

## Need to Know Series:

A Permanency Option for Youth Living  
with a Related Foster Parent:

# Kinship Guardianship Assistance Program (KinGAP)



## Youth In Progress

New York State Foster Care  
Youth Leadership Advisory Team

“ *The mission of Youth In Progress is to enhance and advance the lives of today's and tomorrow's youth by supporting their sense of self and responsibility. To do this, we pledge to educate everyone involved in the various systems Youth In Progress members represent, to the realities of this experience.* ”

[www.youthinprogress.org](http://www.youthinprogress.org)

*“Kinship placements can help strengthen family attachments for both the youth and relative guardian, resulting in a more supportive placement.”*

*– foster care youth*

If you are living with a foster parent who is related to you, there is a new permanency option that you should know about. It is called the Kinship Guardianship Assistance Program (KinGAP). Guardianship has always been available as a permanency option, but with KinGAP there is financial and medical support available for relative guardians.

This support may allow you to be discharged from foster care and remain with your relative, who will act as your guardian.

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## What is the Kinship Guardianship Assistance Program (KinGAP)?

Kinship guardianship means that the court appoints your related foster parent to be your legal guardian. As your guardian, your relative will have the right and responsibility to make decisions that affect your life and development.

**Once your related foster parent becomes your guardian, you will no longer be in foster care.** Your child welfare agency, the local department of social services (DSS), or the New York City Administration for Children’s Services (ACS) will no longer supervise you or have custody of you. This means there will no longer be caseworker visits with you and your relative and there will no longer be court hearings to attend. However, you may be eligible for some of the services you could or did receive when in foster care. See page 6 for more information on independent living services that may be available and check out the chart starting on page 7 for information on other services.

Guardianship is a permanent commitment. Your guardian will be responsible for you and support you until you are 18 years old. In some cases, with your consent, guardianship may continue until you are 21. For more information on when guardianship assistance ends, please see page 6.













KinGAP provides your relative guardian with financial and medical support for you. This means that not only will your relative have guardianship of you, but he/she will also receive a monthly check to assist in supporting you, and, in most cases, medical coverage for you.

**Important:** Your birth parents' parental rights do not have to be terminated in order for your related foster parent to become your guardian.

## How will I know if my placement qualifies for KinGAP?

Your child welfare agency will determine if you and your related foster parent are eligible for KinGAP.

The following are the minimum requirements for eligibility:

-  You are under age 21 and in foster care;
-  You are related to your foster parent by blood, marriage or adoption;
-  You have lived with your related foster parent for at least six consecutive months;
-  Your initial permanency hearing must have been completed in court;
-  If you came into foster care due to abuse or neglect, your fact-finding hearing must have been completed in court;
-  You have a strong attachment to your relative;
-  Your relative has a strong commitment to care permanently for you;
-  Both "return home" and "adoption" have been ruled out as permanency plans for you;
-  Your child welfare agency has determined that it is in your best interests for your related foster parent to become your guardian; and
-  Your related foster parent and any other adults age 18 or over must have completed criminal history checks and child abuse/maltreatment database checks, unless these checks were already made during the certification/approval of their foster home.

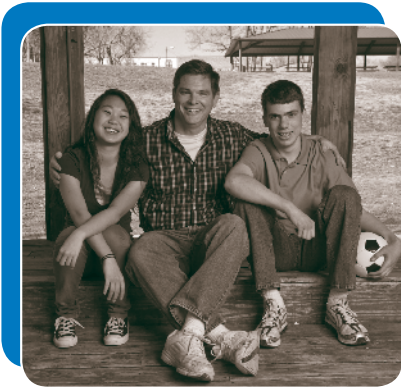
Children of any age can be eligible for KinGAP.

If you are under age 14, your caseworker should talk to you about your guardianship plan.

If you are age 14 or older, your caseworker must have consulted you about your guardianship plan.

If you are age 18 or older, you have to consent to your guardianship plan to be eligible for KinGAP.





