Kinship Guardianship Assistance Payment (Kin-GAP) Program

Number: 90-100
Date: 12/1/2008

PURPOSE

The purpose of this policy is to provide guidelines for processing Kinship Guardianship Assistance Payment (Kin-GAP) Program cases.

APPROVED

This policy was approved by Mike Ryan, Director of CFS, on 1/29/2010. *Signature on file*.

OVERVIEW

The Kin-GAP Program will serve those children exiting the Foster Care system that are entering into guardianship with a relative. The program was implemented on January 1, 2000, and provided a new option within permanency planning for children who could not be safely returned to their birth parent.

The children may have been receiving either Federal Aid to Families with Dependent Children-Foster Care (AFDC-FC) or California Work Opportunity and Responsibility to Kids (CalWORKs) benefits prior to entering the Kin-GAP Program.

POLICY

KIN-GAP ELIGIBILITY

To be eligible to receive a Kin-GAP payment, the child must have lived with the relative for at least 12 consecutive months with court involvement. The relative guardianship must legally be established and juvenile court dependency/wardship must be dismissed any time after January 1, 2000.

The remaining eligibility requirements for the Kin-GAP Program are based on CalWORKs regulations, with some minor differences. The Kin-GAP child is subject to all CalWORKs requirements, as they pertain to child-only cases.

Children receiving federal AFDC-FC prior to the dismissal of court dependency/wardship or were in receipt of federal CalWORKs are eligible to Federal Kin-GAP under aid code 4F.

All children should be in the federal program except for children receiving State CalWORKs payments. The only children who will be in the State CalWORKs program are children who are Permanently Residing Under the Color of the Law (PRUCOL) recipients. The aid code for State Kin-GAP payments is 4G.

DISMISSAL OF DEPENDENCY/ WARDSHIP

Prior to dismissal of dependency/wardship, the Senior Social Worker (SSW) or Probation Officer will provide the relative caretaker with a copy of the Agency-Relative Guardianship Disclosure (SOC 369). This informs the relative caretaker of the potential financial advantage/disadvantage of taking guardianship.

COUNTY OF PAYMENT RESPONSIBILITY

County of payment responsibility will be the county which had the court dependency/wardship of the Kin-GAP child (placing county) at the time the guardianship was established. Thus, for those children who are in receipt of CalWORKs prior to entering Kin-GAP and who are placed Out-of-County, an Intra-Program Status Change to Kin-GAP and an Inter-County Transfer (ICT) may be necessary to transfer the child's case back to the placing county.

RECIPIENTS

Kin-GAP children will be treated as recipients, as opposed to applicants, when transferring to Kin-GAP. Therefore, in regard to the CalWORKs income and property limits, they will be entitled to the higher recipient limits. This status will continue even if the case is discontinued and later reestablished.

ASSISTANCE UNIT

Each Kin-GAP child will have his or her own assistance unit (AU), even if there is a sibling(s) or a needy caretaker relative living in the same home.

DEPRIVATION

Assembly Bill (AB) 2876 removed the requirement that the child be deprived of parental support or care pursuant to Eligibility and Assistance Standards (EAS) Manual Section 90-110.0(c) and 41-400.

If the Kin-GAP child's parent(s) moves into the home of the Kin-GAP Related Legal Guardian the Kin-GAP case cannot be discontinued.

LEGAL GUARDIAN AND CHILD MOVE OUT-OF-STATE

If the Related Legal Guardian and the Kin-GAP child move outside of the State of California, eligibility for Kin-GAP ceases, as the child no longer meets the CalWORKs residence requirements.

ALTERNATE OR CO-GUARDIANS

Alternate kinship guardian or kinship co-guardian can be appointed pursuant to Welfare and Institutions Code (WIC) Section 366.3 and be eligible to receive a Kin-GAP payment on behalf of a Kin-GAP child. The alternate kinship guardian or kinship co-guardian will not need to meet a new 12 month placement period requirement if they have been assessed pursuant to WIC Section 361.3 and the kinship guardian is approved by the court.

