



January 12, 2024

Family, Children and Adult Services Manual Transmittal Letter No. 536

TO: Family, Children and Adult Services Manual Users

FROM: Matt Damschroder, Director

SUBJECT: Amendment to Kinship Guardianship Assistance Program (KGAP) Rules and Forms

This letter transmits amendments to Ohio Administrative Code (OAC) Rules in Chapter 5101:2-46. These rules set forth the requirements that create a Title IV-E plan option for States and Tribes to provide kinship guardianship assistance payments to relatives who assume legal custody/guardianship of kinship children for whom they have cared for as foster parents for a minimum of six consecutive months. These rules will be effective January 22, 2024.

OAC rule 5101:2-46-01 entitled "**Administration of the Title IV-E Kinship Guardianship Assistance Program (KGAP)**" outlines the primary objectives of the KGAP program and the administrative responsibility. Paragraph (D) was revised to provide clarification for maintaining policy and procedures.

OAC rule 5101:2-46-12 entitled "**Reimbursement of Title IV-E Nonrecurring Kinship Guardianship Assistance Program (KGAP) Expenses**" outlines the requirements for eligibility for nonrecurring KGAP expenses and the reimbursement of the nonrecurring expenses incurred by a kinship caregiver(s) that are directly related to the legal custody/guardianship of a child. Paragraph (I) has been revised to update the reimbursement requirement to "one year" from two years.

OAC rule 5101:2-56-05 entitled "**Reimbursement of Nonrecurring State Kinship Guardianship Assistance Program (KGAP) Expenses**" outlines the requirements for eligibility for nonrecurring KGAP expenses and the reimbursement of the nonrecurring expenses incurred by a kinship caregiver(s) that are directly related to the legal custody/guardianship of a child. Paragraph (I) has been revised to update the reimbursement requirement to "one year" from two years.

FORMS

JFS 00129 entitled "**State Kinship Guardianship Assistance Program (KGAP) Agreement.**" This form has been revised to advise kinship caregivers of their responsibility to report the receipt of KGAP subsidy to Social Security if the child is receiving SSI.

JFS 00129-I entitled "**Instructions for Completing JFS 00129, State Guardianship Assistance Program (KGAP) Agreement.**" This form is being rescinded as it is a form completed by ODJFS and is not necessary.

JFS 00133 entitled "**Title IV-E Kinship Guardianship Assistance Program (KGAP) Agreement.**" This form is being revised to advise kinship caregivers of their responsibility to report the receipt of KGAP subsidy to Social Security if the child is receiving SSI.

JFS 00134 entitled "**Application for Reimbursement of Nonrecurring Kinship Guardianship Assistance Program (KGAP) Expenses.**" This form has been updated to update the reimbursement requirement to “one year” from two years.

JFS 00135 entitled "**Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in a Kinship Guardianship Placement.**" This form has been updated to update the reimbursement requirement to “one year” from two years.

INSTRUCTION:

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

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
MANAGEMENT AND ADMINISTRATION	5101:2-46-01	5101:2-46-01
	5101:2-46-12	5101:2-46-12
	5101:2-56-05	5101:2-56-05
FORMS	JFS 00129	JFS 00129
	JFS 00129-I	
	JFS 00133	JFS 00133
	JFS 00134	JFS 00134
	JFS 00135	JFS 00135
TRANSMITTAL LETTERS		FCASMTL No. 536

5101:2-46-01

Administration of the Title IV-E kinship guardianship assistance program (KGAP).

- (A) The primary objectives of the KGAP program are to:
- (1) Facilitate another permanency planning option for children who it has been determined that reunification and adoption are not appropriate options for the child; and
 - (2) Assist kinship caregiver(s) who have a strong commitment to caring permanently for the child.
- (B) The public children services agency (PCSA) is to determine eligibility and coordinate with the Ohio department of job and family services (ODJFS) to complete all procedures related to the administration of KGAP.
- (C) ODJFS is responsible for the following administrative activities related to KGAP.
- (1) Negotiate payment.
 - (2) Ensuring the proper administration of funds, allocated or reimbursed.
 - (3) Maintaining a separate KGAP case record for each program eligible child that has entered into a KGAP agreement.
 - (4) Redetermination of annual eligibility.
- (D) The PCSA is to establish and maintain policy and procedures governing its kinship guardianship assistance program in accordance with ~~section 5153.163 of the Revised Code.~~ §42 U.S.C. 673(d) of the Act.
- (E) The PCSA is to determine eligibility status in the Ohio statewide automated child welfare information system (SACWIS) and inform ODJFS that the applicant(s) are eligible for federal KGAP within thirty working days of a request by the kinship caregiver to apply for federal KGAP payments. The PCSA will determine the eligibility status using the criteria outlined in rule 5101:2-46-02 of the Administrative Code.
- (F) Prior to the court issuing an order of legal custody/guardianship, the PCSA that holds custody is to complete the KGAP eligibility determination in the Ohio SACWIS and if the child is eligible for Title IV-E KGAP provide the kinship caregiver(s) with information on how to access the JFS 00131 "Title IV-E Kinship Guardianship Assistance Program (KGAP) Application for Initial Eligibility" form.

