
**ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL**

Effective Date: December 17, 1999
Revised: November 15, 2007
Revised: November 7, 2013

Number: H-0113

Kin-GAP

Purpose To provide guidelines for implementation of the Kinship Guardian Assistance Payment (Kin-GAP) program.

Approved This policy was approved by Gary Taylor, Director of CFS, on November 7, 2013. *Signature on file.*

Most Recent Revisions This Policy and Procedure (P&P) was completely revised as a result of [Assembly Bill \(AB\) 12](#).

Background Kin-GAP is a cash aid program for children exiting the dependency system under legal guardianship with a relative. The program was initially implemented January 1, 2000, and provided a new option within permanency planning for children who could not be safely returned to their birth parent.

Kin-GAP makes continued financial support available to relatives who are unwilling to adopt but have agreed to care for the child as a legal guardian.

The Federal Fostering Connections to Success and Increasing Adoptions Act of 2008 Public Law (PL) 110-351 made extensive policy and program changes to Kin-GAP with the goal of improving permanency outcomes for children in relative guardianship. The State of California adopted this federal law through the passage of AB 12 on September 30, 2010. The new Kin-GAP program went into effect on January 1, 2011.

The program has two components:

- A federally funded component where the child meets the eligibility requirements for Title IV-E foster care

- A state funded component where the child is only eligible for state funded Title IV-E foster care

Definitions

For purposes of this P&P, the following apply:

Kin-GAP: Kinship Guardianship Assistance Payments.

Federal Kin-GAP: Aid provided on behalf of children in kinship care eligible for federal financial participation under § 671(a)(28) of Title 42 of the United States Code (USC).

State Kin-GAP: State-funded aid provided on behalf of children in kinship care who are not eligible for federally funded Kin-GAP pursuant to Welfare and Institutions Code (WIC) §11385.

Definitions common to both State and Federal Kin-GAP include:

Host County: The county in which the majority of an agency's foster family homes (FFHs) or group homes (GHs) are located. If the program has facilities in more than one county, the host county will be that of the facility where the greatest number of children are placed.

Kinship guardian: A person who:

- Has been appointed the legal guardian of a dependent child pursuant to W&IC § 366.26 or § 360 of the Juvenile Court and
- Is a relative of the child

Relative: 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.

Sibling: A child related to the identified eligible child by blood, adoption, or affinity through a common legal or biological parent

Title IV-E Funds: Funds that enable states to provide foster care for children who were, or would have been, eligible for assistance from Aid to Families With Dependent Children (AFDC) under the State's approved Title IV-A plan (as in effect on July 16, 1996), but for removal from their home. The Social Security Act (SSA) includes requirements that define the

circumstances under which the State of California must, in accordance with its approved Title IV-E state plan, make foster care maintenance payments pursuant to SSA § 472(a), and mandate a child's placement in an approved or licensed facility pursuant to SSA § 472(b–c).

Voluntary Placement: An out-of-home placement of a child by:

- Orange County Children and Family Services (CFS), Orange County Probation, or Indian tribe that has entered into an agreement pursuant to WIC § 10553.1, after the parent or guardian has requested the assistance of CFS and has signed a voluntary placement agreement; or
- CFS Adoption Program or private adoption agency, California Department of Social Services (CDSS) acting as an adoption agency, after the parent has requested the assistance of either CFS, CFS Adoption Program or private adoption agency, or CDSS acting as an adoption agency for the purpose of adoption planning, and has signed a voluntary placement agreement

Whole Family Foster Home: An approved caregiver for a minor or non-minor dependent parent and his or her child, and is specifically recruited and trained to assist the minor or non-minor dependent parent in developing the skills necessary to provide a safe, stable, and permanent home for his or her child. The child of the minor or non-minor dependent parent need not be the subject of a petition filed pursuant to WIC § 300 to qualify for placement in a whole family foster home.

POLICY

Effective Date of Program

Pursuant to All County Letter (ACL) 11-15, effective January 1, 2011, Kin-GAP applications will comply with the provisions for determining benefits under the state or Federally funded Kin-GAP programs.

The revised Kin-GAP program supersedes prior ACLs and All County Information Notices (ACINs) describing the Kin-GAP Program requirements in existence prior to January 1, 2011 to the extent they are inconsistent with the revised program.

