

Ohio Department of Job and Family Services
Office of Families and ChildrenPolicy and Practice Guidance Document #012
Kinship Support Program and State Hearing Rights

September 13, 2021

Background

Ohio House Bill 110, signed by Governor Mike DeWine on June 30, 2021 includes a change to Ohio Revised Code 5101.1411(G) to provide that any denial or termination of Kinship Support Program (KSP) payments shall be subject to state hearing rights, effective September 30, 2021.

Process

The Office of Families and Children (OFC) has been working with the Office of Legal and Acquisition Services, Bureau of State Hearings to develop a process and procedures to ensure compliance with state hearings requirements. Because KSP is administered by the Ohio Department of Job and Family Services (ODJFS), the process and procedures for notifying kinship caregivers of their state hearing rights is also being administered by ODJFS. The information contained in this document provides an overview of the state hearings process for KSP. There may be times when the state hearing process intersects with county agency staff functions, and therefore this document also contains some instances where agency cooperation is needed.

Kinship caregivers who are in receipt of KSP funds will receive notification when the KSP funds are terminated due to one of the following scenarios:

- The nine or six-month time frame that KSP payments are required is expiring.
- The child for which the kinship caregiver is receiving KSP is no longer placed in the home.
- The child for which the kinship caregiver is receiving KSP is no longer in the custody of the public children services agency (PCSA).
- The kinship caregiver obtains foster care certification.

ODJFS will send the kinship caregiver the JFS 04065 “Prior Notice of Right to a State Hearing” along with an explanation of the termination of the KSP benefit. The JFS 04065 provides instructions on how to request a state hearing, including a variety of ways to do so. One of the options for the kinship caregiver to request a state hearing is to submit the JFS 04065 request to the PCSA caseworker. If a kinship caregiver submits a request for a state hearing to a PCSA caseworker, **the caseworker should forward the request to the Bureau of State Hearings office within one business day** to facilitate

the timely response to the request. Hearing requests can be submitted to the Bureau of State Hearings office by email at bsh@jfs.ohio.gov.

While ODJFS designated staff will work closely with the Bureau of State Hearings office to resolve disputed terminations whenever possible and to provide testimony for state hearings, it is possible when PCSA staff may be included in Pre-hearing Conferences or state hearings. This will be particularly applicable when the termination of KSP is due to a PCSA action, including the termination of PCSA custody, the termination of the child's placement, or there are questions regarding the foster care certification of the kinship caregiver. In those instances, the PCSA will be contacted as necessary for assistance in these state hearing activities.

Contact

Questions about this guidance may be addressed to the OFC helpdesk at help-desk-ocf@jfs.ohio.gov or by phone through our toll-free Customer Inquiry Call Center, at 1-866-886-3537, option 4, Monday – Friday, 8:00 AM – 5:00 PM.