- (G) The PCSA is to assist the kinship caregiver(s) of a child placed by the PCSA with the JFS 00131, requested by the kinship caregiver(s). The PCSA is to also provide the kinship caregiver(s) with the JFS 04059 "Explanation of State Hearing Procedures" and is to inform the kinship caregiver(s) of the right to request a state hearing upon approval or denial of their application.
- (H) The kinship caregiver(s) has the right to request a state hearing if the PCSA denies eligibility for KGAP, or the application has been acted upon erroneously, or not acted upon with reasonable promptness.
- (I) In the event that the kinship caregiver dies or is incapacitated, the PCSA is to assist the primary successor legal guardian as outlined in rule 5101:2-46-05 if the Administrative Code.

Effective: 1/22/2024

Five Year Review (FYR) Dates: 1/1/2028

CERTIFIED ELECTRONICALLY

Certification

01/08/2024

Date

Promulgated Under: 119.03
Statutory Authority: 5153.163, 5101.1417
Rule Amplifies: 5153.163, 5101.1416, 5101.1417
Prior Effective Dates: 01/01/2023

5101:2-46-12

Reimbursement of Title IV-E nonrecurring kinship guardianship assistance program (KGAP) expenses.

- (A) The following definitions are applicable to this rule and supersede any definition contained in rule 5101:2-1-01 of the Administrative Code.
- (1) "Nonrecurring KGAP expenses" are reasonable and necessary legal custody/guardianship fees, court costs, attorney fees, and in accordance with paragraph (A)(2) of this rule, other expenses directly related to the court issuing an order granting legal custody/guardianship of a child. These expenses cannot be incurred in violation of state or federal law and cannot be reimbursed from other sources or funds.
 - (2) "Nonrecurring other expenses directly related to the legal custody/guardianship of a child" as specified in paragraph (A)(1) of this rule refers to the costs of the court issuing an order granting legal custody/guardianship incurred by or on behalf of the kinship caregiver(s) and for which the kinship caregiver(s) carries the ultimate liability for payment. These are the total cost of nonrecurring expenses associated with obtaining legal custody guardianship of the child.
- (B) Ohio department of job and family services (ODJFS) is to notify anyone inquiring about legal custody/guardianship services through the agency of the availability of funds for the reimbursement of nonrecurring KGAP expenses and the application process.
- (C) ODJFS is to enter into an agreement with the kinship caregiver(s) of a child for the payment of nonrecurring KGAP expenses for which the kinship caregiver(s) has not otherwise been reimbursed, not to exceed two thousand dollars for each child.
- (D) ODJFS is to inform a kinship caregiver(s) who inquires about legal custody/guardianship services through the agency that the JFS 00134 "Application for Reimbursement of Nonrecurring Kinship Guardianship Assistance Program (KGAP) Expenses" is to be submitted to ODJFS and approved prior to the court issuing an order granting legal custody/guardianship or disruption prior to the court issuing an order granting legal custody/guardianship, if applicable. The JFS 00134 cannot be considered for approval retroactively.
- (E) The kinship caregiver(s) and ODJFS are to sign the JFS 00135 "Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in a Kinship Guardianship Placement," prior to the court issuing an order granting legal custody/guardianship or disruption prior to the court issuing an order granting legal custody/guardianship, if applicable. The JFS 00135 cannot be entered into after the court has issued an order granting legal custody/guardianship.

- (F) ODJFS is not to consider the race, color, religion, sex, age, disability, or national origin of a kinship caregiver(s) or of the child, when entering into a JFS 00135 "Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in a Kinship Guardianship Placement."
- (G) If siblings are placed with the KGAP eligible child, either separately or together, each child is to be treated as an individual. A separate JFS 00134 "Application for Reimbursement of Nonrecurring Kinship Guardianship Assistance Program (KGAP) Expenses" and JFS 00135 "Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in a Kinship Guardianship Placement" is to be executed for each child.
- (H) ODJFS is not to apply an income eligibility requirement (means test) to the kinship caregiver(s) in determining whether payment or reimbursement for nonrecurring KGAP expenses are to be made.
- (I) The kinship caregiver(s) is to submit to ODJFS a request for payment or reimbursement and proof of the expenditures for nonrecurring expenses incurred during the legal custody/guardianship process within ~~two years~~ one year of the court issuing an order granting legal custody/guardianship or disruption prior to the court issuing an order granting legal custody/guardianship, if applicable.
- (J) For each JFS 00135 executed, ODJFS is to maintain documentation in the child's case record to verify compliance with this rule.
- (K) The state hearing policies and procedures contained in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code apply to individuals applying for benefits under this rule.

Effective: 1/22/2024

Five Year Review (FYR) Dates: 1/1/2028

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Prior Effective Dates: 01/01/2023

5101:2-56-05

Reimbursement of nonrecurring state kinship guardianship assistance program (KGAP) expenses.

