

Extended Kinship Guardianship Assistance Payment (Kin-GAP) Program

E050-0520 | Revision Date: 10/24/2023

Overview

This policy provides staff with instructions regarding the Extended Kin-GAP Program benefits to age 21, resulting from the passing of Assembly Bill (AB) 12. This policy does not address youth who do not qualify for the Extended Kin-GAP Program but who continue to receive Kin-GAP payment after the age of 18 by meeting the original age and school attendance regulations as found in the Eligibility and Assistance Standards (EAS) Handbook in sections 45-201.111 (a) and (b) (1) and (3). Instruction for this population may be found in Procedural Guide E050-0515, Kinship Guardianship Assistance Payment (Kin-GAP) Program Redetermination/Reassessment.

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Version Summary

This policy Guide was updated from the 10/18/2012 version to reflect current procedures and to align with the implementation of the California Statewide Automated Welfare System (CalSAWS), and it is applicable to all new and existing cases.

POLICY

On September 30, 2010, [AB 12](#) was signed into law. This bill allows California to implement provisions of Public Law (PL) 110-351, the federal Fostering Connections to Success and Increasing Adoptions Act of 2008. One of the provisions of AB 12 allows

for Kin-GAP Program benefits to be eligible for federal financial participation and it explains [the changes to the Kin-GAP Program](#).

Another major provision of AB 12, allows California to extend Kin-GAP benefits beyond the age of 18 for eligible youth when the youth entered the Kin-GAP arrangements at age 16 or older, including the completion of the Statement of Facts Supporting Eligibility for Kin-GAP Program, [KG 2](#) and the Kinship Guardianship Assistance Payment Program Agreement Amendment, [SOC 369A](#).

Eligibility for Extended Benefits

Kin-GAP benefits may be extended two distinct ways beyond age 18:

- Effective January 1, 2011, children/youths receiving Kin-GAP benefits who have a documented mental or physical disability that warrants the continuation of assistance are eligible to receive benefits to age 21 regardless of the age of the youth when the initial kin guardianship was ordered.
- Effective January 1, 2012, children/youths that enter into Kin-GAP on or after the age of 16, may be eligible for Kin-GAP benefits after the age of 18-years old if they meet one of the following [five participation conditions](#).
 - Attending/completing high school or an equivalency program.
 - Enrolling in post-secondary or vocational school.
 - Participating in a program or activity that promotes or removes barriers to employment.
 - Employed at least 80 hours per month.
 - The youth is incapable of participating in one through four above; due to a documented physical or mental condition.

The six (6) months plan status review hearing and the youth's subsequent permanency planning hearing(s) update requirements for Extended Foster Care (EFC) are not required for extended Kin-GAP. [[All County Letter \(ACL\) 11-61](#), [ACL 11-69](#), [ACL 11-77](#), [ACL 11-85](#), and [All County Information Notice \(ACIN 1-40-11\)](#)].

The legal guardians who receive Kin-GAP are responsible for reporting to the public agency if the nonminor former dependent is not satisfying at least one of the participation conditions.

Along with the five participation conditions youth or authorized representative must also complete and sign the Kin-GAP Mutual Agreement for Nonminor Former Dependent, [KG3](#) , The Kin-GAP Mutual Agreement for 18 Years Old, [KG 1](#), and the School Verification DCFS 1725.1.

Aid Codes for Extended Kin-GAP

[Eligibility Aid Code Information for the Implementation of the Extension of Foster Care Beyond Age 18](#) addresses the following Kin-GAP aid codes:

Aid code 4S - EFC Kin-GAP Federal

- Serves former and current IV-E eligible Kin-GAP youth over 18 years but less than 21 years, where the guardianship was established on or after age 16 and the youth are participating in one or more of the five participation conditions. Also serves disabled former and current Kin-GAP youth up to 21 years old.

Aid code 4W - EFC Kin-GAP Non-Federal

- Serves former and current non IV-E eligible Kin-GAP youth over 18 years, but less than 21 years, where the guardianship was established on or after age 16 and the youth are participating in one or more of the five participation conditions. Includes Permanent Residency Under the Color of Law (PRUCOL) cases over 18 years, but less than 21 years.

Aid code 4G - Kin-GAP Non Federal

- Serves former and current IV-E eligible Kin-GAP youth over 18 years up to 21 years old.

Exclusions

The provisions in AB 12 exclude the following youth from receiving extended Kin-GAP:

- Youth receiving Kin-GAP benefits that have turned age 19 in calendar year 2011.
- Youth in the Kin-GAP Program that had not yet attained 16-years of age before the Kin-GAP negotiated agreement payments commenced [[WIC 11386\(h\)](#)]. These youths may continue to be eligible for Kin-GAP up to age 19 under the existing high school completion rule ([WIC 11403.01](#)).
- Youth in the state Kin-GAP Program that had not yet attained 16-years of age before the Kin-GAP aid payments commenced [[WIC 11363\(d\)](#)]. These youth may continue to be eligible for Kin-GAP up to age 19 under the existing high school completion rule (WIC 11403.01).

