

Transmittal Letter 61

TO: Children Services Stakeholders

FROM: Kara B. Wente, Director

DATE: September 24, 2025

SUBJECT: Five-Year Rule Review, removal of state hearing rights due to Amended Substitute House Bill 96 (HB 96) of the 136th General Assembly and Renumbering of Kinship Support Program OAC Rule 5180:2-42-18.2.

Background

The Department of Children and Youth (DCY) is changing Ohio Administrative Code (OAC) rule 5180:2-42-18.2 as part of the five-year review process and because of the enactment of HB 96. Language in the rule related to state hearing rights for recipients of Kinship Support Program (KSP) payments is being removed as the program was never intended to have hearing rights.

This rule will be effective on October 3, 2025.

Purpose

The DCY rules in OAC were renumbered to 5180 on January 2, 2025, as a result of House Bill 33 (HB33) of the 135th General Assembly. For organizational reasons, as DCY opens rules, the rules are being rescinded and adopted under a new number. This letter identifies which rule is being rescinded and renumbered along with any additional changes.

- **OAC 5180:2-42-18.2 → OAC 5180:3-13-18.2, “Kinship Support Program,”** provides guidance to agencies on eligible kinship caregivers to receive KSP payments. The rule has been changed to a question-and-answer format. The requirement for a state hearing when a caregiver is determined to have received an overpayment has been removed. Edits were also made to update references within the rule.

Rules/Forms

The chart indicates the impacted OAC rules, transmittal letters, and/or required forms.

OAC Rules	Previous Transmittal Letter	DCY Forms
5180:2-42-18.2	FCASMTL 562	
5180:3-13-18.2		

5180:3-13-18.2**Kinship support program.****(A) What is the kinship support program?**

The kinship support program (KSP) is available to eligible kinship caregivers to provide financial payments for the placement of children in the kinship caregiver's home. The Ohio department of children and youth (DCY) is to coordinate and administer the program pursuant to section 5180.531 of the Revised Code and provide payments in accordance with section 5180.533 of the Revised Code to the extent funds are appropriated and allocated for this purpose.

(B) How is "kinship caregiver" defined?

"Kinship caregiver" has the same meaning as in section 5180.50 of the Revised Code.

(C) Who is eligible to receive KSP payments?

A kinship caregiver who is not certified as a foster caregiver in accordance with Chapters 5180:2-5 and 5180:2-7 of the Administrative Code is eligible to receive KSP payments for a child placed in the kinship caregiver's home pursuant to rule 5180:2-42-18 of the Administrative Code when:

- (1) The child is in temporary, permanent, or legal custody of a public children services agency (PCSA); or
- (2) The child is under the care of a Title IV-E agency with legal responsibility for care and placement of the child which has a Title IV-E subgrant agreement in effect.

(D) How long can eligible kinship caregivers receive KSP payments?

Eligible kinship caregivers may receive KSP payments for up to six months from the date of the child's placement in their home.

(E) When do KSP payments stop?

KSP payments are to stop when any of the following occurs:

- (1) The kinship caregiver obtains foster home certification in accordance with Chapters 5180:2-5 and 5180:2-7 of the Administrative Code;
- (2) The kinship caregiver has received KSP payments for the placement of the child for six months;
- (3) The child is no longer in the custody of the PCSA or Title IV-E agency;

(4) The child is no longer placed in the kinship caregiver's home; or

(5) The home assessment is denied pursuant to rule 5180:2-42-18 of the Administrative Code.

(F) What information is to be provided to the kinship caregiver prior to a child's placement in the home?

Prior to placing a child in a kinship home, the PCSA or other Title IV-E agency is to provide the kinship caregiver with information about kinship programs and foster care certification pursuant to rule 5180:2-42-18 of the Administrative Code.

(G) How does the PCSA or other Title IV-E agency ensure timely and accurate KSP payments are made to the kinship caregiver?

The PCSA or other Title IV-E agency is to enter the necessary data into Ohio comprehensive child welfare information system (CCWIS) as soon as possible to initiate and/or terminate payments for eligible kinship caregivers in accordance with this rule.

(H) How is the PCSA or other Title IV-E agency to pay for a child placed with a kinship caregiver who is certified as a foster caregiver?

The PCSA or other Title IV-E agency is to pay foster care maintenance (FCM) payments for a child placed with a kinship caregiver who is certified as a foster caregiver in accordance with Chapters 5180:2-5 and 5180:2-7 of the Administrative Code, or the equivalent in another state. The FCM payment is to equal the rate the PCSA or other Title IV-E agency would pay for the child if placed in a foster home that is not kin.

(I) When do FCM payments begin for a kinship caregiver who becomes a certified foster caregiver?

If a kinship caregiver becomes a certified foster caregiver pursuant to Chapters 5180:2-5 and 5180:2-7 of the Administrative Code, or the equivalent in another state, after the child was placed with the kinship caregiver, the PCSA or other Title IV-E agency is to pay FCM effective the date the kinship caregiver becomes certified as a foster caregiver.

