

Amend Section 31-002 to read:

**31-002 DEFINITIONS**

**31-002**

(a) (1) (Continued)

(g) (1) (Continued)

(3) "Guardian" means a person appointed by the superior court pursuant to the provisions of Probate Code §section 1514, or appointed by the juvenile court pursuant to the provisions of Welfare and Institutions Code §sections 360, 366.26, or 728(d).

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(A) See Section 31-002(k)(3) for a definition of "kinship guardian."

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(k) (1) (Continued)

(3) "Kinship guardian," as defined by Welfare and Institutions Code sections 11362(b) and 11391(b), means a person who meets both of the following requirements:

(A) The person has been appointed the legal guardian of a dependent child of the juvenile court pursuant to Welfare and Institutions Code sections 366.26 or 360, or the legal guardian of a ward of the juvenile court pursuant to Welfare and Institutions Code section 728(d); and

(B) The person is a relative of the child.

(4) "Kinship Guardianship Assistance Payment (Kin-GAP)," as defined by Welfare and Institutions Code sections 11362(a) and 11391(a), means the financial assistance provided on behalf of a child or nonminor former dependent eligible to receive assistance under the federal or nonfederal Kin-GAP program.

(l) (1) (Continued)

(n) (3) "Nonminor former dependent" means, on and after January 1, 2012, either of the following pursuant to Welfare and Institutions Code section 11400(aa):

(A) A person who reached 18 years of age while subject to an order for foster care placement, and for whom dependency, delinquency, or transition jurisdiction has been terminated, and who is still under the general jurisdiction of the court; or

(B) A person who is at least 18 years of age, up to and including the day prior to his or her 21<sup>st</sup> birthday, who was a dependent child or ward of the juvenile court when the guardianship was established pursuant to Welfare and Institutions Code sections 360, 366.26 or 728(d) and the juvenile court dependency or wardship was dismissed following the establishment of the guardianship.

(n) (34) (Continued)

(r) (5) "Relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including ~~step-parents~~ stepparents, ~~step-siblings~~ stepsiblings, and all relatives whose status is preceded by the words "step<sub>1</sub>"; "great<sub>1</sub>"; "great-great<sub>1</sub>"; or "grand<sub>1</sub>"; or the spouse of any of these persons, even if the marriage was terminated by death or dissolution. For the purposes of preferential consideration for placement of a child, "relative" means an adult who is a grandparent, aunt, uncle, or sibling of the child.

(A) For the purposes of federal Kin-GAP only, "relative" also means any of the adults specified in Welfare and Institutions Code sections 11391(c) and (c)(2) through (c)(4).

### **HANDBOOK BEGINS HERE**

(B) Welfare and Institutions Code sections 11391(c) and (c)(2) through (c)(4) provide:

"(c) "Relative," . . . means any of the following [for the purposes of federal Kin-GAP only]:

. . . (2) An adult who meets the definition of an approved, nonrelated extended family member, as described in Section 362.7.

(3) An adult who is either a member of the Indian child's tribe, or an Indian custodian, as defined in Section 1903(6) of Title 25 of the United States Code.

(4) An adult who is the current foster parent of a child under the juvenile court's jurisdiction, who has established a significant and family-like relationship with the child, and the child and the county child welfare agency, probation department, Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement pursuant to Section 10553.1 identify this adult as the child's permanent connection."

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(r) (6) (Continued)

- (v) (2) "Voluntary placement" means a placement described by Welfare and Institutions Code §section 11400(ño).

**HANDBOOK BEGINS HERE**

- (A) Welfare and Institutions Code section 11400(o) provides:

"Voluntary placement' means an out-of-home placement of a child by (1) the county welfare department, probation department, or Indian tribe that has entered into an agreement pursuant to Section 10553.1, after the parents or guardians have requested the assistance of the county welfare department and have signed a voluntary placement agreement; or (2) the county welfare department licensed public or private adoption agency, or the department acting as an adoption agency, after the parents have requested the assistance of either the county welfare department, the licensed public or private adoption agency, or the department acting as an adoption agency for the purpose of adoption planning, and have signed a voluntary placement agreement."

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- (3) "Voluntary placement agreement" means the agreement described by Welfare and Institutions Code §section 11400(öp).

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- (A) Welfare and Institutions Code section 11400(p) provides:

"Voluntary placement agreement' means a written agreement between either the county welfare department, probation department, or Indian tribe that has entered into an agreement pursuant to Section 10553.1, licensed public or private adoption agency, or the department acting as an adoption agency, and the parents or guardians of a child that specifies, at a minimum, the following:

- (1) The legal status of the child.
- (2) The rights and obligations of the parents or guardians, the child, and the agency in which the child is placed."

**HANDBOOK ENDS HERE**

- (w) (Continued)

Authority cited: Sections 10553, 10554, and 10850.4, Welfare and Institutions Code and Assembly Bill 1695, Section 21.

Reference: Sections 300, 300(c), 300(e), 306(b), 309(d) 319, 319(f), 727, 11402, and 16507.5(b) (as amended by AB 1695, Chapter 653, Statutes of 2001), 360, 361, 361.2, 361.2(h), 361.3, 361.3(a)(8), 362.7, 366.22, 366.26, 366.3(e)(4) and (e)(8), 391, 636.1(c), 706.6(o), 727, 727.2, 728(d), 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 10553, 10554, 10850.4, 11100, 11105, 11155.5, 11362(a) and (b), 11391(a) through (d), 11400(aa), 11400(a), 11400(o) and (p), 11400(v), 11402, 11404, 11467.1, 16001.5, 16001.9, 16010, and 16501, 16501(a)(3), 16501.1(f)(7), 16503, 16504, 16506, 16506(c), 16507.5(b), 16516.5, 16520, 16521, 17736, and 18951(d), Welfare and Institutions Code; Section 11165 et seq., Penal Code; Section 265, Civil Code; 42 U.S.C. Section 675; Sections 1502, 1502(a)(8), 1522, 1522.06, and 1530.8, Health and Safety Code; 42 U.S.C. Sections 673(d), and 675(5) and (8)(B); Sections 7002, 7901, 7911, 7911.1, and 7912, Family Code; Public Law 105-89 (Adoption and Safe Families Act of 1977); and Rule 5.552 of the California Rules of Court.

Amend Section 31-003 to read:

**31-003 DEFINITIONS – FORMS**

**31-003**

(a) (Continued)

(k) (1) KG 1 (12/11) Kin-GAP Mutual Agreement for 18 Year Olds, hereby incorporated by reference, is used for the purpose of obtaining an 18-year-old person's agreement to remain in the Kin-GAP Program after his or her 18<sup>th</sup> birthday, in accordance with the age requirements of Manual of Policies and Procedures section 45-602.313.

