

June 2, 2025

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 25-39

This All County Letter provides information and guidance to county child welfare agencies and probation departments regarding eligibility for and responsibilities associated with the Kinship Guardianship Assistance Payment and Nonrelated Legal Guardian Payment Programs.



JENNIFER TROIA
DIRECTOR

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GAVIN NEWSOM
GOVERNOR

June 2, 2025

ALL COUNTY LETTER NO. 25-39

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL FOSTER CARE MANAGERS
ALL FOSTER CARE ELIGIBILITY SUPERVISORS
ALL FEDERALLY RECOGNIZED TRIBES

SUBJECT: INFORMATION AND GUIDANCE REGARDING ELIGIBILITY AND
RESPONSIBILITIES ASSOCIATED WITH THE KINSHIP
GUARDIANSHIP ASSISTANCE PAYMENT AND NONRELATED
LEGAL GUARDIAN PAYMENT PROGRAMS

REFERENCE: [FEDERAL BIPARTISAN BUDGET ACT OF 2018,](#)
[PUBLIC LAW \(PL\) NO.115-123; PL 113-183; AND, PL 110-351;](#)
[UNITED STATES CODE \(USC\) TITLE 25 SECTION 1903; AND](#)
[USC TITLE 42 SECTION 673;](#)
[ASSEMBLY BILL \(AB\) 120 \(CHAPTER 43, STATUTES OF 2023\);](#)
[AB 1712 \(CHAPTER 846, STATUTES OF 2012\);](#)
[AB 12 \(CHAPTER 559, STATUTES OF 2010\); AND](#)
[AB 1111 \(CHAPTER 147, STATUTES OF 1999\);](#)
[SENATE BILL \(SB\) 1013 \(CHAPTER 35, STATUTES OF 2012\);](#)
[AND SB 1901 \(CHAPTER 1055, STATUTES OF 1998\);](#)
[HEALTH AND SAFETY CODE \(HSC\) SECTION 1522;](#)
[WELFARE AND INSTITUTIONS CODE \(WIC\) SECTION 224.1;](#)
[WIC SECTION 300; WIC SECTION 309; WIC SECTION 361.31;](#)
[WIC SECTIONS 360 – 366.3; WIC SECTION 387;](#)
[WIC SECTION 388; WIC SECTION 388.1;](#)
[WIC SECTIONS 601 – 602; WIC SECTION 728;](#)
[WIC SECTION 10553.12; WIC SECTION 11008.15;](#)
[WIC SECTIONS 11257 – 11257.5;](#)
[WIC SECTIONS 11362 – 11364; WIC SECTIONS 11386 – 11391;](#)
[WIC SECTIONS 11403 – 11405; WIC SECTION 11461.3;](#)

[WIC SECTION 11461.36](#); [WIC SECTION 16519.5](#); AND
[WIC SECTIONS 16585 – 16589](#);
[MANUAL OF POLICIES AND PROCEDURES \(MPP\) DIVISION 40,](#)
[SECTIONS 187 – 191](#); [MPP DIVISION 42, SECTIONS 400 – 403](#);
[MPP DIVISION 44, SECTIONS 111.23 – 113.214](#);
[MPP DIVISION 45, SECTIONS 100 – 300](#);
[MPP DIVISION 45, SECTIONS 600 – 607](#);
[ASSEMBLY BILL \(AB\) 161, \(CHAPTER 46, STATUTES OF 2024\),](#)
[ALL COUNTY LETTER \(ACL\) 22-72](#); [ACL 22-23](#); [ACL 21-130E](#);
[ACL 21-17](#); [ACL 19-71](#); [ACL 19-31](#); [ACL 18-48](#); [ACL 17-82](#);
[ACL 14-19](#); [ACL 12-43](#); [ACL 12-32](#); [ACL 12-12](#); [ACL 11-86](#);
[ACL 11-28](#); AND [ACL 07-10](#);
[ALL COUNTY INFORMATION NOTICE \(ACIN\) I-76-15E](#);
[COUNTY FISCAL LETTER \(CFL\) 16/17-07](#) AND
[CFL 10/11-64](#);

The purpose of this All County Letter (ACL) is to provide clarification and guidance to child welfare agencies and probation departments (hereafter “agencies” unless otherwise noted) regarding eligibility for and responsibilities associated with the Kinship Guardianship Assistance Payment (Kin-GAP) eligibility and Nonrelated Legal Guardian (NRLG) Payment Programs. This ACL does not provide information regarding guardianships established in probate court except in the limited circumstance where Aid to Families with Dependent Children-Foster Care (AFDC-FC) funding may be available to an NRLG. This ACL supersedes any previous ACLs and All County Information Notices (ACINs) describing these program requirements to the extent it is inconsistent with prior guidance. The guidance in this ACL does not apply to Tribes with a Title IV-E agreement with the state if it conflicts with their agreement.