- (A) The following definitions are applicable to this rule and supersede any definition contained in rule 5101:2-1-01 of the Administrative Code.
- (1) "Nonrecurring State KGAP expenses" are reasonable and necessary legal custody/guardianship fees, court costs, attorney fees, and in accordance with paragraph (A)(2) of this rule, other expenses directly related to the court issuing an order granting legal custody/guardianship of a child. These expenses cannot be incurred in violation of state or federal law and cannot be reimbursed from other sources or funds.
 - (2) "Nonrecurring other expenses directly related to the legal custody/guardianship of a child" as specified in paragraph (A)(1) of this rule refers to the costs of the court issuing an order granting legal custody/guardianship incurred by or on behalf of the kinship caregiver(s) and for which the kinship caregiver(s) carries the ultimate liability for payment. These are the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child.
- (B) The Ohio department of job and family services (ODJFS) is to notify anyone inquiring about legal custody/guardianship services through the agency of the availability of funds for the reimbursement of nonrecurring KGAP expenses and the application process.
- (C) ODJFS is to enter into an agreement with the kinship caregiver(s) of a child for the payment of nonrecurring state KGAP expenses for which the kinship caregiver(s) has not otherwise been reimbursed, not to exceed two thousand dollars for each child.
- (D) ODJFS is to inform a kinship caregiver(s) who inquires about legal custody/guardianship services through the agency that the JFS 00134 "Application for Reimbursement of Nonrecurring State Kinship Guardianship Assistance Program (KGAP) Expenses" is to be submitted to ODJFS and approved prior to the court issuing an order granting legal custody/guardianship. The JFS 00134 cannot be considered for approval retroactively.
- (E) The kinship caregiver(s) and ODJFS are to sign the JFS 00135 "Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in a Kinship Guardianship Placement," prior to the court issuing an order granting legal custody/guardianship or disruption prior to the court issuing an order granting legal custody/guardianship, if applicable. The JFS 00135 cannot be entered into after the court has issued an order granting legal custody/guardianship.

- (F) ODJFS is not to consider the race, color, religion, sex, age, disability, or national origin of a kinship caregiver(s) or of the child, when entering into a JFS 00135.
- (G) If siblings are placed with the state KGAP eligible child, either separately or together, each child is to be treated as an individual. A separate JFS 00134 and JFS 00135 is to be executed for each child.
- (H) ODJFS is not to apply an income eligibility requirement (means test) to the kinship caregiver(s) in determining whether payment or reimbursement for nonrecurring state KGAP expenses are to be made.
- (I) The kinship caregiver(s) is to submit to ODJFS a request for payment or reimbursement and proof of the expenditures for nonrecurring expenses incurred during the legal custody/guardianship process within ~~two years~~ one year of the court issuing an order granting legal custody/guardianship or disruption prior to the court issuing an order granting legal custody/guardianship, if applicable.
- (J) For each JFS 00135 executed, ODJFS is to maintain documentation in the child's case record to verify compliance with this rule.
- (K) The state hearing policies and procedures contained in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code apply to individuals applying for benefits under this rule.

Effective: 1/22/2024

Five Year Review (FYR) Dates: 1/1/2028

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Certification

01/08/2024

Date

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Prior Effective Dates: 01/01/2023

Ohio Department of Job and Family Services
STATE KINSHIP GUARDIANSHIP ASSISTANCE PROGRAM (KGAP) AGREEMENT

KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT

The following kinship guardianship assistance agreement, hereinafter called "the agreement" has been entered into by and between the Ohio department of job and family services (ODJFS), and _____ (the Public Children Services Agency), if applicable, hereinafter called "agency," and the kinship caregiver(s) _____, hereinafter called the "kinship caregivers" residing at _____.

This is an: Initial Agreement Amended Agreement

Kinship Caregiver(s) has an approved Nonrecurring Agreement per rule OAC 5101:2-56-05 (please attach JFS 00135 "Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in a Kinship Guardianship Finalization.")

ARTICLE I: GENERAL PROVISIONS

1. The kinship caregiver intends to pursue legal custody/guardianship of the child that is
 In the custody of _____ (Agency Name)
2. Name of child. _____
 Date of birth _____
3. The kinship guardianship assistance agreement must be signed and dated by ODJFS, the kinship caregiver(s), public children service agency (PCSA) Director or designee, as required by rule OAC 5101:2-56-03, prior to the legal custody/guardianship. The agreement is to be effective as indicated in Article VII.
4. The KGAP payments and services are not to begin prior to the court issuing an order granting legal custody/guardianship. Once the kinship caregiver(s) has committed to care for the child and has assumed legal custody/guardianship of the child, ODJFS may then pay kinship guardianship assistance payments on behalf of the child to the kinship caregiver(s) provided the agreement meets, or is amended to meet, all the requirements.
5. The initial kinship guardianship assistance agreement or any that is subsequently amended shall remain in effect regardless of the county or state in which the kinship caregiver(s) and the child are residents.
6. The kinship caregiver may provide a written request at any time to terminate the subsidy payment. The agreement may be amended or terminated at any time by the mutual consent of the kinship caregiver(s) and ODJFS.
7. At any time, the kinship caregiver(s) may request, in writing, a redetermination of state KGAP. No oral modifications shall have effect. ODJFS shall respond to any written request for redetermination of state KGAP within thirty days of the request.
8. At any time, while the JFS 00129 is in effect, the kinship caregiver and ODJFS may agree to amend the agreement when there are newly documented circumstances of special needs of the child or circumstances of the kinship caregiver that were not previously subject to the current agreement pursuant to rule 5101:2-46-07 of the Administrative Code. By mutual agreement, amended agreements must meet all other requirements of rule 5101:2-46-04 of Administrative Code.
9. The kinship caregiver may submit a request to ODJFS through one of the following:
 - JFS State KGAP email statekgap@jfs.ohio.gov.
 - Bureau of Fiscal Operations, P.O. Box 183204, Columbus, Ohio 43218-3204.
 - Helpdesk for OCF 1-866-886-3537.