## How do my relative and I apply for KinGAP?

Your caseworker will talk to you, your related foster parent, and, in most cases, your parents about what it means for your related foster parent to become your guardian, and will explain the Kinship Guardianship Assistance Program. Part of this discussion will be about which permanency plan is in your best interests and fits your family circumstances.

If, after talking to your caseworker, your related foster parent is interested in applying for KinGAP, he or she can complete and submit an application for the program to your caseworker. If you are age 18 or older, you must sign the application because you must consent in order to be eligible for KinGAP. Your child welfare agency will decide whether to approve or disapprove the application based on the eligibility criteria listed on page 3.

## My relative's KinGAP application was approved – what's next?

If your agency approves the KinGAP application, your related foster parent and child welfare agency will complete a Kinship Guardianship Assistance Agreement. This is the contract that describes the financial and medical assistance your relative will receive after your guardianship is transferred to him or her. This amount will be based on the amount your relative received as your foster parent, and this payment is to assist your relative in supporting you.

If you are age 18 or older, your child welfare agency will do transition planning with you, as is done for all youth that exit foster care at age 18 or older.

Once the KinGAP Agreement is completed and signed by your relative and your child welfare agency, your relative can petition the court for guardianship. If the petition is granted, your relative will become your guardian and your foster care case will be closed. Kinship guardianship assistance payments begin when guardianship is transferred to your relative by the court.



## More important facts to know about KinGAP

The following pages provide answers to questions about KinGAP. Also see the Permanency Comparison Chart starting on page 7 that more fully explains important details about KinGAP and helps you compare KinGAP, adoption subsidy, and foster care. Please review this chart with your caseworker and ask any questions you have.

### **Will I have contact with my birth parents and siblings?**

KinGAP does not require that your birth parents' parental rights be terminated so they may or may not still have parental rights. If they still have parental rights, with kinship guardianship you can usually continue to visit your birth parents and they may still be a part of your life. Your parents may have contact with you through phone calls, letters, or visits. Your relative guardian will usually arrange this contact, based on what is in your best interests.

Your relative may become the guardian of both you and your siblings. Keeping siblings together is encouraged, as long as this does not negatively affect the health, safety, or well-being of you or your siblings. If you cannot be placed into guardianship with your siblings, you should have regular contact with them through phone calls, letters, or visits, unless it is not in your or your siblings' best interests to have this contact. The contact you have with your siblings under guardianship should be similar to the contact you had with them while you were in foster care, unless circumstances have changed.

Check with your caseworker and relative about the visiting plan with your parents and siblings intended after your relative becomes your guardian. In some cases, the court may include a visiting plan for you and your birth parents and/or siblings as part of the order that transfers your guardianship to your relative.



## Does kinship guardianship affect my eligibility for independent living services and Education and Training Vouchers (ETV)?

If you are age 16 or older when you leave foster care and your related foster parent becomes your guardian, independent living services may be available to assist you in preparing for adulthood. These services may include independent living skills assessment and training, academic support, and vocational training. You may also apply for an Education and Training Voucher (ETV), which provides up to \$5,000 toward the cost of attending college or vocational programs.

Before you leave foster care for kinship guardianship, speak with your caseworker about Independent Living Services that are available in your area. You should also ask how to apply for ETV.

You will not receive an independent living stipend after you leave foster care for guardianship.

## When does kinship guardianship assistance end?

Kinship guardianship assistance payments will continue until you are 18, as long as your relative guardian continues to be legally responsible for you and supports you. If you were age 16 or older when the guardianship began, assistance can continue until you reach 21, as long as your guardian remains legally responsible for you and continues to support you. However, once you reach 18, and until you are 21, assistance payments will continue **only** if you are in an educational or vocational program, have a job or are in a program that assists you in getting a job, or are incapable of all of these activities due to a medical condition.

Your relative guardian will receive a letter from your child welfare agency every year requesting information on your educational/employment status and to determine whether your relative is still legally responsible for you and supporting you.