KINSHIP GUARDIAN ASSISTANCE PAYMENT BACKGROUND

If the permanent plan is guardianship with an approved relative caregiver, the child or youth is eligible for aid under the state or federal Kin-GAP program provided all eligibility criteria are met. For purposes of this ACL, youth is defined as an individual between 18-21 years of age. The state Kin-GAP program was established by [Senate Bill \(SB\) 1901 \(Chapter 1055, Statutes of 1998\)](#) and modified by [Assembly Bill \(AB\) 1111 \(Chapter 147, Statutes of 1999\)](#). The federal [Fostering Connections to Success and Increasing Adoptions Act of 2008 \(PL 110-351\)](#) made extensive policy and program changes with the goal of improving the well-being and permanency outcomes for children served by public welfare agencies which included a federally-subsidized guardianship assistance program which California chose to opt into. As a result of the enactment of [AB 12 \(Chapter 559, Statutes of 2010\)](#), further improvements were made to the Kin-GAP program, including the creation of the federal Kin-GAP program in California and the extension of Kin-GAP up to age 21 under specific circumstances. Once dependency or wardship is terminated, the Kin-GAP program offers funding to relative guardians on behalf of the children and youth placed

in their care. It was the Legislature's intent that this program be utilized to enhance family preservation and stability.

APPENDIX

Attached to this letter is an appendix of information that provides clarification and guidance to agencies regarding eligibility for and responsibilities associated with the Kin-GAP eligibility and NRLG Payment Programs. If you have any questions or need additional guidance regarding the information in this letter, contact the Family Permanency and Support Services Branch:

- General policy questions should be directed to the Foster Caregiver Policy and Support Unit at (916) 651-7465 or CaregiversForYouth@dss.ca.gov.
- Questions concerning funding eligibility requirements should be directed to the Funding and Eligibility Unit at (916) 651-5240 or FC-KGEligibility@dss.ca.gov.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division

Attachment

CONTENTS

GENERAL KIN-GAP ELIGIBILITY CRITERIA (FEDERAL AND STATE).....	3
FEDERAL KIN-GAP ELIGIBILITY CRITERIA	4
Definition of Relative (Including Fictive Kin).....	4
Siblings	5
STATE KIN-GAP ELIGIBILITY CRITERIA	6
Definition of Relative.....	6
TRIBALLY APPROVED HOMES	6
KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT BENEFITS AFTER AGE 18	8
After 18 Extended Kin-GAP Eligibility Criteria.....	8
Physical or Mental Disability	8
Kinship Negotiated Payment Began On or After Child's 16 th Birthday	8
After 18 Extended Kin-GAP Agency Responsibilities	8
High School Completion Rule	9
INFORMATION REGARDING REENTRY FOR NONMINOR FORMER DEPENDENTS	10
KIN-GAP PAYMENTS.....	10
Agency with Payment Responsibility	10
Out-Of-State (Outgoing)	11
Out-Of-State (Incoming)	11
Beginning Date of Aid	11
Suspension of Payments	11
Last Date of Payment	12
INCOME GUIDANCE	12
Optional Payments	12
Nonrecurring Costs for Legal Guardianship.....	13
AID CODES	13
State Kin-GAP Aid Codes:.....	13
Federal Kin-GAP Aid Codes:	13
SUBSEQUENT GUARDIANS	14
Successor Guardian – Federally Funded	14
Alternate or Coguardian – State Funded	14

Requirements for All Subsequent Guardians.....	15
CONTINUATION OF SUPPORT	16
Medicaid	16
Services	16
Funding.....	17
NONRELATED LEGAL GUARDIAN (NRLG)	18
Nonrelated Legal Guardian (Extended Benefits to Age 21) – Juvenile Court	19
Nonrelated Legal Guardian: Out-of-State (INCOMING).....	19

The following is an appendix of information that provides clarification and guidance to agencies regarding eligibility for and responsibilities associated with the Kinship Guardianship Assistance Payment (Kin-GAP) eligibility and Nonrelated Legal Guardian (NRLG) Payment Programs.

GENERAL KIN-GAP ELIGIBILITY CRITERIA (FEDERAL AND STATE)

In order to determine initial and ongoing eligibility for the Kinship Guardianship Assistance Payment (KIN-GAP) program, the [Statement of Facts Supporting Eligibility for Kinship Guardianship Assistance Payment Program \(KG 2\)](#) form must be completed initially and whenever a reassessment is performed. A “reassessment” is the review of the needs of the Kin-GAP recipient child and/or circumstances of the relative guardian that is performed no less frequently than every two years following initial participation in the Kin-GAP program pursuant to [Welfare and Institutions Code \(WIC\) Section 11364\(b\)\(1\)](#) and [WIC Section 11387\(b\)\(1\)](#). The agency and relative guardian may negotiate an adjustment to a payment amount more frequently than every two years and document it on the [State of California \(SOC\) form 369A Kin-GAP Program Agreement Amendment](#) if the needs of the child or circumstances of the relative guardian have changed.

Upon execution of the written Kin-GAP agreement between the county and the guardian, benefits shall continue until such time a new negotiated amount is reflected in a new agreement, or a Notice of Action is sent to the guardian.

For initial eligibility for the state or federally funded Kin-GAP program, all the following criteria must be met:

1. The child must have been removed from their home pursuant to a voluntary placement agreement (VPA) or as a result of a judicial determination, including being adjudged a dependent child of the court pursuant to [WIC Section 300](#) or a ward of the court pursuant to [WIC Section 601](#) or [WIC Section 602](#), to the effect that continuation in the home would be contrary to the welfare of the child;
2. The child must have been residing for at least six consecutive months in the approved home of the prospective relative guardian while under a VPA with an agency or under the jurisdiction of the juvenile court (See Federal Kin-GAP Eligibility Criteria and State Kin-GAP Eligibility Criteria sections below for definitions of a “prospective relative guardian”). This six-month timeline begins on the date the home of the prospective relative guardian meets the definition of an approved home for the purpose of the Program.
3. The prospective relative guardian and the county welfare agency or probation department shall enter a written, binding agreement (also called a negotiated agreement) through execution of the State of California (SOC) 369 and 369A forms.