10. The agreement remains in effect as long as the kinship caregiver(s) continues to be legally responsible for the child's care and **continues to provide support for the child through the month of the child's eighteenth birthday or through the month of the end of the school year during which the child reaches the age of eighteen.**
11. The kinship guardianship assistance payment is to be provided to assist the kinship caregiver(s) in incorporating the child into the family. The kinship guardianship assistance payment is not restricted to meeting the daily support of the child but may be used or put aside to fund any other needs of the child, including such services as education.
12. The kinship caregiver is to name a primary successor legal guardian in the agreement or in any amendments to the agreement:
 - Name of primary successor legal guardian _____.
Address _____.
Phone Number _____.
E-mail Address _____.
 - The successor guardian is subject to completion of background checks in accordance with rules 5101:2-5-20, 5101:2-5-24, 5101:2-5-30 and 5101:2-5-09.1 of the Administrative Code.
13. Both the kinship caregiver(s) and ODJFS are legally bound by this agreement.
14. The approval and continuation of state KGAP is contingent upon the availability of funds.

ARTICLE II: OBLIGATIONS OF THE KINSHIP CAREGIVER(S)

The kinship caregiver(s) will:

1. Cooperate with the agency and/or ODJFS in fulfillment of all requirements of the state KGAP program.
2. Apply for Ohio Works First (OWF) cash assistance within thirty days of the date in which the court grants the kinship caregiver(s) legal custody or guardianship of the child. The caregiver may choose to apply for Medicaid if health coverage is needed.
3. Responsibly administer state KGAP funds received on behalf of the child.
4. Notify ODJFS within fifteen calendar days when any of the following apply:
 - The kinship caregiver(s) is no longer legally responsible for the child's care, no longer providing support to meet the child's needs, or the child emancipated.
 - There is a substantial change in the child's needs.
 - There is a change of address for the family.
 - The successor guardian named in the agreement is no longer able to fulfill the responsibilities.
5. Comply with any interstate requirements for kinship guardianship assistance in the event that the family moves to another state.
6. If the child receives supplemental security income (SSI), notify the social security administration (SSA) of the KGAP monthly payment amount. The child may receive KGAP and SSI concurrently if the child receives SSI. If there is concurrent receipt of payments from both programs, the SSA will decrease the monthly SSI benefit by the monthly KGAP payment amount.

ARTICLE III: OBLIGATIONS OF ODJFS ADMINISTRATION

1. ODJFS will notify the kinship caregiver(s) of changes in agency, state, or federal policy that have a potential effect on the amount of the kinship guardianship assistance payment.
2. ODJFS will respond to any written request for redetermination of state KGAP within thirty days of the request.
3. ODJFS will provide the kinship caregiver with information concerning their right to a state hearing when the kinship caregiver does not agree with the action the agency has taken regarding the state KGAP.

ARTICLE IV: KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT

1. ODJFS has presented the kinship caregiver(s) with information about the following kinship guardianship assistance programs: State kinship guardianship assistance program (KGAP) and KGAP Nonrecurring Expenses.
2. Reimbursement of Nonrecurring Kinship Guardianship Assistance Program (KGAP) Expenses is to allow the kinship caregiver(s) to apply for reimbursement of allowable expenses up to two thousand dollars incurred during the legal custody/guardianship process. Proof of expenditures for nonrecurring expenses incurred during the legal custody/guardianship process is to be submitted to ODJFS within one year of the court issuing an order granting legal custody/guardianship or disruption prior to the court issuing an order granting legal custody/guardianship.
3. Kinship guardianship assistance payments in the amount of \$_____ per month will be provided on behalf of (child's name) _____ for the identified service needs to begin on date of legal custody/guardianship when the kinship caregiver(s) has obtained legal custody/guardianship pursuant to rule 5101:2-56-01 of the Administrative Code. The initial payment date is dependent upon the date that the caregiver applies for Ohio Works First cash assistance and the date of eligibility determination by the local county department of job and family services.
4. The KGAP subsidy may be reduced or terminated in the event of judicial, executive, or legislative action reducing the appropriation, or suspending or terminating the authority of the agency to continue the state KGAP.

