New York State KinGAP
Implementation
New York State KinGAP

Background

- Part F of Chapter 58 of the Laws of 2010 (Chapter 58)
- “Kinship Guardianship Assistance Program” (see §§458-a--458-f of the SSL).
- In addition, Chapter 58 amended the Family Court Act (FCA) and the Surrogate’s Court Procedure Act setting forth standards and procedures relating to the application for and issuance of letters of guardianship to prospective relative guardian(s).
- As a condition for New York State’s KinGAP law (Chapter 58) to take effect, New York State had to obtain approval from the federal Administration for Children and Families (ACF) of the Department of Health and Human Services of a Title IV-E State Plan Amendment implementing KinGAP.
- The Office of Children and Family Services (OCFS) filed the required State Plan Amendment with ACF on December 20, 2010, and this plan amendment was approved on April 1, 2011.
New York State KinGAP

Background

- The effect of the federal approval of the Title IV-E State Plan Amendment is that federal Title IV-E reimbursement is available for otherwise eligible kinship guardianship assistance payments effective on April 1, 2011. It also means that the kinship guardianship assistance and non-recurring guardianship expense programs became effective in New York State as of April 1, 2011.
- The New York State statute meets all applicable federal requirements to operate a KinGAP and obtain federal reimbursement for eligible foster children.
- In addition, Chapter 58 includes New York State specific provisions and extends to children who, while not eligible under the Title IV-E kinship guardianship assistance program, are eligible for kinship guardianship assistance payments under New York State’s KinGAP.
- OCFS filed implementing regulations on an emergency basis, and at the same time filed these regulations for public comment on December 17, 2010. The regulations became effective on April 1, 2011. They can be found at the following link:
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Committees

- Established Steering and Subcommittees
- Systems
  - NYS had a number of systems to enhance – for movement and legal activities, payment, claiming and licensing
- Health Department
  - OCFS had extensive discussions on coverage for non-IV-E children and out-of-state issues (incoming / outgoing)
- Fair Hearings
- Office of Temporary and Disability Assistance
  - Affects on TA, Food Stamps, Home Energy Assistance, Child Support
- Workgroup with local social services district (Westchester County)
New York State KinGAP Training


- Training Programs – CPS, Foster Care, Foster Parents
  - Review and update curricula (ongoing)
  - Ilink course for KinGAP Eligibility (under development)
New York State KinGAP Support

- **KinGAP HELP** -
  - A special mailbox has been set up for questions regarding the Kinship Guardianship Assistance Program. Questions are to be sent to:
    - **KinGaphelp@dfa.state.ny.us**
  - OCFS is currently developing a FAQ based on the questions that were submitted at the teleconference and to the KinGAP Help mailbox. Upon completion, this FAQ will be posted on the KinGAP webpage:
    - [http://www.ocfs.state.ny.us/kinship/support_docs.asp](http://www.ocfs.state.ny.us/kinship/support_docs.asp)
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Special Materials

- On March 31, 2011, OCFS issued an administrative directive (ADM) on KinGAP that explained the program, eligibility rules, benefits available, systems instructions, and provided a compendium of forms for the districts and voluntary agencies to use for KinGAP cases.

- The ADM, 11-OCFS-ADM-03 *Kinship Guardianship Assistance Program (KinGAP)*, is posted at: [http://www.ocfs.state.ny.us/kinship/support_docs.asp](http://www.ocfs.state.ny.us/kinship/support_docs.asp)
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Special Materials

- Forms / Notices included
  - Relative Notification Letter
  - KinGAP Application
  - KinGAP Agreement
  - KinGAP Amendment
  - KinGAP Annual Notification Letter
  - KinGAP Annual Certification Form
  - KinGAP Fair Hearing Notices (3 – denial, denial of upgrade and discontinuance)
  - KinGAP Expenses Reimbursement Form
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Contractual Services

• Using Planning Money (designated for KinGAP in the NYS budget), a consultant was hired
  ◦ Key resource in the teleconference
  ◦ Development of Practice Guide
New York State KinGAP
Practice Guide for Caseworkers

- The Practice Guide contains five chapters and a number of appendices and is principally designed for caseworkers who are involved in establishing permanency for foster children through KinGAP.
- The Practice Guide assists caseworkers in determining whether legal guardianship is an appropriate permanency option for foster children in their care;
- Explains the steps in a KinGAP case; and
- Assists districts and agencies in assessing their implementation readiness.
- The appendices include tools that can be used to assist caseworkers with discussions with the family and child, and making determinations regarding the child and related foster parent(s) eligibility for KinGAP.
- The caseworker guide is posted at: http://www.ocfs.state.ny.us/kinship/guides.asp
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Relative Support

- OCFS created a KinGAP booklet for Relatives, entitled *Know Your Permanency Options: The Kinship Guardianship Assistance Program (KinGAP).*
- This booklet explains KinGAP to related foster parents, and is to be given to them at the point that they are identified as a relative and potential resource for the child.
- The booklet also includes a chart that compares KinGAP with adoption subsidy and foster care to inform the relative of the similarities and differences between the programs and benefits.
- *The booklet is posted at:* [http://www.ocfs.state.ny.us/kinship/guides.asp](http://www.ocfs.state.ny.us/kinship/guides.asp)
As part of the OCFS Need to Know series for youth in foster care, a youth booklet entitled, *A Permanency Option for Youth Living with a Related Foster Parent: Kinship Guardianship Assistance Program (KinGAP)* was created.

This booklet explains KinGAP to youth in foster care and focuses on those elements of the program that they are likely to be most concerned about, such as independent living services, contact with birth parents and siblings, and when KinGAP ends.

The youth booklet also includes a chart that compares KinGAP with adoption subsidy and foster care in regards to topic areas that might be of interest to a youth.

The youth booklet is posted at: [http://www.ocfs.state.ny.us/kinship/guides.asp](http://www.ocfs.state.ny.us/kinship/guides.asp) and at the Youth In Progress website: [http://www.youthinprogress.org/#n](http://www.youthinprogress.org/#n)
New York State KinGAP Webpage

- Developed KinGAP webpage where all KinGAP related materials and forms are housed.
- The webpage is at http://www.ocfs.state.ny.us/kinship/background_and_process.asp
- Spanish translation of materials designed for relatives – in progress
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Courts

- OCFS worked with the Office of Court Administration.

- The form, to be used for petitioning the court for letters of guardianship can be viewed at: http://www.courts.state.ny.us/forms/familycourt/guardianship.shtml
  - 6-1-c (Petition for Appointment of Kinship Guardian [Subsidized Kinship Guardian Program] and/or Permanent Guardian) 4/2011

- The court order form can be viewed at: http://www.courts.state.ny.us/forms/familycourt/guardianship.shtml
  - 6-5-a (Order Appointing Kinship Guardian [Subsidized Kinship Guardian Program] and/or Permanent Guardian) 4/2011
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Data and Reporting

- One of the requirements of Chapter 58 of the Laws of 2010 was for OCFS to report the progress on the implementation of KinGAP and additional relevant data to:
  - the Governor, Speaker of the assembly, Temporary President of the Senate, the Minority Leader of the Senate, the Chair of the Assembly Committee on Children and Families, and the Chair of the Senate Committee on Children and Families
  - by February 1, 2012, and each year thereafter.
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Contact Information

New York State Office of Children and Family Services (OCFS)

Contact: Michelle Rafael

Director, Policy Analysis

E-mail: Michelle.Rafael@ocfs.state.ny.us

Phone: (518) 474-4352

KinGAP webpage:

http://www.ocfs.state.ny.us/kinship/background_and_process.asp