(J) Can kinship caregivers who want to become certified foster caregivers receive waivers for certification requirements?

Waiver requests by a recommending agency for a kinship caregiver seeking foster care certification are permitted for the following:

- (1) Pursuant to rule 5180:2-5-18 of the Administrative Code, non-safety foster care certification standards; and
- (2) Pursuant to section 5103.0329 of the Revised Code, training hours and topic requirements contained in rule 5180:2-5-33 of the Administrative Code.

(K) What happens if a kinship caregiver receives KSP payments they were not eligible for?

The kinship caregiver may be responsible for returning payments to DCY if:

- (1) The payment was received in error.
- (2) The caregiver was determined to be ineligible.

Replaces: 5180:2-42-18.2

Effective: 10/3/2025

Five Year Review (FYR) Dates: 10/03/2030

CERTIFIED ELECTRONICALLY

Certification

09/23/2025

Date

Promulgated Under: 111.15

Statutory Authority: 5180.536

Rule Amplifies: 5180.53, 5180.531, 5180.532, 5180.533, 5180.534,
5180.535, 5180.57, 5103.0329

Prior Effective Dates: 04/01/2021, 10/15/2024

5180:2-42-18.2

Kinship support program.

(A) The kinship support program (KSP) is available to eligible kinship caregivers to provide financial payments for the placement of children in the kinship caregiver's home. The Ohio department of children and youth (DCY) is to coordinate and administer the program pursuant to section 5101.881 of the Revised Code and provide payments in accordance with section 5101.885 of the Revised Code to the extent funds are appropriated and allocated for this purpose.

(B) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.

(C) A kinship caregiver who is not certified as a foster caregiver in accordance with Chapters 5101:2-5 and 5101:2-7 of the Administrative Code is eligible to receive KSP payments for a child placed in the kinship caregiver's home pursuant to rule 5101:2-42-18 of the Administrative Code when:

- (1) The child is in the temporary, permanent, or legal custody of a public children services agency (PCSA); or
- (2) The child is under the care of a Title IV-E agency with legal responsibility for care and placement of the child which has a Title IV-E subgrant agreement in effect.

(D) Eligible kinship caregivers are not to receive KSP payments for more than six months from the date of placement.

(E) KSP payments are to stop when any of the following occur:

- (1) The date the kinship caregiver obtains foster home certification in accordance with Chapters 5101:2-5 and 5101:2-7 of the Administrative Code;
- (2) The kinship caregiver has received KSP payments for the placement of the child for six months;
- (3) The date the child is no longer in the custody of the PCSA or Title IV-E agency;
- (4) The date the child is no longer placed in the kinship caregiver's home; or
- (5) The date the home assessment is denied pursuant to rule 5101:2-42-18 of the Administrative Code.

(F) Prior to placing a child in a kinship home, the PCSA or other Title IV-E agency is to provide the kinship caregiver with information about kinship programs and foster care certification pursuant to rule 5101:2-42-18 of the Administrative Code.

- (G) The PCSA or other Title IV-E agency is to enter the necessary data into Ohio comprehensive child welfare information system (CCWIS) to initiate and/or terminate payments for eligible kinship caregivers in accordance with this rule.
- (H) The PCSA or Title IV-E agency is to pay foster care maintenance (FCM) payments for a child placed with a kinship caregiver who is certified as a foster caregiver in accordance with Chapters 5101:2-5 and 5101:2-7 of the Administrative Code, or the equivalent in another state. The FCM payment is to equal the rate the PCSA or Title IV-E agency would pay for the child if placed in a foster home that is not kin.
- (I) If a kinship caregiver becomes a certified foster caregiver pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code, or the equivalent in another state, after the child was placed with the kinship caregiver, the PCSA or Title IV-E agency is to pay FCM the date the kinship caregiver becomes certified as a foster caregiver.
- (J) Waiver requests by a recommending agency for a kinship caregiver seeking foster care certification are permitted for the following:
 - (1) Pursuant to rule 5101:2-5-18 of the Administrative Code, non-safety foster care certification standards; and
 - (2) Pursuant to section 5103.0329 of the Revised Code, training hours and topic requirements contained in rule 5101:2-5-33 of the Administrative Code.
- (K) DCY will send notification to a kinship caregiver of a possible overpayment with the JFS 04065 "Prior Notice of Right to a State Hearing" if an overpayment occurs. The kinship caregiver may be responsible for returning payments they were not eligible to receive to DCY.

Effective: 10/3/2025

Five Year Review (FYR) Dates: 7/15/2025

CERTIFIED ELECTRONICALLY

Certification

09/23/2025

Date

Promulgated Under: 111.15

Statutory Authority: 5101.8811

Rule Amplifies: 5101.88, 5101.881, 5101.884, 5101.885, 5101.886,
5101.887, 5101.889, 5103.0329

Prior Effective Dates: 04/01/2021, 10/15/2024