

SUPPLEMENT TO THE INITIAL STATEMENT OF REASONS

To ensure that the state and federal Kinship Guardianship Assistant Payment Program (Kin-GAP) statutory requirements are fully met the California Department of Social Services (CDSS) has instituted additional changes to these proposed regulations which are discussed below. Additionally, all changes made to these proposed regulations have been done to adequately address the state's necessity and clarity regulatory standards.

Sections 45-602.21

The Kin-GAP Program requires that a youth be placed in an eligible facility and in order to meet this eligible facility provision the home of the relative legal guardian must be approved. Statute does not address, whether in the Kin-GAP Program, if county staff must annually reassess the approved home of a relative legal guardian. This regulation is necessary to establish that such an annual reassessment does not need to be completed in the Kin-GAP Program.

Sections 45-602.211

Due to redundancy and lack of necessity this regulation has been deleted and combined with Section 45-602.21.

Section 45-602.51

In order to assess whether the youth meets the Kin-GAP property eligibility requirement it is important that only the youth's property is reviewed. Statute does not identify if it is the Kin-GAP guardian's or youth's property that must be reviewed when determining if the property eligibility requirement has been met. This regulation is necessary because it will establish that it is the youth who is the recipient, and clarify as the recipient only the child's property is relevant.

Section 45-604.1

In response to the Office of Administrative Law's (OAL) review, this section has been amended to clarify all of the eligibility requirements specific to the federal Kin-GAP Program.

Section 45-604.42

In response to OAL's review, this section has been amended to further clarify the term "appropriate" by identifying factors to consider when determining if a sibling arrangement is appropriate.

#### Section 45-604.5

The federal Kin-GAP Program requires that the youth was eligible for the federal foster care program prior to entering federal Kin-GAP. There currently is no statute or regulation requirement that counties retain documents which identify that the youth met the "eligible for federal foster care" requirement. This section is necessary to outline the child welfare services documentation that must be reviewed in order to establish a "federal foster care eligibility" verification process and ensure that it's administered consistently statewide.

#### Section 45-605.1

In response to OAL's review, this section has been amended to clarify all of the eligibility requirements specific to the state Kin-GAP Program.

#### Section 45-605.51

The State Kin-GAP Program statute does not address with specificity how the subsequent guardian placement requirement must be applied in the State Kin-GAP Program. This regulation is necessary to ensure that counties properly waive the six month placement requirement, consistent with Welfare and Institutions (W&I) Code section 11364(d)(1). This regulation is also necessary to differentiate the subsequent guardian process for the State Kin-GAP Program from the successor guardian in the federal Kin-GAP Program by identifying that a subsequent guardian need not have been named in the initial Kin-GAP agreement for eligibility under the State Kin-GAP Program. This will ensure that youth may be eligible for State Kin-GAP when a subsequent guardian is appointed by the juvenile court even if the case is no longer federally eligible. This regulation is necessary for consistency and uniformity with how the subsequent guardian placement process is administered in the State Kin-GAP Program.

#### Section 45-606.11

The Kin-GAP statute does not identify when the mutual agreement must be signed by the youth and county staff for extended Kin-GAP benefits. This regulation is necessary to enable a Kin-GAP eligible youth to receive Kin-GAP benefits beyond his/her 18th birthday by establishing specifically when the mutual agreement must be signed by the youth and county staff. Additionally, a period of 30 working days was chosen to provide the public and county child welfare departments statewide a suitable amount of time to process all of the documentation required for extending Kin-GAP beyond a youth's 18<sup>th</sup> birthday. A thirty working-day period reduces the risk of delay in continuity of payment as well as the risk of overpayment.

#### Section 45-607.2, 45-607.211, 45-607.212

The Kin-GAP statute does not address with specificity the specific events which require suspension of the Kin-GAP payment. One of the essential elements of the Kin-GAP Program is that the guardian must provide support and care. When circumstances arise that prevent the legal guardian from providing support and care, even temporarily, the payment must be suspended due to the legal guardian no longer meeting one of the core Kin-GAP eligibility requirements. Therefore, clarification is needed to specify that the payment must be suspended once they are no longer providing support and care.

Additionally, the two week period of time allotted for completion of the KG 2 is a program requirement that existed under the initial 1999 Kin-GAP Program. To ensure consistency with the initial Kin-GAP Program application processing requirements the current Kin-GAP Program must follow the same requirements. These regulations are necessary to establish the specific circumstances under which the Kin-GAP payment shall be suspended as opposed to terminated.

#### Section 45-607.31

Statute or regulation does not specify the time period for computation of the Kin-GAP payment or any adjustments thereto. For consistency with foster care income requirements, upon which Kin-GAP income requirements are based, and ease of implementation, the Kin-GAP Program will follow the same computation rules. This regulation is necessary to establish that any adjustments to the Kin-GAP payment shall be computed based on known or estimated income in the current calendar month.

#### Section 45-607.7

Statute does not address the specific type of income that must be offset against the Kin-GAP payment when determining income eligibility for the Kin-GAP Program. For consistency with foster care income requirements and offset requirements, upon which Kin-GAP income requirements are based, and ease of implementation, the Kin-GAP Program will follow the income and offset rules. This regulation is necessary to establish the specific types of income that must be offset in the Kin-GAP Program.

#### Section 45-607.8

Statute does not address with specificity when the Kin-GAP payment must continue or terminate once a W&I Code section 388 petition is filed. Essential to eligibility for the Kin-GAP program is termination of dependency. When the court reinstates dependency jurisdiction to remove a youth from a guardian, terminate a guardianship, or after concluding the hearing on a petition filed under W&I Code section 388, the court's order directly impacts the ongoing Kin-GAP eligibility. Therefore, clarification is needed on the specific circumstances which cause the payment to be stopped. This regulation is necessary to establish Kin-GAP payment guidelines once a petition pursuant to W&I Code section 388 is filed.

Section 45-607.43

In response to OAL's review, this section has been amended to add the date of a specific event to further clarify the last date of payment in the Kin-GAP Program.