(2) KG 3 (12/11) Kin-GAP Mutual Agreement for Nonminor Former Dependents, hereby incorporated by reference, is used to obtain the nonminor former dependent's agreement to remain in the Kin-GAP Program after his or her 18<sup>th</sup> birthday, in accordance with the age requirements of Manual of Policy and Procedures section 45-602.313.

(l) (Continued)

(s) (1) SOC 369 (12/10) Agency-Relative Guardianship Disclosure, hereby incorporated by reference, is used for the purpose of informing a prospective kinship guardian of the funding and program options available when choosing to take legal guardianship of a related foster child. This form, which is used in conjunction with the SOC 369A, constitutes the written agreement that memorializes the terms, conditions, rights, responsibilities and agreements reached between the county child welfare agency, the probation department, or the Title IV-E agreement tribe and the relative prior to the establishment of a kinship guardianship. The SOC 369A amends and supplements the SOC 369.

(2) SOC 369A (7/15) Kinship Guardianship Assistance Payment (Kin-GAP) Program Agreement Amendment, hereby incorporated by reference, is used for the purpose of amending and supplementing the SOC 369 to memorialize the terms, conditions, rights, responsibilities and agreements reached between the county child welfare agency, the probation department, or the Title IV-E agreement tribe and the kinship guardian. In conjunction with the SOC 369, this form implements the state and federal requirement that there be a written, binding agreement with the kinship guardian stipulating, among other things, the Kin-GAP rate of payment and the manner in which the payment can be renegotiated based upon the needs of the child and the circumstances of the kinship guardian. Thus, the SOC 369A form is used both to establish the Kin-GAP rate of payment at the initiation of the case and, as necessary, to amend the initial agreement after the Kin-GAP case has been established.

(31) (Continued)

(~~42~~) (Continued)

(~~53~~) (Continued)

(~~64~~) (Continued)

(w) (Continued)

Authority cited: Sections 10553, 10554, and 10850.4, Welfare and Institutions Code.

Reference: *Gomez v. Saenz* Settlement Agreement and Court Order, Case No: BC284896; Section 11169, Penal Code and Sections 827, ~~and~~ 10850.4, 11363(d), 11364(a) and (b), 11386(h), 11387(a) and (b), 11400(u), 11403(b), 11403.01, Welfare and Institutions Code; and 42 U.S.C. Section 5106.

Amend Section 31-075 to read:

**31-075 CASE RECORDS**

**31-075**

- .1 (Continued)
- .2 Case records shall be retained at a minimum of three years in accordance with Manual of Policies and Procedures §section 23-353.

**HANDBOOK BEGINS HERE**

.21 Manual of Policies and Procedures section 23-353 provides in pertinent part:

"The general statute in California (Welfare and Institutions Code section 10851) requires that public social services records (aid and services) be maintained for three years from the last date of aid or services...Federal law (45 CFR 74.20) requires that case records which provide the basis for fiscal claims are to be retained for three years, starting on the day the state submits the last expenditure report to HHS for the period . . . .

Under these requirements, counties shall insure that records needed to prove eligibility may not be destroyed unless three years have passed from the date the last state expenditure report was made to HHS for the period in which such records were last used to document eligibility."

**HANDBOOK ENDS HERE**

.22 The case record of a child eligible to receive Kin-GAP payments, including the child's Kin-GAP eligibility case file records as specified in Manual of Policies and Procedures sections 45-604 and 45-605, shall be retained for a minimum of three years from the last date of Kin-GAP aid in accordance with the Manual of Policies and Procedures section 23-353.

**HANDBOOK BEGINS HERE**

.243 (Continued)

**HANDBOOK ENDS HERE**

.3 (Continued)

(h) (Continued)

(3) For a child for whom the permanency plan is a kinship guardianship, documentation of the assessment information specified in Sections 31-205(h) through 31-205(h)(4).

(i) (Continued)

(v) For a child for whom the permanency plan is a kinship guardianship, documentation of the appointment of a kinship guardianship for the child, which shall include the court order establishing the kinship guardianship, or the letters of guardianship; and the court order terminating dependency or wardship.

(~~v~~w) (Continued)

Authority cited: Sections 10553, 10554, 16002, and 16501, Welfare and Institutions Code and Assembly Bill 1695, Section 21.

Reference: Sections 319, 361.3, 361.5, and 366.21 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 366.26(c), 10851, 11363(a)(3) and (a)(4), 11386(d) and (e), 16002, 16501, and Sections 309(d), 319, 361.2, 727, 11402, and 16507.5(b), (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), Welfare and Institutions Code; 45 C.F.R. 74.20; 45 C.F.R. 1356.21(d); and Section 11170(b), Penal Code.



Amend Section 31-201 to read:

**31-201 ASSESSMENT AND CASE PLANNING PROCESS**

**31-201**

.1 (Continued)

.12 (Continued)

.121 (Continued)

(c) (Continued)

(3) (Continued)

(B) (Continued)

**HANDBOOK BEGINS HERE**

1. Welfare and Institutions Code ~~§~~section 361.3 specifies that all relative caregivers must be assessed by a specific set of criteria that includes the safety of the home, the character of the relative, and the ability to provide permanency for the child, among other elements. Welfare and Institutions Code section 309(d) also specifies that all relative caregivers must be assessed for suitability, including obtaining criminal background and child abuse index checks. Welfare and Institutions Code section 361.4 describes criminal background and child abuse index checks in more detail. All of the information required for an This assessment provides the foundation for determining whether or not guardianship with the relative is appropriate and in the child's best interest.
  
2. ~~To provide assistance in meeting the assessment criteria in Welfare and Institutions Code Section 361.3, CDSS issued guidelines to counties on March 1, 1999 pursuant to Welfare and Institutions Code Section 16501.1(i). Those guidelines were distributed to the counties via All County Information Notice I 18 99.~~

2. For more information about the relative approval process, please see the Children and Family Services Division web page on the CDSS website at [www.dss.cahwnet.gov](http://www.dss.cahwnet.gov). There are links to kinship care topics, including access to relevant All-County Letters and Information Notices.

### **HANDBOOK ENDS HERE**

Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code.

Reference: Sections 358.1(e) and 361 (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 361.5, 366.23, 16501, 16501.1 (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 16501.1(f), 16506, 16507, and 16508, Welfare and Institutions Code; Sections 8714.5 and 8714.7 (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), Family Code.

