



Office of Children and Family Services

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Informational Letter

Transmittal:	23-OCFS-INF-08
To:	Local Departments of Social Services Commissioners Voluntary Authorized Agencies Executive Directors
Issuing Division/Office:	Office of Strategic Planning and Policy Development
Date:	July 28, 2023
Subject:	Updated Kinship Guardianship Assistance Program (KinGAP) Guide
Suggested Distribution:	Local Departments of Social Services Directors Voluntary Authorized Agencies Executive Directors Adoption Supervisors Child Protective Services Supervisors Child Welfare Supervisors Foster Care Supervisors
Contact Person(s):	See section IV.
Attachments:	None

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
11-OCFS-ADM-03 15-OCFS-ADM-15 18-OCFS-ADM-03 18-OCFS-ADM-23 20-OCFS-ADM-18 21-OCFS-ADM-15 22-OCFS-ADM-10		18 NYCRR § 430.11(c)(4); 18 NYCRR Part 436	P.L. 115-123 (Family First Prevention Services Act); SSL § 458-a and § 458-b		P.L. 110-351 (Fostering Connections to Success and Increasing Adoptions Act of 2008)

I. Purpose

The purpose of this Informational Letter (INF) is to notify local departments of social services (LDSSs) and voluntary authorized agencies (VAs) about the issuance of the revised *Kinship Guardianship Assistance Program (KinGAP) Guide* [KinGAP Guide] by the New York State Office of Children and Family Services (OCFS). This INF outlines the updates to the *KinGAP Guide* and includes a link to the *KinGAP Guide* on the OCFS website.

II. Background

KinGAP is a federally supported program for children in kinship foster care that provides financial assistance to certain categories of foster parents who assume legal guardianship of the children in their care. KinGAP was created with the enactment of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) that granted states the option of using federal Title IV-

E funds to support kinship guardianship assistance payments for children living in the homes of related kinship foster parents who become the child's legal guardians.

KinGAP was implemented in New York State on April 1, 2011¹ for related foster parents and expanded on March 12, 2018, to include relatives of half siblings and non-relatives who have a positive relationship with the child that was established prior to the child's current foster care placement.²

In conjunction with the creation of KinGAP, OCFS published the *KinGAP Guide* to aid child welfare agencies in understanding and navigating KinGAP, and to help eligible families weigh the comparative benefits of alternative permanency options and make decisions that are appropriate and in the best interests of the children in kinship foster care. The *KinGAP Guide* includes topics on:

- understanding KinGAP in New York State,
- eligibility criteria for KinGAP,
- how to assist and engage families in making permanency decisions, and
- the KinGAP workflow.

The *KinGAP Guide* has been updated to reflect changes in statute, regulations, and current practice which are outlined below in Section III of this INF.

III. Program Implications

The *KinGAP Guide* is an important source of information for LDSSs and VAs to use when assisting kinship foster parents seeking kinship guardianship assistance for children in foster care when reunification and adoption efforts have been ruled out. OCFS has revised the *KinGAP Guide* to reflect programmatic changes that have occurred since the *KinGAP Guide* was originally released in 2011. Some of the changes are listed below:

- Expansion of KinGAP
 - Expands who may be a prospective relative guardian(s) to include persons in two additional types of relationships and removes the requirement that KinGAP payments automatically terminate upon the child's 18th birthday if the KinGAP agreement became effective prior to the child attaining the age of 16.³ See [18-OCFS-ADM-03](#) for more details.
- Prospective Successor Guardianship
 - KinGAP payments must continue to an approved successor guardian upon the death or incapacity of the original KinGAP relative guardian.⁴ See [15-OCFS-ADM-15](#) for more details.
- KinGAP Online System
 - All KinGAP cases, including applications, agreements, and amendments, are to be processed electronically through the KinGAP Online System. See [22-OCFS-ADM-10](#) for more details.
- Initial Notification
 - Provides a reminder about New York State statutes and regulations that require specific actions to identify, notify, and engage kinship resources when a child is removed from their home.⁵

¹ [11-OCFS-ADM-03](#).

² [18-OCFS-ADM-03](#).

³ SSL § 458-a and § 458-b.

⁴ P.L. 113-183 (Preventing Sex Trafficking and Strengthening Families Act); SSL § 458-b.

⁵ 18 NYCRR 430.11(c)(4).

- Providing Information to Kinship Caregivers
 - At the time an identified person is notified of a child's removal, the brochures listed below must be provided (See [18-OCFS-ADM-23](#) for more details):
 - *Know Your Options: Kin Caring for Children* ([Pub. 5175](#))
 - *Make an Informed Choice: Kin Caring for Children* ([Pub. 5120](#))
 - If the relative, or other suitable persons (non-relatives or fictive kin), chooses to become a foster parent for the child, then the person must be provided with the following:
 - *Know Your Permanency Options: The Kinship Guardianship Assistance Program* ([Pub. 5108](#))
- Kin-First Firewall
 - All LDSSs and VAs must have a kin-first firewall practice established and documented in their kinship policies. See [20-OCFS-ADM-18](#) for more details.
- Kinship Champion
 - Each LDSS and VA must have at least one staff person identified as a Kinship Champion. See [21-OCFS-ADM-15](#) for more details.

The revised *Kinship Guardianship Assistance Program (KinGAP) Guide* is available on the [OCFS website](#) at this link: <https://ocfs.ny.gov/programs/kinship/assets/docs/KinGAP-Practice-Guide.pdf>.

IV. **Contacts**

Any questions concerning this release should be directed to the appropriate regional office in the OCFS Division of Child Welfare and Community Services:

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