Child Welfare Policy Manual

Questions & Answers

8.5B.1 Guardianship Assistance Program, Eligibility, Siblings

1. Question: If a title IV-E agency operates the Guardianship Assistance Program (GAP), is it mandatory or optional for the agency to provide a GAP payment for a sibling of the child who is eligible for a GAP payment?

Answer: It is optional. Section 473(d)(3)(B) of the Social Security Act (the Act) permits a title IV-E agency to provide kinship guardianship assistance payments on behalf of a sibling to a child eligible per section 473(d)(3)(A) of the Act if the sibling is placed in the same kinship guardianship arrangement in accordance with section 471(a)(31) of the Act.

- **Source/Date:** 05/29/09
- **Legal and Related References:** Social Security Act ¿ sections 471(a)(31) and 473(d)(3)

2. Question: May a title IV-E agency provide guardianship assistance payments for the siblings of an eligible child?

Answer: The title IV-E agency may make kinship guardianship assistance payments pursuant to a kinship guardianship agreement on behalf of each sibling of an eligible child who is placed with the same relative under a kinship guardianship arrangement if the title IV-E agency and the relative guardian agree that the placement is appropriate (section 473(d)(3)(B) of the Social Security Act (the Act)). Title IV-E nonrecurring expenses are also available for siblings so placed. The Act does not require that the title IV-E agency place siblings with the relative guardian of the child simultaneously with the title IV-E eligible child for the siblings to qualify for payment under section 473(d)(3)(B) of the Act. The sibling does not have to meet the eligibility criteria in section 473(d)(3)(A) of the Act to receive kinship guardianship assistance payments or for the legal guardian to be reimbursed for the nonrecurring expenses related to the costs of the legal guardianship.

- **Source/Date:** 08/12/09
- **Legal and Related References:** Social Security Act ¿ section 473(d)(3)