

## **8.1B TITLE IV-E, Administrative Functions/Costs, Allowable Costs - Foster Care Maintenance Payments Program**

**Question:** What are examples of allowable administrative costs for the title IV-E Guardianship Assistance Program?

**Answer:** The Social Security Act, at section 474(a)(3)(E), permits title IV-E agencies with approved title IV-E plans to claim reimbursement at a 50 percent matching rate for the costs of administrative activities found necessary by the Secretary for the proper and efficient administration of the title IV-E plan. The Guardianship Assistance Program (GAP) is an optional portion of the title IV-E plan and provides permanency with relative guardians for a child who has been in title IV-E foster care living with that relative.

In general, the title IV-E administrative costs that are allowable for children in the GAP program are those necessary for the title IV-E agency to administer the GAP program and agreement. This includes overall development and operation of a title IV-E agency's GAP program beginning in the calendar quarter when the IV-E agency submits an approvable title IV-E GAP plan to the Children's Bureau. Other activities include: determining GAP eligibility, fair hearings and appeals, management of the GAP payment, review and re-negotiation of the GAP agreement, referral to services, and case management only for the IV-E agency to implement the GAP agreement. As such, the IV-E agency's administrative activities for a child in the GAP program are not as extensive as they are for a child in foster care that has not yet achieved permanency.

- Date: 10/14/2011
- Legal and Related references: Social Security Act – section 474(a)(3)(E), PI-10-01, Child Welfare Policy Manual section 8.1A

## **8.5 Guardianship Assistance Program**

**Question:** Is a title IV-E agency obligated to reimburse the non-recurring expenses (NREs) (e.g., legal fees) if the legal guardianship is never finalized?

**Answer:** Yes. A title IV-E agency is obligated to reimburse NREs incurred pursuing legal guardianship, even if the guardianship is never finalized, pursuant to section 473(d)(1)(B)(iv) of the Social Security Act (the Act). A kinship guardianship assistance agreement must be in place with a prospective relative guardian prior to the establishment of the legal guardianship and must specify, among other things, that the title IV-E agency will pay the total cost of NREs associated with obtaining legal guardianship of the child, to the extent the total cost does not exceed \$2,000 (section 473(d)(1)(B)(iv) of the Act). A title IV-E agency may claim Federal financial participation at the 50 percent rate for NREs incurred pursuing legal guardianship per section 474(a)(5) of the Act.

- Date: 10/14/2011
- Legal and Related References: Social Security Act – sections 473(d)(1)(B)(iv) and 474(a)(5)