TILP PLAN

Pursuant to AB 2876, Kin-GAP children will be eligible to request and receive the Transitional Independent Living Program (TILP) services when they turn 16 regardless of what age they exited the Foster Care program. They also may retain up to $10,000.00 in accumulated TILP property so long as they earn it pursuant to an approved TILP plan.

INCOME

The income of a Kin-GAP child is to be treated in the same manner as a child receiving CalWORKs benefits. Only the income of the Kin-GAP child can be counted against the Kin-GAP payment.

Disability Based Income
Disability Based Income for benefit calculations allows a $225.00 disregard. Disability based income includes:

- State Disability Insurance (SDI)
- Temporary Workers' Compensation
- Retirement Survivors Disability Insurance (RSDI) based on the parent's disability.

Earned Income
Earned Income of a Kin-GAP child is exempt if one of the following exists:

- Child attending school full-time and under age 18, or if eligible to age 19.
- Earnings pursuant to a TILP.

If Earned Income is not exempt, apply to gross earnings a $225.00 deduction and deduct 50% of balance and apply net amounts against the grant.

Non-Exempt Earnings	$400.00
Less	$225.00
	$175.00
Less 50%	$ 87.50
Net earnings	$ 87.50

Drop the cents and apply $87.00 against the Kin-GAP payment.

Unearned Income
Count dollar for dollar any unearned income against the Kin-GAP payment. Unearned income includes:

- RSDI Survivor's benefits
- Interest on savings accounts
- Child Support less a $50.00 disregard
- Unemployment Insurance Benefits

Children in receipt of Supplemental Security Income/State Supplementary Payment (SSI/SSP) are not eligible to Kin-GAP.

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PROPERTY

The property of the Kin-GAP child is to be treated in the same manner as a child receiving CalWORKs benefits. The property limit for Kin-GAP is $2,000.00. Only the property of the Kin-GAP child can be counted in the eligibility determination.

Property to evaluate

• Checking and Savings accounts
• If the checking or savings accounts are over $2,000.00, the child is ineligible to Kin-GAP unless the money is earned pursuant to a TILP plan.
• A home regardless of its value that is occupied by the AU is excluded.
• Vehicles
• A vehicle owned by a Kin-GAP child must be evaluated for equity and fair market value.

Equity Evaluation

1. Look up vehicle value in Kelley Blue Book (KBB) and use fair rating.
2. Minus all encumbrances.
3. If under $1,500.00 vehicle is equity exempt. If over $1,500.00 and not exempt for equity must evaluate excess fair market value.

Steps in Evaluating Vehicles Fair Market Value (FMV)

Step 1 – Exclude licensed or unlicensed vehicle if:

• Used as a home
• Income producing (used over 50% of the time, such as a taxi)
• Producing annual income consistent with FMV (even if used only seasonal)
• Necessary for employment (other than daily commuting)
• Used to transport a physically disabled household member, including an excluded disabled household member, regardless of the purpose of the transportation. Limit of one vehicle per physically disabled household member.
• Previously used as income producing by a self-employed household member who is temporarily unemployed.
• Household depends on vehicle to carry fuel for heating or water for home use when that is the primary source of fuel or water for the family.
• For any remaining vehicles not excluded above, go to Step Two.

Step 2 – Exclude any licensed or unlicensed vehicle that is an inaccessible resource. The value is determined at application and when a new vehicle is reported. Re-evaluation is required only at Redetermination.

Step 3 – Of the remaining licensed vehicles:

• Exempt from the equity value one vehicle per each adult.
• Exempt from the equity value any remaining licensed vehicles used by a household member, under age 18, to go to work, school, training or to look for work.
• Calculate the FMV by deducting $4,650.00 vehicle exclusion limit.
• Include the Excess FMV as a countable resource.

Step 4 – For any remaining licensed vehicles:

• Determine both the FMV and the equity value
• Greater of the excess FMV or equity value as a countable resource

Step 5 – For any remaining unlicensed vehicles:

• Determine the equity value
• Include the equity value as a countable resource

Note: Vehicles that are leased or on a lease/purchase option are not considered a resource until a transfer of ownership occurs. A leased vehicle is the property of the leasing firm.

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SCHOOL ATTENDANCE

School attendance must be verified starting when the child turns 5 years old. Once the Kin-GAP child turns 16, they must attend school full-time in order for a Kin-GAP payment to be made.

