



# Louisiana's Kinship Care Subsidy Program

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History, Policies, and Procedures

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## Louisiana's KCSP History

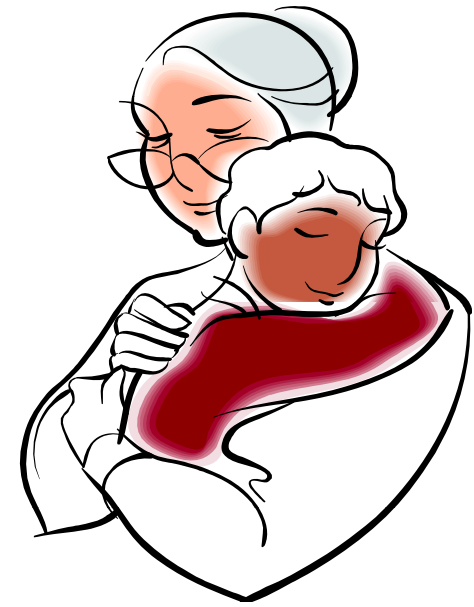
The Department of Social Services\*, Office of Family Support began implementing Louisiana's Kinship Care Subsidy Program (KCSP) on March 1, 2000.

\*On July 1, 2010, the Department of Social Services became the Department of Children and Family Services when legislation was approved to reorganize the department into one agency and change its name.



## Louisiana's KCSP History (cont'd)

The program, brought about by House Bill 1901 of the 1999 regular session of the Legislature by state Rep. Sharon Weston Broome, provides cash assistance for each eligible child who resides with a qualified relative other than a parent.





## Louisiana's KCSP History (cont'd)

DSS Secretary, J. Renea Austin-Duffin\* supported the legislation by stating,

*"Our department is all too often faced with the placement of children in the foster care system. The KCSP will offer us another option to help preserve the family and will, in many cases, divert the placement of children into foster care."*



\*J. Renea Austin-Duffin was appointed by Governor Mike Foster and served from 1999-2002.



## Louisiana's KCSP History (cont'd)

This theme was further advocated by the Office of Family Support Assistant Secretary, Vera W. Blakes\*, who stated,

*“This is a great opportunity to utilize the Temporary Assistance for Needy Families (TANF) Block Grant Fund to encourage the maintenance of relationships between children and their relatives when the mother or the father are not the primary care-givers.”*

\*Vera W. Blakes was appointed by Governor Mike Foster and served from 1996-2001.