Information Regarding Permanency Options

Pursuant to ACL 11-15, the assigned Senior Social Worker (SSW) will provide the relative caregiver with written information that explains the difference between the benefits of Kin-GAP, Adoption Assistance Program (AAP) and Aid to Families with Dependent Children-Foster Care (AFDC-FC).

Information will be provided to the relative caregiver prior to beginning the process to establish a legal guardianship or adoption. The assigned SSW will provide the relative caregiver with:

- *Rights & Responsibilities/Adoption/Legal Guardianship/Long-term Foster Care (F063-25-294)*
- *Financial Comparisons—Adoption, Legal Guardianship, and Long Term Foster Care (F063-25-562)*

Refer to CFS P&Ps [Concurrent Planning \(D-0202\)](#) and [Legal Guardianship—Dependents \(K-0402\)](#) for further information.

Pursuant to WIC § 366.21(i), regardless of immigration status of the relative caregiver, if the proposed permanent plan is relative guardianship and the child is eligible for aid under the Kin-GAP program:

- The relative caregiver will be informed about the terms and conditions of the negotiated agreement pursuant to WIC § 11387
- CFS and the relative caregiver will agree by signing the *Kinship Guardianship Assistance Payment (KIN-GAP) Program Agreement Amendment (SOC 369A)* prior to the hearing held pursuant to WIC § 366.26
- A copy of the signed *Kinship Guardianship Assistance Payment (KIN-GAP) Program Agreement Amendment (SOC 369A)* will be attached to the court report that includes the guardianship assessment

Payment Responsibility

The county that has court-ordered jurisdiction of the child pursuant to WIC § 300 will be responsible for paying the child's Kin-GAP benefits regardless of where the child resides.

General Eligibility Requirements

Pursuant to ACLs 11-15 and 11-15EII, to qualify for the state or federally funded Kin-GAP Programs, all of the following criteria must be met:

- Foster child is under age 18

- Child has been removed from the parental home pursuant to a voluntary placement agreement

–Or–

- A judicial determination that:
 - Continuation in the home would be contrary to the welfare of the child and
 - Child has been adjudged a dependent of the Juvenile Court pursuant to WIC § 300
- Prior to the creation of the Kin-GAP guardianship, the child has been residing for at least six consecutive months in an approved home of a relative while under the jurisdiction of:
 - Juvenile Court
 - Voluntary placement agreement
 - Previously approved relative guardian

Exception: Relatives previously meeting all requirements for Kin-GAP eligibility at the time Juvenile Court dependency ended with the exception of the 12 consecutive month residency requirement may now be eligible for Kin-GAP if the child would have met the residency requirement of at least six consecutive months.

- A *Kin-GAP Program Agreement Amendment (SOC 369A)* entered into by the relative guardian and CFS, or Title IV-E tribal agency prior to the establishment of the guardianship

Note: If a relative guardian fails to negotiate a *Kin-GAP Program Agreement Amendment (SOC 369A)* prior to the establishment of the guardianship and the child still meets all other eligibility criteria, the child is only eligible for state-funded Kin-GAP.

- A Kin-GAP guardianship was established pursuant to WIC §§ 366.26 or 360 and dependency dismissed pursuant to WIC § 366.3 concurrently or subsequent to the establishment of the Kin-GAP guardianship

Additional Federal Eligibility Requirements

In addition to the general requirements for both state and federal Kin-GAP, ACL 11-15 details additional requirements the child must meet to qualify for federal Kin-GAP:

- During the six-consecutive month period that preceded the establishment of the legal guardianship, the child

was eligible for Title IV-E foster care maintenance payments (federal AFDC-FC) while residing in an approved home of the prospective relative guardian

- The child was under the jurisdiction of the Juvenile Court or a voluntary placement agreement

Note: The Title IV-E foster care maintenance payments for Kin-GAP cases need not have been paid on behalf of the child during the six-consecutive month period. However, it is required that the child meet all Title IV-E foster care eligibility criteria pursuant to Eligibility and Assistance Standards (EAS) Manual §§ 45-100–300.

