



COMMONWEALTH of VIRGINIA

OFFICE OF CHILDREN'S SERVICES
Administering the Children's Services Act

Scott Reiner, M.S.
Executive Director

ADMINISTRATIVE MEMO-#18-07

TO: CPMT Chairpersons
CSA Coordinators

FROM: Scott Reiner, Executive Director, Office of Children's Services *SR*
Carl Ayers, Director, Division of Family Services, Virginia Department of Social Services

DATE: July 6, 2018

SUBJECT: Implementation of the Virginia Kinship Guardianship Program - Effective July 1, 2018

The 2018 General Assembly enacted legislation establishing the Virginia Kinship Guardianship Program (KinGap) with implementation effective July 1, 2018 (COV §63.2-1305, §63.2-100 and §63.2-905). KinGap facilitates the placement of children with relatives and provides a supported permanency option for foster children for whom return home or adoption are not appropriate goals. While current VDSS Foster Care policy encourages the use of relative placements when a child is at risk of foster care placement, KinGap provides a new way for relatives to access long-term support when assuming the responsibility of caring for children in their extended family.

Local departments of social services (LDSS) are encouraged, when appropriate, to use the emergency foster home approval process to facilitate relative placements which may ultimately become KinGap homes. Children placed through the existing emergency approval process are eligible for the Children's Services Act (CSA) and Family Assessment and Planning Teams (FAPTs) should be cognizant of the importance of promptly supporting such relative placements. As with any foster child, CSA funds may be used while eligibility for Title IV-E is determined and if the child is eligible, IV-E is the responsible funding source for maintenance. If the child is not eligible for IV-E, CSA is responsible for foster care maintenance costs.

With KinGap, after the goals of return home and adoption have been ruled out and the child has been in the (DSS approved) relative foster home six months or longer, the relative may sign a KinGap assistance agreement with the LDSS, who will petition the court to transfer legal custody to the relative. Once custody is transferred, the child is no longer in foster care, but the child and family are eligible for KinGap assistance until the child reaches age 18. The child's funding source for maintenance (both basic and enhanced, if appropriate) continues to be IV-E or CSA.

Children whose custody has been transferred to a relative with a KinGap agreement are eligible for all foster care services as defined in §63.2-905, meaning these children meet the criteria established in the Code of Virginia (§2.2-5211 and §2.2-5212) as eligible and "mandated" for CSA. KinGap assistance includes the payment of the maintenance payment as well as the provision of services recommended by the FAPT and approved by the Community Policy and Management Team (CPMT).

KinGap Assistance Agreements are similar to VDSS Adoption Assistance agreements in several ways, including the following:

- there is a written agreement between the agency and the caregivers reflecting the relatives' intent to provide a permanent home for the child
- basic and enhanced maintenance may be paid
- maintenance is negotiated and may not exceed the amount paid if the child had remained in foster care
- the locality holding custody of the child at the time of transfer to the relative(s) is the responsible locality for maintaining the agreement and making maintenance payments
- non-recurring expenses to facilitate the custody transfer may be made not to exceed \$2000 (IV-E funds are used if child is IV-E eligible; CSA funds are used if not)
- KinGap payments continue until the child's 18th birthday and may continue to the age of 21 if the youth meets certain criteria.

However, unlike Adoption Assistance, ***there is no provision for special services payments***. If services are needed, KinGap children and families will be referred to the Family Assessment and Planning Team in the locality of the family's residence. Provision of ***services*** is the responsibility of the residence locality; ***maintenance*** costs, whether IV-E or CSA, are the responsibility of the locality holding the Kinship Guardianship Assistance Agreement. Children and families living in KinGap homes are eligible and mandated for services through CSA.

If you have questions regarding the implementation of the Kinship Guardianship program, please contact your Regional VDSS Permanency Consultant or Carol Wilson with the Office of Children's Services.