



Family, Children and Adult Services Manual Transmittal Letter No. 505

To: Family, Children and Adult Services Manual Holders

From: Matt Damschroder, Director

Subject: **New Ohio Administrative Code Rule 5101:2-38-05.02 PCSA Family Case Plan requirements for Kinship Guardianship Assistance Program (KGAP)**

This letter transmits Ohio Administrative Code (OAC) rule 5101:2-38-05.02, which has been developed for the implementation of Ohio Revised Code (ORC) 5101.1416, kinship guardianship assistance. This rule ensures requirements for implementation of the Kinship Guardianship Assistance Program (KGAP) are met within the Family Case Plan. This rule will become effective 01/01/2023.

The following is a brief explanation of the rule:

OAC 5101:2-38-05.02 entitled **PCSA Family Case Plan requirements for Kinship Guardianship Assistance Program (KGAP)** identifies the requirements for a PCSA when completing a family case plan for the KGAP. Language has been included to meet federal and state requirements established in ORC.

INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
SOCIAL SERVICES		5101:2-38-05.02
Transmittal Letters		FCASMTL No. 505

5101:2-38-05.02 **PCSA family case plan requirements for kinship guardianship assistance program (KGAP).**

(A) The public children services agency (PCSA) is to support the application and eligibility for the kinship guardianship assistance program (KGAP) pursuant to rules 5101:2-46-02 and 5101:2-56-02 of the Administrative Code in the "Family Case Plan" when any of the following apply:

- (1) A child has a case plan goal of custody to a fit and willing kinship caregiver(s).
- (2) A child has a concurrent plan of custody to a fit and willing kinship caregiver(s).
- (3) The court has made a finding pursuant to sections 2151.4119 and 2151.412 of the Revised code (ORC), that the child's current foster family has a kin relationship, and the current foster parent does not wish to pursue adoption.

(B) The family case plan is to include the following:

- (1) The steps the PCSA has taken to determine it is not appropriate for the child to be returned home.
- (2) The efforts the PCSA has made to discuss adoption with the child's fit and willing kinship caregiver(s) as a more permanent alternative to legal guardianship and document the reasons why adoption is not the preferred option of the kinship caregiver(s).
- (3) An explanation as to why a permanent placement with a fit and willing kinship caregiver(s) through a kinship guardianship assistance arrangement is in the child's best interests.
- (4) The efforts the PCSA has made to discuss kinship guardianship assistance arrangement with the child's parent(s), or reasons why efforts were not made by the PCSA to discuss with the child's parent(s) the kinship guardianship assistance arrangement.
- (5) If applicable, the reason(s) for any separation of siblings from the child if the child's placement with the kinship caregiver(s) does not include the child's siblings.
- (6) The efforts the PCSA has made to consult with youth aged fourteen and older regarding the kinship guardianship arrangement.

Effective: 1/1/2023

Five Year Review (FYR) Dates: 01/01/2028

CERTIFIED ELECTRONICALLY

Certification

10/11/2022

Date

Promulgated Under: 119.03
Statutory Authority: 5101.1417
Rule Amplifies: 2151.4119, 2151.412, 5101.1416