

Program Change Alert: Changes to the Kinship Guardianship Assistance (Kin-GAP) Program Under Assembly Bill 161 (2024)

What is the Kinship Guardianship Assistance (Kin-GAP) Program?

The Kinship Guardianship Assistance Program (Kin-GAP) is designed to provide financial and other supports to children living with relative caregivers who have obtained a legal guardianship through dependency or juvenile justice court proceedings. Kin-GAP provides another option to formal kinship caregivers who do not wish to adopt but who want legal permanency and no further involvement with the juvenile court system.¹ Kin-GAP allows a child to exit the foster care or the juvenile justice system to the home of a relative with the same financial and healthcare supports that they would have received if they had remained in care.

Children who exit foster care or the juvenile justice system to a Kin-GAP-eligible legal guardianship are eligible for monthly maintenance payments equal to the foster care family home rate (including any level of care or other specialized rate)² and have categorical eligibility for Medi-Cal with no share of cost.³

For a more comprehensive overview of the Kin-GAP program, see the Youth Law Center's fact sheet, [Kinship Guardianship Assistance Program \(Kin-GAP\)](#).

What are the new income and property requirements for the Kin-Gap program?

On September 3, 2025, the California Department of Social Services issued All County Letter (ACL) 25-35⁴ which provides counties with information regarding the new income and property provisions of the Kin-GAP program, as enacted by Assembly Bill (AB) 161 (Chapter 46, Statutes of 2024) Sections 15 and 17.⁵

Prior to AB 161, there was a \$10,000 cash savings/income/property cap for Kin-GAP recipients. If the child or nonminor had more than \$10,000, they would be ineligible for Kin-GAP. Now, with the amendments made by AB 161 to Welfare and Institutions Code (WIC) § 11375 (state-funded Kin-GAP Program) and WIC § 11390 (federally funded

¹ Welf. & Inst. Code §§ 11360-11379 (state only) and 11385-11393 (federally eligible) See also California Department of Social Services (CDSS) All County Letter (ACL) 11-15, available at https://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl/2011/11_15.pdf and ACL 25-39, available at https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2025/25-39.pdf?ver=6NMDgnChtE_sOsXmSyx7Q%3d%3d.

² As of April 1, 2021, Kin-GAP guardianships are eligible for all level of care (LOC) levels. See ACL 22-59, p. 6.

³ Welf. & Inst. Code §§ 11366, 11389.

⁴ ACL 25-35 is available at <https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2025/25-35.pdf?ver=4077tmbfEaXy1tnpQyzpWA%3d%3d>.

⁵ Available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB161.

Kin-GAP Program), the savings limit has been eliminated after the initial determination. The initial determination is made by the county placing agency at the time that the prospective guardian enters into a written, binding kinship guardianship assistance agreement with the Agency.⁶ **The statute now requires that all income or property received by the child or nonminor after the beginning date of receipt of Kin-GAP benefits be disregarded.**

CDSS issued a prior ACL in 2022 (ACL 22-16) which described similar income and resources rules for foster care benefits (AFDC-FC) eligibility - specifically, that income and resources must not be reevaluated after the initial AFDC-FC eligibility determination has been completed.⁷ The statutory amendments in AB 161 bring more consistency between foster care and Kin-GAP permanency funding and enable a seamless transition for children and families moving toward guardianship.

Modifications to the Kin-GAP program enacted by AB 161 in WIC §§ 11375 and 11390 state that “Income or property received after the beginning date of receipt of Kin-GAP benefits shall be disregarded.” **Effective September 3, 2025, any income or property received after the initial eligibility determination should be considered exempt for determination of Kin-GAP eligibility.**

Why does this matter?

The changes to the Kin-GAP program create better alignment with the AFDC-FC program and also do not discourage recipients from pursuing other sources of income such as Social Security Administration benefits, or from saving money on behalf of Kin-GAP eligible children and nonminor dependents.

Additional Resources

California Department of Social Services, ALL COUNTY LETTERS
<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Letters-and-Notices/All-CountyLetters>

California Statutes, WELFARE AND INSTITUTIONS CODE
<https://leginfo.legislature.ca.gov/faces/codes.xhtml>

Youth Law Center, FOSTER CARE BENEFITS: AFDC-FC PROGRAM CHANGE ALERT
<https://www.ylc.org/resource/foster-care-benefits-afdc-fc-program-change-alert/>

Youth Law Center, KINSHIP GUARDIANSHIP ASSISTANCE PROGRAM FACT SHEET
<https://www.ylc.org/resource/kinship-guardianship-assistance-program/>

⁶ Welf. & Inst. Code §§ 11364(b) & 11387(b). See also [SOC 369](#).

⁷ ACL 22-16 is available at <https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2022/22-16.pdf?ver=2022-02-25-103744-263>. See also Youth Law Center resource [Foster Care Benefits: AFDC-FC Program Change Alert](#).