



## Ohio Administrative Code

### Rule 5101:2-40-04 Kinship permanency incentive (KPI) program.

Effective: August 5, 2023

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(A) The KPI program is designed to promote a permanent commitment by a kinship caregiver(s) through becoming guardians and custodians over minor children who would otherwise be unsafe or at risk of harm if they remained in their own homes. KPI provides up to eight incentive payments to families caring for their kin.

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

(1) "Custodian" has the same meaning as in section 5107.02 of the Revised Code, which is an individual who has legal custody of a minor child or comparable status over a minor child created by a court of competent jurisdiction in another state.

(2) "Family" means a kinship caregiver, spouse of the kinship caregiver, and all of the minor children for whom the kinship caregiver and spouse of the kinship caregiver are responsible, and who reside in the same household.

(3) "Fraudulent incentive" means incentive funds provided to the kinship caregiver(s) as a result of fraud by the kinship caregiver(s), including an intentional violation of the program requirements. Fraudulent incentive does not include incentive payments provided due to an error of the agency in processing the application.

(4) "Gross income" means income of the family as defined in paragraph (B)(2) of this rule before taxes and deductions.

(5) "Guardian" has the same meaning as in section 5107.02 of the Revised Code, which is an individual that is granted authority by a probate court or a court of competent jurisdiction in another state, to exercise parental rights over a minor child to the extent provided in the court's order and subject to residual parental rights of the minor child's parents.



(6) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code, which is any of the following who is eighteen years of age or older and is caring for a child in place of the child's parents.

(a) Individuals related by blood or adoption to the child including:

(i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great."

(ii) Siblings.

(iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand."

(iv) First cousins and first cousins once removed.

(b) Stepparents and stepsiblings of the child.

(c) Spouses and former spouses of individuals named in paragraphs (B)(6)(a)(i) to (B)(6)(a)(iv) and (B)(6)(b) of this rule.

(d) A legal guardian of the child.

(e) A legal custodian of the child.

(f) Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties.

(7) "Minor child" has the same meaning as in 45 C.F.R. 260.30 (2003), which is either of the following:

(a) An individual who has not attained age eighteen.



(b) An individual who has not attained age nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.

(C) Eligible kinship caregiver(s) shall receive an initial incentive payment and may receive subsequent payments at six-month intervals to support the stability of the child's placement in the home.

(1) The maximum incentive amount may not exceed eight payments per child per kinship caregiver(s).

(2) Individuals who were approved for their sixth incentive payment prior to March 17, 2014 are not eligible for additional incentive payments.

(3) Individuals who submitted their sixth application to the public children services agency (PCSA) on or after March 17, 2014 may be eligible for additional incentive payments.

(4) Individuals who have not received their sixth incentive payment may be eligible for additional incentive payments.

(D) For each state fiscal year (SFY), the Ohio department of job and family services (ODJFS) shall determine the initial and subsequent payment amounts. At the beginning of each SFY, ODJFS shall provide notice to the PCSAs identifying the initial and subsequent payment amounts for that SFY.

(E) The PCSA shall determine the kinship caregiver(s) eligible for KPI when all of the following criteria are met:

(1) On July 1, 2005 or thereafter, a court issued an order granting legal custody or guardianship to the kinship caregiver(s). A temporary court order is not sufficient to meet this requirement.

(2) The minor child resides with the kinship caregiver(s). If the child is on temporary leave from the kinship caregiver's home (e.g., hospitalization, mental health treatment or respite) and the kinship caregiver retains legal custody or guardianship this shall not preclude eligibility for KPI.



(3) The kinship caregiver(s) is a resident of the state of Ohio.

(4) The gross income of the kinship caregiver's family does not exceed three hundred per cent of the federal poverty guidelines.

(5) The placement has been assessed and approved by the PCSA or private child placing agency (PCPA).

(a) For children placed by the PCSA or PCPA, the placement was assessed and approved pursuant to paragraphs (B) to (I) of rule 5101:2-42-18 of the Administrative Code.

(b) For children placed directly with a kinship caregiver by a court or relative, the PCSA shall assess the home in accordance with the requirements identified in paragraphs (B) and (D) to (I) of rule 5101:2-42-18 of the Administrative Code prior to the approval of KPI.

(F) A kinship caregiver who is receiving kinship guardianship assistance program (KGAP) payments for a child is not eligible to receive KPI for the same child.

(G) The kinship caregiver(s) shall apply for the KPI program by submitting the following to the PCSA in the county in which the caregiver resides:

(1) The JFS 01501 "Application for Kinship Permanency Incentive."

(2) Verification that the caregiver has obtained legal custody or guardianship on or after July 1, 2005.

(3) Verification of included income. Exclusions of reported income are as follows and shall not be included in the income calculation for eligibility:

(a) Child support paid out to another custodian for a child in the other custodian's care. The total amount of child support paid out shall be deducted from the gross income.