When the Kin-GAP child turns 18 they can continue to receive Kin-GAP benefits until they graduate, turn 19 or stop attending school full-time, whichever occurs first, if they meet the following education/training and/or disability requirements:

• Enrolled as a full-time student in high school provided the Kin-GAP child is expected to graduate before reaching age19, or
• Has not completed high school, is in a vocational or technical training program which cannot result in a college degree, provided the Kin-GAP child is expected to complete the program before reaching age19, or
• Is a full-time student in high school or in a vocational or technical training program, and the Kin-GAP child currently receives or has in the past received:
• SSI/SSP benefits or
• Individual Education Plan (IEP) or Section 504 Plan or Regional Center services or
Proof of a current or past disability

Acceptable Verification

Regional Center verification may include a statement that the child is currently receiving or has in the past received services. A copy of the child's IEP or Section 504 Accommodation Plan/Section 504 Plan or verification from the school that there is or has been in the past an IEP or Section 504 Accommodation Plan/Section 504 Plan in place for the student.

When a child's disability cannot be verified by the criteria described above the Related Legal Guardian can provide independent verification of a current or past disability by a health care provider or trained, qualified learning disabilities evaluation professional. They may also authorize the county's use of the CW 61 to obtain information to verify the child's disability.

IMMUNIZATIONS

The requirement for immunizations applies to a Kin-GAP child under 5 years old unless the Kin-GAP child is enrolled in school.

Verification

• The Kin-GAP child's yellow immunization record.
• PM160 (Child Health and Disability Prevention Assessment) from the health care provider.
• A statement from a physician that the Kin-GAP child's immunizations are up-to-date based on the age of the child.

Exemption

There are two situations that exempt a Kin-GAP child from the immunization requirement:

1. It is medically determined that immunizations are not appropriate for the child. A physician's written statement must be provided that includes the prohibitive medical condition and duration.
2. The parent/Legal Guardian signs an affidavit that the immunizations are contrary to their beliefs and the reasons for their objections.

Penalties

No penalty can be applied since the Legal Guardian is not in the AU.

Refer to CalWORKs Immunization Policy and Procedure 100-E2.

CAL-LEARN

Any Kin-GAP child, who has a child of its own, living in the same home, is mandatory Cal-Learn.

CHILD SUPPORT SERVICES REFERRALS

Referrals to Child Support Services (CSS) will be handled in the same manner as CalWORKs cases. The Legal Guardian will be eligible to a disregard payment for each Kin-GAP case open. However, with Senate Bill (SB) 84 the Kin-GAP child can be excluded if not in their best interest to complete the CSS referral at the time the Kin-GAP application was taken. Continue to not refer to CSS until the first reinvestigation. Since there is no SSW to make this determination on an ongoing basis, after the first year the case will be referred to CSS. A CW51 must be on file.

FACE-TO-FACE INTERVIEW

Relative caretakers of Kin-GAP children are exempt from face-to-face interview requirements for the Kin-GAP child. This does not exempt the relative from any other required interview for aid for themselves or other children living in their home.

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REINVESTIGATIONS

Reinvestigations are done annually. However, the Related Legal Guardian is exempt from a face-to-face interview. A phone interview will be conducted to go over the information on the application, as well as, the Legal Guardian Rights and Responsibilities.

MONTHLY REPORTING

Monthly reporting will no longer be required for the Kin-GAP program. The Legal Guardian is required to report any changes within 5 days that could affect the Kin-GAP child's eligibility to the program. The ET will need to go over the KG 2A at the initial application and at reinvestigation to ensure the Legal Guardian understands and signs. For reporting responsibilities, refer to KG 2A page 3.

QUALITY CONTROL

There is no longer authority to require a quality control function in the Kin-GAP Program. However, supervisors are required to complete four (4) case reviews per caseload to ensure payment accuracy. Refer to Foster Care Case Reviews Policy and Procedure 45-081.