- a. For state funded Kin-GAP cases, in accordance with [WIC Section 11364\(a\)](#), this agreement must be signed **prior to the initial Kin-GAP payment**.
 - b. For federally funded Kin-GAP cases, in accordance with WIC 11387(a), this agreement must be signed **prior to the establishment of the guardianship**.
4. A kinship guardianship must be established pursuant to [WIC Section 360](#), [WIC Section 366.26](#), or [WIC Section 728\(d\)](#) prior to the child turning 18;
 5. Dependency jurisdiction must be terminated pursuant to [WIC Section 366.3](#) or wardship terminated pursuant to [WIC Section 728\(d\)](#), concurrently or subsequently to the establishment of the kinship guardianship.

FEDERAL KIN-GAP ELIGIBILITY CRITERIA

In addition to the criteria listed above in the General Kin-GAP Eligibility Section, all the following must also be true for federally funded Kin-GAP:

- Prior to the granting of the legal guardianship, the child must have been determined as federally eligible for Aid to Families with Dependent Children-Foster Care (AFDC-FC). (Please note that Title IV-E foster care maintenance payments need not have been paid on behalf of the child during the time the child resides with the relative if the child is otherwise federally eligible, and the home of the prospective relative guardian was approved as a resource family or tribally approved home (TAH).)
- The child must have been residing for at least six consecutive months in the approved home of the prospective relative guardian, as defined to mean either of the following pursuant to [WIC Section 11391](#):
 - The home of a relative who has been approved as a resource family home pursuant to [WIC Section 16519.5](#) or [HSC Section 1517](#).
 - The home of a relative who has been approved as a TAH, as defined at [WIC Section 224.1\(r\)](#).
- The negotiated agreement ([SOC 369 Agency-Relative Guardianship Disclosure](#) and [SOC 369A Kin-GAP Program Agreement Amendment](#)) **must be signed prior to the granting of the guardianship order**. (Failure to sign the agreement prior to the order will make the child ineligible for federal Kin-GAP. In such cases, the case must be funded through the state Kin-GAP program, assuming all other eligibility conditions have been met.)

Definition of Relative (Including Fictive Kin)

[Federal guidance](#) gave states the discretion to define “relative” for the federal Kin-GAP program to include “fictive kin”. California subsequently, through the passage of [Assembly Bill \(AB\) 1712 \(Chapter 846, Statutes of 2012\)](#) and

[AB 120 \(Chapter 43, Statutes of 2023\)](#), expanded the definition of “relative” to include nonrelative extended family members (NREFMs) as defined in [WIC Section 362.7](#), a current foster parent who has established a significant and family-like relationship with the child, and in the case of an Indian child, extended family members as defined by the law or custom of the Indian child’s Tribe pursuant to [Title 25 of the United States Code \(USC\) Section 1903](#). (It is important to remember that the Tribe’s placement preferences must have been applied, unless the court must have found by clear and convincing evidence that good cause existed to depart from those placement preferences, pursuant to [WIC Section 361.31](#) at the time of placement).

Thus, for purposes of the federal Kin-GAP program, pursuant to [WIC Section 11391\(c\)](#), a “relative” is defined as any of the following:

1. An adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words “great,” “great-great,” or “grand” or the spouse of any of those persons even if the marriage was terminated by death or dissolution.
2. An adult who meets the definition of an approved, nonrelated extended family member, as described in [WIC Section 362.7](#).
3. An adult who is either a member of the Indian child’s Tribe, or an Indian custodian, as defined in [Title 25 USC Section 1903\(6\)](#).
4. An adult who is the current foster parent of a child under the juvenile court’s jurisdiction, who has established a significant and family-like relationship with the child, and the child and the county child welfare agency, probation department, Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement pursuant to [WIC Section 10553.1](#) identify this adult as the child’s permanent connection.
5. An adult who meets the definition of an extended family member as described in [Section 1903 of the federal Indian Child Welfare Act of 1978 \(Title 25 USC Section 1901 et seq.\)](#).

Siblings

Pursuant to [WIC Section 11388](#), siblings placed with the same relative guardian in a kinship guardianship arrangement may be eligible for federal Kin-GAP *regardless* of their Title IV-E eligibility status as long as one of the siblings meets the federal Kin-Gap requirements. There is no requirement the siblings be placed together simultaneously. “Siblings” includes stepsiblings, half-siblings, and adoptive siblings of the federally eligible child.

