

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



January 10, 2000

ALL COUNTY LETTER NO. 00-09

TO: ALL COUNTY WELFARE DIRECTORS  
 SUBJECT: KINSHIP GUARDIANSHIP ASSISTANCE  
 PAYMENT (Kin-GAP) PROGRAM

**REASON FOR THIS TRANSMITTAL**

- State Law Changes
- Federal Law of Regulations Change
- Court Order or Settlement Agreement
- Clarification Requested by One or More Counties
- Initiated by CDSS

REFERENCE: ALL COUNTY INFORMATION NOTICES (ACINs) I-27-99 and I-40-99;  
 ALL COUNTY LETTERS (ACLs) 99-92 and 99-97

The purpose of this letter is to provide counties with information about implementation of the Kinship Guardianship Assistance Payment (Kin-GAP) Program, which was established by Senate Bill 1901 (Chapter 1055, Statutes of 1998) and modified by Assembly Bill 1111 (Chapter 147, Statutes of 1999). This letter provides information for use by county welfare administrators and social workers. ACL 99-97, dated November 4, 1999, provided specific information for county eligibility workers who will establish and maintain the Kin-GAP payment. The California Department of Social Services (CDSS) received authority from the Legislature in AB 1111 to implement the Kin-GAP Program through All County Letters until the regulations become effective. The regulations will be effective no later than July 1, 2000.

**Purpose of the Legislation**

The purpose of the Kin-GAP Program is to offer relative caregivers of dependent children a new option for providing a permanent home to these children. The Kin-GAP Program offers a subsidy to children who leave the juvenile court dependency system to live with a relative legal guardian. That subsidy will be 100% of the basic foster care rate. It was the Legislature's intent that this program be utilized to enhance family preservation and stability by recognizing that many children are in long-term, safe and stable placements with relatives, and that these placements are the permanent plans for the children. These children's dependencies can be dismissed with a relative legal guardianship as long as there is no need for continued protection or services. It is also the intent of the program that relative caregivers choose this option voluntarily, which is determined by the required assessment process.

**Eligible Children**

The Kin-GAP Program is available only to those children exiting the juvenile court dependency system on or after January 1, 2000 to live with a relative legal guardian. To be eligible for the program, the child must have lived with the relative at least 12 consecutive months, the relative guardianship must be established pursuant to Welfare and Institutions Code 366.26, and the juvenile court dependency for the child must be dismissed. The children may have been receiving either federal Aid to Families with Dependent Children - Foster Care (AFDC-FC) or California Work Opportunity and Responsibility to Kids (CalWORKs) payments prior to entering the Kin-GAP Program. Eligibility for the program is based upon the fact that the child is a dependent of the juvenile court, not the funding the child receives while under the court's jurisdiction.

Movement to the Kin-GAP Program is not automatic. The court, with a recommendation from the county social worker, has discretion regarding whether termination of dependency is in the child's best interest. The law provides that if exceptional circumstances exist, dependency need not be terminated. For example, the Kin-GAP rate does not include a specialized care increment or clothing allowance. Exiting to Kin-GAP for children with special needs may not be in their best

interest. Children whose dependencies are not terminated are not eligible for Kin-GAP and they will receive either the federal foster care payment or CalWORKs payment they have been receiving as dependent children.

### **Relative Assessment**

In order for a county social worker to recommend that a child exit foster care and receive a Kin-GAP payment, a relative assessment must be done according to the criteria in Welfare and Institutions Code Section 361.3. This requirement helps assure that appropriate assessments are made on behalf of potential Kin-GAP children who are placed with relative caregivers.

As the assessment criteria includes the relative's ability and willingness to provide a permanent home, it is imperative that the relative caregiver be engaged in the assessment process and be fully aware of all of the options available to them regarding kinship adoption, guardianship, and long-term foster care, if applicable.