Though the legal guardianship ends at age 18 or 21, guardianship can result in a lifelong relationship. Your relative may continue to be a support for you throughout your life.



# NEW YORK STATE'S CHILD PERMANENCY COMPARISON CHART

## Adoption Assistance, Kinship Guardianship Assistance, and Foster Care

This chart is designed to help you compare the options of adoption assistance, kinship guardianship assistance, and foster care. It is not meant to be a comprehensive description of each permanency option, but summarizes the elements that are likely to be of interest to you. Some of these facts may be of greater interest to you than others, depending on your age. The caseworker will walk you through the chart. Your relative may be part of the discussion.

	<b>Adoption Assistance (Subsidy)</b>	<b>Kinship Guardianship Assistance</b>	<b>Foster Care</b>
<b>Who Takes Care of Me?</b>	Your related foster parents become your adoptive parents. As your adoptive parents, they will make a permanent, lifelong commitment to care for you as if you were their birth child. Your adoptive parents will make all decisions about your care.	Your related foster parents become your guardians. As your guardians, they will make the majority of the decisions about your care.  If your birth parents' parental rights have not been terminated, they may still be involved at some level in your care and legally remain your parents.	Your related foster parents provide daily care for you, but the child welfare agency and court would stay involved and be responsible for making the majority of decisions about your care.  If your birth parents' parental rights have not been terminated, they may still be involved at some level in your care and legally remain your parents.



	<b>Adoption Assistance (Subsidy)</b>	<b>Kinship Guardianship Assistance</b>	<b>Foster Care</b>
<b>What Happens to My Birth Parents' Parental Rights?</b>	With adoption, your birth parents' parental rights are terminated, which means that they no longer have any rights related to your care.	With guardianship, your birth parents may or may not still have their parental rights. Your birth parents do not have to give up their parental rights for the related foster parent to become your guardian; however, sometimes the court has already terminated their parental rights before your relative becomes your guardian.	With foster care, your birth parents may or may not still have their parental rights. Your birth parents do not have to give up their rights just because you are in foster care. However, the court may decide to terminate your parents' parental rights based on your specific family situation.
<b>Will a Case Worker Still Come to Visit Me?</b>	No - once your adoption is finalized you will no longer have a caseworker coming to the home to visit you.	No - once guardianship is transferred to your relative guardians you will no longer have a caseworker coming to the home to visit you.	Yes - in foster care you continue to have regular contact with a caseworker, including visits at your home.





	<b>Adoption Assistance (Subsidy)</b>	<b>Kinship Guardianship Assistance</b>	<b>Foster Care</b>
<b>Who Gets to Make Decisions About My Care?</b>	<p>All decisions about your care are made by your adoptive parents.</p> <p>You have the right to consent to certain health related services/procedures if you have the capacity to consent, which takes into account your age and level of understanding of the health issues and benefits and risks of treatment.</p>	<p>Major decisions related to your education, medical treatment, and consent for most other major life decisions are made by your guardians. (For example, the relative guardian can consent to your surgery and provide consent for you to get your driver's license before the age of 18.)</p> <p>You have the right to consent to certain health related services/procedures if you have the capacity to consent, which takes into account your age and level of understanding of the health issues and benefits and risks of treatment.</p>	<p>Major decisions related to your education, medical treatment, and major life decisions are made by your child welfare agency. (For example, the child welfare agency must consent to your surgery and provide consent for you to get your driver's license before the age of 18.)</p> <p>Your related foster parents can make decisions about routine activities, such as joining a club, dating, or playing a sport.</p> <p>If your birth parents' parental rights have not been terminated, they may also be involved in some of the decision making.</p> <p>You have the right to consent to certain health related services/procedures if you have the capacity to consent, which takes into account your age and level of understanding of the health issues and benefits and risks of treatment.</p>