ARTICLE V: TERMINATION OF STATE KINSHIP GUARDIANSHIP ASSISTANCE PROGRAM

The state KGAP subsidy shall be terminated if any of the following circumstances occur:

1. The kinship caregiver fails to apply for OWF cash assistance within sixty days of the date in which the court grants the kinship caregiver(s) legal custody or guardianship of the child.
2. The death of the child or kinship caregiver.
3. The kinship caregiver is no longer financially supporting the child. Financially supporting means providing the child with shelter, food, and clothing or child support.
4. The child reaches the age of eighteen. If the child is enrolled in school, payments will terminate at the end of the school year in which the child turns eighteen years of age. The agreement may be extended past age eighteen for a child with a physical/mental disability or medical condition with an existing state KGAP agreement if the child meets the requirements of rule 5101:2-56-04 of the Administrative Code.
5. The kinship caregiver(s) requests termination.
6. The child enlists in the military.
7. The terms of this agreement have been fulfilled.
8. The successor guardian named in this agreement requests to enter into a new agreement due to the death or incapacitation of the kinship caregiver pursuant to rule 5101:2-56-01 of the Administrative Code.
9. The child marries.

ARTICLE VI: RIGHT TO A STATE HEARING

The caregiver has the right to a state hearing before the Ohio Department of Job and Family Services if the caregiver disagrees with any actions taken regarding this agreement. For a complete explanation of hearing rights and the hearing process, the caregiver should refer to the JFS 04059 "Explanation of State Hearing Procedures." A copy of the JFS 04059 should accompany this form.

ARTICLE VII: AGREEMENT EFFECTIVE DATE

1. This agreement is effective on _____
2. This agreement shall be signed, dated and in effect prior to the final order of legal custody/guardianship.
3. Payments and services shall not begin prior to the court issuing an order granting legal custody/guardianship to the kinship caregiver(s).

SIGNATURES

Kinship Caregiver Signature	Email	Date (mm/dd/yyyy)
Kinship Caregiver Signature	Email	Date (mm/dd/yyyy)
PCSA Director Signature or Designee (Initial Agreement Only)	Email	Date (mm/dd/yyyy)
ODJFS Representative Signature	Email	Date (mm/dd/yyyy)

A signed copy of this agreement was provided to the kinship caregiver(s) on: _____
Date (mm/dd/yyyy)

The PCSA Director or Designee signature is an acknowledgment by the PCSA that the court hearing issuing an order granting legal custody/guardianship to the kinship caregiver can be held.

TITLE IV-E KINSHIP GUARDIANSHIP ASSISTANCE PROGRAM (KGAP) AGREEMENT**KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT**

The following kinship guardianship assistance agreement, hereinafter called "the agreement" has been entered into by and between the Ohio Department of Job and Family Services (ODJFS), and _____ (the Public Children Services Agency), if applicable, hereinafter called "agency," and the kinship caregiver(s) _____ residing at _____

This is an: Initial Agreement Amended Agreement

- Kinship Caregiver(s) has an approved Nonrecurring Agreement per rule OAC 5101:2-46-12 (please attach JFS 00135 "Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in a Kinship Guardianship Finalization.")

ARTICLE I: GENERAL PROVISIONS

1. The kinship caregiver intends to pursue legal custody/guardianship of the child that is
 In the custody of _____ (Agency Name)
2. Name of child. _____
Date of birth _____
3. The kinship guardianship assistance agreement must be signed and dated by ODJFS, the kinship caregiver(s), public children service agency (PCSA) Director or designee, as required by rule OAC 5101:2-46-04, prior to the legal custody/guardianship. The agreement is to be effective as indicated in Article X.
4. The KGAP payments and services are not to begin prior to the court issuing an order granting legal custody/guardianship. Once the kinship caregiver(s) has committed to care for the child and has assumed legal custody/guardianship of the child, ODJFS may then pay kinship guardianship assistance payments on behalf of the child to the kinship caregiver(s) provided the agreement meets, or is amended to meet, all the requirements.
5. The initial kinship guardianship assistance agreement or any that is subsequently amended shall remain in effect regardless of the county or state in which the kinship caregiver(s) and the child are residents.
6. The agreement may be amended or terminated at any time by the mutual consent of the kinship caregiver(s) and ODJFS.
7. At any time, while the JFS 00133 is in effect, the kinship caregiver and ODJFS may agree to amend the agreement when there are newly documented circumstances of special needs of the child or circumstances of the kinship caregiver that were not previously subject to the current agreement pursuant to rule 5101:2-46-07 of the Administrative Code. By mutual agreement, amended agreements must meet all other requirements of rule 5101:2-46-04 of Administrative Code.
8. The kinship caregiver may submit a request to ODJFS through one of the following:
 - o JFS KGAP mailbox at federalkgap@jfs.ohio.gov.
 - o Bureau of Fiscal Operations, P.O. Box 183204, Columbus, Ohio 43218-3204.
 - o Helpdesk for OCF 1-866-886-3537.
9. The agreement remains in effect as long as the kinship caregiver(s) continues to be legally responsible for the child's care and **continues to provide support for the child through the month of the child's eighteenth birthday.**
10. The kinship guardianship assistance payment is to be provided to assist the kinship caregiver(s) in incorporating the child into the family. The kinship guardianship assistance payment is not restricted to meeting the daily support of the child but may be used or put aside to fund any other needs of the child, including such services as education.

