



JOHN A. WAGNER  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)



EDMUND G. BROWN JR.  
GOVERNOR

January 31, 2011

ALL COUNTY LETTER NO. 11-15

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHIEF PROBATION OFFICERS  
ALL ADMINISTRATIVE LAW JUDGES  
ALL TITLE IV-E AGREEMENT TRIBES  
ALL CONSORTIA PROJECT MANAGERS  
COUNTY WELFARE DIRECTORS ASSOCIATION  
CHIEF PROBATION OFFICERS OF CALIFORNIA

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

REFERENCE: ASSEMBLY BILL (AB) 12 (CHAPTER 559, STATUTES OF 2010);  
WELFARE AND INSTITUTIONS CODE (W&IC) SECTIONS  
11360-11376 AND 11385-11393; ALL COUNTY INFORMATION  
NOTICE (ACIN) I-05-10; ALL COUNTY LETTER (ACL) 05-37;  
FEDERAL ADMINISTRATION ON CHILDREN, YOUTH AND  
FAMILIES-CHILDREN'S BUREAU-PROGRAM INSTRUCTION  
(ACYF-CB-PI) 10-01 AND 10-11

REASON FOR THIS  
TRANSMITTAL

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

The purpose of this ACL is to provide counties with instructions about new provisions of the Kin-GAP Program as enacted by AB 12. The legislation provides that the new Kin-GAP Program become effective on or after the date the Director of the California Department of Social Services (CDSS) executes a declaration stating that increased Federal Financial Participation (FFP) in the Emergency Contingency Fund for the State Temporary Assistance for Needy Families (TANF) Programs is no longer available pursuant to the federal American Recovery and Reinvestment Act of 2009 (ARRA) (Public Law [P.L.] 111-5) or subsequent federal legislation that maintains or extends increased FFP. In compliance with AB 12, the CDSS Director executed the required declaration on January 1, 2011. Therefore, counties are required to implement the new provisions of the Kin-GAP Program pursuant to this ACL effective January 1, 2011. This ACL will be followed by emergency regulations. This ACL supersedes previous

ACLs and ACINs describing the Kin-GAP Program requirements in existence prior to January 1, 2011; to the extent it is inconsistent with them.

**PUBLIC LAW (P.L.) 110-351**

The Federal Fostering Connections to Success and Increasing Adoptions Act of 2008 was enacted by P.L.110-351. This legislation made extensive policy and program changes with the goal of improving the well-being and permanency outcomes for children served by public welfare agencies. Based upon the provisions of the new federal law, the State of California has opted to participate in the federal subsidized guardianship assistance program. As a result of the enactment of AB 12, there will be a number of improvements to the existing Kin-GAP Program.

The resulting improvements in the Kin-GAP Program effective January 1, 2011, include:

- Receiving FFP through Title IV-E for foster children placed with an approved relative guardian who are Title IV-E eligible, and providing for a parallel state funded Kin-GAP Program for foster children placed with an approved relative who are not Title IV-E eligible;
- Reducing the length of time that a court-dependent child must reside in the approved home of the prospective relative guardian while under the jurisdiction of the juvenile court or a voluntary placement agreement from 12 consecutive months to six consecutive months;
- Providing for continued eligibility for Kin-GAP regardless of the state of residence of the relative guardian and child;
- Requiring the county child welfare agency, probation department, or Title IV-E agreement tribe to enter into a binding written agreement with the relative guardian;
- Allowing the county child welfare agency, probation department, or Title IV-E agreement tribe and the relative guardian to renegotiate the payment amount based on the changing needs of the child and the circumstances of the relative;
- Allowing entry into the Kin-GAP Program under a voluntary placement agreement with an approved relative that resulted in a guardianship being established in juvenile court under W&IC section 360 and
- Extending Kin-GAP benefits to age 21 for a youth who has a physical or mental disability that warrants the continuation of assistance.

## **BACKGROUND**

Although California has had a successful Kin-GAP Program in place for a decade, the state, by opting into the federal Title IV-E subsidized guardianship program, can realize significant savings in grant amounts, incorporate aspects of the federal program that will streamline and simplify eligibility determinations and provide fiscal incentives to transition a court-dependent child from foster care to permanency with a relative caregiver via the new federally funded Kin-GAP Program.

In addition, a parallel state funded Kin-GAP Program has been created by the State Legislature to ensure that dependent children and wards of the juvenile court who are not otherwise eligible for Title IV-E payments, but are in long-term, stable placements with relatives, are equally eligible for the benefits through the state funded Kin-GAP Program. The state can maximize improvements in the federal permanency outcomes by exiting non-federally eligible foster children to the new state funded Kin-GAP Program.

In summary, the new Kin-GAP Program has two components – a federally funded component when the child is eligible for Title IV-E foster care and a new state funded component when the child is not eligible for Title IV-E foster care. The federally funded program is described in W&IC commencing with section 11385, and the state funded program is described in W&IC commencing with section 11360. Counties will be expected to transition youth in the existing Kin-GAP Program to either the new state or federally funded Kin-GAP Program starting in January 2011, as discussed further below.

## **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 the new state- or federally-funded Kin-GAP Programs.

Further, beginning January 1, 2011, all **existing** Kin-GAP cases are to be converted to the new program at or before the time of the child's next annual redetermination. The agency has the option of converting an existing Kin-GAP case prior to the date of the annual redetermination.

## **ELIGIBILITY**

Since the relative caregiver/guardian will have already been working with the county welfare agency, probation department, or tribal agency, and is likely to have been receiving cash benefits (foster care, Kin-GAP or CalWORKs) prior to entering the new

Kin-GAP Program, it is anticipated that general eligibility issues, such as the filing of an application (if required), and county and recipient responsibilities will have been addressed and discussed with the relative guardian.

The AB 12 reiterates the existing requirement that the relative guardian be given information in writing that explains the difference between the benefits of the Kin-GAP Program, the Adoption Assistance Program (AAP) and Aid to Families with Dependent Children-Foster Care (AFDC-FC) (see ACL 09-09). Two resources are available to help counties meet this requirement: PUB 344, *Giving a Child a Permanent Home-Choices for Relatives* ([www.cdss.ca.gov/cdssweb/entres/forms/English/pub344.pdf](http://www.cdss.ca.gov/cdssweb/entres/forms/English/pub344.pdf)); and *A Guide to Permanency Options for Youth*, ([http://calswec.berkeley.edu/CalSWEC/OtherTraining\\_b.html](http://calswec.berkeley.edu/CalSWEC/OtherTraining_b.html)). These documents contain much information that is still accurate to recommend their continued use until they are updated to reflect the new Kin-GAP provisions; these documents are currently in the process of being revised. The AB 12 also requires that relative guardians are given information on the availability of mental health services through the Medi-Cal program or other programs.

### **Program Requirements Applicable to both State and Federal Kin-GAP**

In order to qualify for the new state or federally funded Kin-GAP Program, a child must have:

- Been removed from the parental home pursuant to a voluntary placement agreement or as the result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child and, has been adjudged a dependent child of the juvenile court pursuant to W&IC section 300 or, effective October 1, 2006, a ward of the juvenile court pursuant to W&IC section 601 or 602;
- Been residing for at least six consecutive months in the approved home of the relative while under the jurisdiction of the juvenile court or under a voluntary placement agreement, or of a previously approved relative guardian;
- 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 and
- A kinship guardianship established pursuant to W&IC sections 366.26, 360 or 728(d), and dependency dismissed pursuant to W&IC section 366.3 or wardship terminated pursuant to W&IC section 728(e) concurrently or subsequently to the establishment of the kinship guardianship.

Additionally, the county agency must document in the assessment/guardianship study, pursuant to W&IC section 366.21(i) or 361.5(g), that: being returned home or placed for adoption are not appropriate permanency options for the child; the child demonstrates a strong attachment to the prospective relative guardian; the relative guardian has a strong commitment to caring permanently for the child; and, the child who has attained 12 years of age has been consulted regarding the kinship guardianship arrangement.

