



## Federal Child Welfare Manual Update

### 8.5C Guardianship Assistance Program, Payments

#### 2. Question: *(new 2.25.11)*

For the Guardianship Assistance Program (GAP), does a title IV-E agency have the flexibility to establish a cap on specific components (e.g., attorney fees) of the nonrecurring expenses that it must pay in connection with obtaining legal guardianship of the child?

**Answer:** No. Section 473(d)(1)(B)(iv) of the Social Security Act provides that a GAP agreement must specify, among other things, that the title IV-E agency will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child, to the extent the total cost does not exceed \$2,000. Such language does not permit a title IV-E agency the discretion to establish such a cap on specific items that qualify as nonrecurring expenses.

- **Source/Date:** 2/24/2011
- **Legal and Related References:** Social Security Act – Section 473(d)(1)(B)(iv)

#### 3. Question: *(new 2.25.11)*

If a relative guardian moves to another country on a temporary or permanent basis with the child for whom he/she is the guardian, would the relative guardian still be eligible to receive title IV-E Guardianship Assistance Program payments directly on behalf of the child?

**Answer:** Yes. The title IV-E agency may provide title IV-E payments to a relative guardian on behalf of the child when living outside of the U.S. The already established guardian must have entered into a guardianship agreement with the title IV-E agency on behalf of an eligible child.

- **Source/Date:** 2/24/2011
- **Legal and Related References:** Social Security Act – Section 473(d)(1)

To go to these questions directly in the Child Welfare Policy Manual, go to:

[http://www.acf.hhs.gov/cwpm/programs/cb/laws\\_policies/laws/cwpm/policy\\_dsp.jsp?citiID=470](http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citiID=470)

Child Welfare Policy Manual: Table of Contents, Section 8 Index

[http://www.acf.hhs.gov/cwpm/programs/cb/laws\\_policies/laws/cwpm/policy.jsp?idFlag=8](http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy.jsp?idFlag=8)

U.S.C. refers to the United States Code

C.F.R. refers to the Code of Federal Regulations