



Federal Child Welfare Manual Update

8.5C.1 Guardianship Assistance Program, Payments, Termination

1. Question: *(new 2.25.11)*

May a title IV-E agency include a provision in the Guardianship Assistance Program (GAP) agreement terminating payments if the guardian and the child move to another country?

Answer: Yes. The title IV-E agency has the flexibility to include a provision in the GAP agreement terminating payments if the guardian and the child move to another country. ACYF-CB-PI-10-11 states that a title IV-E agency has broad discretion to establish how it will evaluate, reevaluate, or terminate GAP agreements. The PI states, [f]or example, a title IV-E agency may establish agreements that: . . . allow the agency to suspend or discontinue guardianship assistance payments when a certain event occurs.? Accordingly, a title IV-E agency may provide in the GAP agreement that moving to another country is an event that could cause the suspension or discontinuation of GAP payments.

- **Source/Date:** 2/24/2011
- **Legal and Related References:** Social Security Act – Section 473(d)(1), ACYF-CB-PI-10-11

To go to this question directly in the Child Welfare Policy Manual, go to:

http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=490

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

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

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