Once a child is determined eligible to receive Kin-GAP, the child remains eligible and benefits will continue unless one of the following occurs:

- The child/youth has attained the age of 18; or
  - up to age 19 as long as the youth is attending high school, vocational or technical training school full-time or pursuing a General Equivalency Diploma; is reasonably expected to complete school by their 19<sup>th</sup> birthday; continues to live with the Kin-GAP relative guardian; and signs the KG 1, Mutual Agreement. (This provision is due to expire on December 31, 2011 (see *Future Program Enhancements* section)); or
  - to age 21 if the youth has a qualifying physical or mental disability; or
- The responsible county agency determines the relative guardian is no longer providing support to the child. This would apply if the relative guardianship was terminated; court jurisdiction under W&IC sections 300, 601 or 602 is restored; or, the child becomes legally emancipated under Family Code section 7120, marries, dies, or enlists in the military. Support may include any type of financial contributions, such as: maintaining a room for the youth; covering the costs for clothing, personal incidentals, tuition, or therapy; or, paying for other expenses related to the child's care. The agency may continue payments if the child is a non-minor and moves to attend post-secondary school or otherwise lives independently of the relative guardian, as long as the relative guardian continues to provide support to the child. If the child leaves the relative guardian's home while still a minor for these same reasons, the payment to the relative guardian may continue provided that the county agency makes a good cause determination for the child's absence from the relative guardian's home or
- The responsible agency is unable to verify continued eligibility, such as failure of the relative guardian to complete and return the KG 2. By signing the written agreement, the relative guardian acknowledges responsibility for reporting changes, including changes in the needs of the child or the circumstances of the relative guardian that could affect payment.

County probation departments must adhere to requirements listed in W&IC section 727.31 et seq., and document in the assessment/guardianship study, the requirements described above.

The definition of “relative” is applicable to both the state and federally funded Kin-GAP Programs. W&IC section 11362(c) and 11391(c) state: “‘Relative’ means 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.”

### **Voluntary Placements**

A child placed in the home of an approved relative under a voluntary placement agreement as defined in W&IC sections 11400(p) and 16507.6, which subsequently resulted in that relative being granted guardianship in juvenile court in accordance with W&IC section 360, may be eligible for either the state or federally funded Kin-GAP Program when all of the provisions of W&IC sections 11363 or 11386 are met.

### **Eligibility for Federal Kin-GAP Benefits**

For new cases to be eligible for the federally funded Kin-GAP Program, the child must be eligible for Title IV-E foster care maintenance payments prior to the establishment of the legal guardianship during at least a six-consecutive month period in which the child resided in the approved home of the prospective relative guardian while under the jurisdiction of the juvenile court or a voluntary placement agreement. While Title IV-E foster care maintenance payments need not have been paid on behalf of the child during the six-consecutive month time frame, it is required that such child meet all Title IV-E foster care eligibility criteria pursuant to Eligibility and Assistance Standards (EAS) Manual sections 45-100 through 300.

The federally funded Kin-GAP Program provides that the responsible agency may make a federal Kin-GAP payment pursuant to a kinship guardianship agreement on behalf of each sibling of a Title IV-E eligible child who is placed with the same relative under the same kinship guardianship arrangement regardless of the Title IV-E eligibility status of the siblings as long as one child is Title IV-E eligible (W&IC section 11388). There is no requirement that the siblings be placed simultaneously. This includes step-siblings, half-siblings, and adoptive siblings of the eligible child.

For cases being transitioned from the existing Kin-GAP Program, documentation must demonstrate that the case was Title IV-E eligible prior to the establishment of the original legal guardianship. This requirement for conversion of existing Kin-GAP cases is discussed further below.

### **Prior Non-Kin-GAP Legal Guardianship Cases**

Existing relative guardians who met all requirements for Kin-GAP at the time juvenile court involvement was discontinued, *except* for the requirement regarding the child's length of stay in the relative guardian's home of at least 12 consecutive months, may be eligible for the program if the child now meets the residency requirement of having been in the home for at least six consecutive months. Documentation evidencing Title IV-E eligibility, program requirements and processing are the same as for conversion of existing Kin-GAP cases.

### **Age Requirements**

To be eligible for Kin-GAP, a foster child/youth must be under the age of 18, except that Kin-GAP benefits may continue up to the youth's 19<sup>th</sup> birthday as long as the child/youth is attending high school, vocational, or technical training school full-time or pursuing a GED; is reasonably expected to complete school by the youth's 19<sup>th</sup> birthday; and, continues to live with the Kin-GAP relative guardian. In order to continue receiving Kin-GAP benefits until age 19, the youth must also sign the Mutual Agreement (KG 1) form before or within the month of the youth's 18<sup>th</sup> birthday. This age extension benefit is due to expire on December 31, 2011; see *Program Enhancements* section for a description of the extension of benefits that become effective January 1, 2012.

Effective January 1, 2011, a Kin-GAP child who has a mental or physical disability that warrants the continuation of assistance is/remains eligible until age 21, regardless of the age of the child when the guardianship was ordered.

### **Income**

For both the state and federally funded Kin-GAP Programs, AB 12 applies the exemption for earned income of a dependent child or ward meeting specified conditions set forth in W&IC section 11008.15. Unearned income and earned income to the child that does not meet these conditions is to be offset against the amount of the negotiated Kin-GAP payment. However, Supplemental Security Income (SSI) benefits received by the youth are subject to offset rules that vary according to whether the youth is receiving nonfederal or federal Kin-GAP benefits. The offset rules for SSI are detailed in ACL No. 11-14.

Counties are reminded that the income of the child's parents, Kin-GAP guardian, or any other relative living in the household is not to be used to determine the child's Kin-GAP eligibility.

## **Assets**

As currently allowed, a child receiving state funded Kin-GAP benefits may retain up to \$10,000 in cash savings, including interest. The W&IC sections 11257 and 11257.5 continue to apply to the new state funded Kin-GAP Program. Under these sections, other assets belonging to the child may also be exempt from consideration when establishing eligibility for state funded Kin-GAP benefits.

In accordance with W&IC section 11155.5, a child, who is in the federally funded Kin-GAP Program and who is participating in a transitional independent living case plan, may retain assets up to \$10,000. See ACL No. 02-29 for a description of the general requirements of W&IC section 11155.5.

## **PROGRAM REQUIRED FORMS**

To support the child's eligibility and determine whether the child is eligible for either the state- or federally- funded Kin-GAP Program, the forms indicated below must be completed, as applicable, and maintained in the child's case file:

- CW 2.1 - *Notice and Agreement for Child, Spousal and Medical Support* (version 8/04).
- CW 2.1Q - *Support Questionnaire* (version 7/01).
- CW 51 - *Child Support – Good Cause Claim for Noncooperation* (version 12/10).
- FC 2 - *Statement of Facts Supporting Eligibility for Title IV-E Foster Care* (version 11/04). This form is used to obtain information to determine whether the child meets the AFDC-FC eligibility requirements.
- FC 3 - *Determination of Title IV-E Foster Care Eligibility* (version 11/04). This form is used, along with the FC 3A described below, to verify the child's previous eligibility for Title IV-E foster care maintenance payments and substantiate the child's Title IV-E eligibility.
- FC 3A - *AFDC-FC Worksheet* (version 11/04). This form is used to determine if the initial AFDC-FC linkage requirement has been met.
- KG 1 - *Kin-GAP Mutual Agreement for 18 Year Olds* (version 8/02). This form is used by a youth to request continuation of payments while completing school and affirms the youth's responsibilities. (This form will be revised to capture changes mandated by the legislation that takes effect January 1, 2012 [see *Future Program Enhancements* section]).
- KG 2\* - *Determination of Kin-GAP Eligibility* (version 1/11). This form is used to determine if the former foster child is eligible for either the state or federally



funded Kin-GAP Program. This form is to be completed initially and whenever a reassessment is performed. The relative guardian's failure to complete and return the KG 2 may result in interruption, delay or termination of the Kin-GAP payment/benefits.

A sample cover letter template regarding the KG 2 and the new program is included as an attachment to the ACL. The sample letter contains suggested language about the new program to be sent to the relative guardian with the KG 2 form prior to the redetermination date for converting the case (also see *Conversion of Existing Kin-GAP Cases* section). A county may develop its own cover letter or other process for ensuring a relative guardian receives sufficient information and the necessary forms to negotiate and sign an agreement for conversion to the new program.

- SOC 369\* - *Agency-Relative Guardianship Disclosure* (version 12/10). This form, used in conjunction with the SOC 369A, constitutes the written agreement and memorializes the terms, conditions, rights, responsibilities, and agreements reached between the county child welfare agency, probation department, or Title IV-E agreement tribe and the relative guardian. The form is amended and supplemented by the SOC 369A and is used to inform the prospective relative guardian of the funding and program options available when choosing to take legal guardianship of a related foster child.
- SOC 369A\* - *Kinship Guardianship Assistance Payment (Kin-GAP) Program Agreement Amendment* (version 12/10). This new form amends and supplements the SOC 369 and is used as the written agreement to memorialize the terms, conditions, rights, responsibilities, and agreements reached between the county child welfare agency, probation department or Title IV-E agreement tribe and the relative guardian. This form implements the state and federal requirement that there be a written, binding agreement with the relative guardian stating, among other things, the rate of payment and the manner in which the payment can be re-negotiated based upon the needs of the child and the circumstances of the relative guardian; the agreement remains in effect without regard to the state of residency; the guardian pays no fees or costs associated with establishing guardianship; and, the agreement remains in effect unless and until it is amended by the reassessment process or is terminated.
- Any applicable county forms required to document the child's eligibility for: a Specialized Care Increment (SCI), a whole foster family home payment, a regional center rate, a clothing allowance(s), or other benefits which the child receives.