	<b>Adoption Assistance (Subsidy)</b>	<b>Kinship Guardianship Assistance</b>	<b>Foster Care</b>
<p>How Does This Change My Visits and Contact With My Birth Parents and Siblings?</p>	<p>For the most part, your adoptive parents take the lead role in determining the relationship you will have with your birth parents and siblings. The adoptive parents will decide if you get to visit them, and how often. Sometimes when a child is freed for adoption there may be a visiting or contact plan in place with your birth parents.</p>	<p>In many cases, your relationship with your birth parents and/or siblings is maintained through contacts and/or visits; however this will depend on your family relationships. Your relative guardians are responsible for arranging the visits, unless a visiting plan is part of your guardianship order.</p>	<p>The child welfare agency and courts determine the contact/visitation you have with your birth parents and siblings. Unless there is a court order stating otherwise, you will have regular visits with your parents. In most cases, if your siblings are placed in a different home, your caseworker will arrange for you to have visits with your siblings.</p>

	Adoption Assistance (Subsidy)	Kinship Guardianship Assistance	Foster Care
<p>What Happens to My Name?</p>	<p>There is no requirement that your name be changed if you are adopted; however, children being adopted often have their name changed at the time of the adoption. Name changes are less common for children being adopted by relatives. This is a decision that you will make with your adoptive parents.</p> <p>Even if you choose not to change your name, you will get a new birth certificate that will show your adoptive parents' names instead of your birth parents' names.</p>	<p>When your relatives become your guardians you will most likely keep your name, which means you may have a different last name than your relative guardians.</p> <p>Your birth certificate does not change with guardianship.</p>	<p>In foster care you keep your name, which means you may have a different last name than your related foster parents.</p> <p>Your birth certificate does not change due to you being in foster care.</p>



	<b>Adoption Assistance (Subsidy)</b>	<b>Kinship Guardianship Assistance</b>	<b>Foster Care</b>
<p><b>Do I Have a Say in the Decision About My Plan-Adoption, Guardianship or Foster Care?</b></p>	<p>If you are age 14 or older, your case worker must get your approval (consent) to being adopted.</p> <p>If you are under age 14, your caseworker may involve you in the decision to be adopted, but is not required to do so.</p>	<p>If you are age 18 or older, your case worker and the court must get your approval (consent) to move forward with kinship guardianship as your permanency plan.</p> <p>If you are age 14 or older, you must be consulted regarding guardianship, which means your caseworker will discuss the guardianship plan with you and how it would impact your life. In addition, your case worker will ask about your feelings about moving forward with this plan.</p> <p>If you are under age 14, your caseworker may discuss the guardianship plan with you to some degree because the law requires age appropriate consultation on kinship guardianship.</p>	<p>If you are age 18 or older, the court must get your approval (consent) to remain in foster care. If you are under age 18, your caseworker may discuss your foster care plan with you and may ask about your feelings about foster care, but there is no requirement to do so.</p>

	<b>Adoption Assistance (Subsidy)</b>	<b>Kinship Guardianship Assistance</b>	<b>Foster Care</b>
<b>How Long Will This Placement Last?</b>	Adoption is considered a lifelong commitment. Although you will be able to make your own decisions when you reach adulthood, your adoptive parents will remain your parents.	Kinship guardianship legally ends when you turn age 18, or in some circumstances when you turn 21. This means that after 18 or 21, you will be responsible to make your own decisions. Though the legal guardianship ends at age 18 or 21, guardianship can result in a lifelong relationship and your relative may continue to be a support to you.	Foster care is not intended to be a lifelong commitment and it legally ends when you are either discharged, or age out of foster care between the ages of 18 to 21. When you turn age 18, you can make the decision as to whether you want to remain in foster care (the longest you can stay in foster care is until age 21).