- Pursuant to ACL 11-15, when agreement cannot be reached on the Kin-GAP payment, CFS or Title IV-E tribal agency can establish a payment amount and the relative guardian has the right to ask for a state hearing

Sibling Eligibility

Pursuant to WIC § 11388, the federally funded Kin-GAP program provides that a non-eligible Title IV-E child may receive a federally funded Kin-GAP payment as long as one sibling is Title IV-E eligible and:

- The Title IV-E eligible child is placed with the Kin-GAP guardian pursuant to a *Kinship Guardianship Assistance Payment (Kin-GAP) Program Agreement Amendment (SOC369A)*
- Each non-eligible Title IV-E sibling must be placed with the same relative under the same Kin-GAP guardianship agreement
- The non-eligible siblings need not be placed simultaneously. This includes step-siblings, half-siblings, and adoptive siblings of the eligible child
- CFS or an Indian tribe that enters into an agreement pursuant to WIC § 10553.1, first agree on the appropriateness of the arrangement for the siblings with the prospective relative guardian

Eligibility for Probation Wards

ACL 11-28 addresses children in the Kin-GAP program whose eligibility is based on WIC §11363 or §11386 and who are subsequently incarcerated and have wardship established.

Under the court order, if the child returns to the relative placement but wardship is not terminated, the child remains eligible for Kin-GAP benefits if all other Kin-GAP eligibility conditions are met. A subsequent wardship does not invalidate the initial Kin-GAP eligibility that resulted from the establishment of legal guardianship in the context of the dependency proceeding, even with the dismissal of dependency jurisdiction.

Loss of Eligibility

Pursuant to ACL 11-15, the following events alter or result in the loss of eligibility for the Kin-GAP program:

- A. The child turning 18 years old.
- B. The child retaining eligibility to age 19 as a result of:
 - Attending high school, vocational or technical training school full-time, or pursuing a General Equivalency Diploma
 - Reasonably expecting to complete high school by 19th birthday
 - Continuing to live with the Kin-GAP relative guardian
 - Signing the *Kin-Gap Mutual Agreement for 18 Year Olds (KG 1)*
- C. The youth continuing to age 21 due to a qualifying physical or mental disability.
- D. CFS determining the relative guardian is no longer providing support to the child. This would apply if:
 - The relative guardianship was terminated
 - Court jurisdiction under WIC § 300 is restored due to either:
 - Abuse or neglect
 - Request to terminate guardianship
 - The child legally emancipating per Family Code (FAM) § 7120
 - The child marrying, dying, or enlisting in the military

Note: Support may include any type of financial contributions such as:

- Maintaining a room for the child
- Covering costs for clothing, personal incidentals, tuition, or therapy
- Paying for other expenses related to the child's care

- E. CFS being unable to verify continued eligibility, due to a failure of the relative guardian to complete and return the *Kin Gap Statement of Facts Supporting Eligibility (KG 2)*.
- F. Exclusion by law pursuant to EAS Manual § 82-832.1(d) (i.e., a person who receives SSI/SSP is excluded by law from being eligible for a Kin-GAP payment).

Eligibility for Continued Payments

Pursuant to ACL 11-15, eligibility for Kin-GAP payments and benefits may continue when:

- The child is age 18 and transitions to the Kin-GAP Extended Foster Care (EFC) program
- The child leaves the relative guardian's home to attend post-secondary school or otherwise live independently of the relative guardian. The payment continues to the relative guardian provided that CFS is able to make a good cause determination regarding the child's absence from the relative guardian's home

Financial Benefits

Pursuant to WIC §§ 11364(c) and 11387(c), the relative guardian will be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the specific circumstances of the relative guardian.

The payment will 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 special care increment (SCI) for a child placed in a licensed or approved family home. Refer to CFS P&P [Foster Care Rates \(H-0112\)](#) for information regarding Kin-GAP rates.

Additionally:

- The Kin-GAP payment rate will be adjusted annually by the percentage change in the California Necessities Index (CNI), pursuant to W&IC §11461(2)(g), without requiring a new agreement
- Kin-GAP recipients will receive automatic age-related increases to the foster care maintenance payment
- Pursuant to ACL 11-15, when agreement cannot be reached on the Kin-GAP payment, CFS or Title IV-E

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 *Kin-GAP Program Agreement Amendment (SOC 369A)* should be marked in order to continue receipt of the payment/benefits pending results of the state hearing

Reassessing Benefits

Pursuant to WIC §§ 11364(b)(1) and 11387(b)(1), the needs of the Kin-GAP recipient child or circumstances of the relative guardian are reassessed in consultation with the relative guardian no less than every two years following commencement of Kin-GAP payments.

If the needs of the child or circumstances of the relative guardian change prior to the bi-annual reassessment, CFS and the relative guardian may negotiate an adjustment to the payment or benefit.

