NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY
ASSISTANCE
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ALBANY, NY 12243-0001
Andrew M. Cuomo
Governor

Administrative Directive

Section 1

Transmittal:	11-ADM-05
To:	Local District Commissioners
Issuing Division/Office:	Office of Temporary and Disability Assistance/Center for Employment and Economic Supports
Date:	June 15, 2011
Subject:	Temporary Assistance Budgeting: Treatment of Kinship Guardianship Assistance Program (KinGAP) Payments
Suggested Distribution:	Temporary Assistance Directors Food Stamp Directors Staff Development Coordinators
Contact Person(s):	1-800-343-8859 Temporary Assistance Bureau at Extension 4-9344
Attachments:	None
Attachment Available On – Line:	☐

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		352.22(p) 352.30 369.2(f)(ii)	Chapter 58 of the Laws of 2010	TASB Chapter 13; Section H	91 ADM-01 92 ADM-42 11-OCFS-ADM-03

Section 2

I.   Summary

This Administrative Directive (ADM) informs Social Services districts (SSD) of a new Office of Children and Family Services (OCFS) program and directs SSDs on the use of payments from this program when determining eligibility for financial assistance programs.

II.   Purpose

The purpose of this ADM is to provide information to SSDs about the Kinship Guardianship Assistance Program (KinGAP) and the impact this program will have on Temporary Assistance (TA), Food Stamps (FS), and Home Energy Assistance Program (HEAP) eligibility.

III.   Background

The Kinship Guardianship Assistance Program (KinGAP) was signed into Law with Chapter 58 of the laws of 2010 and went into effect April 1, 2011. KinGAP, which is administered by OCFS, is a new program in New York State designed to provide monthly payments and other benefits to qualified relative guardians of foster children who have been discharged from foster care.   Further information on KinGAP can be found in 11-OCFS-ADM-03:   Kinship Guardianship Assistance Program (KinGAP).

IV.   Program Implications

A. Temporary Assistance

Although not an adoption subsidy, KinGAP payments are to be treated in the same manner as an adoption subsidy. As such, whether a child is included in the TA case depends upon whether the family benefits financially by including or excluding the child for whom the KinGAP payment is received.

B. Food Stamps

KinGAP payments should be treated the same as foster care payments for FS purposes. This gives families the choice of including the child as a member of the household, and counting the KinGAP payment as unearned income, or excluding the child and the KinGAP payment. The decision to include or exclude a child from a household's FS case should depend on if the household would benefit financially by including or excluding the child.

C. HEAP

For HEAP eligibility purposes a child placed with a relative is included in the household count. Any payments received through KinGAP are excluded in the HEAP eligibility determination.

D. Medical Assistance

The Department of Health will address medical assistance implications in a separate General Information System Message (GIS) followed by an ADM.

V. Required Action

A. Temporary Assistance

SSDs must determine whether to include the child and the KinGAP payment in the budget or exclude the child and the KinGAP payment from the budget depending on which is more financially beneficial to the family. In order to make this determination, SSDs must complete and compare two sample budgets. The first budget must show the TA grant the household would receive if the child were included in the grant with the KinGAP payment budgeted as unearned income source code "01 – Adoption Subsidy" (ROS) or "income source code 13 - Adoption Subsidy" (NYC). The second budget must show the TA grant the household would receive if the child were not included and the KinGAP payment was disregarded as income. The budget which provides the family with the most financial benefit must be stored and used for authorizing payments to the household.

B. Food Stamps

Districts must determine Food Stamp Program household composition for households receiving KinGAP payments for children.

1. Children on whose behalf KinGAP payments are made are **not** required to be included in the FS household of their KinGAP guardian(s). It is the decision of the household whether to include the child(ren) or not. Inclusion or exclusion of the KinGAP child in the FS household is not contingent on whether or not food for the child is purchased and prepared with the rest of the food stamp household.

   i. If a child **is** included in the FS household, then the KinGAP payments for that child, **in excess of allowable, verified, reimbursable expenses**, must be included as unearned income code "09 - Foster Care Payments (FS Only)" (ROS) or income source code "59 – Foster Payments" (NYC) in the FS ABEL budget when determining the eligibility and benefit for that household. Such payments are considered to be unearned income to the FS household.

   ii. If a child is **not** included in the FS household, then the total amount of the KinGAP payments must be excluded as income to the FS household.

2. Reimbursable Expenses And Verification of Expenses

   Reimbursements for normal household living expenses such as rent or mortgage, utilities, personal clothing, or food eaten at home are a gain or benefit to the household and, therefore, may not be excluded as income. Reimbursement for *any other expense* may be excluded as income as set forth below:

   a) Reimbursements for past or future expenses, to the extent that they do not exceed actual expenses incurred, may be excluded as income. For KinGAP payments (where the child is included in the FS household), only that portion of the subsidy payment that exceeds the sum of all the excluded reimbursements is counted as income.

b) To be excluded as a reimbursement, a payment must be provided for a specific identified expense, other than normal living expenses, and used for the purpose intended. When a reimbursement, including a flat allowance (such as an adoption subsidy or foster care or KinGAP payment), covers multiple expenses, each expense does not have to be separately identified as long as none of the reimbursement covers normal living expenses. The amount by which a reimbursement exceeds the actual incurred expense shall be counted as income.

C. HEAP

When an applicant or recipient is receiving a KinGAP payment for a member of the HEAP household, SSDs must include the child in the household count and the KinGAP payment received is excluded in the HEAP eligibility determination.

VI. Systems Implications

A new unearned income code will not be created specifically for KinGAP payments. SSDs should use the designated codes in the instructions below when budgeting KinGAP payments for TA and/or FS.

Temporary Assistance (ROS)

When the SSD has determined that a TA household will benefit financially by including the child and the KinGAP payment, SSDs must add the child to the household count and enter the KinGAP payment amount in the ABEL budget. SSDs must use unearned income source code "01 - Adoption Subsidy" to budget KinGAP payments.

Temporary Assistance (NYC)

When the worker has determined that a TA household will benefit financially by including the child and the KinGAP payment, workers must add the child to the household count and enter the KinGAP payment amount in the ABEL budget using income source code 13 - "Adoption Subsidy."

Food Stamps

When the household's decision is to include the child in the FS household, SSDs must enter the KinGAP payments for the child, in excess of allowable, verified, reimbursable expenses, as unearned income code "09 - Foster Care Payments (FS Only)" (ROS) or income source code "59 – Foster Payments" (NYC) in the FS ABEL budget.

VII. Additional Information

When a child in receipt of TA is placed in foster care the TA grant must include the shelter and fuel allowance for the child until such time as the permanency planning goal is *not* to return the child to the TA household. Whenever there is an amendment to the permanency planning goal the SSD must determine whether or not to include the shelter and fuel allowance in the TA grant for the child in foster care.

In order for a foster child to be considered for KinGAP there must be a permanency planning goal ***not*** to return the child to the TA household. When a child is discharged from foster care to KinGAP it should require no action on a TA case to remove the child's share of shelter and fuel allowance as they were not eligible to receive it.

VIII. Effective Date

This ADM is effective April 1, 2011.

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