Amend Section 31-205 to read:

**31-205 ASSESSMENT DOCUMENTATION**

**31-205**

.1 (Continued)

(h) If family reunification services are not recommended, and the permanency plan for the child is a kinship guardianship, the following:

(1) Being returned home or adopted are not appropriate permanency options for the child.

(2) The child demonstrates a strong attachment to the prospective kinship guardian.

(3) The kinship guardian has a strong commitment to caring permanently for the child.

(4) A child over 12 years of age has been consulted about the proposed kinship guardianship arrangements.

(A) If the child's age or physical, emotional or other condition prevents the child from giving a meaningful response, a description of the child's condition.

(~~h~~i) (Continued)

(~~i~~j) (Continued)

(~~j~~k) (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 361, 361.5, 361.5(g), 366.21(c), (i) and (f), 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 11467.1, 16501, 16501(e), 16501.1(e)(9), and 16507, Welfare and Institutions Code; 42 U.S.C. Sections 673(d), 675(1) and 677, and Sections 1502 and 1502(a)(8), Health and Safety Code.

Amend Section 31-206 to read:

**31-206 CASE PLAN DOCUMENTATION**  
(Continued)

**31-206**

.3 (Continued)

**HANDBOOK BEGINS HERE**

~~.317~~ (Continued)

**HANDBOOK ENDS HERE**

.31 (Continued)

.317 For a child for whom the permanency plan is a kinship guardianship, the case plan shall include the following:

- (a) A description of the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted.
- (b) The reason(s) for any separation of siblings during placement, as also required by Section 31-206.311.
- (c) The reason(s) why a permanent placement with the prospective kinship guardian through a kinship guardianship assistance arrangement is in the child's best interests, as contained in the assessment documentation required in Section 31-205(h).
- (d) The ways in which the child meets the eligibility requirements for Kin-GAP, as specified in Manual of Policies and Procedures section 45-600 et seq.
- (e) The efforts the agency has made to discuss adoption by the child's relative caregiver as a more permanent alternative to legal guardianship; and, in the case of a relative caregiver who has chosen not to pursue adoption, the reason(s) for that decision.
- (f) The efforts the agency has made to discuss the kinship guardianship assistance arrangement with the child's parent(s), or the reason(s) why such efforts were not made. (Continued)

Authority cited: Sections 10553, 10554, and 16501.1, Welfare and Institutions Code; and Section 17552, Family Code; and Public Law 109-288.

Reference: Sections 358.1(e), 361, 361(b), 361.5, 361.5(g), 358.1(d), 366.1(f), 366.21(c), (f) and (i), 366.22(c), 366.25(b), 706.5, 706.6, 727.3, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 16002, 16501, 16501.1(e) and (f), and 16507, Welfare and Institutions Code; 42 U.S.C. Sections 671(a)(31), 675(1) and 677; Sections 7901, 7911, 7911.1, 7912, and 17552, Family Code; and Sections 1502 and 1502(a)(8), Health and Safety Code; ~~and~~ Public Law 109-288.

Amend Section 31-225 to read:

**31-225            CASE PLAN UPDATE DOCUMENTATION**

**31-225**

.1    (Continued)

.17 For a child for whom the permanency plan is a kinship guardianship, all of the information required in Sections 31-206.317(a) through (f).

.2    (Continued)

Authority cited:    Sections 10553 and 10554, Welfare and Institutions Code.

Reference:            Sections 361 and 361.5 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997) and 16501.1(d), Welfare and Institutions Code; and 42 U.S.C. Section 675(1).

Amend Section 31-425 to read:

**31-425 PERMANENT PLACEMENT**

**31-425**

.1 (Continued)

.4 When it is anticipated that the permanent placement for a child will be a kinship guardianship, the relative caregiver shall be provided with the following information:

.41 Written information on the availability of the Kin-GAP program, including an explanation of the difference between Kin-GAP and Adoption Assistance Program benefits, and between Kin-GAP and AFDC-FC benefits, as specified in Welfare and Institutions Code sections 11364(e) and 11387(e).

**HANDBOOK BEGINS HERE**

.412 Providing the relative caregiver with a copy of both the SOC 369 form and the SOC 369A form, as required in Section 31-425.42, will help counties meet the requirement in Section 31-425.41. Two other resources available to help counties meet the requirement in Section 31-425.41 are: 1) PUB 344, *Giving a Child a Permanent Home—Choices for Relatives*, available in both English ([www.cdss.ca.gov/cdssweb/entres/forms/English/pub344.pdf](http://www.cdss.ca.gov/cdssweb/entres/forms/English/pub344.pdf)) and Spanish ([www.cdss.ca.gov/cdssweb/entres/forms/Spanish/PUB344SP.pdf](http://www.cdss.ca.gov/cdssweb/entres/forms/Spanish/PUB344SP.pdf)); and 2) *A Guide to Permanency Options for Youth* (<http://calswec.berkeley.edu/training-resource-permanency-planning-options>).

**HANDBOOK ENDS HERE**

.42 Prior to the establishment of a kinship guardianship and the termination of the child's dependency or wardship, a copy of and an explanation of both the SOC 369 form and the SOC 369A form.

.43 Information on the availability of mental health services through Medi-Cal or other programs, as specified in Welfare and Institutions Code sections 11364(e) and 11387(e).

.44 Information on access to medically necessary specialty mental health services pursuant to Welfare and Institutions Code section 11376.

**HANDBOOK BEGINS HERE**

.441 Welfare and Institutions Code section 11376 provides:

"A foster child who has become the subject of a legal guardianship, who is receiving assistance under the Kin-GAP Program under this article or under Article 4.7 (commencing with Section 11385), including Medi-Cal, and whose foster care court supervision has been terminated, shall be provided medically necessary specialty mental health services by the local mental health plan in the county of residence of his or her legal guardian, pursuant to all of the following:

- (a) The host county mental health plan shall be responsible for submitting the treatment authorization request (TAR) to the mental health plan in the county of origin.
- (b) The requesting public or private service provider shall prepare the TAR.
- (c) The county of origin shall retain responsibility for authorization and reauthorization of services utilizing an expedited TAR process."

**HANDBOOK ENDS HERE**

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 360, 361.2 and 361.3 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 361.5(g)(2), 366.21(i)(2), 366.22(c)(2), 366.25(b)(2), 366.27 (as amended by AB 2129, Chapter 1089, Statutes of 1993), 11364(a) and (e), 11376, 11387(a) and (e), 16501 and 16501.1, Welfare and Institutions Code; and Section 275, Civil Code.



