



CDSS

WILL LIGHTBOURNE  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**

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EDMUND G. BROWN JR.  
GOVERNOR

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.

**REASON FOR THIS TRANSMITTAL**

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

### **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 16<sup>th</sup> 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