STATE KIN-GAP ELIGIBILITY CRITERIA

In addition to the criteria listed above in the General Kin-GAP Eligibility Section, all the following must also be true to receive **state** Kin-GAP funding:

- The child was not eligible for federal AFDC-FC while placed with the prospective relative guardian.
 - This could include a child who was federally eligible for AFDC-FC but was placed with a relative caregiver who did not meet the Title IV-E home approval standards, including the background check requirements.
- The child has been residing for at least six consecutive months in the approved home of the prospective relative guardian, as defined to mean any of the following pursuant to [WIC Section 11362\(d\)](#):
 - The home of a relative who has been approved as a resource family home pursuant to [WIC Section 16519.5](#) OR [Health and Safety Code \(HSC\) Section 1517](#).
 - The home of a relative who has been approved as a TAH, as defined at [WIC Section 224.1\(r\)](#) OR
 - The home of a relative who has been assessed pursuant to [WIC Section 361.3\(a\)](#) and [WIC Section 361.4](#) and into which the juvenile court has authorized placement. More detailed information regarding this definition will be provided in a forthcoming letter.

Definition of Relative

For purposes of state Kin-GAP eligibility, pursuant to [WIC Section 11362\(c\)](#), a relative is defined as an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words “great,” “great-great,” or “grand” or the spouse of any of those persons even if the marriage was terminated by death or dissolution.

Please note, unlike eligibility for federally funded Kin-GAP, this definition **does not** include “fictive kin”. (Please see Nonrelated Legal Guardian section below for information related to children who do not meet the eligibility criteria for federal or state funded Kin-GAP.)

TRIBALLY APPROVED HOMES

A child who is placed in a home that is approved by an Indian child’s tribe or a tribal organization designated by the tribe as a TAH is eligible for Kin-GAP funding pursuant to [WIC Section 11362\(d\)](#) and [WIC Section 11391\(e\)](#), assuming all other eligibility requirements are met, when the caregiver meets the definition of a relative for either the federal or state Kin-GAP program. A TAH is not required to be licensed or approved by the state or county and is equivalent to a state-licensed or county approved home,

including an approved resource family home pursuant to [WIC Section 224.1\(r\)](#).
(Please also refer to [ACL 19-71](#).) As a reminder, the home approval does not need to be reconsidered when the guardianship is established.

KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT BENEFITS AFTER AGE 18

After 18 Extended Kin-GAP Eligibility Criteria

Physical or Mental Disability

- A child who has a documented physical or mental disability that warrants the continuation of assistance may continue to receive state or federally-funded Kin-GAP benefits after age 18, up to age 21, regardless of the age of the child when the legal guardianship was established pursuant to [WIC Section 11386\(g\)\(2\)](#) or [WIC Section 11363\(c\)\(2\)](#).

Kinship Negotiated Payment Began On or After Child's 16th Birthday

- Kin-GAP payments may continue after the youth is 18 years of age and up to 21 years of age if the negotiated agreement payments began ***on or after*** the youth's 16th birthday and ***at least one*** of the following participation requirements is met:
 - The youth is completing secondary education or a program leading to an equivalent credential.
 - The youth is enrolled in an institution that provides postsecondary or vocational education.
 - The youth is participating in a program or activity designed to promote or remove barriers to employment (e.g., volunteering, counseling, etc.).
 - The youth is employed for at least 80 hours per month.
 - The youth is incapable of doing any of the activities listed above due to a medical condition and the incapability is supported by regularly updated information.

The youth and the county must also complete and sign the [Kin-GAP Mutual Agreement for Nonminor Former Dependents \(KG 3\)](#) form **within 30 working days** after the youth's 18th birthday pursuant to the [Manual of Policies and Procedures \(MPP\) Section 45-606](#).

After 18 Extended Kin-GAP Agency Responsibilities

The responsible public agency must notify all affected Kin-GAP recipients of a child's or youth's potential eligibility for extended benefits before their 18th birthday. The agency must document in the Kin-GAP eligibility file that the child or youth meets one of the five participation criteria for extended benefits and include supporting documentation using both the SOC 369A and KG 3 forms, as discussed below.

The responsible public agency will determine the child's or youth's eligibility for an extension of Kin-GAP benefits beyond the age of 18. All Kin-GAP rate negotiations and agreements must be conducted and signed by the responsible public agency and the

relative guardian. The nonminor former dependent is required to sign the [Kin-GAP Mutual Agreement for Non-Minor Former Dependents \(KG 3\)](#).

Counties are to use the SOC369A and KG3 forms upon entry into the extension program, during the two-year reassessment, or when the needs of the nonminor or the circumstances of the relative guardian change. These forms verify that the nonminor continues to meet one of the five participation criteria. However, if the nonminor former dependent changes their participation criteria but still satisfies one of the five criteria, a notation may be made on the KG 3 form to document the change. In such cases, executing a new KG 3 form is unnecessary. The following forms must also be completed and maintained in the eligibility file:

- [KG 3 Kin-GAP Mutual Agreement for Nonminor Former Dependents](#)
- [SOC 369A Kinship Guardianship Assistance Payment \(Kin-GAP\) Program Agreement Amendment](#)

Apart from the initial determination for extended Kin-GAP benefits and the two-year reassessment, the responsible public agency is not required to obtain additional verification or certification during the interim unless there is evidence suggesting that the nonminor no longer meets the participation criteria. If such evidence comes to light, the agency is obligated to reassess the youth's eligibility for extended benefits.

Kinship guardians receiving extended Kin-GAP funding on behalf of an eligible youth are responsible for notifying the agency if the youth fails to meet at least one of the participation criteria.

For additional information, please refer to [ACL 11-86](#).