The Kin-GAP legislation specifies that if the relative of a child is appointed the legal guardian of the child and the child has been in placement with the relative for at least 12 consecutive months, the court shall, except upon a finding of exceptional circumstances, terminate the dependency jurisdiction. Implicit in this determination is whether the relative wants to enter into the Kin-GAP Program. Each family's situation is unique, therefore the decision regarding a child's permanent plan must be mutual between the county and the relative in order to ensure that the alternative chosen will be successful. To close a child's case if the family is not ready will increase the chances that the child will return to the child welfare system. This result will defeat not only the intent of the Kin-GAP program, but also the intent of the child welfare system to facilitate permanency for dependent children.

It should be noted that if a child exits to the Kin-GAP Program, and later the relative guardian petitions the court to terminate the guardianship, the court shall order the county welfare department to evaluate whether the guardianship can be preserved with the provision of services and identify recommended services if appropriate.

### **County Kin-GAP Readiness and Termination of Dependency**

The CDSS is aware that many counties may have already assessed families and identified those where the relative caregiver chooses to have the child exit the juvenile court dependency system and receive Kin-GAP payments when the program is effective January 1, 2000. However, counties are advised to consider their own readiness to process Kin-GAP payments when determining if it is in the child's best interest to immediately terminate dependency. The Department has become aware that some counties may not be ready to issue Kin-GAP payments by the January 1, 2000 effective date. It is imperative that no break in subsidy will occur in the change process to Kin-GAP.

### **Successor Guardians**

The Kin-GAP Program allows that if the relative legal guardianship is terminated, a successor guardian may be appointed and the child may receive Kin-GAP payments while living with the successor relative guardian.

### **Independent Living Program (ILP)**

Children who enter the Kin-GAP Program are eligible to receive ILP services if they were in the juvenile court dependency system on their 16<sup>th</sup> birthdays. The Department is investigating whether Kin-GAP children can receive ILP services if they exit the juvenile court dependency system before they turn 16 years of age. Currently, children are not eligible for ILP if their juvenile

court dependencies are terminated before they turn 16 years old. If it is determined that they may, counties will receive notification and instruction via a subsequent ACL.

## **Indian Children**

Children currently belonging to recognized Indian tribes in California are eligible for the Kin-GAP Program, as guardianships for them are established pursuant to the same statutes that establish guardianships for other dependent children.

## **Child Welfare Services/Case Management System (CWS/CMS)**

The Department is in the process of making a permanent "Kin-GAP" selection available in the "Case Closure Reason Type" portion of the CWS/CMS system. However, this feature will not be available on January 1, 2000. Counties will be notified when the "**permanent feature**" becomes available and will be instructed on how to utilize it. Until that time, the following "**interim procedure**" should be used to close a case specific to Kin-GAP:

Step 1: In the Case Information Notebook of CWS/CMS, go to the "Special Projects" page. Select the Special Projects page tab and then the (+) button in the grid to enter a new Special Project for the focus child. Click the down arrow to display the available list of Special Projects created by your county administrator and state administrators. Select "S-Kin-GAP." Enter the date of case closure into the "start date." Do not enter an "end date," as the system will populate this field when the case is closed pursuant to Step 2. (***The state administrators will add the Kin-GAP Special Projects feature to the CWS/CMS system. Counties are not required to add it themselves.***)

Step 2: Select "End Case Action" menu item. Select the "Case Closure Reason Type" drop-down arrow and select the "guardianship established/child placed" value.

***Note: These steps must be completed in order. Otherwise the case will be closed before the link to Kin-GAP can be made. The result will be a Kin-GAP case that will be identified incorrectly as a guardianship case.***

Again, please be aware that these are temporary instructions that will be changed when the permanent Kin-GAP feature becomes available on the system.

A CWS/CMS System Bulletin is also being posted to alert all users that there is a set of instructions for identifying Kin-GAP children pending a permanent change to the application.