11. The kinship caregiver is to name a successor legal guardian in the agreement or in any amendments to the agreement:

- Name of successor legal guardian _____.
 - Address _____.
 - Phone Number _____.
 - E-mail Address _____.
 - Criminal background checks completion and passing dates in accordance with rules 5101:2-46-05 and 5101:2-5-09.1 of the Administrative Code.

12. Both the kinship caregiver(s) and ODJFS are legally bound by this agreement.

ARTICLE II: OBLIGATIONS OF THE KINSHIP CAREGIVER(S)

The kinship caregiver(s) will:

1. Cooperate with the agency and/or ODJFS in fulfillment of all requirements of the federal KGAP program.
2. Responsibly administer federal KGAP funds received on behalf of the child.
3. Notify ODJFS within fifteen calendar days when any of the following apply:
 - The kinship caregiver(s) is no longer legally responsible for the child's care, no longer providing support to meet the child's needs, or the child emancipated.
 - There is a substantial change in the child's needs.
 - There is a change of address for the family.
 - The successor guardian named in the agreement is no longer able to fulfill the responsibilities.
4. Comply with any interstate requirements for kinship guardianship assistance in the event that the family moves to another state.
5. Notify ODJFS if private health care insurance coverage is made available to the child and submit the ODM 06612 "Health Insurance Information Sheet."
6. Provide documentation that the child is enrolled in school or is incapable of attending school full-time by completing and returning the JFS 00136 "Title IV-E Kinship Guardianship Assistance Program (KGAP) Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage."
7. If the child receives supplemental security income (SSI), notify the social security administration (SSA) of the KGAP monthly payment amount. The child may receive KGAP and SSI concurrently if the child receives SSI. If there is concurrent receipt of payments from both programs, the SSA will decrease the monthly SSI benefit by the monthly KGAP payment amount.

ARTICLE III: OBLIGATIONS OF ODJFS ADMINISTRATION

1. ODJFS will notify the kinship caregiver(s) of changes in agency, state, or federal policy that have a potential effect on the amount of the kinship guardianship assistance payment.
2. ODJFS will verify annually the child's continuing eligibility for kinship guardianship assistance. The criteria for continuing eligibility are:
 - The kinship caregiver(s) continues to be legally responsible for the child's care.
 - The kinship caregiver(s) continues to provide support for the child.
 - The child is under 18 years of age.
3. ODJFS will inform the kinship caregiver(s) and the youth of the Kinship Guardianship Assistance Program Connections to Twenty-one (KGAP C21). Noting KGAP C21 is available for youth that attained the age of sixteen or seventeen on or before the KGAP agreement became effective and legal custody/guardianship was awarded.

ARTICLE IV: KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT

1. ODJFS has presented the kinship caregiver(s) with information about the following kinship guardianship assistance programs: Title IV-E kinship guardianship assistance program (KGAP), KGAP Nonrecurring and Title IV-E kinship guardianship assistance program connections to age twenty-one (KGAP C21).
2. Reimbursement of Nonrecurring Guardianship Assistance Program (KGAP) Expenses is to allow the kinship caregiver(s) to apply for reimbursement of allowable expenses up to two thousand dollars incurred during the legal custody/guardianship process. Proof of expenditures for nonrecurring expenses incurred during the legal custody/guardianship process is to be submitted to ODJFS within one year of the court issuing an order granting legal custody/guardianship or disruption prior to the court issuing an order granting legal custody/guardianship.
3. Kinship guardianship assistance payments in the amount of \$ _____ per month will be provided on behalf of (*child's name*) _____ for the identified service needs to begin on date of legal custody/guardianship when the kinship caregiver(s) has obtained legal custody/guardianship pursuant to rule 5101:2-46-04 of the Administrative Code.

ARTICLE V: MEDICAL CARE

1. The child is eligible for Medicaid benefits provided under Title XIX of the Social Security Act for as long as the agreement is in effect.
2. The child is eligible for Medicaid benefits in the state where the child resides.
3. If the child is covered by private health insurance, please note the private health insurance is primary payor and Medicaid is secondary payor of covered medical costs.