Amend Section 31-503 to read:

**31-503 CHILD SUPPORT REFERRAL REQUIREMENTS**

**31-503**

.1 For a child receiving AFDC-FC in accordance with Welfare and Institutions Code ~~§~~section 11401~~0~~, the social worker shall determine whether it is in the child's best interest to make a referral to the local child support agency.

.11 In making this determination, the social worker shall evaluate each case on an individual basis, considering the best interests of the child and the circumstances of the family, which may include, but are not necessarily be limited to, ~~the parent(s)~~ employment status of the parent(s), housing status, ~~the~~ impact on other children who may be at risk of removal, availability of community-based services, efforts to reunify, whether parental rights have been terminated, and connection with CalWORKs or other public assistance programs. (Continued)

.112 (Continued)

(c) The parent's ability to meet the needs of other children in the household who may be at risk ~~of~~ of removal.

.113 If the child's case plan goal is legal guardianship with a relative and receipt of Kin-GAP is anticipated, the social worker shall consider, prior to termination of dependency or wardship, whether the payment of support by the parent will pose a barrier to a successful outcome of the permanent plan in that the payment of support will compromise:

(a) The stability of the current placement with the proposed related guardian.

(b) The parent's ability to meet the needs of other children in the household who may be at risk of removal, if known.

.2 (Continued)

.21 Under the circumstances described in MPP sections 31-503.111 and 31-503.112, ~~the~~ the social worker shall review this decision following each court hearing held under Welfare and Institutions Code ~~§~~section 361.5.

.211 (Continued)

.22 Under the circumstances described in MPP section 31-503.113, the social worker or other appropriate representative of the county child welfare department or the county probation department shall review this decision no less frequently than at each two-year reassessment of the Kin-GAP negotiated agreement pursuant to Welfare and Institutions Code sections 11364(b)(1) and 11387(b)(1).

.221 If Kin-GAP benefits are terminated, and the social worker or other appropriate county worker also determines that it is no longer contrary to the child's best interest, the appropriate county worker shall refer the child's case to the local child support agency.

.222 If at any time the social worker or other appropriate county worker determines that it is no longer contrary to the child's best interest, the appropriate county worker shall refer the child's case to the local child support agency.

.3 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 17552, Family Code.

Reference: Section 17552, Family Code.

Adopt Section 45-102 to read:

**45-102 DEFINITIONS – FORMS**

**45-102**

(a)-(e) (Reserved)

- (f) (1) FC 2 The "Statement of Facts Supporting Eligibility for AFDC-Foster Care" (Rev. 11/04), hereby incorporated by reference, is used to collect information necessary to determine foster care eligibility at the time of application and redetermination.
- (2) FC 3 The "Determination of Federal AFDC-FC Eligibility" (Rev.11/04), hereby incorporated by reference, is used to collect information necessary to determine eligibility for federal AFDC-FC.
- (3) FC 3A The "AFDC-FG/U Worksheet" (Rev.11/04), hereby incorporated by reference, is used to collect information necessary to determine if the child would have received federal AFDC FG/U (as it existed July 16, 1996) in the month of the petition. This form is a supplement to the FC 3.
- (4) FC 18 The "Notification of AFDC-Foster Care Transfer" (Rev. 11/04), hereby incorporated by reference, collects and transmits the information necessary to transfer a foster care case between counties.

Authority cited: Sections 11102 and 11401, Welfare and Institutions Code.

Reference: Sections 391, 392, 452, 607.2, 11403, and 11405, Welfare and Institutions Code.

Adopt Section 45-600 to read:

**45-600 Kin-Gap Program Purpose**

**45-600**

The purpose of the Kinship-Guardianship Assistance Payment (Kin-GAP) Program is to enhance family preservation and stability in the permanency planning of a foster child by providing financial assistance to an approved relative caregiver who becomes the kinship guardian of a foster child placed in his or her home.

Authority cited: Sections 11361 and 11378, Welfare and Institutions Code.

Reference: Sections 360 361.5, 366.21 and 11403.01, Welfare and Institutions Code.

Adopt Section 45-601 to read:

**45-601 DEFINITIONS**

**45-601**

.1 The definitions in Sections 11-400, 31-002, and 45-101 apply to the Kin-GAP Program. The following definitions apply to the Kin-GAP Program only and supersede those in Sections 11-400, 31-002, and 45-101 where dual or conflicting definitions exist.

(a) (1) Approved Home of a Relative for purposes of Kin-GAP means the home of a relative, who has been identified as the expected kinship guardian, which has been determined as one of the following:

(A) Approved foster family home as specified in Section 31-002(a)(9).

(B) Licensed home as defined in Title 22 California Code of Regulations, Section 89201 or certified family home as defined in Title 22 California Code of Regulations, Section 88001.

(C) Resource family home as specified in Welfare and Institutions Code section 16519.5.

(2) Applicant means a child or nonminor former dependent on whose behalf a request for Kin-GAP benefits is made.

(b) Reserved.

(c) (1) Case Plan means a written document which is developed based upon an assessment of the circumstances that required child welfare services intervention and in which the social worker identifies a case plan goal, the objectives to be achieved, the specific services to be provided, and case management activities to be performed.

(2) County of Payment Responsibility means the county that had placement and care responsibility of the child prior to the establishment of the kinship guardianship pursuant to Welfare and Institutions Code sections 360, 366.26 or 728 and the dismissal of the juvenile court jurisdiction.

(d) Reserved.

(e) Reserved.

(f) Federal Kin-GAP Program means aid made with federal financial participation provided on behalf of children in kinship care who were previously eligible to receive Title IV-E federal foster care benefits and who meet all general requirements specified in Section 45-602 and all federal requirements specified in Section 45-604.

(g) Reserved.