RATES

Payment rates for Kin-GAP are identical to the Foster Care basic rate including those counties that have slightly higher rates. Specialized Care Increment (SCI) payments are available meeting the following guidelines are available:

- SCI rate is effective no earlier than October 1, 2006 or the date Legal Guardianship is established, whichever is later.
- Can only receive SCI rate if they received it in Foster Care. Children that were not eligible to AFDC-FC and received CalWORKs funding will not be eligible.
- Must receive SCI rate from the county at time of guardianship even if they move to another California county. The SCI rate will be based on the original county.
- SCI rates can only be adjusted for age rates and cost of living adjustments.
- Basic rate will still be determined by host county rates even if the SCI rate is from a different county.

Refer to Foster Care Rates Policy and Procedure 45-300.4.

CLOTHING ALLOWANCES

Kin-GAP children can receive the State Supplement Clothing Allowance and county approved clothing allowances. Refer to Foster Care Replacement Clothing Allowance Policy and Procedure 45-302.62.

If the Kin-GAP child lives in Orange County, the Kin-GAP child can receive the annual and extraordinary clothing allowance. If the Kin-GAP child lives in another California county must use host county rate schedules.

INFANT SUPPLEMENT PAYMENTS

If a Kin-GAP child has a child of his or her own who also lives with the Related Legal Guardian, the Related Legal Guardian is entitled to receive an infant supplement on behalf of the Kin-GAP minor parent's child, as appropriate. The child of the Kin-GAP minor parent is not entitled to a CalWORKs payment. If the child of the Kin-GAP minor parent is also in a guardianship situation with the same relative and is otherwise eligible for Kin-GAP with the relative caretaker, the relative can receive a Kin-GAP payment on behalf of both the minor parent and his or her child.

Senate Bill 500 is to encourage the joint placement of infants and their teen parents when both are in Foster Care and to provide the most family like setting possible. Senate Bill 720 amends WIC Section 11364 extending the benefits of a Whole Family Foster Home (WFFH) to a related guardian's home under the Kin-GAP program for those Kin-GAP relative providers who were previously designated as a WFFH while the teen parent was in Foster Care.

A Kin-GAP relative who was previously designated a WFFH shall receive the same payment amounts for the care and supervision of an infant who is living with a teen parent as they received in Foster Care as a WFFH. For example, they would be eligible for a current basic rate of $659.00 for a minor parent, a higher infant supplement payment equal to the basic rate for a Foster Family Home (FFH) based on the age of the teen parent's infant, plus an additional $200.00 associated with a Shared Responsibility Plan (SRP), if they had an SRP while the child was in Foster Care.

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OVERPAYMENTS

Active Cases
Kin-GAP overpayments in an active case must be recouped by grant adjustment giving a timely notice of action.
• Agency error: adjust grant amount for the payment minus 5% of the Maximum Aid Payment (MAP) amount for the AU rounded to the next lower dollar.
• Other overpayments: adjust grant amount for the payment minus 10% of the MAP amount for the AU rounded to the next lower dollar.
• The overpayment shall be adjusted from the current aid payment. The adjustment shall be the lesser of the following:
• The overpayment balance
• The maximum adjustment amount
• The current aid payment

Closed Cases
If there is a balance remaining when the Kin-GAP case closes or a new overpayment occurs at the time of case closure, a Non Fraud Overpayment (NFOP) referral needs to be made.
If the overpayment is an agency error and the total amount of the overpayment is less than $35, no collection or NFOP referral is needed.

Referral Packet includes the following:
• NFOP Referral
• Notice of Action
• Copy of CalWIN Case Comments
• Copies of CalWIN Display Claim Recovery Detail windows, Claim Status and Claim Recovery
• NFOP checklist

All overpayments must be set up in CalWIN and have the proper documentation in the referral packet.

CHILD CARE

Kin-GAP children are not eligible to receive CalWORKs Stage One Child Care Services.

NEEDY CARETAKER RELATIVES

The Kin-GAP child is considered an otherwise eligible dependent child for purposes of establishing CalWORKs cash assistance eligibility for needy caretaker relatives who are the legal guardians of Kin-GAP children. An AU of one may be established for an otherwise eligible needy caretaker relative of a Kin-GAP recipient child if the caretaker is not included in another AU. The needy caretaker relative shall be treated in the same manner as the caretaker relative specified in EAS Manual Section 82-820.22.