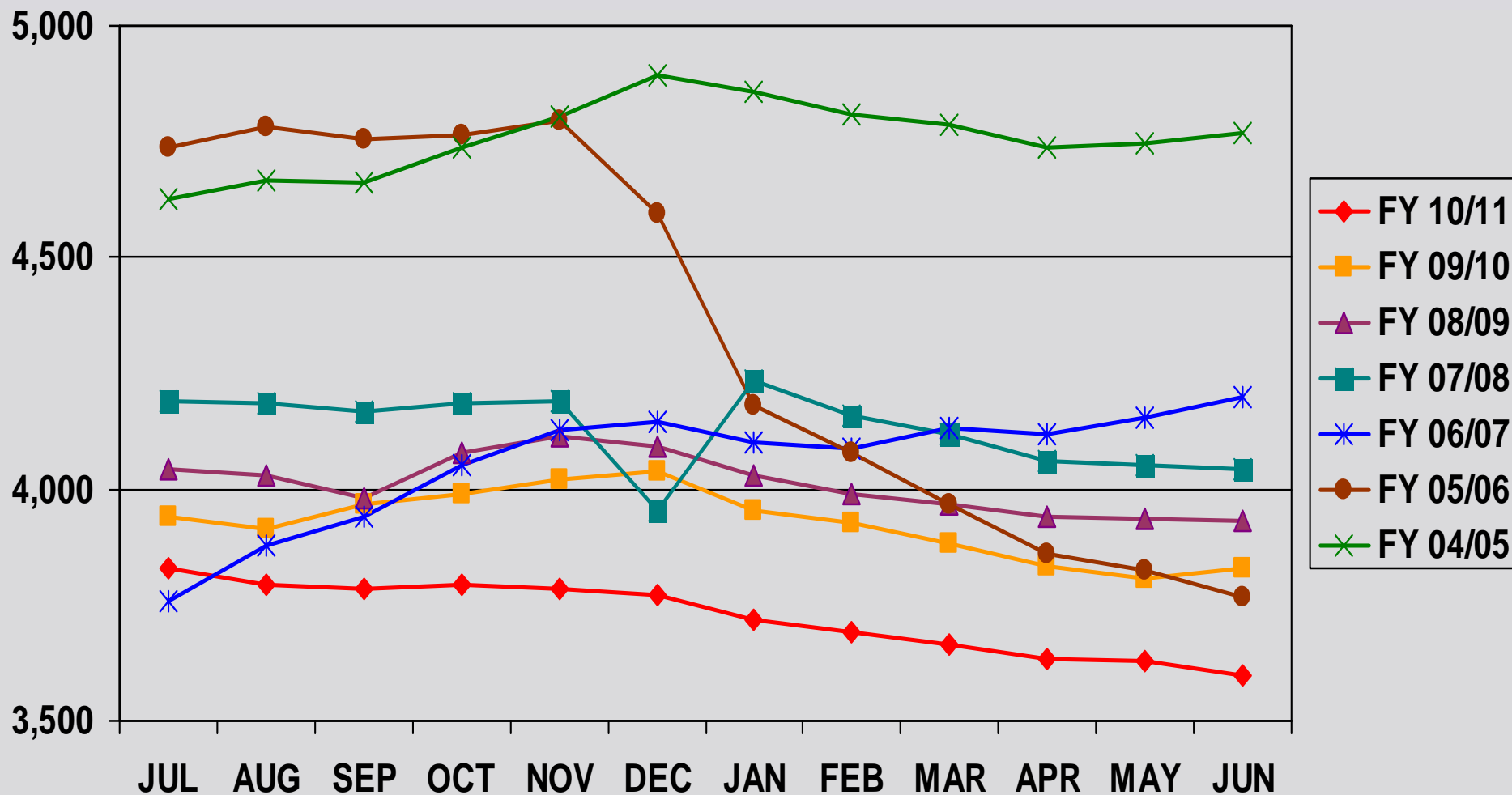


## KCSP GRANT AMOUNT

- With the implementation of KCSP in March 2000, the grant amount was \$172 per month for each eligible child.
- Shortly thereafter (July 2000), the grant amount was increased to \$222 per month for each eligible child.
- Effective July 1, 2006, the grant amount was increased to \$280 per month for each eligible child.