- (h) Reserved.
- (i) Reserved.
- (j) Reserved
- (k) (1) Kinship Guardian, as defined by Welfare and Institutions Code sections 11362(b) and 11391(b), means a person who meets both of the following requirements:
  - (A) The person has been appointed the legal guardian of a dependent child of the juvenile court pursuant to Welfare and Institutions Code sections 366.26 or 360, or the legal guardian of a ward of the juvenile court pursuant to Welfare and Institutions Code section 728(d); and
  - (B) The person is a relative of the child.
- (2) Kinship Guardianship Assistance Payments (Kin-GAP), as defined by Welfare and Institutions Code sections 11362(a) and 11391(a), means the financial assistance provided on behalf of a child or nonminor former dependent eligible to receive assistance under the federal or state Kin-GAP Programs.
- (l) Reserved.
- (m) Reserved.
- (n) Nonminor Former Dependent means, on and after January 1, 2012, a person who is at least 18 years of age, up to and including the day prior to his or her 21<sup>st</sup> birthday, who was a dependent child or ward of the juvenile court when the guardianship was established pursuant to Welfare and Institutions Code sections 360, 366.26 or 728(d) and the juvenile court dependency or wardship was dismissed following the establishment of the guardianship.
- (o) Reserved.
- (p) Reserved.
- (q) Reserved
- (r) (1) Recipient means a child or nonminor former dependent who meets all conditions of eligibility and for whom the county has entered into an agreement to approve Kin-GAP payments.
- (2) Relative, for the purposes of federal Kin-GAP \_only means an adult who

meets one of the following :

- (A) 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.
- (B) An adult who meets the definition of an approved, nonrelated extended family member, as defined in Welfare and Institutions Code section 362.7.
- (C) An adult who is either a member of the Indian child's tribe or an Indian custodian.
- (D) An adult who is the current foster parent of a child under the juvenile court's jurisdiction, who has established a significant and family-like relationship with the child, and the child and the county child welfare agency, probation department, Indian tribe, consortium of tribes or tribal organization that has entered into an agreement pursuant to Welfare and Institutions Code section 10553.1 identify this adult as the child's permanent connection.
- (3) Relative, for the purposes of state Kin-GAP and as defined by Welfare and Institutions Code section 11362, 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.
- (s) (1) Sibling, as defined by Welfare and Institutions Code section 11391(d), means a child related to the identified eligible child by blood, adoption or affinity through a common legal or biological parent.
- (2) State Kin-GAP Program means aid provided on behalf of children in a kinship guardianship who are not eligible for the federal Kin-GAP program and who meet all general requirements specified in Section 45-602 and all state requirements specified in Section 45-605.
- (t) Reserved.
- (u) Reserved.
- (v) Reserved.
- (w) Reserved.

(x) Reserved.

(y) Reserved.

(z) Reserved.

.2 Definitions-Forms

(a) Reserved.

(b) Reserved.

(c) Reserved.

(d) Reserved.

(e) Reserved.

(f) Reserved.

(g) Reserved.

(h) Reserved.

(i) Reserved.

(j) Reserved.

(k) (1) KG 1 (12/11) "Kin-GAP Mutual Agreement for 18 Year Olds," hereby incorporated by reference, is used for the purpose of obtaining an 18-year-old person's agreement to remain in the Kin-GAP Program after his or her 18th birthday, in accordance with the age requirements of Section 45-602.313.

(2) KG 2 (1/11) "Statement of Facts Supporting Eligibility for Kinship-Guardianship Assistance Payment (Kin-GAP) Program," hereby incorporated by reference, is used to collect information necessary to determine Kin-GAP eligibility at the time of application and reassessment.

(3) KG 3 (12/11) "Kin-GAP Mutual Agreement for Nonminor Former Dependents," hereby incorporated by reference, is used to obtain the nonminor former dependent's agreement to remain in the Kin-GAP Program after his or her 18th birthday, in accordance with the age requirements of Section 45-602.313.

(l) Reserved.



(m) Reserved.

(n) Reserved.

(o) Reserved.

(p) Reserved.

(q) Reserved.

(r) Reserved.

(s) (1) SOC 369 (12/10) "Agency-Relative Guardianship Disclosure," hereby incorporated by reference, is used for the purpose of informing a prospective kinship guardian of the funding and program options available when choosing to take legal guardianship of a related foster child. This form, which is used in conjunction with the SOC 369A, constitutes the written agreement that memorializes the terms, conditions, rights, responsibilities, and agreements reached between the county child welfare agency, the probation department, or the Title IV-E agreement tribe and the relative prior to the establishment of a kinship guardianship. The SOC 369A amends and supplements the SOC 369.

(2) SOC 369A (7/15) "Kinship-Guardianship Assistance Payment (Kin-GAP) Program Agreement Amendment," hereby incorporated by reference, is used for the purpose of amending and supplementing the SOC 369 to memorialize the terms, conditions, rights, responsibilities, and agreements reached between the county child welfare agency, the probation department, or the Title IV-E agreement tribe and a person who is already a kinship guardian. This form implements the state and federal requirement that there be a written, binding agreement with the kinship guardian stipulating, among other things, the Kin-GAP rate of payment and the manner in which the payment can be renegotiated based upon the needs of the child and the circumstances of the kinship guardian. Thus, the SOC 369A form is used both to establish the Kin-GAP rate of payment at the initiation of the case and, as necessary, to amend the initial agreement after the Kin-GAP case has been established.

(t) Reserved.

(u) Reserved.

(v) Reserved.

(w) Reserved.

(x) Reserved.

(y) Reserved

(z) Reserved

Authority cited: Sections 10553, 10554, 10604, 11369, 11393 and 11400, Welfare and Institutions Code.

Reference: Sections 1502(a)(1), 1505, and 1516, Health and Safety Code; Sections 309, 360, 361.3, 366, 366.21, 366.26, 366.3, 727.1, 728, 11054, 11360, 11363(d), 11364(a), 11385, 11386(h), 11387(a), 11391(c), 11400(b), 11400(m), 11400(r), 11400(u), 11401(b), 11401(e), 11402 (b)(1), 11403.01. and 11466.24, Welfare and Institutions Code; 45 CFR 1356.21(d); Public Law 95-608; 25 U.S.C. 1915; and 42 U.S.C. 606.

Adopt Section 45-602 to read:

**45-602 GENERAL KIN-GAP ELIGIBILITY REQUIREMENTS**

**45-602**

.1 Placement Requirement

.11 The child must be placed, via court order or voluntary placement, in the approved home of the relative who is the expected kinship guardian, for at least six consecutive months immediately prior to the dismissal of dependency or wardship.

.2 Eligible Facility

.21 The approved home of a relative need not be reassessed after a child transfers to the state or federal Kin-GAP Program.

.3 Age Requirement

.31 A child or nonminor former dependent must meet one of the following age requirements:

.311 He or she is under 18 years of age.

.312 He or she is under 21 years of age and meets one of the requirements in 45-602.313.

.313 Eligibility after age 18 must be based on one of the following:

(a) If the negotiated payments began prior to the child's 16<sup>th</sup> birthday, a recipient may continue to be eligible for Kin-GAP up to age 19, provided the high school completion conditions pursuant to Welfare and Institutions Code section 11403.01 are met.

(b) If the negotiated payments began after the child's 16<sup>th</sup> birthday, a recipient may continue to be eligible for Kin-GAP up to age 21, provided the extended Kin-GAP provisions of Section 45-606 are met.