(b) Up to one hundred dollars per month per child of any child support received on behalf of the



child(ren) for whom the kinship caregiver is applying for the KPI program.

(c) Any Ohio works first (OWF) payments.

(d) Any income of minor children, including employment income and social security benefits paid to a child.

(e) Supplemental security income (SSI) payments and social security disability income (SSDI) payments.

(f) Adoption subsidy payments and foster care reimbursements.

(g) Ohio adoption grant program payments received for an adopted child.

(h) KGAP payments received for another child.

(H) When the kinship caregiver(s) submits an application for re-determination, the PCSA shall review the eligibility requirements in paragraphs (E)(1) to (E)(4) of this rule with the kinship caregiver(s) to ensure the requirements continue to be met by the kinship caregiver's family.

(I) At the time of the kinship caregiver's initial application or re-determination, the PCSA in the county in which the kinship caregiver(s) resides shall:

(1) Provide the kinship caregiver(s) with the JFS 01501 upon request.

(2) Determine eligibility for the initial incentive payment.

(3) Notify the kinship caregiver(s) of the approval, denial or incomplete application in accordance with paragraphs (J) and (K) of this rule.

(4) Inform the kinship caregiver(s) that subsequent payments require re-determination of eligibility every six months and that the kinship caregiver(s) must submit another application.



(5) Notify the kinship caregiver(s) at least thirty, but not more than sixty, calendar days prior to the eligibility for a subsequent incentive payment that the kinship caregiver(s) must submit a JFS 01501 and verifying documentation to enable the PCSA to determine eligibility.

(6) Determine continuing eligibility for subsequent incentive payments as long as the kinship caregiver(s) resides in that county.

(7) Notify the kinship caregiver(s) of the approval, denial or incomplete application for subsequent incentive payments in accordance with paragraphs (J) and (K) of this rule.

(J) The PCSA shall approve or deny the application for KPI based on criteria identified in paragraphs (E)(1) to (E)(5) of this rule and provide notification on the "Notice of Approval for Kinship Permanency Incentive Funds" or the "Notice of Denial for Kinship Permanency Incentive Funds" reports generated from the Ohio statewide automated child welfare information system (SACWIS) to the kinship caregiver(s) of its decision within fifteen business days of receipt of the completed JFS 01501, supporting documentation, and the results of the background checks.

(K) When sufficient information is not available to enable the PCSA to approve or deny the application for incentive payments, the PCSA shall provide the kinship caregiver(s) with notification on the "Notice of Incomplete Kinship Permanency Incentive Application" generated from Ohio SACWIS that identifies the information needed and informs the kinship caregiver(s) that if information requested is not submitted within ten calendar days the application will be denied. This shall not prohibit the kinship caregiver(s) from reapplying.

(L) If a kinship caregiver(s) relocates to another Ohio county, the PCSA in the new county of residence is responsible for determining eligibility for subsequent incentive payments. When known, the PCSA in the county in which the kinship caregiver(s) currently resides shall coordinate with the PCSA in the county of former residence in order to secure information regarding prior incentive payments. The PCSA in the county in which the kinship caregiver(s) formerly resided shall share information regarding prior incentive payments and upon request, transfer the case to the PCSA of the kinship caregiver's new county of residence.

(M) When a PCSA conducts and approves a home assessment in accordance with rule 5101:2-42-18



of the Administrative Code for a child's placement with a relative or nonrelative substitute caregiver residing in another county, the PCSA in the county of residence may use the approved home assessment to support KPI program eligibility.

(N) The PCSA may develop an interagency agreement with the county department of job and family services (CDJFS) to assist in gathering eligibility information necessary for the PCSA to approve or deny the application.

(O) If a director of a PCSA determines that a kinship caregiver(s) has received a fraudulent incentive, the kinship caregiver(s) shall be ineligible to participate in the KPI program for any child. The PCSA that determines that a kinship caregiver(s) has received a fraudulent incentive shall indicate this in Ohio SACWIS.

(P) The PCSA shall enter applications and incentive payments into Ohio SACWIS.

(Q) In order to confine KPI expenditures to appropriated state funds, the director of the department of job and family services, or designee, may issue an order at any time suspending the intake of any applications for KPI. During a program suspension, all applicants will be advised that a suspension is in effect. All applications will be denied during the same time that a suspension is in effect. No waiting lists will be established during the periods of suspension.

(R) The PCSA shall inform the kinship caregiver(s) of the right to request a state hearing and provide the kinship caregiver(s) with a copy of the JFS 04059 "Explanation of State Hearing Procedures" upon approval or denial of their application. The kinship caregiver(s) has the right to request a state hearing if the PCSA denies eligibility for KPI, or the application has been acted upon erroneously, or not acted upon with reasonable promptness.