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## Local Commissioners Memorandum

<b>Transmittal:</b>	12-OCFS-LCM-03
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Child Care Services
<b>Date:</b>	March 2, 2012
<b>Subject:</b>	<b>Kinship Guardianship Assistance Program Payments - Excludable Income for Child Care Subsidy Program Eligibility</b>
<b>Contact Person(s):</b>	Homero Martinez (518) 408-3269 <a href="mailto:Homero.Martinez@ocfs.state.ny.us">Homero.Martinez@ocfs.state.ny.us</a>
<b>Attachments:</b>	No
<b>Attachment Available Online:</b>	n/a

### I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to establish a formal policy regarding the calculation of countable income for families in receipt of Kinship Guardianship Assistance Program (KinGAP) payments and to notify social services districts of this policy.

In an effort to support relative guardians, as well as to support the broader efforts of permanency for children, social services districts are directed to exclude KinGAP payments when calculating family gross income and eligibility for the child care subsidy program.

## II. Background

KinGAP is a program in New York State designed to provide monthly payments and other benefits to qualified relative guardians of children who have been discharged from foster care. KinGAP was signed into Law with Part F of Chapter 58 of the Laws of 2010 and went into effect April 1, 2011. Further information on KinGAP can be found in 18 NYCRR Part 436 and 11-OCFS-ADM-03, Kinship Guardianship Assistance Program (KinGAP).

Department regulations 18 NYCRR section 404.5(b)(5) and (6) list countable and excludable family gross income sources. Because the regulations do not address KinGAP payments in calculating family monthly gross income, the Office of Children and Family Services (OCFS) has decided to put forth this policy.

Similarly, in 2007, OCFS issued LCM 07-OCFS-LCM-05 that established the policy that both adoption subsidies and foster care payments are excludable income for child care subsidy program eligibility. This LCM adds KinGAP payments to the list of excludable income for the purposes of child care subsidy determinations.

## III. Program Implications

Effective no later than April 2, 2012, for all new child care subsidy applications, districts must exclude KinGAP payments from the determination of financial eligibility for the child care subsidy program and the calculation of the family share. For existing child care cases, this change will be effective no later than at the next case action or case recertification after April 2, 2012.

Given the previous absence of a formal policy, to the extent that this represents a change in local policy, social services districts' determinations will be considered appropriate up to the effective date of this LCM. Districts are not expected to review previous case denials that were based on the inclusion of KinGAP payments as part of family gross income.

Any questions regarding the information included in this LCM should be directed to Children and Family Services Specialist Homero Martinez, Division of Child Care Services, at (518) 408-3269 or e-mail at: [Homero.Martinez@ocfs.state.ny.us](mailto:Homero.Martinez@ocfs.state.ny.us).

*/s/ Janice M. Molnar, PhD*

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**Issued By:**

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Division of Child Care Services