(c) Kin-GAP may continue to be provided up to 21 years of age if the recipient has a physical or mental disability that warrants the continuation of assistance.

.4 A child must meet one of the following jurisdictional statuses:

.41 A kinship guardianship was established by the juvenile court while the child was a 300 dependent, and dependency jurisdiction terminated pursuant to Welfare and Institutions Code section 366.3 concurrently or subsequently to the establishment of

the kinship guardianship; or

.42 A kinship guardianship was established by the juvenile court while the child was a 600 ward in foster care, and wardship was terminated pursuant to Welfare and Institutions Code section 728 concurrently or subsequently to the establishment of the kinship guardianship.

.5 A child may not exceed the property limits in Section 42-201 et seq.

.51 For the purposes of determining property eligibility, a child in the Kin-GAP Program is treated in all aspects as a recipient, not as an applicant.

.52 For the purposes of determining property eligibility, an amount not to exceed \$10,000 in cash savings, including interest, in addition to any other property accumulated pursuant to Welfare and Institutions Code section 11257 or 11257.5.

### **HANDBOOK BEGINS HERE**

See Sections 31-002(i)(1), 31-002(i)(1)(A) and 31-525 for the definition and description of the Independent Living Program (ILP).

The above-referenced Section 42-201 refers to the 1996 AFDC regulations.

### **HANDBOOK ENDS HERE**

.6 A child must meet the citizenship and alienage requirements in Sections 42-430 through 42-435.

.7 Case records shall be maintained pursuant to the requirements of Section 48-000 and Section 31-075.

.71 These records shall be kept for a minimum of three years after the Kin-GAP case is closed.

.8 Reassessment of Kin-GAP Eligibility

.81 A reassessment of a child's or nonminor former dependent's circumstances, which are subject to change, shall be completed no less frequently than every two years.

.82 At the time of the reassessment, the Kinship Guardian shall complete the "Statement of Facts Supporting Eligibility for Kinship-Guardian Assistance Payment (Kin-GAP) Program" (KG 2).

.83 Examples of a child's circumstances that are subject to change include, but are not limited to:

- (a) Termination of the kinship guardianship.
  - (b) Failure of the relative to complete a reassessment request.
  - (c) Failure of the guardian to continue to support the child or the nonminor former dependent.
  - (d) Failure of the youth to continue to meet one of the education and employment participation conditions.
- .84 The county shall make efforts to ensure that the relative legal guardian with whom the child resides is aware of the necessity to report any change in need or income for the child.

**HANDBOOK BEGINS HERE**

The above-referenced Sections 42-430 through 42-435 refer to the 1996 AFDC regulations.

**HANDBOOK ENDS HERE**

Authority cited:            Sections 10553, 10554, 11369 and 11393, Welfare and Institutions Code.

Reference:                Sections 360, 366.26, 728, 11363, 11375, 11386, 11390 (d), Welfare and Institutions Code.

Adopt Section 45-604 to read:

**45-604 FEDERAL KIN-GAP PROGRAM**

**45-604**

- .1 To be eligible for federal Kin-GAP, a child or nonminor former dependent shall meet all federal requirements specified in this section and all general requirements specified in Section 45-602.

  - .11 Prior to and at the time the kinship guardianship is established, a child must be eligible to receive federal AFDC-FC pursuant to Sections 45-201 and 45-202.
- .2 Federal Kin-GAP may be provided on behalf of any youth, provided that one of the following conditions was met prior to the establishment of the kinship guardianship:

  - .21 He or she was removed from his or her home pursuant to a voluntary placement; or
  - .22 He or she was removed from his or her home as a result of a judicial determination, including being adjudged a dependent of the juvenile court pursuant to Welfare and Institutions Code section 300, to the effect that continuation in the home would be contrary to the welfare of the child; or
  - .23 He or she was removed from his or her home as a result of a judicial determination, including being adjudged a ward of the juvenile court pursuant to Welfare and Institutions Code sections 601 or 602, to the effect that continuation in the home would be contrary to the welfare of the child.
- .3 The approved relative caregiver must enter into a written binding agreement (SOC 369 & SOC 369A) with the county of placement prior to a court ordering the kinship guardianship pursuant to Welfare and Institutions Code sections 360, 366.26 or 728.
- .4 A federal Kin-GAP payment may be made on behalf of a sibling of a Title IV-E eligible child, regardless of the sibling's Title IV-E eligibility status, when the following conditions are met:

  - .41 An eligible child and his or her sibling are placed in the same kinship guardianship arrangement; and
  - .42 The kinship guardian and the county child welfare department, the probation department or the Indian tribe with a Title IV-E agreement, agree that the placement of the sibling is appropriate as evidenced by a determination that the guardianship arrangement meets the sibling's physical, mental and developmental needs; and
  - .43 Each sibling meets the citizenship and alienage requirements pursuant to Section 45-602.6.

- .44 Each sibling meets the written agreement requirement pursuant to Section 45-604.3.
- .5 A child's case file shall contain the following forms or documents, as needed, to demonstrate eligibility for the federal AFDC-FC Program pursuant to Sections 45-202 and 45-203 prior to transferring to a Kin-GAP case:
- (a) CW 2.1 (Rev. 8/04) "Notice and Agreement for Child, Spousal and Medical Support" hereby incorporated by reference.
  - (b) CW 2.1 (Rev. 7/01) "Q-Support Questionnaire" hereby incorporated by reference.
  - (c) FC 2 (Rev. 11/04) "Statement of Facts Supporting Eligibility for Title IV-E Foster Care."
  - (d) FC 3 (Rev. 11/04) "Determination of Title IV-E Foster Care Eligibility."
  - (e) FC 3A (Rev. 11/04) "AFDC-FC Worksheet."
  - (f) If applicable, KG 1 (12/11) "Kin-GAP Mutual Agreement for 18-Year Olds."
  - (g) KG 2 (1/11) "Determination of Kin-GAP Eligibility."
  - (h) If applicable, KG 3 (12/11) "Kin-GAP Mutual Agreement for Nonminor Former Dependents."
  - (i) SOC 369 (12/10) "Agency-Relative Guardianship Disclosure."
  - (j) SOC 369A (7/15) "Kinship-Guardianship Assistance Payment Program Agreement Amendment."
  - (k) Any applicable county forms required to document the child's eligibility for a specialized care increment, a whole foster family home payment, a dual agency rate, a clothing allowance or other benefit that the child receives.
  - (l) Court order terminating dependency or wardship.
  - (m) Court order establishing kinship guardianship or a copy of the letters of guardianship.
  - (n) Relative approval documents, including criminal background and child abuse registry checks, pursuant to Welfare and Institutions Code section 361.4
  - (o) Case plan update submitted to a court prior to establishing kinship guardianship that includes information pursuant to Section 31-206.317.