High School Completion Rule

If the child is not eligible for extended Kin-GAP payments because Kin-GAP payments began before the child or youth turned 16 years old and the youth does not have a mental or physical disability that warrants continuation of payments beyond age 18, the youth may be eligible for benefits after age 18 and up until age 19 or until the youth graduates from high school or completes the equivalent vocational or technical training program, whichever is sooner.

A youth may continue to receive Kin-GAP payments following their 18th birthday, up to age 19 or graduation/training program completion (whichever occurs first), under the secondary education completion requirements ("High School Completion Rule") if all the following are met pursuant to [WIC Section 11403.01](#):

- Kin-GAP payments began prior to the child's 16th birthday; *and*
- The child is attending high school or the equivalent level of vocational or

- technical training on a full-time basis, or is in the process of pursuing a high school equivalency certificate, beginning prior to their 18th birthday; *and*
- The youth may reasonably be expected to complete the educational or training program or to receive a high school equivalency certificate before their 19th birthday; *and*
- The youth continues to reside in the relative guardian's home.

INFORMATION REGARDING REENTRY FOR NONMINOR FORMER DEPENDENTS

[ACL 19-31](#) provides detailed information regarding the eligibility and necessary determinations of youth under 21 years of age who exited foster care prior to age 18 seeking to re-enter foster care pursuant to [WIC Section 388.1](#).

A nonminor former dependent or ward of the juvenile court who received at least one extended Kin-GAP (state or federal) payment after the age of 18 and whose guardian(s) has stopped providing support, has died, or is no longer receiving benefits on behalf of the youth may also seek to re-enter extended foster care (EFC) pursuant to [WIC Section 388.1](#). Youth under 21 years of age that received at least one aid payment from the Social Security Administration (in lieu of at least one extended Kin-GAP payment) after 18 years of age can also seek to re-enter EFC pursuant to [WIC Section 388.1](#). Lastly, as discussed in *In re N.A. (2021) 64 Cal.App.5th 494, 502-503 [279 Cal.Rptr.3d 101]*, the youth must have been **eligible** for the payment made on their behalf after 18 years of age. As discussed in *In re N.A.*, when the Legislature required a youth to have “received” specified financial aid to be eligible to return to juvenile court jurisdiction, it did not intend to include situations in which the financial aid was inadvertently or mistakenly paid or unlawfully received.

This information supersedes the advisement in [ACIN I-76-15E](#) that the nonminor former dependent seeking re-entry into EFC under [WIC Section 388.1](#) needed to be eligible for extended Kin-GAP benefits **up to 21 years of age**.

KIN-GAP PAYMENTS

Agency with Payment Responsibility

The agency that had court-ordered jurisdiction of the child or youth shall be responsible for paying the Kin-GAP benefits regardless of where the child or youth resides. Under both the state and federally funded programs, Kin-GAP payments and benefits continue regardless of the state of residency in which the relative guardian and child or youth reside pursuant to [WIC Section 11364\(b\)\(4\)](#) and [WIC Section 11387\(b\)\(4\)](#).

Kin-GAP payments should continue upon the filing of a [WIC Section 387](#) or [WIC Section 388](#) petition unless one of the circumstances outlined in [MPP section 45-607.8](#) applies. **Please note that nothing prohibits post-guardianship services from being offered without reinstating dependency.**

Out-Of-State (Outgoing)

Under both the state and federally funded programs, Kin-GAP payments continue regardless of the state of residency in which the relative guardian and child resides pursuant to [WIC Section 11364\(b\)\(4\)](#) and [WIC Section 11387\(b\)\(4\)](#). The rate paid on behalf of an eligible child when a family moves out of state shall not exceed the California foster care rate structure described in WIC Section 11364(d) or WIC Section 11387(d), as applicable based on when the guardianship was established, and dependency or delinquency jurisdiction was terminated by the juvenile court.

Families moving out of California, or the United States are also to be encouraged to research the applicable laws of the new state or country of residency to determine the impact the move will have on all other issues, including the ability to enroll the child in school, arrange for health coverage, and accessibility to other appropriate services.

Out-Of-State (Incoming)

If a guardian moves to California from another state, the financial responsibility remains with the state that authorized the guardianship. If the guardian otherwise meets the eligibility criteria, the guardian may be eligible for the [CalWORKs Non-Needy Caregiver](#) funding if they are related to the child over whom they have guardianship.

Beginning Date of Aid

When a child becomes eligible for either federal or state Kin-GAP during the month, AFDC-FC or Approved Relative Caregiver payments must cease the day preceding the date the dependency or wardship is terminated. The Kin-GAP payments shall begin on the following day. The Administration for Children and Families has determined that federal AFDC-FC payments can only be made to children under the placement and care of the county, which is no longer applicable once dependency or wardship has been terminated.

Suspension of Payments

The Kin-GAP payments shall be suspended (not terminated) due to any of the following reasons:

1. The guardian fails to complete and return the [KG 2](#) form within two weeks of the date it was mailed.
2. The guardian is no longer providing support and care to the child or youth.

3. The youth is no longer completing one of the extended Kin-GAP requirements pursuant to [MPP Section 45-606.12](#) or does not fall under the “High School Completion Rule” (see named section for details).
4. The child or youth is subsequently incarcerated and wardship is established. However, the child remains eligible for Kin-GAP payments if the child returns to the care of the relative guardian and all other eligibility conditions are met. (Refer to [ACL 11-28](#).)