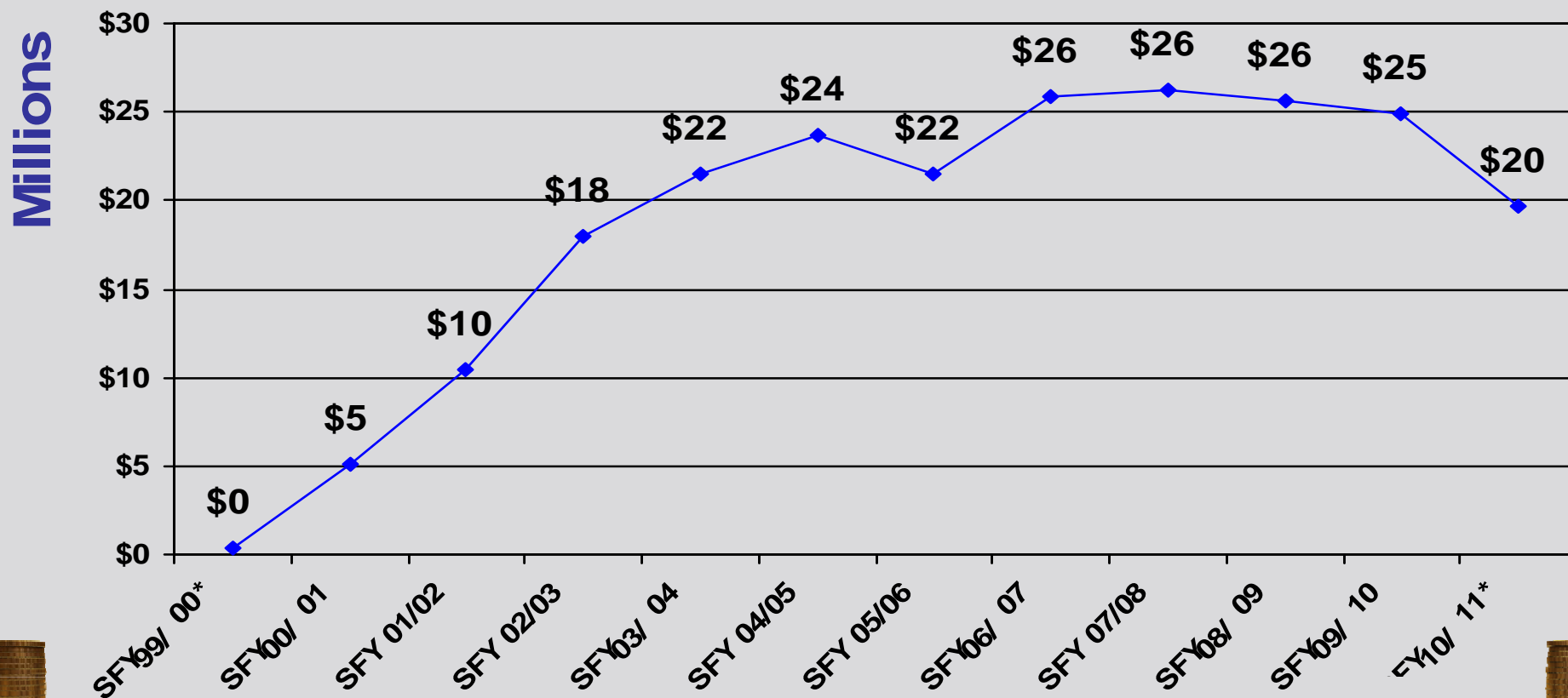


## KCSP CASES MONTHLY AVERAGE





## KCSP PAYMENTS STATE FISCAL YEAR TOTALS



\*SFY 99/00 and SFY 10/11 are partial years







# Louisiana's KCSP Policies And Procedures



## Kinship Care Subsidy Program

- The Kinship Care Subsidy Program (KCSP) provides cash assistance for eligible children who reside with qualified relatives other than parents.
- The KCSP assistance unit shall include all children in the home for whom the qualified relative receives KCSP.
- The children are not required to be related to each other. Additionally, there is no requirement that all related children and siblings must be included in the KCSP certification.



## Who is a Qualified Relative?

A qualified relative is a biological or adoptive relative who is within the proper degree of relationship:

**Grandfather or  
Grandmother  
(extends to great-  
great-great)**

**Brother or Sister  
including half  
brother and half  
sister**

**Uncle or Aunt  
(extends to great-  
great)**

**First Cousin  
including first cousin once removed  
(child of a first cousin)**

**Nephew or Niece  
(extends to great-  
great)**

**Stepfather or  
Stepmother**

**Stepbrother or  
Stepsister**



## Relationship Requirements

- The relationship requirement is met when the child lives with any of the previously named relatives.
- Relationship extends to the legal spouse of the previously named relatives even after the marriage is terminated by death or divorce.
- Legal custody is not a factor in determining relationships.
- Legal adoption terminates all prior legal relationships. The biological parent and biological relatives remain qualified relatives due to the blood relationship.



## Financial Eligibility



### Child's Income Test:

- The child must have income of less than \$280 per month.

### Family Income Test:

- The family must have an annual income of less than 150% of the federal poverty threshold in accordance with the size of the family applying for the subsidy.



## Who Is Considered In The Family Income Test?

For KCSP, the caretaker relative's family is defined to include:

- the eligible child,
- the qualified relative,
- the legal spouse of the qualified relative,
- the minor children of the qualified relative, and
- anyone else residing in the home for whom the qualified relative claims financial responsibility.



# KCSP GRANT AND POVERTY GUIDELINES

| Number of Persons                            | 150% of Poverty Level* | Grant Amount                   |
|--|------------------------|--------------------------------|
| 1  | \$1,362                | \$280                          |
| 2  | \$1,839                | \$560                          |
| 3  | \$2,316                | \$840                          |
| 4  | \$2,795                | \$1,120                        |
| 5  | \$3,272                | \$1,400                        |
| 6  | \$3,749                | \$1,680                        |
| 7  | \$4,227                | \$1,960                        |
| 8  | \$4,704                | \$2,240                        |
| Add \$477 per additional person in household |                        | Add \$280 per additional child |

\*Source: 2011 HHS Poverty Guidelines (<http://aspe.hhs.gov/poverty/>)



## Additional Eligibility Factors

- The child must be under 18 years of age; be a resident of Louisiana; and be either a citizen of the United States or a qualified alien.
- A child who receives foster care payments or SSI payments is not eligible for KCSP. These payments are excluded from the family income test.
- The qualified relative must provide or apply for a social security number for the child.