## **HANDBOOK BEGINS HERE**

Section 31-206.317 provides that a child's case plan shall include the following:

"A description of the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted.

The reason(s), if any, for any separation of siblings during placement.

The reason(s) why a guardianship with a fit and willing relative through kinship guardianship assistance arrangement is in the child's best interest.

The ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment.

The efforts the agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reason(s) why not.

The efforts the agency has made to discuss with the child's parent(s) the kinship guardianship assistance arrangement, or the reasons why the efforts were not made."

## **HANDBOOK ENDS HERE**

### .6 Successor Guardian

- .61 A successor guardian, who was appointed pursuant to Welfare and Institutions Code section 366.3, can receive a federal Kin-GAP payment if the appointment was due to the death or incapacity of the kinship guardian and the successor guardian is named in the written agreement, or any amendment to the agreement. The six-month placement requirement will be waived for the successor guardian if an assessment has been done pursuant to Welfare and Institutions Code sections 361.3 and 361.4 and dependency jurisdiction has been terminated.



Authority cited: Sections 10553, 10554, and 11393, Welfare and Institutions Code.

Reference: Sections 7660 et. seq., 7800 et. seq., and 7911.1, Family Code; Section 1505, Health and Safety Code; Sections 366.26, 11400(m), 11400(o), 11401(b), 11401 (e), 11401(f), 11402, 11402.1, 11385 to 11393 and 16507.4, Welfare and Institutions Code; Public Law 95-608; Public Law 96-272; 42 U.S.C. 606; 25 U.S.C. 1915; 42 U.S.C. 671; 42 U.S.C. 672(a)(2) and 672(a)(4); *Capitola Land et al. v. Anderson*, 55 Cal. App. 4th 69, 63 Cal. Rptr.2d 717, (1997); and *Anderson v. Superior Court*, 68 Cal. App. 4th 1240, 80 Cal. Rptr.2d 891, (1998).

Adopt Section 45-605 to read:

**45-605 STATE KIN-GAP PROGRAM**

**45-605**

- .1 A child or nonminor former dependent is eligible to receive state Kin-GAP assistance if he or she is found to be ineligible to receive federal Kin-GAP. The child or nonminor former dependent shall meet all state requirements specified in this section and all general requirements specified in Section 45-602.
- .2 State Kin-GAP may be provided on behalf of any child or nonminor former dependent, provided that one of the following conditions was met prior to the establishment of the kinship guardianship:
  - .21 He or she was adjudicated a dependent of the juvenile court pursuant to Welfare and Institutions Code section 300; or
  - .22 He or she was adjudicated a ward of the juvenile court pursuant to Welfare and Institutions Code section 601 or 602.
- .3 The kinship guardian enters into a written binding agreement (SOC 369 & 369A) with the county of jurisdiction pursuant to Welfare and Institutions Code sections 360, 366.26 or 728.
- .4 The case file shall contain the following forms, as needed, to demonstrate eligibility for the State Kin-GAP Program:
  - (a) CW 2.1 (Rev. 8/04) "Notice and Agreement for Child, Spousal and Medical Support" hereby incorporated by reference.
  - (b) CW 2.1 (Rev. 7/01) "Q-Support Questionnaire" hereby incorporated by reference.
  - (c) If applicable, the KG 1 (12/11) "Kin-GAP Mutual Agreement for 18-Year Olds."
  - (d) KG 2 (1/11) "Determination of Kin-GAP Eligibility."
  - (e) KG 3 (12/11) "Kin-GAP Mutual Agreement for Nonminor Former Dependents."
  - (f) SOC 369 (12/10) "Agency-Relative Guardianship Disclosure."
  - (g) SOC 369A (7/15) "Kinship-Guardianship Assistance Payment Program Agreement Amendment."
  - (h) County forms are required to document the child's eligibility for a specialized care increment, a whole foster family home payment, a dual agency rate, a clothing allowance or other benefits that the child receives.

- (i) Court order terminating dependency or wardship.
- (j) Court order establishing kinship guardianship or a copy of the letters of guardianship.
- (k) Case plan update submitted to court prior to establishing kinship guardianship that includes information pursuant to Sections. 31-225.17 and 31-206.317.

### **HANDBOOK BEGINS HERE**

"A description of the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted.

The reason(s), if any, for any separation of siblings during placement.

The reason(s) why a guardianship with a fit and willing relative through kinship guardianship assistance arrangement is in the child's best interest.

The ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment.

The efforts the agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reason(s) why not.

The efforts the agency has made to discuss with the child's parent(s) the kinship guardianship assistance arrangement or the reasons why the efforts were not made."

### **HANDBOOK ENDS HERE**

#### .5 Subsequent Guardian

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

Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code.

Reference: Sections 7660 et. seq., 7800 et. seq., and 7911.1, Family Code; Sections 366.26, 11360 to 11376, 11400(m), 11400(o), 11401(b), 11401(e), 11401(f), 11402, 11402.1, and 16507.4, Welfare and Institutions Code; Section 366.3 and 1505, Health and Safety Code; 45 C.F.R. 1356.30; Public Law 95-608; Public Law 96-272; 25 U.S.C. 1915; 42 U.S.C. 606; 42 U.S.C. 671; 42 U.S.C. 672(a)(2) and 672(a)(4); *Capitola Land et al. v. Anderson*, 55 Cal. App. 4th 69, 63 Cal.Rptr.2d 717, (1997); and *Anderson v. Superior Court*, 68 California App. 4th 1240, 80 Cal.Rptr.2d 891, (1998).

Adopt Section 45-606 to read:

**45-606 EXTENDED KIN-GAP**

**45-606**

- .1 A nonminor former dependent meeting the age requirement pursuant to 45-602.313 (b) shall be eligible for extended Kin-GAP when the following conditions are met:
  - .11 The nonminor former dependent and the county representative have completed and signed the Kin-GAP Mutual Agreement for Nonminor Former Dependents (KG 3) within 30 working days after the nonminor former dependent's 18<sup>th</sup> birthday; and
  - .12 The nonminor former dependent meets at least one of the following conditions:
    - .121 Is completing secondary education or a program leading to an equivalent credential.
    - .122 Is enrolled in an institution that provides postsecondary or vocational education.
    - .123 Is participating in a program or activity designed to promote, or remove barriers to employment.
    - .124 Is employed for at least 80 hours per month.
    - .125 Is incapable of doing any of the activities described in Sections 45-606.121 through 45-606.124, inclusive, due to a medical condition; and that incapability is supported by regularly updated information in the individual's case plan.