Note: A reassessment is different than, and in addition to, a redetermination which may be required for the Medi-Cal program.

Special Care Increment (SCI)

Pursuant to ACL 11-15, the SCI rate is applicable to recipients of either state or federally funded Title IV-E Kin-GAP Programs. The SCI rate is available once CFS determines that the assessed child meets the relevant SCI criteria. The SCI rate can be increased or decreased as the needs of the child change. Refer to CFS P&P [Foster Care Rates \(H-0112\)](#) for information regarding SCI rates.

If the relative guardian resides outside Orange County and CFS has payment responsibility, CFS pays the host county's SCI rate or CFS's own SCI rate if the host county has no specialized care rate system.

Dual Agency Rate

Per ACL 11-15, a child who is a consumer of regional center services and receives Kin-GAP payment/benefits may be eligible for a dual agency rate. A supplemental rate for extraordinary care and supervision may also be available in accordance with WIC § 11464. For information and instructions regarding dual agency rates, refer to CFS P&P [Foster Care Rates \(H-0112\)](#).

Teen Parent Rate

Pursuant to CDSS Manual of Policy and Procedure (MPP) 11-

415, children who are recipients of Kin-GAP benefits are also entitled to receive an Infant Supplement.

Pursuant to WIC § 11387 (c), for a child eligible for a Kin-GAP payment who is a teen parent and also resides in a whole family foster home, the rate will include a \$200 monthly payment made to the relative caregiver for increased care and supervision pursuant to WIC § 11465 (d)(3). Pursuant to WIC § 16501.25(d), the shared responsibility plan requirement does not apply.

**Out-of-
State/County
Residence**

Pursuant to WIC §§ 11364(b)(4) and 11387(b)(4), for both state and federally funded Kin-GAP programs, payment/benefits continue regardless of the state of residency in which the relative guardian and child reside.

Per ACL 11-15, a child who is under the jurisdiction of the California Juvenile Court and is placed with an out-of-state relative is eligible for the Kin-GAP program, if all requirements are met. The assigned SSW may encourage the relative guardian to apply for Medicaid on behalf of the child in the new state of residence.

Pursuant to SSA § 473(d)(1), families moving out of the United States continue to be eligible for Kin-GAP payments and benefits. The prospective or current relative guardian is encouraged to research the applicable laws of the country of residence to determine the impact the move will have on the child. Potential issues such as the ability to enroll the child in school, availability of health care coverage, and accessibility to other appropriate services should be explored.

Clothing Allowance

Pursuant to WIC § 11461, the state no longer pays a state supplemental clothing allowance.

If CFS chooses to offer a CFS clothing allowance program, per ACL 07-13, a child receiving Kin-GAP is eligible to receive the same clothing allowance had they remained in foster care.

Medi-Cal

Pursuant to WIC § 11389, a child who is Title IV-E eligible for Kin-GAP is eligible for Medicaid in the state where the child resides.

Pursuant to ACL 11-15, a child receiving non-Title IV-E, state-funded Kin-GAP is eligible for Medi-Cal if the child:

- Is eligible for Kin-GAP payment and

- Is a resident of California in accordance with residency requirements pursuant to California Code of Regulations (CCR), Title 22 § 50320

Pursuant to ACL 11-15, prior to the termination of Kin-GAP payments (either Title IV-E or state funded Kin-GAP), CFS will immediately complete a determination to reevaluate eligibility of the child for all Medi-Cal programs as detailed in WIC § 14005.37.

Mental Health Benefits

Pursuant to WIC § 11376, a child will be provided medically necessary specialty mental health services by the local mental health plan in the county of residence if all of the following exist:

- Child is the subject of a Kin-GAP guardianship
- Kin-GAP program benefits include Medi-Cal
- Court dependency has been terminated

Pursuant to WIC §§ 11364(e) and 11387(3), CFS will provide the relative guardian with information on the availability of mental health services through the Medi-Cal program or other programs.

The provision for specialty mental health services will be contingent on:

- The host county mental health plan being responsible for submission of a treatment authorization request (TAR) to the mental health plan in the county of origin
- The requesting public or private service provider preparing the TAR
- The county of origin retaining responsibility for authorization and reauthorization of services utilizing an expedited TAR process

Non-Recurring Kin-GAP Expenses

Pursuant to WIC §§ 11364 and 11387, for a guardianship established on and after January 1, 2012, payment will be made for reasonable and verified nonrecurring expenses (e.g., attorney fees) associated with obtaining legal guardianship. Such expenses will not exceed the federal limit of \$2,000.

