



Ohio Administrative Code

Rule 5101:2-46-14 Requirements for Title IV-E kinship guardianship assistance program (KGAP) past age eighteen.

Effective: January 1, 2023

(A) KGAP is available for an eligible child whose kinship caregiver(s) entered into an initial KGAP agreement prior to the child's eighteenth birthday through the end of the month of the child's eighteenth birthday.

(B) KGAP is available for a child with a physical/mental disability or medical condition who is between the age of eighteen and twenty-one with an existing KGAP agreement if the child meets one of the requirements identified in paragraphs (B)(1) to (B)(5) of this rule and the kinship caregiver(s) is supporting the child as identified in paragraph (D) of rule 5101:2-46-06 of the Administrative Code. The ongoing medical treatment of the physical/mental disability or medical condition is to be verified annually for continued eligibility by a culturally competent qualified professional in the professional's scope of practice. The child is considered to have a physical/mental disability or medical condition if any of the following apply:

(1) A designated social security administration claims representative has determined that the child meets the disability criteria and is therefore eligible for one of the following:

(a) Title XVI supplemental security income (SSI) benefits.

(b) Social security disability benefits.

(c) Social security benefits due to the death or disability of the biological parent(s).

(2) The child has been diagnosed by a culturally competent "qualified professional" in the professional's scope of practice who is not responsible for providing casework services to the child to have a physical/mental disability or medical condition.

(a) For the purpose of this rule, a "qualified professional" is an individual who is one of the following: an audiologist, orthopedist, physician, certified nurse practitioner, physician assistant,



psychiatrist, psychologist, school psychologist, licensed marriage and family therapist, speech and language pathologist, a licensed independent social worker, licensed professional clinical counselor, a licensed social worker who is under the direct supervision of a licensed independent social worker or a licensed professional counselor who is under the direct supervision of a licensed professional clinical counselor.

(i) The kinship caregiver(s) is to provide Ohio department of job and family services (ODJFS) with a clear written statement from a qualified professional that the child is substantially limited in one or more major life activities, including self-care and the overall capacity for self-sufficiency/meeting the ordinary demands of life. This statement is to include an opinion as to the origin of the problem, past history, prognosis, and recommendations related to potential treatment needs. The child's documented disability is the direct result of one of the following:

(a) A developmental disability, as defined in 28 C.F.R. 35.108 [August 11, 2016] and section 5123.01 of the Revised Code.

(b) A medical condition causing permanent distress, pain, dysfunction, or social problems diagnosed by a qualified professional that results in ongoing medical treatment. The medical condition is to be diagnosed prior to legal custody/guardianship or can be attributable to factors or conditions in the child's or birth family's history that existed prior to legal custody/guardianship.

(c) Mental illness, as defined in section 5122.01 of the Revised Code.

(3) The child is participating in one of the following rehabilitation programs or a program equivalent in the state where the child resides:

(a) Vocational rehabilitation, as evidenced by the implementation of an individual plan of employment (IPE), administered by the bureau of vocational rehabilitation through opportunities for Ohioans with disabilities.

(b) Services for the visually impaired, as evidenced by the implementation of an IPE, administered by the bureau of services for the visually impaired through the opportunities for Ohioans with disabilities.



(4) The child is in the process of obtaining a secondary education and meets the eligibility criteria for a child with a disability receiving special education and related services from the Ohio department of education (ODE), local education agency or school district or a program equivalent in the state where the child resides. The kinship caregiver(s) is responsible for providing official documentation from the school that the child is attending and participating in special education services.

(5) The child is eligible for services administered through the department of developmental disabilities (DODD), as evidenced by the implementation of an individual service plan (ISP).

(C) A clear statement documenting the child's physical/mental disability or medical condition is to be accompanied by an assessment, evaluation, or update within the last twelve months from the qualified professional including an opinion as to the prognosis and recommendations for future treatment needs.

(D) If the kinship caregiver(s) requests to continue the KGAP payment beyond age eighteen due to any of the requirements identified in paragraph (B) of this rule, ODJFS is to do one of the following:

(1) Amend the KGAP agreement to begin the KGAP monthly payment based on the date of eligibility for any of the programs identified in paragraph (B)(1) of this rule.

(2) Notify the kinship caregiver(s) of the intent to amend the JFS 00133 "Title IV-E Kinship Guardianship Assistance Program (KGAP) Agreement" to a KGAP agreement with no payment pending the approval of any program outlined in paragraph (B) of this rule and provide the kinship caregiver(s) with notification of state hearing rights.

(3) Notify the kinship caregiver(s) of the intent to terminate the KGAP agreement, at age eighteen, if eligibility is denied based on any of the requirements identified in paragraph (B) of this rule.

(a) If the kinship caregiver(s) requested a state hearing within fifteen days of the date the termination notice was issued then ODJFS continues the KGAP until the hearing decision has been rendered.

(b) If the kinship caregiver(s) has not requested a state hearing within fifteen days of the date the



termination notice was issued, ODJFS:

- (i) Terminates the KGAP agreement.

- (ii) Completes the ODM 01958 "Referral for Medicaid Continuing Eligibility Review" and submit it to the county department of job and family services (CDJFS) located in the county where the kinship caregiver(s) resides, in compliance with the medical pre-termination review.

- (iii) ODJFS will notify medicaid to terminates the Title XIX medical coverage.

- (E) It is the responsibility of the kinship caregiver(s) to provide ODJFS with documentation that application has been made for any services the child needs in paragraph (B) of this rule.

- (F) ODJFS is to advise the kinship caregiver(s) of all necessary documentation that is to be submitted to continue a KGAP agreement.

- (G) For cases in which the year and month the child was born can be established, but not the exact day, the first of the month is used as the child's birth date.