The revised KG 2 and SOC 369 and the new SOC 369A forms are attached. The KG 2 and CW 51 forms are to be used manually until they can be programmed into the

Statewide Automated Welfare System (SAWS) and the Child Welfare Services/Case Management System (CWS/CMS); counties will be notified when that availability occurs. All program-required forms are available at: ([www.cdss.ca.gov/cdssweb/PG19.htm](http://www.cdss.ca.gov/cdssweb/PG19.htm)). The new forms will be available in Spanish. Forms identified with an **asterisk (\*)** are also available in additional languages; these forms are available at: [www.cdss.ca.gov/cdssweb/FormsandPu\\_274.htm](http://www.cdss.ca.gov/cdssweb/FormsandPu_274.htm).

### **Record Retention**

Program-required forms must be retained consistent with W&IC section 10851, section 23-353 of the Operations Manual of Policies and Procedures, and section 31-075 of the Child Welfare Services Manual of Policies and Procedures.

### **CONVERSION OF EXISTING KIN-GAP CASES**

To convert existing Kin-GAP cases to the new state- or federally- funded Kin-GAP Programs, the child welfare agency, probation department or Title IV-E agreement tribal agency must do the following:

1. Send the relative guardian and the child, if over 12 years of age, a letter announcing the benefits of transitioning to the new Kin-GAP Program and the process for making the transition. A sample announcement letter is attached; a county may develop its own letter or other mechanism to inform an existing relative caregiver about the new program and upcoming conversion.
2. Send the *Determination of Kin-GAP Eligibility (KG 2)* and information about the program and conversion (a suggested template is attached) to the relative guardian for completion and return to the responsible placement agency. The county may send additional program-related forms at this time to give the relative guardian an opportunity to review them prior to signing the *Kin-GAP Program Agreement Amendment (SOC 369A)*.
3. Document Title IV-E eligibility to determine if the existing case will convert to the federally-funded program or remain in the state-funded program. Documentation of Title IV-E foster care eligibility at the time of original enrollment in Kin-GAP must be obtained.

To verify a foster child's previous eligibility for Title IV-E foster care benefits, eligibility documentation must include the FC 2, FC 3, FC 3A, and/or SOC 158A. In addition, due to the number of older AFDC-FC cases, counties may use other documentation to verify Title IV-E foster care eligibility such as payment or placement histories, court orders, or older approval forms. Some older Kin-GAP cases may not have evidence of the source of payment when initially

established. When there is no evidence of Title IV-E foster care eligibility for an existing case, the case is not eligible for the new federally funded Kin-GAP Program and must be transferred to the new state-funded Kin-GAP Program.

4. Document relative home approval. Verification of home approval can be evidenced by a copy of the SOC 815 (or other document utilized prior to mandatory use of the SOC 815).

This documentation must demonstrate that the relative guardian had been approved when caring for the child during the foster care episode, and that a fingerprint-based criminal history had been obtained from the California Department of Justice and the Federal Bureau of Investigation for all adults in the home and the criminal history had been either cleared or exempted by the standards in place prior to or at the time guardianship was established.

If documentation of relative home approval or criminal background clearance or exemption cannot be provided, the case is not eligible for the new federally-funded Kin-GAP Program and must be transferred to the new state-funded Kin-GAP Program.

5. Obtain a copy of the *Agency-Relative Guardianship Disclosure* (SOC 369) that was signed by the relative guardian prior to initial guardianship being established.
6. Determine if the special needs of the child have changed to warrant the adjustment of an existing SCI rate, the initiation of a new SCI rate, or other such special rate(s) based on the status of the child as a teen custodial parent or a dual agency regional center consumer. If the child and relative guardian live in another county and are eligible for a SCI, a conclusion of the applicable county rate would be made (see *Specialized Care Increment* section).
7. Meet (in person or by telephone) with the relative guardian to negotiate and determine the Kin-GAP payment. Factors to be addressed in the negotiations must include the child's needs and relative guardian's circumstances. The Kin-GAP payment cannot exceed the amount the child/youth would have received while in foster care (see *Kin-GAP Payment Rates and Benefits* section).
8. Execute the written *Kin-GAP Program Agreement Amendment* (SOC 369A). If an agreement as to the payment amount cannot be reached, the child welfare agency, probation department or Title I-VE agreement tribal agency will complete the SOC 369A and have the relative guardian sign the form indicating the relative guardian disagrees with its terms and requests a state hearing. If the relative guardian refuses to sign the SOC 369A, aid is to be discontinued.

9. Ensure the *Determination of Kin-GAP Eligibility* (KG 2) is complete and signed. Ensure any additional, applicable program required forms are completed and signed.
10. Send a *Notice of Action* (NOA) informing the relative guardian of the negotiated payment amount and how to request a state hearing if the relative guardian disagrees.

The agency has the option of converting an existing Kin-GAP case prior to the annual redetermination that currently occurs for such cases. It is expected that the transition of existing Kin-GAP cases to either the new state- or federally-funded Kin-GAP Program will continue for at least 12 calendar months. Every effort should be made to transition the existing cases to the new Kin-GAP Programs seamlessly and with a minimally intrusive process causing little or no disruption to the existing relative guardian or child. There is to be no break in the continuity of the assistance payment to the relative guardian as a result of converting the case.

#### **PROCESS FOR NEW KIN-GAP CASES**

Once it has been determined that guardianship with a relative caregiver is the appropriate permanency option to move the child/youth out of foster care, the county agency, probation department, or Title IV-E agreement tribal agency must do the following *prior to establishing the guardianship and terminating dependency*:

1. Document that the dependent child/youth or ward has resided with the approved relative caregiver (prospective relative guardian) for at least six consecutive months. This is evidenced by the SOC 815 and any record that verifies the date of placement with the approved relative caregiver.
2. Document Title IV-E eligibility to determine if the case will be in the federally-funded program. To verify a foster child's eligibility for Title IV-E foster care benefits, eligibility documentation must include the FC 2, FC 3, FC 3A, and/or SOC 158A. If the child is not Title IV-E eligible, the case must be placed in the new state funded Kin-GAP Program.
3. If not already provided, determine whether the child/youth should be assessed for additional rates such as the SCI rate or other such special rate(s) based on the status of the child/youth as a teen custodial parent or a dual agency regional center consumer. If a special rate is already provided, determine if the needs of the child/youth have changed to warrant an adjustment.

Negotiate with the prospective relative guardian to determine the Kin-GAP payment. Factors to be addressed in the negotiations must include the child's needs and the relative guardian's circumstances. The Kin-GAP payment cannot

exceed the amount the child/youth would have received while in foster care (see *Kin-GAP Payment Rates and Benefits* section).

4. Ensure the prospective relative guardian completes and signs the *Determination of Kin-GAP Eligibility* (KG 2).
5. Meet (in person or by telephone) with the relative and execute *the Agency-Relative Guardianship Disclosure* (SOC 369) and the *Kin-GAP Program Agreement Amendment* (SOC 369A) with the relative guardian (W&IC 11392). If an agreement as to the payment amount cannot be reached, the child welfare agency, probation department or Title I-VE agreement tribal agency will complete the SOC 369A and have the relative guardian sign the form indicating the relative guardian disagrees with its terms and requests a state hearing. If the relative guardian refuses to sign the SOC 369A, the relative guardian is ineligible for participation in the Kin-GAP Program.
6. Send a NOA informing the relative guardian of *the negotiated payment amount and how to request a state hearing if the prospective relative guardian disagrees.*

## **REASSESSMENT**

A reassessment is required prior to the child and relative guardian entering into the new Kin-GAP Program. A "reassessment" is the review of the needs of the Kin-GAP recipient child or circumstances of the relative guardian which is performed initially and no less frequently than every two years following inclusion in the Kin-GAP Program (W&IC 11364(b)(1) and 11387(b)(1)). A reassessment is different than and in addition to a redetermination that may be required for the Medi-Cal program (see *Medi-Cal* section below). If the needs of the child or circumstances of the relative guardian change, the agency and relative guardian may negotiate to adjust a payment or benefits more frequently than every two years.

## **KIN-GAP PAYMENT RATES AND BENEFITS**

The Kin-GAP Program provides a monthly payment to the relative guardian which shall not exceed the foster care maintenance payment that would have been paid based on the age-related, state-approved foster family home care rate and any applicable SCI rate for the child placed in the approved home of a relative pursuant to W&IC section 11461. In addition, the Kin-GAP payment shall include an amount equal to the clothing allowance provided consistent with W&IC section 11461(f); for a youth who is a teen parent, the payment shall include the amount provide to a relative guardian in a whole foster family home as provided in W&IC section 11465(d)(3). Kin-GAP recipients are to receive age-related increases to the foster care maintenance payment automatically.