Reimbursement will not be made for costs otherwise reimbursed from other sources, including the foster care maintenance payment. The *Nonrecurring Kin-GAP Expenses Claim Form (F063-25-733)* indicates:

- The maximum amount
- The purpose of the expense
- The process for obtaining reimbursement of the nonrecurring expenses to be paid

Consult with the Foster Care Eligibility Technician (ET) assigned to the case regarding whether an expense qualifies for reimbursement.

**Case Plan
Requirements for
WIC 366.26 Report**

ACL 11-67 requires that for a child whose permanency plan is relative guardianship, and receipt of Kin-GAP payments is anticipated, CFS will include the following in the case plan:

- A description of the steps that CFS has taken to determine that it is not appropriate for the child to be returned home or adopted
- The reason for any separation of siblings in placement
- The reason why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests
- The ways in which the child meets the eligibility requirements for Kin-GAP
- The efforts CFS has made to discuss adoption with the child's relative foster parent as a more permanent alternative to legal guardianship. When the choice of a relative foster parent is not to pursue adoption, documentation of the reason is required
- CFS efforts to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why efforts were not made

Refer to CFS P&P [Legal Guardianship Dependents \(K-0402\), Attachment 1—Assessment of Prospective Legal Guardian](#).

**Case Plan
Documentation**

Pursuant to ACL 11-67, in order to establish eligibility for federal participation in a Kin-GAP payment, federal law requires that the following information be documented prior to the guardianship being ordered:

- Updates to the case plan which contain changes

regarding case plan information or goals and include specific information about the current condition of the child, family, and services that are planned or delivered. For example:

- Health and Education Passport (HEP)
 - Transitional Independent Living Plan
 - Reports from the holder of educational rights pursuant to W&IC § 361(a)
- Assessments, evaluations, or other material that the case plan or case plan updates or reports are based upon. For example:
 - Social studies completed pursuant to WIC § 358.1
 - Assessments prepared for hearings pursuant to WIC § 366.26 regarding adoption or related guardianship
 - Pre-placement assessments pursuant to WIC § 16501.1(b)(1)
 - Physical, developmental or mental health screenings, psychological evaluations, and any progress reports from service providers rendering treatment specified in the case plan pursuant to WIC § 16501(c)
 - Reports on efforts to place siblings together and/or maintain visits pursuant to WIC §§ 16002 and 362.1
 - Reports on services to dependent teen parents pursuant to WIC §§ 16002.5 and 362.1
 - Reports from Indian tribes pursuant to WIC § 361.7
 - Reports from the current caregiver pursuant to WIC § 366.21(d)
 - Reports on services provided to incarcerated or institutionalized parents pursuant to WIC § 366.215
 - Reports to the court about the case plan activities or actions that document the steps that were taken to determine the case plan, implement or change the case plan, or achieve case plan goals. For example:
 - Court hearing reports pursuant to WIC § 361.5(g)(1)

- Supplemental reports pursuant to WIC § 366.1
- Supplemental reports for status review hearings based on WIC §§ 366 and 366.21
- Court ordered services pursuant to WIC §§ 362 and 365
- Social studies or evaluations pursuant to WIC § 358.1
- Periodic status reviews WIC §§ 366.21, 366.22, 366.25, 366.26

Kin-GAP Assessment Guardianship Study

The Kin-GAP Assessment Guardianship Study included in the WIC § 366.26 Court report will be completed pursuant to CFS P&P [Legal Guardianship—Dependents \(K-0402\)](#), [Attachment 1—Assessment of Prospective Legal Guardian](#).

Parent Visitation

Pursuant to WIC § 366.26 (c) (4) (C), the Court will make a visitation order for parents (specifying frequency and duration of visits) whenever Court establishes legal guardianship unless ongoing visitation is detrimental to the child’s physical/emotional well-being.

Note: If visitation will not be recommended, the Court report must document the reason visitation would be detrimental to the child’s physical/emotional well-being.

For additional information concerning parental visitation orders, refer to CFS P&P [Legal Guardianship—Dependents \(K-0402\)](#).

