



## Ohio Administrative Code

### Rule 5101:2-46-02 Title IV-E kinship guardianship assistance program (KGAP) eligibility criteria.

Effective: January 1, 2023

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(A) For the purposes of Chapter 5101:2-46 of the Administrative Code, "kinship caregiver" has the same meaning as in rule 5101:2-1-01 of the Administrative Code and including any individual who meets one of the following:

(1) An individual who had an existing relationship with the child or the child's family that is similar to a familial relationship prior to the child's placement into substitute care; or

(2) An individual who is a member of a child's current foster family that does not wish to pursue adoption of the child, but a court has made a finding pursuant to sections 2151.4119 and 2151.4120 of the Revised Code that the child's current foster home has a kin relationship with the child.

(B) In order to be eligible for the KGAP program, prior to the court issuing an order granting legal custody/guardianship to the kinship caregiver(s) the public children services agency (PCSA) has determined the following eligibility criteria:

(1) The child, as defined in rule 5101:2-1-01 of the Administrative Code, was:

(a) Removed from their home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child.

(b) Eligible for Title IV-E foster care maintenance (FCM) payments during at least a six-consecutive month time period during which the child resided in the home of the kinship caregiver(s) who was certified as a foster home while in foster care.

(c) A citizen or legal resident of the United States, and legal custody/guardianship will be granted in the United States.

(2) The PCSA has also found:



- (a) Reunification or adoption are not appropriate permanency planning options for the child.
- (b) The child demonstrates a strong attachment to the kinship caregiver(s) and the kinship caregiver(s) has a strong commitment to caring permanently for the child.
- (c) A child who is fourteen years or older has been consulted regarding the kinship guardianship arrangement.
- (d) The kinship caregiver(s) is currently certified as a foster home including having up to date background checks in accordance with rules 5101:2-5-20; 5101:2-5-24, 5101:2-5-30 and 5101:2-5-09.1 of the Administrative Code as applicable. If the kinship caregiver(s) resides in another state, the PCSA is to ensure the family and any other adult(s) of the kinship caregiver(s) living in the home, complies with all requirements of that state for licensure and background checks to become certified or licensed in that state.
- (C) Any sibling of a child in receipt of KGAP payments who is placed with the same relative is eligible to receive KGAP payments under a kinship guardianship arrangement if the PCSA determines this as an appropriate placement and the relative(s) agrees.
- (1) The PCSA does not have to place siblings with the kinship caregiver(s) of the child simultaneously with the Title IV-E eligible child for the siblings to qualify for payment.
- (2) The sibling does not have to meet the eligibility criteria in order to receive KGAP payments.
- (D) For a child who has a case plan goal or concurrent plan goal of custody with a fit and willing kinship caregiver(s), the case plan is to be documented in accordance with rule 5101:2-38-05.2 of the Administrative Code.
- (E) The PCSA is to use the Ohio statewide automated child welfare information system (SACWIS) to document KGAP eligibility status.
- (F) When the kinship caregiver(s) submits documentation for ongoing verification, Ohio department



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of job and family services (ODJFS) is to determine if the kinship caregiver(s) is still caring for the child.