The foster family home care rate and any additional rate(s) for which the child/youth is eligible, taken together, minus the child's income, constitute the maximum Kin-GAP payment which may be re-negotiated with the relative guardian to meet the changed needs of the child or circumstances of the relative guardian.

When agreement cannot be reached on the Kin-GAP payment, the county child welfare agency, probation department, or Title IV-E agreement tribal agency can establish a payment amount and the relative guardian has the right to ask for a state hearing. When the relative guardian disagrees with the payment/benefits and requests a hearing, the pertinent box on the SOC 369A should be marked in order to continue receipt of the payment/benefits pending results of the state hearing.

### **First Date of Aid**

The beginning date of aid is the first day of the month following the month in which the *Kin-GAP Program Agreement Amendment* (SOC 369A) is signed by the relative guardian and the county agency, probation department or Title IV-E agreement tribal agency. When a child receiving benefits under the AFDC-FC foster care or CalWORKs programs becomes eligible for benefits under the Kin-GAP Program during any month, the child shall continue to receive benefits under the AFDC-FC foster care or CalWORKs programs, as appropriate, to the end of that calendar month, and Kin-GAP payments shall begin the first day of the following month. (W&IC sections 11374(b) and 11390(e))

### **Specialized Care Increment (SCI)**

The following SCI provisions are applicable to recipients of both the state- and federally-funded Kin-GAP Programs.

The SCI is a rate based on the county's approved Specialized Care Rate (SCR) Plan and is available to the relative caregiver or relative guardian once the county child welfare agency or probation department determines that the assessed child meets the SCI criteria of that Plan. The SCI can be increased or decreased as the special needs of the child change consistent with the approved county SCR Plan.

If the relative guardian resides outside the county with payment responsibility, the county with payment responsibility pays the host county's specialized care rate or its own specialized care rate if the host county has no specialized care system. "Host county/state" means the California County or state other than California, where the child resides.

The SCI rate approved in the county's SCR Plan is also eligible for FFP for Title IV-E eligible children assessed as needing the SCI.

### **Clothing Allowances**

- Annual State Supplemental Clothing Allowance – A child receiving Kin-GAP will be entitled to the annual state supplemental clothing allowance of \$100 each state fiscal year.
- Other Clothing Allowances – Other clothing allowances are issued according to the financially responsible county's clothing allowance payment structure regardless of the child's county of residence. Consistent with existing county clothing allowance plans, counties may continue to issue the county clothing allowance to Kin-GAP recipients who chose to move out-of-state.

### **Teen Parents**

For a youth eligible for a Kin-GAP payment/benefits who is a teen parent and has a child living in the same home, in addition to the Infant Supplement, the rate may include a two hundred dollar (\$200) monthly payment made to the relative guardian in a whole family foster home (W&IC sections 11364(c) and 11387(d)). In accordance with W&IC section 16501.25(d), the shared responsibility plan requirements do not apply.

### **Dual Agency**

A child who is a consumer of regional center services and who also receives Kin-GAP payment/benefits may be eligible for a dual agency rate and the supplemental rate for extraordinary care and supervision in accordance with W&IC section 11464. For information and instructions regarding dual agency, please see ACL No. 08-17, 08-54, 09-17 and 10-16.

### **COUNTY WITH PAYMENT RESPONSIBILITY**

The county that had court-ordered jurisdiction of the child pursuant to W&IC sections 300, 601, or 602 shall be responsible for paying the child's Kin-GAP benefits regardless of where the child resides.

### **OVERPAYMENTS**

Consistent with the federal Improper Payments Act of 2002, AB 12 made the new state and federally funded Kin-GAP Programs subject to the same overpayment recoupment and remittance rules as federal AFDC-FC and AAP, pursuant to W&IC section 11466.24 and EAS Manual sections 45-304 thru 45-306.

### **MEDI-CAL**

A child determined Title IV-E eligible for Kin-GAP is categorically eligible for Medicaid in the state where the child resides. A child receiving non-Title IV-E, state-funded Kin-GAP is eligible for Medi-Cal as long as the child is eligible for the Kin-GAP payment and is a resident of California in accordance with residency requirements pursuant to Title 22, California Code of Regulations (CCR) section 50320. Prior to the termination of a Kin-GAP payment (either Title IV-E or state funded Kin-GAP), counties shall immediately complete a redetermination to reevaluate eligibility of the child for all Medi-Cal programs in accordance with W&IC section 14005.37.

### **INDEPENDENT LIVING SERVICES**

A child in receipt of Kin-GAP benefits will remain eligible for Independent Living Services (ILS). The Kin-GAP youth who receive ILP-delivered services are subject to the National Youth Transition Database reporting rules; please refer to ACIN No. I-07-10 for pertinent reporting rules.

### **OUT-OF-STATE**

Under both the state and federally funded programs, Kin-GAP payment/benefits continue regardless of the state of residency in which the relative guardian and child resides (W&IC sections 11364(b)(4) and 11387(c)). A child who is under the jurisdiction of the California juvenile court system and is placed with an out-of-state relative is eligible for the Kin-GAP Program, if all requirements are met.

County workers are to encourage relative guardians to apply for Medicaid on behalf of the child in the new state of residence. 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.

### **CHILD SUPPORT**

Pursuant to Family Code section 17552, once reunification services are not offered or are terminated, the case may be referred to the local child support agency unless the permanent plan is legal guardianship with a relative who is receiving Kin-GAP and the payment of support by the parent may impact the stability of the current placement with the related guardian. In that situation, the responsible agency shall make a



determination whether it is in the best interests of the child to have the case referred to the local child support agency for child support services. See Child Welfare Services Manual of Policies and Procedures section 31-503 and ACL No. 05-37.

### **AID CODES**

Beginning January 1, 2011, new and existing Kin-GAP cases determined federally eligible for the federally funded Kin-GAP Program will be coded to Aid Code 4T. New Kin-GAP cases that are not federally eligible will be coded to aid code 4G. Existing Kin-GAP cases coded to either aid codes 4F or 4G will remain in 4F and 4G until moved into the appropriate aid code upon assessment for eligibility in the new state- or federally-funded Kin-GAP Program. Aid code 4G will be used for state only Kin-GAP cases with a Permanent Residence Under Color of Law immigration status as is currently done and for state-only cases which are extended beyond age 18 due to a disability. Aid codes 4F and 4G will be addressed in further detail in a subsequent County Fiscal Letter (CFL).

### **CWS/CMS EPISODE TERMINATION AND CASE CLOSURE**

When a child first enters the Kin-GAP Program from an open CWS/CMS foster care case, the Placement Episode should be terminated with a Termination Reason Type of "Guardianship," and the CWS/CMS case should be closed with a Case Closure Reason Type of "Kin-GAP."

### **STATE HEARINGS**

The current relative caregiver or relative guardian who disagrees with a county's determination regarding Kin-GAP eligibility or benefits has the right to dispute or appeal the decision by requesting a state hearing.

### **DATA REPORTING**

A new form for reporting Kin-GAP caseload movement for federally-eligible cases is under development. This form, the *Kinship Guardianship Assistance Payment Program (Kin-GAP) Federal Caseload Movement Report (CA 237 KG-F)* will capture data on both in-state and out-of-state federally-eligible cases. This form is patterned after the existing *Kinship Guardianship Assistance Payment Program (Kin-GAP) Caseload Movement Report (CA 237 KG)*. The existing CA 237 KG will continue to be used for state-eligible cases. An ACL providing instruction about the new CA 237 KG-F is forthcoming and will be retroactive to January 1, 2011. Questions about the new form should be directed to the Data Systems and Survey Design Bureau, at (916) 651-8269.

## **REGULATION CHANGES**

Emergency regulations will be developed to incorporate the above changes.

## **FISCAL CLAIMING**

The sharing ratio for the new Kin-GAP Programs is 79 percent state and 21 percent county of the nonfederal share of the amounts paid as specified in W&IC sections 11364 and 11387. Assistance and County Expense Claim instructions will be issued in a forthcoming CFL.

