

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Policy Guide 2014.19

Change in the KinGap Subsidized Guardianship Program

DATE: December 31, 2014
TO: All DCFS and Private Agency Child Welfare Workers and Supervisors
FROM: Bobbie Gregg, Acting Director *Bobbie Gregg*
EFFECTIVE: Immediately

I. PURPOSE

The purpose of this Policy Guide is to provide information and guidance to DCFS and POS child welfare staff about recent changes affecting the KinGap subsidized guardianship program.

II. PRIMARY USERS

The primary users of this Policy Guide are POS and DCFS caseworkers and supervisors.

III. BACKGROUND

The Preventing Sex Trafficking and Strengthening Families Act [Public Law 113-183] amended the kinship guardianship assistance program (KinGap) in Title IV-E of the Social Security Act.

Eligibility requirements for KinGap were expanded, effective September 29, 2014, to include a child in whose behalf a relative guardian is receiving KinGap payments if the relative guardian dies or is incapacitated and a successor legal guardian has been named in the KinGap agreement or any amendments to the agreement. In other words, when the successor legal guardian assumes care and custody of the child, the Department will direct monthly kinship care assistance payments to that guardian.

The Department will be initiating rulemaking in January 2015 to amend the KinGap eligibility requirements in DCFS Rule 302.410(c)(1) [89 Ill. Adm. Code 302.410(c)(1)].

The **CFS 1800-C-G, Subsidized Guardianship Agreement** and **CFS 1800-F, Amendment to Agreement for Assistance** have been revised to implement this change to KinGap.



Revisions to the **CFS 1800-C-G, Subsidized Guardianship Agreement:**

- **Section II, General Provisions, Paragraph 4, adds:**

However, in the event of the death or incapacity of the guardian(s), the child remains eligible for assistance if the guardian(s) has designated a successor guardian(s) in this agreement (or any amendment to this agreement). Upon assuming care of the child, the successor guardian(s) must contact the DCFS Post Adoption staff in their region to request a home study, background checks and the development of a subsidy.

- **Section III, Obligations of the Guardian(s), adds new Paragraph (3):**

The guardian(s) designate the following person(s) as successor guardian(s) under this agreement. The successor guardian(s) have agreed in writing to assume care and custody of the child in event of the death or incapacity of the guardian(s)

- **Section X, Amendments, adds:**

Amendments to designate or change successor guardian(s) must also be completed on the CFS 1800-F.

Revision to the **CFS 1800-F, Amendment to Agreement for Assistance:**

- [Check box] Successor Guardian(s)
The guardian(s) designate the following person(s) as successor guardian(s) under this agreement. The successor guardian(s) have agreed in writing to assume care and custody of the child in event of the death or incapacity of the guardian(s)

Also, for purposes of the kinship guardianship assistance program (including KinGap), the term “legal guardianship” means:

“a judicially created relationship between the child and relative which is intended to be permanent and self-sustaining as evidenced by the transfer to the relative of the following parental rights with respect to the child: protection; education; care and control of the person; custody of the person; and decision making.”

IV. INSTRUCTIONS

- 1) Permanency and Adoption / Subsidy Workers shall ask relative caregivers who apply for kinship care assistance payments (KinGap) pursuant to Rule 302.410(c)(1) to designate a successor guardian(s) on the **CFS 1800-C-G, Subsidized Guardianship Agreement**, and explain how designation of a successor guardian(s) can benefit the child or children in their care.
- 2) Permanency and Adoption / Subsidy Workers shall ensure that relative caregivers who have already signed a **CFS 1800-C-G**, but who have not yet been appointed guardian of the child/children by the Juvenile Court, complete the attached

revised **CFS 1800-C-G**. The worker shall ask the prospective guardian(s) to designate a successor guardian(s) on the revised **CFS 1800-C-G, Subsidized Guardianship Agreement**, and explain how designation of a successor guardian(s) can benefit the child or children in their care.

3. Subsidy Workers shall ensure that relative guardians appointed by the Juvenile Court on or after 11/01/09 and prior to the effective date of this Policy Guide are asked to complete a **CFS 1800-F, Amendment to Agreement for Assistance** in order to designate a successor guardian(s) for the child or children in their care.

Revised CFS 1800-C-G and CFS 1800-F are available on the T drive and the DCFS Website and will be available in Spanish.

V. QUESTIONS

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at OCFP – Mailbox. Non Outlook users may e-mail questions to cfpolicy@idcfs.state.il.us.

VI. FILING INSTRUCTIONS

File this Policy Guide behind page 2 of Rule 302.410, Subsidized Guardianship Program (KinGap).

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