



## Ohio Administrative Code

### Rule 5101:2-46-05 Title IV-E kinship guardianship assistance program (KGAP) monthly payments.

Effective: January 1, 2023

---

(A) KGAP monthly payments are to begin when there is a mutually agreed upon KGAP agreement and all eligibility criteria outlined in rule 5101:2-46-02 of the Administrative Code have been met.

(B) Ohio department of job and family services (ODJFS) is to enter the KGAP payment information into the Ohio statewide automated child welfare information system (SACWIS). The payment is to be in the form of a warrant or electronic funds transfer (EFT) made to the kinship caregiver(s).

(C) If an overpayment or an underpayment of a KGAP payment occurs, the ODJFS is to take immediate action to correct either situation as soon as information is received.

(1) An underpayment occurs when one of the following circumstances exists:

(a) The kinship caregiver(s) of a KGAP child does not receive a payment they are entitled to according to the current agreement.

(b) The kinship caregiver(s) of a KGAP child receives a payment less than the amount they are entitled to according to the current agreement.

(2) An overpayment occurs when a kinship caregiver(s) receives a payment amount they are not entitled to because of the following reasons.

(a) The payment was made in excess of the agreed upon amount.

(b) The child for whom a KGAP payment was made was not eligible for such payment the month the payment was made.

(D) ODJFS is responsible for reviewing payment records for KGAP cases to determine if an overpayment has occurred. If an overpayment has occurred, ODJFS is to:



(1) Adjust the overpayment in Ohio SACWIS. Adjustment of the payment is to be effective on the first day of the month following the month in which the change occurred.

(2) Provide notification to the kinship caregiver(s) when an overpayment is found and identify what action the ODJFS proposes to take with regard to the payment.

(3) Send notification of the state hearing process to the kinship caregiver(s) in accordance with the provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.

(E) ODJFS is to only take adverse action regarding the eligibility or financial status of a KGAP case, ODJFS is to do so in accordance with the provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code, and

(1) KGAP is to continue until a state hearing decision is issued if the state hearing is requested within fifteen calendar days of the date on the notice of adverse action.

(2) ODJFS is to continue KGAP payments if the hearing decision is favorable to the kinship caregiver(s).

(3) The kinship caregiver(s) is not required to return KGAP payments received prior to the issuance of the state hearing decision if the state hearing was requested within fifteen calendar days of the mailing date on the notice of adverse action and the hearing decision is to terminate or amend the monthly KGAP payment amount.

(F) Documentation of the repayment for the overpayment and the adjustment for the underpayment is to be retained in the KGAP case record.

(G) ODJFS is to refer all cases to the auditor of state in accordance with section 117.103 of the Ohio Revised Code, if there is probable cause to believe the crime of fraud has been committed.