Welfare-To-Work (WTW) participation requirements will apply to needy caretakers of Kin-GAP children, unless otherwise exempted. Mandatory WTW cases will be handled by WTW Case Managers at the appropriate Regional Office.

INCOME AND AID PAYMENTS OF KIN-GAP RECIPIENTS

Children who receive Kin-GAP aid shall not have their income or Kin-GAP payment considered in their relatives' CalWORKs cash assistance case. The income of a Kin-GAP recipient is considered income for the Kin-GAP recipient only and not considered available to recipients of CalWORKs Cash Aid. The income shall be treated in the same manner as children who receive AFDC-FC aid specified in EAS Manual Section 44-133.3.

MEDI-CAL

Kin-GAP aid codes are categorically eligible for full-scope Medi-Cal services with no share of cost.

FOOD STAMPS

Children receiving Kin-GAP may be considered boarders, who are excluded when determining household size, eligibility or benefit level. The Food Stamp household has the option to:
• Exclude the Kin-GAP child and all of that child's income and resources; or
• Include the Kin-GAP child and count all of the child's income and resources when determining eligibility and benefit level for the household. The Kin-GAP payment would be considered other public assistance grant.

REFERENCES HYPERLINKS

Eligibility and Assistance Standards Manual Section 82-820.22

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Eligibility and Assistance Standards Manual Section 44-133.3

CalWORKs Policy and Procedure 100-B1 – Income

CalWORKs Policy and Procedure 100-C1 – Personal Property

CalWORKs Policy and Procedure 100-C6 – Real Property

CalWORKs Policy and Procedure 100-E2 – Immunization

CalWORKs Policy and Procedure 100-E8 – Eligibility for Teens Turning Age 18

Foster Care Rates Policy and Procedure 45-300.4

Foster Care Replacement Clothing Allowance Policy and Procedure 45-302.62

Foster Care Case Reviews Policy and Procedure 45-081

Foster Care Referrals to Transitional Medi-Cal Programs Policy and Procedure 45-200.7

REQUIRED FORMS HYPERLINKS

Form Name	Form Number
Kin-GAP Mutual Agreement for 18 Year Olds	KG 1
Statement of Facts Supporting Eligibility for Kinship Guardianship Assistance Payment (Kin-GAP) Program	KG 2
Rights, Responsibilities and Other Important Information for the Kin-GAP Program	KG 2A
Eligibility Report for Kin-GAP	F063-29-91 (11/08)
Agency-Relative Guardianship Agreement	SOC 369
Your Rights Under California Welfare Programs	PUB 13
Child Support – Good Cause Claim For Non Cooperation	CW 51
School Attendance Release of Information	F063-30-386 (R 1/01)
School Attendance Verification	F063-30-393 (R 4/02)

PROCEDURE

REQUIRED ACTION

The following actions must be completed when an Intra Program Transfer is made to Kin-GAP.

Responsibility	Step	Required Action
Foster Care/ CalWORKs ET	1.	Closes case per program mandates. Completes Kin-GAP Intra Program Transfer (IPT) packet. Sends to Kin-GAP Data Entry Technician (DET).
Kin-GAP DET	1.	Completes application registration in CalWIN.
	1.	Assigns Foster Care Medi-Cal case to the Kin-GAP Intake Eligibility Technician (ET).
Kin-GAP Intake ET	1.	Receives application packet from DET. Reviews for completeness.
	1.	Sends application packet to Legal Guardian within 10 days consisting of the following: • KG 2 • KG 2A • PUB 13 • Eligibility Report for Kin-GAP • School Attendance Release of Information

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	1.	Sets up phone interview once application packet is returned.
	1.	Completes phone interview going over KG 2 and KG 2A making sure application is accurate and Legal Guardian understands his/her Rights and Responsibilities.
	1.	Approves or denies case per program mandates. If Kin-GAP case approved, closes Foster Care Medi-Cal case. If Kin-GAP case denied, completes Continuous Eligible Children (CEC) Referral. See Foster Care Referrals to Transitional Medi-Cal Programs Policy and Procedure 45-200.7.

REQUIRED ACTION The following actions must be completed for the yearly Kin-GAP reinvestigation.