## **FUTURE PROGRAM ENHANCEMENTS**

Starting January 1, 2012, the maximum age for eligibility for Kin-GAP benefits will be extended. The age extension will be phased in as follows:

- Effective January 1, 2012, a former dependent child/youth or ward of the juvenile court who attained 16 years of age before the Kin-GAP negotiated payment began may continue to receive aid up to 19 years of age. Note that there is a difference between the state- and federally-funded Kin-GAP Programs as to this one year extension. For the federally-funded program, the youth must have attained 16 years of age before the Kin-GAP negotiated agreement payments began; the youth in the state funded Kin-GAP Program is eligible for the age extension to age 19 if the youth attained 16 years of age before the Kin-GAP payment commenced.
- Effective January 1, 2013, the age limit changes to up to 20 years of age for a former dependent child/youth or ward of the juvenile court who attained 16 years of age before the Kin-GAP negotiated payments began. This is the same for both the federally-funded and state-funded Kin-GAP Programs.
- Effective January 1, 2014, a youth is eligible for continued Kin-GAP benefits up to 21 years of age for a former dependent child/youth or ward of the juvenile court who attained 16 years of age before the Kin-GAP negotiated payments began. This is the same for both the federally funded and state funded Kin-GAP Programs. The extension of benefits for a youth up to 21 years of age is contingent upon a funding appropriation by the legislature.

Receipt of Kin-GAP payment/benefits beyond 18 years of age is contingent upon the youth meeting one or more of the following conditions and the youth signing the Mutual Agreement (KG 1):

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

These provisions are contained in the Kin-GAP Written Agreement Amendment (SOC 369A) for the purpose of notifying the relative guardian of age-related extension of benefits. Program instructions regarding eligibility for age extension to 21 will be developed and issued in a future ACL.

#### **QUESTIONS ABOUT THE PROGRAM**

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, or [AB12@dss.ca.gov](mailto:AB12@dss.ca.gov). Questions concerning fiscal claiming and reporting, and aid codes should be directed to [fiscal.systems@dss.ca.gov](mailto:fiscal.systems@dss.ca.gov).

Sincerely,

#### ***Original Document Signed By:***

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Division

Attachments

## SAMPLE LETTER – CONVERSION ANNOUNCEMENT

Dear Relative Guardian and Youth,

This letter is to tell you about important changes to the Kinship Guardianship Assistance Payment (Kin-GAP) Program that start on January 1, 2011.

Some of the changes to the program mean that you may now:

- Ask for a change in the payment amount that you currently get to cover the costs of taking care of the child up to the amount the child would have received in foster care.
- Ask to have the payment amount changed at any point during the 2 year reassessment period if there is a valid reason (such as the child's needs or your situation changes).
- Move to another state and continue to receive the Kin-GAP payment, under most circumstances.
- Keep getting Kin-GAP for the child until he or she turns 21 if he or she has a mental or physical disability, under certain circumstances.

The county social services department will be sending you another letter before your next redetermination date with more information and a package of forms for you to read and complete. You can contact the county before your redetermination date and ask to have an earlier appointment to review your situation. If you feel you need your Kin-GAP case reviewed right away, please call the person and number given below. Otherwise, a letter will be sent to you before your next redetermination date. If you need help understanding your options, you can contact:

### COUNTY CONTACT INFO HERE

You and the county worker will talk about your case in more detail and you will be able to ask questions. You can talk about your situation and the needs of the child to make sure you are getting a payment that will help you care for the child.

Once all the issues have been discussed and settled, and if you agree to the amount of the payment, an agreement will be signed that will remain in effect for up to two years. If during the two years, your situation changes or the child's needs change, you may ask to have your Kin-GAP case reviewed.

If you do not agree with the amount of the payment, you do not have to sign the agreement and you have the right to ask for a state hearing to review the decision.

If you have any questions, you can contact: [COUNTY CONTACT HERE]

## SAMPLE LETTER- KG 2/REDETERMINATION

Dear Relative Guardian and Youth,

This letter has been sent to you because our records indicate it will soon be time to review your case to make sure you continue to be eligible for the Kinship Guardian Assistance Payment (Kin-GAP) program and receive a payment/benefits you qualify for. This letter has information about important changes to the Kin-GAP program and what that means about the payment/benefits you receive. Sent with this letter is the *KG 2-Determination of Kin-GAP Eligibility* form. You must complete and return this form in order to continue receiving a Kin-GAP payment/benefits. [*OPTIONAL We have scheduled your redetermination appointment for (or We have scheduled a telephone appointment for:)*]

Date:	Time:	Location:
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Based on recent changes in the law, at your next annual redetermination your Kin-GAP case will be moved into the new Kin-GAP program. The move will not result in any break in paying you or you continuing to get other Kin-GAP benefits you already get. However, there are important changes that affect your rights under the new program, including the right to a different payment amount than what you are now getting. This letter briefly goes over the new changes to the Kin-GAP program and tells you what you can expect next.

### **IMPORTANT CHANGES TO KIN-GAP**

The new Kin-GAP program makes several important changes to the law. The highlights of the new program are that you may now:

- Negotiate the amount of your Kin-GAP payment/benefit, up to an amount that your child would have been eligible to receive while in foster care. The amount of the Kin-GAP payment will be put into the written agreement that you and the financially responsible agency will sign.
- Re-negotiate the amount of your Kin-GAP payment/benefits every 2 years when you are reassessed, or, if the needs of the child or your situation changes prior to the next scheduled reassessment, you can request an earlier reassessment.
- Move to another state and continue to receive a Kin-GAP payment/benefits.
- Continue to receive a Kin-GAP payment/benefits for the youth until he or she turns 21 for a youth has a mental or physical disability that the agency determines the Kin-GAP payment/benefits should continue.
- Beginning January 1, 2012, continue to receive Kin-GAP benefits for a youth after the age of 18 whose Kin-GAP payments started after the youth's 16<sup>th</sup> birthday, and you continue to support the youth and the youth meets certain requirements about going to school and/or work (see below for more information).

## SAMPLE LETTER- KG 2/REDETERMINATION

### **KIN-GAP PAYMENT**

Because of changes to the law, you are able to ask for a Kin-GAP payment based on the current needs of the child in your care and your own financial situation.

Under the old Kin-GAP program, a child's Kin-GAP payment was set at the amount of the foster family home rate plus any special rate that the child was getting while in foster care in the month before he or she went into Kin-GAP. Under the new rules, you can continue to receive the payment amount your child received while in foster care, or you can negotiate to get a Kin-GAP payment that includes the foster family home rate, plus a SCI rate or dual agency rate for your eligible child. You may be able to get an additional rate if you are the relative guardian of a teen parent. The total negotiated Kin-GAP payment amount cannot be higher than the maximum amount that your child would have been eligible to get when in foster care. If you do not agree with decisions about the payment amount, you have the right to a state hearing to challenge the decision.

### **ELIGIBILITY FOR ADDITIONAL RATES**

A child with special needs may be eligible for special rates, including a Specialized Care Increment (SCI) rate and/or a Dual Agency rate. If you believe your child has needs that qualify him or her for these rates, please be sure to ask the county or tribal representative to evaluate your child for any additional rates.

#### Specialized Care Increment Rate

The SCI rate is an extra amount of money available for a child who has special needs. Eligibility rules for a SCI rate vary from county to county. If your child is eligible, you will receive a SCI rate based on the rate for either the county where you are currently residing or the county where your Kin-GAP guardianship was created.

If you are already getting a Kin-GAP payment that includes a SCI rate, you may continue to receive the Kin-GAP payment in this amount as long as your child continues to meet the eligibility requirements for the special rate. If you were getting a Kin-GAP payment for your child that included a SCI rate based on a prior special need that no longer exists, you might get a decrease in the amount of the Kin-GAP payment. If you were previously getting a Kin-GAP payment that did not include a SCI rate for your child's special needs, you may request the child be evaluated to receive a SCI rate.

To find out more about the eligibility criteria for Specialized Care Increments, contact the child welfare agency or probation department and request a copy of the Specialized Care Rate Plan. More about the Specialized Care Increment, as well as county contact information, is available at:

<http://www.childsworld.ca.gov/PG1649.htm>.

#### Dual Agency Rate

A Dual Agency rate is available to a child under the age of 3 who is in an Early Intervention Program through a Regional Center, as well as to a child who gets services from a

## SAMPLE LETTER- KG 2/REDETERMINATION

Regional Center due to a developmental disability. If your child is participating in either Early Intervention or is a Regional Center client, then you may be eligible for a Kin-GAP payment equal to the Dual Agency rate plus the supplemental rate for extraordinary care and supervision.

### Infant Supplement/Whole Foster Family Home

If you are the relative guardian of a teen parent who has his or her child in your home, you may be eligible for the Infant Supplement as well as an additional rate for being a Whole Foster Family Home. Be sure to tell the county or tribal representative if you have a teen parent living with you.

### **ELIGIBILITY FOR MEDI-CAL BENEFITS**

A child who receives Kin-GAP and lives in California is categorically eligible for medical benefits under California's Medicaid program, called Medi-Cal. Under the new program, you will continue to get Medi-Cal for your child so long as you and your child live in California.

