**KinGAP Information**

The **Kinship Guardianship Assistance Program (KinGAP)** is designed for a foster child to achieve a permanent placement with a committed adult who had been the child’s foster parent for at least six months. This program provides financial support and, in most cases, medical coverage for the child, beginning with the child’s discharge from foster care to the guardian. The level of financial support is similar to the maintenance payments received while the child was in foster care.

**Process**

In addition to being the child’s foster parent for at least six months, the prospective guardian must be:

1. related to the child by blood, marriage or adoption, and the relationship can be to any degree of affinity, or
2. related to a half sibling of the child by blood, marriage, or adoption (to any degree of affinity) and is also seeking to become, or is, the guardian of such half sibling through KinGAP, or
3. an adult with a positive relationship to the child that was established prior to the child’s current foster care placement.

The family can have a single parent or two parents. The family may have birth children, adoptive children, or no other children. Families can vary by age, income, lifestyle, and marital status. A KinGAP family must have a strong commitment to caring for the child on a permanent basis.

The foster child must have a strong attachment to the prospective guardian. The child must be consulted if age 14 or over. If age appropriate, younger children should be consulted as well. The child must consent if age 18 or over.

The foster child does not have to be free for adoption in order for Kinship Guardianship Assistance to be provided. However, both “return home” and “adoption” must be ruled out as permanency options for the child. The foster child’s caseworker will be working with the child’s birth family and prospective guardian to explore other permanency options or determine that there are compelling reasons for the child not to return home or be adopted.

Because, as stated above, the child’s parental rights need not be terminated to achieve Kinship Guardianship Assistance, the legal process from application to finalization can be considerably shorter than freeing a child and legalizing an adoption.

The KinGAP requires that agencies must check with the New York State Child Abuse and Maltreatment Register (and other states’ comparable registries if adults in the home lived in any other states in the last five years) to determine whether the proposed guardian, or any person age 18 or over who resides in the home, has previously abused or maltreated a child. Also, a state and national (with the FBI) criminal history check for a proposed guardian, or any other person age 18 or over who is currently residing in the home, is required. Since these requirements were met when the foster home was initially certified or approved, they are considered having been met for the KinGAP. An indicated report of abuse or maltreatment or a criminal record does not necessarily prevent Kinship Guardianship Assistance.

The foster parent must apply for the KinGAP to the local department of social services (LDSS) that has custody of the child and enter into an agreement with the LDSS. This KinGAP agreement will include the details of the financial assistance and medical coverage to be provided, including the monthly amount of assistance, how payment will be made, how payments may be adjusted, and additional services and benefits for which the guardian and child may be eligible. Some of these services and benefits include: payment to the guardian of up to $2,000 for expenses the guardian might need to pay for legal services like attorney’s fees connected to obtaining guardianship, and for the child, education and training vouchers, up to $5,000 per year for college or vocational training costs, depending on availability.

In order for KinGAP eligibility to be established, the case must have completed certain court hearings (a fact finding hearing for certain children who have been removed and a first permanency hearing for all children in foster care) before the agreement can be approved by the LDSS. After the agreement is approved, a guardianship petition must be filed with the court and the court must issue letters of guardianship.

Payments start once the letters of guardianship are issued. Assistance may continue until the child reaches the age of 18 or 21, as long as the guardian remains legally responsible for the child and continues to provide support for the child.

If the family moves out of New York State after the foster parent assumes guardianship, the assistance will continue, and the agreement will contain information on continuing medical coverage in the new state of residence.

KinGAP in New York State is governed by various provisions of Social Services Law, Surrogate’s Court Procedure Act and New York State Family Assistance regulations. A fair hearing is available for families who seek to challenge the decision of an agency; for example, if the application is denied or not acted upon.

When Kinship Guardianship Assistance is in place, the guardian can make all necessary decisions for the child, including medical and educational decisions. For a child not free for adoption, parental rights are still retained by the birth parents. The child may maintain contact with the parents, including visits, if appropriate to the circumstances. The agency's supervision is no longer required.

There may be times when the family needs assistance after kinship guardianship is in place. Supportive services are available around the state through a network of Kinship Programs.