County Responsibility to Notify Kin-GAP Recipients

The responsible public agency must notify via telephone call to all affected Kin-GAP recipients of a youth's potential eligibility for extended benefits prior to the youth's 18th birthday. The agency must document in the Kin-GAP eligibility physical case that the youth meets one of the five participation conditions for extended benefits, and include supporting documentation such as the KG 3.

The responsible public agency will determine the youth's eligibility for the extension of Kin-GAP benefits beyond the age of 18. The non-minor former dependent must sign the KG 3 provided by the Eligibility Worker (EW).

The forms KG 2 and KG 3 are to be used at the time of entering the extension program, and they are to be used at the two-year reassessment or when the needs of the youth, or circumstances of the legal guardian change to verify that the youth meets one of the

five [participation conditions](#), however, if there is a change of criteria by the nonminor former dependent, yet the nonminor former dependent still meets one of the five participation criteria, a new KG3 reflecting the criteria change is to be completed.

If the responsible public agency has information suggesting that the youth no longer meets the participation criteria, the agency has an obligation to determine whether the youth continues to be eligible for extended benefits.

The legal guardian who disagrees with a county's determination regarding Kin-GAP eligibility or benefits has the right to dispute or appeal the decision by requesting a state hearing completing and following the instruction of the Notice of Action Back 9, [NA Back9](#).

Recipient Responsibilities for Kin-GAP Benefits

For the purposes of extended Kin-GAP, the legal guardian(s) must agree to continue to provide support for the nonminor former dependent. Further, the youth cannot directly receive the financial benefit; it must continue to go directly to the legal guardian who is supporting the youth.

The legal guardian is responsible for requesting the benefit extension beyond the age of 18, and providing documentation to the responsible public agency supporting that the youth meets one of the five participation conditions. Further, the legal guardian is also responsible for reporting any changes to the responsible public agency when the nonminor former dependent is no longer meeting one of the five participation conditions.

[According to WIC 388.1 \(a\)](#), nonminors who have not attained 21 years of age may petition the Court in which they were previously found to be a dependent for a hearing to determine whether to assume dependency jurisdiction over the nonminor, if they meet any of the following criteria [for complete detailed language, review WIC 388.1(a)]:

- They are a former dependent who received or, but for the receipt of Supplemental Security Income benefits or other aid from the federal Social Security Administration, would have received aid after attaining 18 years of age under Kin-GAP or AFDC-FC and whose former guardian or guardians died after the nonminor attained 18 years of age, but before they attain 21 years of age.
- They are a former dependent who received or, but for the receipt of Supplemental Security Income benefits or other aid from the federal Social Security Administration, would have received aid after attaining 18 years of age under Kin-GAP or AFDC-FC and whose former guardian or guardians no longer provide ongoing support to, and no longer receive aid on behalf of, the nonminor after the nonminor attained 18 years of age, but before they attain 21 years of age.

- They received adoption assistance payments after attaining 18 years of age and their adoptive parent or parents died after the nonminor attained 18 years of age, but before they attain 21 years of age.
- They received adoption assistance payments after attaining 18 years of age pursuant and their adoptive parent or parents no longer provide ongoing support to, and no longer receive benefits on behalf of, the nonminor after the nonminor attained 18 years of age, but before they attain 21 years of age.

Independent Living Program (ILP) Services

A youth in receipt of extended Kin-GAP benefits will remain eligible for ILP Services. The extended Kin-GAP youth who receives ILP delivered services is subject to the [National Youth in Transition Database](#) reporting rules.

For both the state and federally funded Kin-GAP Programs, [earn income](#) of a dependent youth is to be exempted, and also a child receiving Kin-GAP benefits may retain up to \$10,000 in cash savings, including interest, other [assets](#) belonging to the youth may also be exempt from consideration when establishing eligibility for Kin-GAP benefits.

Under both the state and federally funded programs, extended Kin-GAP payment/benefits continue regardless of the state of residency in which the legal guardian and youth resides [[WIC sections 11364 \(b\) \(4\)](#), [WIC 11387 \(c\)](#), and [WIC 16121.1](#)].

County workers are to encourage legal guardians and youth to apply for Medicaid on behalf of the youth in the new state of residence. Families moving out of California or the United States (if the legal guardian is in the military or US embassy) are also to be encouraged to research the applicable laws of the new state or country of residency to determine the impact the move will have.

PROCEDURE

Kin-GAP Redetermination Eligibility Worker (EW) Responsibilities

1. Receives the 17 year 10 months task report from CalSAWS.
2. Reviews the report with a focus on compiling a listing of youth that are eligible to Extended Kin-GAP, resulting from the passing of AB 12.
 - a. Reviews the Kin-GAP rate to determine whether the child is receiving a specialized rate, if they are, the youth is eligible for Extended Kin-GAP.
 - b. Reviews whether the youth was at least 16 years of age at the time the court terminated jurisdiction
3. Sends the KG 1, KG 3, DCFS 1725.1 and a self-addressed return envelope to the legal guardian.