If you decide to move to a new state, you will most likely continue to be eligible for medical benefits for your child under that state's Medicaid program. However, getting Medicaid benefits in the state that you move to depends on whether your child receives federal or state-only Kin-GAP benefits. Whether your child is federally-eligible or state-only eligible will be indicated on the Kin-GAP agreement that you negotiated and signed with the county representative.

If your child is eligible for federal Kin-GAP benefits, you will likely be able to continue to receive Medicaid benefits for your child in the state where you live. However, if your child is eligible for state-only Kin-GAP, your child will only receive Medicaid in the state where you move if the state that you move to has an agreement with California for the Medicaid services. California does not have this type of agreement with all states. This means if you move to a state that does not have an agreement with California, you may not be able to get Medicaid for your child in that state.

The county or tribal representative will talk with you in more detail. In the event that you decide to move to another state, it is suggested that you check with the health services department or similar agency of the state you plan to move to about getting Medicaid for your child.

### **ELIGIBILITY FOR KIN-GAP AFTER THE AGE OF 18**

Starting January 1, 2012, the maximum age that a child/youth can receive a Kin-GAP payment/benefits will be extended. The age extension will be phased in as follows:

- Effective January 1, 2012, child/youth who turned 16 years old before the Kin-GAP payment began may continue to receive aid up to 19 years of age.
- Effective January 1, 2013, the age limit changes to up to 20 years of age.

## SAMPLE LETTER- KG 2/REDETERMINATION

- Effective January 1, 2014, a youth is eligible for continued Kin-GAP benefits up to 21 years of age. The extension of benefits for a youth up to 21 years of age will only be available if money is made available through the State Budget.

Receipt of Kin-GAP benefits beyond 18 years of age is based on the youth meeting one or more of the following conditions:

- (1) Is finishing high school or a program to get a GED;
- (2) Is enrolled in college or a vocational program;
- (3) Is in a program or activity to help the youth find a job;
- (4) Is working at least 80 hours per month; or,
- (5) Is not able to do any of the activities described in (1) through (4), because of a medical condition.

### WHAT YOU CAN EXPECT NEXT

In addition to the KG 2 form, a copy of other required forms are included with this letter so that you can review them [*OPTIONAL prior to your meeting or telephone interview. At the meeting, you and the county or tribal representative will go over the forms and answer questions so that you can complete and sign them*]. Before you sign the new agreement, you will be able to negotiate for a payment/benefits based on the needs of the child in your care and your financial situation. After the payment/benefits have been decided, you and the county or tribal agency will sign the agreement. You will get a Notice of Action that will confirm what benefits and payment amount you will get.

*NOTE: If you do not complete and return the KG 2, your payment/benefits may be stopped and you may not be eligible to continue in the Kin-GAP program. You must also complete and sign the Kin-GAP Program Agreement Amendment (SOC 369A) form, and return it to the address given at the end of this letter.*

### RIGHT TO A STATE HEARING

If you and the county or tribal representative cannot come to an agreement about the amount of a Kin-GAP payment/benefits, or if you are unhappy with any decrease in your Kin-GAP payment, you do not have to sign the Kin-GAP agreement and can ask for a state hearing. Or, you can disagree and sign the agreement and still ask for a state hearing. The county or tribal agency will send you a Notice of Action, which will say why your request for a higher Kin-GAP payment was denied or the reason your Kin-GAP payment is being reduced. The Notice of Action will tell you how to request a state hearing. You can ask for a state hearing by sending a letter to one of the three places:

- (1) To the county welfare department at the address shown on the Notice of Action.
- (2) To the California Department of Social Services, State Hearings Division, P.O. Box 944243, Mail Station 19-37, Sacramento, California 94244-2430.
- (3) To the State Hearings Division at fax number (916) 229-4110.



SAMPLE LETTER- KG 2/REDETERMINATION

You have the right to have a representative at your state hearing. You can contact the county bar association or local lawyer referral service for assistance with your hearing; you can find this information in your local telephone book or online.

If you request a state hearing prior to the date on your Notice of Action when the new rate goes into effect, you may be able to continue to receive Kin-GAP in the same amount that you have been getting until the state hearing judge makes a final decision. For this reason, it is important to ask for a state hearing as soon as you can after you receive the Notice of Action.

**WHERE TO SEND COMPLETED FORMS AND WHO TO CONTACT IF YOU HAVE QUESTIONS**

If you have any questions about the new Kin-GAP program or any of the forms sent to you, please contact \_\_\_\_\_. [*OPTIONAL If you are unable to keep your redetermination appointment, please contact \_\_\_\_\_, as soon as you can to make a new appointment.*]

[*OPTIONAL We look forward to meeting with you to get you transferred to the new Kin-GAP program.*]

COUNTY REPRESENTATIVE NAME  
COUNTY CONTACT INFORMATION

DATE

**STATEMENT OF FACTS SUPPORTING ELIGIBILITY FOR KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT (Kin-GAP) PROGRAM:** *The legal guardian should complete in ink all questions to the left of the heavy black line with information about the child for whom they are the legal guardian. If there are multiple children, one form per child should be completed. Please complete, sign and date this form within two weeks, attaching extra sheets if necessary. Failure to complete and return this form within two weeks (14 days) of the date it was mailed will cause interruption, termination or delay in your receipt of the benefit.*

① Child Name ②  Male  Female

③ Address

④ Birth date ⑤ Birthplace

⑥ Social Security # Applied For?  Yes  No

⑦ Citizen of U.S.?  Yes  No ⑧ Alien Status:

⑨ Does the child have medical insurance other than Medi-Cal?  Yes  No

If yes, list policy number, company name, and name of policy:

⑩ Does the child have real or personal property?  Yes  No

If yes, list property type (land, cash, auto, motorcycle, life insurance, trust fund, bank account, bond, etc.) and its value:

⑪ Does the child have income?  Yes  No  Unknown\*  
If yes, list amounts below. If application pending, check associated box.

INCOME TYPE	AMOUNT	PENDING
Social Security	\$	
Child Support	\$	
Railroad Retirement	\$	
SSI/SSP	\$	
Veteran's Benefits	\$	
Salary/Wages	\$	
Other (specify)	\$	
Total Amount/Month	\$	

\*If unknown, please explain:

⑫ Does the child have siblings placed with you?  Yes  No  
If yes, list the names and DOB.

NAME OF SIBLING	DATE OF BIRTH

⑬ Is the child's mother or father deceased?  Yes  No

⑭ Has the child's parents been receiving Social security or VA benefits?  Yes  No  
If yes, explain and list amount if known:

⑮ If the youth is age 16 or older, does the youth want a referral to the ILP Program?  Yes  No

⑯ Does the child reside in your home?  Yes  No  
If no, do you provide any support for the above-named child?  Yes  No

⑰ Does this youth have a child(ren) of his/her own residing in your home?  Yes  No

⑱ Do you have a shared responsibility plan about the care of the child with the minor parent?  Yes  No

⑲ Do you have guardianship of the child which was granted by a California juvenile court?  Yes  No

**ELIGIBILITY WORKER ONLY**

APPLICATION  
 REASSESSMENT

CASE NAME

CASE NUMBER

**VERIFICATION**

AGE

SOCIAL SECURITY NUMBER

CITIZENSHIP/ALIEN STATUS

DHS 6155

CHILD'S PROPERTY

DOES THE CHILD HAVE SIBLINGS PLACED WITH THE GUARDIAN?

DID THE CHILD RESIDE FOR AT LEAST SIX CONSECUTIVE MONTHS IN THE APPROVED HOME OF THE PROSPECTIVE RELATIVE GUARDIAN?

**SPECIAL NEEDS CHILDREN INFORMATION**

20 Does this child have special needs, i.e., health and/or behavior problems?  Yes  No  
If yes, I am requesting an assessment of the child's special needs to determine if the specialized care increment meets the needs of this child.

**COMPLETE BELOW FOR CHILDREN 18 AND OLDER**

21 Expected graduation/completion before the 19th birthday?  Yes  No

22 Do you request an assessment for continued payment over the age of 18 because the youth has a mental or physical handicap? If yes, describe condition:  Yes  No

23 Was guardianship ordered in a juvenile court after the youth's 16th birthday?  Yes  No

If yes, is youth participating in one of the following activities (Note: this provision does not apply until January 2, 2012):

- Completing secondary education (e.g., high school) or a program leading to an equivalent credential (e.g., taking classes in preparation for a general equivalency diploma exam).
- Enrolled in an institution which provides post-secondary (e.g., university or college) or vocational education (e.g., trade school).
- Participating in a program or activity designed to promote, or remove barriers to employment (e.g., enrolled in Job Corps or attending classes on resume writing and interview skills).
- Employed for at least 80 hours per month.
- Is incapable of doing any of the previously described educational or employment activities due to a documented medical condition.
- None of the above.

LEGAL GUARDIAN:

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT.