Child Support

Pursuant to Family Code (FAM) § 17552, once a decision has been made not to offer reunification services or reunification services are terminated, a referral to the local child support agency may be made unless:

- The permanent plan is legal guardianship with a relative who will receive Kin-GAP
- And–
- Payment of support by the parent may impact the stability of the current placement with the related guardian

Pursuant to CDSS MPP § 31-503 and ACL 05-37, CFS will make a determination whether it is in the best interests of the child to have the case referred to Orange County Child Support Agency for child support services.

Independent Living

Pursuant to WIC § 10609.3, a child receiving Kin-GAP benefits

Program (ILP) Services	remains eligible for Independent Living Program (ILP) services.
Income and Assets	<p>For both the state and federally funded Kin-GAP programs, the following exemption for earned income and assets of a dependent child pursuant to WIC § 11375 applies:</p> <ul style="list-style-type: none"> • The youth may retain cash savings, not to exceed \$10,000, including interest, in addition to any other property accumulated pursuant to WIC §§ 11257 or 11257.5 • The youth's earned income will be disregarded pursuant to WIC § 11008.15
Supplemental Security Income (SSI)	<p>Pursuant to ACL 11-15, Supplemental Security Income (SSI) benefits received by the child are subject to offset rules that vary according to whether the youth is receiving state or federal Kin-GAP benefits.</p> <p>For additional information regarding offset rules for children receiving SSI, refer to CFS P&P Social Security Benefits: Foster Children (H-0122).</p>
Overpayments	The state and federally funded Kin-GAP programs are subject to the same overpayment recoupment and remittance rules as federal AFDC-FC and AAP, pursuant to WIC § 11466.24 and EAS Manual §§ 45-304 thru 45-306.
Grievance Review	<p>Pursuant to ACL 11-15, the current relative caregiver or relative guardian who disagrees with the CFS determination regarding Kin-GAP eligibility or benefits has the right to dispute or appeal the decision by requesting a state hearing.</p> <p>If a relative guardian requests a hearing, the pertinent box on the <i>Kin-GAP Program Agreement Amendment (SOC 369A)</i> should be marked in order to continue receipt of the payment/benefits pending results of the state hearing.</p> <p>Refer to CFS P&P State Hearings (B-0122).</p>
Establishing Guardianship	To establish a new Kin-GAP guardianship, refer to Attachment 1—Suggested Guidelines for New Kin-GAP Cases .
Record Retention	Program-required documents will be retained consistent with CFS P&P Record Retention (E-0111) .

REFERENCES

Attachments and CWS/CMS Data Entry Standards

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- [Attachment 1—Suggested Guidelines for New Kin-GAP Cases](#)
 - [CWS/CMS Data Entry Standards—Legal Guardianship](#)
-

Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P [Concurrent Planning \(D-0202\)](#)
 - CFS P&P [Legal Guardianship—Dependents \(K-0402\)](#)
 - CFS P&P [Foster Care Rates \(H-0112\)](#)
 - CFS P&P [Social Security Benefits: Foster Children \(H-0122\)](#)
 - CFS P&P [State Hearings \(B-0122\)](#)
 - CFS P&P [Permanency Placement Assessments \(PPAs\) \(G-0313\)](#)
 - CFS P&P [Live Scan Fingerprinting \(B-0115\)](#)
 - CFS P&P [Case Closure \(E-0106\)](#)
 - CFS P&P [Record Retention \(E-0111\)](#)
-

Other Sources

Other printed references include the following:

None.

FORMS

Online Forms

Forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
Kin-GAP Mutual Agreement for 18 Year Olds	KG 1
Kin-GAP Statement of Facts Supporting Eligibility for Kinship Guardianship Assistance Payment (Kin-GAP) Program	KG 2
Agency-Relative Guardianship Disclosure	SOC 369

Kinship Guardianship Assistance Payment (Kin-GAP) Program Agreement Amendment	SOC 369A
Kin-GAP Packet Request Memo	F063-25-668
Foster Child's Data Record and AFDC-FC Certification	SOC 158A
Specialized Foster Care Request	F063-28-164
Visitation Attachment	JV-400
Letters of Guardianship	JV-330
Children and Family Services Termination	F063-25-117
Nonrecurring Kin-GAP Expenses Claim Form	F063-25-733

Hard Copy Forms

Forms that may be completed in hard copy (including multi-copy NCR forms) are listed below. **For reference purposes only**, links are provided to view these hard copy forms, where available.