A Kin-GAP payment may be resumed once the condition resulting in the suspension has been resolved.

Last Date of Payment

The Kin-GAP payments shall be terminated under the following circumstances:

1. Date of termination of the guardianship with a kinship guardian.
2. Date the youth does not meet age requirements. For youth who are eligible to receive Kin-GAP up to their 19th birthday to finish high school, the graduation date would be the last date of payment if it occurs before they turn 19.
3. Date the court order or VPA transfers placement and care responsibility from the guardian to the county child welfare or probation department unless the condition described in [MPP Section 45-607.214](#) applies.
 - The guardian may be eligible for state Kin-GAP on behalf of the child if all other eligibility requirements are met.

INCOME GUIDANCE

Optional Payments

Some counties have Specialized Care Increment programs where children or youth can receive additional funding for exceptional health and/or behavioral health needs. Upon establishment of guardianship, the Kin-GAP payment can be negotiated between the county and the guardian to include this rate for specialized care. Additionally, in accordance with [WIC Sections 11364\(c\)](#) and [WIC Sections 11387\(c\)](#), any clothing allowance as described in [WIC Section 11461\(f\)](#) shall also be paid.

Nonrecurring Costs for Legal Guardianship

A guardian may be reimbursed for reasonable and verified nonrecurring expenses associated with obtaining legal guardianship, not to exceed \$2,000 pursuant to [WIC Section 11364\(b\)\(6\)](#) and [WIC 11387\(b\)\(6\)](#). The [Kinship Guardianship Assistance Payment Program Nonrecurring Legal Guardianship Expenses Agreement \(KG 4\)](#) form must be signed by the prospective legal guardian and the responsible agency before the submission of the expense form. The [Kinship Guardianship Assistance Payment Program Nonrecurring Legal Guardianship Expenses Form \(KG 5\)](#) is to be used by the guardian to claim for payment. Reimbursement shall not be made for costs otherwise reimbursed from other sources, including the foster care maintenance payment. The guardian must attach receipts, or other documentation for the expenses, to the [KG 5](#) form. For additional information, please refer to [ACL 14-19](#).

AID CODES

The Kin-GAP cases are coded to the following aid codes:

State Kin-GAP Aid Codes:

4F: Serves former and current non-title IV-E eligible foster children ages 0-18 including new and existing Persons who are Permanently Residing Under Color of Law (PRUCOL) cases.

4G: (Effective 1/1/12) Serves former and current non-title IV-E eligible Kin-GAP youth ages 18 – 21 due to a disability. (Non TANF MOE (Temporary Assistance for Needy Families-Maintenance of Effort) countable).

4W: (Effective 1/1/12) Serves former and current non-title IV-E eligible Kin-GAP youth ages 18- 21, where the youth attained 16 years of age before Kin-GAP payments commenced and the youth is participating in one or more of the five participation conditions. Includes PRUCOL cases for youth ages 18 – 21.

Federal Kin-GAP Aid Codes:

4T: Serves former and current Title IV-E eligible foster youth up to 18 years old through establishment of a relative guardianship. Includes disabled youth under 21 years old through 2011.

4S - Serves former and current Title IV-E eligible Kin-GAP youth ages 18 and older up to age 21, where the youth attained 16 years of age before Kin-GAP payments commenced and the youth is participating in one or more of the five participation conditions. Also serves disabled former and current Kin-GAP youth that warrants continuation of services up to 21 years old regardless of the age the legal guardianship was established.

For additional information, please review [ACL 14-28](#), [ACL 12-32](#), and [CFL 16/17-07](#).

SUBSEQUENT GUARDIANS

Successor Guardian – Federally Funded

Pursuant to [WIC Section 11386\(i\)](#), if a current guardian dies or is incapacitated and a successor legal guardian was named in the agreement ([SOC 369](#)) or any amendments to the agreement ([SOC 369A](#)), the child will continue to be federally eligible for Kin-GAP benefits upon the court's appointment of the successor legal guardian, assuming all other conditions continue to be met.

The successor guardian does not have to be a relative, NREFM, or extended family member in the case of an Indian child, for the child to continue to be eligible for federally funded Kin-GAP. A relationship between the child and the proposed successor guardian is not required for naming a successor guardian or for funding purposes, but it could be a factor considered by the court when establishing the new guardianship. Nothing in federal law precludes the kinship guardian from identifying more than one successor guardian. To ensure eligibility is maintained for federally funded Kin-GAP cases, it is strongly recommended that a successor guardian be named when executing the initial Kin-GAP agreement. If the current guardian is unable, or is unwilling, to identify a successor guardian at the time of the initial agreement, a successor guardian may be subsequently named in an amendment to the agreement. The CDSS strongly recommends that counties encourage guardians to appoint successor guardians, as this is essential for the continuity of care.

A new Kin-GAP agreement between the successor guardian and the responsible county must be signed **prior** to the court's appointment of the successor guardian. A prospective successor guardian shall not be required to be approved as a resource family for the sole purpose of receiving federal Kin-GAP funding pursuant to [WIC Section 11386\(i\)\(3\)](#). A new period of six months in placement with the successor guardian is not required for the Kin-GAP funding to be issued. Kin-GAP payments shall resume if it has been determined that the successor guardian meets all eligibility requirements listed at [WIC Section 11386\(i\)](#) and the court has made the guardianship appointment.

