

OFFICE OF FAMILIES AND CHILDREN
Families and Children Letter FCL #043

TO: Directors, Public Children Services Agencies

FROM: Jeffery Van Deusen, Deputy Director
Office of Families and Children

DATE: October 19, 2022

SUBJECT: Kinship Guardianship Assistance Program (KGAP) rules and forms update

Background

KGAP became available as a nationwide option with federal funding availability after the passage of the Fostering Connections to Success and Increasing Adoptions Act of 2008.

In late 2019, members of the Children Services Transformation Advisory Council began a series of forums throughout Ohio to hear from our community stakeholders their experiences and ideas for improvement to the children services system. In November 2020, the Advisory Council's final report was released to the public. This report included 37 recommendations for to improve the children services system and improve outcomes for children and families in Ohio. One of those recommendations was to establish a KGAP program in Ohio.

To support that recommendation, the current biennium budget bill, or Amended HB 110 added the requirement to implement a federal and state KGAP into state law, effective January 2023.

Advance Publication of KGAP rules

KGAP rules have been published in advance of January 1, 2023 date. The IV-E State Plan submission requires all rules to support KGAP be in final filed status prior to Ohio's submission and approval. As a result, early development of Ohio Administrative Code rules to support KGAP have been final filed with effective dates of January 1, 2023.

Rules

The following provides the transmittals for Ohio Administrative Code rules supporting the federal and state Kinship Guardianship Assistance Program (KGAP) pursuant to Ohio Revised Codes (ORC) 5101.1411, 5101.1416, and 5153.163. *The rules will become effective January 1, 2023.*

[FCASMTL 505](#) transmits Ohio Administrative Code (OAC) rule:

- 5101:2-38-05.02 entitled PCSA Family Case Plan requirements for Kinship Guardianship Assistance Program (KGAP).

[FCASMTL 506](#) transmits Ohio Administrative Code (OAC) rules:

- 5101:2-56-01 entitled Administration of the State Kinship Guardianship Assistance Program (KGAP).
- 5101:2-56-02 entitled Eligibility for State Kinship Guardianship Assistance Program (KGAP).
- 5101:2-56-03 entitled Public Children Services Agency (PCSA) Eligibility Determination of the State Kinship Guardianship Assistance Program (KGAP).
- 5101:2-56-04 entitled Requirements for State Kinship Guardianship Assistance Program (KGAP) Past Age Eighteen.
- 5101:2-56-05 entitled Reimbursement of Nonrecurring State Kinship Guardianship Assistance Program (KGAP) Expenses.
- 5101:2-56-06 entitled Termination of State Kinship Guardianship Assistance Program (KGAP) Payments.
- 5101:2-56-07 entitled State Kinship Guardianship Assistance Program (KGAP) Record Requirements.

[FCASMTL 507](#) transmits Ohio Administrative Code (OAC) rules:

- 5101:2-55-01 entitled Administration of Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21).
- 5101:2-55-02 entitled Eligibility for Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21).
- 5101:2-55-03 entitled Payments for Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21).

[FCASMTL 508](#) transmits Ohio Administrative (OAC) rules:

- OAC 5101:2-46-01 Administration of the Title IV-E kinship guardianship assistance program (KGAP).
- OAC 5101:2-46-02 Title IV-E kinship guardianship assistance program (KGAP) eligibility criteria.
- OAC 5101:2-46-03 Initial determination of the Title IV-E kinship guardianship assistance program (KGAP) monthly payment amount.
- OAC 5101:2-46-04 Title IV-E kinship guardianship assistance program (KGAP) agreement and duration: provision for financial support and services.
- OAC 5101:2-46-05 Title IV-E kinship guardianship assistance program (KGAP) monthly payments.
- OAC 5101:2-46-06 Title IV-E kinship guardianship assistance program (KGAP) ongoing verification.
- OAC 5101:2-46-07 Amendment of the Title IV-E kinship guardianship (KGAP) agreement.
- OAC 5101:2-46-08 Suspension of Title IV-E kinship guardianship assistance program (KGAP) payment.
- OAC 5101:2-46-09 Termination of a Title IV-E kinship guardianship assistance program (KGAP) agreement.