## **California Work Opportunity and Responsibility to Kids (CalWORKs) Requirements**

The Kin-GAP Program is codified in the same portion of statutes as the CalWORKs Program (Welfare and Institutions Code, Division 9, Part 3, Chapter 2), and the base of the Kin-GAP payment consists of Temporary Assistance to Needy Families (TANF) monies. Therefore, there are requirements specific to the CalWORKs Program that will apply to Kin-GAP families. It is important for counties to ensure that the families are aware of them before they make decisions about exiting the juvenile court dependency system and receiving Kin-GAP. The Agency-Relative Guardianship Disclosure (SOC 369) Form is being revised in a way that will help relative caregivers understand the changes in payment and changes in requirements that will take place if they decide to enter the Kin-GAP Program. Four examples of requirements specific to the CalWORKs Program are as follows:

### Immunizations

Kin-GAP children must be current on immunizations.

### School Attendance

The Kin-GAP payment will be terminated if a child who is 16 years of age or older fails to meet school attendance requirements.

### Monthly Reporting

Under the CalWORKs program, participants are required to fill out a Monthly Eligibility Report (CW7 form) monthly, which indicates whether there is a change in eligibility or income. The Department is currently developing a separate monthly reporting form specific to the Kin-GAP Program, which will be called the KG7 form. Relative caregivers in the Kin-GAP Program will have to complete the KG7 form for the Kin-GAP child only when there is a change in income and/or eligibility. They are not required to complete the form monthly. However, it is the responsibility of the counties to ensure that the forms are provided to the relative caregivers monthly in the event that they have information to report. Please note that if the relative caregiver is receiving CalWORKs cash aid for him/herself, he/she (as a CalWORKs recipient), is required to submit monthly reports.

### CalLearn Program

Children receiving Kin-GAP will be required to participate in the CalLearn Program if they become pregnant or have children of their own.

## **Annual Redetermination**

Redetermination of eligibility for all Kin-GAP children must be made annually. Relative caretakers of Kin-GAP children are exempt from a face-to-face interview currently required for the CalWORKs program. However, this exemption does not apply to any other required interview for aid for the relative or other children living in the relative's home.

## **Aid Payment Month**

CalWORKs payments are paid in the current month, while foster care payments are paid in the month subsequent to the current month. Therefore, the first month a child enters the Kin-GAP Program from the Foster Care Program, he/she could receive the first Kin-GAP (CalWORKs) payment and the last foster care payment at the same time. The foster care payment would not reduce the Kin-GAP payment since it is intended for the previous month.

## **Kin-GAP Forms**

All program forms specific to the Kin-GAP Program are being finalized and will be sent to counties under an upcoming ACIN .

## **Statistical Reporting**

The Form CA 253 CalWORKs, the California Work Opportunity and Responsibility to Kids (CalWORKs) Report on Reasons for Discontinuance of Cash Grant, has been revised to include the juvenile court dependent children receiving CalWORKs payments who move into the Kin-GAP Program. The CA 237 FC, the Aid to Families with Dependent Children (AFDC) Foster Care (FC) - Caseload Movement and Expenditures Report, is in the process of being revised to include caseload movement and expenditures for juvenile court dependent children receiving federal AFDC-FC payments who move into the Kin-GAP Program. Until the revised CA 237 becomes

available, counties are advised to develop their own methods of tracking this information back to the January 1, 2000 effective date for the program. The CDSS will require that this retroactive information be reported and will issue instructions for submitting it when the revised CA 237 form is released.

### **Questions About the Program**

Program questions pertaining to the Kin-GAP Program should be directed to the Foster Care Policy Bureau at (916) 445-0813. Eligibility questions should be directed to your county's Foster Care Funding Consultant at (916) 324-5809. Claiming questions should be directed to your Fiscal Policy Bureau analyst at (916) 657-3440.

Sincerely,

*Original Signed by:*

WESLEY A. BEERS, Acting Deputy Director  
Children and Family Services Division

c: CWDA