Alternate or Coguardian – State Funded

In circumstances when a change in guardian is necessary in the state Kin-GAP program, an alternate guardian or coguardian who is also a kinship guardian may be appointed by the juvenile court pursuant to [WIC Section 366.3](#). The alternate or coguardian shall receive Kin-GAP on behalf of the child pursuant to [WIC Section 11363\(e\)](#), assuming all other conditions are met. A new period of six months of placement with the alternate guardian or coguardian shall not be required if that alternate guardian or coguardian has been assessed pursuant to

[WIC Section 361.3](#) and [WIC Section 361.4](#) and dependency jurisdiction has been terminated. A prospective alternate or coguardian shall not be required to be approved as a resource family for the sole purpose of receiving state Kin-GAP funding pursuant to [WIC Section 11363\(e\)\(3\)](#).

The subsequent guardian need not have been named in the initial Kin-GAP agreement or any amendment thereto. If a “successor guardian” was not named in the initial Kin-GAP agreement for federally funded Kin-GAP or in any amended agreement, Kin-GAP eligibility may continue under the state funded Kin-GAP program if a new alternate or coguardian is appointed. [WIC Section 11363](#) applies the conditions for eligibility when an alternate guardian or coguardian is appointed. The [MPP Section 45-605.5](#) section under *State Kin-GAP Program* refers to “subsequent guardian,” which is intended to encompass a successor guardian for purposes of state funded Kin-GAP.

The [MPP Section 45-605.51](#) (State Kin-GAP Program) reads:

A subsequent guardian, or co-guardian who was appointed pursuant to [WIC Section 366.3](#) after the initial guardianship had been established, does not have to complete a six-month placement period. The six-month period will be waived for the subsequent guardian or co-guardian if an assessment has been done pursuant to [WIC Section 361.3](#) and [WIC Section 361.4](#) and dependency jurisdiction has been terminated. The subsequent guardian need not have been named in the initial Kin-GAP agreement or any amendment thereto.

Requirements for All Subsequent Guardians

The prospective subsequent guardian (i.e., alternate guardian, successor guardian, or coguardian) must meet the following assessment requirements:

1. Consideration of factors listed at [WIC Section 361.3](#);
2. An in-home inspection to assess the safety of the home and the ability of the prospective successor guardian to care for the child(ren)’s needs pursuant to [WIC Section 361.4\(a\)\(1\)](#).
 - This in-home inspection is intended to ensure that there are no imminent health and safety risks to the child(ren). The RFA standards and forms **do not** apply to this requirement.
3. A state-level criminal records check through the California Law Enforcement Telecommunications System (CLETS) for all persons over 18 years of age living in the home pursuant to [WIC Section 361.4\(a\)\(2\)](#).

4. A check of allegations of prior child abuse or neglect concerning the prospective successor guardian and other adults residing in the home pursuant to [WIC Section 361.4\(a\)\(3\)](#).
5. A live scan fingerprint check of the prospective successor guardian and any other person over 18 years of age living in the home to determine whether the person has ever been convicted of a crime other than a minor traffic violation pursuant to [HSC Section 1522](#). If there are any arrests requiring investigation pursuant to [HSC Section 1522\(e\)](#) or any convictions requiring an exemption pursuant to [HSC Section 1522\(g\)](#), the clearance or exemption must be granted prior to the issuance of any Kin-GAP funding.

Please note that if the prospective subsequent guardian (e.g. alternate, successor, or coguardian) was previously associated to the home of the prior guardian when guardianship was initially established and was previously live scanned and received a clearance or exemption, the criminal background check (i.e., CLETS and live scan) component is not required if the subsequent arrest notifications continue to be active with the Department of Justice. If the prospective guardian did not previously receive a clearance or exemption or if the subsequent arrest notifications have ceased, the criminal background check must be completed prior to issuance of Kin-GAP payments to the guardian.

CONTINUATION OF SUPPORT

Medicaid

When an agency learns that a relative guardian intends to move to another state with the child, the agency should encourage the relative guardian to apply for [Medicaid](#) on behalf of the child or youth in the new state of residence prior to moving to the new state. Please note that Medicaid is portable for children or youth receiving federal Kin-GAP payments.

Services

When a dependency or wardship results in guardianship, services may be provided to the family, including family preservation services. Dependency is not required to be established for the sole purpose of providing services to the family. These services are intended to prevent the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family. Services that may be provided include, but are not limited to, counseling, mental health treatment and substance abuse treatment services, including treatment at a residential substance abuse treatment facility that accepts families, parenting, respite, day treatment, transportation, homemaking, and family support services. Post permanency services are provided by each county and may vary however, many of the services include parent training sessions and workshops,

therapeutic child/youth support groups and activities to support children/youth who are adapting to family life after permanency has been achieved. Youth qualify for Independent Living Program (ILP) services if they are a former dependent who entered into a kinship guardianship at any age and are receiving/received Kin-GAP between the ages of 16 and 18 or are a former dependent who entered into a NRLG after attaining age 8 and are receiving/received permanent placement services.