Responsibility	Step	Required Action
Kin-GAP Continuing ET	1.	15 days prior to Redetermination/ Recertification/Review (RRR) due date, creates Notice of Action (NOA) for RRR
	1.	Sends application packet consisting of the following: • KG 2 • KG 2A • PUB 13 • Eligibility Report for Kin-GAP • School Attendance Release of Information Have application packet returned within 10 days. If application packet is not returned by the 10th of the RRR month contact Legal Guardian via phone to inquire on the status of the paperwork. If application packet is not returned by notice deadline, send discontinuance NOA NA 1210 (Kin-GAP Notice of Action-Discontinue). **Note:** If the RRR packet is not returned by the NOA cut-off date, discontinue NOA (NA 1210) will be generated by CalWIN.
	1.	Once application packet is returned, schedules phone interview with Legal Guardian.
	1.	After phone interview, completes CalWIN entries.

REQUIRED ACTION The following actions must be completed when verifying school attendance for a Kin-GAP child.

Responsibility	Step	Required Action

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Kin-GAP ET	1.	Verifies school attendance for every child starting at 5 years old. • Kin-GAP children under 16, no sanctions apply to case since the sanction cannot be applied to the Kin-GAP child. • Kin-GAP children 16 and older must be attending school full-time in order to receive a Kin-GAP payment. Kin-GAP children not attending school full-time will have their Kin-GAP payment stopped. Kin-GAP child will still be eligible to Medi-Cal.
	1.	When the Kin-GAP child turns 18 sends KG 1 and School Attendance Verification to Legal Guardian one (1) month prior to the Kin-GAP child's 18th birthday. • If returned verify if Kin-GAP child will graduate by their 19th birthday. If the Kin-GAP child will graduate or meets disability requirements by their 19th birthday complete CalWIN entries. • If Kin-GAP child will not graduate or meets disability requirements discontinue Kin-GAP case the end of the month when the Kin-GAP child turns 18. • If not returned discontinue Kin-GAP case at the end of the month when the Kin-GAP child turns 18.
	1.	Enters school information into CalWIN Display Student Summary screen. If school is in Orange County the school attendance will be automatically verified. If school outside Orange County verify using the School Attendance Verification form. • If not attending school full-time – discontinue application. • If attending school full-time – approve case.
	1.	Verifies school attendance at every RRR.

REQUIRED ACTION The following actions must be completed when issuing a Specialized Care Increment.

Responsibility	Step	Required Action
Kin-GAP Intake ET	1.	In CalWIN goes to Collect Case Special Needs window and enters the amount of SCI that is authorized. The SCI will be Recurring.
	1.	Saves and closes window. EDBC will be run and basic rate will Pass but SCI amount will Fail.
	1.	Authorizes results.
	1.	Issues the SCI via NSDI manually every month.
	1.	Narrates actions in Case Comments in CalWIN.

REQUIRED ACTION The following actions must be completed when issuing extraordinary clothing allowances for a Kin-GAP child residing in Orange County.

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Responsibility	Step	Required Action
Kin-GAP ET	1.	Receives a call from Related Legal Guardian requesting an extraordinary clothing allowance.
	1.	Completes extraordinary clothing allowance template and forwards to ES for approval.
Kin-GAP ES	1.	Reviews request to ensure the extraordinary clothing allowance request to be in compliance with Children and Family Services (CFS) policy. • If approved, sends e-mail to Kin-GAP ET authorizing the clothing allowance. • If denied, sends email to Kin-GAP ET the reason the request is not authorized.
Kin-GAP ET	1.	Prints and files e-mail authorizing extraordinary clothing allowance request. If denied, notifies Related Legal Guardian.
	1.	In CalWIN goes to Collect Case Special Needs window and enters the amount of extraordinary clothing allowance that is authorized. The extraordinary clothing allowance will be Non-recurring.
	1.	Saves and closes window. EDBC will be run and the case will Pass but extraordinary clothing allowance amount will Fail.
	1.	Authorizes results.
	1.	Issues the extraordinary clothing allowance via NSDI manually.
	1.	Narrates actions in Case Comments in CalWIN.

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