Authority cited: Sections 10553, 10554, 11369 and 11393, Welfare and Institutions Code.

Reference: Sections 10103.5, 11364, and 11386, Welfare and Institutions Code.

Adopt Section 45-607 to read:

**45-607 PAYMENT**

**45-607**

.1 Beginning Date of Aid

.11 When an AFDC-FC foster child becomes eligible for Kin-GAP during the month, the child shall continue to receive benefits under the AFDC-FC foster care program pursuant to Sections 45-202 or 45-203, as applicable, to the end of that calendar month; and Kin-GAP shall begin on the first day of the following month.

.12 When a foster child receiving CalWORKs becomes eligible for Kin-GAP during the month, the child shall continue to receive benefits under the CalWORKs Program as appropriate to the end of that calendar month; and Kin-GAP shall begin on the first day of the following month.

.2 Suspension of Payment

.21 A Kin-GAP payment shall be suspended due to any of the following:

.211 The guardian fails to complete and return the Determination of Kin-GAP Eligibility (KG 2) within two weeks of the date it was mailed.

.212 The guardian is no longer providing support and care to the child or nonminor former dependent.

.213 The nonminor former dependent is no longer completing one of the extended Kin-GAP requirements pursuant to Section 45-606.12.

.214 The child or nonminor former dependent is subsequently incarcerated and wardship is established. Consistent with ACL 11-28, the child remains eligible for Kin-GAP payment if the child returns to the care of the relative guardian and all other eligibility conditions are met.

.215 A Kin-GAP payment can be resumed if the conditions listed in .211 through .214 are no longer applicable.

.3 Kin-GAP Budgeting Methods

.31 The budget period for the computation of a Kin-GAP payment shall be the current month. The Kin-GAP payment shall be computed on the basis of known or estimated income in the current calendar month.

.4 Last Date of Payment

- .41 Date of termination of the guardianship with a kinship guardian shall terminate eligibility for Kin-GAP.
- .42 Date the child or nonminor former dependent does not meet age requirements pursuant to Section 45-602.31 shall terminate eligibility for Kin-GAP.
- .43 The date the voluntary placement agreement or court order transfers placement and care responsibility from the guardian to the county welfare or probation department shall terminate eligibility for Kin-GAP, unless the condition described in Section 45-607.214 applies.

.5 Parent in Home With Youth

- .51 If the parent moves into the home with the Kin-GAP youth and kinship guardian, the Kin-GAP payments shall continue, assuming all other eligibility requirements continue to be met.

.6 The income requirements of Sections 44-100 through 44-133 and Section 44-207 shall apply unless the child or nonminor former dependent meet one of the following:

- .61 Is participating in the Job Training Partnership Act of 1982 (Public Law 97-300); or
- .62 Is a former dependent or ward of the juvenile court who is a full-time student pursuant to the Deficit Reduction Act of 1984 (Public Law 97-369); or
- .63 Is a nonminor former dependent or ward of the juvenile court, or 16 years of age or older, and is participating in the Independent Living Program pursuant to the Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272).

.7 Kin-GAP Payment Offset

- .71 Earned income that does not meet one of the specified conditions under 45-607.61 through 45-607.63 is to be offset against the amount of the Kin-Gap payment.
- .72 For a child or nonminor former dependent receiving state-funded Kin-GAP, Supplemental Security Income (SSI/SSP) or Social Security Survivor's benefits are to be treated as income. The state Kin-GAP payment is to be offset dollar for dollar against the SSI/SSP or Social Security Survivor's payment. For a child or nonminor former dependent receiving federally funded Kin-GAP, SSI/SSP or Social Security Survivor's benefits are not to be counted as income. The Social Security Administration will offset the SSI/SSP or Social Security Survivor's payment against the federal Kin-GAP payment.

.73 For a child or nonminor former dependent receiving state-funded Kin-GAP, Social Security Disability benefits are to be treated as income. The state Kin-GAP payment is to be offset against the Social Security Disability payment pursuant to the \$225 disregard regulations, Sections 44-111.23 and 44-113.214. For a child or nonminor former dependent receiving federally funded Kin-GAP, Social Security Disability benefits are not to be counted as income. The Social Security Administration will offset the Social Security Disability payment against the federal Kin-GAP payment.

.8 Filing of a Welfare and Institutions Code section 388 Petition

.81 After the filing of a petition pursuant to Welfare and Institutions Code Section 388, the Kin-GAP payment shall continue unless any of the following occur:

.82 The guardianship is terminated; or

.83 The court orders that the child be removed from the guardian's home; or

.84 After the conclusion of the hearing on the 388 petition, dependency jurisdiction is maintained by the juvenile court; or

.85 The placement and care responsibility is transferred from the guardian to the county welfare or probation department.

**HANDBOOK BEGINS HERE**

The above-referenced Sections 44-100 through 44-133 and 44-207 refer to the 1996 AFDC regulations.

**HANDBOOK ENDS HERE**

Authority cited: Sections 10553, 10554, 11369, and 11393, Welfare and Institutions Code.

Reference: Section 7911.1, Family Code; Sections 361.21, 366, 727.1, 11017, 11056, 11360 to 11376, 11385 to 11393; 11400(f), 11401, 11402, 11403, 11450, and 11466.24, Welfare and Institutions Code; Section 472(a)(1), Social Security Act.



Amend Section 90-101 to read:

**90-101 DEFINITIONS AND FORMS (continued)**

**90-101**

.1 (continued)

(a) (1) (continued)

(k) ~~(1) KG-1~~ The ~~Mutual Agreement for 18 Year Olds~~ is used to obtain an 18-year old child's agreement to remain in the Kin-GAP Program after his/her 18th birthday, in accordance with the Age requirements of Section 42-101.

~~(2) KG-2~~ The "Statement of Facts Supporting Eligibility for Kinship Guardianship Assistance Payment (Kin-GAP) Program" (Rev. 11/99) is used to collect information necessary to determine Kin-GAP eligibility at the time of application and redetermination.

~~(3)~~(1) KG 2-A "Rights, Responsibilities and Other Important Information" is used to inform relative caretakers of their rights and responsibilities under the Kinship Guardianship Assistance Payment (Kin-GAP) Program (Rev. 12/99).

Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code.

Reference: Sections 366.26, 11054, and 11362, Welfare and Institutions Code.