Agencies also have the opportunity to opt into the Family First Prevention Services (FFPS) Program, which encompasses Title IV-E prevention services established under Part I of the [Family First Prevention Services Act \(FFPSA\)](#), and a continuum of comprehensive prevention services. [ACL 22-23](#) provides guidance and information on the available state and federal funding to support the planning and implementation of Title IV-E and comprehensive prevention services provided under the FFPS Program as outlined in [WIC Section 16585 through Section 16589](#). Questions related to the FFPS Program can be directed to the Family Centered Services and Support Bureau at (916) 651-6160 or at ffpsapreventionservices@dss.ca.gov.

Funding

To the extent possible, counties should ensure there is no gap in payment *or* where a petition is filed to change, modify, or set aside any order the court previously made pursuant to [WIC Section 388](#). To minimize or eliminate any gaps in payments, counties should discuss funding options with the guardian prior to the filing of a petition whenever feasible. Examples of such circumstances would include: a guardian has now decided to adopt the child, a child reenters dependency jurisdiction to receive additional services, or a new guardian must be appointed by the court. If the home is an existing approved resource family or TAH, non-federal AFDC-FC payments can be initiated immediately, consistent with the eligibility determination.

Note: Counties are strongly encouraged to develop a plan in advance, whenever possible, to prepare for situations that may arise which will affect changes to funding. Some suggestions include:

- Existing approved Resource Families should be encouraged to place their approval on *inactive status* in lieu of surrendering their approval, which will allow for an expedient transition if the legal guardian wishes to reinstate dependency for any reason within two years.
- Provide families with information regarding how to become approved prior to the filing of a petition pursuant to [WIC Section 388](#) whenever possible. If the county was unaware that a petition was being filed, the county should work with the guardian in initiating the RFA and/or TAH process if it seems likely that the court will reinstate dependency at the conclusion of the hearing.

- Work with the juvenile court to reduce the time between RFA or TAH approval and the conclusion of a filed petition to reduce any potential gaps in funding for the placement.

NONRELATED LEGAL GUARDIAN (NRLG)

When a child exits foster care to permanency through guardianship with a nonrelated legal guardian who does not meet the definition of a relative for the purpose of the federal or state Kin-GAP program, payments may be available to support permanency for the child. Placements with NRLGs are funded through non-federal AFDC-FC, as specified in WIC sections [11401\(d\)](#), [11402\(k\)](#), 11405, and ACL 22-16. Federal AFDC-FC is only available for children living with an NRLG when dependency or wardship remains intact and the juvenile court continues to order that responsibility for placement and care of the child remains with the agency of jurisdiction. See MPP 45.202.615.

State AFDC-FC is available for children living with an NRLG in either of the following situations:

- The AFDC-FC requirements pursuant to [MPP Section 45-203.61](#) are met and the legal guardian cooperates with the county welfare department in its provision of the social services specified at [WIC Section 11405](#) or
- The NRLG was appointed as the child's guardian in Probate Court and the case meets all other eligibility requirements.

Payment shall only be made when the child or youth is not living in the same home as their birth or adoptive parent(s) and resides with the NRLG, unless [MPP 45-312.531\(c\)\(1\)](#) which states "The nonminor may live in a college dorm or other setting as required to access education/employment opportunities, as long as the guardians maintain support of the nonminor" applies.

Children placed with NRLGs established through the juvenile court are eligible for state AFDC-FC irrespective of an open juvenile court case. Counties should not cease payments to the NRLG regardless of whether dependency or delinquency is terminated or not, assuming all other eligibility conditions continue to be met. However, when dependency remains open the child is still considered to be in foster care and the NRLG must maintain their approval as a resource family or TAH. If dependency has terminated and the county no longer has placement and care responsibility, the NRLG would no longer be required to maintain that approval for the purpose of making AFDC-FC payments on behalf of a child in the nonrelated legal guardianship.

Nonrelated Legal Guardian (Extended Benefits to Age 21) – Juvenile Court

A youth whose nonrelated legal guardianship was ordered in juvenile court and whose dependency was dismissed shall remain eligible for AFDC-FC benefits until the youth attains 21 years of age pursuant to [WIC Section 11405\(e\)](#). In order to access extended benefits, the youth must enter into a mutual agreement with the agency responsible for their guardianship ([SOC 162 Mutual Agreement for Extended Foster Care](#)), and the youth must meet one or more of the following conditions of eligibility as described at [WIC Section 11403\(b\)](#):

1. The youth is completing secondary education or a program leading to an equivalent credential.
2. The youth is enrolled in an institution that provides postsecondary or vocational education.
3. The youth is participating in a program or activity designed to promote or remove barriers to employment.
4. The youth is employed for at least 80 hours per month.
5. The youth is incapable of doing any of the activities described in numbers 1 – 4 above due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the youth.

Nonrelated Legal Guardian: Out-of-State (INCOMING)

A nonrelated guardian who has a guardianship determination issued by a court of another state may be eligible for AFDC-FC payments by either obtaining a guardianship order from a California court or by registering another state's court-issued guardianship orders in a California court. Agencies shall inform the guardian that once the guardianship orders are registered in a California court, they are eligible for state AFDC-FC benefits on behalf of the child effective the date of registration or the date of application, whichever is later and assuming all other eligibility conditions are met. For more information, please refer to [ACL 17-82](#).