SIGNATURE OF LEGAL GUARDIAN

COUNTY WHERE SIGNED

DATE

SIGNATURE OF ELIGIBILITY WORKER

DATE

SIGNATURE OF ELIGIBILITY WORKER SUPERVISOR

DATE

**VERIFICATION**

ILP

VERIFICATION BY SCHOOL YES  
SCHOOL ATTENDANCE   
GRADUATION

GUARDIANSHIP VERIFIED

CHILD SUPPORT REFERRAL  
BEST INTEREST DETERMINATION  
NOT TO REFER

NOT ELIGIBLE

ELIGIBLE

FEDERAL

NONFEDERAL

OTHER

**RELEASE OF INFORMATION**

You and any member of your family for whom you are applying for aid must give us a Social Security Number(s) (SSN). The SSN(s) are needed to determine your eligibility. Failure to cooperate may result in denial or discontinuance of aid. Authority: **Welfare and Institutions Code, Section 11268.**

**PERSONAL INFORMATION NOTICE**

Pursuant to the Federal Privacy Act (P.L. 93-679) and the information Practices Act of 1977 (Civil Code Sections 1798, et. seq.), notice is hereby given for the request of personal information by this form. The requested personal information is voluntary. The principal purpose of the voluntary information is to facilitate the processing of this form. The failure to provide all or any part of the requested information may delay processing of this form. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.17 of the IPA of 1977. Each individual has the right upon request and proper identification, to inspect all personal information in any record maintained on the individual by an identifying particular. Direct any inquiries on information maintenance to your IPA Forms Officer.

# AGENCY-RELATIVE GUARDIANSHIP DISCLOSURE

**ONE COPY TO:** Relative Caregiver  
Child's Social Services Record  
Child's Eligibility Record

**NOTE:** THIS DISCLOSURE MUST BE COMPLETED PRIOR TO A RELATIVE BECOMING LEGAL GUARDIAN

NAME OF CHILD:		CAREGIVER'S NAME:	
DATE PLACED WITH THIS RELATIVE:	DATE OF BIRTH:	SOCIAL SECURITY NUMBER:	

## Initial Here:

\_\_\_\_\_ I understand that I am not required to change custodial status from relative caregiver to legal guardian. However, if I decide to become a legal guardian, court dependency may be dismissed.

\_\_\_\_\_ I have been provided a Guardianship Pamphlet.

## 1. AFDC-Foster Care to KinGAP Initial Here:

\_\_\_\_\_ I understand that by becoming a relative legal guardian of \_\_\_\_\_:

- The child's payment will change from \$ \_\_\_\_\_ to \$ \_\_\_\_\_ per month.
- When the child reaches age 18 years, the child must complete the KinGAP Mutual Agreement for 18 year olds to continue to receive KinGAP payments until they reach the age of 19 years or completes their secondary education or vocational training prior to 19 years.
- The child may be eligible for continued benefits up to age 21 years if the child has a mental or physical disability. If you start to receive KinGAP benefits before the child's 16th birthday and the child does not have such a disability, the child will not be eligible for the up-to-age 21 extension of benefits that comes into effect as of January 1, 2012.
- The child will no longer be eligible to receive an AFDC-Foster Care payment.
- The child's siblings are eligible for KinGAP if they live in the same household.
- The child will be eligible to receive a clothing allowance and the state supplemental clothing allowance.
- The child may be eligible to receive a specialized care increment if already in receipt of a specialized care increment or may receive a specialized care increment if your circumstances or the needs of the child change in the future. Note: the amount of the specialized care increment may be renegotiated based on changes to the child's special needs or your circumstances.
- If the child is a consumer of California regional center services, he/she will be eligible for a dual agency rate and may be eligible for a supplemental rate.
- Non-referral to child support may continue if the social worker determines it is in the best interest of the child. If not, the parent may have to pay child support to the agency.
- The child remains eligible for Independent Living Program services when the child attains age 16 and such services are requested by you the caregiver or the child. However the youth will not be eligible for the Chafee Educational/Training Voucher unless the youth remains in foster care until age 16 prior to the transfer to KinGAP.
- The Infant Supplement and the \$200 Shared Responsibility Plan increment may be payable in KinGAP.
- If I move to another county, the KinGAP rate paid to me will be based on the county rates in which the court had jurisdiction over the legal guardianship, or the rates of the county where I

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reside whichever rate is higher.

- If I move out of state, the KinGAP payment may continue. In addition, if I remain eligible for a KinGAP payment, after moving out of state, I will be eligible for Medicaid based on that state's Medicaid program.
- If the child is eligible for KinGAP, he/she will also be eligible for Medi-Cal.
- The child's KinGAP and Medi-Cal eligibility may be impacted if resources exceed \$10,000 or residence is out of state.
- Any income, which the youth has earned as part of their transitional independent living plan, is exempt.
- The child will not be eligible for the Transitional Housing Program or the Transitional Housing Program Plus.

**2. AFDC-FC to CalWORKs**  
**Initial Here:**

\_\_\_\_\_ I understand that by becoming a relative legal guardian of \_\_\_\_\_:

- The child's payment will change from \$\_\_\_\_\_ to \$\_\_\_\_\_ per month.
- The child will not receive an AFDC-Foster Care payment.
- The child will not receive a clothing allowance or a specialized care increment.
- The child will not be eligible for the Transitional Housing Program.

**3. CalWORKs to KinGAP**  
**Initial Here:**

\_\_\_\_\_ I understand that by becoming a relative legal guardian of \_\_\_\_\_:

- The child's payment will change from \$\_\_\_\_\_ to \$\_\_\_\_\_ per month.
- The child's siblings are eligible for KinGAP if they live in the same household.
- The child cannot get both CalWORKs and KinGAP payments.
- The child will no longer be eligible to receive Cal-Learn benefits.
- The child will no longer be eligible to receive CalWORKs child care services.
- The child will be eligible to receive a clothing allowance and may be eligible to receive a specialized care increment if your circumstances or needs of the child change in the future. Note: the amount of the specialized care increment may be renegotiated based on changes to the child's special needs or your circumstances.
- If the child is a consumer of California regional center services, he/she will be eligible for a dual agency rate and may be eligible for a supplemental rate.
- Non-referral to child support may continue if the social worker determines it is in the best interest of the child. If not, the parent may have to pay child support to the agency.
- The child remains eligible for Independent Living Program services when the child attains age 16 and such services are requested by you the caregiver or the child. However, the youth will not be eligible for the Chafee Educational/Training Voucher unless the youth remains in foster

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care until age 16 prior to the transfer to KinGAP.

- When the child reaches age 18 years, the child must complete the KinGAP Mutual Agreement for 18 year olds to continue to receive KinGAP payments until they reach the age of 19 years or completes their secondary education or vocational training prior to 19 years.
- The child may be eligible for continued benefits up to age 21 years if the child has a mental or physical disability. If you start to receive KinGAP benefits before the child's 16th birthday and the child does not have such a disability, the child will not be eligible for the up-to-age 21 extension of benefits that comes into effect as of January 1, 2012.
- The Infant Supplemental and the \$200 Shared Responsibility Plan increment may be payable in KinGAP.
- If I move to another county, the KinGAP rate paid to me will be based on the county rates in which the court had jurisdiction over the legal guardianship, or the rates of the county where I reside whichever rate is higher.
- If I move out of state, the KinGAP payment may continue. In addition, if I remain eligible for a KinGAP payment, after moving out of state, I may be eligible for Medicaid based on that state's Medicaid program.
- If the child is eligible for KinGAP, he/she will also be eligible for Medi-Cal.
- The child's KinGap and Medi-Cal eligibility may be impacted if resources exceed \$10,000 or residence is out of state.
- Any income, which the youth has earned as part of their transitional independent living plan, is exempt.
- The child will not be eligible for the Transitional Housing Program or the Transitional Housing Program Plus.
- If the relative caregiver is on CalWORKs and is caring for one or more foster children and all children in the assistance unit move to KinGAP, the caregiver may continue to remain eligible for a CalWORKs grant as a family of one.

**4. Remain CalWORKs  
Initial Here:**

\_\_\_\_\_ I understand that by becoming a relative legal guardian of \_\_\_\_\_:

- The child will not receive an AFDC-Foster Care or KinGAP payment.
- The child will remain eligible to CalWORKs.

**Services**

If you become guardian of this child and the court dependency is terminated:

**Initial Here:**

\_\_\_\_\_ I understand that I may receive assistance from the county child welfare agency if it is necessary to terminate guardianship or to appoint a co-guardian for the child.