## **Additional Eligibility Factors (cont'd)**

- The qualified relative must provide proof of immunity or immunization against vaccine-preventable disease for the child.
- The qualified relative must assign to the state all rights to child support from any other person and cooperate with Child Support Enforcement in obtaining child support for the child, unless good cause is established.



## Additional Eligibility Factors (cont'd)

- A qualified relative must not have been convicted of a felony for possession, use or distribution of a controlled substance as defined in 21 U.S.C. 802(6) of the Controlled Substance Act. The person shall be disqualified from applying for or receiving (as payee) KCSP payments for one year commencing on the date of conviction if the qualified relative is not incarcerated, or from the date of release from incarceration if he was incarcerated.
- The parent(s) of the child must not live in the home of the qualified relative.



## Custody

- The qualified relative must possess or obtain within one year of certification: custody, guardianship, or provisional custody by mandate for the child who is living in the home.
- Legal custody may be custody awarded by the court or provisional custody by mandate of eligible children living in the home.



## Provisional Custody by Mandate

- Provisional custody by mandate is a notarized authorization made to a person of legal age to provide for the care, custody, and control of a minor child
  - By the child's custodial parent(s), or
  - By the grandparent(s) who has been awarded legal custody

**Note: Any other qualified relative awarded custody may not confer provisional custody by mandate.**



## Verification of Custody

- Custody, guardianship, and provisional custody by mandate must be verified through court records or other reliable documents.
- In order to establish which parent(s) has custody it must first be determined if there is a current custody court order or if the parents were legally married at the time of the child's birth.



## Verification of Custody (cont'd)

- If the parents were married and/or there has been a court order granting custody, a copy of that court order must be provided. The following may be used for verification:
  - Marriage license
  - Current custody court order
  - Public records – i.e. clerk of court



## Which Parents Can Grant Provisional Custody?

| <b>Parents</b>  | <b>Custody Awarded By:</b>  |
|---|-----------------------------|
| Married at time of birth and currently living together  | Both Parents                |
| Married at time of birth, currently separated/divorced, no custody order  | Both Parents                |
| Married at time of birth, currently separated/divorced, joint custody ordered   | Both Parents                |
| Married at time of birth, currently separated/divorced, sole custody ordered to one parent  | Sole Custody Parent         |
| Married after birth, living together  | Mother                      |
| Married after birth, legal custody established for father, currently living together  | Both Parents                |
| Married after birth, currently separated/divorced, joint custody ordered  | Both Parents                |
| Married after birth, currently separated/divorced, sole custody ordered   | Sole Custody Parent         |
| Lived together at birth, father listed on the birth certificate and completed acknowledgement of paternity, never married, the father currently lives with the mother and child | Mother                      |
| Parents never married or lived together, father's name on birth certificate, no custody order   | Mother                      |
| Parents never married, father's custody not ordered prior to mother's death   | Court Order                 |
| Parents never married or lived together, the father's name is not on the birth certificate, no custody order  | Mother                      |
| Joint custody – one parent unable to locate   | Both Parents or Court Order |
| Custodial parent(s) unable to locate  | Court Order                 |
| Mother and father married at child's birth, currently separated/divorced, different biological father established, and no custody order for biological father                   | Legal Parents (Custodial)   |
| Mother and father married at child's birth, currently separated/divorced, different biological father established, and custody is shared by all parents                         | All Three Parents           |



## Which Grandparents Can Grant Provisional Custody?

| <b>Grandparents</b>  | <b>Custody Awarded By:</b>                   |
|--|--|
| Adoptive or biological grandparent, sole custody awarded by court order  | Sole Custody                                 |
| Adoptive or biological grandparents, currently living together, joint custody awarded by court order to both grandparents    | Both Grandparents                            |
| Adoptive or biological grandparents, currently separated/divorced, joint custody awarded by court order to both grandparents | Both Grandparents                            |
| Adoptive or biological grandparent(s), joint custody awarded by court order to both grandparent(s) and parent(s)             | Grandparent(s) and Parent(s) per Court Order |

**Note:** The grandparent(s) awarded custody may not confer provisional custody by mandate to a parent or other person previously denied custody by court order.





# ***Building a Stronger Louisiana***

## ***Working to Keep Children Safe***