ARTICLE VI: TITLE XX SOCIAL SERVICES AND OTHER SERVICES

1. The child is eligible for Title XX funded social services as long as the agreement is in effect.
2. Title XX services are targeted to maintain or achieve economic self-support and self-sufficiency, and social services programs to preserve families.
3. The kinship caregiver(s) is to contact the county department of job and family services in which they reside for application to receive Title XX services.
4. The child is eligible for Title XX funded social services in the state in which the child resides. If a needed service(s) specified in the kinship guardianship assistance agreement is not available in the new state of residence, the state making the original kinship guardianship assistance payments remains financially responsible for providing the specified service(s).
5. If the child moves to another Ohio county, the child will be provided with Title XX funded social services in the county where the child resides. If any of the Title XX funded social services specified in the kinship guardianship agreement are not available in the county where the child resides, the county that determined eligibility for federal KGAP shall be responsible for securing those services. Nothing shall prohibit the kinship caregiver(s) from applying for Title XX funded social services in the county of residence, even if the services are not already specified in the kinship guardianship agreement.
6. The child will be provided the following Title XX funded social services. _____
7. ODJFS shall provide or secure funding for the following services, whether or not they are available through Title XX. _____

ARTICLE VII: SUSPENSION

The kinship guardianship assistance payment is subject to suspension if ODJFS cannot establish contact through concerted efforts with the kinship caregiver(s) to determine if the kinship caregiver(s) is providing any support to the child after concerted efforts were made in accordance with 5101:2-46-08.

ARTICLE VIII: TERMINATION

1. The agreement is subject to termination when the child reaches the age of eighteen. The agreement may be extended past age eighteen for a child with a physical/mental disability or medical condition with an existing Federal KGAP agreement if the child meets the requirements of rule 5101:2-46-14.
2. The agreement is subject to termination if ODJFS determines that the kinship caregiver(s) is no longer legally responsible for the child's care, no longer providing support to meet the child's needs, or the child emancipates.
3. The agreement is subject to termination when it has been determined that the kinship caregiver(s) has died or become incapacitated, and a new agreement has been completed with the named successor guardian in accordance with rule 5101:2-46-09 of the Administrative Code.

ARTICLE IX: APPEAL

1. The kinship caregiver(s) may appeal any agency and/or ODJFS decision to deny, reduce, suspend, or terminate kinship guardianship assistance or to deny the amount of kinship guardianship assistance payment requested by the kinship caregiver(s).
2. ODJFS must inform the kinship caregiver(s) in writing of any decision to deny, reduce, suspend, or terminate kinship guardianship assistance or to deny the amount of the kinship guardianship assistance payment requested by the kinship caregiver(s). The notice of denial must inform the kinship caregiver(s) of the right to appeal through a state hearing as well as the procedure for requesting a state hearing.
3. The kinship caregiver(s) may also appeal through a request for a state hearing in any case in which the agency fails to inform the kinship caregiver(s) about potential financial, medical, or service benefits that may be available to the child through the Title IV-E kinship guardianship assistance program.

ARTICLE X: AGREEMENT EFFECTIVE DATE

1. This agreement is effective on _____
2. This agreement shall be signed, dated and in effect prior to the final order of legal custody/guardianship.
3. Payments and services shall not begin prior to the court issuing an order granting legal custody/guardianship to the kinship caregiver(s).

SIGNATURES

Kinship Caregiver Signature	Email	Date (mm/dd/yyyy)
Kinship Caregiver Signature	Email	Date (mm/dd/yyyy)
PCSA Director Signature or Designee (Initial Agreement Only)	Email	Date (mm/dd/yyyy)
ODJFS Representative Signature	Email	Date (mm/dd/yyyy)

A signed copy of this agreement was provided to the kinship caregiver(s) on: _____
Date (mm/dd/yyyy)

The PCSA Director or Designee signature is an acknowledgment by the PCSA that the court hearing issuing an order granting legal custody/guardianship to the kinship caregiver can be held.

Ohio Department of Job and Family Services
**APPLICATION FOR REIMBURSEMENT OF NONRECURRING KINSHIP GUARDIANSHIP
 ASSISTANCE PROGRAM (KGAP) EXPENSES**

SECTION I: KINSHIP CAREGIVER(S)		
Name of Kinship Caregiver (<i>First and Last</i>)	Name of Kinship Caregiver (<i>First and Last</i>)	
Address	City, State and Zip Code	Telephone Number
Email Address		
SECTION II: CHILD		
Name of Child (<i>First and Last</i>)	Date of Birth (<i>mm/dd/yyyy</i>)	
SECTION III: PROGRAM INFORMATION		
<p>Nonrecurring KGAP expenses are reasonable and necessary legal custody/guardianship fees, court costs, attorney fees, or other expenses directly related to the court issuing an order granting legal custody/guardianship of a child. These expenses are incurred by or on behalf of the kinship caregiver(s) and for which the kinship caregiver(s) carries the ultimate liability for payment. These expenses cannot be incurred in violation of state or federal law and cannot be matched from other federal sources of funds.</p> <p>Nonrecurring KGAP expenses may not exceed two thousand (\$2,000) for reimbursement and have to be claimed within one year from the date of legal custody/guardianship of a child. Specific items to be paid or reimbursed shall be addressed on the JFS 00135, "Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in a Kinship Guardianship Placement" if this application is approved.</p>		
SECTION IV: SIGNATURES		
Signature of Kinship Caregiver	Date	
Signature of kinship Caregiver	Date	

Mail or email the completed application to:

Ohio Department Job and Family Services
 Office of Families and Children
 Federal KGAP
 PO Box 183204
 Columbus, Ohio 43218-3204

OR

Email to FederalKGAP@jfs.ohio.gov

SECTION V: DISPOSITION (FOR ODJFS USE ONLY)