	<b>Adoption Assistance (Subsidy)</b>	<b>Kinship Guardianship Assistance</b>	<b>Foster Care</b>
<p>How are My Chances of Getting Financial Aid for Education After High School Impacted?</p>	<p>If you were under age 13 when you were adopted, your adoptive parents' income is taken into consideration when applying for financial aid. This means that if your adoptive parents' household income is too high, you may not qualify for financial aid or may qualify for less.</p> <p>If you were age 13 or older when you were adopted, your adoptive parents' income is not considered when applying for financial aid. This means that you are considered "independent" and do not have to list any information about your adoptive parents' income on your financial forms.</p>	<p>Your guardians' household income is not taken into consideration when applying for financial aid. This means that you are considered "independent" and do not have to list any information about your relative guardians' income on your financial forms.</p>	<p>Your foster parents' household income is not taken into consideration when applying for financial aid. This means that you are considered "independent" and do not have to list any information about your foster parents' income on your financial forms.</p>



	Adoption Assistance (Subsidy)	Kinship Guardianship Assistance	Foster Care
<p>Can I still Get Independent Living Services and ETV Funds Offered by the Child Welfare Agency?</p>	<p>If you were adopted when you were age 16 or older, you remain eligible for some independent living services; such as vocational training, independent living skills training, and academic support services. You may also apply for the Education and Training Voucher (ETV), which provides up to \$5,000 towards attending post-secondary education or a vocational training.</p>	<p>If your relatives became your guardians when you were age 16 or older, you remain eligible for some independent living services; such as vocational training, independent living skills training, and academic support services. You may also apply for the Education and Training Voucher (ETV), which provides up to \$5,000 towards attending post-secondary education or a vocational training.</p>	<p>If you are age 14 or older, you are eligible for the Independent Living Services offered by your child welfare agency, which can include independent living skills, academic support services, and assessment services and case planning. You may also apply for the Education and Training Voucher (ETV), which provides up to \$5,000 towards attending post-secondary education or a vocational training. In addition, you may be eligible for after care services upon discharge, including room and board services.</p> <p>If you are age 16 or older, you will probably be eligible for independent living stipends, which are small monthly payments to assist you in the development of your independent living skills.</p>



**Youth In Progress  
Statewide Team**

*Erika Leveillee* 518-956-7884  
eveill@pdp.albany.edu

**Region 1 Buffalo:**  
Stand Up 4 Youth

*Chris Flowers* 518-956-7886  
cflowers@pdp.albany.edu

*Peter Padilla* 716-847-4663  
Peter.Padilla@ocfs.state.ny.us

**Region 2 Rochester:**  
Youth On the Move

*Chris Flowers* 518-956-7886  
cflowers@pdp.albany.edu

*Dana Brown* 585-238-8282  
Dana.Brown@ocfs.state.ny.us

**Region 3 Syracuse:**  
Voices United

*Chris Flowers* 518-956-7886  
cflowers@pdp.albany.edu

*Shannon Gorman* 315-423-1201  
Shannon.Gorman@ocfs.state.ny.us

**Region 4 Albany:**  
Youth 4 Progress

AND

**Region 3 and Region 4 Albany:**  
North Country Youth in Progress

*Chris Flowers* 518-956-7886  
cflowers@pdp.albany.edu

*Marie Limbach* 518-402-3395  
Marie.Limbach@ocfs.state.ny.us

**Region 5 Spring Valley:**  
Youth of Mid-Hudson and  
Adolescent Leaders of Tomorrow

*Diana Filiano* 631-444-2805  
dfiliano@notes.cc.sunysb.edu

*Nelson Lopes* 845-708-2449  
Nelson.Lopes@ocfs.state.ny.us

**Region 6 New York City:**  
The Movement

*Melissa Rivera* 212-396-7617  
M.Rivera@hunter.cuny.edu

*Pamela Brown* 212-383-1797  
Pamela.Brown@ocfs.state.ny.us

Editing and layout of this material by  
**Welfare Research, Inc. (WRI)**  
under a contract with the  
**New York State Office of Children and Family Services**

Pub. 5115 (7/11)

