



Ohio Administrative Code

Rule 5101:2-55-01 Administration of kinship guardianship assistance program connections to twenty-one (KGAP C21).

Effective: January 1, 2023

(A) For purposes of this program, in accordance with section 5101.1411 of the Revised Code, a kinship guardianship young adult is defined as a person that:

- (1) Was in the temporary, permanent, or planned permanent living arrangement custody of an Ohio public children services agency (PCSA) prior to being committed to the legal custody or guardianship of a kinship caregiver as defined in rule 5101:2-1-01 of the Administrative Code, at the age of sixteen or seventeen;
- (2) Attained the age of sixteen or seventeen before the Title IV-E kinship guardianship assistance agreement became effective; and
- (3) Meets one of the eligibility requirements pursuant to paragraph (A)(3) of rule 5101:2-55-02 of the Administrative Code.

(B) ODJFS is responsible for ensuring the proper administration of funds both allocated and reimbursed.

(1) In accordance with 473(a)(1)(B)(ii) and 473(a)(3) of the Social Security Act, ODJFS is not to add any language to the JFS 00139 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Agreement" that makes the agreement subject to the availability of state funds.

(2) ODJFS is responsible for the full non-federal share of KGAP C21 funds.

(C) ODJFS is to be responsible for:

(1) Determining initial and semi-annual eligibility, approval, denial, and termination for KGAP C21 pursuant to rule 5101:2-55-02 of the Administrative Code.



(2) Maintaining a separate KGAP C21 case record for each program eligible kinship guardianship young adult for whom ODJFS has entered into a JFS 00139.

(3) Service planning to include:

(a) KGAP C21 case management including initial and ongoing eligibility determination of all applications and redeterminations, approval and termination of subsidy payments, and referral for medicaid coverage provided by the Ohio department of medicaid, as applicable.

(b) Referral for kinship guardianship supportive services.

(D) ODJFS is to provide the kinship caregiver(s) of a kinship guardianship young adult with a JFS 00137 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Application" and the JFS 04059 "Explanation of State Hearing Procedures."

(E) The kinship caregiver(s) is to submit the JFS 00137 and verification of eligibility to ODJFS.

(F) ODJFS is to enter into a JFS 00139 with the kinship caregiver(s) of an eligible kinship guardianship young adult.

(G) For a kinship guardianship young adult with a JFS 00139 in effect who moves out-of-state or resides out-of-state, ODJFS is to follow the interstate compact on adoption and medical assistance (ICAMA) rule 5101:2-44-05.2 of the Administrative Code. ODJFS may ask the children services agency (CSA) in the other state to document the present situation of the kinship caregiver(s) and to assist the kinship caregiver(s) in completing all mandatory forms.

(H) The JFS 00139 remains in effect even though the kinship caregiver(s) and the kinship guardianship young adult move to another county, state, or country. The responsibility for management of the KGAP C21 case remains with ODJFS as the agency that entered into the JFS 00139 prior to the move.

(I) In accordance with section 473(d)(3)(C) of the Social Security Act a successor guardian may be



named. The successor guardian cannot be the parent of the kinship guardianship young adult. A new JFS 00139 with a successor guardian will be entered into if all of the following are met:

- (1) The kinship caregiver(s) dies or becomes incapacitated.
- (2) There is a successor guardian(s) named in the JFS00133 "Title IV-E Kinship Guardianship Assistance Program (KGAP) Agreement."
- (3) The successor guardian(s) obtains legal guardianship through probate court.
- (4) The successor guardian(s) completes a JFS 00137.
- (5) The successor guardian(s) and all adults residing in the home complete and pass criminal background checks in accordance with rules 5101:2-46-05 and 5101:2-5-09.1 of the Administrative Code. The kinship guardianship young adult is excluded from this requirement.
- (6) The kinship guardianship young adult continues to meet one of the eligibility requirements pursuant to paragraph (A)(3) of rule 5101:2-55-02 of the Administrative Code.
- (7) The successor guardian provides documented proof of continued kinship caregiver support as required by paragraph (B)(2) of rule 5101:2-55-02 of the Administrative Code.
- (J) If the kinship caregiver(s) and the kinship guardianship young adult for whom an Ohio-executed JFS 00139 is in effect reside in or move to another state, the kinship guardianship young adult will be provided Title XIX (medicaid) and Title XX (social service block grant) services by the state in which the kinship guardianship young adult resides. If any of the Title XX services specified in the JFS 00139 are not available in the state where the kinship guardianship young adult resides, ODJFS is to be responsible for securing those services.
 - (1) The kinship guardianship young adult will be provided with Title XX services, as specified in the JFS 00139 by the county where the kinship guardianship young adult resides.
 - (2) Nothing is to prevent the kinship caregiver(s) of a kinship guardianship young adult for whom a



JFS 0139 is in effect from seeking Title XX services available in the Title XX social service plan in the county of residence, even if the services are not already specified in the JFS 00139. The kinship caregiver(s) may:

- (a) Apply for the Title XX services in the county where the kinship caregiver(s) resides.
- (b) Seek to amend the kinship guardianship young adults JFS 00139.
- (K) The case record is to include the following information, when applicable:
 - (1) ODJFS's actions in determining eligibility for KGAP C21.
 - (2) A copy of signed JFS 00137 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Application" form(s).
 - (3) A copy of signed JFS 00139 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Agreement" form(s).
 - (4) A copy of kinship caregiver responsibility eligibility documentation.
 - (5) A copy of the ODM 6612 "Health Insurance Information Sheet."
 - (6) A copy of state hearing, administrative appeal, and judicial review filings.
 - (7) A copy of the interstate compact and adoption medical assistance forms.
 - (8) Documentation verifying completion of all mandatory kinship caregiver criminal record checks obtained by the PCSA prior to initiation of kinship guardianship custodian payments pursuant to rule 5101:2-5-09.1 of the Administrative Code.
 - (9) A copy of kinship guardianship young adult eligibility documentation of education, employment, programs to remove barriers to employment, or verification of disability.



- (10) A copy of the JFS 00133 "Title IV-E Kinship Guardianship Assistance Program (KGAP) Agreement" in effect with the PCSA at the time of kinship guardianship placement of the kinship guardianship young adult.
- (11) A copy of JFS 00142 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Kinship Caregiver Semi-Annual Assurance of Kinship Caregiver Responsibility and Eligibility for Continued Medicaid Coverage" form(s).
- (12) A copy of JFS 00141 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Young Adult Semi-Annual Assurance of Kinship Caregiver Responsibility and Eligibility for Continued Medicaid Coverage" form(s).
- (13) A copy of JFS 07334 "Notice of Denial of Your Application for Assistance" form(s).
- (14) A copy of JFS 00138 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Notice of Eligibility Approval" form(s).
- (15) A copy of JFS 00140 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Notice of Redetermination" form(s).
- (16) A copy of JFS 00144 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Notice of Continued Approval" form(s).
- (17) A copy of JFS 00143 "Title IV-E Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) Notice of Termination" form(s).
- (L) The KGAP C21 case record is to be retained in the Ohio statewide automated child welfare information system (SACWIS).