



January 5, 2022

Cash Assistance Manual Transmittal Letter No. 175

TO: All Cash Assistance Manual Holders
FROM: Matt Damschroder, Director
SUBJECT: **Kinship Caregiver Program.**

Ohio Administrative Code rule 5101:1-24-30 has been amended due to Section 307.81 of Amended Substitute House Bill 110 of the 134th General Assembly re-authorizing the Kinship Caregiver program (KCP).

The Office of Family Assistance (OFA) has completed a review of the following rule and the rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 02/01/2022.

Chapter 2000

5101:1-24-30 "Kinship Caregiver Program."

This rule describes the requirements for ensuring TANF eligibility of KCP assistance groups; the protections for ensuring that benefits and services remain TANF non-assistance; the elements of stabilization caregiving services; and defines the assistance group composition for each service. The rule has been updated to reflect section 307.81 of the Amended Substitute House Bill 110 of the 134th General Assembly (effective 6/30/2021) as the authorizing statute.

5101:1-24-30 **Kinship caregiver program.**

In accordance with Amended Substitute House Bill ~~466110~~ of the ~~133rd~~134th General Assembly (~~7/2019~~(6/2021)), the kinship caregiver program (KCP) assists kinship caregivers with providing and maintaining a home for a child in place of a child's parents by providing reasonable and necessary relief of child caring functions through family stabilization and caregiving services.

(A) Who administers and designs KCP?

KCP shall be incorporated into a county agency's prevention, retention and contingency (PRC) plan and designed by the county agency and the public children services agency (PCSA) to be consistent with the provisions of Section ~~307.100~~307.81 of Amended Substitute House Bill ~~466110~~ of the ~~133rd~~134th General Assembly, Chapter 5108. of the Revised Code, and this rule.

(B) What temporary assistance for needy families (TANF) purpose does KCP meet?

KCP shall be designed to reasonably achieve the purpose of helping needy families so that children may be cared for in their own homes or in the homes of relatives. Therefore, an application and determination of TANF eligibility is required for every assistance group.

The benefits and/or services provided in KCP may not be "assistance" as defined in 45 C.F.R. 260.31(a) (10/1999); and are limited to benefits and/or services that are excluded from the definition of assistance pursuant to 45 C.F.R. 260.31(b) (10/1999).

(C) Who is a kinship caregiver?

"Kinship caregiver" means 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) The following individuals related by blood or adoption to the child:

- (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 paragraph (C)(1) or (C)(2) of this rule;
- (4) A legal guardian of the child;
- (5) A legal custodian of the child.

(D) What are the TANF eligibility requirements for KCP?

- (1) For the stabilization service, the assistance group shall include only a minor child residing with a kinship caregiver.
- (2) For the caregiving service, the assistance group shall include at least a minor child residing with a kinship caregiver and the kinship caregiver.
- (3) Each member of the assistance group shall:
 - (a) Have or have applied for a social security number;
 - (b) Be a United States citizen or non-citizen national or qualified alien as those terms are defined in rule 5101:1-2-30 of the Administrative Code;
 - (c) Not owe any of the cost of fraudulent TANF assistance paid to the individual; and
 - (d) Have been afforded the opportunity to register to vote (when applicable).
- (4) The assistance group shall have gross income of less than two hundred per cent of the federal poverty level. Income received during the past thirty days shall be used as an indicator of the income that is and will be available to the assistance group. However, the county agency shall not use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated. If income fluctuates to the extent that a thirty day period alone cannot provide an accurate indication of anticipated income, the county agency and the assistance group may use a longer period of past time if it will provide an accurate indication of anticipated fluctuations in future income.
- (5) A redetermination of TANF eligibility for KCP shall be required no less than every twelve months from determination of initial eligibility.

(E) What are the required elements of the stabilization service?

Stabilization services shall be designed to transition the child into and maintain the child in the home of the kinship caregiver. Examples of stabilization benefits include,

but are not limited to child care services not to exceed four months; or incidentals incurred when taking on the responsibility of caring for a child unexpectedly (i.e. purchases for basic needs such as but not limited to cribs/beds etc.).

(F) What are the required elements of the caregiving service?

- (1) The benefits or services shall be limited to reimbursement to the kinship caregiver for, or direct payment to, a third-party individual or entity to administer to the needs of a minor child. The caregiving service may be provided at a licensed or unlicensed provider or may take place in the home of the kinship caregiver. The care may include care designed to provide temporary relief of child caring functions.
- (2) The minor child for who caregiving services are being provided shall be:
 - (a) Under age thirteen at the time of application and may remain eligible until they turn thirteen; or
 - (b) Be under age eighteen at the time of application if the child meets the definition of special needs pursuant to rule 5101:2-16-01 of the Administrative Code, and may remain eligible until they turn eighteen.
- (3) The kinship caregiver or other member of the assistance group shall be participating in one of the following approved activities:
 - (a) Paid employment on a full-time or part-time basis.
 - (b) A training or education activity that prepares the caretaker for paid employment.
 - (c) Participating in one or more work activities as a condition of eligibility for either Ohio works first (OWF) or the supplemental nutrition assistance program (SNAP).
- (4) The assistance group shall inform the county agency within ten days if no member of the assistance group is participating in an approved activity or if the child is no longer residing with the kinship caregiver.

(G) How must adverse action be taken against an applicant or recipient of KCP?

In accordance with rules 5101:6-2-02 and 5101:6-2-04 of the Administrative Code, a county agency shall provide an assistance group written notice of a denial or its intent to withhold, reduce, suspend, or terminate KCP services.

Effective: 2/1/2022

Five Year Review (FYR) Dates: 12/1/2024

CERTIFIED ELECTRONICALLY

Certification

01/04/2022

Date

Promulgated Under: 119.03
Statutory Authority: Section 307.81 of Amended Substitute House Bill 110 of the 134th General Assembly, 5101.801
Rule Amplifies: Section 307.81 of Amended Substitute House Bill 110 of the 134th General Assembly, 5101.80, 5101.801, 5108.01, 5108.02
Prior Effective Dates: 12/01/2019