\_\_\_\_\_ I understand that I may renegotiate the payment if the needs of the child change;

\_\_\_\_\_ I understand that the child and I will no longer be assigned a social worker;

\_\_\_\_\_ I understand that the child and I will no longer be required to go to court;

\_\_\_\_\_ I understand that the child will no longer have a court appointed attorney;

\_\_\_\_\_ I understand that I am not prevented from adopting this child at any time in the future;

\_\_\_\_\_ I understand that I may still contact the county if I need assistance at \_\_\_\_\_;

\_\_\_\_\_ Other: \_\_\_\_\_

**Some Important KinGAP Information**



These are some of the important things you should know about KinGAP:

**Initial Here:**

- \_\_\_\_\_ I understand that every two years I will be required to complete a review of the child's circumstances with the county. I understand that I must report within 5 days any changes which may affect the child's eligibility for the program.
- \_\_\_\_\_ I understand that if I move to another county/state, my payment may continue to be based on the county/state which had court jurisdiction over the guardianship, or the rates of the county/state where I now reside whichever rate is higher.
- \_\_\_\_\_ I understand that any specialized care increment that I receive may change based on the child's health or behavioral needs or the circumstances of the relative guardian.

I have read the above and understand all of the legal guardianship options that are available to me (adoption, legal guardianship, long-term foster care). After considering all the options, I have voluntarily chosen legal guardianship with the associated payment noted above.

I have chose option #        1        2        3        4        (*Circle one*)

SIGNATURE OF SOCIAL WORKER: 		SIGNATURE OF RELATIVE LEGAL GUARDIAN: 	
TITLE/AGENCY:			
ADDRESS:		ADDRESS:	
TELEPHONE NUMBER (    )	DATE:	TELEPHONE NUMBER (    )	DATE:

**RELEASE OF INFORMATION**

You and any member of your family for whom you are applying for aid must give us a Social Security Number(s) (SSN). The SSN(s) are needed to determine your eligibility. Failure to provide SSN may result in denial or discontinuance of aid. Authority: **Welfare and Institutions Code, Section 11268.**

### KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT (KIN-GAP) PROGRAM AGREEMENT AMENDMENT

***This form amends and supplements the SOC 369 to memorialize the terms, conditions, rights, responsibilities, and agreements reached between the county child welfare agency, probation department or Title IV-E agreement tribe and the relative guardian.***

NOTICE: This agreement describes the guardianship assistance benefit that you will receive. If you agree, please sign the agreement and return it to the responsible public agency. If you disagree, please contact the responsible public agency. If you and the agency cannot reach an agreement, you will receive a Notice of Action which explains how to request a state hearing to resolve the matter.

I/We, \_\_\_\_\_ and \_\_\_\_\_, have  
(NAME OF LEGAL GUARDIAN) (NAME OF LEGAL GUARDIAN)

entered into an agreement with the \_\_\_\_\_ for a  
(NAME OF RESPONSIBLE PUBLIC AGENCY)

(check one)  federally eligible;  
 state eligible Kinship Guardianship Assistance Payment (Kin-GAP) for \_\_\_\_\_  
(NAME OF CHILD)

This Kin-GAP Agreement will continue until it is modified or terminated in accordance with its terms.

This is (check one)  an initial agreement  
 an amendment to the agreement dated \_\_\_\_\_  
(DATE OF INITIAL AGREEMENT)

1. A Kin-GAP benefit of \$ \_\_\_\_\_ per month is authorized to begin \_\_\_\_\_  
(BEGINNING DATE OF PAYMENT)

The child's needs must be reassessed at least every two years. The next scheduled reassessment is  
\_\_\_\_\_  
(REASSESSMENT DATE)

2. Unless the benefit is ending because of age, \_\_\_\_\_ will send a Statement of Facts  
(RESPONSIBLE PUBLIC AGENCY)  
Supporting Eligibility for Kinship Guardianship Assistance Payment (Kin-GAP) Program (KG 2 form), at least 60 days before the next reassessment date. I/We shall complete the KG 2 and return it within 14 days to \_\_\_\_\_  
(RESPONSIBLE PUBLIC AGENCY). I/We understand that failure to complete and return this form in a timely manner may result in an interruption, delay or termination in the receipt of the benefit.

3. If applicable, any specialized care increment (SCI) that the child receives may change as the needs of the child and my/our circumstances change.

4. A child receiving Kin-GAP shall be eligible for an age-related increase after his or her 5th, 9th, 12th and 15th birthdays. (In Marin County, the age-related increase occurs after his or her 5th, 7th, 12th, 13th and 15th birthdays.)

5. The Kin-GAP benefit may not exceed the age-related, state-approved foster family home care rate, and any applicable state-approved SCI, that would have been paid if the child had remained in foster care.

6. The Kin-GAP payment that the child receives may change if other income is received by or on behalf of the child.

7. A child receiving Kin-GAP benefits may retain cash and other assets subject to limitations established by law.

8. A child receiving Kin-GAP shall be eligible for a clothing allowance in accordance with state law and as established by the county of legal responsibility.



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9. For a youth eligible for a Kin-GAP benefit who is a teen parent and has a child living in the same home, the rate may include a two hundred dollar (\$200) monthly payment made to the relative caregiver in a whole family foster home.
  10. If a child is living with a teen parent who is eligible for Kin-GAP benefits, the rate paid to the relative guardian on behalf of the teen parent shall include the "infant supplement" which is an additional benefit for the care and supervision of the child.
  11. Payments on behalf of a child who is a recipient of Kin-GAP benefits and who is also a consumer of a California regional center services shall be based on the dual agency rates established by the State Department of Social Services.
  12. Continuation of the Kin-GAP benefit depends upon my/our responsibility for the support of the child and on the child's continued receipt of my/our support.
  13. I/We agree to inform the agency immediately if any of the following occurs:
    - Our address changes.
    - The child is no longer residing in the family home.
    - I/We are no longer providing any type of support to the child.
    - I/We are no longer responsible for the support of the child.
    - Guardianship is terminated and/or dependency is reinstated.
    - The child begins to receive earned or unearned income (i.e., Social Security, SSI/SSP, other).

Failure to report these changes may result in an overpayment which may be recovered by a one-time charge or a reduction in current and future Kin-GAP benefits.

14. I/We understand that \_\_\_\_\_ will remain eligible to receive a Kin-GAP benefit from the State of California regardless of where I/we reside.  
(NAME OF CHILD)
15. I/We understand that under the terms of this agreement the child is eligible for medical services under Medi-Cal, California's Medicaid program. It is understood that if we move to another state we will need to apply for Medicaid in that state. I/We are aware that medical coverage and social services may vary in other states.
16. I/We understand that the child will not be eligible to receive a Kin-GAP payment after reaching the age of 18 years **unless** he or she is in school and is expected to graduate by the age of 19 years. This provision is due to expire December 31, 2011.
17. Effective January 1, 2012, a former dependent child or ward of the juvenile court who is eligible for the Kin-GAP program and who attained 16 years of age before the Kin-GAP negotiated agreement payments commenced shall continue to receive aid up to 19 years of age; effective January 1, 2013, up to 20 years of age; and, effective January 1, 2014, up to 21 years of age [the extension of benefits for those between 20 and 21 years of age shall be contingent upon appropriation by the California Legislature], as long as one or more of the following conditions exist:
  - (1) The individual is completing secondary education or a program leading to an equivalent credential.
  - (2) The individual is enrolled in an institution which provides postsecondary or vocational education.
  - (3) The individual is participating in a program or activity designed to promote or remove barriers to employment.
  - (4) The individual is employed for at least 80 hours per month.

(5) The individual is incapable of doing any of the activities described in (1) to (4), inclusive, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the individual.

18. Kin-GAP benefits shall continue to age 21 if the youth has a physical or mental disability that warrants the continuation of assistance.

19. I/We understand that under the terms of this agreement the child is eligible for services which include assistance in the filing of a petition to appoint a co-guardian or a successor guardian for the child to have dependency jurisdiction resumed, or to terminate guardianship.

20. I/We will not be charged or have to pay any fees or costs to establish guardianship.

21. Once the youth attains the age of 16, he or she may request and receive independent living services.

22. The youth, who was in foster care between the ages of 16 - 18 while under the care and custody of the juvenile court, is eligible to apply for a Chaffee Education and Training Voucher.

23. I/We acknowledge that a copy of this written agreement has been received.

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I/We are in agreement with the provisions of this document.

I/We are not in agreement with the provisions of this document and request a state hearing.

LEGAL GUARDIAN	DATE	RESPONSIBLE PUBLIC AGENCY REPRESENTATIVE	DATE
LEGAL GUARDIAN	DATE	RESPONSIBLE PUBLIC AGENCY NAME, ADDRESS TELEPHONE NUMBER	

**TO REQUEST A REASSESSMENT, GET HELP CONCERNING GUARDIANSHIP OR TO REQUEST SERVICES, PLEASE CALL OR WRITE THE PUBLIC AGENCY LISTED ABOVE.**