- If the documentation is not returned within 30 days from the time the documents were mailed, contact the legal guardian via telephone call and send a second notification including the forms described above.
4. Upon receipt of the KG 1, KG 3, and DCFS 1725.1 take the following actions:
 - a. Complete the school and attendance page in CalSAWS with the youth school information from the KG 1 and DCFS 1725.1.
 - b. Complete the information from the KG 3 in the Nonminor Dependent under Kin-GAP page in CalSAWS.
 - c. Annotate the receipt of the documentation in CWS/CMS under case notes as well as the actions taken in the CalSAWS journal.
 5. Confirm that the address information we have on the KG 2 is the same with the address in CWS/CMS, CalSAWS and MEDS.
 - a. If there is an address change, take corrective action to update the information on CWS/CMS.
 - b. Submit a request to the Payment Resolution Unit (PRU) to update the address in CalSAWS.
 - c. Send the referral via email to MEDS_Referral@dcfs.lacounty.gov for MEDS update to the Centralized Medi-Cal Unit for correction.
 6. Review the KG 3 for completeness, appropriate signatures and confirm that one of the [five \(5\) primary participation conditions](#) for Kin-GAP extension has been met.
 7. Annotate in the CWS/CMS Case Notes and CalSAWS journal the primary participation condition that has been met by the youth that qualifies them for Extended Kin-GAP.
 8. Update the aid code by completing the following information:
 - a. Under the Client Management Section on CWS/CMS update to the appropriate aid code.
 - b. Under the NMD page on CalSAWS update the aid code and run the Eligibility Determination and Budget Computation (EDBC) to generate the correct aid code in the system.
 - c. Submit a MEDS referral via email to MEDS_Referral@dcfs.lacounty.gov in order to update the correct aid code.
 9. Inform the legal guardian(s) via telephone of the approval of Extended Kin-GAP benefits.
 10. File documentation in the Eligibility folder.

HELPFUL LINKS

California Code	http://www.leginfo.ca.gov/calaw.html
Division 31 Regulations	http://www.cdss.ca.gov/ord/PG309.htm
Title 22 Regulations	http://www.dss.cahwnet.gov/ord/PG295.htm

Statutes and Regulations

[Assembly Bill 12](#), California Fostering Connection to Success (2009-2010)

[Assembly Bill 212](#), California Fostering Connection to Success (2011-2012)

[Public Law \(PL\) 110- 351](#), Foster Connections to Success and Increasing Adoptions Act of 2008

[Welfare and Institutions Code \(WIC\) 388.1\(a\)](#) Dependent Children—Modification of Juvenile Court Judgments and Orders

[WIC 11363\(d\)](#), Kinship Guardianship Assistance Payment Program

[WIC 11364\(b\)](#), Kinship Guardianship Assistance Payment Program

[WIC 11386 \(h\)](#), Kinship Guardianship Assistance Payments for Children

[WIC 11387\(b\)\(4\)](#), Kinship Guardianship Assistance Payments for Children

[WIC 11403.01](#), Aid to Families with Dependent Children-Foster Care

[WIC 16121.1](#), Aid for Adoption of Children

Manual of Policies and Procedures (MPP)

[All County Letter \(ACL\) 08-24](#), Minor Dependent Parents in Foster Care

[ACL 08-31](#), New Transitional Independent Living Plan (TILP) Agreement For Foster Youth

[ACL 11-15](#), New Kinship Guardianship Assistance Payment (Kin-GAP) Program Requirements

[ACL 11-69](#), Extension of Foster Care Beyond Age 18: Part One

[ACL 11-86](#), Extension of Kinship Guardianship Assistance Payment (KIN-GAP)

Program Benefits and Adoption Assistance Payments (AAP) To Age 21

[All County Information Notice \(ACIN\) 1-40-11](#), Program Information Regarding Assembly Bill (AB) 12 and the Extension Of Foster Care To Age 20

Related Policies

[E050-0510](#) Kinship Guardianship Assistance Payment (Kin-GAP) Program (Pre-Assessment and Initial Determination of Eligibility)

[E050-0515](#) Kinship Guardianship Assistance Payment (Kin-GAP) Program (Redetermination)

[0100-520.37](#) Kinship Supportive Services

Forms

[KG 1](#) - Kin-GAP Mutual Agreement for 18 Year Olds

[KG 2](#) - Statement of Facts Supporting Eligibility for Kin-GAP Program

[KG 3](#) - Kin-GAP Mutual Agreement for Nonminor Former Dependents (version 12/11)

[SOC 369](#) - Agency-Relative Guardianship Disclosure

[SOC 369A](#) - Kinship Guardianship Assistance Payment Program Agreement Amendment (version 11/11).

DCFS 1725.1, School Verification