- OAC 5101:2-46-10 Case record requirements for Title IV-E kinship guardianship assistance program (KGAP).
- OAC 5101:2-46-11 Title XIX medicaid coverage for Title IV-E kinship guardianship assistance program (KGAP) eligible children.
- OAC 5101:2-46-12 Reimbursement of Title IV-E nonrecurring kinship guardianship assistance program (KGAP) expenses.
- OAC 5101:2-46-13 Title IV-E kinship guardianship assistance program (KGAP) intercounty and interstate case management responsibility.
- OAC 5101:2-46-14 Requirements for Title IV-E kinship guardianship assistance program (KGAP) past age eighteen.

Forms

There are 10 new federal and state Kinship Guardianship Assistance Program (KGAP) forms that are now live on the [JFS - Forms Central](#). The early release of these forms to ensure the KGAP activities needed for any child with a January or February legal custody will be completed in time and not delay permanency for that child. Additionally, this will provide the opportunity for OFC to work with PCSAs this year who might have a youth eligible for KGAP in early 2023.

The forms are:

- JFS 00126 – Notice of Adverse Action for the State KGAP
- JFS 00127 – Notice of Adverse Action for the Federal KGAP
- JFS 00128 – State KGAP Application
- JFS 00129 – State Kinship Guardianship Assistance (KGAP) Program Agreement
- JFS 00129-I – State Kinship Guardianship Assistance Program (KGAP) Agreement Instructions
- JFS 00131 – Federal KGAP Application
- JFS 00133 – Title IV-E Kinship Guardianship Assistance Program (KGAP) Agreement
- JFS 00134 – Application for Reimbursement of Nonrecurring KGAP Expenses
- JFS 00134-I – Application for Reimbursement of Nonrecurring KGAP Expenses Instructions
- JFS 00135 – Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in a Kinship Guardianship Placement (KGAP)

Other KGAP forms, including Kinship Guardianship Assistance Program Connections to twenty-one (KGAP C21) will be released January 02, 2023, as planned.

Training and Resources

Children Services staff, administration, and court personnel are invited to attend the “Implementing the Kinship Guardianship Assistance Program (KGAP) in Ohio” overview scheduled through a Teams Live event on **December 7, 2022, from 1:00 pm-3:00 pm**.

The 2-hour training will focus on how kinship caregivers caring for Ohio’s children will now have access to financial and medical benefits when taking legal custody or guardianship of the children

in their care. The training team will review PCSA and ODJFS responsibilities, as well as the varied eligibility criteria for KGAP programs.

Agencies are encouraged to send staff whose regular work duties and responsibilities include Family Case Planning, kinship care, permanency, and IV-E eligibility. Please forward this invitation as you deem appropriate.

Please register for the training [HERE](#). A link will be available after successful registration through a pop-up. This training will be recorded and posted on the [Children Services Training and Development Webpage](#) along with all materials and the Q & A. The team also has a [Microsoft Stream Channel](#) where content is stored.

Contacts

For more information or questions about the early release forms and process, please contact Karen McGormley at Karen.McGormley@jfs.ohio.gov.

For more information regarding case planning, please contact Kristin Adkins at kristin.adkins@jfs.ohio.gov.

For additional information or questions regarding the Federal Kinship Guardianship Assistance Program, please contact Tracy Hughes at tracy.hughes3@jfs.ohio.gov.

For additional information or questions regarding the State Kinship Guardianship Assistance Program, please contact Shelene Williams at shelene.williams@jfs.ohio.gov.

For additional information or questions regarding the Kinship Guardianship Assistance Program Connections to Twenty-One (KGAP C21) program, please contact Carrie Block at carrie.block@jfs.ohio.gov.

If you have any questions regarding the Training, please contact the Training Team at OFCTraining@jfs.ohio.gov.