September 21, 2012

ERRATUM II

ALL COUNTY LETTER NO. 11-15EII

TO: ALL COUNTY WELFARE DIRECTORS
    ALL CHIEF PROBATION OFFICERS
    ALL FOSTER CARE MANAGERS
    ALL INDEPENDENT LIVING PROGRAM COORDINATORS
    ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
    ADOPTION SERVICE PROVIDERS
    TITLE IV-E AGREEMENT TRIBES
    ALL ADMINISTRATIVE LAW JUDGES
    ALL CDSS ADOPTION DISTRICT OFFICES
    ALL CONSORTIA PROJECT MANAGERS

SUBJECT: NEW KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT (KIN-GAP) PROGRAM REQUIREMENTS

REFERENCE: ALL COUNTY LETTER (ACL) 11-15, DATED JANUARY 31, 2011

The purpose of this Erratum is to correct and clarify instructions about new provisions of the Kin-GAP Program contained in ACL 11-15. Provisions of ACL 11-15 not addressed in subsequent Errata remain in effect.

EFFECTIVE DATE OF NEW KIN-GAP PROGRAM
Effective January 1, 2011, all new Kin-GAP applications are to comply with the provisions of this ACL for determining benefits under both the new state-funded or federally-funded Kin-GAP Programs. Further, beginning January 1, 2011, all existing Kin-GAP cases were to be converted to the new program at or before the time of the child's annual redetermination.
ELIGIBILITY
The ACL 11-15 instructs counties that to qualify for the new Kin-GAP Program, either through a new or conversion case, a child must have:

- A written binding agreement entered into by the relative guardian and the county welfare agency, probation department, or Title IV-E agreement tribal agency prior to the establishment of the guardianship, evidenced by execution of the SOC 369-Agency Relative Disclosure used in conjunction with the SOC 369A-Kinship Guardianship Assistance Payment (Kin-GAP) Program Agreement Amendment.

- Dependency dismissed concurrently or after the juvenile court order of guardianship.

Those criteria are still correct and accurate for Kin-GAP under the federally-funded program. However, ACL 11-15 did not provide instruction regarding two limited situations affecting eligibility for the Kin-GAP program:

1. If a relative guardian fails to negotiate a written binding agreement PRIOR to the establishment of the guardianship and the child still meets all other eligibility criteria, the child is only eligible for state-funded Kin-GAP.

2. If dependency is left open by court order and the child meets all other eligibility criteria when dependency is dismissed, the child may be eligible for Kin-GAP.

EXTENDED Kin-GAP REQUIREMENTS
The only way a youth is eligible for extended Kin-GAP benefits is when the negotiated agreement payments begin on or after the youth’s 16th birthday. Note: eligibility for extended Kin-GAP benefits is based on the date that the Kin-GAP payments started and is not based on the date the guardianship was established.

Questions concerning Kin-GAP Program eligibility requirements should be directed to the Foster Care Funding and Eligibility Unit at (916) 651-9152. Questions concerning Kin-GAP Program policy should be directed to the Kinship Care Policy and Support Unit at (916) 657-1858.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division