This application relates only to the applicant's eligibility for the Reimbursement of Nonrecurring Kinship Guardianship Assistance Program (KGAP) Expense Program. Specific items to be paid or reimbursed shall be addressed on the JFS 00135, "Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in a Kinship Guardianship Placement." This application for reimbursement of nonrecurring KGAP expenses has been:

Approved Denied

Reason for Denial:

Signature of Authorized ODJFS Representative		Date (mm/dd/yyyy)
Date the Denial was sent to Kinship Caregiver(s)	Method of Notification (mail or email)	Address/Email Used

SECTION VI: RIGHT TO A STATE HEARING

You have a right to a state hearing if your application is denied or if you disagree with any other actions taken on your application. For a complete explanation of your hearing rights and the hearing process, please read JFS 04059 "Explanation of State Hearing Procedures." A copy of the JFS 04059 is to be given to applicant along with this application.

Ohio Department of Job and Family Services
**AGREEMENT FOR PAYMENT OR REIMBURSEMENT FOR NONRECURRING
EXPENSES INCURRED IN A KINSHIP GUARDIANSHIP PLACEMENT**

SECTION I: GENERAL PROVISIONS

1. The following agreement has been entered into by and between Ohio Department of Job and Family Services (ODJFS) and _____ and _____ the kinship caregiver(s), residing at _____
2. The child's name _____

SECTION II: GENERAL TERMS OF THE AGREEMENT

1. The kinship caregiver(s) and ODJFS agree that expenses for payment or reimbursement of nonrecurring Kinship Guardian Assistance Program (KGAP) must be incurred by the kinship caregiver(s) and/or ODJFS on behalf of the kinship caregiver(s):
 - a) Prior to the court issuing an order granting legal custody/guardianship, or
 - b) A disruption prior to the court issuing an order granting legal custody/guardianship.
2. The kinship caregiver(s) and ODJFS agree that payment or reimbursement will include only those nonrecurring KGAP expenses for which a bill or fee has been charged and for which the kinship caregiver(s) are ultimately liable (*i.e., the kinship caregiver(s) incurred the cost*).

SECTION III: SPECIFIC TERMS OF THE AGREEMENT

The kinship caregiver(s) and ODJFS agree to the following procedures for reimbursement or payment of the nonrecurring expenses of legal custody/guardianship with the understanding that total payments or reimbursement will not exceed \$2,000 and all receipts must be received by ODJFS within one year of the legal custody/guardianship finalization. Check each arrangement below which applies to this agreement.

ODJFS agrees to provide reimbursement to the kinship caregiver(s) and/or make payment(s) to service provider(s) on behalf of the kinship caregiver(s), for the following KGAP expenses:

- Court Costs for legal custody/guardianship
- Attorney Fees/Legal Expenses
- Other expenses directly related to the court issuing an order granting legal custody/guardianship of a child

SECTION IV: PAYMENT OR REIMBURSEMENT IF NONRECURRING EXPENSES EXCEED \$2,000

In the event, nonrecurring expenses for the legal custody/guardianship of the child exceeds \$2,000, ODJFS agrees that the kinship caregiver(s) may choose the expenses to claim for payment or reimbursement from among the expenses they have not received previous payment or reimbursement.

SECTION V: VERIFICATION BY THE KINSHIP CAREGIVER(S)

1. The kinship caregiver(s) states that the nature and the amounts of the nonrecurring expenses listed in Section III will be accurately reported and documented
2. The kinship caregiver(s) agrees to verify the nonrecurring KGAP expenses for which they have received payment or reimbursement from the agency, or which the agency has paid to a service provider in their behalf.
3. The kinship caregiver(s) agrees to submit a claim for payment or reimbursement and proof of expenditures only for those nonrecurring KGAP expenses for which they are financially responsible within one year of the legal custody/guardianship finalization or legal custody/guardianship disruption before finalization.
4. The kinship caregiver(s) understands that if an agreement cannot be reached in the nature and amount of expenses which are eligible for payment or reimbursement, they are entitled to a state hearing in accordance with the policies and procedures contained in Chapter 5101:6-2 of the Ohio Administrative Code (OAC).

SECTION VI: VERIFICATION BY THE AGENCY

1. ODJFS asserts that a copy of this agreement, along with accurate documentation of the nonrecurring KGAP expenses itemized in Section III of this agreement, will be maintained in the case record.
2. The kinship caregiver(s) and ODJFS agree that payment or reimbursement for nonrecurring KGAP expenses will not exceed the total sum of \$2,000.

SECTION VII: AMENDMENT OF THE AGREEMENT

The kinship caregiver(s) and ODJFS agree that this agreement may be amended by mutual consent at any time prior to the finalization of legal custody/guardianship subject to the conditions of OAC rule 5101:2-46-07 of the Administrative Code.

Kinship Caregiver(s) Signature	Email	Date
Kinship Caregiver(s) Signature	Email	Date
Authorized ODJFS Representative's Signature	Email	Date

A signed copy of this Agreement was given/mailed to the kinship caregiver(s) on: _____
Date (mm/dd/yyyy)