



October 1, 2024

Family, Children and Adult Services Manual Transmittal Letter No. 562

TO: Family, Children and Adult Services Manual Holders

FROM: Kara B. Wente, Director, DCY
Matt Damschroder, Director, ODJFS

SUBJECT: Amendments to Ohio Administrative Code (OAC) Rule 5101:2-42-18.2
Kinship Support Program (KSP)

This letter transmits amendments OAC rule 5101:2-42-18.2 governing the Kinship Support Program (KSP) to incorporate language regarding overpayments and for the five-year review. This rule will be effective October 15, 2024.

The following is a summary of the amendments:

OAC rule 5101:2-42-18.2 entitled **Kinship Support Program** provides guidance to agencies on eligible kinship caregivers to receive kinship support payments.

- Amendments were completed to remove regulatory restrictive words as described in SB 9 of the 134th General Assembly.
- The Kinship Support Program (KSP) payment timelines have been updated as the nine-month maximum time frame is no longer applicable.
- Clarification was added to address when KSP payments will be terminated.
- Information to be provided by the placing agency to kinship caregivers has been added when placing a child in the home.
- A kinship caregiver who is, or later becomes, certified as a foster caregiver is to receive foster care maintenance (FCM) payments for the placement of the child in the home has been included.
- Language was added to address kinship caregivers who receive a KSP overpayment may be responsible for returning the funds to the Ohio Department of Children and Youth (DCY).
- All references to the Ohio Statewide Automated Child Welfare Information System (SACWIS) have been replaced with Ohio Comprehensive Child Welfare Information System (CCWIS) to align with the federally recognized case management information system to support child welfare program needs. Ohio CCWIS consists of several automated systems approved by the Children's Bureau including the Ohio statewide automated child welfare information system (SACWIS) and Taking Early Action Matters (TEAM) Ohio.

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INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Family Children and Adult Services Manual (FCASM) and the materials that are to be inserted in the FCASM.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Social Services	5101:2-42-18.2	5101:2-42-18.2
Transmittal Letters		FCASMTL No. 562

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5101:2-42-18.2 **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 job and family services (ODJFS)~~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; ~~which is any of the following who is eighteen years of age or older and is caring for a child in place of the child's parents.~~
- ~~(1) Individuals related by blood or adoption to the child including:~~
- ~~(a) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great."~~
 - ~~(b) Siblings.~~
 - ~~(c) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand."~~
 - ~~(d) First cousins and first cousins once removed.~~
- ~~(2) Stepparents and stepsiblings of the child.~~
- ~~(3) Spouses and former spouses of individuals named in paragraphs (B)(1) and (B)(2) of this rule.~~
- ~~(4) A legal guardian of the child.~~
- ~~(5) A legal custodian of the child.~~
- ~~(6) Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties.~~
- (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 ~~and~~ which has a Title IV-E subgrant agreement in effect.
- (D) Eligible kinship caregivers are not to receive KSP payments ~~in accordance with the following timeframes:~~ for more than six months from the date of placement.
- ~~(1) For not more than nine months after December 29, 2020 when the child is already placed in the kinship home;~~
 - ~~(2) For not more than nine months from the date of placement when the child is placed in the kinship home between December 29, 2020 and September 29, 2021; or~~
 - ~~(3) For not more than six months from the date of placement when the child is placed in the kinship home on or after September 30, 2021.~~
- (E) ~~The kinship caregiver is to receive KSP payments~~ are to stop until the earliest of the following: 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; ~~or~~
 - (2) The ~~applicable timeframe specified in paragraph (D) of this rule is exhausted;~~ or 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;~~
 - ~~(3)(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 ~~the KSP-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 ~~the statewide automated child welfare information system (SACWIS)~~ Ohio comprehensive child welfare information system (CCWIS) to initiate and/or terminate payments for eligible kinship caregivers in accordance with this rule.

- ~~(H) A kinship caregiver who obtains foster home certification in accordance with Chapters 5101:2-5 and 5101:2-7 of the Administrative Code is to receive foster care maintenance (FCM) payments equal to the rate the PCSA or other Title IV-E agency would pay for that child if placed in a foster home that is not kin.~~
- (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.
- ~~(I) The eligibility for kinship caregivers and foster caregivers to receive Ohio works first (OWF) is determined pursuant to rules 5101:1-3-01, 5101:1-23-10, and 5101:1-23-20.1 of the Administrative Code.~~
- ~~(J) In accordance with rule 5101:2-5-18 of the Administrative Code, a recommending agency may submit a waiver request for a kinship caregiver to waive any non-safety foster home certification standards. These waiver requests will be reviewed on a case by case basis. Pursuant to section 5103.0329 of the Revised Code, a recommending agency may submit a request for a kinship caregiver to waive training hours and topic requirements contained in rule 5101:2-5-33 of the Administrative Code. Per rule 5101:2-5-18 of the Administrative Code, all waiver requests for kinship caregivers to become certified foster parents are to be completed in SACWIS and forwarded to ODJFS. Kinship caregivers who become certified foster caregivers as a result of the approval of non-safety waivers are not able to receive placement of children other than kinship children. 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: 10/15/2024

Five Year Review (FYR) Dates: 7/1/2024 and 10/15/2029

CERTIFIED ELECTRONICALLY

Certification

09/30/2024

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