Form Name	Form Number
Rights & Responsibilities/Adoption/Legal Guardianship/ Long-term Foster Care	F063-25-294
Rights & Responsibilities/Adoption/Legal Guardianship/ Long-term Foster Care (Spanish)	F063-25-294Sp
Financial Comparisons—Adoption, Legal Guardianship, and Long Term Foster Care	F063-25-562
Financial Comparisons—Adoption, Legal Guardianship, and Long Term Foster Care (Spanish)	F063-25-562Sp
Placement Acco	F063-25-106

CWS/CMS Forms

Forms that may **only** be obtained in CWS/CMS are listed below. **For reference purposes only**, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
Permanency Planning Assessment	F063-18-242
Approval of Family Caregiver Home	SOC 815
Placement Coordination Stop Payment Memo	F063-29-61
PIC Notice	F063-28-301

Brochures

Brochures to distribute in conjunction with this policy may include:

Brochure Name	Brochure Number
None.	

LEGAL MANDATES

[Social Security Act \(SSA\) § 471\(a\)\(28\)](#) authorizes the state to enter into kinship guardianship assistance agreements to provide kinship guardianship assistance payments on behalf of children.

[SSA § 472\(a\)](#) details the requirements for foster care maintenance payments for children removed from home.

[SSA § 473\(d\) \(1\)](#) describes the requirements for the Kinship guardianship assistance agreement.

California Code of Regulations (CCR) Division 3, Subdivision 1, Chapter 2, Article 7 § 50320 defines the residency requirements for Medi-Cal.

[Family Code \(FAM\) § 17552](#) outlines the responsibilities of the Child Support Agency.

[Welfare and Institutions Code \(WIC\) § 300](#) provides a definition of guardian.

[WIC § 360](#) provides for the establishment of a legal guardianship subject to certain conditions.

[WIC § 366.21](#) describes the assessment of the prospective relative guardian included in the court report submitted for the WIC § 366.26 hearing.

[WIC § 366.26](#) lists the order of preference for relative guardianship in terms of selection of a permanent plan for the child.

[WIC § 10553.1](#) allows the Director of CDSS to designate AFDC-FC funds for tribal child welfare services subject to certain conditions.

[WIC § 10609.3](#) provides Independent Living Program (ILP) services for participants in Kin-GAP.

[WIC § 10851](#) indicates the retention period for public social service records.

[WIC §§ 11360–11379](#) provides the requirements and benefits for the State funded Kin-GAP program.

[WIC §§ 11385–11393](#) provides the requirements and benefits for the Federal Title IV-E Kin-GAP program.

[WIC § 11461](#) describes the financial rate structure to be used in determining the appropriate Kin-GAP rate.

[WIC § 11464](#) permits the use of dual rates for Kin-GAP recipients.

[WIC § 11465](#) describes the annual increase in Kin-GAP rates due to the increase in the California Necessities Index (CNI) and also an allowance to be paid to the relative guardian for supervision of a teen parent.

[WIC § 11466.24](#) details the responsibility for collection of overpayments.

[WIC § 16501.25](#) states that the shared responsibility plan for a Kin-GAP teen parent no longer applies.

[California Department of Social Services \(CDSS\) Eligibility and Assistance Standards \(EAS\) Division 45 Chapters 100–300](#) covers eligibility and payment of AFDC-FC.

[CDSS EAS Division 45 Chapters 304–306](#) details the process for recovering AFDC-FC overpayments.

[CDSS EAS Division 82 Chapter 82–832](#) excludes the child of a Kin-GAP teen parent from inclusion in the assistance unit for purposes of calculating benefits

[CDSS Manual of Policies and Procedures \(MPP\) Division 23 Chapter 23-353](#) discusses the retention period for Kin-GAP records.

[CDSS MPP Division 31 Chapter 31-075](#) mandates the requirement for and content of a case record for recipients of child welfare services.

[CDSS MPP Division 31 Chapter 31-503](#) details the process for when it is appropriate to make a Child Support Referral.

[All County Letter \(ACL\) 11-15](#) describes program criteria for the new Kin-GAP program as authorized by AB12.

[ACL 11-15EII](#) clarifies eligibility requirements and extended Kin-GAP outlined in ACL 11-15.

[ACL 11-28](#) states that a Kin-GAP child who is subsequently incarcerated may return to the relative placement even though the wardship is not terminated provided the child remains eligible for Kin-GAP benefits and all other Kin-GAP eligibility conditions are met.

[ACL 11-67](#) details the federal requirement for a case plan, elements to be included and the documents in the case plan that contains the federally required information.