-24-30
3. Anne Murphy Culi, Adoption Network Cleveland – 5101:1-24-30
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## Hearing Summary Report

### **Consolidated Summary of Comments Received**

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

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Representative from NOBLE (Northern Ohioans for Budget Legislation Equality) testified that their organization was concerned with the limitations on eligibility for the Kinship Caregiver Program that are being implemented in proposed OAC 5101:1-24-30. Additionally, both witnesses spoke to the value of kinship placements in the State of Ohio and the preference for such a placement over foster care or other placement options.

Specifically, Ms. Vadis Ellison stated that several kinship providers are currently providing care to children in their home, and are also senior citizens (grandparents or great-grandparents, for example) for whom securing employment or training as required by the program in order to receive funds for caregiving is not plausible. Ms. Jones testified that she and NOBLE understood that the department may have no choice but to implement work requirements for kinship caregivers to receive childcare support, because this is required under federal TANF rules and that this is not within the department's scope to alter this requirement. However, she requested the department look for alternative ways to fund the program using state GRF funds, which would provide the needed flexibility to the program.

In written testimony, Ms. Culi of the Adoption Network of Cleveland also expressed concerns about the limitations and eligibility with the program and also questioned why "fictive kin" are not included in the Kinship Caregiver Program under proposed rule 5101:1-24-30.

## Hearing Summary Report

### **Incorporated Comments into Rule(s)**

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

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The Kinship Caregiver Program (KCP) was established under House Bill 166 of the 133<sup>rd</sup> General Assembly and the KCP is required to be operated through a county's Prevention Retention and Contingency program and it is funded with Temporary Assistance for Needy Families (TANF) funds, as required under the bill.

In accordance with federal law, TANF funds may be used to provide "assistance" benefits (i.e., benefits designed to meet a family's ongoing basic needs); or "non-assistance" benefits (i.e., nonrecurrent short term-benefits, work subsidies, supportive services – such as child care — to employed families, etc.). TANF assistance benefits are time-limited, include work requirements for adults, and require cooperation with establishing a child support order. Whereas non-assistance benefits are limited in duration (so they remain "nonrecurrent") or may only be provided to eligible employed families.

To the exclusion of "fictive kin" from the program, federal law is specific to "relative" and does not include a more expansive definition that would include "fictive kin", thereby forcing the proposed rule and program established in House Bill 166 and implemented in the proposed rule 5101:1-24-30 to adhere to the federal definition of the kinship caregiver to only those that are relatives of the child.